

## Between Continuity and Change: Evolution of India's Nuclear Policy

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本論はインドの核政策を分析する。この種の政策を決定する因子を次の二方向から検討する。第一は1940年代後半のネルーから1990年代後半のバジパイに至るニュー・デリーの政権の政策を吟味する。次に、核拡散防止条約と包括的核実験禁止条約(CTBT)との絡みを重視しながら、核不拡散の措置にインド政府がとってきた姿勢を見渡す。安全対策の必要、科学資源、技術知識、そして南アジアでの指導力と第三世界諸国に対するれといった諸事項を観点に入れて考察すると、インドは以後しばらく核兵器保有を継続するだろうという見しを本論は示すものである。

The article analyses the nuclear policy of India. The determinants of such a policy are investigated in two ways: first, the policies of the various governments in New Delhi from the Nehru administration in the late 1940s to the Vajpayee government of the late 1990s are surveyed. Secondly, the article explores the attitudes of India's governments toward non-proliferation measures, with particular emphasis on the Nuclear Non-Proliferation Treaty and the Comprehensive Test Ban Treaty. The article suggests that, in view of its security needs, scientific resources, technical expertise and its perceived leadership both in the South Asian region and the non-aligned community of nations, India is likely to maintain its nuclear weapons program for the foreseeable future.

**E**ver since India achieved independence in 1947, its response to non-proliferation measures has been a dominant theme in the country's overall evolution of nuclear policy.

In particular, since the Pokhran explosion of 1974 to the nuclear tests in May 1998, India has always maintained rather uniform objectives vis-a-vis the nuclear non-proliferation regimes. At times, India has supported, in principle, certain aspects and goals of the non-proliferation measures, and at times, it has vehemently resisted the move portraying it as too intrusive.

In this article, the origins of India's nuclear policy which dates back to Jawaharlal Nehru, India's first Prime Minister in the post-independence period, will be analysed. Important components of India's nuclear doctrine, such as its stand on the Nuclear Non-proliferation Treaty (NPT) and the Comprehensive Test Ban Treaty (CTBT) will also be analysed.

### Background

India has a parliamentary form of government. Regarding the country's nuclear policy, the key decision making structure under each government from Jawaharlal Nehru to Atal Behari Vajpayee has been dominated by the Prime Minister's leadership and his/her council of ministers, the scientific community, the various political parties and the intellectual elite. Public opinions have also shaped the focus of the overall nuclear debate. Due to complexities and the highly secretive nature of India's security system, it is difficult to assess the exact role played by the military establishment. On this vital issue, India's military elite has shown little inclination to publicly debate the nuclear policy. There are two reasons for this: 1) the military establishment under civilian government is not inclined to discuss any matters pertaining to Indian security, and 2) the Indian military establishment has never involved itself in matters which are politically so sensitive in nature.

The positions of India's governments towards the nuclear policy have shown elements of both continuity and change. On the question of the Nuclear Non-Proliferation Treaty (NPT), India has rejected it since 1968 when the draft treaty was being prepared by the United States and the Soviet Union. Domestic politics and prestige played a part, but the primary considerations were perceived to be national security needs and the freedom of action. Objections to the treaty were raised on the discriminatory features of the treaty (see below). The public debate on this issue also vindicated the stand taken by the government. Similarly, on the issue of the Nuclear Free Zone in South Asia, the Indira Gandhi administration and her successors, both within the Congress and non-Congress parties, were able to mobilize public opinion in support of the government's position. In the 1990s, too, with regard to the Comprehensive Test Ban Treaty (CTBT), India's vehement opposition to it was backed by a strong public approval of the government's actions.

## Nehru Period

The nuclear policy of India was formulated by Pandit Jawaharlal Nehru, its first Prime Minister. It centered around Nehru's general perspective on world views and his pacifist doctrines such as Panchasheela. The Panchasheela or five principles are: (a) mutual respect for territorial integrity and sovereignty; (b) non-aggression; (c) non-interference in the internal affairs of others; (d) equality and mutual benefits; and (e) peaceful co-existence. Nehru thus tried to evolve a foreign policy in order to further international peace and the process of nation-building. It was this vision of Nehru which defined the determinants of India's domestic and foreign policies in early years. These may be stated in the following guiding principles:

- (a) India must develop a scientific temper of mind to acquire and keep abreast with the latest developments in all fields of scientific thought, to regain and maintain its intellectual vitality, and to keep pace with the spirit of the age.
- (b) Technology based on scientific thought was of fundamental importance to the realization of India's economic goals, and the country must not lose time or effort to equip herself with technology already developed.
- (c) The scientific temper and the application of technology must be made consistent with responsible internationalism and reconciled with the highest ideals of the age.<sup>1</sup>

The first two of these guiding principles explains the rationale of India's decision to embark upon an atomic energy program in the early 1950s. Nuclear science and technology were considered to be essential to India's future and in particular to her economic advancement. The third principle seems to have determined the transparency of India's nuclear policy. Keeping that objective in mind, Nehru supported the efforts of Dr. Homi J. Bhabha to establish the Indian Atomic Energy Commission.

Nehru was thus responsible for laying the foundation for the technical and scientific infrastructure which provided the subsequent governments the ability to keep the nuclear options open.

India's position toward the nuclear weapons issue gradually started to change in the aftermath of the border war with China in 1962. Reports were also

filtering in about the advanced nature of China's nuclear weapons program. It opened a debate as to whether India, in order to counter this new development, should abandon her policy of atomic energy limited for peaceful purposes only and start producing nuclear weapons. The right wing nationalist party, Jan Sangh (a precursor of the contemporary, Bharatiya Janata Party) went on record as being in favor of nuclear weapons. This was the first public pro-bomb position taken by a major political party in December 1962, in reaction to the Chinese invasion of India.<sup>2</sup> Dr. Homi Bhabha, India's nuclear scientist, also played a direct role in conditioning bureaucratic readiness in favor of a nuclear weapon option. In a paper entitled "Safeguards and the Dissemination of Military Power" presented at the 12th Pugwash Conference in January 1964, Bhabha noted that China was so large that it "must always present a threat to its smaller neighbors, a threat they can only meet either by collective security or by recourse to nuclear weapons."<sup>3</sup> For the next 10-15 years, Bhabha argued that "the spread of nuclear weapons...will not place any country possessing them in the position of having a deterrent force against either of the two major powers." But several decades hence, he argued that if free to develop nuclear weapons, "a few countries would then have a nuclear deterrent force against any other."<sup>4</sup> This, he suggested, would present a complicated and unstable situation that should be avoided. It is also very probable that the pro-bomb lobbies were aware of Pandit Nehru's declining popularity in the aftermath of India's debacle in the Sino-Indian conflict. There were also widespread reports of Nehru's serious policy differences with President Radhakrishnan on the conduct and course of the 1962 war. With Nehru's health fast deteriorating after the 1964 Bhubaneswar Session of India's Congress party, the pro-bomb lobbies gained increasing strength in support of their demand for a nuclear weapon option. With the demise of Nehru, Lal Bahadur Shastri became the Prime Minister. He understood the linkage of nuclear energy with the prospect for socio-economic prosperity of the people of India. At the same time, he was also committed to the non-military use of nuclear energy. Expressing his views while opening the plutonium plant at Trombay, Shastri remarked:

During the last few decades there have been a tremendous development of science and technology. The leeway of ages can perhaps be made good in a decade or two by determined efforts on the part of our scientists and technologists. We have developed this plant with a view to utilizing atomic energy for peaceful purposes. It is essential that this revolutionary technique in atomic energy should be made use of for bettering the lot of the people and changing the face of the world....It is most regrettable that nuclear energy is being harnessed for making nuclear weapons. This constitutes a grave threat to the world peace....India has decided not to enter this race for nuclear armament. Asian and African nations have many more important things to do in order to build up their own country and countrymen. We cannot afford to spend millions and millions over nuclear arms when there is poverty and unemployment all around us.<sup>5</sup>

Shastri's perspective was modified after the Chinese atomic explosion in October 1964. There was increasing pressure on the Prime Minister to re-orient India's nuclear policy in the light of the changing circumstances.

The debate on the Indian nuclear policy that ensued after the Chinese explosion revealed three types of reactions. The first group, though upset by the Chinese atomic weapons test, favored India to continue her policy of peaceful use of nuclear energy. This group also included some of the people believing in the

Gandhian philosophy of pacifism. There were those who favored building up a powerful conventional military force only. V. K. Krishna Menon, an important political figure and a former defense minister, was totally opposed to any kind of change in Nehru's nuclear policy. He held the view that it was a fallacy to consider nuclear arsenals as a fool-proof security shield even for countries like the United States and the Soviet Union. He also held the view that India's policy on non-alignment would be seriously undermined by following the Chinese example. A few other analysts referred to the high cost of production of nuclear weapons and hence argued against India development of nuclear weapons. A second group included those pleading for limited nuclear weapons or securing a collective guarantee against nuclear attack under the auspices of the United Nations. They conceded that, due to her limited economic resources, India could not aspire to become a nuclear super power like the United States or the Soviet Union. But they also argued that India must aim for a limited nuclear capability. As per this argument, by going nuclear, it was thought that India could withstand nuclear blackmail, and she would be able to take part in all deliberations from a position of strength. The demand for collective security for the non-nuclear powers was put forth mainly by those connected with the official circles in the external affairs ministry in New Delhi. It was said that such a guarantee should be given by the United Nations rather than by the nuclear weapon states. It was also demanded that the NPT must provide a framework of security guarantee for the non-nuclear countries which were exposed to nuclear threats by nuclear weapon states. A third group seriously questioned the basic assumptions of India's nuclear policy and called upon the government to build nuclear weapons. This group attempted to link the Chinese atomic explosions in the fall of 1964 with the growing friendship between China and Pakistan since 1962. The conflict in April 1965 in India's western border state of Gujrat and the Indo-Pakistan War in September of that year further reinforced the belief among Indian policy makers that the very existence of India as a sovereign state was in danger. They advocated for an independent weapon program to checkmate Chinese advancement in this field. It was said that the high cost of opting for a nuclear weapon program could be made possible by reducing the expenditure of conventional forces. This group also did not deem the concept of collective security as being very helpful for India's security. The most reliable deterrence, it was argued, was one's own.<sup>6</sup> The two right wing political parties, the Jan Sangh and the Swatantra, demanded that India should manufacture her own nuclear weapons. While the Indo-Pakistan War of 1965 was going on, over a hundred members of the Indian Parliament belonging to various political parties urged the government to develop its own nuclear deterrence. The statement signed by these parliamentarians said:

The fact that India is fighting not only to repel aggression but to make the country safe for democracy, makes it abundantly clear that the security of the country can no longer be left at the mercy or whim of the so called friendly countries. India's survival both as a nation and as a democracy, in the face of the collusion between China and Pakistan, casts a clear and imperative duty on the Government to take immediate decision to develop our nuclear weapons.<sup>7</sup>

## Indira Gandhi Period

The Indira Gandhi administration in 1966 was more forthright in its views on India's nuclear policy. The Gandhi administration criticized the provisions of the nuclear non-proliferation treaty as being discriminatory and an affront to India's self-respect and status.<sup>8</sup>

Three important developments took place in 1971: (a) Mrs. Gandhi won a landslide victory in the parliamentary elections getting two thirds of the total seats in the lower house, and the ruling Congress Party also was swept back to power in most of the Indian state elections; (b) Indira Gandhi's personal charisma and leadership received a tremendous boost with the decisive Indian victory over Pakistan in the 1971 war resulting in the emergence of Bangladesh as a new sovereign nation; (c) The United States and China ended their long years of animosity and bitterness towards each other and decided to establish diplomatic relations.

It is quite probable that Mrs. Gandhi viewed the development of Sino-U.S. rapprochement as putting India into a strategic disadvantage. Accordingly, Mrs. Gandhi made the decision to undertake nuclear explosion in the Rajasthan desert on May 18, 1974. Apart from the underground nuclear explosion, Gandhi's government also launched the Sarabhai ten-year plan for the development of the Department of Space and Atomic Energy. India also successfully launched her first earth orbit space satellite at this time. International reactions to India's underground nuclear explosion were for the most part quite unfavorable. Canada's withdrawal of nuclear cooperation and other supplier inhibitions considerably slowed down India's nuclear research program. The Soviet Union, which had entered into a Treaty of Friendship and Cooperation with India in 1971, also insisted on stringent International Atomic Energy Agency (IAEA) safeguards to be applied to Soviet-supplied heavy water plants in India.

The nuclear policy of the non-Congress Janata Party that came to power in the mid-70s was ambivalent at best. Prime Minister Morarji Desai asserted that India would not manufacture nuclear weapons. It would not carry out any more nuclear explosions unless absolutely necessary for its peaceful nuclear program. India would not sign the NPT until the nuclear powers had taken definite steps towards nuclear arms control. India would not throw open its nuclear facilities to international inspection except on a reciprocal basis; and, finally, India would not submit to international pressure to accept a nuclear policy that would hurt its national pride and its indigenous nuclear energy development program. Desai was quite adamant that, in order to avoid the closing down of the Tarapur atomic plant that was originally constructed with aid and expertise from the United States, the government of India would turn to other sources of supply of enriched uranium. Although Prime Minister Desai was opposed to the manufacture of nuclear weapons, he did not completely foreclose the option of peaceful application of nuclear energy. On October 21, 1977, on a state visit to Soviet Union, Desai stated in his speech at the Kremlin:

Atomic energy, like many a scientific invention, has its constructive and destructive potential. It is up to us to ensure that through it we seek the victories of peace and not the disastrous triumphs of war. It is my conviction and that of the people of India that the world must totally eschew the use of the atom for military purposes.<sup>9</sup>

It is with this faith that India publicly declared that it shall not use nuclear energy for other than peaceful purposes. The internal squabbling in the Janata Party ultimately led to its downfall, and, in the subsequent election in 1980, Mrs. Indira Gandhi's Congress Party again became victorious.

Mrs. Gandhi was faced with two events: (a) the Soviet invasion of Afghanistan in December 1979 and (b) the widespread reports about Pakistan's nuclear weapons program. Mrs. Gandhi tried to continue India's nuclear policy which she herself initiated after the 1974 Pokhran explosion. She stated on several occasions that India would not give up its interest in explosion technology. In answering a question in the Indian parliament, she declared that, should it be necessary, "in the national interests of India, India could have nuclear explosions as India should not be caught napping."<sup>10</sup> The Indian policy makers were particularly concerned about Pakistan's nuclear activities. India was also critical of Pakistan's efforts to forge a security relationship with the United States and of the huge military build up in the Indian Ocean by the super powers.

The Gandhi government found it increasingly difficult to accept Pakistan's offer to India of a non-aggression pact in September 1981 in light of the agreements reached between Pakistan and the United States. Both the United States and Pakistan had concluded a 3.2 billion dollar aid package which also included the purchase by Pakistan of forty advanced F-16 aircraft that could be fitted with nuclear warheads.

India under Mrs. Indira Gandhi had four options. First, it could continue to drift and thus acquiesce in Pakistan's nuclear program in the hope that the program would not succeed or that Islamabad would not abuse its newly acquired power or that it would not be allowed to do so by the international community. Second, India could make a pre-emptive strike on Pakistan's nuclear installations. Third, it could strengthen security ties with the Soviet Union and rely on it to protect it against the use or the threat of use of nuclear weapons by Pakistan. If possible, the Treaty of Friendship and Cooperation between the two countries could be amended and thus may be invoked in these particular circumstances. Finally, India could launch its own nuclear weapons program. Mrs. Gandhi, on her part, chose the first option with some modifications. By doing so, she reiterated India's nuclear policy which had evolved over the years. She was also hopeful that the United States administration would use its influence in restraining Pakistan from pursuing its nuclear weapons activities. It is also possible to argue that, by 1984, Mrs. Gandhi had a number of serious domestic problems on her hand.

## **Rajiv Gandhi Period and After**

Rajiv Gandhi assumed the office of the Prime Minister upon Mrs. Indira Gandhi's assassination on October 31, 1984. Two months later, Rajiv and his Congress Party won a spectacular victory in the parliamentary election. The policy makers in Rajiv's cabinet were increasingly concerned about Pakistan's clandestine nuclear weapon activities. It was widely believed that Pakistan would pursue an ambiguous policy in order to mislead the international community about its nuclear program. As India perceived, Pakistan could develop all the necessary facilities of assembling the parts necessary for making bombs without holding any overt nuclear test. That way Pakistan could retain the capability to make the bomb on

short notice. In terms of concrete measures, Rajiv Gandhi of India and President Zia-ul-Haq of Pakistan agreed in December 1985 to allow each country to inspect the other country's nuclear facilities.

In the nineties, India had a number of unstable national governments, thus resulting in its inability to formulate a coherent nuclear program for the country. V. P. Singh and, later, P. V. Narashima Rao wanted to prove India's nuclear testing potential only to cancel it at the last moment for fear of economic sanctions from the United States and the West. The non-Congress governments of Devegowda and Gujral were very fragile in nature and hence had to give way to international consensus in favor of a nuclear non-proliferation regime. It was only when the Hindu nationalist political group, Bharatiya Janata Party (BJP) led by Atal Behari Vajpayee, came to power in March 1998 that India moved to show its nuclear prowess again. Although outwardly the BJP stalwarts attributed India's nuclear explosion in May 1998 to the twin threats from China and Pakistan with whom India had adversarial relationships, to most independent observers, however, India's actions in detonating the bomb at that stage had a lot to do with domestic politics and fulfilling an election agenda of the BJP. India, though, was followed by Pakistan in exploding nuclear devices in rapid succession and inviting stiff economic sanctions from the U.S. administration, European countries and Japan. Later, both India and Pakistan went ahead in modifying and expanding their nuclear capabilities as was demonstrated in the successful launching of the Agni-II missile in April 1999. With this missile development, India was on the way to the next step in making ICBMs.

The Agni missile had a range of 2,500 miles and, if need be, India could hit any point in China and Pakistan with nuclear warheads fitted on this missile. With the euphoria over India's series of nuclear and missile tests, the BJP enjoyed a huge popularity among the Indian masses. In opinion polls just taken after the nuclear tests in May 1998, eighty-seven percent of Indians approved the testing of the nuclear bomb by India. Although a significant sixty-three percent of people voiced fear of a slow down in India's economic growth, yet some eighty-eight percent of respondents in this survey felt that India would emerge out of this nuclear testing stronger.<sup>11</sup>

## **India and the NPT**

India's policy on nuclear proliferation and the decision to stay out of the NPT (announced on May 14, 1968) seemed, in part, to have been motivated by China's entry into the nuclear club in 1964 and the resulting security dilemma to India's national interests. However, the official stand taken by India rested on the discriminatory features of the treaty. India considered the NPT as having loopholes. At that stage, the Indian ambassador to the United Nations, Azim Husain, made the following points:

- (a) The treaty did not ensure the non-proliferation of nuclear weapons but only stopped the dissemination of weapons to non-nuclear weapon states without imposing any curbs on the continued manufacture, stockpiling and refinement of nuclear weapons.

- (b) The treaty did not do away with the special status of superiority conferred on those powers which possessed nuclear weapons.
- (c) The treaty did not provide for a balance of obligations and responsibilities between the nuclear weapon states and non-nuclear weapon states. While all the obligations were imposed on non-nuclear weapon states, the nuclear weapon states had not accepted any.
- (d) The treaty did not constitute a step-by-step approach towards nuclear disarmament.
- (e) The treaty did not prohibit one nuclear state from assisting another nuclear weapon state by providing technical aid.
- (f) The long period of a quarter of a century provided in Article X of the treaty would appear to endorse and legitimize the present state of affairs and legalize, if not encourage, an unrestricted vertical proliferation by the existing nuclear weapon powers. (see Appendix)
- (g) Article VI did not create a judicial obligation in regard to the cessation of the nuclear arms race at an early date. (see Appendix)
- (h) The treaty imparted a false sense of security to the world.
- (i) The treaty was discriminatory in regard to the peaceful benefits of nuclear explosions. (for further clarification, see Article V in the Appendix)
- (j) The treaty was discriminatory in regard to the safeguards and controls which were all imposed on the non-nuclear weapon states while none whatsoever were imposed on the nuclear weapon states.
- (k) The security assurances to the non-nuclear weapon states could not be a quid pro quo for the acceptance of the treaty. This must be binding for the nuclear weapon states.<sup>12</sup>

Broadly speaking, India's opposition to the NPT could be found in four issues: a) the balance of obligations, b) the linkage between the NPT and disarmament, c) the question of control and safeguards, and d) the civilian benefits of nuclear technology.

#### **(a) The Balance of Obligations**

India and the nuclear states have differed on the basic meaning of proliferation. To the nuclear weapon states, proliferation is one of horizontal growth that results in the increase of the number of states with nuclear-weapons. India, on the other hand, looks at the same issue as both vertical as well as horizontal proliferation.

As India sees it, the real problem of proliferation lies in the continuing quantitative and qualitative proliferation of nuclear weapons by the five acknowledged nuclear states. India strongly maintains that the root of global tension and insecurity was the possession of nuclear weapons and arsenals by the exclusive nuclear club (USA, Russia, UK, France and PRC). India argued that, in order to have an effective and comprehensive NPT, such weapons and their means

of delivery must be eradicated; otherwise, the non-proliferation of these weapons cannot be accomplished.<sup>13</sup>

The discriminatory nature of the NPT is inherent in the structure of the treaty itself. Article IX (e) of the treaty defines a nuclear weapon state as one which has manufactured and exploded a nuclear weapon or other nuclear device prior to 1 January 1967.<sup>14</sup> (also see Appendix). India considered this arbitrary watershed of testing of nuclear weapons as an act of legitimization of a few nations' nuclear monopoly so as to preempt any such move or intention by other states. India also objected to the first draft of the treaty because it excluded any mention of mutual obligations of nuclear weapon and non-nuclear weapon states. There was absolutely no provision in the treaty to dissuade the nuclear weapon states from acts of further proliferation. The control applied to the non-nuclear weapon states could very well be applied to the nuclear weapon states. That would have given a semblance of balance of obligations between these two categories of states. India was also critical of the treaty because of the possibility of technical assistance between nuclear weapon states. It is quite possible that the Indian policy makers were apprehensive of a likely Sino-American rapprochement or Sino-Soviet reconciliation.

#### **(b) The Linkage Between the Non-Proliferation Treaty and Disarmament**

India voiced serious objections to the treaty because there was no linkage between the NPT and disarmament. Article VI of the NPT did not provide any credible commitment to disarmament by the nuclear weapon states. In addition to that, Article X of the treaty appeared to endorse and fully legalize the vertical proliferation by the nuclear weapon states (see Appendix). From India's standpoint, a real and credible security guarantee could only be provided through nuclear disarmament. New Delhi refused to sign the NPT as it perceived the security assurances of the NPT to be inadequate and insufficient.

#### **(c) The Question of Control and Safeguards**

The issues of control and safeguards are dealt within Article III of the draft treaty. The obligations to accept control and inspection or "safeguards" apply to non-nuclear weapon states. The nuclear weapon states are free from any obligations whatsoever. India considered the NPT safeguard system as another symbol of discrimination between nuclear and non-nuclear weapon states. India insisted that the control and safeguard systems should be universal in nature and applicable to all states with respect to their earlier nuclear programmes (military and peaceful).

#### **(d) The Civilian Benefits of Nuclear Technology**

India has also criticized the draft treaty because of its failure to provide the non-nuclear weapon states with the civilian benefits of nuclear technology on a non-discriminatory basis. Article V of the NPT says that the nuclear weapon countries should provide the non-nuclear weapon countries with access to nuclear explosive devices for peaceful applications. The same article also calls for the creation of an international body with adequate representation of non-nuclear weapon states for facilitating a special international regime. So far, the nuclear weapon states have not taken any positive steps to create such an international regime nor have they agreed to share the spin-off benefits of Peaceful Nuclear Explosions (PNEs). The NPT and

IAEA have institutionalized PNEs, and both the Soviet Union and the United States have been conducting PNE studies since the mid-fifties.<sup>15</sup> The United States initiated "Project Plowshare" in 1957 and conducted 41 nuclear explosions reportedly for peaceful purposes between 1961 and 1974.<sup>16</sup> India had clearly opposed the provisions regarding PNEs in the draft treaty. In a speech before the Eighteen-Nation Disarmament Committee, India's representative, V. C. Trivedi, observed: "There is full justification for preventing the proliferation in weapons, but this is the first time it is suggested that there should be non-proliferation in science and technology."<sup>17</sup> India proposed that the PNEs should be institutionalized under an international regime. It further stated that PNEs should be linked directly to the conclusion of a Comprehensive Test Ban Treaty.<sup>18</sup>

To summarize the main objections raised by India against the Non-Proliferation Treaty, the following points may be noted:

- (a) India considers the NPT as discriminatory, making a clear distinction between the nuclear haves and nuclear have-nots. The treaty fails to provide the proportional obligations to the parties involved.
- (b) The treaty prohibited PNEs which non-nuclear weapon states and in particular the developing nations require urgently for their economic and technological advancement.
- (c) The treaty does not address the security problems of non-nuclear weapon states facing security threats from nuclear weapon states.
- (d) India strongly objects to the treaty's inability to discourage vertical proliferation and the ongoing proliferation of weapons.
- (e) India, in particular, takes a serious view of Chinese non-participation in the treaty. The experience of the bitter border war of 1962 and the subsequent nuclear explosions by China in 1964 have made Indian policy makers more cautious. Since Beijing remained a non-signatory to the treaty, New Delhi used that as a sufficient rationale not to be a signatory to the treaty either.

Since India did not participate in the NPT Review and Extension Conference, the next spotlight focused on CTBT negotiations have continued in earnest since 1994 when the Conference on Disarmament (CD) met in Geneva to spell out the various provisions and nuances.

The five declared nuclear weapon states along with the three nuclear threshold states (Israel, India and Pakistan) participated in these deliberations. A number of other countries from outside these groups also took part. This meeting concluded in August 1996.

### **Rationale for India's opposition to CTBT**

India does not see any serious and sincere approaches being made by the nuclear weapon states toward a genuine nuclear disarmament. In fact, there has been proliferation of nuclear weapons at various levels in an emasculated form, and only some cosmetic efforts such as Strategic Arms Reduction Treaty (START) talks have been made to hide the huge arsenal of nuclear weapons which the nuclear weapon states are possessing. For Indian policy makers, asking her to sign the CTBT

and not making any real effort to eliminate the nuclear weapons will be construed as an attempt to apply double standards in arms control negotiations. In line with this thinking, the Indian Minister for External Affairs made a major policy statement at the 50th session of the UN General Assembly in October 1995.

It can not be argued that the security of few countries depends on their having nuclear weapons, and that of the rest depends on their not---we note that Nuclear Weapon States have agreed to a CTBT only after acquiring the know-how to develop and refine their arsenals without the need for further tests. In our view, the CTBT must be an integral step in the process of nuclear disarmament. Developing new warheads or refining, exhibiting ones after a CTBT is in place, using innovative technologies, would be as contrary to the spirit of the CTBT as the NPT is to the spirit of non-proliferation. The CTBT must contain a binding commitment on the international community, especially the Nuclear Weapon States, to take further measures within an agreed time frame towards the creation of a nuclear weapon free world.<sup>19</sup>

India has also argued that the CTBT only forbids atmospheric explosive testing. However, the treaty is silent on sub-critical (non-nuclear) experiments or computer simulations. Moreover, the nuclear weapon states are not interested in sharing this technology with other nuclear threshold states. It is interesting to note the comments made in 1958 by the then French President Charles DeGaulle, representing a former non-NWS, about the futility of a viable nuclear disarmament in the absence of reduction of stockpiles. DeGaulle said,

We will continue to press the Russians, the Americans and the British to agree to halt production and to eliminate their stocks of nuclear weapons and to agree to effective international control. If this goal were attained, the famous question of nuclear tests would immediately disappear. If this were not to be, to those who continue to accumulate bombs, how would a halt of testing make any difference? Their power would not be diminished. It would be, on the contrary, a hoax on the poor world if these three states make the world believe that by suspending tests, we would be enhancing world security. It would, on the other hand, give them an alibi for not disarming.<sup>20</sup>

India would be placed at a disadvantage had it signed the CTBT in its original form. In a speech before the UN First Committee on Disarmament, former Prime Minister Atal Behari Vajpayee called for a treaty that banned all types of nuclear weapons tests. Vajpayee added,

As the PTBT (Partial Test Ban Treaty) drove testing underground, we do not wish the CTBT to drive testing into laboratories by those who have the resources to do so. We must ensure that the CTBT leaves no loophole for activity, either explosive-based or non-explosive based, aimed at the continued development and refinement of nuclear weapons. The situation would be untenable, where, even with a CTBT in place, development, refinement and production of new nuclear weapons continue.<sup>21</sup>

India objected to the CTBT provisions regarding Entry Into Force (EIF). The EIF clause states that the sixty-one-nation Committee on Disarmament had to come to a unanimous decision for the treaty to take effect. As stated by Inder K. Gujral on June 20, 1996, for the nuclear powers who proposed the EIF, the treaty would be meaningless without the participation of all the nuclear threshold states, one of which is India. The EIF clause envisioned a preliminary signing with an international conference coming in the year 2000 to ratify the treaty. India demurred, refusing to be held solely accountable for the treaty's failure, and fearing the possibility of international sanctions if it did not ratify. But the EIF debacle

suggested that many nuclear powers, coerced into supporting the treaty by the United States, were trying to use India's rejection as an excuse to dismantle the treaty. "The sincerity of those who are pretending to be high priests of the test ban is questionable," stated Inder Gujral. As the saying went at the CD, these countries were "hiding behind India's sari."<sup>22</sup>

India also asserted that, as a sovereign nation, it had every right to maintain its strategic flexibility. During the CTBT debate, Ambassador Prakash Shah, India's permanent representative to the United Nations, stated that India "cannot permit our option to be constrained as long as countries around us continue their weapons programmes either openly or in a clandestine manner" and as long as "Nuclear Weapon States remain unwilling to accept the obligation to eliminate their nuclear arsenals."<sup>23</sup>

From the time India gained independence in 1947, it has faced four major wars, three with Pakistan and one with China. Apart from that, India has had low-intensity wars with the insurgent forces in Punjab, Kashmir and in the North-East who are directly being aided by its arch enemies, including its neighbors. From the Indian standpoint, Pakistan has embarked upon an active effort to acquire nuclear technology for its Kahuta plant ever since India detonated a peaceful nuclear explosion in 1974. China has provided military aid to Pakistan on a regular basis and, since the period of the Zia ul Haq regime in Pakistan in the 1980s, it has grown substantially. India views the ongoing military cooperation between China and Pakistan at the highest level to have only exacerbated the security environment in the Indian sub-continent. China, on its own, does have very sophisticated nuclear weapons with long range ICBM capabilities and with a nuclear test explosion taking place as recently as June, 1996. Only after making sure of its existing huge arsenals of nuclear weapons did China sign the CTBT, and it is not under any pressure to curtail or dismantle its nuclear programme. CTBT has also not been ratified by the US Congress as of June 1999, and the prospects of the treaty going the way of the League of Nations Charter can not be ruled out.

There is also a political component as to why India opposed signing CTBT. In its election manifesto, the BJP had made clear its stand on the nuclear bomb issue. In order for its foreign policy agenda to be credible, the BJP was not willing to see India as a nuclear apartheid nation and was actively opposed to imposition of a hegemonic nuclear regime. The pro-bomb lobby of the Sangh Parivar also felt that the Hindu majority of the country would be siding with BJP's position as Pakistan, its arch enemy, was believed to have covert nuclear activities. That suspicion was later validated with the explosion of nuclear devices by Pakistan in May 1998. BJP also feels very strongly that it is not India's fault that there has been a slow progress on nuclear disarmament negotiations. In fact, Jaswant Singh, a BJP stalwart and Deputy Chairman of the Planning Commission and close confidant of Prime Minister Vajpayee, said in a press statement that India has been a staunch advocate of global nuclear disarmament. It has participated actively in all such efforts, convinced that a world without nuclear weapons will enhance both national and global security. India was the first country to call for a ban on nuclear testing in 1954, for a non-discriminatory treaty on non-proliferation in 1965, for a treaty on non-use of nuclear weapons in 1978, for a nuclear freeze in 1982 and for a phased programme of complete elimination in 1988.<sup>24</sup> The Congress Party, particularly during the premiership of Rajiv Gandhi and P. V. Narasimha Rao, on the other

hand, had not spelled out its nuclear policy clearly. The leaders of the Congress Party had asserted the right to have the nuclear option open without advocating for a full fledged nuclear tests and nuclear weapons programme. It is only after India demonstrated its technological skill in detonating nuclear devices in May 1998 that the Indian National Congress Party, under its new president, Sonia Gandhi, reversed and argued for a tougher line on the CTBT; it insisted on opposing it. With India's nuclear tests having a popular mass appeal and with BJP in support of it, it is very unlikely that the CTBT in its present form and without sufficient incentives will be accepted by the present regime.

### **Concluding Observations**

In the present environment with the nuclear blasts by both India and Pakistan in May 1998 and with stiff economic sanctions in force, some people may voice support for India to sign the CTBT in order to ease the economic burdens on India's growth sectors. Countries such as the United States very much hope for India to do this in the near future. However, one should not forget the basic rationale for India not signing the CTBT. India's concern was aptly conveyed on 20 June 1996 when the Indian representative rejected the text presented by the Chairman at the Conference on Disarmament:

The CTBT that we see emerging...[is] not the CTBT India envisaged in 1954. This cannot be the CTBT that India can be expected to accept....Our capacities is [sic] demonstrated but, as a matter of policy, we exercise restraint. Countries around us continue their weapon programmes, either openly or in a clandestine manner. In such an environment, India cannot accept any restraints on its capability, if other countries remain unwilling to accept the obligation to eliminate their nuclear weapon. Such a treaty is not conceived as a measure towards universal nuclear disarmament and is not in India's national security interest. India, therefore, cannot subscribe to it in its present form.<sup>25</sup>

Unless the situation at the international and regional levels changes drastically, this may very well be India's position for the immediate foreseeable future. The escalating situation in Kashmir, the bone of contention between India and Pakistan since 1947, may yet provide a flash point and may induce both countries to come to a negotiating table and to opt for nuclear deterrence and quick implementation of confidence building measures which may include simultaneous signing of the CTBT and to abide by other international safeguards. But then, the concept of nuclear deterrence for two South Asian rival countries with historical animosities and regional ambitions may not be that easy as it was in the case of the United States and former Soviet Union during the Cold War years. Even in the case of the U. S. and the Soviet Union, they almost came to the brink of nuclear war on more than one occasion. It is fair to surmise that neither India nor Pakistan has developed an acceptable command and control system of their new found nuclear arsenals. Nor have any contingency plans been envisaged for the day after, as other declared nuclear powers have done. Maybe the real choice before the international community is not to treat India and Pakistan's nuclear tests as isolated regional problems but rather to commence serious negotiations to achieve a treaty to eliminate all nuclear weapons within a timebound frame. It will be a tragedy if the international community resorts to unilateralism and selective morality in

maintaining the existing status quo of nuclear powers prior to India and Pakistan's nuclear explosions and not work towards a genuine nuclear disarmament.

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## Appendix

Text of the Non-Proliferation of Nuclear Weapons Treaty, excerpted from the official records of the UN General Assembly, First Committee, 14 May 1968.

### Article V

Each Party to the treaty undertakes to take appropriate measures to ensure that, in accordance with this treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States party to the treaty on a non-discriminatory basis and that the charge to such parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

### Article VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

### Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
2. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated depositories of the treaty, and forty other States signatory to this treaty and the deposit of their instruments of ratification. For the purposes of this treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear-weapon or other nuclear explosive device prior to 1 January 1967.

### Article X

2. Twenty-five years after the entry into force of the treaty, a conference shall be convened to decide whether the treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the parties to the Treaty.