



INDIA AND THE NPT: 2015 REVIEW CONFERENCE AND BEYOND

Dr Reshmi Kazi

The quinquennial review conference of the NPT is to be held from April 27 to May 22, 2015. After the failure of the last NPT RevCon held in 2010 hope has once again re-surfaced amongst the international community, including India for a strengthened nuclear non-proliferation regime. The initial success of the three Preparatory Committee (PrepCom) meetings held in 2012, 2013 and 2014 is believed to have laid the foundation for successful NPT deliberations that is expected to reduce the salience on nuclear weapons and steer the world towards nuclear disarmament. With added emphasis on new aspects like humanitarian impact of nuclear weapons and the third item agenda on "Recommendations for the implementation of Transparency and Confidence-Building Measures in Outer Space activities, enormous expectations are impinged upon the 2015 RevCon to deliver initiatives for a safe, secure, peaceful and stable world order. India though a non-NPT state is part of this global initiative and has undertaken significant efforts to uphold the spirit of the Non Proliferation Treaty objectives.

I. Backdrop

The NPT Review Conference (RevCon) is scheduled to be held from April 27 to May 22 2015, at the United Nations Headquarters in New York. The failure of the last NPT RevCon held in 2010 proved to be a dampener for strengthening the non-proliferation regime. However, after the initial success of the three Preparatory Committee (PrepCom) meetings held in 2012, 2013 and 2014, optimism around reinvigoration of the Non-Proliferation Treaty (NPT) and the non-proliferation regime has once again surfaced amongst the international community, including India. The focus will primarily be on the existing nuclear non-proliferation challenges and lethal autonomous weapons systems. Although India being a pivotal player of the non-proliferation regime has stayed away from the NPT, New Delhi takes a fervent interest in the affairs of the Treaty. To that extent, it can be stated emphatically that India has and will continue to retain an abiding interest and deep stake in nuclear non-proliferation.

The politics of the NPT has deeply influenced India's nuclear weapons policy and programs. Following the indefinite and conditional extension of the NPT in 1995, India was sanguine that there still is a long way to go to achieve a "world without nuclear weapons," and that a great deal of perseverance is required from the entire international community to accomplish the goal of total elimination of nuclear weapons. Quite logically, India realized that this would not be an easy process. Thus, India preferred to stay out of the NPT structure because of its prejudiced nature.¹ That was also one of the reasons that provided a major impetus for India to conduct the Shakti series of nuclear tests in May 1998.

Apart from facing a deteriorating security situation, India considered it a rational decision to conduct its nuclear tests before the US implemented the Comprehensive Test Ban Treaty (CTBT). However, since its nuclearization, the international community and India have come to terms with the changing global nuclear system centering the NPT and the non-proliferation regime. India's decision to stay outside the NPT fold has not prevented New Delhi from adhering to many of its principles as a nation with advanced nuclear weapons capability. Thus from being treated as part of the 'proliferation problem' by the international community for the last three decades, India has now been accepted and welcomed as an integral part of the global nuclear order. The July 2005 India-US civil nuclear energy cooperation agreement was the culmination of prolonged efforts to end over three decades of India's isolation from the nuclear technology. In the present

¹ The NPT recognises only the Permanent Five (P-5) countries as nuclear weapon states and proposes that other countries can be a party to the NPT only as a non-nuclear weapon state. For details. See, Article IX Para 3 of the NPT Text at <http://www.un.org/disarmament/WMD/Nuclear/NPTtext.shtml> ; Also see "Joint Statement from the Nuclear-Weapon States at the London P5 Conference," US Department of State, February 6, 2015, <http://www.state.gov/r/pa/prs/ps/2015/02/237273.htm>

situation, India has substantial reasons to look forward to the quinquennial review conference of the NPT to be held in 2015.

II. A brief introduction of the NPT

The NPT is a multilateral treaty that represents binding commitment to the goal of nuclear disarmament. The Treaty represents the only binding commitment in a multilateral mechanism to achieve the goal of disarmament by the nuclear weapon states. The primary objective of the NPT is to prevent the spread of nuclear weapons and weapons technology, to promote cooperation for peaceful uses of nuclear energy and to further the goal of achieving general and complete nuclear disarmament. The landmark Treaty is based on three important pillars: (1) the non-nuclear weapon states have pledged not to seek nuclear weapons and have accepted safeguards on their nuclear activities; (2) the nuclear weapon states have pledged to pursue nuclear disarmament - they have unequivocally committed to that; and (3) the state parties have recognized the right to develop and make peaceful uses of nuclear energy. The NPT facilitates further development of the applications of atomic energy for peaceful purposes in conformity with Article I and II of the Treaty without any discrimination. It also upholds the inalienable right of sovereign states to participate in, the fullest possible exchange of equipment, materials and scientific and technological information and international cooperation for peaceful uses of nuclear energy.²

The NPT was negotiated between 1957 and 1968. It was open thereafter for signature in 1968 and came into force in 1970. The Treaty has been verified by 190 states so far, including all the P-5 countries, but India, Israel and Pakistan have stayed out of it. North Korea did ratify it but it announced its withdrawal in 2003 and subsequently it went ahead with its nuclear testing in October 2006. The members meet every five years to review the progress that has been made within the non-proliferation regime, a trend followed since 1975. The quinquennial conference reviews the operation of the NPT with a view to ensure that appropriate efforts are being undertaken to realize the Treaty provisions and goals. The RevCons and the supplementary PrepComs take a stock check of whether and how far are the state parties fulfilling their commitments. The NPT was indefinitely extended in 1995. The last meeting held in 2010 ended in a stalemate. However, there was a general consensus among the state parties that in 2014 they would establish next step to fully implement article VI of the NPT in order to end the nuclear arms race and achieve complete nuclear disarmament. The NPT Member-States agreed to pursue policies that are attuned with the objective of achieving global elimination of nuclear weapons. They further pledged to adhere to the principles of irreversibility, verifiability and transparency with regard to arms reduction processes. The Member-States have reaffirmed their commitment towards the 13 Practical Steps of the 2000

² See Article IV Para 1 and 2 of the NPT Text, <http://www.un.org/disarmament/WMD/Nuclear/NPTtext.shtml><http://www.un.org/disarmament/WMD/Nuclear/NPTtext.shtml>

RevCon, and agreed accelerate efforts to reduce salience on nuclear weapons through unilateral, bilateral, regional and multilateral measures. The 2010 NPT Final Document agreed to deliberate upon policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons. The Final Document committed to reduce the risk of accidental use of nuclear weapons; and enhance transparency through increase mutual-confidence.³ The Ninth Review Conference scheduled to take place from April 27 to May 22 2015 seeks to seize upon these commitment made by all the concerned parties and move forward on the stated goals of the NPT.

III. Crisis facing NPT structure

The deliberations held by the three recent PrepCom meetings and the earlier RevCons reinforce the perception that the NPT is presently undergoing a crisis. This primarily stems from the fact that the NPT, even after four decades since it came into force, has not been able to make any significant progress towards its stated objectives of preventing the proliferation of nuclear technology and achieve nuclear disarmament. The flawed nature of the NPT is responsible in producing two asymmetric divisions – the five nuclear weapon states (NWS) and the rest non-nuclear weapons states (NNWS). This basic infirmity has established an inequitable nuclear order between the nuclear haves and the have-nots with unequal rights and obligations. However, this was not part of the grand bargain upon which the very edifice of the NPT was built. Under the terms of the bargain, the NNWS would renounce their right to develop nuclear weapons (which was later reiterated during the 1995 RevCon) in return for their right to have access to nuclear technologies solely for peaceful purposes. This is in conformity with Article II of the NPT. Under Article II, the access of the NNWS to nuclear technology was subject to the acceptance of the safeguards under the International Atomic Energy Agency (IAEA). Further, Article IV granted the state parties “inalienable right” to use nuclear energy for peaceful purposes without any predisposition. As part of the bargain, the NWS pledged

³ See Final Document of “Conclusions and recommendations for follow-on actions” of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.2010/50 (Vol. I), pp. 19 – 21, http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50%20%28VOL.I%29&referer=http://www.un.org/en/conf/npt/2010/&Lang=E (Accessed on April 22, 2015).

under Article VI 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.”⁴ However, as a result of its flawed and unequal structure, the NPT failed in its pursuit to achieve its goals – peaceful access to nuclear technology, renunciation of nuclear weapons by the NNWS and nuclear disarmament.

More importantly, the NWS have not kept their side of the bargain; hence the prevailing crisis within the NPT structure. Five years have passed since US President Barack Obama launched his doctrine for elimination of nuclear stockpiles in 2009 in Prague. However, even though the 2015 RevCon is to coincide with the 70th anniversary of the Hiroshima and Nagasaki nuclear bombings, there seems a long road ahead for nuclear disarmament. With increasing salience on nuclear weapons, NWS appear distant from their commitment to abolish their nuclear weapons.

The NPT is perceived as a prejudiced treaty for some other reasons as well. The NWS have interpreted the NPT to their benefits and circumscribed the “inalienable right” of the NNWS to access nuclear technology for peaceful purposes as mentioned in the Treaty. Efforts have been made through various unilateral initiatives to restrict the NNWS from acquiring nuclear technology. In recent years, the US and other NWS have undertaken measures to impose elaborate technology denial regimes without any negotiations with the NNWS to prevent the transfer of dual-use technology. Attempts have also been made by the “coalition of the willing” to prevent access by the NNWS to the nuclear fuel cycle and bring it under stringent international control.

However, with increasing energy demands to meet the considerations of energy security and climate change, there is a visible ‘nuclear renaissance’ in the last few years. It is believed that there would be a manifold demand for nuclear energy among the developing countries to meet their economic growth. Restricting the developing nations from the benefits of nuclear energy has reinforced the NPT discourse as primarily a biased and flawed Treaty. Under the circumstances, the faith of the NNWS, both within and outside the NPT structure, has been shaken resulting in the weakening of the foundation of the Treaty.

Over the years, the NPT has been sinking with the emergence of new challenges and concerns within the non-proliferation regime. The threat of nuclear weapons, sensitive material, restricted technologies and classified blueprints falling into the hands of terrorists are some of the most challenging concerns faced by the non-proliferation order today. According to the IAEA, there are a “disturbingly high” number of reports of missing or illegally trafficked nuclear material. According to the IAEA Incident and Trafficking Database (ITDB) system, there has been an increasing trend in illicit trafficking, theft,

⁴ Article VI of the NPT, <http://www.un.org/en/conf/npt/2005/npttreaty.html> (Accessed on March 30, 2015).

losses and unauthorized possession of nuclear/radiological materials out of regulatory control. Lack of effective regulatory mechanisms can foil efficient nuclear governance and raise proliferation risks in the world. (See Table 1)

Table 1: IAEA ILLICIT TRAFFICKING DATABASE*
Incidents of nuclear and other radioactive material out of regulatory control

	1993-31 December 2007⁵	1993-31 December 2008⁶	1993-31 December 2011⁷	1993-31 December 2012⁸
Confirmed incidents reported by the participating States and a few non-participating States	1340	1562	2164	2331
Incidents involved unauthorized possession and related criminal activity	303	336	399	419
Incidents involved theft or loss of nuclear or other radioactive materials	390	421	588	615
Incidents involved other unauthorized activities	570	724	1124	1224
Remaining incidents, the reported information was not sufficient to determine the category of incident.	77	81	69	69

Fortunately, the amount reported so far as missing has been small. Nonetheless, the increasing illicit nuclear technology black market poses enormous threat to the existence of the NPT. The United Nations Security Council (UNSC) has taken several measures to arrest the proliferation of clandestine nuclear technology networks by invoking resolutions and conventions like the UN Convention of Suppression of Nuclear Terrorism (2007) and the UNSC Resolution 1540 (2004). However, this only reflects upon the inadequacy of the NPT to deal with the emerging threats and challenges of horizontal and

* This table tabulated by the author first appeared in First appeared in “Global Centre for Nuclear Energy Partnership: India’s Gift Basket of Nuclear Security”, in S.D. Muni and Vivek Chadha (eds.), Asian Strategic Review 2015: India as a Security Provider (New Delhi: Pentagon Press, February 2015).

⁵ “IAEA Incident and Trafficking Database (ITDB),” IAEA, 2008 Fact Sheet at http://www.iaea.org/newscenter/features/radsources/pdf/fact_figures2007.pdf (Accessed on March 30, 2015).

⁶ “IAEA Incident and Trafficking Database (ITDB),” IAEA, 2009 Fact Sheet at <http://www-ns.iaea.org/downloads/security/itdb-fact-sheet-2009.pdf> (Accessed on March 30, 2015).

⁷ “IAEA Incident and Trafficking Database (ITDB),” IAEA, 2011 Fact Sheet, <http://www.docstoc.com/docs/130674415/ITDB-Factsheet-Nuclear-Safety-and-Security-IAEA> (Accessed on March 30, 2015).

⁸ “IAEA Incident And Trafficking Database (ITDB),” IAEA, 2013 Fact Sheet, <http://www-ns.iaea.org/downloads/security/itdb-fact-sheet.pdf> (Accessed on March 30, 2015).

vertical proliferations. Matters have taken a worse turn with the flouting of the NPT obligations by some of its signatory members like Iran and North Korea.

IV. NPT Review Conferences

The NPT is reviewed and reassessed periodically. The first RevCon was held in 1975 followed by the 1995 RevCon. The 1995 RevCon was significant for two reasons: (a) it was held in the backdrop of the end of the Cold War and (b) it upheld indefinite and unconditional extension of the NPT. The end of the Cold War rivalry raised hopes for an emerging balanced global nuclear order. The state parties to the NPT agreed to extend the Treaty indefinitely and adopted the Objectives and Principles for the NPT, which were to be benchmarks for future work. The RevCon adopted certain core principles that included measures to make the Treaty universal, establishment of nuclear weapons free zones (NWFZ), security assurances and strengthening of safeguards, peaceful uses of nuclear energy and nuclear disarmament. In real terms, India upholds all these core principles of the NPT in both letter and spirit. The 1995 RevCon was also significant for adopting the resolution on the Middle East. It expressed concern towards the presence of unsafeguarded nuclear facilities in the Middle East and called for “the establishment, by the regional parties, of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.”⁹ Interestingly, though India opposed NWFZ in South Asia on certain principles, New Delhi expressed its support for a NWFZ in the Middle East. However, the 1998 nuclear tests conducted by India and Pakistan once again gave rise to disenchantment with the NPT regime. The crossing of the nuclear rubicon by two non-NPT states raised concern of the proliferation of nuclear weapons, which dominated the spirit of the next RevCon in 2000.

The 2000 RevCon was notable due to adoption of the “13 Practical Steps” for effectuating Article VI of the NPT on the complete abolition of nuclear weapons. The practical steps were adopted to curb the proliferation of nuclear weapons technology to NNWS. These steps included important provisions like signing and ratification of the CTBT, starting the negotiations on the multilateral Fissile Material Cut-Off Treaty (FMCT), entry into force of Strategic Arms Reduction Treaty (START)-II, initiate negotiations on START-III, effective reporting and verification procedures, nuclear disarmament, etc.

The NPT was thereafter reviewed in 2005. The 2005 RevCon completely failed to make any substantive agreement on the top challenges faced by the international community. The manner, reasons and the magnitude of the failure that was witnessed in the last RevCon actually portends important warnings for the non-proliferation regime as well as

⁹ “Resolution on the Middle East,” NPT/CONF.1995/32 (Part I), Annex, http://www.un.org/disarmament/WMD/Nuclear/1995-NPT/pdf/Resolution_MiddleEast.pdf (Accessed on March 30, 2015).

nuclear security. A review of the non-proliferation regime during the conference showed that the international security environment had deteriorated to unprecedented levels. The insecurity posed by the 9/11 incident prompted the US to launch military strikes against Afghanistan in 2001 to exterminate the Taliban regime. In 2003 Washington invaded Iraq on mere suspicion that the Saddam Hussein government was housing a clandestine nuclear weapons program. This was followed by the adoption of the US Nuclear Posture Review (NPR) in 2004, the Quadrennial Review in 2006 and the National Security Strategy in 2006, all of which indicated increasing US salience on nuclear weapons. The US decision to modernize its nuclear weapons and make it more 'usable' in dealing with situations of 'pre-emption' further dealt a deadly blow to the NPT structure. The 2005 RevCon was unable to achieve anything substantive and hence was a failure.

Marking the 15th anniversary of the NPT's indefinite extension (agreed in 1995), the Eighth Review Conference in the final document agreed on a review of the progress towards the implementation of the Action Plan of the Treaty. There is an emerging consensus that the Action Plan should be seen as a long-term roadmap. The Action Plan contains measures to move forward on the issues of nuclear disarmament, nuclear non-proliferation, the peaceful uses of nuclear energy and regional issues, including the implementation of the 1995 Resolution of a NWFZ in the Middle East. However, much would depend upon the intent and resolve of the state parties to uphold their commitments towards Article VI of the NPT.

As part of preparations for the 2015 RevCon, three PrepComs have been held from 2012 - 2014. The issues on the table facing the upcoming RevCon are quite akin to the ones that were discussed in the previous RevCons on which there has been an impasse so far. These include:¹⁰

- Non-compliance of the NPT provisions
- Lack of universality of the Treaty
- Lack of progress on nuclear disarmament
- Implementation of the "13 Practical Steps"
- Danger of nuclear weapons and materials falling into the hands of non-state actors
- Lowering the threshold for the use of nuclear weapons
- Lack of progress in the reduction of the arsenals of the NWS
- Stalemate over issues like the CTBT, FMCT and security assurances
- Lax provisions relation to Article X of the NPT

¹⁰ See Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.2010/50 (Vol. I), http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50%20%28VOL.I%29&referer=http://www.un.org/en/conf/npt/2010/&Lang=E (Accessed on April 22, 2015).

- Concerns over the fuel cycle

There are major differences between the NWS and the NNWS on various issues as identified in the preceding PrepComs. How far these gaps can be bridged for a successful deliberation in the 2015 RevCon in order to reach a substantial document remains to be seen.

V. India and the NPT

The world has taken into cognizance the urgency to strengthen the non-proliferation regime. It has also recognized the need to initiate fresh debate in order to lay the foundation of a new state security system. Thus, within a decade since May 1998, the international community launched a major initiative to integrate India into the global non-proliferation order. The historic Indo-US civil nuclear pact was an attempt to bring new stakeholders on board to consolidate the non-proliferation order. India has agreed to undertake significant constraints on its nuclear policy and stands committed towards the global non-proliferation rules. India has an abiding interest in non-proliferation of WMDs not just for its own security but also for the peace and security of the world at large.¹¹ Despite being a prominent non-state party to the NPT, India has always been consistent with the key provisions of the Treaty and has expressed concern about the prospect of non-proliferation in general. This spirit was again evident when New Delhi ardently welcomed President Bush's landmark speech of May 2001 urging the restructuring of the global nuclear order.¹² The Ministry of External Affairs (MEA) "welcomed the announcement of unilateral reductions by the US of nuclear forces, to move away from the hair-trigger alerts associated with prevailing nuclear orthodoxies, and to make a clean break from the adversarial legacy of the cold war."¹³ A week later, the then External Affairs Minister Jaswant Singh at a briefing with the Assistant Secretary of State, Richard Armitage, reciprocated: "What we are endeavoring to work out together is a totally new security regime for the entire globe."¹⁴ The former Minister's statement clearly posits that India rejects the present non-proliferation order and its structural arrangement (NPT), which is biased in nature. It looks forward to the establishment of a new security paradigm that confers equal rights and obligations on all states.

¹¹ Minister of External Affairs, K Natwar Singh, "India and the NPT," Institute for Defence Studies & Analyses, 28 March 2005 <http://www.idsa.in/node/1556> (Accessed on March 30, 2015)

¹² See "President Bush Speech on Missile Defence," Federation of American Scientists, May 01 2001, <http://www.fas.org/nuke/control/abmt/news/010501bush.html> (Accessed on March 30, 2015)

¹³ Press release issued by the Ministry of External Affairs on President Bush's address at the National Defence University in Washington, DC, New Delhi, May 02, 2001, https://www.indianembassy.org/archives_details.php?nid=411 (Accessed on April 24, 2015).

¹⁴ Satinder Bindra, "India Backs Bush's Missile Defence Shield," CNN, May 11 2001 at <http://edition.cnn.com/2001/WORLD/asiapcf/south/05/11/india.armitage.pakistan.zhu.01/> (Accessed on March 30, 2015).

After years of lambasting the NPT, after the May 1998 nuclear tests India finally took a relaxed approach towards the flawed Treaty. Though India became a nuclear power in 1998, the NPT member states continue to insist that New Delhi joined the NPT order as a NNWS. The “Universal Compliance Strategy” by the Carnegie Endowment propagates that India and the two other non-NPT states -- Pakistan and Israel -- be influenced to join the NPT obligations, but warns against gratifying them with trade in nuclear commerce. It recommends “cooperation to strengthen nuclear material security and reactor safety.”¹⁵ This is not unacceptable to India. India exercised the nuclear option after years of deliberations with the international community advocating abolition of nuclear weapons. But as these pleas fell on deaf ears compounding with deteriorating regional security environment, India finally went nuclear in its national security interest. Thus India’s nuclear option was a carefully planned rational choice, which it will never revert back unilaterally. Despite so, India has maintained a responsible nuclear record and has been one of the most vociferous advocates of nuclear disarmament. It has upheld its non-proliferation obligations as evident from the enactment of the stringent export control Act in 2005 and harmonized its export lists with the NSG and the MTCR. India has also taken measures to implement the UNSCR 1540 for preventing proliferation of nuclear weapons. India signed with the IAEA the India-Specific Safeguards Agreement in August 2008 as part of the Indo-US civil nuclear deal. Thus any attempt by the non-proliferation order towards persuading India to accept the NPT in the capacity of a NNWS will fall far short of the requirement. Hence, instead of arduously stressing for the universalization of an ineffective and unfair treaty, the NPT members must enforce “alternative structures to deal with the challenge of non-proliferation.”¹⁶

The NPT (under Article IV) assures the NNWS unrestricted access to civilian nuclear technology, including mastery over the nuclear fuel cycle in return for their pledge to renounce nuclear weapons. However, over the years many states have had to face unequal policies of the NWS in the form of restraints imposed on this right by ad hoc structures like the NSG, Zangger Committee and other export controls. It was the impeccable non-proliferation record of India that finally earned it the distinction of being worthy of acquiring the NSG approval for global commerce in civilian nuclear energy. Presently, India’s stated objective is to be accepted as a NWS with full right to trade in civilian nuclear commerce equivalent to that of the other NWS within the NPT. It is true that access to nuclear technology will bring NNWS on the brink of nuclear weapon capability. Nonetheless, this will remain a contending issue on the RevCon table. How far this challenge can be reconciled with the growing demands of nuclear energy remains to be seen in the upcoming deliberations in 2015.

¹⁵ George Perkovich, Jessica Tuchman Mathews, Joseph Cirincione, Rose Gottemoeller, Jon Wolfsthal, “Universal Compliance: A Strategy for Nuclear Security,” Carnegie Endowment Report, March 2005 at <http://www.carnegieendowment.org/files/UC2.FINAL3.pdf> (Accessed on March 30, 2015).

¹⁶ C Raja Mohan, “Nuclear India and the Changing Global Non-proliferation Order,” in C Uday Bhaskar and C Raja Mohan (eds.), *Emerging Nuclear Proliferation Challenges* (New Delhi: IDSA, 2005).

India has a shared interest in preventing nuclear proliferation and implementing nuclear disarmament. India believes that this can be achieved by reducing the salience on nuclear weapons in the security doctrines of the NWS. Incidentally, this was one of the 7-point agenda of the Action Plan proposed by former PM Rajiv Gandhi in 1988. However, 44 years since the NPT came into force, nuclear weapons still continue to hold an indispensable position in the military doctrines of all NWS. Some states view the acquisition of nuclear weapons as necessary to balance the overwhelming conventional superiority of the enemy. The NATO forces used this rationale of balance of terror against the former Soviet Union's perceived superiority in conventional forces. At present, Russia is following the same logic whereby it maintains tactical nuclear weapons to counter the perceived superiority of NATO's conventional forces. Within South Asia, the scenario is quite similar. Pakistan's nuclear weapons are primarily India-centric and are believed to neutralize India's conventional superiority. Nuclear weapons are retained by some states and are perceived to be a hedge against any future or emerging threat. France also falls in this category. The US proposal to make more sophisticated, miniaturized and militarily usable nuclear weapons for tactical purposes has further eroded any prospects of reducing the salience on nukes. Contrarily, India regards nuclear weapons as merely political instruments and not meant for war fighting

VI. 2015 NPT RevCon and India

What is India expecting from the 2015 RevCon? Ahead of the 2015 RevCon, India has stated its position clear on the NPT. In October 2014, Ambassador D B Venkatesh Varma, Permanent Representative of India to the Conference on Disarmament, Geneva, announced, "There is no question of India joining the NPT as a non-nuclear weapon state."¹⁷ However, this does not constrain India from supporting the three mutually reinforcing pillars of the NPT that strengthen the global non-proliferation regime. To that extent, India has already ratified the Additional Protocol to its Safeguards Agreement with the IAEA in July 2014. India continues to attach highest priority to global, non-discriminatory, verifiable nuclear disarmament and the complete elimination of nuclear weapons in a time bound manner.¹⁸ In continuity of its stated position, India after the third Preparatory Committee of the NPT RevCon (April – May 2014) called for a meaningful dialogue among all states possessing nuclear weapons to garner support and confidence for reducing salience upon nuclear weapons. In the upcoming NPT RevCon,

¹⁷ "Statement by Ambassador DB Venkatesh Varma, Permanent Representative of India to the CD Thematic Debate on Nuclear Weapons at the First Committee," October 20, 2014, http://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com14/statements/20Oct_India.pdf (Accessed on March 30, 2015)

¹⁸ "Statement by Ambassador DB Venkatesh Varma Permanent Representative of India to the Conference on Disarmament, Geneva at the 2015 Substantive Session of the United Nations Disarmament Commission," April 7, 2015 at https://www.pminewyork.org/adminpart/uploadpdf/42568pr_disa_7_4.pdf

India would expect that the NWS would reaffirm their commitment towards irreversible and verifiable cuts in their nuclear arsenals and to reduce the role of nuclear weapons in their strategic calculus. India emphasizes the need for all NWS is to reaffirm the logical point that nuclear war cannot be won and must not be fought. If a commission of former Strategic Force commanders from the nine NWS can publicly establish this, we [the non-proliferation regime] would then considered to have taken a giant step towards the delegitimization of nuclear weapons and their elimination.¹⁹

States must take visible and concrete steps to reduce the salience on nuclear weapons. Taking cognition of the complex international affairs and security doctrines, India has emphasized in the CD the importance of building global trust. To make this proposal effective, India has proposed to convert its policies of no first use and non-use of nuclear weapons against NNWS into bilateral and multilateral legally binding arrangements. India believes that these measures would increase restraints on use of nuclear weapons and facilitate their effective delegitimization. Towards this end, India has supported the UNGA resolution 68/32 and the working paper CD/1999 submitted by member states belonging to the G-21 seeking the commencement of negotiations in the CD on a Comprehensive Nuclear Weapons Convention (NWC).²⁰ A NWC seeks to prohibit the development, testing, production, stockpiling, transfer and use of nuclear weapons. The treaty would also need to prevent the production of weapons-usable fissile material and address delivery vehicles, which would either need to be destroyed or converted to make them non-nuclear capable.²¹ Further as a member state of the Non-Aligned Movement, India in consonance with the Group has declared September 26 as the International Day for the total Elimination of Nuclear Weapons and has decided to convene a UN high-level international conference by 2018 to assess progress achieved in nuclear disarmament.²² In furtherance to the process of delegitimizing nuclear weapons in 2014, India on behalf

¹⁹ K Subrahmanyam, "Rajiv Gandhi's Vision of an NFWF in Today's Context," in Manpreet Singh (ed.), *Towards A Nuclear Weapon Free World* (New Delhi: Knowledge World, 2009).

²⁰ Statement by Ambassador D B Venkatesh Varma, Permanent Representative of India to the Conference on Disarmament at the General Debate of the First Committee of the 69th UNGA, October 07, 2014, <http://www.mea.gov.in/Speeches-Statements.htm?dtl/24058/Statement+by+Ambassador+D+B+Venkatesh+Varma+Permanent+Representative+of+India+to+the+Conference+on+Disarmament+at+the+General+Debate+of+the+First+Committee+of+the+69th+UNGA> (Accessed on April 2, 2015). A NWC seeks to prohibit the development, testing, production, stockpiling, transfer and use of nuclear weapons. The treaty would also need to prevent the production of weapons-usable fissile material and address delivery vehicles, which would either need to be destroyed or converted to make them non-nuclear capable.

²¹ "A Nuclear Weapons Convention: Now We Can" Acronym, 2010 and Beyond: NPT Briefing 11, <http://www.acronym.org.uk/npt/npt2010%20B11%20-%20Nuclear%20Weapons%20Convention.pdf> (Accessed on April 15, 2015)

²² "Statement By H.E. Dr.R. M. Marty M. Natalegawa Minister of Foreign Affairs Republic of Indonesia on behalf of the Non-Aligned Movement States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons at the General Debate of the Third Session of the Preparatory Committee for the 2015 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapon," New York April 28, 2014, http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/28APRIL_NAM.pdf (Accessed on March 30, 2015)

of its sponsors tabled a draft resolution called 'Reducing Nuclear Dangers'. "The resolution highlights the need for a review of nuclear doctrines and immediate steps to reduce the risk of unintentional or accidental use of nuclear weapons, including through de-alerting and de-targeting of nuclear weapons."²³ India has also presented another draft resolution on Convention on the Prohibition of the Use of Nuclear Weapons, which contributes to the process of the step-by-step de-legitimization of nuclear weapons.²⁴ However, the non-proliferation order can be strengthened only if NWS conducted substantial negotiations for a global agreement on no-first-use policy of nuclear weapons. A further step could be an agreement by the NWS ruling out the use of nukes against NNWS. In addition, NWS would also need to take practical steps to reduce the accidental risks of nuclear war and lower the alert status through gradual de-alerting actions of their strategic weapons consistent with the defensive role of nuclear weapons. The Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons has laid emphasis on the importance of undertaking concerted measures to diminish the salience of nuclear weapons in doctrines, policies, military and security concepts and undertake cooperative measures to reduce the risk of nuclear accidents and promote international stability.

The issue of nuclear disarmament has always generated much debate in all the preceding RevCons. The NWS have always tried to associate this cardinal objective of the NPT by playing up with START II and I. They are never exhausted in pointing out the reductions the NWS have made since the Cold War days. As an additional measure, the NWS have complicated the nuclear disarmament prospect by linking it with regional stability and regional disarmament. This approach has not produced any positive results towards nuclear disarmament. Traditionally a strong supporter of nuclear disarmament, India, despite being a non-NPT member, has reaffirmed its commitment to Article VI of the Treaty time and again. The Rajiv Gandhi Action Plan called for a binding commitment to eliminate nuclear weapons in stages by 2010. Earlier in October 2006, India in its Working Paper presented to the First Committee on Disarmament, in UNGA, upheld important measures that were included in the Action Plan of 1988 for achieving the goal of nuclear disarmament. In 2007, India reiterated its commitment by submitting a working paper on nuclear disarmament in a CD and expressed its support to the recent proposals favoring a nuke-free-world by George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn. In February 2008, the Indian Ambassador, Hamid Ali Rao, while referring to the Action Plan of 1988 called for an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances.²⁵ Towards this end,

²³ "Statement by Ambassador DB Venkatesh Varma, Permanent Representative of India to the CD Thematic Debate on Nuclear Weapons at the First Committee," October 20, 2014 http://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com14/statements/20Oct_India.pdf (Accessed on March 30, 2015)

²⁴ Ibid.

²⁵ Statement made by Ambassador Hamid Ali Rao, Permanent Representative, Government of India at the Convention on Disarmament, Geneva, presenting a 7-point Disarmament Agenda on February 28, 2008. [Speeches/ Statement, February 28, 2008,

India supports the establishment of an Ad Hoc Committee on negative security assurances to negotiate on effective international measures to assure NNWS against the use or threat of use of nuclear weapons. India has also said that it is prepared to convert its policy of no-first-use into a multilateral legal arrangement.²⁶ The Indian position on nuclear disarmament is clear: the diplomacy of nuclear disarmament requires a “building block approach” that takes into account the “interest of all its stakeholders.”

In the 2015 RevCon, India must emphasize on issues like verification mechanisms prohibiting the development, production, stockpiling and use of nuclear weapons as a vital confidence building measure and maintaining regional restraint. India might also insist on a “time-bound commitment” for the complete abolition of nuclear weapons. India is already insisting on the appointment of a Special Coordinator to build a consensus for establishing an ad hoc committee on nuclear disarmament.

On other initiatives like the FMCT, India has expressed support in the CD for an equal, multilateral and globally verifiable treaty banning the production of fissile materials for weapons subject to India’s national security interests. India may suggest to make such a treaty less discriminatory by proposing that the holders of large stocks of fissile material will be required to condense their stocks to a level where the holdings of all NWS is approximately at a comparable level. This would invariably include a discussion on the existing stocks – a position on which India has differed so far. Nonetheless, India continues to support the objectives of the FMCT. As part of the 2005 India-US civil nuclear cooperation India has agreed to work with the US to conclude a multilateral Fissile Material Cutoff Treaty. Following the Third Preparatory Committee of the 2015 RevCon, India has reiterated its support towards the commencement of negotiations of an FMCT in the CD on the basis of the agreed mandate.²⁷ India has expressed hope that the work of the Group of Governmental Experts on FMCT will facilitate early commencement of negotiations on the Treaty in the CD.²⁸ However, given the strategic requirements, India will reject any proposal for unilateral moratorium on the production of fissile material.

India has generally opposed the CTBT primarily because of its “unjust and unequal nature”. Although India has refrained from signing and ratifying the Treaty, New Delhi has upheld its pledge on moratorium on nuclear tests. However, any progress on this important arms control issue can be initiated by the US and other NWS. Washington

<http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/cd/2008/statements/1session/Feb28India.pdf> (Accessed on March 30, 2015)

²⁶ Ibid.

²⁷ Statement by Ambassador DB Venkatesh Varma Permanent Representative of India to the Conference on Disarmament, Geneva at the 2015 Substantive Session of the United Nations Disarmament Commission, April 7, 2015, https://www.pminewyork.org/adminpart/uploadpdf/42568pr_disa_7_4.pdf (Accessed on April 15, 2015)

²⁸ Statement by Ambassador D B Venkatesh Varma, Permanent Representative of India to CD During the First Committee Thematic Debate on UN Disarmament Machinery, October 17, 2014, http://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com14/statements/17Oct_India.pdf (Accessed on March 30, 2015)

needs to ratify the Treaty to make the way for China to accept the CTBT. This can be a major incentive for India to sign the Treaty. India has already indicated to Japan “that any Indian accession to the CTBT would have to await American and Chinese ratification.”²⁹ However, pronouncements from Pakistan that it will not sign the CTBT on the basis of its national security interests can scuttle progress on this matter.³⁰

The challenge of nuclear proliferation is a major challenge facing international security today. India has rendered support to some of the vital counter-proliferation initiatives. India joined the Container Security Initiative after extensive deliberations with the Bush government. Though some operational issues remain impending on the matter, India has agreed to sort it out. To recall, a CSI-compliant pilot project was launched in the Jawaharlal Nehru Port Trust in early 2005.

India has pointed at some problems as regards to the legality of the Proliferation Security Initiative (PSI) in the international law. However, it has not rejected the PSI altogether. New Delhi, along with Beijing, has agreed to discuss the issue. India would expect clarity on certain issues like the procedures to be adopted and the “decision making coalition on whom and when to interdict.” India is also aware of the grave challenges faced by the non-proliferation regime with respect to the risks posed by the terrorists gaining access to WMDs and their related sensitive materials and technologies. With an increase in incidents of nuclear and other radioactive materials out of regulatory control (See Table 1), India has joined efforts with the international community to combat the risks of illicit trafficking of nuclear and other radioactive materials. To this extent, India has pledged to table a draft resolution entitled ‘Measures to Prevent Terrorists From Acquiring Weapons Of Mass Destruction’.³¹ India has declared its support for other non-proliferation measures like the Global Initiative to Combat Nuclear Terrorism (GICNT) to deal with the “ongoing threat” of nuclear terrorism. As a further measure to improve nuclear security, India has established its nuclear Centre of Excellence – Global Centre for Nuclear Energy Partnership (GCNEP) with the vision to promote safe, secure and sustainable nuclear energy for the service of mankind through global partnership.³² The GCNEP is a specialized Research and Development unit under the guidance of the Department of Atomic Energy. It is expected to be an effective forum to highlight India’s progress and

²⁹ Siddharth Varadarajan and K. V. Prasad, “Manmohan signals return to Vajpayee line on CTBT,” *The Hindu*, January 5, 2010 <http://www.thehindu.com/opinion/columns/siddharth-varadarajan/manmohan-signals-return-to-vajpayee-line-on-ctbt/article72570.ece> (Accessed on March 30, 2015)

³⁰ “Pakistan Rules out Test Ban Treaty Endorsement,” Nuclear Threat Initiative, June 19, 2009, <http://www.nti.org/gsn/article/pakistan-rules-out-test-ban-treaty-endorsement/> (Accessed on March 15, 2015).

³¹ Statement by Ambassador DB Venkatesh Varma Permanent Representative of India to the Conference on Disarmament, Geneva, Thematic Debate on Nuclear Weapons at the First Committee of the 68th Session of the United Nations General Assembly, New York, October 18, 2013, http://www.un.org/disarmament/special/meetings/firstcommittee/68/pdfs/TD_21-Oct_CL-1_India.pdf (Accessed on March 15, 2015))

³² “Global Centre for Nuclear Energy Partnership,” Department of Atomic Energy, <http://www.gcnep.gov.in/> (Accessed ON March 15, 2015))

development in the field of nuclear safety, security, and advanced nuclear and radiation technologies. It will help build capacity in technology training and human resource development for enhanced nuclear security.

India recognizes the importance of prevention of an arms race in outer space (PAROS) as a critical issue on the UN disarmament and arms control agenda. While recognizing the sovereign rights of all states in the exploration and use of space for peaceful purposes, India upholds the position that prevention of arms race and deployment of arms in outer space is crucial for international peace and security. Unfortunately, India has been excluded from the GGE on Transparency and Confidence-building Measures (TCBMs) in outer space activities despite showing highly accomplishments on Information and Telecommunications sectors. However, India has pledged not to obstruct the consensus on the third item agenda on “Recommendations for the implementation of Transparency and Confidence-Building Measures in Outer Space activities,” in pursuance of previous UNGA Resolutions, including 69/77.

India has demonstrated that nuclear disarmament constitutes the highest priority of the global community. In consonance with this position, India participated in the Oslo (March 2013), Nayarit (February 2014) and Vienna (December 2014) meetings on the Humanitarian Impact of Nuclear Weapons and “shared concern on the serious threat to the survival of mankind that could be posed by the use of nuclear weapons.”³³ India emphasized the importance of the initiative and expressed that “these discussions can be more meaningful if they are inclusive and if they encourage the participation of all states including the states possessing nuclear weapons.”³⁴ India appealed to the international community that “renewed attention on the most serious threat to the survival of mankind posed by the use of nuclear weapons would help generate positive momentum for global and non-discriminatory nuclear disarmament.”³⁵ Drawing attention to the catastrophic impact of nuclear weapons as evident from the bombings of Hiroshima and Nagasaki, India believes the international community must persevere towards the non-use of these lethal weapons in future. “There is a need to strengthen the international norm of nearly seventy years of non-use of nuclear weapons.”³⁶ India has emphasized the urgency to increasingly reduce nuclear dangers, while addressing risks of nuclear proliferation and nuclear terrorism.

VII. Conclusion

³³ “The Vienna Conference on the Humanitarian Impact of Nuclear weapons 8-9 December 2014 Statement by Dr Suhel Ajaz Khan, Counsellor, Permanent Mission of India, Vienna and Head of the Indian Delegation,” Embassy of India, 8-9 December 2014, <http://www.indianembassy.at/embassynews.php?nid=329> (Accessed on April 15, 2015)

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

In conclusion, it can be stated that the NPT structure as it stands today is badly shaken and the non-proliferation order is in crisis. Needless to say, an ineffective regime is of no purpose to anyone. Quite logically, the structural arrangement of the NPT regime is no longer capable of preventing proliferation due to its flawed nature. The grand bargain on which the edifice of the NPT stands remains unfulfilled. The need of the hour is to abandon “exclusivist thinking” and face the withstanding problems with a global approach. India as a nuclear weapons power is the emerging balancer that can make a difference to the existing order. India has proclaimed its willingness to work with the international community with a multilateral approach in consolidating the non-proliferation order. However, much remains to be seen on how the 2015 RevCon will be able to make any major breakthrough in accommodating India’s interests. As an emerging power, India can take the initiative to usher into a new paradigm of security based on balanced interests and equal rights. To do that, New Delhi will have to uphold its stand on several issues that it has already placed on the agenda. The 2015 RevCon deliberations will show how far the international community is willing to offer a leadership role to India for it to play an affective role and make a visible difference in the non-proliferation regime.

Reshmi Kazi (Ph.D) is Associate Fellow in the Institute for Defence Studies and Analyses, New Delhi. She specializes in areas of nuclear non-proliferation, nuclear terrorism and nuclear disarmament issues. She completed her doctorate from Jawaharlal Nehru University, New Delhi. Her doctoral thesis is on 'Evolution of India's Nuclear Doctrine: A Study of Political, Economic and Technological Dimensions.' Her latest monograph is "Nuclear Terrorism: The Grand New Terror of the 21st Century" (IDSA Monograph Series, No. 27, October 2013).

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