Against Nuclear Apartheid

Jaswant Singh

THE CASE FOR INDIA'S TESTS

WHILE THE end of the Cold War transformed the political landscape of Europe, it did little to ameliorate India's security concerns. The rise of China and continued strains with Pakistan made the 1980s and 1990s a greatly troubling period for India. At the global level, the nuclear weapons states showed no signs of moving decisively toward a world free of atomic danger. Instead, the nuclear nonproliferation treaty (NPT) was extended indefinitely and unconditionally in 1995, perpetuating the existence of nuclear weapons in the hands of five countries busily modernizing their nuclear arsenals. In 1996, after they had conducted over 2,000 tests, a Comprehensive Test Ban Treaty (CTBT) was opened for signature, following two and a half years of negotiations in which India participated actively. This treaty, alas, was neither comprehensive nor related to disarmament but rather devoted to ratifying the nuclear status quo. India's options had narrowed critically.

India had to ensure that its nuclear option, developed and safeguarded over decades, was not eroded by self-imposed restraint. Such a loss would place the country at risk. Faced with a difficult decision, New Delhi realized that its lone touchstone remained national security. The nuclear tests it conducted on May 11 and 13 were by then not only inevitable but a continuation of policies from almost the earliest years of independence. India's nuclear policy remains firmly committed to a basic tenet: that the country's national security in a world of nuclear

---

JASWANT SINGH is Senior Adviser on Defense and Foreign Affairs to Indian Prime Minister Atal Bihari Vajpayee and a Member of Parliament for the Bharatiya Janata Party.

proliferation lies either in global disarmament or in exercise of the principle of equal and legitimate security for all.

THE TESTS OF MAY

In 1947, when a free India took its rightful place in the world, both the nuclear age and the Cold War had already dawned. Instead of aligning with either bloc, India rejected the Cold War paradigm and chose the more difficult path of nonalignment. From the very beginning, India's foreign policy was based on its desire to attain an alternative global balance of power that, crucially, was structured around universal, nondiscriminatory disarmament.

Nuclear technology had already transformed global security. Nuclear weapons, theorists reasoned, are not actually weapons of war but, in effect, military deterrents and tools of possible diplomatic coercion. The basis of Indian nuclear policy, therefore, remains that a world free of nuclear weapons would enhance not only India's security but the security of all nations. In the absence of universal disarmament, India could scarcely accept a regime that arbitrarily divided nuclear haves from have-nots. India has always insisted that all nations' security interests are equal and legitimate. From the start, therefore, its principles instilled a distaste for the self-identified and closed club of the five permanent members of the U.N. Security Council.

During the 1950s, nuclear weapons were routinely tested above ground, making the mushroom cloud the age's symbol. Even then, when the world had witnessed only a few dozen tests, India took the lead in calling for an end to all nuclear weapons testing, but the calls of India's first prime minister, Jawaharlal Nehru, went unheeded.

In the 1960s, India's security concerns deepened. In 1962, China attacked India on its Himalayan border. The nuclear age entered India's neighborhood when China became a nuclear power in October 1964. From then on, no responsible Indian leader could rule out the option of following suit.

With no international guarantees of Indian security forthcoming, nuclear abstinence by India alone seemed increasingly worrisome. With the 1962 war with China very much on his mind, Indian Prime Minister Lal Bahadur Shastri began tentatively investigating

a subterranean nuclear explosion project. A series of Indian nonproliferation initiatives had scant impact. In 1965, to make matters worse, the second war between India and Pakistan broke out. Shastri died in 1966 and was succeeded by Indira Gandhi, who continued the fruitless search for international guarantees. In 1968, India reaffirmed its commitment to disarmament but decided not to sign the NPT. In 1974, it conducted its first nuclear test, Pokharan I.

If nuclear deterrence works in the West, why won't it work in India?

The first 50 years of Indian independence reveal that the country's moralistic nuclear policy and restraint paid no measurable dividends, except resentment that India was being discriminated against. Disarmament seemed increasingly unrealistic politics. If the permanent five's possession of nuclear weapons increases security, why would India's possession of nuclear weapons be dangerous? If the permanent five continue to employ nuclear weapons as an international currency of force and power, why should India voluntarily devalue its own state power and national security? Why admonish India after the fact for not falling in line behind a new international agenda of discriminatory nonproliferation pursued largely due to the internal agendas or political debates of the nuclear club? If deterrence works in the West—as it so obviously appears to, since Western nations insist on continuing to possess nuclear weapons—by what reasoning will it not work in India? Nuclear weapons powers continue to have, but preach to the have-nots to have even less. India counters by suggesting either universal, nondiscriminatory disarmament or equal security for the entire world.

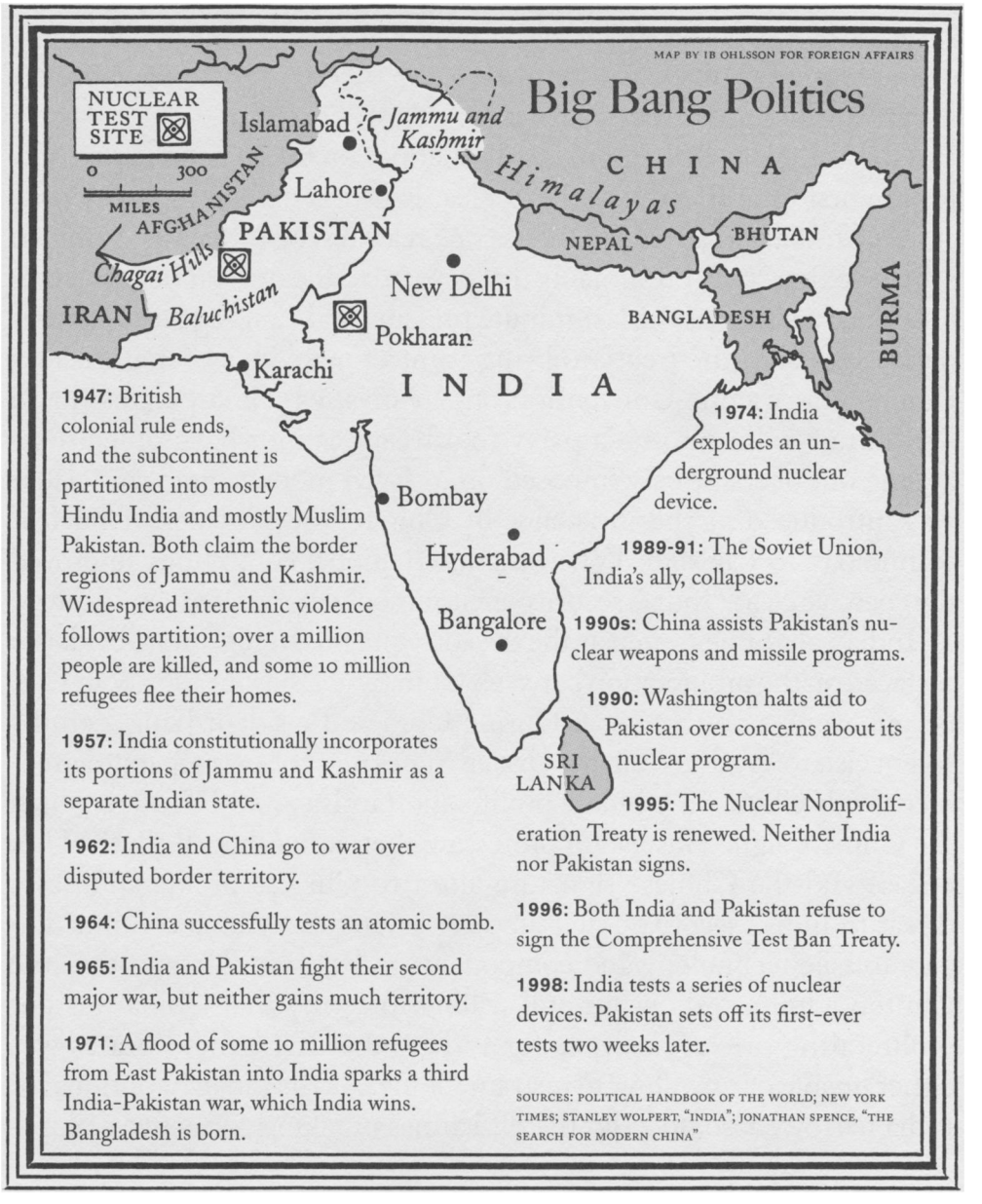
India is alone in the world in having debated the available nuclear options for almost the last 35 years. No other country has deliberated so carefully and, at times, torturously over the dichotomy between its sovereign security needs and global disarmament instincts, between a moralistic approach and a realistic one, and between a covert nuclear policy and an overt one. May 11, 1998, changed all that. India successfully carried out three underground nuclear tests, followed on May 13 by two more underground, sub-kiloton tests. These five tests, ranging from the sub-kiloton and fission variety to a thermonuclear device, amply demonstrated India's scientific, technical, and organizational abilities,

which until then had only been vaguely suspected. A fortnight later, on May 28 and 30, neighboring Pakistan predictably carried out its own tests in the bleak fastness of the Chagai Hills in Baluchistan, near the Afghan border. Suddenly the strategic equipoise of the post–Cold War world was rattled. The entire nonproliferation regime and the future of disarmament were at the forefront of international agendas.

THE FAILURE OF THE OLD REGIME

SINCE INDEPENDENCE, India has consistently advocated global nuclear disarmament, convinced that a world without nuclear weapons will enhance both global and Indian security. India was the first to call for a ban on nuclear testing in 1954, for a nondiscriminatory treaty on nonproliferation in 1965, for a treaty on nonuse of nuclear weapons in 1978, for a nuclear freeze in 1982, and for a phased program for complete elimination of nuclear weapons in 1988. Unfortunately, most of these initiatives were rejected by the nuclear weapons states, who still consider these weapons essential for their own security. What emerged, in consequence, has been a discriminatory and flawed nonproliferation regime that damages India's security. For years India conveyed its apprehensions to other countries, but this did not improve its security environment. This disharmony and disjunction between global thought and trends in Indian thought about nuclear weapons is, unfortunately, the objective reality of the world. Nuclear weapons remain a key indicator of state power. Since this currency is operational in large parts of the globe, India was left with no choice but to update and validate the capability that had been demonstrated 24 years ago in the nuclear test of 1974.

India's May 1998 tests violated no international treaty obligations. The CTBT, to which India does not subscribe, permits parties to withdraw if they believe their supreme national interests to be jeopardized. Moreover, the forcing of an unconditional and indefinite extension of the NPT on the international community made 1995 a watershed in the evolution of the South Asian situation. India was left with no option but to go in for overt nuclear weaponization. The Sino-Pakistani nuclear weapons collaboration—a flagrant violation of the NPT—made it obvious that the NPT regime had collapsed in India's neighborhood. Since it is now argued that the NPT is unamendable, the



legitimization of nuclear weapons implicit in the unconditional and indefinite extension of the NPT is also irreversible. India could have lived with a nuclear option but without overt weaponization in a world where nuclear weapons had not been formally legitimized. That course was no longer viable in the post-1995 world of legitimized nuclear weapons. Unfortunately, the full implications of the 1995 NPT extension were debated neither in India nor abroad. This fatal setback to nuclear disarmament and to progress toward delegitimization

of nuclear weapons was thoughtlessly hailed by most peace movements abroad as a great victory.

Nor was the CTBT helpful. In negotiations on the CTBT in 1996, India for the first time stated that the nuclear issue is a national security concern for India and advanced that as one reason why India was unable to accede to the CTBT. Presumably this persuaded the nuclear hegemons to introduce a clause at the last minute pressing India, along with 43 other nations, to sign the treaty to bring it into force. This coercive clause violates the Vienna Convention on Treaties, which stipulates that a nation not willing to be a party to a treaty cannot have obligations arising out of that treaty imposed on it. Even more galling, this clause was introduced at the insistence of China—the provider of nuclear technology to Pakistan. When the international community approved the coercive CTBT, India's security environment deteriorated significantly.

India's plight worsened as the decade wore on. In 1997 more evidence surfaced on the proliferation between China and Pakistan and about U.S. permissiveness on this issue. During Chinese President Jiang Zemin's recent visit to Washington, the United States insisted on a separate agreement with China on Chinese proliferation to Iran and Pakistan, which the Chinese signed instead of professing their innocence. Both the U.S. unease and the Chinese signature attest to Chinese proliferation as a threat to India's security. After all these assurances, China continued to pass missile technology and components to Pakistan. Despite this, the Clinton administration was still willing to certify that China was not proliferating or—even worse for India—that the United States was either unable or unwilling to restrain China. As the range of options for India narrowed, so, too, did the difficulties of taking corrective action.

A FINE BALANCE

TODAY INDIA is a nuclear weapons state. This adds to its sense of responsibility as a nation committed to the principles of the U.N. Charter and to promoting regional peace and stability. During the past 50 years, India made its nuclear decisions guided only by its national interest, always supported by a national consensus. The May 1998 tests resulted from earlier decisions and were possible only because those decisions had been taken correctly.

The earliest Indian forays into the question of nuclear disarmament were admittedly more moralistic than realistic. The current disharmony, therefore, between India and the rest of the globe is that India has moved from being totally moralistic to being a little more realistic, while the rest of the nuclear world has arrived at all its nuclear conclusions entirely realistically. With a surplus of nuclear weapons and the technology for fourth-generation weapons, the other nuclear powers are now beginning to move toward a moralistic position. Here is the cradle of lack of understanding about the Indian stand.

India is sandwiched between two nuclear weapons powers, China and Pakistan.

The first and perhaps principal obstacle in understanding India's position lies in the failure to recognize the country's security needs; of the need in this nuclearized world for a balance between the rights and obligations of all nations; of restraint in acquisition of nuclear weaponry; of ending today's unequal division between nuclear haves and have-nots. No other country in the world has demonstrated the restraint that India has for the nearly quarter-century after the first Pokharan test in 1974.

Now, as the century turns, India faces critical choices. India had witnessed decades of international unconcern and incomprehension as its security environment, both globally and in Asia, deteriorated. The end of the Cold War created the appearance of American unipolarity but also led to the rise of additional power centers. The fulcrum of the international balance of power shifted from Europe to Asia. Asian nations began their process of economic resurgence. The Asia-Pacific as a trade and security bloc became a geopolitical reality. But the rise of China led to new security strains that were not addressed by the existing nonproliferation regime. The 1995 indefinite extension of the NPT—essentially a Cold War arms control treaty with a heretofore fixed duration of 25 years—legitimized in perpetuity the existing nuclear arsenals and, in effect, an unequal nuclear regime. Even as the nations of the world acceded to the treaty, the five acknowledged nuclear weapons powers—Britain, China, France, Russia, and the United States—stood apart; the three undeclared nuclear weapons states—India, Israel, and Pakistan—were also unable to subscribe. Neither the world nor the nuclear powers succeeded in halting the transfer of nuclear weapons technology from

declared nuclear weapons powers to their preferred clients. The NPT notwithstanding, proliferation in India's back yard spread.

Since nuclear powers that assist or condone proliferation are subject to no penalty, the entire nonproliferation regime became flawed. Nuclear technologies became, at worst, commodities of international commerce and, at best, lubricants of diplomatic fidelity. Chinese and Pakistani proliferation was no secret. Not only did the Central Intelligence Agency refer to it but, indeed, from the early 1990s on the required U.S. presidential certification of nonproliferation could not even be provided. India is the only country in the world sandwiched between two nuclear weapons powers.

Today most nations are also the beneficiaries of a nuclear security paradigm. From Vancouver to Vladivostok stretches a club: a security framework in which four nuclear weapons powers, as partners in peace, provide extended deterrent protection. The Americas are under the U.S. nuclear deterrent as members of the Organization of American States. South Korea, Japan, and Australasia are also under the U.S. umbrella. China is, of course, a major nuclear power. Only Africa and southern Asia remain outside this new international nuclear paradigm where nuclear weapons and their role in international conduct are paradoxically legitimized. These differentiated standards of national security—a sort of international nuclear apartheid—are not simply a challenge to India but demonstrate the inequality of the entire nonproliferation regime.

In the aftermath of the Cold War, an Asian balance of power is emerging with new alignments and new vacuums. India, in exercise of its supreme national interests, has acted in a timely fashion to correct an imbalance and fill a potentially dangerous vacuum. It endeavors to contribute to a stable balance of power in Asia, which it holds will further the advance of democracy. A more powerful India will help balance and connect the oil-rich Gulf region and the rapidly industrializing countries of Southeast Asia.

To India's north is the Commonwealth of Independent States, a reservoir that has yet to be fully developed. The Soviet Union's successor, Russia, has considerably less international prestige. Inevitably, the previously existing alliance between India and the former U.S.S.R. has eroded.

On India's western flank lies the Gulf region, a critical source of the world's energy. India has ancient links to the area, as it does to the former

Soviet lands. It also has extensive energy import requirements. The Gulf employs Indian labor and talent. However, this region and its neighbors have been targets of missile and nuclear proliferation. Long-range missiles entered this area in the mid-1980s. Since 1987, nuclear proliferation in the Gulf, with extraregional assistance, has continued unchecked.

Faced as India was with a legitimization of nuclear weapons by the haves, a global nuclear security paradigm from which it was excluded, trends toward disequilibrium in the Asian balance of power, and a neighborhood in which two nuclear weapons countries act in concert, India had to protect its future by exercising its nuclear option. By so doing, India has brought into the open the nuclear reality that had remained clandestine for at least the past 11 years. India could not accept a flawed nonproliferation regime as the international norm when all realities conclusively demanded the contrary.

India's policies toward its neighbors and others have not changed. The country remains fully committed to the promotion of peace, stability, and resolution of all outstanding issues through bilateral dialogue and negotiations. The tests of May 11 and 13 were not directed against any country. They were intended to reassure the people of India about their own security. Confidence-building is a continuous process to which India remains committed.

India's motive remains security, not, as some have speciously charged, domestic politics. Had the tests been motivated simply by electoral exigencies, there would have been no need to test the range of technologies and yields demonstrated in May. In the marketplace of Indian public life, a simple low-yield device would have sufficed. Since that marketplace did not govern the decision to experiment, the tests encompassed the range of technologies necessary to make a credible nuclear deterrent.

JOIN THE CLUB

INDIA IS now a nuclear weapons state, as is Pakistan. That reality can neither be denied nor wished away. This category of "nuclear weapons state" is not, in actuality, a conferment. Nor is it a status for others to grant. It is, rather, an objective reality. India's strengthened nuclear capability adds to its sense of responsibility—the obligation of power. India, mindful of its international duties, is committed to

not using these weapons to commit aggression or to mount threats against any country. These are weapons of self-defense, to ensure that India, too, is not subjected to nuclear coercion.

India has reiterated its desire to enter into a no-first-use agreement with any country, either negotiated bilaterally or in a collective forum. India shall not engage in an arms race, nor, of course, shall it subscribe to or reinvent the sterile doctrines of the Cold War. India remains committed to the basic tenet of its foreign policy—a conviction that global elimination of nuclear weapons will enhance its security as well as that of the rest of the world. It will continue to urge countries, particularly other nuclear weapons states, to adopt measures that would contribute meaningfully to such an objective. This is the defining difference. It is also the cornerstone of India's nuclear doctrine.

That is why India will continue to support initiatives, taken individually or collectively, by the Non-Aligned Movement, which has continued to attach the highest priority to nuclear disarmament. This was reaffirmed most recently at the NAM ministerial meeting held soon after India had conducted its recent series of underground tests. The NAM ministers reiterated their call at the Conference on Disarmament to establish, as the highest priority, an ad hoc committee to start negotiations in 1998 on a phased program for the complete elimination of nuclear weapons within a specified time, including a nuclear weapons convention. The collective voice of 113 NAM countries echoes an approach to global nuclear disarmament to which India has remained committed.

One NAM initiative, to which great importance is attached, resulted in the International Court of Justice's unanimous July 1996 declaration that there is an international obligation to pursue in good faith and bring to a conclusion negotiations leading to comprehensive nuclear disarmament under strict and effective international control. India was one of the countries that appealed to the ICJ on this issue. No other nuclear weapons state has supported this judgment; in fact, they all have decried it. India has been and will continue to be in the forefront of the calls for opening negotiations for a nuclear weapons convention. This challenge should be confronted with the same vigor that has dealt with the scourges of biological and chemical weapons. In keeping with its commitment to comprehensive, universal, and nondiscriminatory approaches to disarmament, India is an original party

to the conventions against both. In recent years, in keeping with these new challenges, India has actively promoted regional cooperation—in the South Asian Association for Regional Cooperation, in the Indian Ocean Rim Association for Regional Cooperation, and as a member of the Association of Southeast Asian Nations Regional Forum. This engagement will continue. The policies of economic liberalization introduced in recent years have increased India's regional and global linkages, and India shall deepen and strengthen these ties.

The genie of nuclear proliferation was out of the bottle long before India's 1998 tests.

India's nuclear policy has been marked by restraint and openness. It has not violated any international agreements, either in 1974 or 1998. This restraint is a unique example. Restraint, however, has to arise from strength. It cannot be based upon indecision or hesitancy. Restraint is valid only when it removes doubts, which is precisely what India's tests did. The action involved was balanced—the minimum necessary to maintain an irreducible component of the country's national security calculus.

Even before 1990, when Congress passed the Pressler amendment cutting off economic and military aid to Pakistan to protest its development of a nuclear program, the genie of nuclear proliferation on the Indian subcontinent was out of the bottle. The much-quoted 1987 interview in which Abdul Qadeer Khan, the chief Pakistani nuclear scientist, verified the existence of Islamabad's bomb simply confirmed what New Delhi had long suspected. The United States, then still engaged in Afghanistan, continued to deny that Pakistan had crossed the nuclear threshold. The explosions at the Chagai Hills on May 28 and 30 testify to the rightness of India's suspicions.

After the tests, India stated that it will henceforth observe a voluntary moratorium and refrain from conducting underground nuclear test explosions. It has also indicated a willingness to move toward a de jure formalization of this declaration. The basic obligation of the CTBT is thus met: to undertake no more nuclear tests. Since India already subscribes to the substance of the test ban treaty, all that remains is its actual signature.

India has also expressed readiness to participate in negotiations in the Conference on Disarmament in Geneva on a fissile material cut-off treaty. The basic objective of this pact is to prohibit future production of fissile materials for use in nuclear weapons. India's approach in these negotiations will be to ensure that this treaty is universal, nondiscriminatory, and backed by an effective verification mechanism. That same constructive approach will underlie India's dialogue with countries that need to be persuaded of India's serious intent. The challenge to Indian statecraft remains to reconcile India's security imperatives with valid international concerns regarding nuclear weapons.

Let the world move toward finding more realistic solutions and evolving a universal security paradigm for the entire globe. Since nuclear weapons are not really usable, the dilemma lies, paradoxically, in their continuing deterrent value. This paradox further deepens the concern of statesmen. How are they to employ state power in the service of national security and simultaneously address international concerns? How can they help the world create an order that ensures a peaceful present and an orderly future? How are they to reconcile the fact that nuclear weapons have a deterrent value with the objective global reality that some countries have this value and others do not? How can a lasting balance be founded? While humanity is indivisible, national security interests, as expressions of sovereignty, are not. What India did in May was to assert that it is impossible to have two standards for national security—one based on nuclear deterrence and the other outside of it.

The end of the Cold War did not result in the end of history. The great thaw that began in the late 1980s only melted down the ancient animosities of Europe. We have not entered a unipolar order. India still lives in a rough neighborhood. It would be a great error to assume that simply advocating the new mantras of globalization and the market makes national security subservient to global trade. The 21st century will not be the century of trade. The world still has to address the unfinished agenda of the centuries.