

Bhumitra Chakma

INDIA AND THE COMPREHENSIVE NUCLEAR TEST BAN TREATY

Abstract

This article examines India's changing CTBT postures and the motivations underlying these policies from the mid-1950s to date. Although India was the first country to propose for a nuclear test ban in 1954, it eventually rejected the CTBT when it was readied for signature in 1996 after three years of intense negotiations. This article explains this U-turn in India's nuclear test ban policy. It argues that basically it was "politics of national security and survival" which guided India's policy that eventually led it to reject the treaty in 1996. The same factor still guides New Delhi's CTBT policy.

INTRODUCTION

The comprehensive nuclear test ban treaty, commonly known as the CTBT, confronted a severe jolt when India (and Pakistan) conducted underground nuclear tests in May 1998. Historically, India had been an active supporter and promoter of such a treaty and actively participated in the CTBT negotiations from 1993-1996. However, it refused to sign this international document when the treaty was finalised in 1996 whereas almost all other countries of the world signed it (two other important non-signatories are Pakistan and North Korea). New Delhi argued that it could not sign the CTBT to protect the vital interest of national security as the treaty failed to tie itself up with a

Dr. Bhumitra Chakma is an Associate Professor, Department of International Relations, Dhaka University, Dhaka, Bangladesh. His E-mail address is: pratmuna@yahoo.com

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time bound framework for nuclear disarmament. It pointed out that the CTBT was a discriminatory international document similar to that of the Non-Proliferation Treaty (NPT), which India has not signed either. Hence, signing the CTBT, it was surmised, would not go in favour of country's national security interests. Following its nuclear tests in May 1998, India has played a 'cat and mouse game' with regard to the signing of the treaty, at times showing the willingness to sign it whereas actually still refusing to do so.

This article examines India's changing CTBT postures and the motivations underlying them. It proceeds in five sections. The following section offers a pre-1996 background of India's stance with regard to nuclear tests since the mid-1950s when discussions for a nuclear test ban began within and outside the United Nations. Section Three discusses India's CTBT negotiating postures during the period from 1993 to 1996 and explains the politics and the rationales for its refusal to sign the treaty. "Section Four examines India's post-1996 policy towards the CTBT and discusses the domestic debate concerning the merits and demerits of signing the document. In the final section, it extrapolates New Delhi's CTBT policy in the near future.

BACKGROUND

India was the first country in the world to propose a comprehensive nuclear test ban treaty in 1954 at the United Nations. Indian Prime Minister Jawaharlal Nehru in an address to the Indian Parliament on 2 April 1954 called for "Some sort of what may be called 'standstill agreement' in respect, at least, of these actual explosions, even if arrangements about the discontinuance of production and stockpiling must await more substantial agreements among those principally concerned."¹ The Indian External Affairs Ministry subsequently sent the extract of this statement as a formal nuclear test

1 *Lok Sabha Debates* 3 (Part II), No. 37 (2 April 1954), col. 3918.

ban proposal to the Secretary General of the United Nations.² Although the Secretary General referred the proposal to the Disarmament Commission, it faced a premature death due to superpowers' lack of interest in it. India again emphasised the necessity of a nuclear test ban treaty at the UN General Assembly in October 1954.³ The major powers opposed it yet again, as they were reluctant to halt their own nuclear testing.

This initial setback, however, could not derail India from pursuing the issue of a global nuclear test ban. In the following years, it urged the major powers to initiate negotiations to effect suspension of experimental explosions of nuclear and thermo-nuclear weapons and to report progress to the Disarmament Commission at an early date."⁴ New Delhi argued that nuclear tests should be stopped on moral, humanitarian, health and legal grounds as well as to advance the cause of nuclear disarmament and non-proliferation. India emphasised that the nuclear test ban issue, considering its urgency, should be dealt with separately from other issues of nuclear disarmament. The major powers, however, continued to overlook this Indian suggestion. Despite reluctance of the major powers, India still actively sought a comprehensive nuclear test ban treaty at the UN and outside it in the following decades until the CTBT was eventually concluded in 1996.⁵

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- 2 The extract of Nehru's statement was sent as an attachment to a letter to the Secretary General of the United Nations. The letter and attachment were issued as U.N. doc. DC/44, April 8, and Corr. April 9, 1954, reprinted in US Department of State, *Documents on Disarmament, 1945-1959* (Washington, D.C.: Department of State Publications, 1960), pp. 408-413.
 - 3 General Assembly Official Records (hereafter G.A.O.R.), 9th Session, 492nd Plenary Meeting (6 October 1954), p. 232.
 - 4 UN doc. A/C.1/L.149; 1 December 1955: A/C. 1/L. 149/REV. 1, 6 December 1955, in G.A.O.R., 10th Session, Annexes, Agenda Items 17 and 66, p. 7.
 - 5 For an overview of India's efforts on nuclear test ban, see, Savita Pande, *CTBT: India and the Nuclear Test Ban Treaty* (New Delhi: Siddhi Books, 1996), Chapter Six, pp. 169-219.

In the early 1960s, India substantially geared up its diplomatic efforts for the suspension of nuclear tests.⁶ This urgency was, in particular, prompted by the strong prospect that China would conduct a nuclear weapon test in the near future. Since the mid-1950s, particularly after Beijing's indication in 1958 that it would develop nuclear weapons, India became very worried about the prospect of the emergence of a nuclear China.⁷ Prior to first such Chinese test in October 1964, the Indian Government, therefore, proposed that "all underground tests should be discontinued immediately, either by unilateral decisions based on the policy of mutual example, or in some other appropriate way, while negotiations are going on for reconciling the differences between the Nuclear Powers."⁸ Following the Chinese test, India's nuclear test ban diplomacy became more Sino-centric and increasingly attendant to India's own strategic concerns relative to China.

It is interesting to observe that while India demanded a ban on nuclear weapons testing during the NPT negotiations (1965-1968), it was equally insistent on retaining the right to conduct nuclear

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- 6 For example, the Indian representative to the UN, C. S. Jha, requested the Secretary General the inclusion of agenda item 'Suspension of nuclear and thermo-nuclear tests' (A/4414, 20 July 1960) in the fifteenth session of the General Assembly. On 14 November 1960, India introduced two draft resolutions on the subject. The first draft resolution (A/C.1/L.255), which was co-sponsored by Sweden and Austria, aimed to solve the few remaining questions in order to reach an early agreement on test ban. The second draft resolution (A/C.1/L.258/Add 1 and 2), which was joined by twenty-four other countries, urged the continuation of a voluntary suspension of nuclear tests and the reporting of the results of negotiations to the General Assembly and the Disarmament Commission. See G.A.O.R., 15th Session, Vol. II, Annexes, Agenda Items 67, 86, 69 and 73, pp. 7-8. In 1961, New Delhi made an urgent appeal to great powers not to resume nuclear tests. In addition, India introduced an agenda item in the General Assembly on the 'Suspension of nuclear and thermo-nuclear tests.' See G.A.O.R., 16th Session, Annexes, Agenda Items 73 and 72: Document A/4801 and ADD.1 (28 July 1961), pp. 3-4.
 - 7 For a historical background of the Chinese nuclear program, see, John Wilson Lewis and Xue Litai, *China Builds the Bomb* (Stanford, Col.: Stanford University Press, 1988), especially pp. 35-72. On an Indian perspective of China's growing nuclear potential in the late 1950s, see, G.G. Mirchandani, *India's Nuclear Dilemma* (New Delhi: Popular Book Services, 1968), pp. 9-12.
 - 8 US Arms Control and Disarmament Agency, *Documents on Disarmament*, 1964 (Washington D.C.: Government Printing Office, 1965), p. 411.

explosions for “peaceful purposes.” Peaceful Nuclear Explosions (PNEs) were opposed by major powers because it retained the possibility of building nuclear weapons by a state as technologically there was hardly any distinction between a weapon test and a peaceful nuclear explosion. India formulated such an approach in the context of its “nuclear option” strategy, which it adopted in the aftermath of the Chinese nuclear test in 1964. Indian Prime Minister Lal Bahadur Shastri indicated in November 1964 that India's nuclear program would entail “peaceful” nuclear explosions, which later gave birth to the “subterranean nuclear explosive project.”⁹

This was, in fact, an Indian attempt to expand its nuclear options around the rubric of ‘peaceful’ nuclear explosive technology. When India conducted what it claimed to be a PNE in 1974, a flurry of diplomatic backlash was generated against New Delhi. A number of countries were highly sceptical about the “peaceful” character of the explosion. Against this backdrop, India changed its nuclear test ban approach once again. Contrary to its previous approach to treat a nuclear test ban separately from other issues of nuclear disarmament, it now began to demand that this issue should be considered as an integral part of complete disarmament. The Indian UN representative at the General Assembly in 1978, for example, argued that a test ban treaty should be followed or preferably accompanied by other measures, such as agreement on measures of non-use and phased reduction and elimination of nuclear weapons, the cessation of the qualitative improvement of nuclear weapons, the cessation of production of fissile materials for nuclear purposes, and the limitation and gradual reduction of armed forces and conventional weapons within the framework of a “comprehensive programme of disarmament.”¹⁰ This formulation was warranted to tackle the diplomatic backlash that its nuclear explosion

9 Raja Ramanna, *Years of Pilgrimage* (New Delhi: Viking, 1991), p. 74; George Perkovich, *India's Nuclear Bomb* (Los Angeles: University of California Press, 1999), p. 82.

10 G.A.O.R., 33rd Session, 29th Plenary Meeting (10 October 1978), pp. 546-547.

unleashed and to make its nuclear test ban approach more consistent with its endeavour to build a credible “nuclear option.”

During the period from mid-1950s to the late 1980s, India's relentless campaign for a comprehensive nuclear test ban treaty was impeded by the Cold War rivalry between the two power blocs. For strategic reasons, both the United States and the Soviet Union were reluctant to halt nuclear testing. Following the end of the Cold War, renewed efforts began throughout the international community to move forward to commence discussion on a nuclear test ban convention. In August 1993, the Geneva based Conference on Disarmament (CD) established an Ad Hoc Committee on Nuclear Test Ban with a mandate to negotiate a treaty. The UN General Assembly furthered the process by adopting the resolution – “Comprehensive Nuclear Test Ban Treaty” (Resolution 48/70) –on 16 December 1993. Formal negotiations for a CTBT began in the Ad Hoc Committee on 25 January 1994.

INDIA AND THE CTBT NEGOTIATIONS

India had supported all these measures undertaken by the UN towards a CTBT and participated actively in the ensued negotiations. Although flexible and accommodative at the initial stage of negotiations, its approach still remained cautious. A quotation from India's ambassador to the United Nations, Satish Chandra, is worth citing in this context. It highlights the Indian attitude toward a CTBT at the time and its commensurate negotiating postures:

The scope of the comprehensive test-ban treaty has been clearly spelt out in the preamble of the PTBT of 1963, which recognised that its objective was to seek to achieve the discontinuance of all tests on nuclear weapons for all times. In our view, therefore, a treaty on nuclear test ban, which would be comprehensive in character, should have three essential characteristics, namely, (i) it should cover all states including the five nuclear-weapon

states; (ii) it should extend the prohibition on the testing of nuclear weapons to the underground environment as well; and (iii) it should do so for all time. The verification system to be developed must be non-discriminatory in character in the sense of providing equal rights and obligations to the state parties to the proposed treaty including equal access. The aim of the CTBT and consequently its scope should be to prevent the testing of nuclear weapons and thereby to inhibit in a non-discriminatory way proliferation of nuclear weapons in their horizontal as well as vertical dimension. It cannot be conceived as an instrument designed to curtail technological progress or to perpetuate the division of the world into two categories of nations. In the promotion for achievement of a nuclear test ban, the interests of the nuclear weapon states must be taken into account on the basis of complete equality with the interests of the non-nuclear-weapon states.¹¹

As the negotiations progressed, India sensed that the emerging treaty would not address its own vital strategic concerns. Therefore, it drifted from the initial flexible position on a CTBT toward a more rigid stance. The Indian Government provided two official reasons for a change of position in the middle of CTBT negotiations in 1995. Firstly, the indefinite extension of the NPT in May 1995 divided the world permanently into "nuclear haves and have-nots," while little had been done on disarmament. Secondly, as little had been achieved in terms of nuclear disarmament, India's national security concerns required that India maintained a nuclear option.¹² India's changed posture was

11 "Statement by Shri Satish Chandra, Ambassador/Permanent Representative of India to UN Offices at Geneva, in the Plenary of the Conference on Disarmament," 29 July 1993, printed in Ministry of External Affairs, *Statements by India on Comprehensive Nuclear Test Ban Treaty (CTBT)*, 1993-1996 (New Delhi: External Publicity Division, Ministry of External Affairs, Government of India, 1996), pp. 3-4.

12 Pravin Sawhney, "Standing Alone: India's nuclear imperative," *International Defense Review*, Vol. 29, No. 1 (1996), p. 25.

reflected in an address of Indian External Affairs Minister, Pranab Mukherjee, at the 50th anniversary celebration of the United Nations: "In our view, the CTBT must be an integral step in the process of nuclear disarmament. ... 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."¹³ Against this backdrop, the Indian representative at the CD began to insist that the "Preamble of the Treaty will have to clearly define the linkage of the CTBT to the overall framework of nuclear disarmament."¹⁴ This became the cornerstone of proposed Indian amendments on a draft CTBT submitted in January 1996. As paragraph eight of the Indian proposal stipulated: "... the most effective way to achieve an end to nuclear testing is through conclusion of a universal and internationally and effectively verifiable comprehensive nuclear test ban treaty that will attract the adherence of all states and will contribute to the prevention of the proliferation of nuclear weapons in all its aspects and will be an integral step in the time-bound process of nuclear disarmament and therefore to the enhancement of international peace and security."¹⁵

India's initial position to link the nuclear test ban treaty with a binding commitment for global elimination of nuclear weapons within a 'time-bound framework' was significant. However, at the outset of CTBT negotiations, this Indian demand for linkage was not as stringent as it became later. Initially, New Delhi simply maintained that the only credible guarantee against the use or threat of use of nuclear weapons lay in the elimination of these weapons. This was not surprising given its past position on the issue. Still India's position was accommodative as was reflected in its assertion that the major powers should give

13 'Statement by External Affairs Minister Shri Pranab Mukherjee at UN General Assembly,' reprinted in *Foreign Affairs Record* (New Delhi) Vol. XLI, No. 9 (September 1995), p. 280.

14 *Statements by India on Comprehensive Nuclear Test Ban Treaty (CTBT), 1993-1996, op. cit.*, p. 51.

15 CD/NTB/WP295, 25 January 1996.

security guarantees to the non-nuclear states while aiming at eventual nuclear disarmament.¹⁶ New Delhi's adoption of a rigid stance in the middle stage of negotiations implied that it had reservations about the emerging treaty and it would not hesitate to stay out if its primary concerns were not addressed.

India's position visibly tightened when the major nuclear powers rejected India's proposed amendments, which it submitted in January 1996. In June 1996, the Indian ambassador expressed extreme disappointment over the CTBT because it contained "Weak and woefully inadequate preambular references to nuclear disarmament" and indicated that India would not accept the treaty in its "present form."¹⁷ Eventually, India refused to sign the treaty and technically blocked it because of the Entry Into Force (EIF) clause, which needed India's signature and ratification to come into force.¹⁸

Several key factors were involved behind India's hardening of position that eventually led it to reject the CTBT. First, although India had long been a proponent of a CTBT in principle, its support for such a treaty waned in view of strategic considerations when actual negotiations began. Two specific developments during the CTBT discussions had critical bearing on New Delhi's negotiating postures. One was the indefinite extension of the NPT in April 1995.¹⁹ This meant that the division of the world into nuclear "haves" and "have-nots" had been permanently codified and India's status as *de jure* nuclear 'have-not' was sealed. More importantly from India's point of view, China, its major strategic adversary, could retain nuclear weapons

16 *Statements by India on Comprehensive Nuclear Test Ban Treaty (CTBT)*, 1993-1996, *op. cit.*, p. 14.

17 *Ibid.*, p. 103. India's External Affairs Minister in a *Suo Moto* statement to the Indian Parliament on 15 July 1996 expressed this same view. This statement is printed in *ibid.*, pp. 107-110.

18 According to Entry Into Force (EIF) clause (Article XIV), all forty-four countries, which have nuclear power and research reactors, must sign and ratify the treaty before it entered into force.

19 For a perceptive Indian critique of the indefinite extension of the NPT in 1995, see K. Subrahmanyam, 'After the NPT Extension: Perpetuating Nuclear Status Quo,' *The Times of India*, 16 May 1995.

indefinitely, while India could not build a “legal” nuclear force. Moreover, India also feared that it would now be isolated in international nuclear diplomacy and face severe pressure from the major powers to sign the NPT.

The second development was the conduct of nuclear tests by China and France during the CTBT negotiations. This implied that the nuclear powers did not have a “genuine” intention to nuclear disarmament and the CTBT was primarily meant to prevent countries like India from acquiring a nuclear weapons capability. Against such a backdrop, India realised that the emerging treaty would not address its vital security concerns. Under such circumstances, India did not hesitate to drift from its initial position of qualified support. As the Indian representative argued:

..our security environment has obliged us to maintain the nuclear option. We have exercised unparalleled restraint with respect to our nuclear option. Countries around us continue their weapon programmes either openly or in a clandestine manner. In such an environment, we cannot permit our option to be constrained or eroded in any manner as long as nuclear weapon states remain unwilling to accept the obligation to eliminate their nuclear arsenals.²⁰

Second, New Delhi complained that the CTBT was primarily aimed at preventing horizontal nuclear proliferation. The treaty therefore, from India's vantage point, was more of an instrument of non-proliferation at India's expense than a vehicle for achieving nuclear disarmament. According to Indian officials, the CTBT would only legitimise the nuclear monopoly of major powers and contribute to the perpetuation of a 'nuclear apartheid.' Therefore, the CTBT came to be

20 *Statements by India on Comprehensive Nuclear Test Ban Treaty (CTBT), 1993-1996, op. cit., p. 139.*

viewed nothing more than a discriminatory treaty along the line of the NPT.

Third, India was extremely critical of the provision that the treaty allowed sub-critical tests and computer simulation to design, fabricate and test new types of warheads. This meant that vertical nuclear proliferation would continue. Hence, the CTBT was not a "Comprehensive Test Ban Treaty," but constituted only a "nuclear weapon test explosion ban treaty." India also maintained that a state could build nuclear weapons without conducting a test explosion even after signing the CTBT. Therefore, the treaty would hardly be able to fulfil its basic objective of preventing nuclear proliferation. The treaty also did not have any provisions for banning exports of tested designs by a NWS to another country.

Fourth, Indians suspected that the CTBT itself and the EIF clause (Article XIV) in particular solely targeted to contain India's nuclear progress. The CTBT affected directly the threshold nuclear states (i.e. India, Pakistan, and Israel), as other non-nuclear weapon states were already committed neither to develop nuclear weapons nor to test them under the terms of the NPT. The treaty did not affect the latter two countries in the way that it affected India because Israel had already extended its support to the document, while Pakistan's position was tied up with India's stance. New Delhi also suspected that the EIF clause was inserted in the treaty at China's insistence to prevent India from acquiring a nuclear weapons capability. Against it, Indian diplomats invoked the sovereign rights of states not to be coerced to any international agreement under customary international law. As India's permanent representative to the UN, Prakash Shah, maintained at the Special Session of the UN General Assembly in September 1996 that the inclusion of the EIF clause was 'unprecedented in multilateral negotiating practice and runs contrary to customary international law' and it was nothing but an "attempt to restrain a voluntary sovereign

right and to enforce obligation on India without its consent.”²¹ Therefore, in Indian view, the EIF clause also affected India’s sovereignty.

INDIA’S POST-1996 CTBT STANCE

Although India blocked the CTBT in the CD, the treaty was endorsed by an overwhelming majority at the UN General Assembly in September 1996. Following it, India continued to consistently maintain the same position of opposition to the treaty until its conduct of nuclear tests in May 1998. In the aftermath of these tests, New Delhi signalled that it was ready to sign the CTBT provided the international community recognised India as a nuclear-weapon state. Following government’s decision not to sign the CTBT in 1996, a vigorous domestic debate erupted in India – whether it was in national interest to sign the treaty. This dialogue was further intensified with the nuclear tests of May 1998.

CTBT Debate

Two schools of thought – one supporting India’s signature to the treaty and the other opposing it – emerged in this debate.²² The first group favoured India’s signing of the treaty as part of a broad national strategic posture with security, political and economic implications. The pro-CTBT²³ school linked India’s 1996 CTBT rejection to the absence of follow-on Indian nuclear test after the 1974 “peaceful nuclear explosion.” India needed additional tests to ensure the credibility of its

21 *The Times of India*, 12 September 1996.

22 Both schools represent diverse sections of the Indian society – strategic experts, academics, former military officials, media personnel, former bureaucrats and the general populace.

23 C. Raja Mohan, ‘Towards a CTBT Consensus,’ *The Hindu*, 9 November 1999; Kanti Bajpai, ‘Policy on CTBT,’ *The Hindustan Times*, 16 December 1999; Jasjit Singh, ‘A Negotiating Chip?’ *The Hindustan Times*, 25 December 1999; K. Subrahmanyam, ‘CTBT Consensus: Work Towards Converting Rejectionists,’ *The Times of India*, 27 December 1999; P. R. Chari, ‘Misgivings on CTBT,’ *The Hindustan Times*, 4 January 2000.

deterrence posture. Once this has been achieved – i.e. older weapon designs had been validated and experimental newer ones tested – there could be no reason for India not to sign the CTBT. Furthermore, this school argued, India should attempt to establish better relations with the US and adopt a practical arms control policy modifying its traditional, absolutist and ideologically oriented policy.²⁴ In addition, this group asserted that India should not abandon its traditional policy of global nuclear disarmament, which in the post-Pokhran II environment, would be sustained by its signing the CTBT.²⁵ The treaty was not by itself a definite disarmament step, however, it could contribute significantly to disarmament by functioning as a constraint or capping measure.²⁶ Finally, India also has compelling economic and technological interests to sign the CTBT. It needed Western co-operation to ensure the success of its on-going economic reform programs. American economic and technological co-operation could only be fully achieved by signing the CTBT.²⁷

On the other hand, the anti-CTBT school found no compelling reasons for India to join the CTBT. It regarded the treaty as nothing more than an instrument devised by the five permanent members of the United Nations Security Council to deny India its proper place in the world. It also questioned the success of the May 1998 tests. Pointing to seismological data published by the US scientists, this school argued that Indian scientists overstated the yields of the tests, particularly the thermonuclear one.²⁸ It maintained that additional tests were necessary to refine thermonuclear warhead designs, which India might fit on its

24 C. Raja Mohan, 'An Unfolding Indo-US Waltz,' *The Hindu*, 23 December 1999.

25 Arjun Makhijani, 'India and nuclear disarmament,' *The Hindu*, 6 March 2000.

26 Praful Bidwai, 'The Case for a CTBT: India Must Seize the Moment,' *The Times of India*, 12 January 1996.

27 Kanti Bajpai, 'The Great Indian Nuclear Debate,' *The Hindu*, 12 November 1999.

28 Raj Chengappa, 'Is India's H-Bomb a Dud?' *India Today*, 12 October 1998, pp. 22-28.

nuclear delivery systems of the future.²⁹ Former Chairman of the Indian Atomic Energy Commission, P. K. Iyengar, asserted that India should not sign the CTBT, because it needed to conduct more tests to ensure the reliability of its neutron bombs technology.³⁰ Therefore, according to this school, India should not sign the CTBT for obvious scientific and technological reasons and keep the door open for more nuclear testing.

Moreover, this school argued that five tests were insufficient to generate data for hydronuclear experiments or computer simulations. It observed that the US and the former Soviet Union needed more than a thousand nuclear tests before they could undertake laboratory testing with confidence.³¹ India, therefore, should not sign the CTBT unless it could develop “alternative technologies” to physical nuclear testing. In addition, this camp was also sceptical about the verification mechanisms provided by the CTBT. It basically feared that hostile states could use it to gain access to India's nuclear facilities.³²

Even India's opposition political parties expressed their concern over the verification aspect of the CTBT and demanded that the Vajpayee Government clarified whether India had access to a foolproof mechanism to cross-check clandestine testing by a member country of the CTBT.³³ Finally, this school argued that the CTBT was an offspring of the NPT, designed specifically to prevent India from building a nuclear arsenal as other non-nuclear signatories of the NPT were barred already from testing nuclear weapons under the terms of the treaty.

29 Bharat Karnad, 'Policy on CTBT,' *The Hindustan Times*, 4 November 1999; G. Balachandran, 'A Consensus or a Sell-Off?' *The Hindu*, 14 December 1999.

30 'India must test n-bomb before signing CTBT,' *The Hindu*, 2 May 2000.

31 Rajesh Rajagopalan, 'The Question of More Tests,' *The Hindu*, 17 December 1999.

32 B. Vivekanandan, 'Meaning of CTBT,' *The Hindustan Times*, 23 November 1999.

33 'Opposition questions to key CTBT aspects,' *The Hindu*, 20 December 1999.

Therefore, there was no point in signing the CTBT as India had so far refused to sign the NPT.³⁴

India's Post-Nuclear Tests CTBT Posture

Following the nuclear tests in May 1998, New Delhi declared a unilateral moratorium on further nuclear testing and signalled a possible willingness to sign the treaty in the near future. Prime Minister Vajpayee announced at the UN General Assembly in September 1998 that India would adhere to some portions of the treaty so that it could come into force by September 1999. Indeed, Foreign Minister Jaswant Singh considered India's declaration of a moratorium on further nuclear testing as tantamount to India's *de facto* acceptance of the CTBT.³⁵ However, India has so far failed to sign the treaty despite its earlier positive posture in this regard. As will be explained subsequently, various internal and international factors were responsible for India's non-signing of the treaty.

The Vajpayee Government initiated a process of dialogue with the opposition political parties in order to build a 'national consensus' on the issue of signing the CTBT. The Government gave three rationales in favour of signing the treaty. First, the May 1998 nuclear tests "ensured national security." Enough data was gathered from the tests that would enable scientists to conduct tests by computer simulations and hydronuclear experiments. Foreign Minister Jaswant Singh maintained that Indian scientists "are now confident of conducting sub-critical tests" permitted by the CTBT as well as "other non-explosive R&D activity."³⁶ Second, India weighed seemingly the need to sign the CTBT

34 Arundhati Ghose, 'Taming India: The CTBT as a Control Mechanism,' *The Times of India*, 26 February 1999.

35 'India's moratorium is *de facto* acceptance of CTBT: Jaswant,' *The Hindustan Times*, 26 November 1999; Jaswant Singh, 'Against Nuclear Apartheid,' *Foreign Affairs* Vol. 77, No. 5 (September/October 1998), pp. 41-52.

36 'Jaswant Singh for consensus on CTBT,' *The Hindu*, 29 November 1999.

to end its diplomatic and political isolation and to engage itself with the mainstream of international nuclear order. Third, it became increasingly clear that signing the CTBT was important to improve Indo-US relations which would pave the way for eventual lifting of American economic and technological sanctions that were imposed in the wake of India's nuclear tests.

India's major opposition political parties, however, still opposed New Delhi's signing of the CTBT. The Congress Party neither specifically opposed nor endorsed the treaty. It did question the government's "hidden motive" for moving toward signing the treaty when the US Senate rejected it. The country's leftist parties, i.e. the Communist Party of India (Marxist), the Communist Party of India, the Forward Bloc and the *Rashtriya Socialist Party*, totally opposed the government signing the CTBT in its "present form." They decried a lack of a commitment from the established nuclear powers to a time-bound nuclear disarmament. The *Swamajwadi Party* of Mulayam Singh Yadav also 'totally' opposed India signing the CTBT.³⁷ In the similar vein, the *Janata Party* criticised the government for its attempt to sign the CTBT, which was opposed by both the Houses of the Indian Parliament.³⁸ The *Rashtriya Swayamsewak Sangh* (RSS), whose support was crucial for the survival of the Vajpayee Government, was also against the signing of the treaty.³⁹

Hence, there was considerable domestic opposition in India to signing the CTBT. Besides, international developments helped shaped the Indian domestic debate on the issue. The future of the CTBT was considered increasingly uncertain in view of the US Senate's rerefusal to ratify the treaty in October 1999. Given such factors, despite an initial willingness to sign the CTBT, the Vajpayee Government put the

37 'Mulayam against India signing CTBT,' *The Hindustan Times*, 21 December 1999.

38 'Govt. creating artificial consensus on CTBT,' *The Hindu*, 19 December 1999.

39 'RSS decision may not allow Govt. to sign CTBT,' *The Hindu*, 18 February 1999.

decision to do so on hold.⁴⁰ Prime Minister Vajpayee subsequently insisted that “India will not come under any pressure to sign the treaty (CTBT).”⁴¹

This latest Indian CTBT posture had three important implications. First, it was a manoeuvring to deflect US pressure on India to sign the CTBT. During his visit to the subcontinent in March 2000, American President Bill Clinton tried “his level best” – but unsuccessfully – to persuade India and Pakistan to sign the treaty.⁴² A decision not to sign the CTBT at that juncture, therefore, helped to establish India’s decision-making autonomy. Second, Indian delaying tactics reinforced a “no-hurry” attitude which has evolved in many developing countries regarding the CTBT, particularly following US Senate’s refusal to ratify the treaty. Finally, New Delhi’s procrastination in signing the treaty has also been related to garner maximum concessions from the US before actually acceding to it. Given the above considerations, it will take some time to forge a clear Indian strategy towards the CTBT.

CONCLUSION

India’s initial nuclear test ban approach was motivated by normative considerations in the 1950s. However, since the 1960s, it has been clearly guided by strategic factors. New Delhi’s major problem since the conclusion of the NPT in 1968 and more so following the treaty’s indefinite extension in 1995 has been that China, its primary strategic adversary, was made and allowed to continue as a ‘legal’ NWS, while relegating India to a permanent status of non-nuclear-weapon state thus creating an asymmetric power balance in the Sino-Indian strategic relations. This consideration basically prompted India not to sign the CTBT in 1996. The same factor continued to dominate India’s CTBT stance in the years following it.

40 ‘Delay in decision on CTBT likely,’ *The Hindu*, 27 January 2000.

41 ‘India will not yield to pressure on CTBT,’ *The Hindu*, 5 March 2000.

42 ‘Clinton pressed India, Pakistan to sign CTBT: US official,’ *The News* (Islamabad), 22 April 2000.

Following the May 1998 nuclear tests, India has shown a possible willingness to sign the CTBT based on the assumption that the tests had established a nascent nuclear deterrence *vis-à-vis* its primary strategic adversary, China, as well as its nuclear neighbour Pakistan. This possibility was augmented by the diplomatic initiative of the Clinton Administration of the US to convince New Delhi to adhere to the treaty, particularly following India's May 1998 nuclear tests. But this willingness was dampened when the US Senate rejected the ratification of the CTBT in October 1999. This development had a critical impact on India's domestic CTBT debate as well as on government's nuclear test ban posture. Moreover, with the installation of a new conservative administration in Washington at the beginning of 2001, the American diplomatic initiative undertaken by the previous administration lost momentum, which has led the issue of India's signature to the treaty to the backburner. The present US administration has least interest in the CTBT.

Furthermore, the withdrawal of American sanctions from India (imposed in the aftermath of the Indian nuclear tests) following the terrorist attack on the US in September 2001 has almost reduced India's signing of the CTBT to a non-issue in Indo-American relations. The non-existence of the American factor together with India's own strategic calculations and the question of its demand for NWS status from the international community will crucially influence India's CTBT policy in the years to come. Given this, it is less likely that India will sign the treaty in the near future unless dramatic changes occur in the global CTBT politics.