

Knocking the NPT: India's Nuclear Weapons Program and Problems with the Nuclear Non-Proliferation Treaty

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Abstract

This paper examines the weaknesses of the cornerstone of the international non-proliferation regime: the Nuclear Non-Proliferation Treaty (NPT). Using India as a case study of one state that has not found it in their best interests to become a signatory member, while simultaneously becoming a nuclear power, three main weaknesses are identified. Firstly, the inability of the NPT to address the prestige concerns of states without nuclear weapons; second, its inability to address the security concerns of these same states; third, the difficulties in enforcing and policing its demands.

In the years following the detonation of the first atomic bombs in Hiroshima and Nagasaki, the issue of the proliferation and possible use of nuclear weapons became hugely important, especially as bilateral and multilateral treaties intended to slow the spread of nuclear arms were negotiated. Among the most comprehensive and important of these was the Nuclear Non-Proliferation Treaty (NPT), put into effect in 1970, and today forming the main pillar of the international community's non-proliferation regime. Most of the world's United Nations recognized countries are now signatories to the treaty; with the only notable exceptions being Israel, Pakistan, and India. These countries, however, represent important exceptions that point to significant flaws in the NPT. India in particular, though always a staunch supporter of counter-proliferation measures and nuclear disarmament, has protested against the NPT since the beginning, refusing to become a signatory member, and even proceeding to test its nuclear capability several times since the treaty was ratified.¹ India's nuclear testing led, in turn, to testing by Pakistan. It is therefore logical to argue that the NPT has not been wholly effective, given its stated purpose and this undermining horizontal proliferation of nuclear arms to South Asia.

Of course, there is no doubt that the NPT has had, and continues to have, palpable positive effects with regard to halting the spread of nuclear arms. Whereas once over two dozen states were expected to have nuclear weapon capabilities by now, only a handful actually do; this is due to the international non-proliferation regime in general and the NPT in particular. However, the treaty's flaws cannot be ignored, and the question becomes, in light of this, where its weaknesses lie. The issue is that though the NPT has been a positive force in the quest for collective nuclear security, it fails to take into account the problematic impact of three interrelated factors: first, its inherent inequality of treatment of nuclear 'have' and 'have-not' states, second, the basic

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¹ The first in 1974 with the so-called Peaceful Nuclear Explosion at Pokhran, and then again in 1998 with five tests conducted at Rajasthan.

importance of the security dilemma, and third, the difficulty of enforcing and policing its demands. As many theorists have pointed out, fundamentally the problem is a realist one: where national interests are best served by acquiring nuclear weapon technology, international counter-measures such as the NPT are restricted in scope at best, and powerless at worst.²

In the following pages, I intend to address the issue of NPT flaws, mainly with reference to India and the surrounding South Asian region, though strong case studies pointing to NPT flaws could have easily been drawn from the equally troubling situations in North Korea, Israel, or Iraq.³ This decision is not wholly arbitrary. India's justifications for nuclear development, which it has framed in terms of its national prestige and security, as well as the ways in which it went about building its program and acquiring materials, effectively highlight the main problems with the treaty itself. Furthermore, India's case is even more interesting since the country has always maintained that it seeks *complete global nuclear disarmament*. Why it should then choose to pursue a nuclear weapons program is, I would argue, at least partially a result of the fact that the NPT failed from the beginning to create an international environment conducive to disarmament goals.

From the outset, India's primary and strongest argument against the NPT has been that the treaty unfairly privileges nuclear weapon states (NWS) at the expense of non-nuclear weapon states (NNWS), and thus sets up what has been called nuclear apartheid.⁴ Because the NPT has as its main goal the prevention of the transfer of nuclear weapon technology from NWS to NNWS (otherwise known as horizontal proliferation), it says very little about the need to stop the increasing sophistication and expansion of the nuclear arsenals of already existing NWS (i.e., vertical proliferation). Indeed, the majority of the treaty sets out guidelines against the transfer of nuclear technology to NNWS, except in the case of peaceful nuclear use, and specifies verification procedures for NNWS. Only Article VI of the treaty calls specifically for further restrictions on already nuclear states in the form of suggested agreements among the NWS for total nuclear disarmament. And, as of yet, no such treaty has been concluded. This situation is unacceptable to India, a country that has always been a strong proponent of solving both vertical and horizontal proliferation simultaneously.⁵

India, along with many other non-nuclear-weapon states, has felt that the NPT is merely "an attempt to castrate the impotent," and cement the place of the five legitimate nuclear states (China, England, France, Russia, and the United States) within a discriminatory world order

² Bradley A. Thayer, "The Causes of Nuclear Proliferation and the Utility of the Non-Proliferation Regime," in *The Nuclear Non-Proliferation Regime*, ed. Raju C. G. Thomas (London: Macmillan Press Ltd, 1998), 87, 93; Sharif M. Shuja, "India and nuclear weapons," *American Asian Review* 19, no. 3 (2001), <http://www.proquest.com>.

³ Criticism of the NPT is based on more than the particular cases of India and Pakistan. Situations involving clandestine nuclear weapons programmes in Iraq and North Korea—both signatory states in good standing of the NPT—also cast doubt on the effectiveness of the treaty as a pillar of the non-proliferation regime.

⁴ Vernon Hewitt, "Containing Shiva? India, non-proliferation, and the Comprehensive Test Ban Treaty," *Contemporary South Asia* 9, no. 1 (2000), <http://www.proquest.com>.

⁵ Peter R. Lavoy, "Nuclear Arms Control in South Asia," in *Arms Control Towards the 21st Century*, ed. Jeffrey A. Larsen and Gregory J. Rattray (Colorado: Lynne Rienner Publishers Inc., 1996), 274.

based on possession of the bomb.⁶ As long as the nuclear weapon states are unwilling to rid themselves of their nuclear arsenals, the question remains of why NNWS should restrain from developing nuclear capabilities. Indeed, the vast majority of Indian thinkers, as well as the Indian public, adhere to the view that nuclear capability is the best way for India to remain a safe and vital player on the world stage. It must nevertheless be noted that there is a group of thinkers who argue that India's national interests are best served by *not* becoming a nuclear power, and that signing the NPT would actually be beneficial.⁷ This belief in the economic, political, and social benefits to be gained from the existing status quo has driven most NNWS to join the treaty, despite its potential frailties. Still, there is a compelling argument to be made that while the national interests of the NWS are obviously served by adhering to the NPT, it is less clear that the interests of the NNWS are as well, especially if greater prestige and military or political power can be gained by 'going nuclear.'

That the problem of nuclear inequality is one of both national prestige and national security is widely accepted, though opinion is divided over which should take precedence in an analysis of India's motivations for developing a nuclear program. It has been argued that "the Indian bomb is best seen as a weapon only in the country's political and symbolic arsenal."⁸ Insofar as this might be the case, the argument is that India developed a nuclear weapons program solely to challenge what it saw as the discriminatory world order of nuclear monopoly, and to try to gain access to the NPT-endorsed nuclear club of great world leaders, a club which Indian leaders have long believed their country is powerful and important enough to belong to.⁹ This would imply that the Pokhran test of 1974 was not meant to threaten, but to impress to re-assert national sovereignty over the choice to go nuclear. This interpretation is supported by the fact that India restrained from any further nuclear testing or weapon development for close to a quarter of a century afterwards. Moreover, the national prestige argument is compelling enough to have been taken by the Hindu nationalist Bharatiya Janata Party (BJP), in power during the latest round of NPT negotiations. According to one BJP spokesman, "an Indian will talk straight and walk straight when [India] has the bomb"; the BJP sees nuclear capacity mainly as a political tool on both the domestic and international stages.¹⁰

There is a powerful symbolic significance in the acquisition of nuclear weapons that the NPT fails to take into account. However, these considerations of national prestige cannot be fully divorced from other considerations of national security. There are those who argue that security interests are the only considerations that matter and that prestige is merely an incidental cause of nuclear proliferation, mainly because 'great power' status is based on much more than

⁶ Glenn T. Seaborg & Benjamin S. Loeb, *Stemming the Tide: Arms Control in the Johnson Years* (Toronto: Lexington Books, 1987), 356.

⁷ See, for example: Raju C. G. Thomas, "Should India sign the NPT/CTBT?," in *The Nuclear Non-Proliferation Regime*, ed. Raju C. G. Thomas (London: Macmillan Press Ltd, 1998), 304-307.

⁸ Peter R. Lavoy, "South Asia's Nuclear Revolution: Has it Occurred Yet?," in *The Nuclear Non-Proliferation Regime*, ed. Raju C. G. Thomas (London: Macmillan Press Ltd, 1998), 268. See also: George Perkovich, "Nuclear Proliferation," *Foreign Policy* 112 (1998), <http://www.proquest.com>.

⁹ T.V. Paul, "The NPT and Power Transitions in the International System," in *The Nuclear Non-Proliferation Regime*, ed. Raju C. G. Thomas (London: Macmillan Press Ltd, 1998), 67.

¹⁰ Perkovich.

simple possession of nuclear weapons.¹¹ Seen through this conceptual lens, Pokhran was more about deterring China from using its nuclear capabilities against the Indian state, and less about impressing the NWS.¹² By the same token, the 1998 nuclear tests at Rajasthan would have been aimed at asserting military power over Pakistan. This is nuclear inequality as national security problem. Unfortunately, just as the NPT fails to address the prestige concerns of NNWS, it fails even more so to address their security concerns. The lack of safeguards preventing NNWS from being threatened with nuclear force by NWS has been one of the main bones of contention during NPT review conferences. At the 1990 NPT Review Conference, Nigeria went so far as to propose a separate protocol addition to the NPT that would provide legally binding security assurances to NNWS.¹³

Security issues are especially important to India, which has long-standing rivalries with both a legitimate NWS, China, and another NPT non-signatory, Pakistan. The memory of India's defeat during the Sino-Indian Kashmir border-war of 1962, combined with the development of a Chinese nuclear bomb around 1964, led to fears that China would hold too great a power over the Indian state. These fears were, no doubt, a driving force behind the decision to go nuclear. Similarly, India has legitimate fears concerning Pakistan, with whom it is now locked into a non-weaponized cycle of nuclear deterrence. The close politico-military ties of Pakistan and China, which have only grown since Pakistan signed a bilateral nuclear cooperation agreement with China in 1986, are hugely troublesome to India. Thus, India, Pakistan, and China along with the rest of South Asia, and especially, most recently, North Korea operate in a realist environment of anarchy and security dilemma, and have been forced into increasing nuclearization through a chain reaction of insecurity and suspicion. Indeed, in 1998, New Delhi cited increased tensions in the region as a main factor in deciding to test nuclear weapons.¹⁴

This sort of nuclear domino effect gave Pakistan very little choice about becoming nuclear after India detonated nuclear devices in 1974; India itself, though responding to implied or perceived Chinese threats, must take much of the blame for sparking the South Asian nuclear arms race, even if its original intent was simply to create a condition of minimum deterrence in the region.¹⁵ However, faced with a hostile NWS being rewarded by the United States with nuclear reactors and fissile material (even though China also refused to sign the NPT until 1992), a NNWS rival being fed nuclear secrets by the aforementioned NWS, and a lack of safeguards regarding nuclear weapon use by NWS, it can be argued that India made the only decision it could according to the realist paradigm. This situation illustrates the fact that the NPT

¹¹ Thayer, 77.

¹² Thayer, 93; Peter van Ham, *Managing Non-Proliferation Regimes in the 1990s: Power, Politics and Policies* (London: Pinter Publishers, 1993), 64.

¹³ van Ham, 77.

¹⁴ Hewitt.

¹⁵ Krishnaswami Sundarji, "Proliferation of Weapons of Mass Destruction and the Security Dimensions in South Asia: An Indian View," in *Weapons of Mass Destruction: New Perspectives on Counterproliferation*, ed. William H. Lewis and Stuart E. Johnson (Washington: National Defense University Press Publications, 1995), 60.

cannot offer appropriate security guarantees to all states, especially those in regions of conflict. Bradley Thayer, a proponent of the security dilemma interpretation of India's decision to 'go nuclear', writes: "[the NPT] cannot stop nuclear proliferation for states that are determined to acquire nuclear weapons [] because the cause of nuclear proliferation is the insecurity of states and the regime does nothing to address this insecurity."¹⁶

The insecurity problem is only exacerbated by the fact that the NPT is also unable to police and enforce its proscriptions effectively; this is the last major flaw of the treaty. There is an inherent paradox between articles I and II of the NPT, which focus on supply-side measures (i.e., preventing the spread of technology from NWS to NNWS), and articles V and VI, which safeguard a state's right to develop peaceful nuclear technology (i.e. for nuclear energy). The problem is that it is difficult, if not impossible, to always distinguish peaceful and military programs.¹⁷ Moreover, peaceful programs can easily be converted into military programs: states that acquire nuclear fissile material and reactors under the guise of developing nuclear energy can then convert their new equipment to fill a defense purpose. Being a member of the NPT might actually be beneficial to a state wishing to obtain nuclear weapons: it certainly makes it easier to acquire materials. Of course, there are provisions within the NPT that attempt to prevent this dual use of nuclear technology, but the International Atomic Energy Association (the main verification body for the NPT) has failed time and again, in North Korea particularly, to uncover covert nuclear weapons programs early enough to stop them completely.

India, even as a non-signatory of the NPT, has been almost completely dependent on the West – and especially Canada – for its nuclear technology. The Canadian-Indian Reactor Uranium System research reactor (CIRUS), built in the 1950s with technical and financial aid from Canada, was developed with the understanding that it would only be used for peaceful purposes. However, it was subsequently used to produce the enriched plutonium exploded in 1974 at Pokhran. Canadian officials, eager to make a deal with India and enter the lucrative nuclear trading business, had failed to properly safeguard the CIRUS output.¹⁸ Additionally, there are other problems with NPT verification and enforcement: even if the IAEA uncovers an illegitimate nuclear weapons program, it cannot actually enforce sanctions – its role is simply to detect and inform the UN Security Council of any violations. Sanctions are thus rarely put into effect in any significant way. In India's case, while economic sanctions were imposed by the United States after the 1998 detonations, they were quickly lifted when it became obvious that the measures cut into American corporate profit.¹⁹

It seems clear, from the above examination of India's nuclear weapons program, that both prestige considerations and national security concerns prompted the development of the Indian bomb. It seems equally clear that these considerations and concerns were in turn prompted by the failure of the NPT to adequately address the types of problems that can arise

¹⁶ Thayer, 76.

¹⁷ Raju C. G. Thomas, "The New NPT: Old Wine in New Bottles?," in *The Nuclear Non-Proliferation Regime*, ed. Raju C. G. Thomas (London: Macmillan Press Ltd, 1998), 6; Itty Abraham, *The Making of the Indian Atomic Bomb: Science, Secrecy and the Postcolonial State* (London: Zed Books, 1998), 49.

¹⁸ Abraham, 121.

¹⁹ Shuja; Hewitt.

in a world divided between nuclear 'haves' and 'have-nots.' The flaws of the Nuclear Non-Proliferation Treaty lay in the fact that it fails to recognize first, that ideologically speaking, under a realist paradigm, states will be more prone to safeguarding national prestige and security interests than international regimes, and second, that practically speaking, enforcement must be made easier through clearly defined distinctions between peaceful and military nuclear use, effective sanctions, and a more powerful policing agent. Only if these weaknesses are rectified can the NPT become a completely effective part of the international nuclear non-proliferation regime.

Even then, the NPT alone is not enough. Nuclear weapon states must be prepared to begin the process of disarmament as a sign of good faith to the non-nuclear-weapon states that have shown restraint. An end to vertical proliferation would also help solve the first two problems of the NPT: without an inequality of NWS and NNWS, national prestige and security concerns based on possession of the bomb are virtually groundless. India's call for complete nuclear disarmament is therefore a goal well worth fighting for, and it is a shame that the state's focus has shifted from it in recent years due to the ineffective treaties already in place. It is equally troubling that in the current international climate, an end to vertical proliferation is becoming more and more unlikely, especially with United States President George W. Bush's decision to go ahead with a missile defense system. The instabilities such a system will create can only lead to a further reinforcement of the Cold War nuclear order, and a refusal to consider the proposals for complete global nuclear disarmament that have been advanced by India and other concerned nations.

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