TOWARDS THE NUCLEAR POWER EQUILIBRIUM

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I. Introduction

International politics in most cases is driven by considerations around power and hegemony. To ensure that the world is in order, the doctrine of 'Balance of Power' is invoked and seen as a handy tool to achieve peace in the world. In the words of Hans Morgenthau, the phrase refers 'to an actual state of affairs in which power is distributed among nations with approximate equality'. [1] It is a useful method of power management but has had its share of failures and achievements when it comes face to face with realpolitik in the global world order.

As a contrivance to acquire territories and assert one's dominance, war has been present in almost the entire spectrum of human history. It has led to the countless loss of lives and trails of destruction. The word 'war' is derived from '*werra*', which is of Frankish-German origin denoting chaos and hostility.[2] To ensure safety against future war and keep the rivals at bay, the collection of armaments by powerful States was seen (and to an extent continues to be seen) as a method to maintain the equilibrium. In an era of technological revolution, States have devised techniques of modern warfare using the concepts, methods, and military technology deployed during and after World War I and II. The pretext was that such preparations would ensure their safety and avoid another genocidal catastrophe. Nuclear weapons or the atomic bombs are one such product of modern warfare. But it is also a matter of grave concern,

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[1] VESNA DANILOVIC, WHEN THE STAKES ARE HIGH: DETERRENCE AND CONFLICT AMONG MAJOR POWERS 73-74 (2002).

[2] Jacksonian, *So, What Is It That Is Going on In Iraq?*, (Jul. 10,2006), http://ajacksonian.blogspot.com/2006/07/so-what-exactly-is-it-that-is-going-on.html.

as with the advent of such lethality the probability of mass annihilations has substantially escalated.

II. Global nuclear disarmament: The need

The world's first nuclear explosion took place on 16 July 1945, in New Mexico when the United States of America tested its first nuclear bomb.[3] Since then, the idea of war has changed forever. On 6 and 9 August 1945, the USA dropped two atomic bombs on the Japanese city of Hiroshima and Nagasaki. The bombings killed more than 2,00,000 people and the impact of such high nuclear radiation was so devastating that it continues to affect even the present population of Japan. An information note prepared by the International Committee of the Red Cross (ICRC) did a targeted sample survey in the year 2015 to prove the point. The report revealed:

> In the year ending 31 March 2015 alone, the Hiroshima Atomic-Bomb Survivors Hospital treated 4,657 individuals officially recognized atomic bomb survivors whose care involved 62,130 outpatient visits and 34,807 inpatient admissions.
> In the year ending 31 March 2015, the Japanese Red Cross Nagasaki Genbaku Hospital treated 6,030 officially recognized survivors as outpatients and 1,267 as inpatients. Their care required 36,260 outpatient visits by survivors and 23,865 outpatient visits by their children, underlining concerns about second-generation health effects of nuclear weapons.[4]

Unfathomable suffering has been inflicted upon humans because of these weapons and their destructive nature that lasts for a good number of years. Even so-called nuclear energy is not a clean source of energy and low-level radiations are constantly being emitted from nuclear

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[3] VTALY FEDCHENKO, THE NUCLEAR FORENSICS: ANALYSIS OF NUCLEAR MATERIALS FOR SECURITY PURPOSES 13-14 (2015).

[4] Information Note 5, *Long-term Health Consequences of Nuclear Weapons*, THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) & THE JAPANESE RED CROSS SOCIETY, (Jul. 2015), https://www.icrc.org/en/download/file/10631/hiroshima-nagasaki-health-consequences-icrc-japanese-red-cross.pdf.

plants threatening to cause environmental damage. Technologically it is near to impossible to preserve the toxic radioactive nuclear waste generated from such plants.[5] Large amount of money is channelized into the development of such technology, while budget constraints undermine the efforts to address other pressing human needs such as healthcare and education. Due to the increased risk of dangerous wars caused by nuclear weaponization in this armament race among different nations, nuclear disarmament and arms control stands out to be the most important routes to achieve security, peace and harmony.

III. Nuclear arms race and India

On 2 April 1954, Pandit Jawaharlal Nehru, the then Prime Minister of India called for a 'standstill' agreement on nuclear testing.[6] It was the first global appeal to check the destructive deployment of nuclear technology. After eight years of the call, the Partial Test Ban Treaty (PTBT) was signed in the year 1963 in which some States agreed 'to achieve the discontinuance of all test explosions of nuclear weapons for all time..'.[7] It was also encouraging to witness the signing of The Treaty on the Non-Proliferation of Nuclear Weapons, 1968 (NPT) in which the member States (including the USA and present-day Russia) agreed to eliminate the proliferation of nuclear weapons and promote nuclear disarmament.[8] The treaty is still one of the most cited anti-nuclear legal instruments as it prohibits nuclear weapon States from disseminating weapons to other States, and, restrains States without nuclear weapons

[5] Michael Mariotte, *Nuclear Energy is Dirty Energy*, NUCLEAR INFORMATION AND RESOURCE SERVICE, (Jan. 2011), https://www.nirs.org/wp-content/uploads/factsheets/nuclearenergyisdirtyenergy2014.pdf.

[6] *Nuclear Testing 1945*-2009, COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION, https://www.ctbto.org/nuclear-testing/history-of-nuclear-testing/nuclear-testing-1945-today/page-4-nuclear-testing-1945-2009/ (last updated Feb. 20, 2020).

[7] Treaty Banning Nuclear Weapon Tests in the Atmosphere, Outer Space and Underwater, Aug. 5, 1963, Moscow, 480 UNTS 43, [1963] ATS 26, 14 UST 1313, 2 ILM 889 (1963).

[8] Treaty on the Non-Proliferation of Nuclear Weapons, Apr. 22, 1970, INFCIRC/140.

to develop or acquire a nuclear arsenal.[9] However, the treaty permits the usage of nuclear technology for peaceful purposes.[10]

Amongst the developing countries of the world and generally, India has acquired the position of an important actor accompanied by its democratic setup, a firmly established tradition in science and technology, and, a rapidly growing economy. However, the Indian polity remains vulnerable to ups and downs like any other polity is. In 1974, India conducted its first nuclear test 'Smiling Buddha', under the leadership of Prime Minister Indira Gandhi.[11] Although the country continued to press upon the agenda of nuclear disarmament, it marched ahead with what was termed as a 'peaceful nuclear explosion' in 1974 that showed the world that India is scientifically equipped to develop its nuclear abilities further. A decade later however, Prime Minister Rajiv Gandhi called for a 'Nuclear-Weapon-Free World' at the third special session on Disarmament at the UN General Assembly in June 1988.[12]

But India also had to take care of the aspects surrounding the concerns regarding national security. By the end of the 1980s, it became certain that Pakistan (India's arch-rival neighbour), had made notable developments in its nuclear weapons program. This propelled the Indian government towards authorizing the weaponization of India's nuclear know-how. Then, while parleying at the Conference on Disarmament concerning the Comprehensive Test Ban Treaty (CTBT, 1996) India was jolted after seeing that the final draft of the treaty did not fructify as a genuine substantive step towards nuclear disarmament. Lastly, when the NPT was extended indeterminately in 1995, India was

[9] *Id.* at Article I, II.
[10] *Id.*at Article IV.
[11] CC Fair, *Learning to Think the Unthinkable: Lessons from India's Nuclear Tests*, 4(1) INDIA REVIEW 23 (2005).
[12] Sandeep Dikshit, *Rajiv Gandhi Plan: A Valuable Solution*, THE HINDU, Aug. 09, 2010; *Text of Address to the Third Special Session on Disarmament of U.N. General Assembly by Prime Minister of India Mr. Rajiv Gandhi*, UNGA, http://meaindia.nic.in/cdgeneva/?pdf0611?000 (last updated Feb. 20, 2020).

again disappointed as it always contended for the dissolution of the NPT because of its discriminatory nature.[13]

A solution to the bias under the NPT was potentially present in the Rajiv Gandhi Action Plan wherein, there stood a 'call for a treaty which would apply a legal effect to the binding resolution of Nuclear Weapon States to eradicate all nuclear weapons by the year 2010.'[14] The document devised a detailed three-stage plan to progressively march towards denuclearisation. If this roadmap would have been adhered to, nuclear weapons would have become a relic of the past till now.

Nevertheless, because of the lack of political will from the responsible members of the international community, on 11 May 1998 India executed 'Operation Shakti' also known as Pokhran II under the leadership of the then Prime Minister Atal Bihari Bajpayee. Three nuclear devices with six times the impact of Hiroshima-Nagasaki attack in 1945 were tested shaking and waking up the entire world to a new era of power play.[15] Although this confounded those who believed in India's commitment to peaceful uses of nuclear weapons, the test should be seen in the backdrop of the security compulsions mentioned before. True that circumstances are changing but India continues its pledge to adhere with a self-imposed commitment towards the 'No First Use Policy' which, in essence allows for the usage of nuclear weapons only for retaliation purposes, as a last resort to preserve the national security.[16]

IV. Weaponization and national security

India's quest for acquiring nuclear technology is for reasons other than those relating to becoming an aggressor or a regional bully. The Indian

[13] Leonard Weiss, *India and the NPT*, 34(2) Strategic Analysis 255–271 (March 2010).
[14] SANDEEP, *supra* note 12.
[15] Christian White, *Operation Shakti*, STANFORD UNIVERSITY, (May 17, 2018), http://large.stanford.edu/courses/2018/ph241/white2/.
[16] Narayan Lakshman, *Will India Change its 'No First Use' Policy?*, THE HINDU, Aug. 25, 2019.

foreign policy has always emphasised upon ensuring peace in the global community while being conscious of the security concerns. Thus, along with securing peace, India also needs to look after itself to make sure that it remains an independent un-intimidated actor in the region. Mr. Krishna Menon, Pandit Nehru's foreign policy advisor had warned in the UN that unless the then nuclear weapon powers disarm fully, India would feel compelled to acquire these weapons.[17] No nuclear nation paid attention to the same, and therefore many in the establishment felt the need to acquire the nuclear capacity in order to deter the external nuclear threat. According to the research published by the Stockholm International Peace Research Institute, India started to expand its nuclear arsenal and its number of nuclear warheads increased from 110 to 130 in the year 2017.[18]

One of the main reasons for such investments by the Indian government was the expansion of nuclear military power in China and Pakistan. Both the countries are located on either side of Indian borders. In fact, along with India, they also form a triangular matrix of nuclear States in South Asia[19]. China was the first country in the trio to acquire nuclear power as a result of the military race during the cold war era.

The equations between India–China and India-Pakistan regarding nuclear technology are different. There have been no nuclear threats between China and India so far but considering the aftermath of the 1962 aggression by China and the threat of the USA's intervention during the 1971 crises (in favour of Pakistan), compelled India to rework on the sacralised propositions of peace that it had been traditionally endorsing. It was believed that a robust defence policy

[17] Urvashi Sarkar, *Why India's Commitment to Nuclear Disarmament is 'Merely Rhetorical',* THE CARAVAN, (Nov. 18, 2017), https://caravanmagazine.in/vantage/india-nuclear-disarmament-merely-rhetorical.
[18] Rezaul H Laskar*, India is Fifth Largest Military Spender with Outlay of $55.9 bn: SIPRI*, HINDUSTAN TIMES, Apr. 24, 2017.
[19] Harsh V. Pant & Yogesh Joshi, *India's Nuclear Policy: China, Pakistan and Two Distinct Nuclear Trajectories,* OBSERVER RESEARCH FOUNDATION, (May 11, 2018), https://www.orfonline.org/expert-speak/indias-nuclear-policy-china-pakistan-and-two-distinct-nuclear-trajectories/.

against China would help India to preserve the sanctity of the borders. With Pakistan, India fought at least three full-blown battles in 1965, 1971 and 1999 with its nuclear activity at a virtual standstill during the mid-1980s. A policy of nuclear restraint was implicitly adhered to. It was only after the inception of Pakistan's nuclear programme; India had no option but to be prepared for a 'catalytic' response. Indian nuclear weapons act as safety measures against the potential aggression from Pakistan. Threat perceptions to India vis-à-vis China and Pakistan, therefore, make the core reason for the gradual shift in the nature of India's nuclear weapon policy.

V. India's position and the global nuclear disarmament movement

Between peace and security, one has to look at the situation in its totality. Presently, India is trying to attain equilibrium between its security concerns and world peace by acting as a strong voice in support of the global nuclear disarmament movement. Once dwelled in detail, we see there is no contradiction between India's possession of nuclear weapons and its repeated calls for disarmament.

As a nuclear weapon State, India is cognizant of its responsibility and its support for global non-discriminatory nuclear disarmament has remained undiminished.[20] Despite not being a member of the CTBT, India practices the spirit of the treaty in its national policy. Further, Nuclear Suppliers Group (NSG) is an organisation, which seeks to regulate the export of sensitive nuclear materials and equipment that can be used to manufacture nuclear weapons.[21] Even though India is not an NSG member, yet it was exempted from 'its full-scope safeguards (FSS) condition, making it the first country to be allowed to have

[20] *Obligations Concerning Negotiations Relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament* (*Marshall Islands v. India*), 2015 I.C.J, 158 (Sept. 16) (Counter Memorial of the Republic of India).

[21] *Overview*, NSG, https://www.nti.org/learn/treaties-and-regimes/nuclear-suppliers-group-nsg/ (last updated Feb. 20, 2020).

nuclear trade with NSG members while retaining its nuclear weapons program'.[22] To further substantiate the 'peaceful' approach of India, it is noteworthy that India recently joined the Missile Technology Control Regime (MTCR) established in April 1987 by the G-7 countries with an aim to restrict and supervise the spread of unmanned delivery systems having the potential of carrying nuclear weapons of above five hundred kilograms for more than three hundred kilometres.[23] The MTCR chair at the Hague emphasised that India will enjoy full inclusion in organisational activities. It will have some duties to fulfil, such as: sharing crucial information of military and technological assets, and, consulting other member nations concerning the export of any MTCR goods.[24] It is expected that these obligations or duties shall act in furtherance of world peace and cement India's place in the group of peace-loving nations.

All nuclear-armed States have a common, but varying degree of commitment towards the elimination of nuclear weapons; at least in principle. Therefore, now it is for all the States to engage more proactively in the multilateral nuclear disarmament process. India also needs to play a constructive, and if possible, a leadership role in the movement while maintaining its military position in South Asia. India should start reconsidering its take on the CTBT. There are many reasons for India to not sign the treaty. But it can improve its position by signing the treaty and be open to install the International Monitoring System (a verification mechanism under the CTBT). India should continue propagating the no first use policy and participate more actively in multilateral discussions at the UN and other parallel platforms to showcase its commitment towards non-proliferation. By participating in the Open-Ended Working Group (OEWG) sessions which led to the

[22] Saira Bano, *India's Nuclear Suppliers Group (NSG) Membership and the Nuclear Non-Proliferation Regime*, 25 IRISH STUDIES IN INTERNATIONAL AFFAIRS 117 (2014).
[23] Niels Aadal Rasmussen, *Chinese Missile Technology Control – Regime or No Regime?* DIIS BRIEF, (Feb. 2007), https://www.files.ethz.ch/isn/29608/nra_chinese_missile_technology_control.pdf.
[24] *India Joins Elite Missile Control Group MTCR,* BBC NEWS, (Jun. 28, 2016), https://www.bbc.com/news/world-asia-india-36648279.

Treaty on Prohibition of Nuclear Weapons, 2017 India could have shown its commitment towards the cause, but the opportunity was not fully utilised. Therefore, it is time for India to up its game, reconsider and renegotiate its role in nuclear diplomacy to take a leadership position in the movement. Lastly, it is submitted that an impending plea of India to become a permanent member of the UN Security Council must be taken seriously as it can play a significant role in advancing peace-oriented ideas as opposed to the nations that use the vocabulary of threat and intimidation.

VI. Conclusion

We all know that India is one of the States that gained independence by non-violence and it has never committed an act of aggression against another country. India is ready to participate in national and global nuclear governance with its institutional and other capabilities. [25] However, we need to realise that to achieve a successful global nuclear disarmament movement it is up to all the nine nuclear-armed States to engage more sincerely towards achieving the desired goal. The dynamics of getting to the perfect equilibrium are ever evolving and subject to negotiation. But a concerted nuclear prohibition initiative has become indispensable and should be treated as an urgent task. The International Court of Justice, in its historic decision unanimously called on all States to 'conclude' negotiations leading to 'disarmament in all its aspects'. [26] There should be complete transparency in the nuclear regimes, as any State possessing such technology does not enhance but ends up compromising national and regional security.

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[25] Rajiv Nayan & Alisha Anand, *India's Role in Global Nuclear Security Governance,* THE PIONEER, Feb. 24, 2019.

[26] *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament* (*Marshall Islands v. United Kingdom*), 2016 I.C.J,160 (Mar. 16) (Preliminary Objections).