



The Ban Treaty and Non-NPT Nuclear-Armed States – Can India Make a Difference?

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Summary

All the five NPT-recognized nuclear weapon states (NWS) have expressly voiced their objections to the recently concluded Nuclear Weapons Prohibition Treaty. They have rejected a world without nuclear deterrence in current and foreseeable strategic circumstances. Interestingly, the response of the non-NPT NWS has been no different. So, all the nine nuclear weapon possessors seem to have pretty much huddled together in their opposition to the treaty even if there are divergences in perspectives and differences of emphasis on points of opposition. This article briefly identifies the salient points of the individual positions on the ban treaty, as taken by the four nuclear-armed states outside of the NPT – India, Pakistan, Israel and North Korea. It also explores which one of these might have the will and the clout to make a difference to the disarmament narrative and situation. India stands out as an obvious candidate given that its position on disarmament is the most evolved and consistent. The paper concludes by examining whether India can, and if so how and why it should, step up to help take forward the objective of elimination of nuclear weapons.

United Nations General Assembly in New York adopted the Nuclear Weapons Prohibition Treaty (NWPT), popularly referred to as the ban treaty. This marked a significant event. A multilaterally negotiated legally binding instrument prohibiting development, testing, production, manufacture, acquisition, transfer, possession, and stockpiling of nuclear weapons, as well as their use or threat of use, had been concluded for the first time. The treaty was adopted by a vote of 122 in favour with one against (Netherlands) and one abstention (Singapore). It opened for signature on 20 Sept 2017. Fifty countries quickly signed it the same day. The treaty will enter into force 90 days after 50 countries have ratified it.

2. It is likely that the NWPT will enter into force before too long. But will that bring the world “one step closer to the total elimination of nuclear weapons,” as claimed by Ambassador Elayne Whyte Gómez of Costa Rica who presided over the conference that negotiated the treaty?¹ Will the treaty be able to facilitate universal nuclear disarmament? The answer at this juncture does not appear to be a clear yes since all nuclear weapon possessors have rejected the treaty.

1. On 7 July 2017, after only a few staggered weeks of negotiations (one week in March 2017 and three weeks in June–July 2017), the

¹ Quoted in “UN conference adopts treaty banning nuclear weapons,” UN News Centre, 7 July 2017, <http://www.un.org/apps/news/story.asp?NewsID=57139>.

3. The US, UK and France have even described themselves as “persistent objectors” to the treaty, making it clear that they do not “intend to sign, ratify, or ever become party to it... we would not accept any claim that this treaty reflects or in any way contributes to the development of customary international law.”² The three have stated that instead of enhancing peace and security, the treaty “creates even more divisions at a time when the world needs to remain united in the face of growing threats.” Russia too frowned upon the negotiations right from the beginning and called it a “destructive” and “hasty” initiative that would undermine the 1968 Nuclear Non-proliferation Treaty (NPT).³ China has been relatively mellow and accepting of the goal of a “final and comprehensive ban,”⁴ but for now has rejected adherence to the core prohibitions of the ban treaty.

4. As is evident then, all the five nuclear weapons states (NWS) as recognized by the NPT have expressly voiced their objections to the treaty and have rejected a world without nuclear deterrence in current and foreseeable strategic circumstances. Interestingly enough, the response of the non-NPT nuclear-armed states has been no different from that of the five NWS. In other words, all the nine nuclear weapon possessors seem to have pretty much huddled together in their opposition to the treaty even if there are divergences in perspective and difference of emphases on points of opposition.

5. This Policy Brief is divided into two sections. The first briefly identifies the salient points of the individual positions on the ban treaty, as taken by the four nuclear-armed states outside of the NPT – India, Pakistan, Israel and North Korea. The second part then explores which one of these might have the will and the clout

to make a difference to the disarmament narrative and situation. India stands out as an obvious candidate given that its position on disarmament is the most evolved and consistent. The paper concludes by offering an examination of whether India can, and if so how and why it should, step forward to help take the objective of elimination of nuclear weapons forward. It is argued that doing so would enhance the country’s stature as well as bring real security benefits.

The Ban Treaty and the Non-NPT Nuclear-Armed States

India – Noble Desire, Inadequate Method

6. India has long been a champion of universal elimination of nuclear weapons. It has actively worked to achieve this objective by presenting several resolutions and concrete plans at relevant UN fora.⁵ However, the unconditional and indefinite extension of the NPT in 1995 pretty much dashed India’s hopes of ever getting to nuclear disarmament since it was clear that by agreeing to legitimize the nuclear weapons of NWS forever, the non-NWS had lost leverage over forcing the surrender of these weapons. The conclusion of the CTBT a year later, a treaty that India had linked to nuclear disarmament but which ended up perpetuating special rights for NWS and further entrenching the divide between NWS and non-NWS, became the last straw for India to decide to throw in its lot with nuclear deterrence in face of rising nuclearization of its neighbourhood. Over the last two decades, India has been engaged in building requisite capabilities to operationalize its nuclear deterrent. However, the country’s written nuclear doctrine continues to uphold the aspiration for a nuclear-weapon-free world.⁶

² Joint press statement from the Permanent Representatives to the UN of the US, UK and France following the adoption of the ban treaty, US State Department, 7 July 2017, <https://usun.state.gov/remarks/7892>. Emphasis added.

³ As quoted by William Potter, “Disarmament Diplomacy and the Nuclear Ban Treaty,” *Survival* 59:4 (August–September 2017), pp 75–108.

⁴ Statement by Foreign Ministry spokesperson Hua Chunying at a press conference on 20 March 2017, http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1447146.shtml.

⁵ Since 1982, India has regularly tabled the resolution “Reducing Nuclear Dangers” at the UN General Assembly. In 1988, Prime Minister Rajiv Gandhi presented an elaborate Action Plan on Nuclear Disarmament at the Third UN Special Session on Disarmament. For full text of the “Action Plan for Ushering in a Nuclear Free and Non Violent World Order,” see Manpreet Sethi, ed., *Towards a Nuclear Weapon Free World* (New Delhi: Knowledge World, 2009), pp 151–56.

⁶ See para 2 (viii) of The Cabinet Committee on Security

7. Given this long expressed desire, many expected a positive response from India to the ban treaty. What, then, were the reasons for New Delhi to object to and reject the treaty? Why did it refuse to participate in the negotiations and oppose the treaty at the UN General Assembly? Indian objections to the NWPT are not very different from those of the other NWS. It was not convinced that a measure outlawing nuclear weapons without other steps to unlock security considerations could actually lead to a nuclear-weapon-free world.

8. It may be recalled that India had participated in the Humanitarian Initiative conferences on the humanitarian impact of nuclear weapons held in 2013–14.⁷ New Delhi saw merit in this forum, which sought to draw attention to the horrendous global consequences of nuclear use on climate, health, environment and food security. The three conferences highlighted how difficult it would be for any nation to muster the necessary medical, financial and technological wherewithal to handle the consequences of nuclear use. However, India, like many other NWS began to disengage from the process when some non-NWS started “diverting the conversation away from a facts-based discussion over nuclear use and towards reference to ban processes.”⁸

9. The last conference on the humanitarian impact of nuclear weapons in 2014 at Vienna culminated in the adoption of a pledge, drafted by host country Austria, calling on all “States parties to the NPT to renew their commitment to the urgent and full implementation of existing obligations under Article VI... to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons.” More than a 100 countries signed on to the pledge, though not one of them was a nuclear weapons possessor. This is

where the two sets of countries began to part ways.

10. The issue of disarmament was also contentious at the 2015 NPT Review Conference, which consequently was unable to adopt a consensus final document. A disappointing outcome led to the creation of an open ended working group by the UN General Assembly in 2016 to propose new steps to promote nuclear disarmament. India did not join this group. In fact, none of the nuclear-armed states did. The open ended working group recommended pursuit of negotiations for a legally binding instrument to prohibit nuclear weapons, an idea that was formally endorsed by the General Assembly First Committee on 17 October 2016 and by a resolution at the UN General Assembly in December. The First Committee resolution, A/C.1/71/L.41, called upon all UN member states to participate in a conference in 2017 to negotiate a legally binding instrument to prohibit nuclear weapons, leading to their eventual elimination.

11. Under no obligation to accept the recommendation of the open ended working group in which India had not participated, India abstained on Resolution L.41. India’s permanent representative to the Conference on Disarmament (CD) explained the Indian position thus: “We are not convinced that the proposed Conference in 2017 convened under UN General Assembly rules of procedure can address the longstanding expectation of the international community for a comprehensive instrument on nuclear disarmament.”⁹

12. New Delhi has long insisted that the CD must be the single multilateral disarmament negotiation forum since it has the mandate, the membership, the credibility and the rules of procedure (specifically the requirement for consensus as explained below) to discharge this responsibility. While agreeing to participate in an earlier open ended working group on nuclear disarmament in 2013, the only nu-

Reviews Operationalization of India’s Nuclear Doctrine, released on 4 January 2003, <http://meainida.nic.in/>.

⁷ Three such conferences were held: in Oslo in March 2013; in Nayarit, Mexico in February 2014; and in Vienna in December 2014.

⁸ Emil Dall, “A Balancing Act: NATO States and the Nuclear Ban Treaty,” *ELN Issue Brief* (London: European Leadership Network, 31 July 2017), <http://www.europeanleadershipnetwork.org/a-balancing-act-nato-states-and-the-nuclear-ban-treaty-4969.html>.

⁹ Devirupa Mitra, “India undecided about Joining UN conference on nuclear ban, despite abstaining from vote on setting it up,” *The Wire*, 29 October 2016, <https://thewire.in/76784/india-undecided-about-joining-un-conference-on-nuclear-ban-despite-abstaining-from-vote-on-setting-it-up/>.

clear weapons possessor to do so, India had made it clear that it had agreed to do so only because it recognized the importance of sustaining efforts on multilateral nuclear disarmament. At the time, though, it had also highlighted its continuing concerns on instituting parallel initiatives that could adversely impact established disarmament machinery.

13. The Indian representative then said: “Our vote on this resolution is without prejudice to our principled position on the role of the CD as the forum for taking forward nuclear disarmament negotiations.” India expressed support for:

commencement of negotiations in the CD on a Comprehensive Nuclear Weapons Convention, which in addition to prohibition and elimination also includes verification. International verification would be essential to the global elimination of nuclear weapons, just as it has been in the case of the Chemical Weapons Convention. Progress on nuclear disarmament in the CD should remain an international priority.¹⁰

14. As is evident then, India’s concerns with the ban treaty have been twofold. First, India has been insistent on the need to have *the appropriate forum* negotiate the many complex dimensions of nuclear elimination. It has advocated the CD for this purpose primarily because it functions on a consensus based approach. Despite all its difficulties, India considers it necessary to take all stakeholders along on issues as critical as nuclear disarmament since not doing so could result in an outcome unacceptable to some key players. To be sustainable, nuclear disarmament must be universal. Consensus also guards against sham or rigged negotiations that may target one or more nations. Inclusivity is possible only through negotiations that are based on consensus and hence India has argued for the CD as the right forum to undertake this exercise. The second concern with the ban treaty has been with regard to its inadequate content since it does not include *the necessary issues of verifica-*

tion and the instruments for enforcing compliance with the elimination of nuclear weapons.

15. From the Indian perspective, the ban treaty bypassed both these concerns. It does lay down a procedure for a possessor state to join the treaty so long as it agrees to remove its nuclear weapons “from *operational status* immediately and to *destroy them* in accordance with a *legally binding, time-bound plan...* for the *verified and irreversible elimination* of that State Party’s nuclear weapon-programme, including the elimination or irreversible conversion of all nuclear weapons related facilities.”¹¹ However, legal experts have already punched holes in these provisions. How, they ask, does one define “operational status,” “destruction of nuclear weapons,” “legally binding, time bound plan of elimination” and who would determine and enforce it? For all nuclear possessors, including India, these issues are of major concern. In the absence of answers to these fundamental questions, India has found the treaty to be a less than sufficient measure to promote real disarmament. While New Delhi certainly supports the desire for disarmament, it finds the methodology adopted by the NWPT and its substance less than desirable.

Pakistan – No Nuclear Ban without Conventional Disarmament

16. On issues of nuclear non-proliferation and disarmament, Pakistan’s decision to accept or reject relevant treaties has been influenced primarily by what the Indian position on them has been, as well as an independent assessment of the merits of the treaty vis-à-vis Pakistan’s national interests. Once India expressed its non-acceptance of the ban treaty, it was not surprising that Islamabad did so too. Besides echoing concerns over verification and compliance that are common to all nuclear-armed states, Pakistan also expressed its opposition to the treaty, to the very idea of nuclear disarmament in fact, on the grounds that it did not include complementary conventional arms control too. Two scholars aptly encapsulated the Pakistani position in saying “A nuclear

¹⁰ PTI, “India abstains from voting on nuclear weapons ban at UN,” *Deccan Chronicle*, 22 October 2017, <http://www.deccanchronicle.com/world/america/291016/india-abstains-from-voting-on-nuclear-weapons-ban-at-un.html>.

¹¹ Text of Treaty on Prohibition of Nuclear Weapons, New York, United Nations General Assembly, 7 July 2017. Emphasis added.

weapons ban reflects misplaced idealism and an under-appreciation of fundamental strategic issues and concepts.”¹²

17. Indeed, Pakistan maintains, as was spelt out by the country’s representative to the First Committee on Disarmament, that one of the prerequisites for nuclear disarmament must be:

balanced reduction of armed forces and conventional armaments. Pakistan has drawn attention to the need to address the motives that drive states to acquire them before disarmament can be achieved... Not only do these motives include perceived threats from larger conventional or non-conventional forces, the existence of unresolved disputes but they also underline the discrimination in the application of international norms and laws.¹³

18. Evidently, Pakistan maintains that universal nuclear disarmament must also carry the burden of conventional arms control, if not conventional disarmament. Such a position is not surprising given that the country acquired nuclear weapons to achieve strategic parity with India in order to negate its conventional superiority, a reality that it has long perceived as being threatening to its own survival. Its continued pursuit of terrorism against India in a quest to bleed India through a thousand cuts does constantly raise for Pakistan the possibility of having to confront India’s conventional forces. Its nuclear weapons are then meant to be a shield against such an eventuality.

19. So long as Pakistan continues to flirt with terrorist organizations and its military (the dominant power in domestic power dynamics) continues to feed a paranoia about India, it is unlikely to have any genuine aspiration for nuclear disarmament. Rather, it would do all it can to add extraneous issues to stymie any real movement in this direction. It is telling that Pakistan has not allowed the CD to move on the negotiations for a fissile materials cut-off treaty (FMCT) for over two decades, although several

other countries may also be suspected to hide conveniently behind Pakistan’s recalcitrance.

20. In fact, yet another apprehension that has been expressed in Pakistan with regard to the ban treaty relates to what it describes as a “dangerous precedent” set by its having emerged from the UN General Assembly. Islamabad fears that frustration with the deadlock on the FMCT in the CD might result in the possibility of the FMCT too being taken away from the CD into a larger forum that functions on the basis of majority vote rather than consensus. Such a prospect does not appeal to a Pakistan that is not keen on the conclusion of an FMCT and is building new reactors to accumulate more fissile material to fulfil its vision of full spectrum deterrence. Nuclear disarmament is seemingly not on the country’s agenda in the near term.

Israel – No Ban without Solution of Security Dilemmas

21. Israel’s continued ambiguity on its nuclear status has not allowed it to take a public stance on nuclear disarmament, let alone the ban treaty. The country’s security calculations and the regional dynamics are the biggest drivers of Israel’s desire to retain a deterrence capability, even without the country having overtly acknowledged it. Keen to have the world recognize its ‘unique’ security situation, Tel Aviv has never been in favour of any movement that would encourage across-the-board nuclear disarmament without recognizing the specificity of its case. It has always upheld that its threat perceptions and security concerns do not allow it to support nuclear disarmament and it has been wary of trends that tend to move the world towards nuclear weapons elimination. Even before the momentum for the ban treaty built up, Israel had resisted pressure for negotiations of a Middle East WMD-Free Zone. Israel seeks greater sensitivity to its security dilemmas, including those with Iran. Despite the Joint Comprehensive Plan of Action (JCPOA), Israel is not convinced that Iran has given up on its nuclear weapon ambitions.

22. Israel has found a new friend in US President Donald Trump who is as unhappy with

¹² Christine M Leah and Saima Aman Sial, “Nuclear Ban Treaty: A Pakistani Perspective,” *The Express Tribune*, 21 July 2017,

<https://tribune.com.pk/story/1381947/nuclear-ban-treaty-pakistani-perspective/>.

¹³ Ibid.

the deal with Iran, as is Israel's Prime Minister Benjamin Netanyahu. Dwelling more on this subject is beyond the scope of this study. Suffice it to say that under the current circumstances where Iran-Israel relations are showing no signs of looking up, and in the absence of any progress in the Middle East peace process, it would be futile to expect Israel to look upon the NWPT favourably. In fact, even if the other eight nuclear-armed states were to try to take some collective action in favour of elimination of nuclear weapons, Israel will perhaps be the last one to join in, and only after much persuasion. The prospects of any of this look dim for the time being.

North Korea – Brinkmanship, Yes; Ban, No

23. Surprisingly, North Korea was the only state with nuclear weapons to vote for starting initial treaty negotiations in 2016. Perhaps Pyongyang saw this forum as one way of having its nuclear weapons legitimized, a status that has not been accepted by the international community. In fact, the US continues to call for North Korea's denuclearization before it is willing to start any negotiations with the country. South Korea too, which is willing to engage diplomatically alongside tough sanctions in a two-pronged strategy of promising benefits while raising costs, is equally loath to accepting its status as a nuclear-armed state.

24. For North Korea, however, its nuclear weapons provide the greatest assurance of security to the Kim regime. It is most unlikely that the country would agree to nuclear disarmament unless it was part of a worldwide effort in which all nuclear-armed states agree to eliminating their nuclear weapons – a distant possibility as of now. Between 2016 and now, North Korea has only hardened its position on its nuclear weapons, conducted many more missile tests and even two further nuclear tests, including one claimed to be that of a hydrogen weapon.

25. With sharp statements and counter-statements, nuclear threats and caustic insults being traded by the topmost leadership in Washington and Pyongyang in the last few months, it is not unexpected that North Korea has lost any interest it may have had in the ban

treaty. It could only be persuaded to change its mind if its relationship with the US somehow changed through negotiations, whether bilaterally or as part of the Six Party Talks. Such negotiations might be able to get the country to at least freeze its nuclear and missile program in exchange for some tangible benefits such as lifting of sanctions, normalization of diplomatic relations, a "peace treaty" or non-aggression pact, halting of US-South Korean military exercises, provision of food aid and power reactor, etc, and other intangible benefits such as security assurances. It is only in the eventuality of reaching this threshold, which looks very far away at the time of writing this article, and only if the other NWS were to cohesively come together to somehow take collective measures towards elimination of nuclear weapons that North Korea could be made to join.

26. At the moment, though, all of this looks uncertain. What is certain instead is that North Korea, for geopolitical and psychological reasons, will not join the ban treaty. Rather, because of its behaviour bordering on nuclear brinkmanship, more non-NWS currently under the US nuclear umbrella are likely to feel compelled to shun the treaty in favour of continued nuclear deterrence.

Realizing the Intention of the Ban Treaty: Who Can Help?

27. The ban treaty has been faulted for many reasons – lack of definition of specific terms, lack of clarity on verification, lack of enforcement, lack of provision for a competent authority to oversee the process, etc. Non-NWS supporters of the ban treaty respond to the criticism that the NWPT is short on details by arguing that the treaty has only created a normative framework and that it should now be the task of the NWS to flesh out the operational details of disarmament.

28. At this juncture, however, none of the NWS appears to be in a mood to do so. In fact, if anything, the rift between the NWS and the non-NWS can only be expected to further deepen at the next NPT Review Conference in 2020. It is likely that the non-NWS will come to the event flush with the victory of the ban treaty that could have entered into force by then. The

NWS and those under the nuclear umbrella can be expected to take more entrenched positions on nuclear deterrence given the growing rifts in nuclear relationships: US–Russia; US–China; US–North Korea; Russia–France; China–India; India–Pakistan. None of the nuclear dyads is in a comfortably stable situation right now. If anything, the salience of nuclear weapons appears to be at an all-time high since the end of the Cold War.

29. Nearly all the NWS have expressed their continued faith in nuclear deterrence. In fact, the ongoing stand-off between the US and North Korea where both sides have resorted to nuclear brinksmanship has made the possibility of universal acceptance of the ban treaty even more remote, at least in the short-term. The prospects might pick up in the long term if all or one or some of the nine nuclear-armed states were to understand the mood prevalent amongst the majority of the international community and indicate a willingness to take the intention behind the treaty forward, and to take steps to put some meat on the bare bones of the NWPT. But, it is difficult to judge how long that long term might be.

30. Equally difficult to answer is the question as to who amongst the nuclear possessors is likely to step up to bell the cat? Russia, France, Pakistan and North Korea seem to be the obvious naysayers. They can be expected to bring in many extraneous aspects into the nuclear disarmament debate to complicate matters as much as possible. The US (and UK by extension) do not *prima facie* look inclined to move in this direction. But there could be a slight hope that an appeal to President Donald Trump, if couched appropriately, might strike a chord. His character suggests he would like to be remembered for something grand and this might be a big ticket idea that could appeal to him, much like Ronald Reagan’s historic meeting with Mikhail Gorbachev in Reykjavik in 1987.

India Can Help. Here’s How

31. China and India both continue to grow their nuclear capabilities, but both have an overriding interest in limiting nuclear rivalries. An earlier Policy Brief had argued that as a NWS and an emerging global power, China should

take steps to respond constructively to the UN ban treaty and help mitigate the growing international division between treaty supporters and opponents.¹⁴ India is the only other possessor state likely to have an interest in seeking a fresh look at the prospects and modalities of universal, verifiable, multilaterally negotiated nuclear disarmament.

32. Can India prompt the NWS into a commitment to serious nuclear disarmament? While disarmament is indeed contingent on threat reduction between all nuclear weapons possessors and an overall improvement in the security situation, can India help in promoting some ideas that can contribute to creating the right security conditions? India may be able to do so for four reasons.

33. First, India does not suffer from a “deeply institutionalized sense of nuclear superiority and moral exceptionalism,” which some have identified as standing in the way of elimination of nuclear weapons by other NWS.¹⁵ India considers nuclear weapons a necessary evil for itself owing to its security compulsions. If its security situation could change as a result of universal nuclear disarmament, India would have little reason to keep these weapons.

34. Second, India does not harbour a visceral opposition to the NWPT as voiced by the five NWS. In fact, India accepts the treaty’s humanitarian imperative, having participated in the Humanitarian Initiative conferences. Also, India supports one of the prohibitions encapsulated in the treaty – that on the use and threat of use of nuclear weapons. India has long proposed a convention on this prohibition as one way of reducing salience of nuclear weapons and contributing towards the creation of a climate conducive for total elimination of nuclear weapons. India’s contention has been that once the use of the weapon was banned, none would want to acquire a weapon that could not be

¹⁴ Raymond Wang and Tong Zhao, “China and the Nuclear Weapons Prohibition Treaty,” *APLN/CNND Policy Brief* No. 45 (Canberra/Seoul: Asia-Pacific Leadership Network, September 2017), <http://www.apln.org/briefings/briefings/>.

¹⁵ Zia Mian, “After the Nuclear Weapons Ban Treaty: A New Disarmament Politics,” *Bulletin of the Atomic Scientists*, 7 July 2017, <https://thebulletin.org/after-nuclear-weapons-ban-treaty-new-disarmament-politics10932>.

used, either in war, or hence as a deterrent either. Therefore, a total ban on use of nuclear weapons, even before making their possession illegal, would directly strike at the very root of their utility and make their elimination easier.¹⁶

35. Third, as a non-NPT state, India can bridge the NWS and non-NWS inside the NPT fold. The divide between the two groups of states on non-proliferation and disarmament has been on the rise this century. Non-NWS have long complained of being subjected to more stringent non-proliferation measures such as the Additional Protocol and restrictions on enrichment and reprocessing, even as the NWS have refused significant steps towards disarmament. This growing disenchantment with the ability of the NPT to level the nuclear playing field led to the groundswell for the ban treaty. But it may have driven the wedge deeper between the two. India, which has strategic partnerships with nearly all major countries on both sides, could play the conciliator to bring them together with some concrete suggestions to push the disarmament agenda.

36. Fourth and most significantly, India has a doctrine that professes credible minimum deterrence and no first use (NFU) of nuclear weapons. Both these principles underwrite a narrow and precise role for nuclear weapons. The universal acceptance of a reduced role for nuclear weapons is one effective way of achieving their eventual elimination. As a practitioner of both these attributes, India has the moral strength and practical experience of deterrence that can enable a shift to disarmament if conditions become conducive.

37. India can be the catalyst in this process by drawing attention of all nuclear weapon possessors to the basics of nuclear deterrence.¹⁷ Owing to the power of mass destruction that it embodies, the nature of nuclear weapons is

such that one does not require elaborate nuclear arsenals or full-spectrum counterforce capabilities to deter the adversary. The weapons, in fact, are best suited for deterrence by the threat of punishment rather than being used in war fighting. In modern times, where each of the nine nuclear-armed states has some degree of secure second strike capability, there is no possibility of a decapitating or a disarming first strike. Therefore, the first user cannot hope to escape nuclear retaliation, nor assert that it can come out looking better after the first use of nuclear weapons. In such a situation where the military utility of nuclear weapons appears doubtful, the only rational purpose of these weapons is deterrence. And, NFU performs the task of deterrence much better – more credibly and with lower expenditure.

38. NFU drastically reduces arsenal requirements since a nation must only be able to promise retaliation to cause unacceptable damage. This can be well carried out with even inaccurate missiles that can deliver a few warheads over mega-cities. Neither does the command and control structure have to be elaborate enough to coordinate the logistics of a large first strike over many targets. It must only cater for survivability through redundancy to be able to launch a counter-strike. In fact, NFU allows even the first user to have a relatively relaxed posture since it is not under pressure of having to use its nuclear weapons early lest it was to lose them to a pre-emptive strike. The NFU commitment frees a possessor state from ‘use them or lose them’ compulsions.

39. One situation, however, is believed to pose an impediment to the adoption of universal NFU. This relates to how to address the issue of imbalance of forces for countries such as Pakistan, Israel, North Korea and even Russia, since they perceive their nuclear weapons as “strategic equalizers.” However, a case for persuading these states can be made on two grounds. Firstly, if there was a broad international consensus on and acceptance of NFU by a majority of the nuclear weapon possessors, their united stand would put pressure on the holdouts. Secondly, it is well proven through elaborate war gaming exercises between adversarial nuclear pairs that a weaker military power can never come out better after first use of nuclear weapons

¹⁶ See Manpreet Sethi, “Universal Nuclear Disarmament,” *Cadmus* 1:2 (April 2011), pp 134–35

¹⁷ For elaboration, see Manpreet Sethi, “Back to Basics: Pledging Nuclear Restraint,” *Off Ramps Initiative*, Stimson Centre, 17 July 2017, <https://www.stimson.org/sites/default/files/file-attachments/Off%20Ramps%20Initiative-Manpreet%20Sethi-Back%20to%20Basics-July%202017.pdf>.

against another nuclear-armed state. Therefore, first use against a nuclear adversary who also happens to have superior conventional and substantive nuclear capability would be nothing short of suicidal for the first user. What then is the military utility of a first use?

40. Therefore, if all nuclear weapon possessors were to pledge NFU and adopt appropriate force structures and doctrines, it would automatically restrain the need to build counterforce capabilities, reduce deterrence requirements and stabilize competition. Adoption of NFU would be a crucial step towards the eventual elimination of nuclear weapons since it would involve an assurance from every country that it would not be the first to introduce nuclear weapons into a conflict. Since there would not be a first use, it would effectively mean no use of the nuclear weapon. This would reduce dependence on nuclear weapons in national security strategies over a period of time.

41. It would, in turn, enhance inclination towards non-proliferation by sending a strong signal of the diminishing utility of nuclear weapons. Also, since this would be a first of its kind of an agreement amongst all nuclear possessor states, it would signify great symbolic political value. It would lessen the drive of each nuclear possessor state for new and modernized nuclear arsenals and thus lower interstate tensions. Reinforcing a virtuous cycle, this step would work towards enhancing the gradual irrelevance of the nuclear weapon.

42. In this context it is important to understand that the *pathway to elimination of nuclear weapons is as important as the process of elimination itself*. The answer to how we could ensure stability as we move to a world without nuclear weapons and remain stable at zero depends on how we get there. Only by following a consensual approach that enhances security rather than creating more insecurities can the appeal of a nuclear-weapons-free world be widened. India has always maintained that while the goal of nuclear disarmament is worthy of pursuit, the manner in which it is obtained is as important.

43. Therefore, the means must not be forgotten while deciding the pathways that can lead to

elimination of nuclear weapons. It is also for this reason that India has been an advocate of a step-by-step approach to nuclear disarmament in such a manner that each step reinforces the possibility of the next. Its support for universalizing NFU has emanated from such a step-by-step approach to reducing the salience of nuclear weapons. Many roadmaps for nuclear disarmament already recommend this step as an important milestone to get to a nuclear-weapons-free world and to sustain it in a stable manner. Campaigning by India for the universal acceptance of NFU would be a worthwhile initiative to take in furthering the objective of the ban treaty. India must try to put its weight behind this initiative and appeal to other nuclear possessor states to join in towards realizing the vision of a nuclear-weapons-free world.

44. Another dimension that India could try to contribute to the cause of nuclear weapons elimination is through strengthening the modalities for verification. Arriving at practical measures for enabling verification is perceived as a prerequisite of disarmament. States can be expected to renounce the nuclear weapons only when enough technical expertise is available to ensure adequate verification of the commitments undertaken to abandon nuclear arsenals. Advancements in the fields of surveillance and monitoring technologies coupled with research and development on how to deal with nuclear materials obtained from dismantled weapons would help overcome the technical challenges to the feasibility of nuclear disarmament.

45. New Delhi must step up individual and joint efforts towards answering the many questions that belie how to make nuclear disarmament verifiable and also conceptually contribute to crafting an institution that would enforce compliance. There could be a role here for the upcoming Global Centre for Nuclear Partnership (GCNEP), India's nuclear Centre of Excellence that could serve as the platform for such technical studies and analyses. If pursued as a multinational effort this would help build deeper technical relations among nations and lead to greater confidence in the process. These could be practical measures for buttressing the currently bare structure of the ban treaty.

Should India Help?

46. All the nine nuclear weapons possessing countries stayed away from the talks and some of them will work hard to obstruct the treaty's progress. Hopefully, India will not be one such country. While it may not consider the treaty to be the ideal instrument to meet the objective of elimination of nuclear weapons, and has opted to stay out of the treaty, it would certainly not be in India's interests to stymie the NWPT. In fact, though not a member of the NPT, India should nevertheless be concerned if the ban treaty ended up increasing polarization between the NWS and the non-NWS. Growing challenges of nuclear weapons demand a concerted, consensual approach rather than one in which countries are at odds over how to handle the risks. Weak links could very easily be exploited to exacerbate inter-state tensions or raise insecurities at the international level. Therefore, it should be in India's interest to actually bring different perspectives together and help realize a nuclear-weapons-free world.

47. However, amongst the many issues that could hold India back would be the fact that the country has burnt its fingers many times before with concrete disarmament proposals that have had no takers. Hence, many could ask why India should want to take this onus on itself again? Especially so, at a time when all the nuclear-armed states appear to be engaged in upgrading and modernizing their arsenals. Also, as the argument goes, it should be the responsibility of the possessors of the largest arsenals to do the disarmament heavy lifting.

48. Indeed, that would be ideal. But given that they are not likely to step up to the task, and if India believes that its own security, as also that of the world, is enhanced in a nuclear-weapons-free world, then where is the harm in striving for it, even at the risk of failure? If the status quo is fraught with risks, such as the possibility of deliberate war, or of inadvertent escalation due to miscalculation or unauthorized use, it is in India's interest to find ways of minimizing the challenges by identifying and promoting the right steps towards meaningful disarmament efforts.

49. This paper has recommended that India act in good faith to supplement the ban treaty with concrete measures to promote national and international security. But the actual future of the treaty, as also of nuclear disarmament, will also depend on the content of the US Nuclear Posture Review due next year, the future of Iran's nuclear deal, the outcome of nuclear brinkmanship between the US and North Korea, the prospects of NWS cooperation, as well as those of a Middle East WMDFFZ. All these remain open issues.

50. Progress towards realization of the intention behind the ban treaty will be possible only if accompanied by mindset changes that can lead to multilateral consensus. As stated by Syed Akbaruddin, India's Permanent Representative to the UN on 26 September 2017, on the occasion of International Day for Total Elimination of Nuclear Weapons: "There is need for a meaningful dialogue among all states possessing nuclear weapons to build trust and confidence and for reducing the salience of nuclear weapons in international affairs and security doctrines."¹⁸

51. Every nuclear-armed state will have to play its role to make this possible. However, in contemporary circumstances where chances of this appear dim, India could and should be the voice to keep the narrative on meaningful nuclear disarmament alive. It has the right background, the right doctrine and the right relationships across the board to play this role. Success in the endeavour would bring many benefits. But even failure would not be detrimental to India's interests, nor harmful to its reputation.

¹⁸ PTI, "Need to build trust, confidence among nuclear weapon states: India," *The Hindu*, 27 September 2017, <http://www.thehindu.com/news/national/need-to-build-trust-confidence-among-nuclear-weapon-states-india/article19761212.ece>.

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APLN and CNND

The **Centre for Nuclear Non-Proliferation and Disarmament (CNND)** contributes to worldwide efforts to minimize the risk of nuclear-weapons use, stop their spread and ultimately achieve their complete elimination. The director of the Centre is Professor Ramesh Thakur. See further <http://cnnd.anu.edu.au>.

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