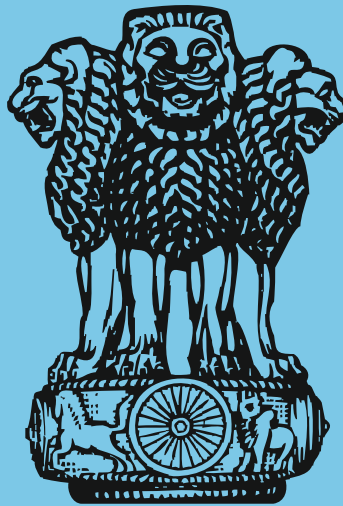


INTERNATIONAL COURT OF JUSTICE

**OBLIGATIONS CONCERNING NEGOTIATIONS RELATING TO  
CESSATION OF THE NUCLEAR ARMS RACE AND TO NUCLEAR  
DISARMAMENT  
(MARSHALL ISLANDS *v.* INDIA)**

**COUNTER - MEMORIAL  
OF THE REPUBLIC OF INDIA**



सत्यमेव जयते

16 SEPTEMBER 2015







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## I. INTRODUCTION

1. On 24 April 2014, the Republic of Marshall Islands (“RMI”) submitted an Application against nine States in possession of nuclear weapons, including India, alleging a failure of these Respondent States to honour their obligation to pursue in good faith, and bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. In its letter of 6 June 2014, India explained that there was no dispute between India and the RMI and objected to the jurisdiction of the International Court of Justice in the matter. The Court, by its Order of 16 June 2014, held that it was “necessary for the Court to be informed of all the contentions and evidence on facts and law on which the Parties rely on the matter of its jurisdiction;”<sup>1</sup> and accordingly directed the parties to file pleadings to address the question of the jurisdiction of the Court. The RMI filed its Memorial on 16 December 2014.

2. In this Counter-Memorial, India will demonstrate that there is no legal dispute between India and the RMI (II.). Furthermore, even if the Court were to find that the dispute as identified in the Memorial exists, the Court would nonetheless lack jurisdiction since the other indispensable Parties are not taking part in the proceedings (III.), several reservations to India’s Article 36(2) Declaration bar its jurisdiction (IV.) and the remedies which the RMI is seeking against India cannot be granted practically (V.)

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<sup>1</sup> I.C.J., Order, 16 June 2014, *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India)*, p. 2.



## II. NON-EXISTENCE OF A DISPUTE

3. In its Memorial, the RMI describes the subject-matter of the alleged dispute as follows:

“The subject matter of the present dispute brought before the Court by the Republic of the Marshall Islands [...] is the failure of the Republic of India [...] to honour its obligation towards the Applicant (and other States) to pursue in good faith, and bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. This obligation to negotiate a nuclear disarmament includes, in the first place, the obligation to negotiate in good faith to cease the nuclear arms race by each of the States that are in possession of nuclear weapons.”<sup>2</sup>

However, as demonstrated by India below, the RMI fails to identify a “real dispute”<sup>3</sup> between the Parties, the existence of which constitutes “the primary condition for the Court to exercise its judicial function.”<sup>4</sup>

4. As the RMI rightly recalled in its Memorial,<sup>5</sup> quoting from the PCIJ, “[a]dispute is a disagreement on a point of law or fact, a conflict of legal views or of interests between two persons.”<sup>6</sup>As the Court has long made clear,

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<sup>2</sup> RMIM, para. 2.

<sup>3</sup> I.C.J., Judgment, 4 December 1998, *Fisheries Jurisdiction (Spain v. Canada)*, Reports 1998, p. 449, para. 31.

<sup>4</sup> I.C.J., Judgments, 20 December 1974, *Nuclear Tests (Australia v. France)* and *Nuclear Tests (New Zealand v. France)*, Reports 1974, p. 271, para. 55 and p. 476, para. 58.

<sup>5</sup> RMIM, para. 14.

<sup>6</sup> P.C.I.J., Judgment, 30 August 1924, *Mavrommatis Palestine Concessions*, Series A, No. 2, p. 11. See also recently, I.C.J., Judgment, 1 April 2011, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)*, Preliminary Objections, Reports 2011, pp. 84-85, para. 30.



“[w]hether there is a dispute in a given case is a matter for ‘objective determination’ by the Court.”<sup>7</sup> Therefore:

“it is not sufficient for one party to a contentious case to assert that a dispute exists with the other party. A mere assertion is not sufficient to prove the existence of a dispute any more than a mere denial of the existence of the dispute proves its non-existence. Nor is it adequate to show that the interests of the two parties to such a case are in conflict. It must be shown that the claim of one party is positively opposed by the other.”<sup>8</sup>

5. In assessing whether a dispute between the Parties exists, the “Court’s determination must turn on an examination of the facts.”<sup>9</sup> In the present case, facts speak for themselves:

- As the RMI itself acknowledges,<sup>10</sup> India has always been a strong supporter of the necessity of nuclear disarmament (A.);
- RMI has, contrary to its position in the Application, never sought to engage in bilateral consultations with India (B.);

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<sup>7</sup> I.C.J., Advisory Opinion, 30 March 1950, *Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase, Reports 1950*, p. 74. See also recently, I.C.J., Judgment, 1 April 2011, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)*, *Preliminary Objections, Reports 2011*, pp. 84-85, para. 30 and Judgment, 20 July 2012, *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, *Reports 2012*, p. 442, para. 46.

<sup>8</sup> I.C.J., Judgment, 21 December 1962, *South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa)*, *Preliminary Objections, Reports 1962*, p. 328. See also I.C.J., Judgment, 3 February 2006, *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda)*, *Jurisdiction and Admissibility, Reports 2006*, p. 40, para. 90; Judgment, 1 April 2011, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)*, *Preliminary Objections, Reports 2011*, pp. 84-85, para. 30 and Judgment, 20 July 2012, *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, *Reports 2012*, p. 442, para. 46.

<sup>9</sup> I.C.J., Judgment, 1 April 2011, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)*, *Preliminary Objections, Reports 2011*, pp. 84-85, para. 30.

<sup>10</sup> RMIA, paras. 35-37.



- The artificiality and abusive character of the RMI's claim are apparent from the reading of the Application and the Counter-Memorial and from the context (C.).

#### A. India's Support to Nuclear Disarmament

6. While asserting that RMI's position lacks any merit whatsoever, it is necessary at the outset to set out India's position in the matter of nuclear disarmament and nuclear proliferation.

7. As India explained in its Letter of 6 June 2014, it is "committed to the goal of a nuclear weapon free world through global, verifiable and non-discriminatory nuclear disarmament."<sup>11</sup> India is a member of the Conference on Disarmament ("CD"), the international community's "single multilateral disarmament negotiating forum", <sup>12</sup> since its inception and has consistently supported the commencement of negotiations on nuclear disarmament in the CD. India's 2006 Working Paper on Nuclear Disarmament urges the reaffirmation of the unequivocal commitment of all nuclear weapon States to the goal of complete elimination of nuclear weapons as the first concrete step towards achieving the goal of nuclear disarmament; it calls for the negotiation of a Nuclear Weapons Convention prohibiting the development, production, stockpiling and use of nuclear weapons and on their destruction, leading to the global, non-discriminatory and verifiable elimination of nuclear weapons with a specified

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<sup>11</sup> India's letter dated 6 June 2014, para. 2 (RMIM, Annex 3).

<sup>12</sup>UNGA Resolution A/RES/S-10/2, "Final Document of the Tenth Special Session of the General Assembly", 30 June 1978, adopted by consensus, para. 120.



timeframe.<sup>13</sup> A resolution tabled by India at the UN General Assembly every year calls for the negotiation of a Convention on the Prohibition of the Use of Nuclear Weapons in the CD.<sup>14</sup>

8. India's Letter of 6 June 2014 simply confirmed the position defended by India since its birth as an independent State. India's first Prime Minister Jawaharlal Nehru was among the first world leaders to champion the cause of nuclear disarmament.<sup>15</sup> Addressing the Third Special Session of the UN General Assembly on Disarmament in 1988, the late Prime Minister Rajiv Gandhi proposed an Action Plan for a Nuclear-Weapons Free and Nonviolent World Order to attain the goal of nuclear disarmament in a time-bound, universal, non-discriminatory, phased and verifiable manner.<sup>16</sup> As a nuclear weapon state, India is cognizant of its responsibility and its support for global, non-discriminatory nuclear disarmament has not diminished. For example, in 1998 when it declared itself a nuclear weapon state, India stated at the highest political level that "India remains committed to the basic tenet of our foreign policy – a conviction that global elimination of nuclear weapons will enhance its security as well as that of the rest of the world."<sup>17</sup> In 2013, at the UN General Assembly High-Level Meeting on Nuclear Disarmament, Salman Khurshid, Minister of External Affairs of India, summarized his country's position concerning nuclear disarmament as follows:

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<sup>13</sup> Working Paper on Nuclear Disarmament originally issued in the First Committee under the symbol A/C.1/61/5 and submitted to the CD as CD/1816 of 20 February 2007 (**Annex 1**).

<sup>14</sup> UNGA Resolution A/RES/69/69 "Convention on the Prohibition of the Use of Nuclear Weapons" of 2014, tabled by India (**Annex 2**).

<sup>15</sup> See for example Statement made by Prime Minister Jawaharlal Nehru in Lok Sabha on 2 April 1954, *Document on India's Nuclear Disarmament Policy, Volume I*, pp 23-27, Eds. Gopal Singh and S.K. Sharma (**Annex 3**).

<sup>16</sup> A World Free of Nuclear Weapons: An Action Plan, submitted by Prime Minister Rajiv Gandhi at the Third Special Session of the UN General Assembly on Disarmament, June 9, 1988 (**Annex 4**).

<sup>17</sup> Paper Presented in the Lok Sabha by Prime Minister Atal Bihari Vajpayee on "Evolution of India's Nuclear Policy" on 27 May 1998. (**Annex 5**).



“[F]rom the days of our freedom struggle, we have been consistent in our support for the global elimination of all weapons of mass destruction. Mahatma Gandhi, the Father of our nation, was moved by the tragedy of Hiroshima and Nagasaki but remained unshaken in his belief in non-violence. He wrote that he regarded the employment of the atom bomb for the wholesale destruction of men, women, and children as the most diabolical use of science. More than six decades later, it remains our collective challenge to craft a nuclear weapon free and nonviolent world order.

India remains convinced that its security would be strengthened in a nuclear weapon free and non-violent world order. This conviction is based both on principle as well as pragmatism. We believe that the goal of nuclear disarmament can be achieved through a step-by-step process underwritten by a universal commitment and an agreed multilateral framework that is global and non-discriminatory. 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. Progressive steps are needed for the de-legitimization of- nuclear weapons paving the way for their complete elimination.

In 1988, Prime Minister Rajiv Gandhi presented to the UN General a comprehensive Action Plan for a nuclear weapon free and non-violent world order, which if implemented would have rid the world of nuclear weapons by 2008. India's subsequent proposals in the General Assembly and the Conference on Disarmament are testimony to our consistent support for nuclear disarmament based on the key principles of the Rajiv Gandhi Action Plan for achieving nuclear disarmament in a time bound manner.

As a responsible nuclear power, we have a credible minimum deterrence policy and a posture of no-first use. We refuse to participate in an arms race, including a nuclear arms race. We are prepared to negotiate a global No-First-Use treaty and our proposal for a Convention banning the use of nuclear weapons remains on the table. As we see no contradiction between nuclear disarmament and non-proliferation, we are also committed to working with the international community to advance our common objectives of non-proliferation, including through strong export controls and membership of the multilateral export regimes.



Mr. President, the Non-Aligned Movement, of which India is a proud founding member, has proposed today the early commencement of negotiations in the CD on nuclear disarmament. We support this call. Without prejudice to the priority we attach to nuclear disarmament, we also support the negotiation in the CD of a non-discriminatory and internationally verifiable treaty banning the future production of fissile material for nuclear weapons and other nuclear explosive devices that meets India's national security interests. It should be our endeavour to return the CD, which remains the single multilateral disarmament negotiating forum, to substantive work as early as possible.”<sup>18</sup>

9. Following this meeting, on 5 December 2013, the UN General Assembly adopted Resolution 68/32 (“Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament”). Only India, China, DPRK and Pakistan voted in favour; France, Israel, the Russian Federation, the United Kingdom and the United States voted against.<sup>19</sup>

10. As the RMI rightly notes in its Application, “India has consistently voted for the General Assembly resolution welcoming the Court’s conclusion regarding the disarmament obligation<sup>20</sup>.”<sup>21</sup> It has done so concerning the other relevant resolutions. For instance, in the recent years, India voted for:

- Resolutions 67/39 (“High-level meeting of the General Assembly on nuclear disarmament”) of 3 December 2012;<sup>22</sup>

- Resolutions 68/32 and 68/46 (“Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament” and “Taking forward multilateral nuclear disarmament negotiations”) of 5 December 2013;<sup>23</sup> and

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<sup>18</sup> Statement by Salman Khurshid, Minister of External Affairs of India, at the High Level Meeting of the General Assembly on Nuclear Disarmament, 68th United Nations General Assembly in New York, 26 September 2013 (**Annex 6**).

<sup>19</sup> See A/68/PV.60, p. 12.

<sup>20</sup> See Fn. 61: “Most recently adopted as A/RES/68/42, 5 December 2013”.

<sup>21</sup> RMIA, para. 35.

<sup>22</sup> See also RMIA, para. 36

<sup>23</sup> *Ibid.*



- Resolutions 69/41 (“Taking forward multilateral nuclear disarmament negotiations”) and 69/58 (“Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament”) of 2 December 2014.

11. India’s own resolutions at the UN General Assembly (“Convention on the Prohibition of the Use of Nuclear Weapons”, tabled every year since 1982 and “Reducing nuclear danger”, tabled every year since 1998)<sup>24</sup> give further expression to India’s desire to work with other member states of the United Nations to achieve the goal of nuclear disarmament.

12. Even more strikingly, India is the only State possessing nuclear weapon that co-sponsors and votes for the UN General Assembly resolution on “Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons”, which “calls upon all States to immediately commence multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination.”<sup>25</sup> It is revealing that for ten years (2003-2012) prior to the RMI contemplating this recourse to the ICJ, while India consistently voted for and sponsored this resolution, the RMI voted against the resolution or abstained nine times and voted in favour only once.<sup>26</sup> This shows not only the inconsistency of the RMI’s belief in multilateral negotiations leading to nuclear disarmament but also the artificiality of its claim in this case.<sup>27</sup>

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<sup>24</sup> UNGA Resolution A/RES/69/69 (**Annex 2**) and Resolution A/RES/69/40 of 2014 respectively (**Annex 7**).

<sup>25</sup> UNGA Resolution A/RES/69/43, “Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons”, 2 December 2014 (**Annex 8**). See also RMI, para. 36.

<sup>26</sup> Table comparing the voting record of India and the RMI on the ICJ Resolution (**Annex 9**).

<sup>27</sup> See paras. 20-26 below.



13. According to the RMI, it is during the 2<sup>nd</sup> Conference on the Humanitarian Impact of Nuclear Weapons at Nayarit in February 2014 that, by its statement, the RMI, for the very first time allegedly “raised a dispute with each and every one of the States possessing nuclear weapons, including with India.”<sup>28</sup> The reading of the India’s<sup>29</sup> and the RMI’s<sup>30</sup> statements at this conference clearly shows that their positions on the issue of nuclear disarmament, far from being “positively opposed”,<sup>31</sup> in fact converge. If the RMI called on “all states possessing nuclear weapons to intensify efforts to address their responsibilities in moving towards an effective and secure disarmament”, India expressed its support for nuclear disarmament and reiterated its commitment to the complete elimination of nuclear weapons in a time-bound, universal, non-discriminatory, phased and verifiable manner. It stated its belief that nuclear disarmament can be achieved through a step-by-step process underwritten by a universal commitment and an agreed global and non-discriminatory multilateral framework and it called for a meaningful dialogue among all states possessing nuclear weapons to build trust and confidence for reducing the salience of nuclear weapons in international affairs and security doctrines.

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<sup>28</sup> RMIM, para. 18.

<sup>29</sup> Available at: [http://www.mea.gov.in/Speeches-Statements.htm?dtl/22936/Statement\\_by\\_India\\_at\\_the\\_Second\\_Conference\\_on\\_the\\_Humanitarian\\_Impact\\_of\\_Nuclear\\_Weapons\\_at\\_Nayarit\\_Mexico](http://www.mea.gov.in/Speeches-Statements.htm?dtl/22936/Statement_by_India_at_the_Second_Conference_on_the_Humanitarian_Impact_of_Nuclear_Weapons_at_Nayarit_Mexico)

<sup>30</sup> Available at: <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nayarit-2014/statements/MarshallIslands.pdf>

<sup>31</sup> I.C.J., Judgment, 21 December 1962, *South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa)*, *Preliminary Objections, Reports 1962*, p. 328. See also I.C.J., Judgment, 3 February 2006, *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda)*, *Jurisdiction and Admissibility, Reports 2006*, p. 40, para. 90; Judgment, 1 April 2011, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)*, *Preliminary Objections, Reports 2011*, pp. 84-85, para. 30 and Judgment, 20 July 2012, *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, *Reports 2012*, p. 442, para. 46.



14. As recently as at the 2015 Session of the CD, the World's single multilateral disarmament negotiating forum, India underlined through a formal statement that negotiations on nuclear disarmament was its priority and that it supported the commencement of negotiations in the CD on a Comprehensive Nuclear Weapons Convention.<sup>32</sup> This support was reiterated on several occasions during the 2015 Session of the CD.<sup>33</sup>

#### B. Absence of Prior Bilateral Negotiations between the RMI and India

15. RMI's application purports to raise, what is plainly a contrived dispute. In order for a dispute to arise, there has to be an attempt to raise an issue the failure to resolve which gives rise to a dispute. India does not accept that there is any accepted principle of international law as is sought to be asserted by RMI. Nonetheless if RMI was serious in relation to the matters raised in its application, it should have in the first instance raised the matter with India.

16. Contrary to what the RMI asserts, there is no "clear evidence that the RMI had raised a dispute with each and every one of the States possessing nuclear weapons, including with India."<sup>34</sup> On the contrary, the RMI has never brought its "claim" to India's attention nor invoked India's responsibility, let alone has RMI sought to start negotiations with the States against whom it has instituted proceedings before the I.C.J.

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<sup>32</sup> Statement by Ambassador D B Venkatesh Varma, Permanent Representative of India to the CD, 24 February 2015 (**Annex 10**).

<sup>33</sup> See also Statement by Ambassador D B Venkatesh Varma, Permanent Representative of India to the CD, in the CD Plenary on 7 July 2015 (**Annex 11**) and on behalf of the Group of 21 on 30 June 2015 (**Annex 12**).

<sup>34</sup> RMIM, para. 18.



17. As the P.C.I.J. clearly explained in the *Free Zones* case, “the judicial settlement of international disputes, with a view to which the Court has been established, is simply an alternative to the direct and friendly settlement of such disputes between the Parties.”<sup>35</sup>

18. As early as 1924, the Permanent Court noted that it realized “to the full the importance of the rule laying down that only disputes which cannot be settled by negotiation should be brought before it” and added that “before a dispute can be made the subject of an action at law, its subject matter should have been clearly defined by means of diplomatic negotiations.”<sup>36</sup> This position was reiterated with force by the present Court, in particular in the case concerning the *Right of passage* in which the Court considered

“the question of the extent to which, prior to the filing of the Application by Portugal, negotiations had taken place between the Parties in the matter of the right of passage.”

and noted that:

An examination of these negotiations shows that, although they cover various aspects of the situation arising out of the political claims of India in respect of the enclaves, a substantial part of these exchanges of views was devoted, directly or indirectly, to the question of access to the enclaves.”

And it finally dismissed India’s objections since:

“A survey of the correspondence and Notes laid before the Court reveals that the alleged denial of the facilities of transit to the enclaves provided the subject-matter of repeated complaints on the part of Portugal; that

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<sup>35</sup> P.C.I.J., Order, 19 August 1929, *Free Zones of Upper Savoy and the District of Gex*, Series A, No. 22, p. 13.

<sup>36</sup> P.C.I.J., Judgment, 30 August 1924, *Mavrommatis Palestine Concessions*, Series A, No. 2, p. 15. See also I.C.J., Judgment, 26 November 1957, *Case concerning right of passage over Indian Territory (Preliminary Objections)*, Reports 1957, pp. 148-149.



these complaints constituted one of the principal objects of such exchanges of views as took place (...).

While the diplomatic exchanges which took place between the two Governments disclose the existence of a dispute between them on the principal legal issue which is now before the Court, namely, the question of the right of passage, an examination of the correspondence shows that the negotiations had reached a deadlock.

It would therefore appear that assuming that there is substance in the contention that Article 36 (2) of the Statute, by referring to legal disputes, establishes as a condition of the jurisdiction of the Court a requisite definition of the dispute through negotiations, the condition was complied with to the extent permitted by the circumstances of the case.”<sup>37</sup>

19. If RMI was serious about setting about a chain of bilateral consultations, it would have attempted to engage in such consultations in the first instance, in the present case, the record shows that the RMI has *never* brought its claims India’s attention. This is unsurprising as clearly these issues do not lend themselves to a bilateral resolution. It has also not made a specific proposal for multilateral negotiations in a UN forum on nuclear disarmament which has been contested by India; in fact as its voting record in the UN General Assembly shows, it has failed to support the call for negotiations on nuclear disarmament. The RMI has been able to refer to only one general statement in a conference called outside the UN framework as what it describes as “clear evidence that the RMI had raised a dispute with each and every one of the States possessing nuclear weapons, including with India.”<sup>38</sup> This statement was made in February 2014, two months before the RMI filed its Application, at a conference during which the position of the Parties regarding the need for nuclear disarmament actually coincided.<sup>39</sup> There is nothing else in the RMI’s Application and nothing more in the RMI’s Memorial

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<sup>37</sup> I.C.J., Judgment, 26 November 1957, *Case concerning right of passage over Indian territory (Preliminary Objections)*, Reports 1957, pp. 148-149.

<sup>38</sup> RMIM, para. 18.

<sup>39</sup> See para. 13 above.



which supports the allegation that the RMI has sought to invoke its forged dispute with India, let alone that it endeavoured to engage in negotiations. In fact, on the contrary, the RMI mostly abstained on First Committee Resolution on “Follow-up to the Advisory Opinion of the ICJ on the Legality of the Use or Threat of Use of Nuclear Weapons” while India co-sponsored that resolution and voted in favour. It is only after contemplating instituting proceedings against India at the ICJ that RMI changed its vote on this resolution to a positive vote.

### C. The Artificiality of the RMI’s Claim

20. A confirmation of the artificiality of the RMI’s claim can be found in the shift of the alleged dispute as presented first in the RMI’s Memorial in contrast with the presentation made in its Application. The dispute raised in the Application, identified at the very outset in paragraph 2, is based on the “failure to fulfil the obligations of customary international law with respect to *cessation of the nuclear arms race at an early date and nuclear disarmament enshrined in Article VI of the NPT* and declared by the Court.”<sup>40</sup> Further, in paragraph 5, the Application suggests that “the long delay in fulfilling *the obligations enshrined in Article VI of the NPT* and customary international law constitutes a flagrant denial of human justice.”<sup>41</sup> Moreover, in paragraph 7, the Applicant emphasises its being “a non-nuclear-weapon State (‘NNWS’) Party to the NPT” and explains that “The Marshall Islands acceded to the Treaty as a Party on 30 January 1995, and has continued to be a Party to it since that time.”<sup>42</sup> The obvious assumption underlying the assertions in paragraphs 2, 5 and 7 of the Application is that India is in breach of its alleged obligations under the Treaty on the Non-Proliferation of Nuclear

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<sup>40</sup> Italics added.

<sup>41</sup> Italics added.

<sup>42</sup> See also RMIM, paras. 10 or 59.



Weapons (NPT) of which it is not a Party – a fact recognized by the RMI in paragraph 6.<sup>43</sup>

21. By contrast, the RMI has changed its position in the Memorial [faced with a jurisdictional challenge] which seeks to distance itself not merely from some of the assertions of the Application but also from the legal basis that would be necessary to grant the remedies sought in the Application. There, it is careful to avoid such formulas and insists that “the present dispute between the RMI and India is, and can only be, a dispute exclusively under customary international law. This is so because India is not a party to the NPT.”<sup>44</sup> However, it is the Application “which sets out the subject of the dispute”.<sup>45</sup>

22. A reading of the Application including the remedies sought leaves no doubt that what the RMI seeks to achieve in reality is to cast upon India the obligation of complying with Article VI of the NPT. In other words the RMI’s claim amounts to requesting the Court to declare that India is subject to the obligation provided for in Article VI of the Treaty. That provision cannot be viewed in isolation; it is a part of the treaty that has been found unacceptable by several States including India. Indisputably, the Court has no jurisdiction to compel a State to accept treaty obligations to which it has not provided its sovereign consent and to which it has persistently objected. India’s position on the NPT is a matter of record.<sup>46</sup> During the NPT negotiations, in accordance with the

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<sup>43</sup> See also RMIM, para. 20.

<sup>44</sup> RMIM para. 36; see also para. 21.

<sup>45</sup> P.C.I.J., Judgment, 4 February 1933, *Prince von Pless Administration*, Series A/B, No. 52, p. 14; see also: I.C.J., Judgment, 30 November 2010, *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, Merits, Reports 2010, p. 656, para. 39.

<sup>46</sup> See *Document on India’s Nuclear Disarmament Policy, Volume II*, Eds. Gopal Singh and S.K. Sharma for statements made by India’s negotiator V C Trivedi at the Conference of the Eighteen-Nation Committee on Disarmament of 12 August 1965, pp. 582-596; 15 February 1966, pp 612-627; 10 May 1966, pp 638-646; 23 May 1967, 687-700; and 28 September 1967, 706-718;



mandate contained in UN Resolution 228(XX) of November 19, 1965, India had put forward the idea of an international non-proliferation agreement under which the nuclear weapon states would agree to give up their arsenals and other countries would refrain from developing or acquiring such weapons. This balance of rights and obligations was missing when the NPT emerged in 1968 even as India's security concerns deepened. When the Indian parliament's lower House debated the NPT on 5 April 1968, Prime Minister Indira Gandhi highlighted the shortcomings of the NPT and said that "we shall be guided entirely by our self-enlightenment and the considerations of national security".<sup>47</sup> India accordingly made a sovereign choice to stay out of the NPT.

23. From the negotiation of the NPT and its adoption to this day, India's position on the NPT has been consistent. For example, when the treaty was extended indefinitely in 1995, India reiterated its position.<sup>48</sup> Again in 2000, India rejected the treaty as unmindful of its security concerns, discriminatory and incapable of leading the world to nuclear disarmament.<sup>49</sup>

24. India submits that any suggestion of the existence of a jurisdiction to compel States to accept obligations under a Treaty – in whole or in part – does not vest in this Court, and any invitation to cast upon States obligations other than those that flow from clear and well defined principles of customary international law would seriously erode the principle of sovereignty of States. It is not within

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Statement by External Affairs Minister M. C. Chagla in Parliament on 27 March 1967, pp 685-687; Statements by Ambassador Azim Husain in the Eighteen-Nation Committee on Disarmament on 27 February 1968, pp 724-730 and in the Political Committee of the United Nations on 14 May 1968 pp 741-755, (**Annexes 13-20**).

<sup>47</sup> Statement by Prime Minister Indira Gandhi, Lok Sabha, 5 April 1968. *Ibid*, pp 739-741(**Annex 21**).

<sup>48</sup> Statement by External Affairs Minister Pranab Mukherjee at the 50<sup>th</sup> Session of the UN General Assembly on 29 September 1995, relevant extracts(**Annex 22**).

<sup>49</sup> Statement to Parliament on the NPT Review Conference by External Affairs Minister Jaswant Singh, May 9, 2000(**Annex 23**).



the Court's jurisdiction to extend Article VI obligations to India which is not a party to the NPT.

25. India submits that the Application seeks to impose upon India the obligations under the NPT, and the Memorial seeks to mask the real intent of RMI by relying on some undefined and unstated principle of International law which would indirectly achieve the same end.

26. Other clear indications of the artificial character of the present dispute lie in the undue haste with which the RMI lodged its Application<sup>50</sup> and in the circumstances in which it was prepared and lodged.

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<sup>50</sup> See para. 72 below.



### **III. THE REMEDIES SOUGHT BY THE RMI CANNOT BE GRANTED IN THE ABSENCE OF OTHER STATES**

27. The Application and the Memorial make a thinly disguised attempt to invite this Court to extend its jurisdiction and to assume the role of an international arbiter of nuclear disarmament and non-proliferation. This Court should firmly decline at the very first opportunity this invitation to step into the political and legislative domain if only because of the absence of the other States possessing nuclear weapons.

28. At the outset, it may be noted again that India, Pakistan and the United Kingdom are the only three States possessing nuclear weapons that recognize the jurisdiction of the Court by means of declarations under Article 36(2) of the Statute of the Court. In the Applications relating to the remaining six States, the RMI has included an invitation as foreseen in Article 38, paragraph 5, of the Rules of the Court. China has formally notified that it does not consent to the jurisdiction of the Court<sup>51</sup> and, to India's knowledge, the remaining five States have not yet responded to the Applications.

29. RMI invites the Court to declare that India failed "to pursue in good faith, and bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."<sup>52</sup> It then labours the point in an attempt to show that this so-called "dispute" is purely bilateral between India and the RMI and separate from the eight other cases filed by the RMI against the other eight States possessing the nuclear weapon, and that:

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<sup>51</sup> RMIM, para. 5.

<sup>52</sup> RMIM, para. 2.



“[t]he fact that not all of the nine States are accepting to actually appear in these respective cases before the Court cannot be deemed an obstacle for the Court to consider and adjudge each one of the three cases that are actually continuing (the present case against India as well as the cases against Pakistan and the United Kingdom).”<sup>53</sup>

30. The Memorial acknowledges that the Court has no jurisdiction over six of the other States with which India would have an obligation to engage into negotiation,<sup>54</sup> far less upon the many States - parts of the “whole international community”- which are supposedly interested in the respect of the obligation (“*erga omnes*”)allegedly violated by India<sup>55</sup> and which States do not accept the jurisdiction of the Court.<sup>56</sup>

31. The failure to negotiate a treaty with third party States cannot be a dispute between India and the RMI.

32. According to the well-known “*Monetary Gold* principle”, in inter-State adjudication,

“one of the fundamental principles of [the Court’s] Statute is that it cannot decide a dispute between States without the consent of those States to its jurisdiction. This principle was reaffirmed in the Judgment given by the Court in the case concerning *Monetary Gold Removed from Rome in 1943* and confirmed in several of its subsequent decisions (see *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, *Application for Permission to Intervene, Judgment*, *I.C.J. Reports* 1984, p. 25, para. 40; *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, *Jurisdiction and Admissibility, Judgment*, *I.C.J. Reports* 1984, p. 431, para. 88 ; *Frontier Dispute (Burkina Faso/Republic of Mali)*, *Judgment*, *I.C.J. Reports* 1986, p. 579, para. 49; *Land, Island and Maritime Frontier Dispute (ElSalvador/Honduras)*, *Application to*

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<sup>53</sup> RMIM, para. 6.

<sup>54</sup> RMIM, paras 4-5.

<sup>55</sup> See e.g. RMIA, para. 40.

<sup>56</sup> See para. 39 below.



*Intervene, Judgment, I.C.J. Reports* 1990, pp. 114-116, paras. 54-56, and p. 112, para. 73; and *Certain Phosphate Lands in Nauru (Nauru v. Australia), Preliminary Objections, Judgment, I.C.J. Reports* 1992, pp. 259-262, paras. 50-55).<sup>57</sup>

33. In the *Monetary Gold* case, the Court found that where, as in the present case, “the vital issue to be settled concerns the international responsibility of a third State [that of Albania in that case], the Court cannot, without the consent of that third State, give a decision on that issue.”<sup>58</sup> The Court accordingly declined to exercise jurisdiction since “Albania’s legal interests would not only be affected by a decision, but would form the very subject-matter of the decision.”<sup>59</sup>

34. In the present case, even assuming that there was some principle of law that would apply *erga omnes* to all the States or at least the nine States, the separation between the nine cases filed by the RMI is artificial since the obligation enunciated in the Memorial and the Application allegedly violated by India is the same obligation that the RMI invokes in the eight other cases<sup>60</sup>. Besides, clearly a sensible resolution and effective relief of the problem sought to be remediated in the Application would only be if the “obligation” were to be performed jointly by all of them with the active participation of non-nuclear weapon States, including States that rely on the nuclear umbrella provided by nuclear weapon States.

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<sup>57</sup> I.C.J., Judgment, 30 June 1995, *East Timor (Portugal v. Australia), Reports* 1995, p. 101, para. 26.

<sup>58</sup> I.C.J., Judgment, 15 June 1954, *Case of the monetary gold removed from Rome in 1943 (Preliminary Question), Reports* 1954, p. 33.

<sup>59</sup> *Ibid.*, p. 32.

<sup>60</sup> Cf. RMIM, para. 3: “The subject matter of all Applications related to a similar failure of each and every one of these nine States to live up to their obligation to pursue in good faith, and bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.”



35. The essential stake and participation of non-nuclear weapon States in nuclear disarmament is explicitly recognised in the membership of the UN forums dealing with these issues from the beginning of the nuclear age;

- this obligation is addressed in particular to States possessing the nuclear weapon;

- by definition, “negotiations leading to nuclear disarmament in all its aspects”<sup>61</sup> necessitate the participation of all States possessing the nuclear weapons; and therefore,

- the very subject-matter of the case is the alleged common or joint responsibility of the nine States possessing nuclear weapons, and

- that all non-nuclear weapon States, including States that rely on extended nuclear deterrence, are essential stake holders in these negotiations is implicit in the role that RMI seeks for itself on the issue and explicit in the membership and mandate of the competent UN forums.<sup>62</sup>

36. As the Court recognized in its Advisory Opinion on *Legality of the Threat or Use of Nuclear Weapons*, “any realistic search for general and complete disarmament, especially nuclear disarmament, necessitates the co-operation of all States”,<sup>63</sup> especially those possessing nuclear weapons.

37. Even if it were to be assumed that there is a rule of customary international law obliging sovereign States to negotiate in good faith to arrive at a consensus on nuclear disarmament and nuclear non-proliferation, the question whether the actions of a State are lacking in good faith or fail to measure up to the

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<sup>61</sup> I.C.J., Advisory Opinion, 8 July 1996, *Legality of the Threat or Use of Nuclear Weapons*, Reports 1996, p. 267, para. 105(2)(F).

<sup>62</sup> See UNGA Resolution A/RES/S-10/2, “Final Document of the Tenth Special Session of the General Assembly”, 30 June 1978, adopted by consensus, Part II.

<sup>63</sup> I.C.J., Advisory Opinion, 8 July 1996, *Legality of the Threat or Use of Nuclear Weapons*, Reports 1996, p. 226, para. 100.



so-called obligation can only be a dispute among the States engaged in the negotiations, and can only be examined in the presence of the States which were under the alleged common obligation to negotiate complete elimination of nuclear weapons.

38. Therefore, even if the RMI could show that there is a dispute (*quod non*), the alleged dispute could not be decided by the Court in the absence of the other States possessing the nuclear weapons against which the RMI has seized the Court, while acknowledging that it lacks jurisdiction in six of these cases.

39. Furthermore, the fact that the obligation allegedly violated by the States possessing the nuclear weapons would be *erga omnes* is both irrelevant and goes against the RMI's argument.

40. In the *East Timor* case, the I.C.J. made clear that:

“the *erga omnes* character of a norm and the rule of consent to jurisdiction are two different things. Whatever the nature of the obligations invoked, the Court could not rule on the lawfulness of the conduct of a State when its judgment would imply an evaluation of the lawfulness of the conduct of another State which is not a party to the case. Where this is so, the Court cannot act, even if the right in question is a right *erga omnes*.”<sup>64</sup>

Therefore, by no means could the *erga omnes* character of the allegedly violated norm be a ground for establishing the jurisdiction of the Court.

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<sup>64</sup> I.C.J., Judgment, 30 June 1995, *East Timor (Portugal v. Australia)*, Reports 1995, p. 102, para. 29. See also: I.C.J., Judgment, 3 February 2006, *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda)*, Jurisdiction and Admissibility, Reports 2006, pp. 51-52, para. 125 (and also pp. 31-32, para. 64) and Judgment, 3 February 2012, *Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening)*, Reports 2012, p. 140, para. 93.



41. In reality, the RMI's argument based on the alleged *erga omnes* character of Article VI of the NPT<sup>65</sup> – a treaty obligation on which India, as a non-party to the NPT and as a persistent objector to that treaty, does not take a position – destroys the edifice of RMI's case on jurisdiction since it clearly demonstrates that, in the least, the issue is definitely not bilateral.

42. Finally nuclear arms are, by their very character, such as to be the cause of global concern and not merely bilateral or regional concern, and the effective resolution of the question of nuclear disarmament must necessarily be the subject matter of a multilateral treaty. Unless all the nuclear and potentially nuclear States participate in negotiations on nuclear disarmament and arrive at a consensus, global nuclear non-proliferation and disarmament would remain a chimera.<sup>66</sup> As a consequence, all States are “indispensable Parties”, since all would be affected by the Judgment of the Court sought by the RMI. Such an international legislative function goes well beyond the jurisdiction of the ICJ and is strictly the preserve of the UN inter-governmental forums.

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<sup>65</sup> RMIA, para. 40 and RMIM, paras. 7 and 21.

<sup>66</sup> See also Section V.



#### **IV. THE DISPUTE ALLEGED BY THE RMI FALLS OUTSIDE THE SCOPE OF INDIA'S OPTIONAL DECLARATION**

43. The RMI seeks to found the jurisdiction of the Court on the declarations made by the Parties under Article 36(2) of the Statute of the Court.

44. India signed its Declaration on 15 September 1974 and deposited it on 18 September 1974. This declaration revoked and replaced the previous declaration made by the Government of India on 14 September 1959. The RMI deposited its Declaration on 24 April 2013. India reiterates its position communicated by its letter dated 6 June 2014 that the Court has no jurisdiction to adjudicate upon the alleged dispute in view of several reservations contained in its Declaration.

45. Declarations recognizing the jurisdiction of the Court as compulsory are in essence unilateral acts, issued under the authority of State sovereignty. As the Court held in the case concerning *Military and Paramilitary Activities in and against Nicaragua*:

“Declarations of acceptance of the compulsory jurisdiction of the Court are facultative, unilateral engagements, that States are absolutely free to make or not to make. In making the declaration a State is equally free either to do so unconditionally and without limit of time for its duration, or to qualify it with conditions or reservations.”<sup>67</sup>

46. As the Court further explained, “[i]t is for each State, in formulating its declaration, to decide upon the limits it places upon its acceptance

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<sup>67</sup>*Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, *Jurisdiction and Admissibility*, Judgment, *ICJ Reports* 1984, p. 418, para. 59.



of the jurisdiction of the Court.”<sup>68</sup> Conditions or reservations to Article 36(2) declarations “thus do not by their terms derogate from a wider acceptance already given. Rather, they operate to define the parameters of the State’s acceptance of the compulsory jurisdiction of the Court.”<sup>69</sup>

47. The rules of international law that apply to the interpretation of declarations made under Article 36(2) of the Court’s Statute and reservations thereto are now well settled.

48. In the *Anglo-Iranian Oil* case, the I.C.J. explained that a “declaration must be interpreted as it stands, having regard to the words actually used.”<sup>70</sup> The Court observed that it “must seek the interpretation which is in harmony with a natural and reasonable way of reading the text, having due regard to the intention of the Government...at the time when it accepted the compulsory jurisdiction of the Court.”<sup>71</sup>

49. Similarly, the Court stated “[e]very reservation must be given effect “as it stands””,<sup>72</sup> “in a manner compatible with the effect sought by the reserving State.”<sup>73</sup> As the I.C.J. further explained, the intention of a reserving State “may be deduced not only from the text of the relevant clause, but also from the context in which the clause is to be read, and an examination of evidence regarding the circumstances of its preparation and the purposes intended to be

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<sup>68</sup> I.C.J., Judgment, 4 December 1998, *Fisheries Jurisdiction (Spain v. Canada)*, *Jurisdiction of the Court, Reports 1998*, pp. 452-453, para. 44.

<sup>69</sup> *Ibid.*

<sup>70</sup> I.C.J., Judgment, 22 July 1952, *Anglo-Iranian Oil Co. Case (Jurisdiction)*, *Reports 1952*, p. 105.

<sup>71</sup> *Ibid.*, p. 104.

<sup>72</sup> I.C.J., Judgment, 4 December 1998, *Fisheries Jurisdiction (Spain v. Canada)*, *Jurisdiction of the Court, Reports 1998*, pp. 454, paras. 47 (citing *Certain Norwegian Loans, Judgment, I.C.J. Reports 1957*, p. 27) and 49. See also I.C.J., Judgment, 22 July 1952, *Anglo-Iranian Oil Co. Case (Jurisdiction)*, *Reports 1952*, p. 105.

<sup>73</sup> *Ibid.*, p. 455, para. 52.



served.”<sup>74</sup>

50. The reservations in India’s Article 36(2) Declaration must be interpreted in the light of the above principles.

51. India’s Declaration reads as follows:

“I have the honour to declare, on behalf of the Government of the Republic of India, that they accept, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate such acceptance, as compulsory ipso facto and without special agreement, and on the basis and condition of reciprocity, the jurisdiction of the International Court of Justice over all disputes other than:

- (1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;
- (2) disputes with the government of any State which is or has been a Member of the Commonwealth of Nations;
- (3) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of India;
- (4) disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression, fulfilment of obligations imposed by international bodies, and other similar or related acts, measures or situations in which India is, has been or may in future be involved;
- (5) disputes with regard to which any other party to a dispute has accepted the compulsory jurisdiction of the International Court of Justice exclusively for or in relation to the purposes of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of a party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court;
- (6) disputes where the jurisdiction of the Court is or may be founded on the basis of a treaty concluded under the auspices of

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<sup>74</sup> I.C.J., Judgment, 4 December 1998, *Fisheries Jurisdiction (Spain v. Canada)*, *Jurisdiction of the Court, Reports 1998*, p. 454, para. 49.



the League of Nations, unless the Government of India specially agree to jurisdiction in each case;

(7) disputes concerning the interpretation or application of a multilateral treaty unless all the parties to the treaty are also parties to the case before the Court or Government of India specially agree to jurisdiction;

(8) disputes with the Government of any State with which, on the date of an application to bring a dispute before the Court, the Government of India has no diplomatic relations or which has not been recognized by the Government of India;

(9) disputes with non-sovereign States or territories;

(10) disputes with India concerning or relating to:

(a) the status of its territory or the modification or delimitation of its frontiers or any other matter concerning boundaries;

(b) the territorial sea, the continental shelf and the margins, the exclusive fishery zone, the exclusive economic zone, and other zones of national maritime jurisdiction including for the regulation and control of marine pollution and the conduct of scientific research by foreign vessels;

(c) the condition and status of its islands, bays and gulfs and that of the bays and gulfs that for historical reasons belong to it;

(d) the airspace superjacent to its land and maritime territory; and

(e) the determination and delimitation of its maritime boundaries.

(11) disputes prior to the date of this declaration, including any dispute the foundations, reasons, facts, causes, origins, definitions, allegations or bases of which existed prior to this date, even if they are submitted or brought to the knowledge of the Court hereafter.

(12) This declaration revokes and replaces the previous declaration made by the Government of India on 14<sup>th</sup> September 1959.”<sup>75</sup>

52. As shown below, reservations 4, 5, 7 and 11 bar the jurisdiction of the I.C.J. in the present case.

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<sup>75</sup> See RMIM, Annex 5.



A. Reservation (4) Excludes Disputes Relating to or Connected with Facts or Situations of Hostilities, Armed Conflicts, Individual or Collective Actions Taken in Self-Defence

53. Reservation contained in subparagraph (4) of the first paragraph of India's Declaration excludes from the jurisdiction of the Court:

(4) disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression, fulfilment of obligations imposed by international bodies, and other similar or related acts, measures or situations in which India is, has been or may in future be involved.

54. Applying the settled principles set out above to this reservation, actions taken in self-defence, other similar or related acts, and extending to situations in which India may in future be involved are covered by this reservation. The words "facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression" read in conjunction with "and other similar or related acts (...) or situations in which India is, has been or may in future be involved" naturally and reasonably refer to any circumstances or state of affairs, at any point in time, which threaten the security of the country. Indisputably India is living in a proliferated region and the development of missile and nuclear capabilities in Asia and beyond has impacted on India's national security.<sup>76</sup> India's measures of self-defence, which extend to measures and military strategies which in its perception are necessary to deal with nuclear threats with which it may in future be confronted, are covered by the reservation.

55. In any event, assessment of nuclear risk, and of measures necessary

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<sup>76</sup> These security concerns have been articulated in India's statements from the 1960s itself. See **Annexes 5 and 20**.



as a deterrent are sovereign functions. India's measures of self defence were plainly intended to be carved out from the declaration under Art. 36(2).

56. The logical corollary of this would be that disputes concerning any weapons including nuclear weapons which India may choose to possess or develop in accordance with its international obligations to protect itself from hostilities, armed conflicts, aggression and other similar or related acts or situations, which have arisen or may arise in the future, are excluded from the Court's jurisdiction.

57. In view of the above, the RMI's reliance upon the earlier Declaration of 1959,<sup>77</sup> and the reasons for its modification are misconceived.

58. Indisputably, any disputes concerning the nuclear weapons fall within the purview of reservation (4) of India's Declaration. As noted by the RMI itself, "India has stated: 'Nuclear weapons are an integral part of our national security and will remain so, pending the global elimination of all nuclear weapons on a universal, non-discriminatory basis.'"<sup>78</sup>

59. The RMI has sought to artificially limit the scope of India's Declaration to "specific situations of use of force." This is not in keeping with the plain text of the Declaration which must be interpreted as it stands and having due regard to the intention of the Government of India, which was to exclude from the Court's jurisdiction any matters pertaining to national security and self-defence. It is also not in keeping with the facts; India has an official doctrine that envisages situations in which India would be constrained to use nuclear weapons in self-

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<sup>77</sup> See RMIM, para. 41.

<sup>78</sup> Conference on Disarmament, CD/PV.1139, Final record of the 1139<sup>th</sup> plenary meeting on 29 May 2009, p. 8.



defence (India's doctrine of no-first use and non-use against non-nuclear weapon States).<sup>79</sup> Thus, issues relating to nuclear weapons and nuclear disarmament cannot be adjudicated upon in view of the operation of the reservation contained in subparagraph (4) of the first paragraph of India's Declaration.

60. It must also be noted that the formula used in India's fourth reservation – "disputes relating to or connected with..." – is particularly broad.

61. In the *Fisheries Jurisdiction* case, the Court pointed out that

"in excluding from its jurisdiction '*disputes arising out of or concerning*' the conservation and management measures in question and their enforcement, the [Defendant's] reservation does not reduce the criterion for exclusion to the 'subject-matter' of the dispute. The language used in the English version – "*disputes arising out of or concerning*" – brings out more clearly the broad and comprehensive character of the formula employed. The words of the reservation exclude not only disputes whose immediate 'subject-matter' is the measures in question and their enforcement, but also those '*concerning*' such measures and, more generally, those having their 'origin' in those measures ('*arising out of*') – that is to say, those disputes which, in the absence of such measures, would not have come into being."<sup>80</sup>

62. This is also true in the present case; in excluding from the jurisdiction of the Court "disputes *relating to or connected with* facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression...", India deliberately used a language of

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<sup>79</sup> "The Cabinet Committee on Security Reviews operationalization of India's Nuclear Doctrine", Press Release, Press Information Bureau, New Delhi, 4 January 2003 (**Annex 24**).

<sup>80</sup> I.C.J., Judgment, 4 December 1998, *Fisheries Jurisdiction (Spain v. Canada)*, *Jurisdiction of the Court*, *Reports 1998*, p. 458, para. 62. See also I.C.J., Judgment, 19 December 1978, *Aegean Sea Continental Shelf*, *Reports 1978*, p. 34, para. 81 and p. 36, para. 86; Judgment, 10 February 2005, *Certain Property (Liechtenstein v. Germany)*, *Preliminary Objections*, *Reports 2005*, p. 25, para. 46 and Judgment, 31 March 2014, *Whaling in the Antarctic (Australia v. Japan: New Zealand intervening)*, *Reports 2014*, paras. 37-38.



considerable width so as to evince an intention of its exclusion going far beyond the mere “exclusion to the ‘subject-matter’ of the dispute”. This purposeful broadness is confirmed and emphasised by the last part of the fourth reservation specifying that it applies to “other *similar or related* acts, measures or situations in which India is, has been *or may in future* be involved”.

#### B. Reservation (5) Excludes the Alleged Dispute Brought by the RMI from the Court’s Jurisdiction

63. The Indian Declaration of 18 September 1974 contains a second reservation applicable in the present case. Reservation (5) excludes from the Court’s jurisdiction

“(5) disputes with regard to which any other party to a dispute has accepted the compulsory jurisdiction of the International Court of Justice exclusively for or in relation to the purposes of such dispute; or where the acceptance of the Court’s compulsory jurisdiction on behalf of a party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court.”

64. The wording of Reservation (5) is wide. It does not require that the declaration of the Applicant expressly refers to the particular case for the purpose of which that declaration has been deposited. This reservation applies when it is apparent from the text of the declaration or from the conduct of the Applicant that it has deposited a declaration “exclusively for or in relation to the purposes” of that particular dispute.

65. The meaning of Reservation (5) is confirmed by the context in which it has been introduced in the declaration of India. As recalled above, “[t]he intention of a reserving State may be deduced not only from the text of the



relevant clause, but also from the context in which the clause is to be read, and an examination of evidence regarding the circumstances of its preparation and the purposes intended to be served.”<sup>81</sup>

66. This reservation was absent in the 1940 Declaration and was first introduced in the 1959 Declaration deposited a few months before the I.C.J. rendered its Judgment on the merits in the *Right of Passage* case. The chronology of this case is key to interpreting reservation (5) and understanding its purpose. These proceedings were instituted against India by Portugal. At the moment Portugal brought this case before the I.C.J., there was no ground on which the jurisdiction of the Court could be based. Therefore, Portugal deposited an Article 36(2) declaration with the Secretary-General of the United Nations on 19 December 1955, three days only before it filed its Application on 22 December 1955.

67. The purpose of Reservation (5) is therefore clear. It aims at avoiding that a State deposits a declaration under Article 36(2) of the Statute for the sole purpose of a particular dispute. Behind this reservation lies the principle of good faith governing the relations between States. India has accepted, without discontinuance, the compulsory jurisdiction of the World Court since 1940. It would be somehow unfair if other States involved in disputes with India could shy away from the jurisdiction of the Court in cases that India may bring against them, while India could be sued at any moment by those States.

68. It is true that “[d]eclarations of acceptance of the compulsory jurisdiction of the Court are facultative, unilateral engagements, that States are

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<sup>81</sup> I.C.J., Judgment, 4 December 1998, *Fisheries Jurisdiction (Spain v. Canada)*, *Jurisdiction of the Court*, Reports 1998, p. 454, para. 49.



absolutely free to make [...]”<sup>82</sup> whenever they want. However, it holds equally true that :

“[i]t is for each State, in formulating its declaration, to decide upon the limits it places upon its acceptance of the jurisdiction of the Court: “This jurisdiction only exists within the limits within which it has been accepted” (*Phosphates in Morocco, Judgment, 1938, P.C.I.J., Series A/B, No. 74, p. 23*).”<sup>83</sup>

69. It is worth noting that a number of other States have introduced identical or similar reservations to their declaration recognizing as compulsory the jurisdiction of the Court. It includes the Republic of the Marshall Islands<sup>84</sup> as well as Australia, Bulgaria, Cyprus, Germany, Greece, Hungary, Italy, Japan, Lithuania, Malta, Mauritius, New Zealand, Nigeria (which modified its previous declaration in 1998 as a consequence of the *Land and maritime boundary* case brought by Cameroon in 1994), Philippines, Poland, Portugal, Romania, Slovakia, Somalia, Spain and the United Kingdom.

70. In the present case, the record clearly shows that the Republic of the Marshall Islands has accepted the compulsory jurisdiction of the Court “exclusively for or in relation to the purposes” of the case it filed last year:

- On 24 April 2013, the Republic of the Marshall Islands deposited a declaration recognizing the jurisdiction of the I.C.J. as compulsory with the Secretary-General of the United Nations;

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<sup>82</sup> *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Jurisdiction and Admissibility, Reports 1984, p. 418, para. 59.*

<sup>83</sup> I.C.J., Judgment, 4 December 1998, *Fisheries Jurisdiction (Spain v. Canada), Jurisdiction of the Court, Reports 1998, pp. 452-453, para. 44.* See also *ibid.*, *Reports 1984, p. 418, para. 59*, and Judgment, 21 June 2000, *Aerial Incident of 10 August 1999 (Pakistan v. India), Jurisdiction of the Court, Reports 2000, p. 12, para. 40.*

<sup>84</sup> “[...] any dispute in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute.”



- On 24 April 2014, it filed an application instituting proceedings before the Court.

71. This is indeed no coincidence: it does not leave the shadow of a doubt that the Declaration was carefully devised so as to permit the RMI to lodge its Application on this artificial dispute as it did with an undue haste.

72. In effect, this chronology also shows that the Republic of the Marshall Islands filed its Application one day before the 12-month period set out in Reservation (5) expired – which, by itself, must also lead to the rejection of the RMI’s Application.

#### C. Reservation (7) Excludes Disputes Concerning the Interpretation or Application of the NPT

73. The reservation contained in subparagraph (7) of the first paragraph of India’s optional Declaration excludes from the jurisdiction of the Court:

“7) disputes concerning the interpretation or application of a multilateral treaty unless all the parties to the treaty are also parties to the case before the Court or Government of India specially agree to jurisdiction”.

74. It must also be noted that, if the RMI’s allegations concerning the scope of the dispute were to be properly interpreted, reservation (7) would also constitute such a bar. As shown above,<sup>85</sup> the real purpose of the RMI’s Application is to induce the Court to declare that India is in breach of the obligations stemming from Article VI of the NPT.

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<sup>85</sup> See paras. 20-26 above.



75. On its plain language, the reservation is widely couched. Disputes that concern a treaty [i.e. its interpretation or even its application] are excluded. The expression *concern* must necessarily imply that if a dispute is such as to impinge on the subject matter of a Treaty, it would be a dispute that concerns that Treaty. The case as formulated by RMI in the Memorial – viz. that a general principle of disarmament applicable *erga omnes* has blossomed from Article VI of the NPT is clearly a dispute concerning the NPT in its interpretation as well as its application.

76. Two more remarks are in order in this respect.

77. *First*, the issue in the present case is different from that dealt with by the Court in *Nicaragua*. In that case the Court considered that

“since the claim before the Court in this case is not confined to violation of the multilateral conventional provisions invoked, it would not in any event be barred by the multilateral treaty reservation in the United States 1946 Declaration.”<sup>86</sup>

78. However, the *Nicaragua v. U.S.* case must be distinguished from the present one for at least two reasons.

79. *First*, the claims of the Applicants are different. The U.S. invoked the violation of multilateral conventions which “codified”<sup>87</sup> customary international law. For its part, in the present case, the RMI invokes an alleged customary international law obligation “rooted”<sup>88</sup> in a multilateral convention, precisely Article VI of the NPT. Therefore, the RMI’s claim will necessarily

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<sup>86</sup>*Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Jurisdiction and Admissibility, Judgment, ICJ Reports 1984, pp. 424-425, para. 73.

<sup>87</sup>*Ibid.*

<sup>88</sup>RMIA, para. 59.



require the interpretation of a multilateral convention, the NPT.

80. *Second*, the wording of the relevant reservation in these two cases is different:

- The U.S. reservation excluded “disputes *arising under* a multilateral treaty”; while
- that of India excludes “disputes *concerning* the interpretation or application of a multilateral treaty”.

81. This difference is important. The U.S. reservation exclusively covered disputes “having their ‘origin’ in those measures (*‘arising out of’*) – that is to say, those disputes which, in the absence of such [multilateral conventions], would not have come into being.”<sup>89</sup> India’s reservation is wider. The variation in language must be accorded its due importance. The seventh reservation is drafted in such a way that it is applicable to exclude disputes *concerned* with whether or not the dispute bears upon the interpretation of a treaty or simply implies such an interpretation. This is so in the present case.

82. The RMI seeks to achieve indirectly what could not be achieved directly. In the earlier part of this Memorial, India has set out reasons why the RMI cannot raise a dispute about India’s alleged failure to negotiate in good faith treaties with other nations in relation to nuclear non-proliferation and disarmament. India has also set out its submission that the RMI seeks to impose upon India the obligations of Article VI of the NPT. By basing itself on assertions of rules of customary law, the RMI seeks to get over not only the fact that India is not a party to that treaty, but also that this reservation excludes disputes in relation

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<sup>89</sup> I.C.J., Judgment, 4 December 1998, *Fisheries Jurisdiction (Spain v. Canada)*, *Jurisdiction of the Court, Reports 1998*, p. 458, para. 62.



to a treaty unless all the parties are before the Court. The reality remains: the RMI's claim in any case cannot be dealt with by the Court without interpreting Article VI of the NPT. This is excluded by reservation (7).

D. Reservation (11) Excludes Disputes the Foundations of Which Existed Prior to the Date of India's Declaration

83. The reservation contained in subparagraph (11) of the first paragraph of India's Declaration excludes from the jurisdiction of the Court:

“(11) disputes prior to the date of this declaration, including any dispute the foundations, reasons, facts, causes, origins, definitions, allegations or bases of which existed prior to this date, even if they are submitted or brought to the knowledge of the Court hereafter”

84. In the *Right of Passage* case, the Court explained that:

“The Permanent Court thus drew a distinction between the situations or facts which constitute the source of the rights claimed by one of the Parties and the situations or facts which are the source of the dispute. Only the latter are to be taken into account for the purpose of applying the Declaration accepting the jurisdiction of the Court.”<sup>90</sup>

85. This statement was made in the context of the interpretation of the Indian Declaration of 1940 which contained a much narrower temporal reservation since it covered “all disputes arising after February 5th, 1930, with regard to situations or facts subsequent to the same date.” The temporal reservation to the 1974 Declaration is particularly wide since it excludes “any dispute *the foundations, reasons, facts, causes, origins, definitions, allegations or bases* of which existed prior to [1974], even if they are submitted or brought to the

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<sup>90</sup> I.C.J., Judgment, 12 April 1960, *Case concerning right of passage over Indian Territory (Merits)*, Reports 1960, p. 35.



knowledge of the Court hereafter.” All the italicized words point to the fact that the issue here is not the date when the dispute formally arose between the Parties but that of the origin of the dispute.

86. The difference in the wording between the 1940 and 1974 Declarations is key in the present case. Under the 1974 Declaration, “the source of the rights claimed by one of the Parties”,<sup>91</sup> which was irrelevant in the *Right of Passage* case, is now relevant. And there can be no doubt that in the present case, the roots of the dispute must be sought for before 1974. As the RMI itself notes:

“...it is now 68 years since the very first United Nations General Assembly Resolution sought to put in motion the elimination from national arsenals of nuclear and other weapons of mass destruction, almost 45 years since the NPT entered into force and nearly 20 years since the Court delivered its Advisory Opinion. The long delay in fulfilling the obligations enshrined in Article VI of the NPT and customary international law constitutes a flagrant denial of human justice.”<sup>92</sup>

87. India refused to sign the NPT and to assume the obligations under that Treaty including those contained in Article VI of the treaty in 1968.<sup>93</sup> Since then, India has made its position clear that nuclear disarmament could not be effective on the discriminatory basis underlying the treaty. India’s objection to the NPT dates back to 1968, when the treaty was opened for signature. Therefore, India’s alleged failure to negotiate is a cause which had clearly existed prior to the date of the Declaration and cannot be the subject-matter of an Application before this Court.

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<sup>91</sup> *Ibid.*

<sup>92</sup> RMIA, para. 5.

<sup>93</sup> See Statement made by Ambassador Azim Husain on 14 May 1968 when he inter alia places on record India’s dissatisfaction with and objection to Article VI, “an imperfect obligation with no sanction behind it”, and finds it void of compulsive obligation or even a sense of urgency to pursue negotiations for nuclear disarmament (**Annex 20**).



## V. THE JUDGMENT WOULD SERVE NO LEGITIMATE PURPOSE

88. In assuming jurisdiction, the Court, must be guided by factors such as “the efficacy of the solution that can be offered”<sup>94</sup>In the *Northern Cameroons* case, it was held that the Court’s Judgment “must have some practical consequence”<sup>95</sup>. The Court, in that case, refused to entertain the claim brought by the Republic of Cameroon as it could not “render a judgment capable of effective application”<sup>96</sup> and concluded that the “circumstances [...] render any adjudication devoid of purpose.”<sup>97</sup>

89. In view of Article 59 of the Court’s Statute a judgment is binding only on the concerned Parties. Thus, a Judgment in the present case would have no binding effect on any nuclear State other than India that refuses to consent to the Court’s jurisdiction. A unilateral direction to India to carry out negotiations without the same decision being equally applicable to other States would be meaningless. The RMI has alleged a breach of the obligation to carry out “negotiations” leading to nuclear disarmament, not a breach of the obligation to proceed to nuclear disarmament *simpliciter*. The term ‘negotiation’ connotes an exchange between two or more parties. There can be no negotiation if some of the States that must be involved are unwilling or not equally bound to engage in a discussion. Therefore, a judgment directing India to undertake negotiations would be incapable of effective application. The subject matter of the alleged obligation is such that it cannot be selectively invoked against India. The obligation to

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<sup>94</sup> I.C.J., Judgment, 27 June 1986, *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Separate Opinion of Judge Lachs, Reports 1986, p. 168.

<sup>95</sup> I.C.J., Judgment, 2 December 1963, *Case concerning the Northern Cameroons (Cameroon v. United Kingdom)*, Preliminary Objections, Reports 1963, p. 34.

<sup>96</sup> *Ibid.*, p. 33.

<sup>97</sup> *Ibid.*, p. 38.



negotiate cannot possibly be complied with by one single State individually. Moreover, a judgment to that effect would be purposeless since, as explained above,<sup>98</sup> India has already, firmly and constantly, indicated its willingness to proceed to negotiations on comprehensive nuclear disarmament in the Conference on Disarmament.

90. In the *Nuclear Tests* cases, the Court found that since France had undertaken the obligation to conduct no further nuclear tests in the South Pacific region through various public statements made by the French authorities, Australia's and New Zealand's claims no longer had any object. The Court rejected the Claimants argument that a judgment affirming the obligation of France might still be of value. The Court concluded that it "sees no reason to allow the continuance of proceedings which it knows are bound to be fruitless."<sup>99</sup> It went on to observe that "[o]nce the Court has found that a State has entered into a commitment concerning its future conduct it is not the Court's function to contemplate that it will not comply with it."<sup>100</sup>

91. In the present case, the remedy sought by the RMI is a direction to India to comply with its obligation to carry out negotiations leading to nuclear disarmament. That is the object and purpose of the claim. India is a strong proponent of nuclear disarmament and is committed to the goal of a nuclear weapon free world through global, verifiable and non-discriminatory nuclear disarmament. Although India is not a party to the Nuclear Non-Proliferation Treaty, it actively supports the commencement of negotiations on nuclear disarmament, regardless of whether it is bound by any rule of international law to

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<sup>98</sup> See paras. 6-14 above.

<sup>99</sup> I.C.J., Judgments, 20 December 1974, *Nuclear Tests (Australia v. France)* and *Nuclear Tests (New Zealand v. France)*, Reports 1974, p. 271, para. 58, and p. 457, para. 61.

<sup>100</sup> *Ibid.*, p. 272, para. 60 and p. 458, para. 63.



pursue such negotiations. India is a member of the Conference on Disarmament and has consistently sponsored resolutions before the United Nations General Assembly for a ‘Convention on the Prohibition of the Use of Nuclear Weapons’ and for measures on “Reducing Nuclear Danger” under the belief that such steps would encourage States possessing nuclear weapons to engage in negotiations leading to the total elimination of nuclear weapons. India supported UNGA resolution 69/58 which calls on the Conference on Disarmament to conduct negotiations on a Comprehensive Nuclear Weapons Convention. On 30 June 2015, India made a statement in the CD on behalf of the Group of 21 in support of this resolution. India has also maintained a voluntary moratorium on nuclear explosive testing since 1998. It has adopted a policy of no-first-use and has declared that it shall maintain a credible minimum deterrent and not engage in any arms race. India strongly endorses negotiations between all States possessing nuclear weapons to build trust and confidence to promote nuclear disarmament. However, the relief sought by the RMI would, in the absence of other States serves absolutely no purpose. The Court should therefore not entertain the claim submitted by the RMI.

92. The Court in its Advisory Opinion on *Legality of the Threat or Use of Nuclear Weapons* has recognized that “any realistic search for general and complete disarmament, especially nuclear disarmament, necessitates the co-operation of all States.”<sup>101</sup> Thus, a judgment in the present case would not bring about a resolution of the alleged dispute. Unless all the nuclear and potentially nuclear States arrive at a consensus, nuclear non-proliferation and disarmament would remain, to reiterate, a chimera.

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<sup>101</sup> I.C.J., Advisory Opinion, 8 July 1996, *Legality of the Threat or Use of Nuclear Weapons*, Reports 1996, p. 264, para. 100.



## **VI. SUMMARY**

93. To summarize, the following can be concluded from the above :

(i) India and the RMI share similar views with respect to the subject-matter of the present case – that is the necessity to pursue negotiations, with the participation of all States possessing nuclear weapons, leading to nuclear disarmament; therefore there is no dispute between the Parties;

(ii) The non-existence of a dispute between the Parties is confirmed by the absolute absence of bilateral negotiations between them and the coincidence of their views on the subject matter;

(iii) In reality the RMI blames India for not complying with Article VI of the NPT on the nature and scope of which there is no agreement within the NPT and with which purportedly there has been no compliance by the States Parties to that treaty for 45 years. The said obligation therefore cannot acquire customary law character imposing an obligation on a non state party who has persistently objected to the treaty itself and the obligations contained thereunder;

(iv) In any case, the settlement of this alleged dispute would imply an interpretation of Article VI NPT either directly or because of the RMI's understanding of the meaning of this provision on which it exclusively bases its interpretation of the obligation to negotiate; therefore, the dispute alleged by the RMI would be excluded from the jurisdiction of the Court by virtue of reservation (7) of India's optional Declaration of 1974;

(v) Reservation (4) in the same Declaration also excludes the present alleged dispute from the Court's jurisdiction since it obviously relates to or is connected "with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence (...) measures or situations in which India



is, has been or may in future be involved.” This clearly includes situations in which India’s nuclear doctrine of 2003 would be pertinent. The possession and the alleged quantitative build-up and qualitative improvement of nuclear weapons are, indisputably, a matter pertaining to India’s military strategy. Disputes regarding an alleged obligation to pursue negotiations leading to nuclear disarmament squarely impinge upon India’s defence strategy and thus are excluded from the Court’s jurisdiction;

(vi) Reservation (5) is a bar to the exercise of jurisdiction by the ICJ for two different reasons;

a. on the one hand, the RMI lodged its Application before the Court less than twelve months after its acceptance of the Court’s jurisdiction; and,

b. on the other hand, both this precipitation and the drafting of the RMI’s Application and Memorial leave no doubt that the Applicant has accepted the compulsory jurisdiction of the ICJ exclusively for the present alleged dispute;

(viii) Reservation (11) constitutes another bar to the jurisdiction of the Court *ratione temporis* since it excludes the disputes not only existing before the adoption of India’s optional Declaration, but also, much more widely, those having their origins before that date (in the present case 1974) – a condition indisputably met in this case;

(ix) If the RMI’s alleged dispute with India had any substance, it could only be settled if, at least, all the States possessing nuclear weapons were Parties to the proceedings; this being not the case, the Court can only decline to exercise jurisdiction; and

(x) Therefore it will be inevitable that any Judgment rendered in these conditions would be devoid of any concrete effect; consequently, the Court would



trespass the “inherent limitations on the exercise of the judicial function, which [...], as a court of justice [it] can never ignore”.<sup>102</sup>

## **SUBMISSION**

In view of the above and all the arguments it would develop or supplement during the Hearings, the Republic of India requests the Court to adjudge and declare that it has no jurisdiction with respect to the present case.



**Neeru Chadha**  
**Agent of the Republic of India**  
**16 September 2015**

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<sup>102</sup> I.C.J., Judgment, 2 December 1963, *Case concerning the Northern Cameroons (Cameroon v. United Kingdom)*, *Preliminary Objections*, Reports 1963, p. 29.

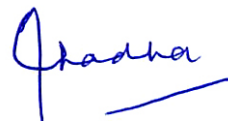






**Certification**

**I certify that the Annexes are true copies of the documents referred.**



**Neeru Chadha**  
**Agent of the Republic of India**







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- Annex 23** Statement to Parliament on the NPT Review Conference by External Affairs Minister Jaswant Singh, 9 May 2000
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India's Nuclear Doctrine, Press Release, Press Information Bureau, New Delhi, 4 January 2003.

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## **ANNEXES**







## **Annex 1**

**India, Working Paper on Nuclear Disarmament, originally issued in the First Committee in 2006 under the symbol A/C.1/61/5 and submitted to the CD as CD/1816 of 20 February, 2007.**







# CONFERENCE ON DISARMAMENT

CD/1816  
20 February 2007

Original: ENGLISH

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## INDIA

### WORKING PAPER

#### NUCLEAR DISARMAMENT<sup>1</sup>

1. The international community has long recognised that nuclear weapons pose the greatest danger to humankind and therefore, it is essential for it to take urgent steps towards realisation of the goal of their complete elimination. The UN General Assembly, in its very first resolution, Resolution 1(I) of 1946, adopted unanimously, sought the elimination, from national armaments, of atomic weapons and all other major weapons adaptable to mass destruction and to use of atomic energy only for peaceful purposes, a goal that has been reaffirmed by the General Assembly on several occasions thereafter.

2. The Final Document of the First Special Session of the General Assembly devoted to Disarmament (SSOD-I), the only document on nuclear disarmament adopted by consensus by all member States, affirmed and accorded the highest priority to the goal of nuclear disarmament and outlined concrete steps to achieve that objective. It pointed out that the achievement of nuclear disarmament would require urgent negotiation of agreements, at appropriate stages, and with adequate measures of verification satisfactory to the States concerned, for (i) the cessation of the qualitative improvement and development of nuclear weapon systems; (ii) the cessation of production of all types of nuclear weapons and their means of delivery and of the production of fissionable material for weapon purposes; and (iii) a comprehensive, phased programme with agreed timeframes, whenever possible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time. It emphasized that in the task of achieving the goals of nuclear disarmament, all nuclear weapon States, in particular those among them that possess the most important nuclear arsenals, bear a special responsibility. It also emphasized that the process of nuclear disarmament should be carried out in such a way and requires measures to ensure that the security of all States is guaranteed at progressively lower levels of nuclear armaments. The principles and objectives, which were agreed by all, remain of continuing relevance and need to be reaffirmed by the international community.

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<sup>1</sup> Originally issued as document of the First Committee under the symbol A/C.1/61/5.



3. The International Court of Justice (ICJ) concluded in 1996 that: "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control." The UN Millennium Declaration reiterated the commitment of the Member States of the United Nations to strive for the elimination of weapons of mass destruction, in particular nuclear weapons, and to keep all options open for achieving this aim. Various proposals for nuclear disarmament have since been considered, including in a number of studies ranging from the Canberra Commission to the more recent WMD Commission. The Pugwash Movement and the NGO Community have also made valuable contributions to the nuclear disarmament discourse.

4. The Non-aligned Movement, described as the largest peace movement in history, has always accorded the highest priority to nuclear disarmament. The NAM Summit has recently reaffirmed the Movement's principled positions on nuclear disarmament and emphasized the necessity to start negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention.

5. The international community is far from achieving the objective of the total elimination of nuclear weapons, though there has been some progress in this regard. In particular the Russian Federation and the United States have taken steps to reduce their nuclear weapons stockpiles, and India welcomes such efforts. Notwithstanding these reductions the global threat posed by nuclear weapons has not subsided. In recent years another dimension has been added by the possibility that terrorists and other non-State actors may acquire and use weapons of mass destruction, including nuclear weapons and so-called "dirty-bombs".

6. Despite the end of the cold war, the international security situation is still characterised by lack of trust and political will amongst states to make progress towards the complete elimination of nuclear weapons. The non-nuclear-weapon States have serious concerns about the commitment of nuclear-weapon States to nuclear disarmament. The absence of any reference whatsoever to disarmament and non-proliferation in the 2005 World Summit Outcome underscored this fact. The Final Document of SSOD-I enshrined the essential principle of mutually reinforcing linkage between disarmament and non-proliferation. States that have voluntarily undertaken disarmament and non-proliferation obligations under respective treaties must implement them fully and faithfully.

7. Nuclear disarmament and nuclear non-proliferation are mutually reinforcing processes. Effective, credible and comprehensive system of export controls, which at the same time do not hinder legitimate applications of science and technology for peaceful and developmental purposes, could be building blocks of a move towards universally acceptable non-discriminatory norms and effective international non-proliferation arrangements. Non-proliferation policies must also be forward looking, so as to allow for the expansion of international cooperation in the peaceful uses of nuclear energy for countries desirous of increasing the share of nuclear energy as a non-polluting energy source, in a manner that is safe, secure and proliferation resistant.

8. International efforts in nuclear disarmament would yield tangible results when they are backed by an international consensus. The Conference on Disarmament is the sole multilateral negotiating body on disarmament. The Disarmament Commission is the universal deliberative forum. The UN Charter endows the General Assembly with a responsibility on disarmament



matters. The General Assembly must explore the convening of the Fourth Special Session on Disarmament, subject to consensus on its objectives and agenda. These remain the best fora to enable the emergence of a consensus and to make effective contribution to the goal of nuclear disarmament and the complete elimination of nuclear weapons worldwide.

9. India has played an active role in the international community's endeavours towards nuclear disarmament. India was the first to call for a ban on nuclear testing in 1954 and a non-discriminatory treaty on non-proliferation of nuclear weapons, as distinct from non-dissemination, in 1965. India's proposition on non-proliferation was predicated on the principle that the progressive steps towards elimination of weapons of mass destruction must be based on a balance of obligations between those who possess such weapons and those who do not. In 1978, India proposed negotiation for an international convention that would prohibit the use or threat of use of nuclear weapons. In 1982, India called for a 'nuclear freeze' - a prohibition on production of fissile materials for weapons, on production of nuclear weapons and related delivery systems.

10. In 1988, India presented the Rajiv Gandhi Action Plan to the General Assembly that provided a holistic framework seeking negotiations for a time-bound commitment for the complete elimination of nuclear weapons to usher in a world free of nuclear weapons and rooted in non-violence. This Action Plan was by far the most comprehensive initiative on nuclear disarmament, covering issues ranging from nuclear testing, fissile material for nuclear weapons to a time bound elimination of stockpiles. India, together with 27 other members of the Group of 21, in August 1996, presented to the Conference on Disarmament a Programme of Action, as contained in document CD/1419, for the elimination of nuclear weapons, with a specified time frame. This was further endorsed by the Group of 21 in documents CD/1570 and CD/1571.

11. So long as the States that possess nuclear weapons continue to believe that nuclear weapons constitute a critical element of their security strategy, the goal of the complete elimination of nuclear weapons will remain elusive and distant. Therefore, reducing the salience of nuclear weapons in strategic and security doctrines and policies is essential for realizing the goal of complete elimination of nuclear weapons. Alignment of nuclear doctrines to a posture of 'no-first-use' and non-use against non-nuclear-weapon States by all nuclear weapon States will be an important step towards achieving this objective.

12. The non-nuclear weapon States have persistently sought legally-binding assurances from the nuclear-weapon States against the use or threat of use of nuclear-weapons against them. They have regarded the security assurances provided so far by the nuclear-weapon States as inadequate, conditional and non-binding. Legally-binding assurances on use or threat of use of nuclear weapons against non-nuclear weapon States would further reduce the nuclear danger and mitigate the sense of insecurity among non-nuclear weapon States and, thereby, strengthen the non-proliferation regime. India firmly supports a policy of 'no-first use' and non-use of nuclear weapons against non-nuclear weapon States. India is ready to join multilateral negotiations to enshrine its commitment to no-first-use and non-use of nuclear weapons against non-nuclear weapon States in legally binding agreements. An agreement among the States possessing nuclear weapons on a global 'no-first-use' posture will engender strategic stability and reduce the danger of the accidental or unintended use of nuclear weapons.



13. The international community succeeded in negotiating Conventions on total elimination of biological and chemical weapons mainly because their use had already been prohibited through the 1925 Geneva Protocol and States were prepared to relinquish these weapons as they did not foresee the likelihood of their use or their contribution to ensuring security. There is no reason why nuclear weapons cannot be eliminated in the same manner. A prohibition on the use or threat of use of nuclear weapons would be essential for eventual elimination of nuclear weapons.

14. The General Assembly resolution on a "Convention on the Prohibition of the use of Nuclear Weapons", first presented by India in 1982, requests the Conference on Disarmament to commence negotiations on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances. The resolution reflects India's belief that a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons would help generate necessary political will among States possessing nuclear weapons to engage in negotiations leading to the total elimination of nuclear weapons; it would also contribute to mitigation of the nuclear threat in the interim, pending the complete elimination of nuclear weapons.

15. The General Assembly resolution on "Reducing Nuclear Danger" manifests India's conviction that the hair-trigger posture of nuclear forces carries the risk of unintentional, unauthorized or accidental use of nuclear weapons leading to a nuclear war with catastrophic consequences. The very real danger posed by the increased risk of systems and components falling into the hands of non-State actors or rogue actors within State structures, has further aggravated the existing dangers. Unilateral, bilateral and regional confidence-building measures, could supplement international agreements in reducing nuclear danger as also the risk of accidental nuclear war.

16. Progress towards the goal of nuclear disarmament will require a climate of mutual confidence in the international community to conclude universal non-discriminatory and verifiable prohibitions on nuclear weapons leading to their complete elimination. No effort must be spared in consensus building to this end.

17. We would urge the international community to intensify dialogue, so as to build a consensus that strengthens the ability of the international community to initiate concrete steps towards achieving the goal of nuclear disarmament based on the following elements:

- Reaffirmation of the unequivocal commitment of all nuclear weapon States to the goal of complete elimination of nuclear weapons;
- Reduction of the salience of nuclear weapons in the security doctrines;
- Taking into account the global reach and menace of nuclear weapons, adoption of measures by nuclear-weapon States to reduce nuclear danger, including the risks of accidental nuclear war, de-alerting of nuclear-weapons to prevent unintentional and accidental use of nuclear weapons;
- Negotiation of a global agreement among nuclear weapon States on 'no-first-use' of nuclear-weapons;



- Negotiation of a universal and legally-binding agreement on non-use of nuclear weapons against non-nuclear weapon States;
  - Negotiation of a Convention on the complete prohibition of the use or threat of use of nuclear weapons;
  - Negotiation of a Nuclear Weapons Convention prohibiting the development, production, stockpiling and use of nuclear weapons and on their destruction, leading to the global, non-discriminatory and verifiable elimination of nuclear weapons with a specified timeframe.
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## **Annex 2**

**Convention on the Prohibition of the Use of Nuclear Weapons (A/RES/69/69), Resolution adopted by the UN General Assembly on 2 December, 2014.**









# General Assembly

Distr.: General  
11 December 2014

Sixty-ninth session  
Agenda item 97 (d)

## Resolution adopted by the General Assembly on 2 December 2014

[on the report of the First Committee (A/69/441)]

### 69/69. Convention on the Prohibition of the Use of Nuclear Weapons

*The General Assembly,*

*Convinced* that the use of nuclear weapons poses the most serious threat to the survival of mankind,

*Bearing in mind* the advisory opinion of the International Court of Justice of 8 July 1996 on the legality of the threat or use of nuclear weapons,<sup>1</sup>

*Convinced* that a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons would contribute to the elimination of the nuclear threat and to the climate for negotiations leading to the ultimate elimination of nuclear weapons, thereby strengthening international peace and security,

*Conscious* that some steps taken by the Russian Federation and the United States of America towards a reduction of their nuclear weapons and the improvement in the international climate can contribute towards the goal of the complete elimination of nuclear weapons,

*Recalling* that in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly<sup>2</sup> it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and which would preclude the use or threat of use of nuclear weapons,

*Reaffirming* that any use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

*Determined* to achieve an international convention prohibiting the development, production, stockpiling and use of nuclear weapons, leading to their ultimate destruction,

<sup>1</sup> A/51/218, annex.

<sup>2</sup> Resolution S-10/2.





*Stressing* that an international convention on the prohibition of the use of nuclear weapons would be an important step in a phased programme towards the complete elimination of nuclear weapons, with a specified framework of time.

*Noting with regret* that the Conference on Disarmament, during its 2014 session, was unable to undertake negotiations on this subject as called for in General Assembly resolution 68/58 of 5 December 2013.

1. *Reiterates its request* to the Conference on Disarmament to commence negotiations in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances;

2. *Requests* the Conference on Disarmament to report to the General Assembly on the results of those negotiations.

*62nd plenary meeting  
2 December 2014*



### **Annex 3**

**Statement made by Prime Minister Jawaharlal Nehru in Lok Sabha (Lower House of the Indian Parliament), 2 April, 1954.**







**Statement Made by the Prime Minister Jawaharlal Nehru  
in Lok Sabha on 2 April 1954 on Hydrogen Bomb**

I welcome this opportunity to state the position of the Government and, I feel sure, of the country on the latest of all the dreaded weapons of war, the hydrogen bomb, and its known and unknown consequences and horrors.

The United States of America and the Union of Soviet Socialist Republics, we are told, possess this weapon and each of these countries has, during the last two years, effected test explosions unleashing impacts which in every respect were far beyond those of any weapons of destruction known to man.

A further and more powerful explosion than the one of March 1st has been effected by the United States and more are reported to have been scheduled to take place.

We know little more about the hydrogen bomb and its disastrous and horrible consequences than what has appeared in the Press or is otherwise a matter of general knowledge or speculation. But even what we do know, and the very fact that the full facts of the effects of these explosions do not appear to be known or to be ascertainable with any certainty even by scientists, point to certain conclusions. A new weapon of unprecedented power both in volume and intensity, with an unascertained, and probably unascertainable range of destructive potential in respect of time and space, that is, both as regards duration and the extent of consequences, is being tested, unleashing its massive power, for use as a weapon of war. We know that its use threatens the existence of man and civilization as we know it. We are told that there is no effective protection against the hydrogen bomb and that millions of people may be exterminated by a single explosion and many more injured, and perhaps still many more condemned to slow death, or to live under the shadow of the fear of disease and death.



These are horrible prospects, and they affect us, nations and everyone, whether we are involved in wars or power blocs or not.

From diverse sides and parts of the world have come pronouncements which point to the dread features and ominous prospects of the hydrogen bomb era. I shall refer to but a few of them.

Some time ago, when the hydrogen bomb was first mentioned in public, Professor Albert Einstein said:

"The hydrogen bomb appears on the public horizon as a probable attainable goal.... If successful, radioactive poisoning of the atmosphere, and hence an annihilation of any life on earth, had been brought within the range of technical possibilities."

That success appears now to have been achieved.

A U.S. Professor, Dr. Greenhead of Cincinnati University, said:

"We are proceeding blindly in our atomic tests and sometimes we cannot predict the results of such blind moves.... The U.S. was able to make these bombs out of relatively plentiful substances. If these are used to create an explosive chain reaction, we are nearing the point where we suddenly have enough materials to destroy ourselves."

Mr. Martin, the Defence and Scientific Advisor to the Government of Australia, is reported to have said after the explosion of March 1:

"For the first time I am getting worried about the hydrogen bomb.... I can say as an individual that the hydrogen bomb has brought things to a stage where a conference between the four world powers in mankind's own interests can no longer be postponed."

Mr. Lester Pearson, the External Affairs Minister of Canada, referred to the use of such weapons in war when he said recently that "a third world war accompanied by the possible devastation by new atomic and chemical weapons would destroy civilization".

The House will recall the recent statement of Mr. Malenkov, the Soviet Prime Minister, on this subject, the exact words of which I have not before me, but which said in effect that modern war, with such weapons in use, would mean total destruction.

There can be little doubt about the deep and widespread concern in the world, particularly among peoples, about these weapons and their dreadful consequences. But concern is not enough. Fear and dread do not lead to constructive thought or effective courses of action. Panic is no remedy against disaster of any kind, present or potential.

Mankind has to awaken itself to the reality and face the situation with determination and assert itself to avert calamity.

The general position of this country in this matter has been repeatedly stated and placed beyond all doubt. It is up to us to pursue as best we can the objective we seek.

We have maintained that nuclear (including thermonuclear), chemical and biological (bacterial) knowledge and power should not be used to forge these weapons of mass destruction. We have advocated the prohibition of such weapons, by common consent, and immediately by agreement amongst those concerned, which latter is at present the only effective way to bring about their abandonment. The House will, no doubt, recall the successive attempts made by us at the United Nations to secure the adoption of this view and approach.

At the last session of the General Assembly of the United Nations in 1953, as a result of the amendment moved by our delegation to the Resolution on Disarmament, there were incorporated in the resolution that was adopted:

- (1) An 'affirmation' by the General Assembly of its "earnest desire for the elimination and prohibition of atomic, hydrogen, bacterial, chemical and other weapons of war and mass destruction and for the attainment of these ends through effective means"
- (2) A provision for setting up a sub-committee of the powers principally involved, to sit in private, and at places of its choosing to implement the purposes of the Disarmament Commission.

The House is aware that this latter suggestion has lately engaged the attention of the powers principally concerned, at Berlin and elsewhere, and talks have taken place and, so far as we know, are continuing.

Time, however, appears to challenge us. Destruction threatens to catch up with us, if not to overtake us, on its march to its sinister goal. We must seek to arrest it and avert the dire end it threatens. The Government propose to continue to give the closest and continuous consideration to such steps as they can take in appropriate places and contexts in pursuit of our approach and the common objective.

I have stated publicly as our view that these experiments, which may have served their one and only useful purpose, namely, exposing the nature of the horror and tragedy, even though but partly, should cease. I repeat that to be our considered position, and it is our hope that this view and the great concern it reflects, and which is world-wide, will evoke adequate and timely responses.



Pending progress towards some solution, full or partial, in respect of the prohibition and elimination of these weapons of mass destruction, which the General Assembly has affirmed as its nearest desire, the Government would consider, among the steps to be taken now and forthwith, the following:

- (1) Some sort of what may be called 'standstill agreement' in respect, at least, of these actual explosions, even if agreements about the discontinuance of production and stock-piling must await more substantial agreements amongst those principally concerned.
- (2) Full publicity by those principally concerned in the production of these weapons, and by the United Nations, of the extent of the destructive power and the known effects of these weapons and also adequate indication of the unknown but probable effects. Informed world public opinion is in our view the most effective factor in bringing about the results we desire.
- (3) Immediate (and continuing) private meetings of the subcommittees of the Disarmament Commission to consider the 'standstill' proposal which I have just mentioned, pending decisions on prohibitions, controls, etc., to which the Disarmament Commission is asked by the General Assembly to address itself.
- (4) Active steps by States and peoples of the world who, though not directly concerned with the production of these weapons, are very much concerned with the possible use of them, and also at present with these experiments and their effects. They should, I venture to hope, express their concern and add their voices and influence in as effective a manner as possible to arrest the progress of this destructive potential which menaces all alike.

The Government of India will use its best efforts in pursuit of these objectives.

I would conclude with an expression of the sympathy which this House and this country feel towards the victims of the recent explosions, Japanese fishermen and others, and to the people of Japan to whom it has brought much dread and concern by way of direct effects and by the fear of food contamination.

The open ocean appears no longer open, except in that those who sail on it for fishing or other legitimate purposes take the great and unknown risks caused by these explosions. It is of great concern to us that Asia and her peoples appear to be always nearer these occurrences and experiments, and their fearsome consequences, actual and potential.

### ANNEX 3

We do not yet know fully whether the continuous effects of these explosions are carried only by the media of air and water or whether they subsist in other strata of nature and how long their effects persist, or whether they set up some sort of chain reaction at which some have already hinted.

We must endeavour with faith and hope to promote all efforts that seek to bring to a halt this drift to what appears to be the menace of total destruction.







#### **Annex 4**

**A World Free of Nuclear Weapons: An Action Plan, tabled at the Third Special Session on Disarmament of the UN General Assembly, 9 June 1988.**







# A WORLD FREE OF NUCLEAR WEAPONS

An Action Plan



**Rajiv Gandhi Addresses Third Special Session  
on Disarmament of U.N. General Assembly.  
June 9, 1988.**



**Text of  
Address to the Third Special Session  
on Disarmament  
of U.N. General Assembly  
by  
Prime Minister of India  
Mr. Rajiv Gandhi.**

**June 9, 1988.**

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June 9, 1988.

Mr. President,

May I begin by extending to you our warmest felicitations on your election as President of this vitally important Special Session of the General Assembly. Our deliberations will benefit greatly from the wealth of your experience and your deep understanding of the issues before us.

We are approaching the close of the twentieth century. It has been the most bloodstained century in history. Fifty eight million perished in two World Wars. Forty million more have died in other conflicts. In the last nine decades, the ravenous machines of war have devoured nearly one hundred million people. The appetite of these monstrous machines grows on what they feed. Nuclear war will not mean the death of a hundred million people. Or even a thousand million. It will mean the extinction of four thousand million: the end of life as we know it on our planet Earth. We come to the United Nations to seek your support. We seek your support to put a stop to this madness.

Humanity is at a crossroads. One road will take us like lemmings to our own suicide. That is the path indicated by doctrines of nuclear deterrence, deriving from traditional concepts of the balance of power. The other road will give us another chance. That is the path signposted by the doctrine of peaceful coexistence, deriving from the imperative values of nonviolence, tolerance and compassion.

In consequence of doctrines of deterrence, international relations have been gravely militarised. Astronomical sums are being invested in ways of dealing with death. Ever new means of destruction continue to be invented. The best of our scientific talent and the bulk of our technological resources are devoted to maintaining and upgrading this awesome ability to obliterate ourselves. A culture of armaments and threats and violence has become pervasive.

For a hundred years after the Congress of Vienna, Europe knew an uncertain peace based on a balance of power. When that balance was tilted—or more accurately, when that balance was perceived to have tilted—Europe was plunged into an orgy of destruction, the like of which had never been known before and which spread to engulf much of the world. The unsettled disputes of the First World War led to the second.



Humankind survived because, by today's standards, the power to destroy, which was then available was a limited power. We now have what we did not then have: the power to ensure the genocide of the human race. Technology has now rendered obsolete the calculations of war and peace on which were constructed the always dubious theories of the balance of power.

It is a dangerous delusion to believe that nuclear weapons have brought us peace. It is true that, in the past four decades, parts of the world have experienced an absence of war. But a mere absence of war is not a durable peace. The balance of nuclear terror rests on the retention and augmentation of nuclear armouries. There can be no ironclad guarantee against the use of weapons of mass destruction. They have been used in the past. They could be used in the future. And, in this nuclear age, the insane logic of mutually assured destruction will ensure that nothing survives, that none lives to tell the tale, that there is no one left to understand what went wrong and why. Peace which rests on the search for a parity of power is a precarious peace. If we can understand what went wrong with such attempts in the past, we may yet be able to escape the catastrophe presaged by doctrines of nuclear deterrence.

There is a further problem with deterrence. The doctrine is based on the assumption that international relations are frozen on a permanently hostile basis. Deterrence needs an enemy, even if one has to be invented. Nuclear deterrence is the ultimate expression of the philosophy of terrorism: holding humanity hostage to the presumed security needs of a few.

There are those who argue that since the consequences of nuclear war are widely known and well understood, nuclear war just cannot happen. Neither experience nor logic can sustain such dangerous complacency. History is full of miscalculations. Perceptions are often totally at variance with reality. A madman's fantasy could unleash the end. An accident could trigger a chain reaction which inexorably leads to doom. Indeed, the advance of technology has so reduced the time for decisions that, once activated, computers programmed for Armageddon, pre-empt human intervention and all hope of survival. There is, therefore, no comfort in the claim of the proponents of nuclear deterrence that everyone can be saved by ensuring that in the event of conflict, everyone will surely die.

The champions of nuclear deterrence argue that nuclear weapons have been invented and therefore, cannot be eliminated. We do not agree. We have an international convention eliminating biological weapons by prohibiting their use in war. We are working on similarly eliminating chemical weapons. There is no reason on principle why nuclear weapons too cannot be so eliminated. All it requires is the affirmation of certain basic moral values and the assertion of the required political will, underpinned by treaties and institutions which insure against nuclear delinquency.

The past few years have seen the emergence of a new danger: the extension of the nuclear arms race into outer space. The ambition of creating impenetrable defences against nuclear weapons has merely escalated the arms race and complicated the process of disarmament. This has happened inspite of the grave doubts expressed by leading scientists.



about its very feasibility. Even the attempt to build a partial shield against nuclear missiles increases the risk of nuclear war. History shows that there is no shield that has not been penetrated by a superior weapon, nor any weapon for which a superior shield has not been found. Societies get caught in a multiple helix of escalation in chasing this chimera, expending vast resources for an illusory security while incurring the risk of certain extinction.

The new weapons being developed for defence against nuclear weapons are part of a much wider qualitative arms race. The development of the so-called "third generation nuclear weapons" has opened up ominous prospects of their being used for selective and discriminate military operations. There is nothing more dangerous than the illusion of limited nuclear war. It desensitizes inhibitions about the use of nuclear weapons. That could lead, in next to no time, to the outbreak of full-fledged nuclear war.

There are no technological solutions to the problems of world security. Security can only come from our asserting effective political control over this self-propelled technological arms race.

We cannot accept the logic that a few nations have the right to pursue their security by threatening the survival of humankind. It is not only those who live by the nuclear sword who, by design or default, shall one day perish by it. All humanity will perish.

Nor is it acceptable that those who possess nuclear weapons are freed of all controls while those without nuclear weapons are policed against their production. History is full of such prejudices paraded as iron laws: that men are superior to women; that the white races are superior to the coloured; that colonialism is a civilising mission; that those who possess nuclear weapons are responsible powers and those who do not are not.

Alas, nuclear weapons are not the only weapons of mass destruction. New knowledge is being generated in the life sciences. Military applications of these developments could rapidly undermine the existing convention against the military use of biological weapons. The ambit of our concern must extend to all means of mass annihilation.

New technologies have also dramatically expanded the scope and intensity of conventional warfare. The physical destruction which can be carried out by full-scale conventional war would be enormous, far exceeding anything known in the past. Even if humankind is spared the agony of a nuclear winter, civilization and civic life as we know it would be irretrievably disrupted. The range, precision and lethality of conventional weapons is being vastly increased. Some of these weapons are moving from being 'smart' to becoming 'intelligent'. Such diabolical technologies generate their own pressures for early use, thus increasing the risk of the outbreak of war. Most of these technologies are at the command of the military blocs. This immensely increases their capacity for interference, intervention and coercive diplomacy.

Those of us who do not belong to the military blocs would much rather stay out of the race. We do not want to accumulate arms. We do not want to augment our capacity to kill.



But the system, like whirlpool, sucks us into its vortex. We are compelled to divert resources from development to defence to respond to the arsenals which are constructed as a sideshow to great power rivalries. As the nature and sophistication of threats to our security increase, we are forced to incur huge expenditure on raising the threshold of our defences.

There is another danger that is even worse. Left to ourselves, we would not want to touch nuclear weapons. But when tactical considerations, in the passing play of great power rivalries, are allowed to take precedence over the imperative of nuclear non-proliferation, with what leeway are we left?

Even the mightiest military powers realise that they cannot continue the present arms race without inviting economic calamity. The continuing arms race has imposed a great burden on national economies and the global economy. It is no longer only the developing countries who are urging disarmament to channel resources to development. Even the richest are beginning to realise that they cannot afford the current levels of the military burden they have imposed upon themselves. A genuine process of disarmament, leading to a substantial reduction in military expenditure, is bound to promote the prosperity of all nations of the globe. Disarmament accompanied by coexistence will open up opportunities for all countries, whatever their socio-economic systems, whatever their levels of development.

The technological revolutions of our century have created unparalleled wealth. They have endowed the fortunate with high levels of mass consumption and widespread social welfare. In fact, there is plenty for everyone, provided distribution is made more equitable. Yet, the possibility of fulfilling the basic needs of nutrition and shelter, education and health remains beyond the reach of vast millions of people in the developing world because resources which could give fulfillment in life are pre-empted for death.

The root causes of global insecurity reach far below the calculus of military parity. They are related to the instability spawned by widespread poverty, squalor, hunger, disease and illiteracy. They are connected to the degradation of the environment. They are enmeshed in the inequity and injustice of the present world order. The effort to promote security for all must be underpinned by the effort to promote opportunity for all the equitable access to achievement. Comprehensive global security must rest on a new, more just, more honourable world order.

When the General Assembly met here last in Special Session to consider questions of disarmament, the outlook was grim. The new cold war had been revived with full force. A new programme of nuclear armament had been set in motion. As a result, during the years that followed, fear and suspicion cast a long shadow over all disarmament negotiations. Humankind was approaching the precipice of nuclear disaster.

Today, there is a new hope for survival and for peace. There is a perceptible movement away from the precipice. Dialogue has been resumed. Trust is in the air.



How has this transformation occurred? We pay tribute to the sagacity of the American and Soviet leaderships. They have seen the folly of nuclear escalation. They have started tracing the outlines of a pattern of disarmament. At the same time, we must recognise the role of countless enlightened men and women all over the world, citizens of the non-nuclear weapon States as much as of the nuclear weapon States. With courage, dedication and perseverance they kept the candle burning in the enveloping darkness. The Six-Nation Initiative voiced the hopes and aspirations of these many millions. At a time when relations between the two major nuclear weapon states dipped to their nadir, the Six Nations—Argentina, Greece, India, Mexico, Sweden and Tanzania—refocussed world attention on the imperative of nuclear disarmament. The appeal of May 1984, issued by Indira Gandhi, Olof Palme and their colleagues, struck a responsive chord. Negotiations stalled for years began inching forward. The process begun in Geneva has led to Reykjavik, Washington and Moscow.

We have all welcomed the ratification of the INF Treaty concluded between General Secretary Gorbachev and President Reagan. It is an important step in the right direction. Its great value lies in its bold departure from nuclear arms limitation to nuclear disarmament. We hope there will be agreement soon to reduce strategic nuclear arsenals by 50 percent. The process should be carried forward to the total elimination of nuclear weapons. Only then will we be able to look back and say that the INF Treaty was a truly historic beginning. India believes it is possible for the human race to survive the second millennium. India believes it is also possible to ensure peace, security and survival into the third millennium and beyond. The way lies through concerted action. We urge the international community to immediately undertake negotiations with a view to adopting a time-bound Action Plan to usher in a world order free of nuclear weapons and rooted in nonviolence.

We have submitted such an Action Plan to this Special Session on Disarmament of the United Nations General Assembly. Our Plan calls upon the international community to negotiate a binding commitment to general and complete disarmament. This commitment must be total. It must be without reservation.

The heart of our Action Plan is the elimination of all nuclear weapons, in three stages, over the next twenty-two years, beginning now. We put this Plan to the United Nations as a programme to be launched at once.

While nuclear disarmament constitutes the centrepiece of each stage of the Plan, this is buttressed by collateral and other measures to further the process of disarmament. We have made proposals for banning other weapons of mass destruction. We have suggested steps for precluding the development of new weapon systems based on emerging technologies. We have addressed ourselves to the task of reducing conventional arms and forces to the minimum levels required for defensive purposes. We have outlined ideas for the conduct of international relations in a world free of nuclear weapons.

The essential features of the Action Plan are:



First, there should be a binding commitment by all nations to eliminating nuclear weapons in stages, by the year 2010 at the latest.

Second, all nuclear weapon States must participate in the process of nuclear disarmament. All other countries must also be part of the process.

Third, to demonstrate good faith and build the required confidence, there must be tangible progress at each stage towards the common goal.

Fourth, changes are required in doctrines, policies and institutions to sustain a world free of nuclear weapons. Negotiations should be undertaken to establish a Comprehensive Global Security System under the aegis of the United Nations.

We propose simultaneous negotiations on a series of integrally related measures. But we do recognise the need for flexibility in the staging of some of these measures.

In Stage-I, the INF Treaty must be followed by a fifty percent cut in Soviet and U.S. strategic arsenals. All production of nuclear weapons and weapons grade fissionable material must cease immediately. A moratorium on the testing of nuclear weapons must be undertaken with immediate effect to set the stage for negotiations on a Comprehensive Test Ban Treaty.

It is already widely accepted that a nuclear war cannot be won and must not be fought. Yet, the right is reserved to resort to nuclear war. This is incompatible with a binding commitment to the elimination of nuclear weapons. Therefore, we propose that all nuclear weapons be leached of legitimacy by negotiating an international convention which outlaws the threat or use of such weapons. Such a convention will reinforce the process of nuclear disarmament.

Corresponding to such a commitment by the nuclear weapon States, those nations which are capable of crossing the nuclear weapons threshold must solemnly undertake to restrain themselves. This must be accompanied by strict measures to end all covert and overt assistance to those seeking to acquire nuclear weapons.

We propose that negotiations must commence in the first stage itself for a new Treaty to replace the NPT, which expires in 1995. This new Treaty should give legal effect to the binding commitment of nuclear weapon States to eliminate all nuclear weapons by the year 2010 and of all the non-nuclear weapon States to not cross the nuclear weapons threshold.

International law already bans the use of biological weapons. Similar action must be taken to ban chemical and radiological weapons.

The international community has unanimously recognised outer space as the common heritage of mankind. We must expand international cooperation in the peaceful uses of outer space. The essential pre-requisite for this is that outer space be kept free of all weapons. Instead, there are plans of developing, testing and deploying space weapons system. The nuclear arms race cannot be ended and reversed without a moratorium on such activity. It should be followed by an agreement to forestall the militarisation of outer space.



This is also an indispensable condition for attaining the goal of comprehensive global security based on a nonviolent world order free of nuclear weapons.

The very momentum of developments in military technology is dragging the arms race out of political control. The race cannot be restrained without restraining the development of such technology. We need a system which fosters technological development but interdicts its application to military purposes. The arms control approach has focussed on the quantitative growth of arsenals. The disarmament approach must devise arrangements for controlling the continuous qualitative upgradation of nuclear and conventional weapons. To achieve this purpose, the essential requirement is increased transparency in research and development in frontier technologies with potential military applications. This requires a systematic monitoring of such developments, an assessment of their implications for international security, and widespread dissemination of the information obtained. There is also need for greater international cooperation in research into new and emerging technologies for these technologies to open on new vistas of human achievement. Here let us recall the vision of an open world voiced by one of the most remarkable scientists of our time, Niels Bohr. In his Open Letter to the United Nations on June 9, 1950, thirty-eight years ago today, he said:

"The very fact that knowledge itself is a basis for civilization points directly to openness as the way to overcome the present crisis."

By the closing years of the century, there must be a single integrated multilateral verification system to ensure that no new nuclear weapons are produced anywhere in the world. Such a system would also help in verifying compliance with the collateral and other disarmament measures envisaged in the Action Plan. It would serve as an early warning system to guard against violations of solemn international treaties and conventions.

Beyond a point, nuclear disarmament itself would depend upon progress in the reduction of conventional armaments and forces. Therefore, a key task before the international community is to ensure security at lower levels of conventional defence. Reductions must, of course, begin in areas where the bulk of the world's conventional arms and forces are concentrated. However, other countries should also join the process without much delay. This requires a basic restructuring of armed forces to serve defensive purposes only. Our objective should be nothing less than a general reduction of conventional arms across the globe to levels dictated by minimum needs of defence. The process would require a substantial reduction in offensive military capabilities as well as confidence-building measures to preclude surprise attacks. The United Nations needs to evolve by consensus a new strategic doctrine of non-provocative defence.

The Plan for radical and comprehensive disarmament must be pursued along with efforts to create a new system of comprehensive global security. The components of such a system must be mutually supportive. Participation in it must be universal.

The structure of such a system should be firmly based on non-violence. When we eliminate nuclear weapons and reduce conventional forces to minimum defensive levels,



the establishment of a non-violent world order is the only way of not relapsing into the irrationalities of the past. It is the only way of precluding the recommencement of an armaments spiral. Non-violence in international relations cannot be considered an Utopian goal. It is the only available basis for civilised survival, for the maintenance of peace through peaceful coexistence, for a new, just, equitable and democratic world order. As Mahatma Gandhi said in the aftermath of the first use of nuclear weapons:

"The moral to be legitimately drawn from the supreme tragedy of the bomb is that it will not be destroyed by counter bombs, even as, violence cannot be destroyed by counter-violence. Mankind has to get out of violence only through non-violence."

The new structure of international relations must be based on respect for various ideologies, on the right to pursue different socio-economic systems, and the celebration of diversity. Happily, this is already beginning to happen. Post-war bipolarity is giving way to a growing realisation of the need for coexistence. The high rhetoric of the system of military alliances is gradually yielding to the viewpoint of the Nonaligned Movement.

Nonalignment is founded on the desire of nations for freedom of action. It stands for national independence and self-reliance. Nonalignment is a refusal to be drawn into the barren rivalries and dangerous confrontations of others. It is an affirmation of the need for self-confident cooperation among all countries, irrespective of differences in social and economic systems. Nonalignment is synonymous with peaceful coexistence. As Jawaharlal Nehru said:

"The alternative to co-existence is co-destruction."

Therefore, the new structure of international relations to sustain a world beyond nuclear weapons will have to be based on the principles of coexistence, the non-use of force, non-intervention in the internal affairs of other countries, and the right of every state to pursue its own path of development. These principles are enshrined in the Chapter of the United Nations, but they have been frequently violated. We must apply our minds to bringing about the institutional changes required to ensure their observance. The strengthening of the United Nations system is essential for comprehensive global security. We must resurrect the original vision of the United Nations. We must bring the United Nations Organisation in line with the requirements of the new world order.

The battle for peace, disarmament and development must be waged both within this Assembly and outside by the peoples of the world. This battle should be waged in cooperation with scientists, strategic thinkers and leaders of peace movements who have repeatedly demonstrated their commitment to these ideals. We, therefore, seek their cooperation in securing the commitment of all nations and all peoples to the goal of a non-violent world order free of nuclear weapons.

The ultimate power to bring about change rests with the people. It is not the power of weapons or economic strength which will determine the shape of the world beyond nuclear weapons. That will be determined in the minds and the hearts of thinking men and women around the world. For, as the Dhammapada of the Budha teaches us:



*"Our life if shaped by our mind;  
we become what we think.  
Suffering follows an evil thought  
As the wheels of a cart follow the oxen that draw it.  
Joy follows a pure thought  
Like a shadow that never leaves.  
For hatred can never put an end to hatred;  
Love alone can.  
This is the unalterable law."*



## Action plan for ushering in a nuclear-weapon-free and non-violent world order

1. Humanity stands at a crossroads of history. The world has lived too long under the sentence of extinction. Nuclear weapons threaten to annihilate human civilization and all that humankind has built through millennia of labour and toil. Nuclear-weapon States and non-nuclear-weapon States alike are threatened by such a holocaust. It is imperative that nuclear weapons be eliminated. The recently signed INF Treaty between the United States and the Soviet Union is a first major step in this direction. This process must be taken to its logical conclusion by ridding the world of nuclear weapons. The time has also come to consider seriously the changes in doctrines, in policies, in attitudes, and in the institutions required to usher in and manage a nuclear-weapon-free and non-violent world. Peace must be predicated on a basis other than the assurance of global destruction. We need a world order based on non-violence and peaceful coexistence. We need international institutions that will nurture such a world order.

2. We call upon the international community to urgently negotiate a binding commitment to an action plan for ushering in a non-violent world free of nuclear weapons. We suggest the following action plan as a basis for such negotiations:

- 2.1. **STAGE I (duration: 6 years, from 1988 to 1994)**
  - 2.1.a. **Nuclear disarmament:**
    - 2.1.a.i. Elimination of all Soviet and United States land-based medium- and shorter-range missiles (500 to 5,500 kilometres) in accordance with the INF Treaty.
    - 2.1.a.ii. Agreement on a 50 per cent cut in Soviet and United States strategic arsenals (with ranges above 5,500 kilometres).
    - 2.1.a.iii. Agreement on a phased elimination by the year 2000 A.D. of United States and Soviet short-range battlefield and air-launched nuclear weapons.
    - 2.1.a.iv. Cessation of the production of nuclear weapons by all nuclear-weapon States.
    - 2.1.a.v. Cessation of production of weapon-grade fissionable material by all nuclear-weapon States.
    - 2.1.a.vi. Moratorium on the testing of nuclear weapons.
    - 2.1.a.vii. Commencement and conclusion of negotiations on a comprehensive test-ban treaty.
  - 2.1.b. **Measures collateral to nuclear disarmament:**
    - 2.1.b.i. Conclusion of a convention to outlaw the use and threat of use of nuclear weapons



pending their elimination.

- 2.1.b.ii. Declaration by the United States and the Soviet Union that the fissile material released under the INF Treaty would be utilized for peaceful purposes only and accordingly be subjected to supervision by the International Atomic Energy Agency.
- 2.1.b.iii. Declaration by all nuclear-weapon States of their stockpiles of nuclear weapons and weapon-grade fissionable material.
- 2.1.b.iv. Cessation of direct or indirect transfer to other States of nuclear weapons, delivery systems, and weapon-grade fissionable material.
- 2.1.b.v. Non-nuclear-weapon Powers to undertake not to cross the threshold into the acquisition of nuclear weapons.
- 2.1.b.vi. Initiation of multilateral negotiations, to be concluded by 1995, for a new treaty eliminating all nuclear weapons by the year 2010. This treaty would replace the non-proliferation Treaty, which ends in 1995.
- (2.1.c. **Other weapons of mass destruction:**
  - 2.1.c.i. Conclusion of a treaty banning chemical weapons.
  - 2.1.c.ii. Conclusion of a treaty banning radiological weapons.
- 2.1.d **Conventional forces:**
  - 2.1.d.i. Substantial reduction of NATO and Warsaw Pact conventional forces, especially offensive forces, and of weapon systems in Europe from the Atlantic to the Urals.
  - 2.1.d.ii. Multilateral discussions in the Conference on Disarmament or in the United Nations on military doctrines with a view to working towards the goal of a purely defensive orientation for the armed forces of the world. The discussions would ?
- (2.1.b. **Measures collateral to nuclear disarmament:**
  - 2.1.b.i. Conclusion of a convention to outlaw the use and threat of use of nuclear weapons
- 2.1.c. **Other weapons of mass destruction:**
  - 2.1.c.i. Conclusion of a treaty banning chemical weapons.
  - 2.1.c.ii. Conclusion of a treaty banning radiological weapons.
- 2.1.d **Conventional forces:**
  - 2.1.d.i. Substantial reduction of NATO and Warsaw Pact conventional forces, especially offensive forces, and of weapon systems in Europe from the Atlantic to the Urals.
  - 2.1.d.ii. Multilateral discussions in the Conference on Disarmament or in the United Nations on military doctrines with a view to working towards the goal of a purely defensive orientation for the armed forces of the world. The discussions would include measures to prevent surprise attacks.
- 2.1.e. **Space weapon systems:**
  - 2.1.e.i. A moratorium on the testing and deployment of all space weapon systems.
  - 2.1.e.ii. Expansion of international co-operation in the peaceful uses of outer space.



- 2.1.f. **Control and management of the arms race based on new technologies**
- 2.1.f.i. Arrangements for monitoring and assessing new technologies which have military applications as well as forecasting their implications for international security.
- 2.1.f.ii. For research in frontier areas of technology where there are potential military applications, new technology projects and technological missions should be undertaken under the auspices of the United Nations in order to direct them exclusively to civilian sectors.
- 2.1.f.iii. Commencement of work, under the aegis of the United Nations, for the formulation of guidelines to be observed by Governments in respect of new technologies with potential military applications.
- 2.1.f.iv. Commencement of negotiations for banning technological missions designed to develop new weapon systems and means of warfare.
- 2.1.g. **Verification:**
- 2.1.g.i. Acceptance in principle of the need to establish an integrated multilateral verification system under the aegis of the United Nations as an integral part of a strengthened multilateral framework required to ensure peace and security during the process of disarmament as well as in a nuclear-weapon-free world.
- 2.2 **STAGE II (duration: 6 years, from 1995 to 2000)**
- 2.2.a. **Nuclear disarmament:**
- 2.2.a.i. Completion of Stage I reductions by the United States and the Soviet Union and the induction of all other nuclear-weapon-States into the process of nuclear disarmament.
- 2.2.a.ii. Elimination of all medium-and short-range, sea-based, land-based and air-launched nuclear missiles by all nuclear-weapon States.
- 2.2.a.iii. Elimination of all tactical battlefield nuclear weapons (land, sea and air) by all nuclear-weapon States.
- 2.2.a.iv. Entry into force of the comprehensive test-ban treaty.
- 2.2.b. **Measures collateral to nuclear disarmament:**
- 2.2.b.i. Negotiations on the withdrawal of strategic nuclear weapons deployed beyond national boundaries.
- 2.2.b.ii. Completion of the ratification and entry into force of the convention prohibiting the use and threat of use of nuclear weapons.
- 2.2.b.iii. Conclusion of the new treaty eliminating all nuclear weapons by the year 2010 to replace the non-proliferation Treaty.
- 2.2.c. **Space weapons:**
- 2.2.c.i. Agreement within a multilateral framework on banning the testing, development, deployment and storage of all space weapons.



- 2.2.d. **Conventional forces:**
  - 2.2.d.i. Further reduction of NATO and Warsaw Pact conventional forces to minimum defensive levels.
  - 2.2.d.ii. Negotiations under the Conference on Disarmament on global conventional arms reduction.
  - 2.2.d.iii. Removal of all military forces and bases from foreign territories.
- 2.2.e. **New and emerging technologies:**
  - 2.2.e.i. Completion of negotiations on banning technological missions aimed at the development of new weapon systems.
  - 2.2.e.ii. Completion of negotiations on guidelines in respect of new technologies with potential military applications.
- 2.2.f. **Comprehensive global security system:**
  - 2.2.f.i. Negotiations on and establishment of a comprehensive global security system to sustain a world without nuclear weapons. This would include institutional steps to ensure the effective implementation of the provisions of the Charter of the United Nations relating to the non-use of force, the peaceful settlement of disputes, and the right of every State to pursue its own path of development.
  - 2.2.f.ii. Arrangements for the release of resources through disarmament for development purposes.
  - 2.2.f.iii. Elimination of non-military threats to security by such measures as the establishment of a just and equitable international economic order.
  - 2.2.f.iv. The strengthening of the United Nations system and related multilateral forums.
  - 2.2.f.v. The commencement of negotiations for the establishment of an integrated multilateral verification system under the United Nations.
- 2.3. **STAGE III (duration: 10 years, from 2001 to 2010)**
  - 2.3.a. Elimination of all nuclear weapons from the world.
  - 2.3.b. Establishment of a single integrated multilateral comprehensive verification system which, *inter alia*, ensures that no nuclear weapons are produced.
  - 2.3.c. Reduction of all conventional forces to minimum defensive levels.
  - 2.3.d. Effective implementation of arrangements to preclude the emergence of a new arms race.
  - 2.3.e. Universal adherence to the comprehensive global security system.
- 3.1. There has been a historically unprecedented militarization of international relations during the last four decades. This has not only enhanced the danger of nuclear war but also militated against the emergence of the structure of peace, progress and stability envisaged in the Charter of the United Nations.
- 3.2. To end this dangerous militarization of international relations, we must build a structure firmly based on non-violence. It is only in a non-violent democratic



world that the sovereignty of nations and the dignity of the individual can be ensured. It is only in a non-violent world that the intellectual and spiritual potential of humankind can be fully realized.

- 3.3. The prospect of a world free from nuclear weapons should spur us to start building a structure of international security in keeping with the fundamental changes that are taking place in the world political, economic and security environment.
- 3.4. In a shrinking and interdependent world, such a structure has to be comprehensive, its components supportive of each other, and participation in it universal.
- 3.5. A world order crafted out of outmoded concepts of the balance of power, of dominance by power blocs, of spheres of influence, and of special rights and privileges for a select group of nations is an unacceptable anachronism. It is out of tune with the democratic temper of our age.
- 3.6. The new structure of international relations has to be based on scrupulous adherence to the principles of peaceful coexistence and the Charter of the United Nations. It is necessary to evolve stronger and more binding mechanisms for the settlement of disputes, regional and international. The diversity among nations must be recognized and respected. The right of each nation to choose its own socio-economic system must be assured.
- 3.7. Concomitant changes will be called for in the international economic order. The interdependence of all the economies of the world makes for a symbiotic relationship between development in the South and stability and growth in the North. In a just and equitable order, access to technology and resources, on fair and reasonable terms, will be assured. The gap between the rich and the poor nations will be bridged.



## New technologies and the qualitative arms race: working paper by India

### Introduction

1. Paragraph 39 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament (General Assembly resolution S-10/2), had the following provision:

“Qualitative and quantitative disarmament measures are both important for halting the arms race. Efforts to that end must include negotiations on the limitation and cessation of the qualitative improvement of armaments, especially weapons of mass destruction and the development of new means of warfare so that ultimately scientific and technological achievements may be used solely for peaceful purposes.”

2. A decade has passed since the adoption of the Final Document. During this period, efforts for “arms control” in both bilateral and multilateral forums have focused primarily on the quantitative expansion of arsenals. At no stage have the qualitative aspects of the arms race been addressed, even though it has been known for some time now that a very large part of the huge sums currently spent on armament by the major Powers is devoted to making qualitative improvements in the existing weapon systems and to developing new systems. As a matter of fact, most of the nuclear “arms control” agreements provide for the upgrading of the existing weapon systems and specify “permitted” areas for further improvement of weapons. This kind of arms control, which does not address itself to the structural nature of the arms race, has not curbed and cannot curb or reverse this race. Real disarmament cannot be achieved without addressing the problem of the qualitative arms race.

3. The total expenditure on military research and development (R and D) – 90 percent of it by the five nuclear-weapon States and the Federal Republic of Germany – is estimated to be approximately one tenth of the trillion dollar total global military expenditure. Military R and D today is 25 per cent of the total expenditure on R and D. The scale of expenditure on military R and D and the pace of technical change in the military sector are unprecedented historically. This is the result of the emergence in the post-Second World War period of a large number of industrial and research establishments devoted exclusively to the design, production and refinement of new weapon systems. Development of weaponry is now no longer an undirected, accidental by-product of the advancement of science and technology. Instead, it has become an all-embracing purposive preoccupation, where every new scientific and technological development is examined for its potential military applications and steps are taken to translate that potential into real weapon systems.



4. There are certain historical imperatives for the growth of science and technology. These, in turn, influence patterns of production, consumption, distribution, policies of Governments as well as relations among nations. Progress in science and technology and the changes that it brings about are a part of the historical process and no attempt to halt that process because of the unwelcome nature of some of these changes is likely to succeed. However, dedicated deployment of science and technology for military purposes, irrespective of its consequences for humankind, is another matter. It is the latter that is mainly responsible for the new destructive dimensions acquired by the arms race. It is the duty of the international community to put a restraint on such an orientation.

5. New weapon systems are often developed without reference to the political climate or even the prevailing security doctrines. Quite often this takes place without reference even to the actual weapons developed by the adversary. Each side presses ahead with the development of weapons designed to counter hypothetical weapons, sure in the belief that the other side would be doing the same. Technological possibilities of developing weapon systems often acquire an inexorable character and inevitably get translated into reality. The history of weapons development in the post-Second World War period is replete with examples of such a self-propelled momentum overtaking whatever meagre results "arms control" measures may have achieved.

6. It is thus evident that the prospects for real disarmament will remain bleak so long as this technological arms race is allowed to continue unabated. The pressures of competitive technological armament obstruct further progress in disarmament and even threaten to destroy the limited progress made so far. The current controversy over the 1972 ABM Treaty, because of the pressure of development of new space weapons, is an obvious illustration.

#### **The new arms race**

7. Today, the world stands on the threshold of a new arms race. A number of technologies that have the potential of transforming completely the methods of war-fighting and the nature of warfare are in advanced stages of development. The maturity and application of these technologies would have far-reaching implications for international security and would be a major setback to efforts for disarmament. The following are some of the areas in which new and emerging technologies with far-reaching military applications are taking shape:

#### **(a) Nuclear weapons**

Intensive research and development work by laboratories has led to a major breakthrough in the design of nuclear weapons. The past few years have seen increased interest in the so-called "third generation" nuclear weapons.

The first generation nuclear weapons are based on fission; the second generation on fusion. The second generation weapon design has increased the sophistication and improved the yield-to-weight ratio of nuclear warheads. The central feature of the third generation



nuclear weapons is the ability to pick and choose specific effects of nuclear weapons and enhance them, while suppressing the unwanted ones. The neutron bomb, or the enhanced radiation weapon, is the precursor of the third generation nuclear weapons.

A number of third generation nuclear-weapon designs are being actively explored. These include the X-ray laser, in which the energy of the nuclear explosion is channelled into focused beams of intense X-ray radiation. The gamma ray laser, microwave weapons and nuclear devices that can generate powerful electromagnetic pulses are other third generation concepts that are being explored.

Concurrently, more accurate and precise modes of delivery of nuclear warheads are being explored to avoid the large collateral damage, inevitable in less accurate delivery. The manoeuvrable re-entry vehicle (MARV) is one such technology that is likely to dramatically increase the ability to deliver nuclear weapons with pin-point accuracy. The Earth-penetrating nuclear warhead design is another example of militarily usable nuclear explosions.

New directions in the use of nuclear energy for military purposes are also evident. Plans to deploy compact and powerful nuclear reactors in space are in advanced stages of development. The new military space missions for reactors include the powering of beam weapons, battle stations and supporting satellites. Accidents in already existing nuclear space systems have not been uncommon. Increased use of nuclear power in space could have dangerous ecological consequences.

#### **(b) Defence against nuclear weapons**

A variety of new and exotic technologies are being developed under the programmes to build defences against nuclear missiles. These include technologies for weapon systems, surveillance, acquisition and tracking, and battle management.

The weapon systems being developed include kinetic energy weapons. Kinetic energy weapons derive their destructive energy from the momentum of propelled objects. Electromagnetic rail guns, which can propel objects to very high speeds, are another kind of new weapon under development.

In directed energy weapons, consisting either of lasers or of particle beams, energy propagated at the speed of light is used to destroy or disable targets. These weapon systems can be based on Earth or in space. Laser systems powered by both chemical and nuclear sources are being developed.

Although these new technologies and weapons are being projected as "defensive", they also have offensive possibilities. They could be particularly useful as anti-satellite weapons. Some of them could also be used against Earth-based objects.

#### **(c) Chemical and biological weapons**



In the past, the problems and costs of effectively integrating chemical and biological weapons into military doctrine and organization have acted as barriers against widespread military enthusiasm for chemical and biological warfare. But new technological developments could remove these barriers and facilitate greater use of chemical and biological weapons. One such technological innovation is the "binary" munition for nerve gases.

The past few years have seen the enormous explosion in mankind's knowledge of the molecular and cellular processes of life. There is also the emerging ability to manipulate these processes through genetic engineering and biotechnology. If these abilities are tapped for military purposes, there could be a new race to develop hideous weapons for chemical and biological warfare.

#### **(d) Electronics, computers and artificial intelligence**

The impact of the revolutionary developments in electronics and computers on military technology and strategy is already pervasive. The impact is seen in the transformation of weapons into "smart" systems, such as precision-guided weapons systems and cruise missiles. There is also the existing large-scale use of high performance computers in command, control and communication and intelligence functions.

The ongoing revolution in electronics and computers is further transforming the nature of warfare. Weapon systems are moving from the "smart" to the "intelligence" phase. Unprecedented capabilities for command, control and intelligence (C<sup>3</sup>I) systems required for enhanced war-fighting capabilities are under development. A whole range of surveillance and target acquisition systems, sophisticated sensors and high-speed automated data handling systems are being built.

Of particular importance is the development of fifth generation computers and artificial intelligence. Artificial intelligence techniques are likely to be used initially in aiding soldiers in handling enormous information in a very short time in a complicated environment. Artificial intelligence techniques are also being considered for the development of autonomous vehicles and automated battle management systems. The impact of the new developments in computer hardware and software extend from conventional warfare to nuclear war-fighting and strategic defence.

#### **(e) Conventional weapons**

The words "conventional weapons" could already be a misnomer with the increasing accuracy, lethality and range of "conventional" weapon systems. There is an increased versatility in both launch platforms and war heads. The advances in weapon technology have already led to the conceptualization of strategic warfare without nuclear weapons. The use of ICBMs is being contemplated with conventional weapons. New types of delivery systems, such as transatmospheric vehicles and space planes capable of speeds ranging from 5 to 30 times the speed of sound and large payload capabilities, are being developed. These vehicles can operate in both atmosphere and space and can negotiate intercontinental distances in 10 to 15 minutes. The space planes, capable of horizontal take-off from and landing at normal airfields, lend themselves to greater use and flexibility in utilizing



near-Earth space for military purposes and in carrying out a variety of offensive missions in a short span of time on Earth.

#### **Implications of the new arms race**

8. These developments have far-reaching implications for international security and peace. If allowed to proceed unchecked, they would bring about radical changes in the means of war-fighting and in security doctrines. They point to a highly complex strategic environment fraught with risks of staggering proportions. One consequence that can be predicted confidently is a fresh spiralling of the arms race at a qualitatively different, if not higher, level.

9. It is also evident that they carry a much greater risk of outbreak of war, particularly nuclear war. Many weapons already operate in a semi-automated or fully automated mode. Automation of entire weapon systems, however, would result in a quantum jump in the dangers. Improvements in C<sup>3</sup>I facilities and the deployment of surgical weapons may create an illusion of stability. However, in reality, control would become increasingly decentralized and real time for decision-making would be drastically reduced to durations too short to permit human beings to play any interactive role. The risk of war as a result of an accident, or misjudgement would be much greater.

10. Furthermore, most of the new weapons systems are offence-dominated. And even the defensive ones have the effect of making offensive strikes possible with greater impunity. Together with the immensely increased accuracy and lethality of these weapons, this is likely to increase the incentive for pre-emptive strikes. There is, therefore, going to be greater likelihood of early use of such weapons. These new developments could lead towards a renewed arms race in both offensive nuclear weapons and building defences. Further, these developments threaten to introduce these weapons into outer space, which has so far remained free from them.

11. Moreover, a reasonably accurate assessment of the capabilities of new weapon systems, force levels, force targets and force postures and deployment is going to be extremely difficult in a period of rapid technological change. There would, therefore, be a tendency to proceed on the basis of "worst-case" scenarios, which would result in an increase in the instability of the security environment.

12. Discreet and selective deployment of tailored nuclear weapons with little collateral effect may tend to increase their perceived utility and hence their usability.

13. The increasing lethality and accuracy of non-nuclear weaponry has brought such weapons closer to small nuclear weapons. But the non-nuclear nature of the powerful new weaponry may tend to make it more acceptable morally and politically, and hence more usable as compared to nuclear weapons.

14. The distinctions between tactical and strategic weapons, and conventional and non-conventional weapons would become blurred leading to erosion of thresholds.



15. The existing barriers against chemical and biological warfare could be eroded as a result of the new technological development. The unleashing of chemical and biological warfare technologies is fraught with grave consequences for the security of mankind.

16. These new trends have complicated the problem of the monitoring and verification of emerging weapon systems. Many of these systems will be smaller in size, more mobile and more flexible in terms of carrying out a variety of missions. The most threatening in this regard are the cruise missiles. Other examples are the anti-satellite weapons, which can be fired from a variety of mobile platforms and dual-purpose delivery vehicles. In fact, we may have already come to the point of no return in this regard.

17. The new weapon capabilities are likely to be available only to the two super-Powers and their allies for a long time to come. It would, therefore, provide them with hegemonistic capabilities, increasing their predisposition to engage in coercive diplomacy.

18. The new technologies pose a serious threat to the existing arms control and disarmament agreements by offering technological and strategic incentives to nations for breaking out of the current restrictions. They would also introduce new complexities for disarmament agreements under negotiation, making new agreements difficult.

#### **Need for action**

19. The real challenge in the field of disarmament is to devise arrangements for controlling the new arms race, which has already started on the basis of new and emerging technologies. The time for doing so is now. For, otherwise, it will be too late. The third special session devoted to disarmament is the most suitable occasion for discussing this problem and for taking timely action for managing it.

20. The problems posed are far from simple. It is neither possible nor desirable to put a stop on the growth of science and technology. To distinguish technology as constructive or destructive is a complex task. Nor is it easy to sharply categorize research from development or from testing for development. However, we have no choice but to act. Faced with the growing threat of the largest and the most elaborate military R and D programme ever undertaken, namely that relating to ballistic missile defence systems, it is critical that we face the issues of the qualitative arms race directly and squarely.

21. If pursued in the context of a comprehensive disarmament programme seeking to eliminate weapons of mass destruction and reducing conventional armaments to the minimum needed for defence, the efforts to control the qualitative arms race would be of great significance and indeed necessary.

#### **Suggestions for action**

##### **(a) Increased transparency**

22. Reliable information on what is happening on the other side can remove a major reason for persisting with the qualitative refinement of arsenals on a unilateral basis – namely, the



fear of being caught by surprise by technological breakthroughs by the adversary. Conversely, lack of such knowledge frequently leads to exaggerated projections based on "worst case" assumptions and creates pressure for undertaking whatever the adversary might be presumed, at worst, to be doing.

23. Moreover, it is the right of the public to have access to information at the global level on issues of life and death. And the Member States owe it to their peoples to provide access to such information. Further, increased public awareness of the implications of technological developments with military applications is the most effective way of putting a measure of restraint on these developments. It is also the duty of the world scientific community to be alert in this regard, to anticipate developments and to make the world aware of their implications.

24. The following suggestions are, therefore, put forward for achieving greater transparency and understanding in this critical and sensitive area:

(i) **Technology assessment and forecasting panel:** The Secretary-General should have at his disposal a technology assessment and forecasting panel consisting of a small group of eminent scientists and strategists. The task of the panel will be to identify and monitor those developments in the field of new and emerging technologies which have military applications, assess their likely impact on international security, and make projections based on such monitoring and assessment. The Secretary-General should consult this group from time to time. On the basis of such consultations and periodic reports to be submitted by the group, the Secretary-General should disseminate their assessment and forecasting on a wider basis, including through reports to the General Assembly, the Security Council and the Conference on Disarmament.

(ii) **National panel of experts:** Each Government member should make more or less similar arrangements at the national level. It should constitute a panel of scientists which should report periodically to the Government and should be available for consultations from time to time. It should widely disseminate the information and assessment provided by the panel. The Governments, in turn, should submit an annual report to the Secretary-General. The Conference on Disarmament should also impress upon all member Governments that, whenever an emerging technology appears to have the potentiality of leading to the development of new weapons and new means of waging war, the details of such technologies should be given wide publicity.

(iii) **Unit in the Department for Disarmament Affairs:** A unit should be established in the Department for Disarmament Affairs to monitor and study the implications of new technologies with potential military applications. The Secretary-General's panel should be able to draw upon the information and study compiled by the unit.

(b) **New technology projects and technological missions**

25. There should be greater international co-operation in the field of research in new and emerging technologies with a view to deploying them for peaceful purposes. For this



purpose, new technology projects and new technological missions should be undertaken under the aegis of the United Nations. This will result in avoiding duplication of efforts in this high-cost area, fostering trust and promoting global progress and stability.

**(c) Banning of technological missions clearly designed for developing new weapons**

26. Negotiations should also start for banning those technological missions which are clearly designed for the development of new weapons and means of warfare. For example, there should be a ban on the development of ballistic missile defence systems.

**(d) Guidelines in respect of new technologies with potential military applications**

27. Guidelines should be drawn up under the aegis of the United Nations in respect of new technologies with potential military applications. To begin with, the guidelines could be voluntary in nature. They should be observed by Governments, where they are directly responsible for carrying out military R and D, and also recommended for observance by private laboratories and research institutions. Emphasis in the guidelines should be on transparency, the widest possible dissemination of information nationally and internationally, consultations with and reports to national authorities and the United Nations. They should also include such regulatory measures as may be found feasible. The Secretary-General should set up a group of experts for evolving a set of guidelines.



# **Disposal of the warheads on the nuclear missiles covered by the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (INF Treaty)**

## **Working paper by India Summary**

The INF Treaty left open the question of disposal of the nuclear warheads on the missiles that are to be destroyed. Both the United States and the Soviet Union are free to decide what to do with the fissile material contained in the warheads, including the option of recycling it into new warheads for use on other missiles not covered by the Treaty. Such a course of action would be against the spirit of the Treaty and would considerably diminish its value as a nuclear disarmament measure. This is a matter of concern for all nations. The question of the disposal of these warheads, therefore, assumes crucial importance.

It is proposed that the United States and the Soviet Union be urged not to recycle their fissile material into other nuclear weapons and to place it under the supervision of the International Atomic Energy Agency (IAEA), while keeping it in their custody. They should be urged also to make the accumulated fissile material available for energy production, to the maximum extent feasible. At the same time, there should be a freeze on further production of nuclear weapons and simultaneous cut-off in the production of fissile material for weapon purposes.

### **I. The problem**

1. The INF Treaty left open the question of the disposal of the nuclear warheads on the missiles that are to be destroyed in accordance with the provisions of the Treaty. Both sides are free to decide what to do with the warheads, particularly the fissile material contained therein. They have the choice of recycling this material into new warheads for use on other missiles not covered by the INF Treaty.
2. The Treaty has been rightly acclaimed as the first nuclear disarmament measure ever taken by the nuclear-weapon States. If the parties to the Treaty are free to utilize the fissile material contained in the nuclear warheads covered in the nuclear warheads covered by the treaty for producing new warheads, the value of Treaty as a nuclear disarmament measure would be diminished considerably:



3. It can be argued that the fissile material belongs to those two countries and that they are, therefore, free to dispose of it as they please. However, just as nuclear disarmament is the concern of all nations, so is the question of what happens to this fissile material. The world has the right to expect that the INF Treaty will be observed not only in letter but also in spirit. The question of the disposal of the warheads, therefore, assumes crucial importance for all nations in the world.

## II. Magnitude of the fissile material involved

4. The minimum amount of fissile material that the 2,000 warheads released under the INF Treaty would contain would be 10 to 20 tons, in case they are plutonium devices, and about 2 to 3 times that amount, in case they are enriched uranium devices. This is a very rough estimate because the exact amount can be estimated only on the basis of information about the yield of each warhead.

5. The obvious way of utilizing plutonium or enriched uranium for peaceful purposes is to feed it into a fast breeder or power reactor for generating energy. The above amounts of plutonium or enriched uranium could provide fuel for generation of about 1,000 megawatts of power for some years.

6. These appear to be rather trivial amounts. However, the entire question has to be considered on the basis of the assumption that the INF Treaty would be a true disarmament measure and that what is involved is not only the release of 10 to 20 tons of plutonium contained in the warheads covered under the INF Treaty, but a much bigger amount that will be available in the event of total nuclear disarmament. Even the agreement on the implementation of 50 per cent reduction in the strategic arsenals of the United States and the Soviet Union would yield fissile materials many times higher than 10 to 20 tons.

## III. Options for disposal

### (a) For military purposes

7. The chemical explosives used to bring the sub-critical masses of fissile material together are of small explosive power and can be easily exploded away.

8. In view of the fact that most missiles are designed to carry specific payloads, there may not be much scope for reusing the warheads on the missiles covered by the Treaty on other delivery vehicles. Redesigning the delivery vehicles suitably in order to use these warheads may be a cumbersome process. Therefore, the most likely military use for the fissile material would be to recycle it into new warheads.

### (b) For peaceful purposes

9. As already stated, the fissile material can be used in fast breeder or power reactors for generating energy. Weapon-grade uranium would need to be diluted considerably as it is 93 per cent U-235, whereas the enriched uranium required for currently established power reactors is only 3 to 5 per cent U-235.



10. Using the fissile material as an input for generating energy would release some capacity in existing reprocessing/enrichment plants and thus help in bringing down the cost of internationally traded plutonium and enriched uranium. It can also help in conserving world uranium reserves. Moreover, considering the global scarcity of energy, any move for supplementing the existing energy resources will be beneficial for the world as a whole.
11. The option of diluting the weapon-grade uranium might be regarded as wasteful after the prohibitive cost incurred in reaching such a high level of enrichment. However, this is not a valid consideration because, if the objective of nuclear disarmament is universally accepted, then the costs incurred in acquiring any nuclear weapons are themselves wasteful. They are in the nature of "sunk costs". What is pertinent to the utilization decision between the alternative options is only the additional cost that would have to be incurred to enable utilization of the fissile material.
12. Enriched uranium can also be used after suitable dilution for nuclear-propelled submarines and high temperature gas-cooled reactors. However, given the limited requirement of such facilities, this may not be a viable option but only a supplementary use.
13. Another option is to use the fissile material for peaceful nuclear explosions. The full potential of peaceful nuclear explosions is yet to be explored and there is a strong case for doing so, particularly when surplus fissile material might become available.
14. Three options are available for the purpose of exercising control over the fissile material:

First, the material remains in the custody of the owner country, free from controls except those imposed by the country itself.

Second, the material is physically handed over to an international agency, i.e., IAEA. It may be recalled that at one stage a proposal for the creation of an international nuclear fuel authority under IAEA was considered. However, no agreement could be reached on it. Most of the arguments given at that time against this idea, i.e. problems relating to transport, efficiency of reprocessing in a centralized place, guarantee of safety, etc., still remain valid.

There is a third alternative, according to which the material remains in the physical control of the owner country, but is placed under IAEA safeguards. The involvement of IAEA in this question could be regarded as a part of the verification system of the INF Treaty.

#### IV. Suggestions for action

15. The United States and the Soviet Union should be urged not to recycle their fissile material into other nuclear weapons and to place it under the supervision of IAEA, while keeping it in their physical custody. They should also be urged to make this accumulated fissile material available for energy production, to the maximum extent feasible. The usual procedure for verification, such as a declaration of initial inventory and on-site inspection for accounting for its use, should be followed. The owner country would have the option to withdraw the fissile material for use for peaceful purposes, under intimation to IAEA.



16. Any such measure would be meaningful only if it is accompanied by a halt to the further production of weapon-grade fissile material. Therefore, along with the disposal of the fissile material as suggested above, there should be a freeze on further production of nuclear weapons and a simultaneous cut-off in the production of fissile material for weapon purposes.

17. Both the United States and the Soviet Union have accepted, in principle, IAEA safeguards on selected civilian facilities. There should, therefore, be no difficulty in their agreeing to place the fissile material released under the INF Treaty also under IAEA safeguards, once it is agreed that this material is not to be utilized for military purposes.



## **Annex 5**

**Evolution of India's Nuclear Policy, Paper presented in the Lok Sabha by Prime Minister Atal Bihari Vajpayee, 27 May, 1998.**









**Title: Shri Atal Bihari Vajpayee, The Prime Minister of India, laid a paper entitled "Evolution of India's Nuclear Policy".**

**Shri Atal Bihari Vajpayee:**

1. On 11 May, a statement was issued by Government announcing that India had successfully carried out three underground nuclear tests at the Pokhran range. Two days later, after carrying out two more underground sub-kiloton tests, the Government announced the completion of the planned series of tests. The three underground nuclear tests carried out at 1545 hours on 11 May were with three different devices - a fission device, a low-yield sub-kiloton device and a thermonuclear device. The two tests carried out at 1221 hours on 13 May were also low-yield devices in the sub-kiloton range. The results from these tests have been in accordance with the expectations of our scientists.

2. In 1947, when India emerged as a free country to take its rightful place in the comity of nations, the nuclear age had already dawned. Our leaders then took the crucial decision to opt for self-reliance, and freedom of thought and action. We rejected the Cold War paradigm whose shadows were already appearing on the horizon and instead of aligning ourselves with either bloc, chose the more difficult path of non-alignment. This has required the building up of national strength through our own resources, our skills and creativity and the dedication of the people. Among the earliest initiatives taken by our first Prime Minister Pt. Jawaharlal Nehru, was the development of science and inculcation of the scientific spirit. It is this initiative that laid the foundation for the achievement of 11 and 13 May, made possible by exemplary cooperation among the scientists from Department of Atomic energy and Defence Research & Development Organisation. Disarmament was then and continues to be a major plank in our foreign policy now. It was, in essence, and remains still, the natural course for a country that had waged a unique struggle for independence on the basis of 'ahimsa' and 'Satyagraha'.



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+ Also placed in Library See No. LT 173/98)

3. Development of nuclear technology transformed the nature of global security. Our leaders reasoned that nuclear weapons were not weapons of war, these were weapons of mass destruction. A nuclear-weapon-free-world would, therefore, enhance not only India's security but also the security of all nations. This is the principle plank of our nuclear policy. In the absence of universal and non-discriminatory disarmament, we cannot accept a regime that creates an arbitrary division between nuclear haves and havenots. India believes that it is the sovereign right of every nation to make a judgement regarding its supreme national interests and exercise its sovereign choice. We subscribe to the principle of equal and legitimate security interests of nations and consider it a sovereign right. At the same time, our leaders recognised early that nuclear technology offers tremendous potential for economic development, especially for developing countries who are endeavouring to leap across the technology gaps created by long years of colonial exploitation. This thinking was reflected in the enactment of the Atomic Energy Act of 1948, within a year of our independence. All the numerous initiatives taken by us since, in the field of nuclear disarmament have been in harmony and in continuation of those early enunciation.

4. In the 50's, nuclear weapons testing took place above ground and the characteristic mushroom cloud became the visible symbol of the nuclear age. India then took the lead in calling for an end to all nuclear weapon testing as the first step for ending the nuclear arms race. Addressing the Lok Sabha on 2 April, 1954, shortly after a major hydrogen bomb test had been conducted, Pt. Jawaharlal Nehru stated that "nuclear, chemical and biological energy and power should not be used to forge weapons of mass destruction". He called for negotiations for prohibition and elimination of nuclear weapons and in the interim, a standstill agreement to halt nuclear testing. The world had by then witnessed less than 65 tests. Our call was not heeded. In 1963, an agreement was concluded to ban atmospheric testing but by this time, countries had developed the technologies for conducting underground nuclear tests and the nuclear arms race continued unabated. More than three decades passed and after over 2000 tests had been conducted, a Comprehensive Test Ban Treaty was opened for signature in 1996, following two and a half years of negotiations in which India had participated actively. In its final shape, this Treaty left much to be desired. It was neither comprehensive nor was it related to disarmament.

5. In 1965, along with a small group of non-aligned countries, India had put forward the idea of an international non-proliferation agreement under which the nuclear weapon states would agree to give up their arsenals provided other countries refrained from developing or



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acquiring such weapons. This balance of rights and obligations was absent when the Nuclear Non-Proliferation Treaty (NPT) emerged in 1968, almost 30 years ago. In the 60's our security concerns deepened. But such was our abhorrence of nuclear weapons and such our desire to avoid acquiring them that we sought security guarantees from major nuclear powers of the world. The countries we turned to for support and understanding felt unable to extend to us the assurances that we then sought. That is when and why India made clear its inability to sign the NPT.

6. The Lok Sabha debated the NPT on 5 April, 1968. The then Prime Minister, late Smt. Indira Gandhi assured the House that "we shall be guided entirely by our self-enlightenment and the considerations of national security". She highlighted the shortcomings of the NPT whilst reemphasising the country's commitment to nuclear disarmament. She warned the House and the country "that not signing the Treaty may bring the nation many difficulties. It may mean the stoppage of aid and stoppage of help. Since we are taking this decision together, we must all be together in facing its consequences". That was a turning point. This House then strengthened the decision of the Government by reflecting a national consensus.

7. Our decision not to sign the NPT was in keeping with the basic objective of maintaining freedom of thought and action. In 1974, we demonstrated our nuclear capability. Successive Governments thereafter have continued to take all necessary steps in keeping with that resolve and national will, to safeguard India's nuclear option. This was also the primary reason underlying the 1996 decision in the country not subscribing to the Comprehensive Test Ban Treaty (CTBT); a decision that met the unanimous approval of the House yet again. Our perception then was that subscribing to the CTBT would severely limit India's nuclear potential at an unacceptably low level. Our reservations deepened as the CTBT did not also carry forward the nuclear disarmament process. On both counts, therefore, yet again our security concerns remained unaddressed. The then Minister for External Affairs, Shri I.K. Gujral had made clear the Government's reasoning to this House during the discussions on this subject in 1996.

8. The decades of the 80's and 90's meanwhile witnessed the gradual deterioration of our security environment as a result of nuclear and missile proliferation. In our neighbourhood, nuclear weapons increased and more sophisticated delivery systems were inducted. Further, in our region there has come into existence a pattern about clandestine acquisition of nuclear materials, missiles and related technologies. India, in this period, became the victim of externally aided and abetted terrorism, militancy and clandestine war through hired mercenaries.

9. The end of the Cold War marks a watershed in the history of the 20th century. While it has transformed the political landscape of Europe, it has done little to address India's



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security concerns. The relative order that was arrived at in Europe was not replicated in other parts of the globe.

10. At the global level, there is no evidence yet on the part of the nuclear weapon states to take decisive and irreversible steps in moving towards a nuclear-weapon-free-world. Instead, the NPT has been extended indefinitely and unconditionally, perpetuating the existence of nuclear weapons in the hands of the five countries who are also permanent members of the UN Security Council. Some of these countries have doctrines that permit the first use of nuclear weapons; these countries are also engaged in programmes for modernisation of their nuclear arsenals.

11. Under such circumstances, India was left with little choice. It had to take necessary steps to ensure that the country's nuclear option, developed and safeguarded over decades, not be permitted to erode by a voluntary self-imposed restraint. Indeed, such an erosion would have had an irretrievably adverse impact on our security. The Government was thus faced with a difficult decision. The only touchstone that guided it was national security. Tests conducted on 11 and 13 May are a continuation of the policies set into motion that put this country on the path of self-reliance and independence of thought and action. Nevertheless, there are certain moments when the chosen path reaches a fork and a decision has to be made. 1968 was one such moment in our nuclear chapter as were 1974 and 1998. At each of these moments, we took the right decision guided by national interest and supported by national consensus. 1998 was borne in the crucible of earlier decisions and made possible only because those decisions had been taken correctly in the past and in time.

12. At a time when developments in the area of advanced technologies are taking place at a breathtaking pace, new parameters need to be identified, tested and validated in order to ensure that skills remain contemporary and succeeding generations of scientists and engineers are able to build on the work done by their predecessors. The limited series of five tests undertaken by India was precisely such an exercise. It has achieved its stated objective. The data provided by these tests is critical to validate our capabilities in the design of nuclear weapons of different yields for different applications and different delivery systems. Further, these tests have significantly enhanced the capabilities of our scientists and engineers in computer simulation of new designs and enabled them to undertake sub-critical experiments in future, if considered necessary. In terms of technical capability, our scientists and engineers have the requisite resources to ensure a credible deterrent.

13. Our policies towards our neighbours and other countries too have not changed; India remains fully committed to the promotion of peace with stability, and resolution of all outstanding issues through bilateral dialogue and negotiations. These tests were not directed against any country; these were intended to reassure the people of India about



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their security and convey determination that this Government, like previous Governments, has the capability and resolve to safeguard their national security interests. The Government will continue to remain engaged in substantive dialogue with our neighbours to improve relations and to expand the scope of our interactions in a mutually advantageous manner. Confidence building is a continuous process; we remain committed to it. Consequent upon the tests and arising from an insufficient appreciation of our security concerns, some countries have been persuaded to take steps that sadden us. We value our bilateral relations. We remain committed to dialogue and reaffirm that preservation of India's security create no conflict of interest with these countries.

14. India is a nuclear weapon state. This is a reality that cannot be denied. It is not a conferment that we seek; nor is it a status for others to grant. It is an endowment to the nation by our scientists and engineers. It is India's due, the right of one-sixth of human-kind. Our strengthened capability adds to our sense of responsibility; the responsibility and obligation of power. India, mindful of its international obligation, shall not use these weapons to commit aggression or to mount threats against any country; these are weapons of self-defence and to ensure that in turn, India is also not subjected to nuclear threats or coercion. In 1994, we had proposed that India and Pakistan jointly undertake not to be the first to use their nuclear capability against each other. The Government on this occasion, reiterates its readiness to discuss a "no-first-use" agreement with that country. As also with other countries bilaterally, or in a collective forum. India shall not engage in an arms race. India shall also not subscribe or reinvent the doctrines of the Cold War. India remains committed to the basic tenet of our foreign policy- a conviction that global elimination of nuclear weapons will enhance its security as well as that of the rest of the world. It will continue to urge countries, particularly other nuclear weapon states to adopt measures that would contribute meaningfully to such an objective.

15. A number of initiatives have been taken in the past. In 1978, India proposed negotiations for an international convention that would prohibit the use or threat of use or threat of use of nuclear weapons. This was followed by another initiative in 1982 calling for 'nuclear freeze'- a prohibition on production of fissile materials for weapons, on production of nuclear weapons and related delivery systems. In 1988, we put forward an Action Plan for phased elimination of all nuclear weapons within a specified time frame. It is our regret that these proposals did not receive a positive response from other weapon states. Had their response been positive, India need not have gone for the current tests. This is where our approach to nuclear weapons is doctrine. It is marked by restraint and striving for the total elimination of all weapons of mass destruction.

16. We will continue to support such initiatives, taken individually or collectively by the Non-Aligned Movement which has continued to attach the highest priority to nuclear disarmament. This was reaffirmed most recently, last week, at the NAM Ministerial meeting



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held at Cartagena which has "reiterated their call on the Conference on Disarmament to establish, as the highest priority, an ad hoc committee to start in 1998 negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention. The collective voice of 113 NAM countries reflects an approach to global nuclear disarmament to which India has remained committed. One of the NAM member initiatives to which we attach great importance was the reference to the International Court of Justice resulting in the unanimous declaration from the ICJ, as part of the Advisory Opinion handed down on 8 July 1996, that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control". India was one of the countries that appealed to the ICJ on this issue. No other nuclear weapon state has supported this judgement; in fact, they have sought to decry its value. We have been and will continue to be in the forefront of the calls for opening negotiations for a Nuclear Weapons Convention, so that this challenge can be dealt with in the same manner that we have dealt with the scourge of two other weapons of mass destruction-through the Biological Weapons Convention and the Chemical Weapons Convention. In keeping with our commitment to comprehensive, universal and non-discriminatory approaches to disarmament, India is an original State Party to both these Conventions. Accordingly, India will shortly submit the plan of destruction of its chemical weapons to the international authority-Organisation for the Prohibition of Chemical Weapons. We fulfil our obligations whenever we undertake them.

17. Traditionally, India has been an outward looking country. Our strong commitment to multilateralism is reflected in our active participation in organisations like the United Nations. In recent years, in keeping with the the Indian Ocean Rim-Association for Regional Cooperation and as a member of the ASEAN Regional Forum. This engagement will also continue. The policies of economic liberalisation introduced in recent years have increased our regional and global linkages and the Government shall deepen and strengthen these ties.

18. Our nuclear policy has been marked by restraint and openness. It has not violated any international agreements either in 1974 or now, in 1998. Our concerns have been made known to our interlocutors in recent years. The restraint exercised for 24 years, after having demonstrated our capability in 1974, is in itself a unique example. Restraint, however, has to arise from strength. It cannot be based upon indecision or doubt. Restraint is valid only when doubts are removed. The series of tests undertaken by India have led to the removal of doubts. The action involved was balanced in that it was the minimum necessary to maintain what is an irreducible component of our national security calculus. This Government's decision has, therefore, to be seen as part of a tradition of restraint that has characterised our policy in the past 50 years.



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19. Subsequent to the tests Government has already stated that India will now observe a voluntary moratorium and refrain from conducting underground nuclear test explosions. It has also indicated willingness to move towards a de-jure formalisation of this declaration. The basic obligation of the CTBT are thus met; to refrain from undertaking nuclear test explosions. This voluntary declaration is intended to convey to the international community the seriousness of our intent for meaningful engagement. Subsequent decisions will be taken after assuring ourselves of the security needs of the country.

20. India has also indicated readiness to participate in negotiations in the Conference on Disarmament in Geneva on a Fissile Material Cut-off Treaty. The basic objective of this treaty is to prohibit future production of fissile materials for use in nuclear weapons or nuclear explosive devices. India's approach in these negotiations will be to ensure that this treaty emerges as a universal and non-discriminatory treaty, backed by an effective verification mechanism. When we embark on these negotiations, it shall be in the full confidence of the adequacy and credibility of the nation's weaponised nuclear deterrent.

21. India has maintained effective export controls on nuclear materials as well as related technologies even though we are neither a party to the NPT nor a member of the Nuclear Suppliers' Group. Nonetheless, India is committed to non-proliferation and the maintaining of stringent export controls to ensure that there is no leakage of our indigenously developed know-how and technologies. In fact, India's conduct in this regard has been better than some countries party to the NPT.

22. India has in the past conveyed our concerns on the inadequacies of the international nuclear non-proliferation regime. It has explained that the country was not in a position to join because the regime did not address our country's security concerns. These could have been addressed by moving towards global nuclear disarmament, our preferred approach. As this did not take place, India was obliged to stand aside from the emerging regime so that its freedom of action was not constrained. This is the precise path that has continued to be followed unwaveringly for the last three decades. That same constructive approach will underlie India's dialogue with countries that need to be persuaded of our serious intent and willingness to engage so that mutual concerns are satisfactorily addressed. The challenge to Indian statecraft is balancing and reconciling India's security imperatives with valid international concerns in this regard.

23. The House is aware of the different reactions that have emanated from the people of India and from different parts of the world. The overwhelming support of the citizens of India is a source of strength for the Government. It not only tells that this decision was right but also that the country wants a focussed leadership, which attends to national security needs. This the Government pledges to do as a sacred duty. The Government



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have also been greatly heartened by the outpouring of support from Indians abroad. They have, with one voice, spoken in favour of the Government's action. The Government conveys its profound gratitude to the citizens of India and to Indians abroad, and looks to them for support in the difficult period ahead.

24. In this, the fiftieth year of our independence, India stands at a defining moment in our history. The rationale for the Government's decision is based on the same policy tenets that have guided the country for five decades. These policies were sustained successfully because of the underlying national consensus. The present decision and future actions will continue to reflect a commitment to sensibilities and obligations of an ancient civilisation, a sense of responsibility and restraint, but a restraint born of the assurance of action, not of doubts or apprehension. The Gita explains (Chap VI-3) as none other can:

आरुरुक्षोर्मुनेर्योगं कर्म कारणमुच्यते ।  
योगारूढस्य तस्यैव शमः कारणमुच्यते ॥

(This passage interprets as: Action is a process to reach a goal; action may reflect tumult but when measured and focussed, will yield its objective of stability and peace)

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## **Annex 6**

**Statement by Salman Khurshid, External Affairs Minister of India, at the High Level Meeting of the General Assembly on Nuclear Disarmament, 68th Session of the United Nations General Assembly, 26 September, 2013.**







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Ministry of External Affairs  
Government of India

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## Statement by External Affairs Minister at the High Level Meeting of the General Assembly on Nuclear Disarmament

September 26, 2013

**His Excellency, President of the General Assembly,  
His Excellency the Secretary General of the United Nations,  
Distinguished colleagues, ladies and gentlemen**

It is an honour to address this high level gathering on Nuclear Disarmament. We associate ourselves with the statement made by the NAM.

Mr. President, from the days of our freedom struggle, we have been consistent in our support for the global elimination of all weapons of mass destruction. Mahatma Gandhi, the Father of our nation, was moved by the tragedy of Hiroshima and Nagasaki but remained unshaken in his belief in non-violence. He wrote that he regarded the employment of the atom bomb for the wholesale destruction of men, women and children as the most diabolical use of science. More than six decades later, it remains our collective challenge to craft a nuclear weapon free and non-violent world order.

India remains convinced that its security would be strengthened in a nuclear weapon free and non-violent world order. This conviction is based both on principle as well as pragmatism. We believe that the goal of nuclear disarmament can be achieved through a step-by-step process underwritten by a universal commitment and an agreed multilateral framework that is global and non-discriminatory. 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. Progressive steps are needed for the de-legitimization of nuclear weapons paving the way for their complete elimination.

In 1988, Prime Minister Rajiv Gandhi presented to the UN General a comprehensive Action Plan for a nuclear weapon free and non-violent world order, which if implemented would have rid the world of nuclear weapons by 2008. India's subsequent proposals in the General Assembly and the Conference on Disarmament are testimony to our consistent support for nuclear disarmament based on the key principles of the Rajiv Gandhi Action Plan for achieving nuclear disarmament in a time bound manner.

As a responsible nuclear power, we have a credible minimum deterrence policy and a posture of no-first use. We refuse to participate in an arms race, including a nuclear arms race. We are prepared to negotiate a global No-First-Use treaty and our proposal for a Convention banning the use of nuclear weapons remains on the table. As we see no contradiction between nuclear disarmament and non-proliferation, we are also committed to working with the international community to advance our common objectives of non-proliferation, including through strong export controls and membership of the multilateral export regimes.

Mr. President, the Non-Aligned Movement, of which India is a proud founding member, has proposed today the early commencement of negotiations in the CD on nuclear disarmament. We support this call. Without prejudice to the priority we attach to nuclear disarmament, we also support the negotiation in the CD of a non-discriminatory and internationally



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verifiable treaty banning the future production of fissile material for nuclear weapons and other nuclear explosive devices that meets India's national security interests. It should be our collective endeavor to return the CD, which remains the single multilateral disarmament negotiating forum, to substantive work as early as possible.

Mr. President, this meeting is proof that the international community remains concerned about the catastrophic consequences of nuclear war and the lack of progress in moving toward global nuclear disarmament. In recent years, many initiatives both official and non-governmental have been launched in order to make the vision of a nuclear weapon free world a reality. Simultaneously, there has been a welcome and well-deserved focus on preventing access by non-state actors, in particular terrorists, to weapons of mass destruction and related materials. The recent use of chemical weapons in Syria point to an urgent need for the international community to strengthen restraints on use of weapons of mass destruction and in particular preventing their access to non state actors and terrorists. We hope that our discussions today would galvanize political will and help channel our collective efforts towards the noble goal of ridding the world of nuclear weapons and all other weapons of mass destruction. To that end, Mr. President, we pledge to you our full support and cooperation.

I thank you.

**New York**

**September 26, 2013**

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## **Annex 7**

**Reducing Nuclear Danger (A/RES/69/40), Resolution adopted by the UN General Assembly on 2 December 2014.**









# General Assembly

Distr.: General  
11 December 2014

Sixty-ninth session  
Agenda item 96 (x)

## Resolution adopted by the General Assembly on 2 December 2014

[on the report of the First Committee (A/69/440)]

### 69/40. Reducing nuclear danger

*The General Assembly,*

*Bearing in mind* that the use of nuclear weapons poses the most serious threat to mankind and to the survival of civilization,

*Reaffirming* that any use or threat of use of nuclear weapons would constitute a violation of the Charter of the United Nations,

*Convinced* that the proliferation of nuclear weapons in all its aspects would seriously enhance the danger of nuclear war,

*Convinced also* that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

*Considering* that, until nuclear weapons cease to exist, it is imperative on the part of the nuclear-weapon States to adopt measures that assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

*Considering also* that the hair-trigger alert of nuclear weapons carries unacceptable risks of unintentional or accidental use of nuclear weapons, which would have catastrophic consequences for all mankind,

*Emphasizing* the need to adopt measures to avoid accidental, unauthorized or unexplained incidents arising from computer anomaly or other technical malfunctions,

*Conscious* that limited steps relating to de-alerting and de-targeting have been taken by the nuclear-weapon States and that further practical, realistic and mutually reinforcing steps are necessary to contribute to the improvement in the international climate for negotiations leading to the elimination of nuclear weapons,

*Mindful* that a diminishing role for nuclear weapons in the security policies of nuclear-weapon States would positively impact on international peace and security and improve the conditions for the further reduction and the elimination of nuclear weapons,





*Reiterating* the highest priority accorded to nuclear disarmament in the Final Document of the Tenth Special Session of the General Assembly<sup>1</sup> and by the international community,

*Recalling* the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons<sup>2</sup> that there exists an obligation for all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

*Recalling also* the call, in the United Nations Millennium Declaration,<sup>3</sup> to seek to eliminate the dangers posed by weapons of mass destruction and the resolve to strive for the elimination of weapons of mass destruction, particularly nuclear weapons, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers,

1. *Calls for* a review of nuclear doctrines and, in this context, immediate and urgent steps to reduce the risks of unintentional and accidental use of nuclear weapons, including through de-alerting and de-targeting nuclear weapons;

2. *Requests* the five nuclear-weapon States to take measures towards the implementation of paragraph 1 above;

3. *Calls upon* Member States to take the measures necessary to prevent the proliferation of nuclear weapons in all its aspects and to promote nuclear disarmament, with the objective of eliminating nuclear weapons;

4. *Takes note* of the report of the Secretary-General submitted pursuant to paragraph 5 of its resolution 68/40 of 5 December 2013;<sup>4</sup>

5. *Requests* the Secretary-General to intensify efforts and support initiatives that would contribute towards the full implementation of the seven recommendations identified in the report of the Advisory Board on Disarmament Matters that would significantly reduce the risk of nuclear war,<sup>5</sup> and also to continue to encourage Member States to consider the convening of an international conference, as proposed in the United Nations Millennium Declaration,<sup>3</sup> to identify ways of eliminating nuclear dangers, and to report thereon to the General Assembly at its seventieth session;

6. *Decides* to include in the provisional agenda of its seventieth session, under the item entitled "General and complete disarmament", the sub-item entitled "Reducing nuclear danger".

*62nd plenary meeting  
2 December 2014*

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<sup>1</sup> Resolution S-10/2.

<sup>2</sup> A/51/218, annex.

<sup>3</sup> Resolution 55/2.

<sup>4</sup> A/69/131 and Add.1

<sup>5</sup> A/56/400, para. 3.



## **Annex 8**

**Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons (A/RES/69/43), Resolution adopted by the UN General Assembly on 2 December 2014.**









# General Assembly

Distr.: General  
11 December 2014

Sixty-ninth session  
Agenda item 96 (z)

## Resolution adopted by the General Assembly on 2 December 2014

[on the report of the First Committee (A/69/440)]

### 69/43. Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons

*The General Assembly,*

*Recalling* its resolutions 49/75 K of 15 December 1994, 51/45 M of 10 December 1996, 52/38 O of 9 December 1997, 53/77 W of 4 December 1998, 54/54 Q of 1 December 1999, 55/33 X of 20 November 2000, 56/24 S of 29 November 2001, 57/85 of 22 November 2002, 58/46 of 8 December 2003, 59/83 of 3 December 2004, 60/76 of 8 December 2005, 61/83 of 6 December 2006, 62/39 of 5 December 2007, 63/49 of 2 December 2008, 64/55 of 2 December 2009, 65/76 of 8 December 2010, 66/46 of 2 December 2011, 67/33 of 3 December 2012 and 68/42 of 5 December 2013,

*Convinced* that the continuing existence of nuclear weapons poses a threat to humanity and all life on Earth, and recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

*Reaffirming* the commitment of the international community to the realization of the goal of a nuclear-weapon-free world through the total elimination of nuclear weapons,

*Mindful* of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,<sup>1</sup> particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

*Recalling* the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,<sup>2</sup> the unequivocal commitment of nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, agreed at the 2000 Review

<sup>1</sup> United Nations, *Treaty Series*, vol. 729, No. 10485.

<sup>2</sup> 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. *Final Document, Part I* (NPT/CONF.1995/32 (Part I) and Corr.2), annex, decision 2.





Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,<sup>3</sup> and the action points agreed at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons as part of the conclusions and recommendations for follow-on actions on nuclear disarmament.<sup>4</sup>

*Sharing the deep concern* at the catastrophic humanitarian consequences of any use of nuclear weapons, and in this context reaffirming the need for all States at all times to comply with applicable international law, including international humanitarian law,

*Calling upon* all nuclear-weapon States to undertake concrete disarmament efforts, and stressing that all States need to make special efforts to achieve and maintain a world without nuclear weapons,

*Noting* the five-point proposal for nuclear disarmament of the Secretary-General, in which he proposes, inter alia, the consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification,

*Recalling* the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996, and expressing its satisfaction at the increasing number of States that have signed and ratified the Treaty,

*Recognizing with satisfaction* that the Antarctic Treaty,<sup>5</sup> the treaties of Tlatelolco,<sup>6</sup> Rarotonga,<sup>7</sup> Bangkok<sup>8</sup> and Pelindaba<sup>9</sup> and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, as well as Mongolia's nuclear-weapon-free status, are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

*Recognizing* the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons pending the total elimination of nuclear weapons,

*Reaffirming* the central role of the Conference on Disarmament as the sole multilateral disarmament negotiating forum,

*Emphasizing* the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

*Stressing* the urgent need for the nuclear-weapon States to accelerate concrete progress on the 13 practical steps to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference,<sup>3</sup>

<sup>3</sup> See *2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, vol. I (NPT/CONF.2000/28 (Parts I and II)), part I, section entitled "Article VI and eighth to twelfth preambular paragraphs", para. 15.

<sup>4</sup> See *2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, vols. I–III (NPT/CONF.2010/50 (Vols. I–III)), vol. I, part I.

<sup>5</sup> United Nations, *Treaty Series*, vol. 402, No. 5778.

<sup>6</sup> Ibid., vol. 634, No. 9068.

<sup>7</sup> *The United Nations Disarmament Yearbook*, vol. 10: 1985 (United Nations publication, Sales No. E.86.IX.7), appendix VII.

<sup>8</sup> United Nations, *Treaty Series*, vol. 1981, No. 33873.

<sup>9</sup> A/50/426, annex.



*Taking note* of the Model Nuclear Weapons Convention that was submitted to the Secretary-General by Costa Rica and Malaysia in 2007 and circulated by the Secretary-General,<sup>10</sup>

*Desiring* to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

*Recalling* the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons, issued on 8 July 1996,<sup>11</sup>

1. *Underlines once again* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

2. *Calls once again upon* all States immediately to fulfil that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

3. *Requests* all States to inform the Secretary-General of the efforts and measures they have taken with respect to the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its seventieth session;

4. *Decides* to include in the provisional agenda of its seventieth session, under the item entitled "General and complete disarmament", the sub-item entitled "Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons".

*62nd plenary meeting  
2 December 2014*

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<sup>10</sup> A/62/650, annex.

<sup>11</sup> A/51/218, annex.







## **Annex 9**

**Table comparing the voting record of India and the RMI on the ICJ Resolution.**







**Voting Pattern on ICJ Resolution (2003-2012)\***

<b>Year</b>	<b>India Co-sponsorship</b>	<b>India's Vote</b>	<b>Marshall Island's Vote</b>
2003	Yes	Yes	No
2004	Yes	Yes	Yes
2005	Yes	Yes	<b>Abstained</b>
2006	Yes	Yes	<b>Abstained</b>
2007	Yes	Yes	<b>Abstained</b>
2008	Yes	Yes	<b>Abstained</b>
2009	Yes	Yes	<b>Abstained</b>
2010	Yes	Yes	<b>Abstained</b>
2011	Yes	Yes	<b>Abstained</b>
2012	Yes	Yes	<b>Abstained</b>

\*Source: UN Disarmament Year Books







**Annex 10**

**Statement on Nuclear Disarmament by Ambassador D B Venkatesh Varma,  
Permanent Representative of India to the CD, 24 February 2015.**







**Statement on Nuclear Disarmament by Ambassador D.B. Venkatesh  
Varma, Permanent Representative of India to the CD,  
at the CD Plenary, February 24, 2015**

Mr. President,

We would like to join other delegations in thanking you for the initiative to organize plenary discussions on nuclear disarmament and other items on the CD's Agenda during the next few plenaries.

2. India has been unwavering in its commitment to universal, non-discriminatory, verifiable nuclear disarmament. In our view, nuclear disarmament can be achieved through a step-by-step process underwritten by a universal commitment and an agreed global and non-discriminatory multilateral framework. We have called 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. We believe that increasing restraints on use of nuclear weapons would reduce the probability of their use – whether deliberate, unintentional or accidental and this process could contribute to the progressive delegitimization of nuclear weapons, an essential step for their eventual elimination, as has been the experience for chemical and biological weapons.

3. India's resolutions in the First Committee on measures to Reduce Nuclear Dangers (A/Res/69/40) arising from accidental or unauthorized use of nuclear weapons and on negotiations on a Convention on the Prohibition of the Use of Nuclear Weapons (A/69/69) received support from a large number of member States. Pursuant to UNGA resolution 68/32, India has supported the commencement of negotiations on a Comprehensive Nuclear Weapons Convention in the Conference on Disarmament on the basis of CD/1999 submitted by the G-21 in 2014.

4. India participated in the Vienna meeting on the humanitarian impact of nuclear weapons, as it did in the Oslo and Nayarit meetings, in the hope that renewed attention on the most serious threat to the survival of mankind posed by the use of nuclear weapons would help generate momentum for increased restraints on use of such weapons and thus correct an imbalance in the international legal discourse that has focused almost exclusively on restraints on possession. The credibility gap arising from positions of those who are quick to embrace the humanitarian discourse but strangely enough oppose restraints on use of nuclear weapons does not help in building a genuine global movement in favor of nuclear disarmament. In our view, for these discussions to be meaningful, it is important that they be inclusive with the participation of all the nuclear powers. In terms of substance, they should do no harm to the non-proliferation regime or impede genuine progress towards the goal of nuclear disarmament. In terms of process, they should do no harm to the



established disarmament machinery.

Mr. President,

5. Without prejudice to the priority we attach to nuclear disarmament, we support the negotiation in the Conference on Disarmament of an FMCT that meets India's national security interests. We hope that the GGE on FMCT established under UNGA resolution 67/53 will strengthen international resolve for the early commencement of treaty negotiations in the CD on the basis of the agreed mandate contained in CD/1299.

6. India is committed to working with the international community to prevent the proliferation of nuclear weapons and their means of delivery, including through strong national export controls and early membership of the multilateral export control regimes.

7. India considers the Conference on Disarmament as the appropriate forum for the commencement of negotiations on Nuclear Disarmament through the establishment of a subsidiary body with a mandate agreed by consensus as part of a comprehensive and balanced programme of work.

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**Annex 11**

**Statement by Ambassador D B Venkatesh Varma, Permanent Representative of India to the CD, 7 July 2015.**







**Statement by Ambassador D.B. Venkatesh Varma,  
Permanent Representative of India to the CD**

**CD Plenary 7 July 2015**

Mr. President,

It gives us great pleasure to convey congratulations on your assumption of the Presidency and pledge to you our full support. We would like to convey our appreciation for the excellent work undertaken by Ambassador Maung Wai of Myanmar as CD President to take forward the work of the Conference. We extend our warm congratulations to HE Mr. Michael Moller on his appointment as Secretary General of the Conference and appreciate his strong interest and support for our work. We would like to thank the Acting High Representative for Disarmament Affairs, HE Mr. Kim Won-Soo for his important address.

2. India has been unwavering in its commitment to universal, non-discriminatory, verifiable nuclear disarmament. Pursuant to UNGA resolution 68/32, India has supported the commencement of negotiations on a Comprehensive Nuclear Weapons Convention on the basis of CD/1999 submitted by the G-21 in 2014 and reiterated by the Group in its plenary statement on 30 June 2015.

3. Without prejudice to the priority we attach to nuclear disarmament, India supports the negotiation in the CD of an FMCT that meets India's national security interests. We hope that the report of the GGE on FMCT established under UNGA resolution 67/53 will strengthen international resolve for the early commencement of treaty negotiations in the CD on the basis of the agreed mandate contained in CD/1299. We appreciate the fact that the UNSG has commended the GGE's Report to the Conference, noting that the GGE had identified the CD as the venue of negotiations, and urged the Conference to adopt without further delay a balanced programme of work that would allow early commencement of negotiations in light of the useful conclusions of the Group.

4. India attaches high importance to the UN disarmament machinery established by SSOD-I. The triad of disarmament machinery comprising of the First Committee, UN Disarmament Commission and the Conference on Disarmament is the hard won mechanism by which the international community gives expression and coherence to its efforts in the area of disarmament and international security. In recent years the disarmament machinery has faced several challenges. We believe that there is a need to recommit ourselves to the machinery even while considering ways to improve its work efficiency.



5. As the single multilateral disarmament negotiating forum, the CD continues to bear a heavy responsibility to make progress in the international disarmament agenda. We believe that the CD continues to have the mandate, the membership, the credibility and the rules of procedure to discharge its responsibility. Since the decisions of the CD impact national security, it is logical that it conducts its work and adopts its decisions by consensus. We do not favor efforts to undermine the disarmament machinery or bypass the CD.

6. While sharing the disappointment that the CD has been prevented from adopting a Programme of Work, India remains committed to efforts, consistent with CD's rules of procedure, aimed at commencing early substantive work. We are actively participating in the structured informal discussions – on Nuclear Disarmament and on FMCT, held thus far. These discussions –under the able coordinator ships of Ambassador Ramadan of Egypt and Ambassador Biontino of Germany have been in-depth and productive. Discussions under the Co-chair on the IWG on a Programme of Work, Ambassador Paivi Kairamo of Finland have commenced in right earnest. There is strong support for the appointment of a Special Coordinator, Ambassador Urs Schmid of Switzerland, to look into Work Methods for the improved and effective functioning of the Conference. These are encouraging signs and every effort must be made to consolidate them.

7. The UN Secretariat, in particular the UN ODA, has an important responsibility in assisting States in pursuing the multilateral disarmament agenda. We believe that the ODA should be strengthened to facilitate the implementation of permanent treaty bodies under the UN such as the BWC and CCW. There is also need to ensure greater coherence between disarmament work in New York and Geneva, It is equally important that the integrity of the CD Secretariat in Geneva is maintained and strengthened. We also support efforts to strengthen the support base for UNIDIR to make its work sustainable and relevant to current and future needs of the international disarmament agenda.

8. Before I conclude and in anticipation of the statement by Ambassador Jean-Hughes Simon- Michel of France on his departure from Geneva, I would like to say a few words on behalf of the Indian delegation. Ambassador Simon-Michel represented his country with distinction; his professional and personal qualities were a huge asset to this Conference and in all other forums where we had the privilege to work together. We will miss his profound knowledge of issues, his wide experience and wise counsel. In bidding farewell we thank him for all his contributions and wish him all the best for the future.

Thank you.



## **Annex 12**

**Statement on “Follow-up to the 2013 High Level Meeting of the General Assembly on Nuclear Disarmament” delivered by Ambassador D B Venkatesh Varma, Permanent Representative of India to the Conference on Disarmament (CD), on behalf of the Group of 21 at the CD Plenary meeting, 30 June 2015.**







PLEASE CHECK AGAINST DELIVERY



**PERMANENT MISSION OF INDIA  
TO THE CONFERENCE ON DISARMAMENT**

**Statement on**

**“Follow-up to the 2013 High-Level Meeting of the General  
Assembly on Nuclear Disarmament”**

**Delivered by H.E. Mr. D.B. Venkatesh Varma,  
Ambassador and Permanent Representative of India to the  
Conference on Disarmament**

**on behalf of the Group of 21**

**At the CD Plenary Meeting on 30 June 2015**



Mr. President,

1. I have the honour of delivering this statement on behalf of the Group of 21.
2. The strong support of the international community for taking urgent and effective measures to achieve the total elimination of nuclear weapons was amply demonstrated at the High-level meeting of the General Assembly on Nuclear Disarmament held on 26 September 2013, when heads of state and government, foreign ministers, and other high-level or senior government officials expressed their unambiguous position and policies for nuclear disarmament, in response to the decision adopted in the General Assembly resolution 67/39.
3. Subsequent to this High Level Meeting, the General Assembly adopted resolutions 68/32 and 69/58 titled "Follow-up to the 2013 High-level Meeting of the General Assembly on Nuclear Disarmament". These resolutions called for the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction.
4. The resolutions also requested the Secretary General to seek the views of Member States with regard to achieving the objective of the total elimination of nuclear weapons, in particular on the elements of a comprehensive convention on nuclear weapons, and to submit a report thereon to the General Assembly, and the Conference on Disarmament.
5. The General Assembly also decided to convene a United Nations high-level international conference on nuclear disarmament no later than 2018 to review progress made in this regard, and declared 26 September as the International Day for the Total Elimination of Nuclear Weapons.
6. The Group stresses the importance of the commemoration of the International Day for the Total Elimination of Nuclear Weapons, which falls on 26 of September. In this regard, the Group expresses its appreciation to Member States, the United Nations system and civil society, including non-governmental organizations, academia, parliamentarians, the mass media and individuals that developed activities in promotion of this International Day, through all means of educational and public awareness-raising activities about the threat posed to humanity by nuclear weapons and the necessity for their total elimination, in order to mobilize international efforts towards achieving the common goal of a nuclear-weapon-free world. The Group invites all stakeholders to continuously promote the International Day for the Total Elimination of Nuclear Weapons.



7. UN Secretary General Ban-ki Moon, in his address to the opening CD Plenary on 21 January 2014, noted that "the High-level Meeting of the General Assembly on Nuclear Disarmament demonstrated that this issue remains a major international priority". The Secretary General warned against the revival of the mentality of the Cold War. He also underlined the urgency of taking collective action by saying "Do not hide behind utopian logic which says that until we have the perfect security environment, nuclear disarmament cannot proceed. This is old think. This is the mentality of the Cold War".

8. The Group welcomes the formal proclamation of Latin America and the Caribbean as a Zone of Peace, on the occasion of the Second Summit of the Community of Latin American and Caribbean States (CELAC), held in La Habana, Cuba, on 28-29 January 2014. The 33 member countries of CELAC declare to promote nuclear disarmament as a priority goal thus to contribute to general and complete disarmament and the strengthening of trust among nations. CELAC once again reiterates its standing commitment to continue working for Latin America and the Caribbean to remain and be strengthened as a Zone of Peace, thereby contributing to regional and international security.

9. The persistent existence of nuclear weapons poses a grave threat to humanity and all life on Earth, and the only defence against the catastrophic humanitarian consequences of a nuclear detonation is the total and irreversible legally binding elimination of nuclear weapons and the maintenance of a nuclear weapon free world.

10. Nuclear disarmament is the highest priority of the CD. The Group reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against their use or threat of use. The fulfilment of nuclear disarmament obligations and commitments would mutually reinforce non-proliferation. Nuclear disarmament has to be pursued in a comprehensive and non-discriminatory manner.

11. The G-21 is mindful of the solemn obligations of States parties, undertaken in article VI of the NPT, particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament and calls for urgent compliance with the legal obligation of the fulfilment of the commitments undertaken in this field.

12. We acknowledge the significant contribution made by a number of countries towards realizing the objective of nuclear disarmament through the establishment of nuclear weapons free zones, as well as by voluntary renunciation of nuclear weapons programmes or withdrawal of all nuclear weapons from their territories, and strongly supporting the speedy establishment of a nuclear weapons free zone in the Middle East.



13. We are deeply concerned by the persistent reluctance of nuclear weapons states to approach their treaty obligation as an urgent commitment to the total elimination of their nuclear weapons by providing pretexts unacceptable due to the urgency of making concrete actions to avert the adverse consequences of nuclear weapons.

14. In this connection, we recall the unanimous conclusion of the International Court of Justice in its 1996 Advisory Opinion that there exists an obligation to pursue in good faith and bring to conclusion the negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

15. It is the firm belief of the Group that the time has come to put words into action. Accordingly, the Group of 21 takes this opportunity to call for the implementation of UNGA resolutions 68/32 and 69/58. In this connection, the Group of 21 calls for the urgent commencement of negotiations on nuclear disarmament in the CD, in particular on a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction.

16. We therefore request you, Mr. President, to take into account in your on-going consultations, how to take forward the mandate given to the CD by the UN General Assembly on this important issue, and call upon Members of the Conference to support this important initiative.

I thank you.



### **Annex 13**

**Statement by India's negotiator V C Trivedi at the Conference of the Eighteen-Nation Committee on Disarmament, 12 August 1965.**







ANNEX 13

**108. Statement Made by V.C. Trivedi at the 18-Nation Committee on Disarmament on 12 August, 1965**

It is a matter of considerable gratification to the Indian Delegation that our Committee has reconvened this summer after a long recess. All of us are convinced of the earnest desire of the peace-loving peoples of the world for the continuance of patient but purposeful negotiations on issues of disarmament and we are happy that we have once again resumed our negotiations in this Committee. Personally, I am also proud of the privilege of joining my colleagues on the Committee after a long absence.

In this context, the Indian Delegation would like to place on record their appreciation of the agreement of the two co-Chairmen, representing the U.S., and the Soviet Union, to reconvene the Eighteen-Nation Committee on Disarmament. We have always believed that all of us, countries large and small, have a significant role to play in the quest of humanity for peace and security. At the same time, we are aware that international progress in this direction depends in a great measure on the cooperative efforts of the leaders of these two great and powerful countries. This is particularly valid in respect of the issues that we negotiate in this Committee. The two super-powers have at their disposal an awesome panoply of destructive power and it is to them primarily that the nations of the world look for bringing the world back to the path of stability and sanity. It is, therefore, a matter of great satisfaction to us that, thanks to the agreement between the co-Chairmen, we are once again engaged in the most urgent and vital task facing humanity today, namely, negotiations on issues of disarmament as well as reduction of tensions and building of mutual confidence.

It is in this spirit that we welcomed the initiative of the Soviet Union to convene the Disarmament Commission in April this year. This initiative led to a fruitful and constructive debate on the basic problems which arise in any consideration of disarmament and eventually the Commission was able to adopt two resolutions with

overwhelming majorities. These two resolutions represent the combined will and the common aspirations of the international community as a whole. The deliberations of the Disarmament Commission, which lasted for nearly two months, had a message and that message is aptly contained in these two resolutions.

It is necessary, therefore, that we devote some attention to these resolutions which received the massive support of the membership of the United Nations. As it happened, both these resolutions were tabled by large groups of non-aligned delegations and we of the Indian Delegation were highly gratified at the part we were privileged to play in the success of the resolutions.

The first resolution dealt with the question of the convening of a World Disarmament Conference. Following the proposal made by the Heads of State and Government of non-Aligned countries in Cairo in October, 1964, this resolution recommended to the General Assembly of the United Nations to give urgent consideration to that proposal. We have no doubt that the General Assembly will devote its full attention to this recommendation and examine the various issues relative to the successful holding of a fruitful conference.

References have been made to this resolution in our debate and I think it is useful to clarify some of its aspects. As we all know, the international community has been devoting attention to questions of disarmament long before the United Nations came into existence. They very first resolution of the United Nations related to an aspect of disarmament. Recently, however, and particularly since the establishment of the Eighteen-Nation Committee on Disarmament, these issues have been debated, studied and negotiated more exhaustively and comprehensively than ever before.

International consideration of the problems of disarmament has all along followed two courses. Firstly, as disarmament is a matter of vital concern to the entire mankind and reflects the hopes and aspirations of the peoples all over the world, it has been discussed in various bodies representing the nations of the world. The Disarmament Commission, the First Committee of the General Assembly and the Assembly in its plenary sessions have deliberated fruitfully, and adopted appropriate resolutions, on the questions of disarmament. The representatives of the non-aligned nations who assembled first in Belgrade in September, 1961 and then in Cairo in October, 1964, believed it was also desirable to have another and more representative gathering to deliberate on this issue. The Disarmament Commission agreed to this recommendation and we have no doubt that the U.N. General Assembly will also agree to it



and adopt appropriate preparatory steps towards an early convocation of that Conference.

I spoke of two courses or methods. The first method is thus that of considering the questions of disarmament in deliberative bodies or *ad hoc* gathering like the Disarmament Commission, the General Assembly, regional and other Conferences and the World Disarmament Conference. The second course is that of negotiation as distinct from deliberation. It is realised by all persons, who have thought seriously about disarmament, that it is not possible to negotiate details of disarmament either by a treaty on General and Complete Disarmament or of agreements on collateral measures in a large body, *ad hoc* or permanent, of 114 or 120 or so representatives meeting for comparatively short periods. Such negotiations need long, patient and technical consideration and scrutiny by a smaller group. Negotiations on disarmament have, therefore, been conducted in smaller Committees of Experts, whether consisting of five representatives or ten or seventeen. As it has been generally appreciated, we have now established, after a period of trial and error, an appropriate body—the Eighteen-Nation Committee—to deal with the task of negotiation as distinct from the task of debate, deliberation and adoption of resolutions on broad issues of disarmament.

Speaking on behalf of the sponsors of this resolution in the Disarmament Commission, therefore, I emphasised this point in some detail. In fact, the resolution of the Disarmament Commission on the World Disarmament Conference recognised the importance of the efforts being made both in the fields of deliberation and negotiation and emphasised that a debate in a forum like the World Disarmament Conference would give powerful support to the praiseworthy efforts which were being made all the time. This, in fact, was what the Cairo Conference felt and was what the Disarmament Commission approved. What was needed, the Commission said, was that the process set in motion by the U.N. bodies and by our Committee should be developed further. It cannot be the function of the World Disarmament Conference to undertake any detailed negotiations on disarmament nor should it equally be the task of the E.N.D.C. to devote its attention to the deliberative or debating aspect of disarmament.

I have spoken at some length on this matter as I wish to emphasise unequivocally that the task of our Committee—the E.N.D.C.—still remains, and will continue to remain, as essential as it is urgent. The great contribution that the Cairo concept made in that regard was to support the continuing international efforts on

disarmament as fully reflected in the preamble of the resolution of the Commission.

The membership of the Disarmament Commission was of course already conscious of this two-course approach. Appropriately, therefore, it passed two resolutions, the first dealing with the proposal of a more representative deliberative conference and the second dealing with the question of negotiations.

The second resolution is thus of direct concern to our work in this Committee. In this connection, I think it is useful to devote some attention to the relevance of the various provisions of the resolution to the question of our programme of work. It has been suggested that this resolution requires that we devote our discussions mainly to two issues, namely, non-proliferation of nuclear weapons and a comprehensive test ban treaty. To our mind, this is not the import of this resolution. In fact, the operative paragraph 2 of the resolution has several sub-paragraphs and the very first sub-paragraph clearly refers to the urgency of efforts to develop a treaty on General and Complete Disarmament and to consider the various proposals made during the debate in the Commission. The Soviet Union and many other countries made some very pertinent proposals particularly in regard to the reduction and eventual removal of foreign troops and foreign bases and to a conference to consider the question of a convention prohibiting the use of nuclear weapons. The Soviet Union, in fact, advanced these ideas in the form of two draft resolutions. Similarly, the U.S. and other countries put forward some promising ideas, including a freeze on production of certain nuclear delivery vehicles and a freeze on production and transference of fissile material to peaceful purposes. The U.S. also put its ideas down in the form of a draft resolution.

What I wish to emphasise is that the Disarmament Commission certainly did not, even if it were in a position to do so, preclude discussion in our Committee on any of these subjects. That was certainly not the intention of the authors of the draft resolution nor was it, as I said, the final view of the Commission. We have, therefore, to consider seriously these issues, particularly those raised by the Big Powers.

Sub-paragraph 2(a) of the resolution is thus of as much importance as other sub-paragraphs and we hope that we shall be able to devote attention to the question of General and Complete Disarmament and to other collateral measures "to relax international tension and halt and reverse the arms race." I appreciate of course, that time is the crucial factor and that we shall need to organise



our programme of work bearing in mind the limited time at our disposal.

The second sub-paragraph referred to the question of extending the scope of the present Partial Test Ban Treaty to cover underground tests and desired that this be considered as a matter of priority. In our mind and in the mind of many non-aligned delegations, this is easily the most urgent and the most important task facing the Committee at this stage. We do not have much time before the General Assembly takes up items on disarmament and we believe that this is one field in which it is possible to report at least some progress. The Commission also gave special priority to the question of a treaty or convention to prevent the proliferation of nuclear weapons and a programme of certain related measures. On consideration of the requirements of time, ripeness for solution, urgency and the political and disarmament value of the measure, however, we believe that it is essential for us to devote particular and primary attention to the question of reaching agreement on a comprehensive test ban.

The Indian position on this issue is well known. We have maintained that all nuclear tests are basically evil. They encourage evil and sooner this evil is dealt with the better. We raised our voice against these explosions right from their unfortunate inception and over eleven years ago, we addressed an appeal to the Disarmament Commission and the Sub-Committee on Disarmament to consider immediately the question of a stand-still agreement in respect of these test explosions pending progress towards some solution, full or partial, in respect of prohibition and elimination of nuclear weapons.

We have consistently advanced this view all throughout and have particularly emphasised the deleterious genetic and somatic effects of test explosions. We said so again a couple of months ago when the People's Republic of China exploded a second nuclear weapons device in the atmosphere as a direct and callous affront to all humanity even when the Disarmament Commission was actually in session. It is a sad commentary on the state of the world when a country flouts with impunity the combined will of the rest of the world and wages a blatant attack on the health of humanity.

I appreciate that we in this Committee can only express our anguish and our regret that this has happened. As a negotiating forum, however, we should look forward, and the step that we look forward to is the achievement of a comprehensive test ban treaty, or to use the language of the Disarmament Commission resolution, extension of "the scope of the partial test ban treaty to cover underground tests"

This is also the message that our Committee gave at the conclusion of its 221st meeting.

The Indian Delegation has already formulated its view at the last session of the committee in the memorandum appended to the Committee's report. We said: "We consider it imperative 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." We put forward a further suggestion for the consideration of the nuclear powers. We said that they might enter into another partial treaty for cessation of tests above a limited threshold and that this threshold could be lowered subsequently as a result of the exchange of scientific and other data and of appropriate negotiations. Lest there be any misunderstanding, we should like to clarify that such scientific exchanges were suggested for the specific purpose of lowering the initially-agreed threshold.

It was nearly a year ago that we presented this memorandum. Since then, there has been further technological progress in the fields of detection and verification and if at all, our conviction has grown stronger that it is desirable for the nuclear powers to take a bold decision, and for the sake of argument, some theoretical risks in order to achieve one more significant landmark in our path of progress towards disarmament.

The nuclear powers have taken such decisions in the past and the peoples of the world owe a debt of gratitude to the wisdom and the vision of the leaders of these powerful and peace-loving nations. Humanity continues to hope that the Big Powers will once again institute a measure like the joint agreed principles, the partial test ban treaty, the prohibition of orbiting of weapons of mass destruction in outer space and the reduction in production of fissile material for weapons purposes. These were bold decisions and theoretically there were some risks involved. We trust that the nuclear Powers will follow the same highminded pattern and achieve a satisfactory agreement in our Committee so that this evil of underground explosions is eliminated for ever from the earth. Delay only gives false excuses to the chauvinists among us who glorify war and to whom peaceful co-existence is a crime.

Then there was paragraph 2(c) of the resolution of the Disarmament Commission, which recommended that special priority be accorded also "to the consideration of the question of a treaty or convention to prevent the proliferation of nuclear weapons, giving close attention to the various suggestions that agreement could be



facilitated by adopting a programme of certain related measures."

The Indian Delegation expressed its considered views on the subject in the debate in the Commission. Although there were variations in emphasis or detail, these views received the support of a large number of speakers. They were in agreement with the basic thesis that it was unrealistic to ask countries to forswear for ever a programme of nuclear weapons production, when the existing nuclear powers continued to hold on to their awesome arsenals.

It is not only the non-aligned delegations who support this thesis. In his message to the Committee on its resumption, the Secretary-General said: "Those who have already embarked upon nuclear weapons development continue to perfect and increase their stockpile of nuclear weapons. On the other hand, a growing number of States capable of nuclear weapons development will be faced with extremely grave decisions in this area which will have profound repercussions. Responsibility and restraint are needed on the part of both the nuclear and non-nuclear States. Decisions in the field of nuclear weapons development have a contagious and cumulative effect whether in the curbing or in the broadening of the nuclear arms race." Countries belonging to the two power blocs have also appreciated the logic and rationality of this approach. In his statement at the 220th meeting, Mr. Tsarapkin referred to the question of elimination of already accumulated nuclear material, "although it is precisely those materials which constitute the threat". A long time ago, the Soviet Union put forward the Gromyko proposal designed to reduce the existing nuclear delivery vehicles to the lowest minimum level in the first stage of disarmament. We have had occasion to comment to this Committee the principle underlying this thesis. Philosophers tell us that it is wrong to talk of what might have been but we venture to think that if our suggestion had found favour at that time, the international community would not have been facing today what our friends call a prospect of nuclear anarchy.

I spoke of both the power blocs. In the Disarmament Commission, Lord Chalfont said: "There is an imperative need to make a start here and now down the long road we have to travel. The first priority is to halt and reverse the direction of the present uncontrolled arms race, and particularly the mounting production of these ever costlier weapons of mass destruction. That is the central problem which poses a growing danger for all of us. It lies right at the heart of any discussion about disarmament. We believe that even now, at this moment, the order and stability of the world could be assured by a reduction of nuclear weapons to lower, safer and less-costly

levels." Again, referring to the perverse and incomprehensible notion of nuclear clubs and monopolies, he said: "Much of this, it must be said quite bluntly, is the fault of the existing nuclear powers." In a recent debate in the House of Commons, the British Prime Minister referred to the draft of a non-proliferation treaty which the United Kingdom was working on and said: "This treaty is not based on any exclusive attempt to preserve nuclear privileges for a small group of powers."

In the July issue of the *Foreign Affairs*, Mr. Foster contributed one of the most thought provoking articles on disarmament ever written on the subject. To be sure, one may not agree with everything that Mr. Foster has said in that article, but we note that in his excellent survey of the situation, he said: "In stressing that such measures as reductions in Soviet and American nuclear capabilities are important if we are to succeed in dealing with nuclear proliferation, it should be made clear that it is not a question of our setting a good example, a factor of regrettably little influence in international affairs, but rather the fact that we would, by negotiating such measures, be giving evidence of our determination to reverse the arms race and move towards a world order in which the role of nuclear weapons would be diminished. Lacking, at least reasonable prospects of movement in this direction, it is hard to see how, in the long run, we can hope to put any limits on the membership in the nuclear club."

The distinguished Foreign Minister of Italy spoke to us only a few days ago and suggested that a thorough consideration be given by the Committee to the idea of a commitment by the nuclear countries to a certain programme of nuclear disarmament in the context of an agreement on non-proliferation.

I do not wish to burden the Committee with more quotations. The non-aligned delegations have indeed spoken on many occasions on this central theme, namely, the unrealistic and the irrational proposition that a non-proliferation treaty should impose obligations only on non-nuclear powers, while the nuclear powers continue to hold on to their privileged status or club membership by retaining and even increasing their deadly stockpiles. The Heads of State and Government who assembled in Cairo in October 1964 particularly asked the nuclear powers to conclude non-dissemination agreements and to agree on measures providing for the gradual liquidation of the existing stockpiles of nuclear weapons. They said that it was as part of these efforts that the non-nuclear countries would declare their readiness not to produce or acquire these weapons.

Here we must make a clear and unambiguous distinction between



the national decisions of countries on the one hand and the obligations to be assumed by them as signatories to an international instrument, on the other. As you know, India is the only country besides the four nuclear powers, who has got a chemical separation plant in operation, producing kilogramme quantities of Plutonium. If any country wishes to embark on a nuclear weapons programme, it must have a chemical separation plant or a gaseous diffusion plant. India is the only non-nuclear weapon country which has this facility. And yet our Prime Minister has repeatedly declared that India does not intend to enter the nuclear weapon race. It believes that nuclear energy must be used only for peaceful purposes. But this is our national decision, a decision which we have taken on a thorough examination of relevant political, economic and strategic factors and we are determined to stand firm in our decision.

An international treaty is, however, a different proposition. What we are discussing in this Committee is not the national decisions of countries but the international requirements of a rational, realistic and non-discriminatory agreement on non-proliferation of nuclear weapons. What we are examining is the need of the international community, not of individual nations. It is in that context that we put forward our five-point integrated approach in the Disarmament Commission and it is in that context that we are dealing with that problem in this Committee.

When we are talking, therefore, of non-proliferation, the fundamental problem we have to consider is that of the proliferation that has already taken place. The Oxford Dictionary defines the word 'proliferate' as follows: "Reproduce itself, grow, by multiplication of elementary parts." We are talking about proliferation of nuclear weapons not of the proliferation of a so-called closed club. The relevant pre-ambular paragraph of the resolution of the Disarmament Commission thus says: "convinced that failure to conclude a universal treaty or agreement to prevent the proliferation of nuclear weapons leads to the most serious consequences."

A non-proliferation agreement is, therefore basically an agreement to be entered into by the nuclear powers not to proliferate nuclear weapons. Other provisions are consequential and subsidiary. A prohibition to proliferate applies firstly to those who are in a position to proliferate or reproduce themselves and only secondarily to those who may subsequently be in such a position.

No international treaty can, therefore, be acceptable which issues dictates only to non-nuclear countries not to do this or that, particularly when the countries possessing nuclear weapons do not

assume any prior commitments themselves. In India, we have a word in our language derived from the name of an emperor who lived in the seventeenth century. He himself was a drunkard, but he prohibited drinking in the empire and his name has for ever been associated with such unjust fiat.

We have all been talking of the desperate urgency of a non-proliferation agreement; but it appears to me that the basis of such urgency is different among different speakers. There is urgency in everything connected with disarmament, but relatively speaking, the urgency of stopping non-nuclear countries from producing nuclear weapons is so minor compared to that of stopping the existing nuclear menace. As we said in the Disarmament Commission, "unless the nuclear powers and a would-be nuclear power undertake from now on not to produce any nuclear weapon or weapon delivery vehicle and, in addition, agree to reduce their existing stockpiles of nuclear weapons, there is no way of doing away with the proliferation that has already taken place or of preventing further proliferation."

In this connection I would like to say a word on the use of the word 'further' in regard to proliferation. We are unable to understand the relevance of this word in the present stage. There was no doubt a time when the use of that word had some meaning. That is no longer the position now. The question that we ask is "how further is further?" The world has gone beyond the days of 2 nuclear powers, who further became 3, who further became 4 and now further a 5th country wants to force itself into this dangerous club. How long then shall we be using the word 'further'? What shall we say after 10 or 20 countries have thought it fit to indulge in this deadly game? Shall we still use the word 'further'? Or is there any sacred number or date beyond which proliferation becomes further proliferation?

It is essential, therefore, that we deal with the fundamental problem of the existing proliferation. Further proliferation is in fact a consequence of existing proliferation and unless we deal with the disease itself, we can effect no cure. By ignoring the disease and trying to deal with vague symptoms and unreal lists of probable nuclear countries, we shall only make the disease more intractable.

I referred to the 5-point proposal put forward by us in the Disarmament Commission. We said that this was an integrated programme and that adoption of one or two isolated measures within that programme was not adequate. We particularly referred in this context to the question of an undertaking through the United Nations to safeguard the security of non-nuclear nations. There seems to be a feeling in some quarters that an attempt to meet this requirement



in some measure or the other would be adequate. As far as we are concerned, this is not a correct or complete reading of our proposal. I do not wish to go at this stage into the credibility or otherwise of such an undertaking not into its difficult mechanics. All I wish to say is that this particular point is not the basic feature of our proposal. What we wished to do was to present a comprehensive proposal and we included certain peripheral elements for the sake of comprehensiveness. These peripheral elements have a certain moral and psychological value, but that is all. The basic feature of the proposal is, however, the one relating to "tangible progress towards disarmament including a comprehensive test ban treaty, a complete freeze on production of nuclear weapons and means of delivery as well as a substantial reduction in the existing stocks". For a rational and acceptable treaty on non-dissemination, this is the essential requirement, the others are peripheral.

At this stage, it is necessary to remove a misunderstanding. We are not trying to embrace a wide field of disarmament in our approach on non-proliferation. There are scores of measures of disarmament and we all know that draft treaties on disarmament presented by the two sides cover numerous aspects of the process of achievement of a disarmed world. What we suggest, namely, a stoppage of production of nuclear weapons and delivery vehicles and reduction in their stockpiles is only a small part of the comprehensive programme of disarmament and we refer to this small part in the context of non-proliferation because that is the real cause of proliferation, or I should say, the real essence of non-proliferation.

In this context, I should like to refer again to the important statement made by the distinguished Foreign Minister of Italy. He referred to the obstacles facing agreement on an acceptable treaty on non-proliferation of nuclear weapons and mentioned the misgivings of non-nuclear nations about renouncing these weapons forever without some progress in nuclear disarmament by the nuclear countries themselves. Mr. Fanfani then went on to say: "But if it were not possible within a reasonable time to prepare such a draft comprising obligations both for the nuclear countries and for the non-nuclear countries, the Italian delegation would reserve the right to appeal to the non-nuclear countries, to take an initiative which, without prejudice to their own points of view, would establish a certain period for a moratorium on the possible dissemination of nuclear weapons. One could imagine that the non-nuclear countries, in particular those close to nuclear capability, might agree to renounce unilaterally equipping themselves with nuclear arms for a

predetermined length of time, it being understood of course that if their demands, referred to above, were not met during that time limit they would resume their freedom of action."

This is certainly a fine sentiment and deserves respect not only because it is expressed by the distinguished Foreign Minister of a great country but also because it can perhaps be dovetailed into a satisfactory and rational arrangement.

As we have said the fundamental issue of non-proliferation is that of halting and reversing the existing proliferation. It is on this central theme that we have formulated our five-point programme. Comments have been made that this integrated programme, although it is rational, is not capable of immediate implementation. We ourselves do not think that a programme of this nature is beyond the wisdom and the capacity of nations. At the same time I appreciate that it is possible to conceive of a staggered programme of action, bearing in mind of course the integral nature of the programme as a whole.

The problem of proliferation admittedly relates to nuclear and non-nuclear powers, primarily to the former and secondarily to the latter. In view of this, I wonder if it is possible to envisage a treaty or convention in two stages, the first stage relating to nuclear and the second stage relating to non-nuclear powers, the transition from the first stage to the second stage being regulated by the Fanfani appeal.

What I would, therefore, like to suggest for the consideration of the committee is a programme of the following nature. The first stage of the treaty, or call it the partial treaty like the one on nuclear tests, for example, should incorporate provisions which are the obligations of the nuclear powers. Under this partial treaty, the nuclear powers will firstly undertake not to pass on weapons or technology to others under a formula acceptable to the two power blocs. Secondly, they will cease all production of nuclear weapons and delivery vehicles and agree to begin a programme of reduction of their existing stocks. Thirdly, they may also agree to incorporate in this partial treaty the other measures suggested by us in our five-point programme as these provisions have a moral and psychological value.

This would be the first stage of the treaty or a Partial Non-proliferation Treaty. After this treaty comes into force and steps have been taken by the nuclear powers to stop all production and embark on reduction of stocks, there will be the second stage of the treaty or the comprehensive treaty, which will provide for an undertaking by non-nuclear powers not to acquire or manufacture nuclear weapons. The transition between the first stage and the second stage of the treaty or between the Partial Treaty and the Comprehensive



treaty may be regulated by the formula suggested by Mr. Fanfani.

It appears to me that this may be another way of dealing with the question of non-proliferation if it is not possible to agree immediately on a comprehensive treaty based on our five-point proposal. The basic fact remains, however, and it is that the present unstable and dangerous state of affairs has resulted from the proliferation that has already taken place and that it is an early removal of that state of affairs which will make a comprehensive non-proliferation treaty realistic and abiding. As long as we are clear about the diagnosis of the disease, it is not difficult to find appropriate remedies.

Our ultimate objective is clear. In the economic field, the 'have nots' have adopted for themselves programmes of economic development so that eventually, with international co-operation, they increase their national wealth and become 'haves'. Conversely, in the disarmament field, our objective is to achieve, in a spirit of mutual compromise and accommodation, a situation under which the 'haves' reduce their war arsenals and eventually become 'have-nots'.

An opposition to the concept of nuclear monopoly or privileged club-membership is thus our fundamental response in any examination of a draft treaty or convention on non-proliferation. It is pertinent to note in this connection that references are being made in various places to an extraneous matter, which has only marginal relevance to the question of non-proliferation of nuclear weapons or to that of disarmament as such. I am referring to the suggestion relating to the institution of I.A.E.A. or similar international safeguards over the peaceful nuclear activities of nations. Of course, the question of safeguards against diversion of nuclear materials for weapons purposes as a separate issue deserves our earnest consideration and we have welcomed the decision of the U.S. Government and others to place some of their reactors under I.A.E.A. control. I am only referring here to the question of a treaty on non-proliferation.

The Government of India have had occasion to express their views on this subject in many forms including the I.A.E.A. and I had made a statement in this Committee itself last year. I do not, therefore, wish to go into this issue in any detail at this stage.

Institution of international controls on peaceful reactors and power stations is like the attempt to maintain law and order in a society but placing all its law-abiding citizens in custody, while leaving its law-breaking elements free to roam the streets. I suppose one can say that this is one way of keeping the peace, but surely, it is more rational to keep the law-breaking elements under restraint rather than

to do so to the law abiding citizens. Reactors engaged on peaceful pursuits and atomic power stations of the developing countries do not in themselves pose any threat to the security of the international society. It is the chemical separation plants and the gaseous diffusion plants which produce the fissible material used in bombs and it is these facilities which need to be controlled in any system of controlled disarmament. If one wishes to control swords, one need not impose control on big iron plants, but only on factories which manufacture steel for the swords. Any proposal, therefore, which contemplates international control only on the peaceful activities of reactors and power plants but leaves free the vast weapon-producing facilities of nuclear powers—their gaseous diffusion plants—does not attempt to tackle the real problem.

Here again, I am referring to international treaties and conventions as distinct from national decisions. We in India, for example, have perfectly satisfactory arrangements for safeguards with friends and implement them. But that is entirely different from entering into an international instrument providing for I.A.E.A. or other international safeguards over the reactors and power stations of the developing countries.

Before I end, I would like to refer to paragraph 2(d) of the second resolution of the Disarmament Commission. All that this recommended was that we should keep in mind the principle of converting to a programme of economic and social development of the developing countries a substantial part of the resources gradually released by the reduction of military expenditure. The Committee was not asked to negotiate on this matter. It was only a kind of background which we had to keep in mind in our negotiations on actual measures of disarmament and reduction of tensions. In his statement before the Disarmament Commission, Lord Cralford spoke of the philosophy of the British Government on the close link between defence and disarmament and of the need of its defence policy to contain within itself the seeds of future progress towards disarmament. Similarly there is a link between disarmament and the availability of capital and technological resources for the development of developing countries. All that the resolution says, therefore, is that we should bear this link in mind when we talk of disarmament and negotiate measures of disarmament.

I mention this at this stage as it has some relevance to the question of safeguards on atomic reactors. In the developing countries, these reactors are instruments of economic development and we should



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give careful thought before considering any proposal which, without achieving anything really worthwhile in the field of genuine disarmament, only hinders the economic development of developing countries.

I would like to conclude with the stirring appeal made by His Holiness the Pope only last Sunday. He denounced these nuclear weapons as 'disastrous and dishonourable weapons' and said: "We pray that all shall ban the awful technique which creates these weapons, multiplies and stores them for the terror of mankind and we pray that such death-dealing weapons have not killed world peace even in attempting to achieve it nor impaired for ever the honour of science nor extinguished the serenity of life on earth."



## **Annex 14**

**Statement by India's negotiator V C Trivedi at the Conference of the Eighteen-Nation Committee on Disarmament, 15 February 1966.**







the first time or after a period of absence. The Indian delegation extends its good wishes to Ambassador Amba Abera of Ethiopia, Mr. Ijewere of Nigeria, Mr. Blusztajn of Poland, Count Wachmeister of Sweden and Ambassador Khalif of the United Arab Republic, and assures them of its co-operation in the vital task which the international community has entrusted to this Committee, namely, negotiations on a treaty on general and complete disarmament and on collateral measures and arms control and limitation and reduction of tension. We shall miss our good friends, Ambassador Hassan, Ambassador Imru and, very shortly, Mr. Obi, but we trust that they will continue to help us in their new assignments. The Indian delegation further extends its welcome to Mr. Spinelli, who has joined us this session and has brought us the hopes and good wishes of the Secretary-General of the United Nations. The Indian delegation would also take this opportunity to congratulate the delegation of the Union of Soviet Socialist Republics on the epoch-making Soviet achievement in effecting a soft landing on the moon.

The Committee is particularly fortunate this session in receiving the inspiring message from His Holiness the Pope on the resumption of our work. It is imperative that we bear in mind in our negotiations the basic consideration stressed by the Holy Father, namely, that "no lasting peace can be established among men until there has been an effective, general and controlled reduction in armaments." (ENDC/163, p. 3).

At our very first meeting, on 27th January, the representative of the United Arab Republic made a pertinent observation on the task facing the Committee now. He said:

"We are meeting this year at Geneva at a time when a certain number of different developments and factors have combined to strengthen the general cause of disarmament and to give it a new impulse. It would not be without interest to try to discuss here together our ideas on the cause of disarmament as it stands now that we are resuming our work at Geneva." (ENDC/PV.235, p. 34)

As Mr. Khalif pointed out, the period between our last session and the present session was highly productive, and the debates in the twentieth session of the General Assembly and resolutions adopted by it have certain positive and realistic elements from the viewpoint of procedure as well as of substance.

The preceding speakers have emphasized that the General Assembly adopted, with overwhelming majorities, five principal resolutions on issues of disarmament. These resolutions thus reflect not the views of this or that country, this or that group, this or that

**116. Statement Made by V.C. Trivedi at the 18-Nation Disarmament Committee on 15 February 1966**

I should like to take the opportunity of my first intervention in the general debate in the Committee to thank the representatives who have spoken before me: those of the Soviet Union, the United States of America, Nigeria, the United Arab Republic, the United Kingdom, Italy, Czechoslovakia, Canada, Poland, Bulgaria—that is, yourself, Mr. Chairman—Brazil and Romania, who have been kind enough to offer their condolences to us on the losses we have suffered in the untimely death of our late Prime Minister, Mr. Lal Bahadur Shastri, and of the late Chairman of our Atomic Energy Commission, Dr. Homi Bhabha. Their sentiments express the continued affection and goodwill of these representatives and their Governments towards the Government and the people of our country, and we are deeply grateful to them for their words of grief, solace and appreciation.

It is a matter of deep gratification to the Indian delegation that we have lost no time in resuming the work of this Committee soon after the adjournment of the twentieth session of the United Nations General Assembly. It gives us particular pleasure to be able to continue our collaboration with our old colleagues and to offer our warm welcome to those who have joined us this session either for



region, but of the entire international community. It is, therefore, essential that we direct our attention exhaustively and comprehensively to the terms of the resolutions adopted by the United Nations.

In addition to the resolutions dealing with the questions of a world disarmament conference and the denuclearization of Africa, with which the Committee is not presently concerned, there were three resolutions, 2028 (XX), 2031 (XX) and 2032 (XX), dealing respectively with the non-proliferation of nuclear weapons, general and complete disarmament and the suspension of nuclear and thermo-nuclear tests.

The resolution on the non-proliferation of nuclear weapons is indeed a historic document and, as pointed out by the representative of Nigeria at our 235th meeting, it is comparable in its importance to the Joint Statement of Agreed Principles (ENDC/5). The McCloy-Zorin Joint Statement forms the basic framework for our negotiations on a treaty on general and complete disarmament and specifies the essential requirements of an acceptable treaty. And so does resolution 2028 (XX), with its operative paragraph laying down five essential principles which should form the basis of any acceptable treaty on the non-proliferation of nuclear weapons.

It is these three resolutions which provide, as it were, the agenda and the terms of reference of the current session of the Committee. First, there is the question of general and complete disarmament. This is our basic task, for this Committee has been established for the specific purpose of negotiating a treaty on general and complete disarmament. We have not devoted much attention to this problem recently but have concentrated only on collateral issues. The collateral problems are undoubtedly important, but there is sometimes a tendency to miss the wood for the trees. Devotion to an isolated collateral measure often creates a disequilibrium of approach which tends to treat that particular measure as an end in itself or, even worse, to suggest solutions which violate the basic philosophy of disarmament: that of reduction and eventual elimination of armaments. There are many scholars and commentators, therefore, who are consequently apt to conclude that general and complete disarmament is not possible of achievement or is a myth. As a general rule, any suggestion which envisages, on the one hand, control over some people and, on the other hand, unfettered licence to others in the field of armaments, thus militates directly and fundamentally against this basic philosophy of disarmament.

It is encouraging to note that the messages which we have received from President Johnson, Premier Kosygin, Prime Minister

Wilson and Secretary-General U. Thant stress the urgency of going ahead with our negotiations on a treaty on general and complete disarmament. In the Committee, we have had many comments on the problems of security and on methods of ensuring the security of nations, but the Indian delegation is convinced that the real security of all nations can be safeguarded only in the context of disarmament. It is not the armaments of other nations, in any case, which can be a perpetual guarantor of a nation's integrity and independence. It is therefore gratifying that all these personages continue to stress the urgent and vital task of negotiating a treaty on comprehensive disarmament.

To same extent, resolution 2031 (XX) on general and complete disarmament was a procedural resolution. It was heartening to note, however, that the membership of the United Nations had faith and confidence in this Committee: but that puts a corresponding obligation upon the Committee to justify that faith and confidence. Moreover, the resolution did in fact ask the Committee to continue its effort towards making substantial progress. That is the Committee's mandate; it has to make substantial progress on a treaty on general and complete disarmament. The Indian delegation hopes that once the Committee has concluded the general debate and the general discussion on principles governing an appropriate treaty on non-proliferation of nuclear weapons, it will pay special attention to the issues of general and complete disarmament.

The resolution also requested the Committee to continue its efforts towards reaching agreement on collateral measures. The messages from the distinguished personages which have been circulated as Conference documents place appropriate emphasis on various measures of this nature. The Indian delegation trusts that negotiations on these measures will not be completely side-tracked by the prominence we may give to more important issues, such as the non-proliferation of nuclear weapons and the suspension of tests. I do not intend to go into the details of all these measures during this intervention, but I should like to emphasize on particular proposal for consideration.

In this imperfect world of ours there are differences among nations on many issues, but one of the fundamental principles which we meet to adopt in international relations is that of non-intervention in the internal affairs of States and of respect for their independence, integrity and sovereignty. Allied to this principle, or as a corollary to it, is the principle of renunciation of force for the settlement of disputes. This matter was debated exhaustively during the last session



of the General Assembly, which adopted a noteworthy resolution on it. In this Committee also, we have had discussions on this issue in the past, and references have been made to it during the current session.

I am mentioning this matter specifically as many representatives have referred to the Tashkent Agreement between India and Pakistan and to the 'Tashkent spirit'. The Indian delegation is convinced that the approach underlying that agreement is the only approach to international relations. As the Tashkent declaration pointed out:

"... The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good-neighbourly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligations under the Charter not to have recourse to force and to settle their disputes through peaceful means. The Prime Minister of India and the President of Pakistan have agreed that the relations between India and Pakistan shall be based on the Principle of non-interference in the internal affairs of each other."

Another resolution, 2032 (XX), urges that all nuclear weapon tests be suspended. As the members of the Committee are aware, India was the first country to focus international attention on the need to suspend all nuclear weapon tests and nearly twelve years ago appealed to the Disarmament Sub-Committee, as it was called at that time, to put an end to them. Year after year and session after session, India brought up the issue in the United Nations General Assembly and, although it was not successful initially, that august Assembly finally adopted a historic resolution [A/RES/1762 (XVII)] which condemned all nuclear weapon tests.

This is one field in which the international community has achieved noteworthy progress. The Moscow Test Ban Treaty of August 1963, was hailed by all peace-loving peoples of the world as a significant first step in the march of humanity towards sanity and international security. There was general hope then that this first step would be followed by other steps, both in the field of nuclear weapon tests and of other measures of disarmament. Unfortunately, subsequent developments have belied these hopes. The Moscow Treaty continues to be partial in more ways than one. Its prohibition still does not extend to underground tests, and no progress has been achieved in that direction, despite the pleas of the non-aligned delegations and the resolutions of the United Nations. The last session of the General Assembly, therefore urged again that all nuclear weapon tests be suspended. In addition the resolution in question asked this Committee to continue, with a sense of urgency, its work

on a formal comprehensive test ban treaty and referred in that context to the improved possibilities of international co-operation in the field of seismic detection.

At this stage, the Indian delegation would like to pay a tribute to the Swedish delegation for the constructive ideas on international seismic cooperation which it has put forward in Geneva and New York. India would like to see all countries agreeing to suspend all nuclear weapon tests. We can then consider what steps the international scientific community can take in mutual co-operation so that such suspension, and later a formal treaty, can be adequately observed.

India has already offered its co-operation in this connection. We have in our country a well-established system of seismological observation, and three months ago we established a sensitive array of seismometers at Gaubidanur, about fifty miles north of Bangalore in South India. This array consists of two seven-mile-long arms, which will be extended later to fifteen miles each and is located in a very suited geographic area with exposures of old granite rocks. The background of earth noise at the site is sufficiently low to ensure that small earthquakes at long distances can be recorded by the array. The data gathered at this station will be published and available to all countries.

The Moscow Test Ban Treaty, however, is not only partial because it is partial in its prohibited environments and leaves out underground nuclear weapon tests; it is much more regrettably partial in that it has been adhered to only partially by the international community. The peoples of the world were concerned primarily with nuclear weapon tests which spread death-dealing radio-active debris over fields and habitations, over rivers and lakes, over men, women and children. They condemned the callousness of those who, in the pursuit of their policies and purposes, contaminated crops, cattle and men alike and increased the danger not only of cancer and leukemia, but also of genetic and hereditary hazards to children yet unborn. And yet one country, in its arrogance and recalcitrance, in its utter disregard of the will and welfare of humanity, not only refused to subscribe to this treaty, but even glorified in its refusal and in its defiance. The refusal of the People's Republic of China to subscribe to the Moscow Treaty and its flamboyant explosion of atomic devices, not once but twice, is thus a much more serious problem than the lack of progress on reaching agreement on prohibition of underground tests.

As the Indian delegation said in New York during the last session



of the General Assembly, the first priority in this field is thus to be accorded to the task of making the Moscow Test Ban Treaty universally binding. This is not a treaty which is subscribed to by a few Powers with vested interests and their allies; it is a treaty which the non-aligned and non-nuclear nations have urged from the beginning and have signed in an overwhelming number. It is, therefore, urgent and vital for the international community to examine what steps should be taken to ensure the universality of acceptance of this very partial Moscow Test Ban Treaty.

It is not a fruitful exercise to contemplate on the 'what-would-have-been' of any situation, but it appears to me that the great emphasis that is being placed by some people on what is euphemistically called further proliferation—as if the single and organic problem of proliferation can be vivisected—would have been much less today were it not for this recalcitrance of one country in not subscribing to the Moscow Test Ban Treaty and in embarking on a senseless programme of production of nuclear weapons.

The most significant resolution adopted by the United Nations during the twentieth session was on non-proliferation of nuclear weapons [A/RES/2028 (XX)]. It was, as I said earlier, a historic resolution laying down in clear terms the main principles on which an international treaty on non-proliferation should be based. Earlier, on 15th September, 1965, during the last session of our Committee, the non-aligned delegations submitted a joint memorandum (ENDC/158), putting forward their basic approach to the question of non-proliferation. The memorandum emphasized that a treaty on non-proliferation of nuclear weapons was not an end in itself but only a means to an end, and the inescapable requirement that measures to prohibit the spread of nuclear weapons should be coupled with some tangible steps and followed by other tangible steps of halting the arms race and limiting, reducing and eventually eliminating the nuclear menace. The United Nations resolution was posited on this basic approach.

Resolution 2028 (XX) gives us our terms of reference. The international community has overwhelmingly instructed us to negotiate within a specific framework and in consonance with a specific set of principles, as it believes that only a faithful and precise implementation of these principles can meet the approval of the peoples of the world and can really solve the problem of proliferation.

There appears to be a tendency, not so much among those who are familiar with the subject as among laymen, to think that the only proposals on the problem of non-proliferation are two draft treaties,

one presented by the Soviet Union (ENDC/164) and the other by the United States (ENDC/152), these are the only two documents which need to be reconciled in order to arrive at an internationally acceptable treaty. As the representative of Italy pointed out the other day, the United Nations resolution specifically mentioned the two draft treaties, the joint memorandum of the eight non-aligned members of the Committee and the Italian proposal of a moratorium (ENDC/157).

The United Nations resolution, in fact, places all these documents in their proper perspective. In the first place, it notes with satisfaction the efforts made by the eight non-aligned members of the Committee to achieve a solution of the problem of non-proliferation, as contained in their joint memorandum. It also notes the declarations adopted by the Organization of African Unity and the non-aligned Conference as well as the two draft treaties presented respectively by the United States and the Soviet Union and the moratorium declaration presented by Italy.

The Indian delegation believes that it is essential that the Committee examines in detail the framework of a treaty on non-proliferation, as prescribed by the United Nations. Unless this basic framework is kept constantly in view and adhered to faithfully, one is apt to concentrate only on some aspects of the problem and ignore the other equally important, if not more important, aspects.

We in this Committee are a group of negotiators, and we have been given the terms of reference for our negotiations. The Committee is composed of eighteen members and was specifically enlarged from its old composition of ten, consisting of five members of the NATO group and five members of the Warsaw group, so as to include eight non-aligned members. The essence of negotiations in the Committee, therefore, is to negotiate among the entire group, representing the general complexion of the world community, and not just to reconcile the views of the two alliances.

In this context, I should like to refer to the sentiments expressed by the Nigerian delegation both in New York and in Geneva. The other day, at the 235th meeting of the Committee, the representative of Nigeria advised us, and very rightly, that the problem should not be viewed in a myopic or lop-sided fashion, reflecting the anxieties and the needs of two Powers or ten Powers. All members of the Eighteen-Nation Disarmament Committee have to look at the problem in a global context and in accordance with the directives given to them by the international community, as reflected in the United Nations resolution.



We have been aware of three different approaches emerging in the discussions in New York and in Geneva on the question of non-proliferation of nuclear weapons. As the Indian delegation pointed out during the discussions at the last session of the General Assembly, these three approaches broadly were: first, the non-aligned, non-nuclear, approach; second, the interim approach as reflected in the Italian draft declaration of a moratorium; and third, the approach of the nuclear-weapon Powers and their partners in military alliances and others who feel that their security is safeguarded by the existing nuclear-weapon Powers. We appreciated that there were divergences of varying degree even among the delegations which favoured a particular approach, but basically the discussions revealed these three general trends.

I need not recount in detail at this stage the elements of these three approaches. The non-aligned, non-nuclear nations follow the guidelines laid down at the summit conferences of their Heads of State or Government and sustain the understanding of the problem as given in the non-aligned memorandum of 15 September 1965—namely, that a treaty on non-proliferation of nuclear weapons is not an end in itself, but a means to an end that this end is the achievement of general and complete disarmament and, more particularly, of nuclear disarmament and that therefore measures to prohibit the spread of nuclear weapons should be coupled with, or followed by, tangible steps to halt the nuclear arms race and to limit, reduce and eliminate the stocks of nuclear weapons and the means of their delivery.

There is sometimes a misunderstanding in some minds in respect of this position, and it is alleged that what the non-nuclear, non-aligned countries want is to achieve general disarmament, or at least nuclear disarmament, as part of a treaty on non-proliferation of nuclear weapons. A comment of this nature reveals a complete misreading of the non-aligned position. To be sure, the non-aligned nations are determined to continue to urge on all concerned the imperative need to achieve general and complete disarmament, but they do not say that general and complete disarmament must form part of a non-proliferation treaty or that there can be no treaty on non-proliferation unless there is comprehensive or even nuclear disarmament. They do not say that the nuclear-weapon Powers must reduce their existing stockpiles of these dreadful and much-multiplied nuclear weapons before the international community can agree on a treaty on non-proliferation. They do not say any of these things; all that they do say is that certain measures, integral and organic to the

problem of the spread of nuclear weapons, must be taken. They go further and say that some measures of limitation and 'un-arming', if I may be permitted to coin a word, should be coupled with measures to prevent proliferation, while other measures of limitation, control and disarmament can follow. Their view is that one cannot have a spurious treaty which heaps all the control, all the limitations and all the prohibitions on non-nuclear countries, while at the same time giving a licence, even indirect encouragement, to the existing nuclear-weapon Powers themselves to proliferate and to continue with their manufacture of nuclear weapons and delivery vehicles. The non-aligned and non-nuclear nations do not insist on complete and comprehensive equality in this field; all they want is that at least some measures be taken which are fundamental and germane to this disease of proliferation and that the causes of proliferation be dealt with at the same time as its consequences.

The Indian delegation has had occasion in the past to explain in detail what it considers to be the real essence of the problem of proliferation. If one wishes to diagnose a disease one must see the history of the disease. We in this Committee are obliged to go into the details and the technicalities of the problem. We must, therefore, ask ourselves: why is there a problem of proliferation at all? Why is it that a third country has chosen to be a nuclear weapon power? Why is it that a fourth country is developing nuclear weapons and missiles? And why is it that a fifth country is embarking on a nuclear weapon programme? Is it prestige? Is it security? Is it the menace of other nuclear weapon Powers, incipient or otherwise? Is it the risk involved in the continuation of the existing nuclear menace, the risk of thermo-nuclear war by miscalculation, accident or design? Or is it all this together? Surely the answers to these questions must furnish the answer to the problem of why there are debates in some countries on embarking on nuclear weapon programmes. Above all they must provide the real answer to the question of how the international community can help these countries—or, as the fashionable phrase is, further countries—to stand firm in their determination to eschew for ever any thought of production of nuclear weapons.

It appears to the Indian delegation that, first of all, we must ensure that no prestige accrues to those misguided nations which have embarked or which are embarking on nuclear weapon programmes. There must be an end to all this talk of a high table or a top table, a select club, centres of nuclear power and a superior coterie or a group of four or five who could meet among themselves and work out the salvation of the world.



Then there is the question of security. As far as the non-aligned nations are concerned security is not synonymous with protection, no matter how powerful the protector or how sincere. Real security lies in the elimination of the threat rather than in offering protection after the threat has been translated into actual aggression. We should like to add that what the non-nuclear, non-aligned countries urge in the context of a non-proliferation treaty is not the complete elimination of the nuclear menace here and now; all that they say is that at least a beginning should be made to halt an increase in that threat, to limit the circumference of that threat. That would not provide full security, but it would be an essential beginning.

In this context the Indian delegation would like to welcome the recent message of 1st February from the Chairman of the Council of Ministers of the Union of Soviet Socialist Republics to our Committee (ENDC/167) and in particular the willingness of the Soviet Government to include in the draft treaty on non-proliferation a clause on the prohibition of the use of nuclear weapons against non-nuclear States parties to the treaty which have no nuclear weapons in their territory. The Soviet draft treaty (ENDC/164) stipulates that the treaty "shall enter into force after its ratification by the parties possessing nuclear weapons", and this new clause would be a specific article in the treaty.

This is indeed a step forward in the direction of our endeavour to negotiate a treaty on non-proliferation of nuclear weapons and meets one of the misgivings expressed by non-nuclear nations on the present state of affairs. The Indian delegation would like in particular to pay tribute to the Nigerian delegation, which has consistently put forward this idea as one of the essential features of any non-proliferation treaty.

To the Indian delegation the most heartening feature of this message and this willingness of the Soviet Government to amend its draft is their indication that the nuclear Powers appreciate the misgivings of the non-nuclear countries and that they are prepared to implement some of the ideas put forward by them in respect of a treaty on non-proliferation. We sincerely hope that the nuclear Powers will also take into account the other considerations advanced by the non-aligned non-nuclear nations and agree to incorporate appropriate provisions in the draft treaty so as to reflect the memorandum of the non-aligned members (ENDC/158) and resolution 2028 (XX) of the United Nations General Assembly.

It is the memorandum of the non-aligned members which reflects the approach of the non-aligned non-nuclear nations—an approach

which received a wide measure of support from a vast number of delegations during the twentieth session of the United Nations General Assembly. On the other hand there is the approach of the nuclear Powers—the nuclear 'haves'—and their allies and others who feel that their security is assured by the present nuclear weapon Powers. The nuclear weapon Powers and their allies believe that all that is necessary is to prevent others from joining the so-called nuclear club, and that the nuclear Powers themselves should continue with their own production, diversification and sophistication of nuclear weapons and delivery vehicles. It is an approach similar to the example I quoted last August in this Committee of a Moghul emperor of India who was a drunkard himself but who prohibited drinking throughout his empire. (ENDC/PV.223, p. 15)

The two draft treaties before us will, however, need to embody a more comprehensive approach, and a global approach. A non-proliferation treaty will need to deal with the disease, at least partially, instead of dealing merely with the symptoms. It will need to deal with the cause rather than the consequence. As the Indian delegation has always maintained, the cause is the existing proliferation. The possibility of further proliferation is only the consequence.

This is also what resolution 2028 (XX) tells us. It is necessary for the Committee, therefore, to examine carefully the five principles stipulated by the United Nations as the basis of a treaty on non-proliferation of nuclear weapons.

There is the first principle—namely, that

"The treaty should be void of any loopholes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form" [A/RES/2028 (XX), ENDC/161]

The Indian delegation agrees with the Soviet delegation and others which have placed special emphasis on this principle. As we said in the twentieth session of the United Nations General Assembly, the treaty must prohibit all aspects of proliferation, direct or indirect, through military alliances or otherwise and in any form or shape. As a non-aligned nation we are unable to understand why members of military alliances should receive a special dispensation in the context of non-proliferation. There cannot be three categories of nations, namely, nuclear nations, non-nuclear nations in alliance with nuclear nations, and non-nuclear non-aligned nations. Our eventual objective is to abolish all existing differences of this nature. That will, of course take a long time, but we should not create a third category now and retard our progress towards the ultimate objective.



There is another element in this principle, which does not seem to have been commented upon so far. The principle, as adopted by the United Nations General Assembly, forbids not only non-nuclear Powers but also nuclear Powers to proliferate. It says so specifically and categorically. It does not say that the non-nuclear Powers shall not proliferate but the nuclear Powers may proliferate and the nuclear Powers will agree only not to disseminate weapons and weapons technology: it says that neither shall proliferate. This is a very important aspect of the first principle stipulated by the United Nations, and must be reflected in any draft which merits serious consideration.

This particular idea is carried forward in a concrete form in the second principle—namely, that

“The treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers.” (*Ibid.*, p. 3)

To the non-aligned non-nuclear nations this is the supreme principle. It is not merely a question of sovereign nations rejecting, in the second half of the twentieth century, treaties imposed by powerful nations on weak nations. It is not merely a question of rejection of unequal and discriminatory treaties. It is a principle specifically related to the question of proliferation of nuclear weapons, and emphasizes that to effect a real solution of the problem we must deal with the single and organic issue of present as well as future proliferation.

This principle is very carefully drafted. It says unambiguously that this balance of responsibilities and obligations of nuclear and non-nuclear Powers must be embodied—I repeat, embodied—in the treaty. It does not mean that the nuclear Powers may, separately and outside the actual text of the treaty, agree to assume some obligations. Those obligations must be embodied in the treaty.

The main emphasis of this principle is, of course, on the balance of mutual responsibilities and obligations on the nuclear and non-nuclear Powers. If there is to be real equality the nuclear Powers should go completely non-nuclear but that, alas, does not appear to be a practical proposition at the moment. The Eighteen-Nation Committee on Disarmament has been established to achieve that final consummation, but the Indian delegation appreciates that it is not easy to achieve total nuclear disarmament within a short time. The second principle, as drafted, therefore talks of

“an acceptable balance of mutual responsibilities and obligations of

the nuclear and non-nuclear Powers.” (*Ibid.*)

There has, therefore, to be a balance. It has to be an acceptable balance—that is, acceptable to all parties and it has to be a balance of mutual responsibilities and obligations. Apart from the non-aligned memorandum of 15th September, 1965, no document before us embodies this fundamental principle. The Indian delegation has urged on many occasions that the least that should be agreed upon, at least as a beginning, is that all countries, nuclear and non-nuclear, should forgo further production of nuclear weapons and delivery vehicles designed to carry those weapons. A provision of this nature must necessarily be incorporated—or, as the principle says, embodied—in the treaty.

There is not the same difficulty in the propositions before us in regard to mutuality if obligations and responsibilities on the question of dissemination of nuclear weapons and weapons technology, except of course in drafting these responsibilities. We must thus have the same agreement in regard to the principle of mutuality in the context of production of weapons which the drafts before us seek to cover as far as the non-nuclear nations are concerned.

The Committee must, therefore, devote its special attention to this principle, otherwise we shall be acting contrary to the directives given to us by the United Nations.

Then there is the third principle—namely, that—

“The treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament” (*Ibid.*, p. 3)

This reproduces the basic philosophy expressed in the non-aligned memorandum of 15th September 1965 (ENDC/158). As I said earlier, it is essential that we get away from the notion that all that is necessary is to ensure un-armament of unarmed countries and that we need do nothing towards disarmament. The formulation of this principle by the United Nations thus strengthens us in our conviction that while we are dealing with a non-proliferation treaty we must deal with the problem of reduction and eventual elimination of the nuclear menace as well. It is most encouraging to note that the overwhelming majority of nations who cast an affirmative vote on this resolution in the Assembly desire this to be the basic principle of an international treaty on non-proliferation of nuclear weapons.

The fourth principle stipulates that:

“There should be acceptable and workable provisions to ensure the effectiveness of the treaty.” (*Ibid.*)



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We have the example of the Moscow Test Ban Treaty, when is at the same time a beacon of hope and a warning signal. The arrogant refusal of China to subscribe to this Treaty has brought us to this sorry state of affairs today. The Indian delegation is particularly distressed to find that many people talk in terms of accepting the *fait accompli* or accepting the evil. We must reject this attitude of mind unequivocally. Our great Master, Mahatma Gandhi, taught us one supreme principle, never to compromise with evil.

The Indian delegation will have more to say on this fourth principle of the resolution when we have reached the stage of commenting on the detailed provisions of an acceptable treaty, for it will need to be borne in mind when we negotiate the question of the coming into force of the treaty and of the withdrawal clause.

Finally, the fifth principle rightly safeguards special situation of the Latin American States, the African States and any other States which are placed in a similar situation. It is a matter of profound regret to the Indian delegation that an opportunity provided to us in Asia has been denied, particularly since October 1964, when this hitherto non-nuclear area suddenly exploded into a nuclearizing area. In consonance with its ancient traditions of Buddha and Gandhi, Christ and Mohammed, Confucius and Zoroaster, Asia had so much to offer to the world, but that was denied suddenly because the rulers of one country defied the world.

The Indian delegation hopes that the discussions in the Committee will proceed on the firm and unflinching basis of these five principles, and that we shall soon have a balanced treaty, an effective treaty and a treaty without loopholes—in fact, a treaty which solves the essential problem of proliferation, that is, the problem of present as well as of future proliferation. We are still hopeful and that is why I have not spoken this morning of what I called the third approach, the approach underlying the Italian appeal of a moratorium with various suggestions of amendment—as, for example the suggestion made by the representative of Libya during the session of the General Assembly to the effect that a moratorium should apply equally and appropriately to the nuclear and non-nuclear nations. The Indian delegation will also have the opportunity of speaking in detail at some stage on the wise suggestion made by the representative of Nigeria, that if comprehensive non-proliferation treaty is likely to be delayed the Committee might consider the question of negotiating a simple non-dissemination treaty which can embody mutual obligations and responsibilities on non-nuclear and nuclear nations alike not to receive or give nuclear weapons and technology. We commend that

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suggestion, as we did a similar suggestion made by the Prime Minister of Malta at the last session of the General Assembly. As I said, however, we all hope that we shall receive the unquestioned and unqualified support of all members for the five basic principles of the United Nations resolution so that we can go ahead with our problem of negotiating a genuine and comprehensive treaty on non-proliferation of nuclear weapons.

The problem of negotiating a treaty on non-proliferation has implications far beyond the realm of proliferation of nuclear weapons or even of general and complete disarmament. The attitudes that we take and the approaches we adopt on them will reflect our attitudes and approaches on international relations in general. It is, therefore, imperative that we take a global approach on this issue, take into account the needs and requirements of all members of the international community and follow an approach which reflects our firm adherence to sovereign equality of all nations and to the principles of equality and mutual benefit. Otherwise we shall be repeating the failures of the League of Nations.

I should like to conclude with a quotation from a letter written from prison by Jawaharlal Nehru on 2nd August, 1933, to his young daughter, who is now our Prime Minister:

"Another great failure at world efforts at co-operation has been the disarmament Conference. This Conference was the outcome of the Covenant of the League of Nations...."

"The World Disarmament Conference met at last early in 1932. Month after month, year after year, it went on, considering many proposals and rejecting them, reading innumerable reports, listening to interminable arguments. From being a disarmament conference, it almost became an armaments conference. No agreement could be reached, for no country was prepared to consider the question from a wider international point of view; for each country, disarmament meant that other countries should disarm or lessen their armaments while it kept up its own strength."



## **Annex 15**

**Statement by India's negotiator V C Trivedi at the Conference of the Eighteen-Nation Committee on Disarmament, 10 May 1966.**







120. Statement Made by V.C. Trivedi at the 18-Nation Disarmament Committee on 10 May 1966 on Non-Proliferation of Nuclear Weapons

Today is the last meeting of our Committee before we recess for about a month and it is appropriate that we address ourselves to the subject which has been the principal item debated during the twenty-nine meetings we have held so far—the question of non-proliferation of nuclear weapons.

Our Committee functions in the framework of the international climate and our strength and utility as well as our weakness and shortcomings depend on the extent to which we reflect that climate. It is incumbent upon us, therefore, to consider the problem of non-proliferation of nuclear weapons, as well as other problems of disarmament, in the context of international thinking and the guidelines laid down by the international community.

The widespread public interest in the problem of proliferation has been a somewhat recent development. In the past, either in the context of the danger posed by the nuclear menace or separately, countries such as Ireland, Sweden and India had brought up this issue in the United Nations, but it was mainly after the explosion of a nuclear weapon device by the People's Republic of China in October 1964 that the question aroused general and public interest. The Chinese action was widely condemned by all the peace-loving peoples of the world. In its anti-social arrogance the People's Republic of China exploded a second nuclear weapon device in May 1965, while the Disarmament Commission was actually in session. And now, only yesterday, China has given new radioactive evidence of its hostility to peace and disarmament and its expansionist and militarist ambitions, once again placing the entire human society as well as the generations yet unborn under far-reaching hazards to health and hazards of thermo-nuclear holocaust.

It is essential that our Committee and the international community consider the implications of these repeated acts of defiance of the will of humanity and damage to its well-being. It is necessary that we devote ourselves with energy and determination to the task of preventing this real and blatant proliferation and deal with the

fundamental problem of the menace of current proliferation. This cannot be done, however, by an attitude of moral indignation, sorrowful frustration or cynical acquiescence, or by putting forward ineffectual and superficial remedies for some future contingencies. The problem of present as well as future proliferation is undoubtedly urgent, and it is becoming more urgent with these periodic and annual explosions. At the same time, a sense of urgency should not lead to panic, for measures devised hastily in an atmosphere of panic are often unwise and unjust. One of the most gratifying features of the situation has been the steady and rational evolution in the thinking of the international community on the question of non-proliferation of nuclear weapons. Ever since the birth of these dreadful weapons statesmen of many nations have emphasized time and again that the highest priority should be given to the question of halting and reversing the nuclear arms race. As far as India is concerned, it has always urged that the central problem of peace and security and of disarmament is the nuclear arms and that it is not fruitful to deal with the consequences of the arms race unless that central problem is dealt with. Nine years ago Jawaharlal Nehru said in the Indian Parliament:

"We have declared quite clearly that we are not interested in making atom bombs even if we have the capacity to do so and that in no event will we use atomic energy for destructive purposes. I am quite sure that when I say this I represent every member of this House. I hope that will be the policy of all future Governments. The fact remains that if one has these fissionable materials and if one has the resources, then one can make a bomb, unless the world will be wise enough to come to some decision to stop the production of such bombs."

Whether in the context of non-proliferation of nuclear weapons or in the wider framework of disarmament India has thus urged the international community that it is essential to deal urgently with the main problem of the nuclear arms menace, and particularly with the vital problem of halting and reversing the nuclear arms race, for the only efficacious solution is to deal with the case along with the consequences of the malaise. India voted for what is called the Irish resolution [A/RES/1665 (XVI)], but in explaining its vote and in putting forward its reservations it said that the resolution did not go far enough. India supported what is called the Under Plan and voted for the Swedish resolution [A/RES/1664 (XVI)], which called for an enquiry to be made into the conditions under which non-nuclear weapon countries and nuclear weapon countries might agree to non-proliferation and non-dissemination of nuclear weapons.



India has remained constant in its national determination to use atomic energy for peaceful purposes only. At the same time it is aware that in order to arrive at an international agreement and to obtain an international treaty on non-proliferation of nuclear weapons it is necessary to stop proliferation of nuclear weapons in all its aspects—that is, actual and present proliferation of nuclear weapon Powers themselves and possible or future proliferation by the non-nuclear weapon countries.

In this context the Indian delegation was greatly impressed with the profound statement on disarmament problems contained in the Swedish Government's declaration on foreign policy made in Parliament by the Foreign Minister of Sweden on 23 March. This statement merits close study and a constructive response from all concerned, and I should like to quote some relevant extracts from it:

"The question of non-proliferation is thus a problem extending outside the exclusive sphere of interest of the great Powers. It is those countries which do not possess nuclear weapons but which can produce them that are requested to relinquish their option in the interest of general security; and in principle, we can agree so far. But, for sound reasons, it can in addition be maintained that the present expansion and improvements of existing nuclear stockpiles also involve a continuously increasing danger to peace. If the general security of the world shall be the guideline of the efforts to gain control over the possession of nuclear weapons, then the great Powers must also obviously put a limit to their nuclear armaments. A non-proliferation agreement not paying reasonable regard to this demand can be difficult to accept for several of the countries which are of considerable importance in this connexion—namely, those which now are more or less close to the point where they are able to start their own production of nuclear weapons. Without the co-operation of these countries, a non-proliferation agreement cannot be efficient. There is cause to regret that so far the great Powers have shown themselves disinclined to consider sufficiently the viewpoints of the non-aligned nations in this important respect.

"As to the Swedish point of view, we are positive to the efforts to bring about an effective agreement against further proliferation of nuclear weapons. Such an agreement presupposes universal accession attainable only through 'an acceptable balance of mutual responsibilities and obligations of nuclear and non-nuclear Powers' [AR/RES/2028/XX)] to use the wording of the United Nations resolution. Therefore, Sweden supports in Geneva the demands of the non-aligned nations that the great Powers shall give their contribution in the form of a complete test ban and the discontinuance of the production of fissionable material for weapon purposes.

When we set these demands, we do not mean, of course, that we shall start production of nuclear weapons if our demands are not fulfilled. Such a decision has no political actuality in this country. When we insist on commitments in return, this is due to the fact that

we want an agreement which constitutes an efficient contribution to the limitation of the nuclear threat in the sense of the United Nations resolution."

In considering these issues the Committee should constantly bear in mind that the international community has been defining with progressive precision what should constitute the basic elements of an adequate treaty on non-proliferation of nuclear weapons. It gives an incomplete picture, therefore, when some people talk of the United Nations and refer to only one of the two general resolutions of 1961 and not to a specific and detailed resolution of 1965, or when they talk of the position of the non-aligned countries and refer to the memorandum of September 1965 (ENDC/158) often misquoting it—but not to historic General Assembly resolution 2028 (XX) sponsored by those non-aligned delegations. We should not forget that the world community as a whole has demonstrated in international documents the sure and unmistakable evolution in its thinking on the subject of non-proliferation of nuclear weapons and that the final and firm view of the United Nations have found their rational expression in the specific principles laid down in General Assembly resolution 2028 (XX).

References have been made in our Committee to an article-by-article examination of the two draft treaties (ENDC/152 and 164) which were presented before the drafting and adoption of this resolution. This is undoubtedly a useful and constructive procedure, but it is even more essential to conduct initially a principle-by-principle examination of United Nations General Assembly resolution 2028 (XX). As I said earlier, our Committee necessarily has to function in the framework of the international climate and international directives and this historic resolution of the twentieth session of the United Nations represents the inescapable demand of the international community as a whole. The principles laid down in this resolution are not those of only the non-aligned nations or the aligned nations, not those of only the nations of a particular region or continent but of the entire world society, and it is inappropriate for this Committee to ignore them. When the General Assembly of the United Nations is reconvened in September this year, that august body will be concerned primarily with how we have implemented its resolution on the subject and how faithful we have remained in our discussions to the guidelines given to us in that resolution.

As the non-aligned delegations in the Committee have pointed out, the most important principle laid down by the United Nations is that the treaty should embody an acceptable balance of mutual



responsibilities and obligations of the nuclear and non-nuclear weapon Powers. It needs to be emphasized that out of the five principles laid down by the international community in this resolution it is only this particular principle which stipulates specifically what should be embodied in an acceptable treaty on non-proliferation of nuclear weapons,—that is, what should be in the body of the treaty. The treaty must, therefore, have specific provisions and articles in its text which would provide an acceptable balance of mutual responsibilities and obligations of the nuclear weapon Powers and the non-nuclear weapon Powers. The United Nations has not accepted the thesis that this treaty should by its nature be discriminatory, that it is not a measure of disarmament, that it should embody principally the obligations and responsibilities of the non-nuclear weapon countries, and that as far as the nuclear weapon countries are concerned they need only attempt to negotiate measures balancing the obligations of the non-nuclear weapon countries separately, in the hope that they may reach some agreement on them some time in future.

As I said earlier, the United States and the Soviet Union presented their draft treaties before the adoption of the General Assembly resolution, with its firm and clear principles. Since then, both delegations have advanced some amendments or proposals of amendment. The Indian delegation has already welcomed the proposal made in Chairman Kosygin's message of 1 February (ENDC/167) and would like to take this opportunity of welcoming the message from His Majesty the Emperor of Ethiopia, circulated to the Committee on 1 March in the context:

"...of the fact that the present nuclear possession and proliferation could be a serious danger to the security of mankind...." (ENDC/177).

The Indian delegation also welcomes the amendment put forward by the United States delegation in defining rationally the status of the countries concerned and using the expressions 'nuclear weapon countries' and 'non-nuclear weapon countries' (ENDC/152/Add. 1). I am personally grateful to the United States delegation for its handsome and generous acknowledgement of my modest contribution in that behalf.

Those are some wholesome developments and deserve to be praised. In particular, the Indian delegation believes that they indicate a welcome receptiveness on the part of the United States and the Soviet Union delegations, and it hopes that in the same approach of understanding they will soon introduce other amendments so as to

reflect the directives given to all of us by the United Nations in resolution 2028 (XX).

Principle 2(b) of that resolution talks of the responsibilities and obligations of non-nuclear weapon countries and of nuclear weapon countries. As far as the non-nuclear weapon countries are concerned, the two draft treaties before us set out their obligations and their responsibilities. Firstly, there is the question of dissemination, pure and simple. The drafts provide, in principle, that the non-nuclear weapon countries shall not receive weapons or weapon technology. Secondly, there is the question of the production of nuclear weapons, and the drafts stipulate that the non-nuclear weapon countries shall not manufacture these weapons. Thirdly, a suggestion has been made for some kind of control on the peaceful activities of nations. It is true that article III in the United States draft (ENDC/152, p. 2) is only a statement of an objective to be attained, although a preambular statement of that type could properly find its place in the preamble of the treaty, rather than in a substantive article. Nevertheless, some statements have been made which seem to indicate that the imposition of such control is believed to be an important feature of an international instrument on non-proliferation.

The United Nations resolution says that all obligations should apply mutually to the nuclear weapon Powers as well and that they should be balanced as between the non-nuclear weapon countries and the nuclear weapon countries. It goes further and says that the balanced and mutual obligations of the nuclear weapon Powers should be embodied in the treaty. This requirement is clearly spelt out in the resolution and cannot be ignored.

If we look at the two drafts (ENDC/152 and Add. 1 and ENDC/164), however, we find—presumably because they were presented before the adoption of the United Nations resolution—that the principle of balance and mutuality is reflected only in the first set of obligations, namely, those relating to dissemination proper. Just as the non-nuclear weapon Powers are required not to receive weapons and weapon technology, the nuclear weapon Powers are required not to give them. This certainly provides balance and mutuality in the body of the treaty. Incidentally, apart from the controversy between the two alliances on the exact definition of what constitutes the giving or receiving of weapons and weapon technology, there is another aspect of this problem which needs to be attended to. The transfer of weapons and weapon technology should be considered not only in relation to transactions between the nuclear weapon Powers on the one hand and non-nuclear weapon Powers on the other, but also



among the nuclear weapon Powers themselves. This is a point which India made as early as 1961. That means that transfer of nuclear weapons and technology should be prohibited even if it involves transfer from one nuclear weapon Power to another nuclear weapon Power.

Despite this lacuna and despite the controversy on the definition of the contours of dissemination, the two drafts embody in principle the mutuality and balance enjoined upon us by the international community. When we come to the other two sets of obligations, however, we find that there is as yet no provision to reflect the requirements of the United Nations resolution. As far as production is concerned, it is only the non-nuclear weapon countries which are directed not to manufacture nuclear weapons. The nuclear weapon Powers retain the right to continue to manufacture these dread weapons of destruction. That provides no balance and no mutuality. This lacuna is particularly calamitous when one considers the case of the People's Republic of China, an incipient nuclear weapon Power, a Power which does not as yet have either a stockpile of nuclear weapons or a developed system of delivery. The drafts as they stand would give it a licence to develop its stockpile and its delivery systems. They would permit such a country to proliferate at will under the umbrella of an inadequate treaty.

Leaving aside individual cases, however, the fact remains that the United Nations resolution demands balance and mutuality as between non-nuclear weapon countries and nuclear weapon countries. The Indian delegation has noted with satisfaction that the Swedish delegation made a concrete proposal in that respect on 10 March (ENDC/PV. 247, p. 14) and it endorses the suggestion that the very first article of an acceptable treaty on non-proliferation should prohibit the production of fissile material for weapon purposes to all countries alike, nuclear weapon Powers and non-nuclear weapon Powers, in accordance with the principle of mutuality and balance. The other articles can then follow in a rational and coherent sequence.

The Indian delegation is aware that the United States delegation has referred at several meetings to the question of cessation of such production. In implementation of United Nations resolution 2028 (XX), however, this requirement has to be embodied in the treaty itself. The Indian delegation hopes that this will be done in the near future so that the Committee can express itself in detail on the actual terms of the article in question.

There is yet another aspect of the balance which needs to be embodied in the treaty, and this arises from the existence of the

awesome arsenals of the existing nuclear weapon Powers. There is no balance nor security if these overkill stockpiles continue even at their present hazardous levels. Several delegations have devoted their attention to this problem and, in particular, the Indian delegation is impressed with the suggestion in that respect made to the Committee by the delegation of the United Arab Republic on 3 March (ENDC/PV. 245, p. 15). The treaty should thus embody an article providing for a legal obligation on the part of the nuclear weapon Powers to reduce their stocks in an acceptable manner. As Ambassador Khalif said, this should be a formal and firm indication. The Indian delegation believes that if the first article of a treaty on non-proliferation of nuclear weapons covers the problem of production and the second article the problem of dissemination, the third article should provide for an obligation for reduction of stockpiles. This is not a preambular matter but a substantive one and needs to be embodied in the substantive articles of the treaty. Other subsidiary articles, like the withdrawal clause and the one on the coming into force of the treaty, could then follow these basic articles.

Finally, there is the question of control on the peaceful nuclear activities of nations. India has always maintained that control and disarmament should be simultaneous and that it is not possible to isolate the two concepts. What is even more important in the context of a treaty on non-proliferation of nuclear weapons is that any measure we envisage should be mutual and balanced. It should leave no loopholes, as enjoined in principle 2(a) of resolution 2028(XX) (ENDC/161), and in accordance with principle 2(b), (c) and (d) of that resolution it should apply in particular to the armed activities of nations. If therefore, any control is to be envisaged in a treaty of this nature,—and that is another issue—it should, firstly, apply equally and without any discrimination to all nuclear facilities of all nations and not only to the facilities of non-nuclear nations or developing nations; and, secondly, it should apply to the peaceful activities of nations as well as their warlike activities. As India has stated several times in the past, nuclear weapons are fabricated by the nuclear weapon Powers with the fissile material produced by them in their gaseous diffusion plants. They are not manufacturing these weapons in their atomic reactors or in their atomic power plants, and it is no use controlling the semi-finished product while leaving the finished product completely uncontrolled. The most essential facility to be controlled therefore, is the gaseous diffusion plants. In this Committee unlike other organizations and agencies, we are discussing only the issues of disarmament, and as far as we are concerned it is our



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obligation to deal specifically with these issues. At any rate, the directives given to us by the United Nations resolution are that a treaty on non-proliferation of nuclear weapons should leave to loopholes which might permit either the nuclear weapon Powers or the non-nuclear weapon Powers to proliferate nuclear weapons in any form, that the body of the treaty should provide for an acceptable balance of mutual responsibilities and obligations of nuclear weapon Powers and non-nuclear weapon Powers and that the treaty should be a step towards the achievement of general and complete disarmament and particularly of nuclear disarmament.

The Indian delegation believes it is necessary to emphasise that it lays special stress on the resolution of the United Nations not so much because that resolution represents the combined and overwhelming opinion of the international community on the subject as because principles laid down in it have a universal validity and represent the fundamental truths of the situation. Again, the sovereign, equal and independent nations of the world desire that an international treaty should be non-discriminatory. But that is not the main emphasis of the resolution. Its main emphasis is that an international instrument must ensure security for all and that it should safeguard not only the interests of countries which are militarily aligned with the nuclear weapon Powers, but also the interests of the non-aligned nations—in fact, the interests of the entire world society. It was with this supreme consideration in mind that the United Nations adopted resolution 2028 (XX) by a massive vote.







## **Annex 16**

**Statement by India's negotiator V C Trivedi at the Conference of the Eighteen-Nation Committee on Disarmament, 23 May 1967.**







**133. Statement Made by V.C. Trivedi at the 18-Nation Disarmament Committee on 23 May 1967 on Disarmament**

At the outset, Mr. Chairman, I should like on behalf of the Indian delegation to offer its warm welcome to you. We have the most pleasant and rewarding memories of working in close co-operation with you during the sessions of the General Assembly, and we are happy that the Indian delegation will again have the privilege in the Eighteen-Nation Committee of continuing that co-operation with the



delegation of Mexico under your distinguished leadership.

Apart from making a few short comments on some emergent matters, the Indian delegation has not spoken at length during the meetings of the Committee this year. Its only regret on that score has been its inability so far to express formally its welcome to the distinguished leaders and alternates of the delegations of Bulgaria, Burma, Czechoslovakia and Nigeria who have joined us in our task. I should therefore like to take this opportunity of my first intervention in this Committee to convey to them and to their delegations the warm welcome of the Indian delegation and its pledge of full co-operation with them.

The Indian delegation is happy that the Eighteen-Nation Committee on Disarmament has now resumed its work after a long and extended recess. In addition to its continuing responsibility to conduct negotiations with a view to reaching agreement on general and complete disarmament under effective international control, for which it has been established, the Committee's mandate was further reinforced by the twenty-first session of the General Assembly of the United Nations, which made specific recommendations for its programme of work. We have therefore before us a heavy agenda and a heavier responsibility.

Since the historic session of the Disarmament Commission in April-June 1965 the United Nations has reaffirmed through unanimous and near-unanimous resolutions that the task of the Committee remains unchanged. The General Assembly has asked us once again (A/RES/2162 (XXI)C, ENDC/185) to pursue new efforts towards achieving substantial progress in reaching agreement on the question of general and complete disarmament and on collateral measures, and in particular on two such measures—an international treaty to prevent the proliferation of nuclear weapons and the prohibition of underground nuclear weapon tests. More specifically, the Committee has been called upon to give high priority to the question of non-proliferation of nuclear weapons, in accordance with the mandate contained in resolution 2028 (XX) (ENDC/161). On tests, among other things, the Assembly asked the Committee to elaborate without any further delay a treaty banning underground nuclear weapon tests. That was nearly six months ago. The Indian delegation is distressed to find that, despite the continuing exhortations of the United Nations over the years, our Committee has not been able to pursue any special efforts, old or new, in achieving progress, small or substantial, towards a treaty on general and complete disarmament. The delegations of Sweden, the United Arab Republic and India

offered some constructive ideas in this behalf. Those ideas have not been pursued nor have they led to any alternative suggestions. The Committee has also made no serious efforts to elaborate a treaty banning nuclear weapon tests underground, not to mention the demand made upon it by the General Assembly to do this without any further delay. It seems to have been forgotten that the partial test ban Treaty (ENDC/100/Rev.1) is an extremely fragile instrument and cannot endure for long if it is not universally adhered to and if prohibiting underground commitment for disarmament and for prohibiting underground weapon tests remains only a platitude.

The delegation of India does not propose to deal this morning with the issues of general and complete disarmament, or with the high priority problem of suspension by all countries of all tests in all environments, or with several other related and collateral measures of arms restraint, limitation and control. In its first intervention in question of non-proliferation of nuclear weapons which has dominated our discussions for a long time. At the same time the Indian delegation would emphasize, as it has done in the past, that an international treaty preventing the proliferation of nuclear weapons can be a purposeful instrument only if this negotiating Committee of ours conceives of that measure in the over-all and universal concept of disarmament and not as a simple exercise in imposed non-general and complete disarmament. Progress in evolving a treaty on collateral nature and, above all, cessation of all nuclear weapon tests by all countries—those are of the utmost urgency, not only because the United Nations has been demanding them, not only because they have their intrinsic benefit in the reduction of tension and strengthening of international peace and security but also because, as pointed out by the Disarmament Commission two years ago, they are of crucial value in facilitating agreement on a treaty to prevent the proliferation of nuclear weapons.

What is particularly fundamental is that a treaty on the non-proliferation of nuclear weapons will be much easier to negotiate and draft if it is taken not as an isolated measure but as one which forms an integral and co-existent pattern with measures of nuclear restraint and disarmament such as the nuclear weapon test ban and a freeze on all nuclear delivery vehicles. We are all unhappy that there has not been more rapid progress in negotiating a non-proliferation treaty which can be acceptable to all concerned and particularly to non-aligned non-nuclear nations. As many commentators have



emphasized, however, that is due in no small measure to the fact that there is no progress in reaching agreement on such related measures as the nuclear weapon test ban and a freeze on nuclear delivery vehicles.

The United Nations General Assembly laid down categorically as one of the vital principles on which an acceptable treaty on non-proliferation of nuclear weapons should be based the principle that that treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament. That was not meant merely as a pious preambular platitude, not just as an insubstantial incantation to be retreated occasionally as a simple magic charm, but as envisaging a concrete programme of specific action. It has to be a real and meaningful principle, one which has to form the foundation, the very basis of a non-proliferation treaty.

Fairly early during the last session of the General Assembly of the United Nations, we were all informed that the two super-Powers had come closer together on a matter which concerned them intimately within the context of a non-proliferation treaty, namely, the question of nuclear sharing arrangements within a military alliance, and we expressed our gratification at that welcome rapprochement.

It is the understanding of the Indian delegation that agreement was in fact reached at the beginning of this year between the major Powers and their allies on that particular issue. The Indian delegation would have been happy if, soon after the settlement of that alliance obstacle, the Committee as a whole, consisting of the members of the two alliances and the eight non-aligned delegations, had been able to negotiate the drafting of an adequate and acceptable treaty. If necessary, they could have had a drafting committee—a committee of the whole if you will—for after all that is the mandate of the Committee.

The super-Powers and their allies, however, continued to undertake further negotiations among themselves on other matters concerning the question of non-proliferation of nuclear weapons. The representative of the United States, Mr. Foster, told us at the first meeting after we reconvened that he hoped that the delegations of the United States and the USSR would soon be able to make a joint recommendation to the Committee (ENDC/PV. 297, p. 21, Provisional).

Any progress in the direction of agreement between the United States and the USSR gives us great pleasure. It was during the memorable session of the General Assembly of the United Nations

in 1960 that Jawaharlal Nehru moved a draft resolution on behalf of the delegations of Ghana, Indonesia, the United Arab Republic, Yugoslavia and India, which were then led by the Heads of State or Government of those countries, suggesting a meeting between the leaders of those two great nations. As Nehru said:

"Our idea in sponsoring the resolution was not that the USA and the USSR should discuss international problems or solve them, but that it would help to bring about an element of flexibility in the situation which could be taken advantage of at a later stage."

The Indian delegation sets great store by this element of flexibility and hopes that after this extended period of inter-allied consultations and accommodation, the Committee will now revert to the consideration expressed in the memoranda of the non-aligned delegations and in the resolutions of the General Assembly. Without that, we shall be unable to fulfil the responsibility entrusted to us, that of negotiating an acceptable and satisfactory international treaty in accordance with the mandate contained in General Assembly resolution 2028 (XX).

Our urgent task is thus to prepare a draft non-proliferation treaty which the General Assembly would consider as adhering strictly to the principles laid down by it. The draft treaties which are formally before us are the United States draft treaty of August, 1965 as amended (ENDC, 152/Add. 1) and the USSR draft treaty of September, 1965 (ENDC.164). The non-aligned delegations commented on those drafts in the Committee and in the General Assembly. Several non-aligned delegations also offered constructive comments and specific suggestions during the meetings of the Committee this year.

The Indian delegation believes that it is useful at this stage to quote some relevant observations on those draft treaties from the non-aligned memorandum of August, 1966. The memorandum states:

"The eight delegations ... recognize that the two draft treaties were submitted before the adoption of Resolution 2028 (XX) and, therefore, could not pay full attention to the principles laid down in it.

"The eight delegations regret that it has not so far been possible to arrive at an agreement on a treaty acceptable to all concerned. They are deeply conscious of the danger inherent in a situation without an agreement that prevents proliferation of nuclear weapons. They view with apprehension the possibility that such a situation may lead not only to an increase of nuclear arsenals and to a spread of nuclear weapons over the world, but also to an increase in the number of nuclear weapon Powers, thus aggravating the tensions between States and the risk of nuclear war." (ENDC/178, p. 2).



The Indian delegation trusts that the joint recommendation promised by Mr. Foster will remedy the lacunae of the earlier drafts and adhere strictly to the principles laid down by resolution 2028 (XX), in particular principles (b) and (c), namely, that the treaty should embody an acceptable balance of mutual obligations and responsibilities of nuclear and non-nuclear Powers and that it should be a step towards the achievement of general and complete disarmament, and more particularly nuclear disarmament.

The Government of India has long maintained that prevention of the proliferation of nuclear weapons—the real prevention of all proliferation of nuclear weapons—is one of the most urgent and important tasks facing humanity ever since the unfortunate advent of this evil weapon of terror and blackmail. Discussions and negotiations on this and allied subjects have gone on since the days of the Baruch plan and the Gromyko plan of 1946. The relevant issues have been explored in depth in various forums of the United Nations in the past, particularly in the United Nations Sub-Committee on Disarmament in the 'fifties. Then, as today, the emphasis—to quote the significant phrase in the historic resolution, 2028 (XX)—was on a "balance of mutual obligations and responsibilities of the nuclear and non-nuclear Powers" (ENDC/161). What was then advocated by a few is now being held to be essential by all of us.

The Indian delegation has elaborated in detail on many occasions the elements that should be embodied in a treaty on non-proliferation of nuclear weapons in compliance with the principles of balance and mutuality. It is a treaty of this nature which, in the words of the non-aligned memorandum and the General Assembly resolution, can be "acceptable to all concerned and satisfactory to the international community" (ENDC/178) and which would prevent three facets of proliferation: (i) an increase in nuclear arsenals; (ii) a spread of nuclear weapons over the world; and (iii) an increase in the number of nuclear-weapon Powers. An acceptable and effective treaty, therefore, is one which prohibits existing proliferation among nuclear-weapon Powers, the dissemination of nuclear weapons and weapon technology from one country to another and further or possible proliferation among hitherto non-nuclear weapon Powers.

The delegation of India is happy that the problem of dissemination now presents no difficulty and that we may soon have an agreed formulation in regard to transfer and receipt of weapons and weapon technology—a formulation which is balanced and mutual—providing that no State will transfer nuclear weapons and weapon technology to any other State and that no State will receive nuclear weapons and

weapon technology from any other State. One hopes at the same time that this joint formulation will deal only with weapons and will not prohibit pursuits of peace.

At this stage I should like to say a word or two on the peaceful uses of atomic energy and particularly on the question of peaceful nuclear explosions. The Foreign Minister of India stated in our Parliament on 17 March:

"It is the view of the Indian Government that the non-proliferation treaty should be such as not to impede the growth of nuclear science and technology in the developing countries where the need for such development is great."

On the question of peaceful nuclear explosions the Indian delegation expressed its views fully in the First Committee of the General Assembly on 31 October last year. As it said then, it agrees with President Truman that "no nation could long maintain or morally defend a monopoly of the peaceful benefits of atomic energy". The civil nuclear Powers can tolerate a nuclear weapons apartheid but not an atomic apartheid in their economic and peaceful development.

The Indian delegation agrees entirely with what the representative of Brazil said at our last meeting:

"Nuclear energy plays a decisive role in this mobilization of resources. We must develop and utilize it in every form, including the explosives that make possible not only great civil engineering projects but also an ever-increasing variety of applications that may prove essential to speed up the progress of our peoples. To accept the self-limitation requested from us in order to secure the monopoly of the present nuclear-weapon Powers amount to renouncing in advance boundless prospects in the field of peaceful activities." (ENDC/PPV. 297 *Provisional*, p. 23)

To us, this is a matter of vital principle. The Indian delegation does not deny that the technology involved in the production of a nuclear weapon is the same as the technology which produces a peaceful explosive device, although a weapon has many characteristics which are not present in a peaceful device. Moreover, as far as fission technology is concerned, it is known to a large number of countries. But that, in any case, is not the issue. As the Indian delegation pointed out in the United Nations last year, technology in itself is not evil. Dynamite was originally meant for military use. Aeronautics, electronics, even steel fabrication—those are technologies which can be used for weapons as well as for economic development. That does not mean, therefore, that only the poor and



developing nations should be denied all technology for fear that may use it for military purposes.

Centuries of history have proved to us that the use that people make of their skills is entirely a matter of will. It is completely wrong to deduce that what is evil is science and technology, skill and progress. Jawaharlal Nehru said in the Indian Parliament as early as May 1954:

"In the last generation or two there have been certain explorations of the remotest frontiers of human knowledge which are leading us to many strange discoveries and strange consequences. Max Planck's Quantum Theory and, later on, Albert Einstein's Theory of Relativity changed the whole conception of the universe. Soon came the atom bomb with its power to kill. The human mind and human efforts are unleashing tremendous powers without quite knowing how to control them. They cannot be controlled by a mere desire or demand for banning them. One of the political problems of the day is how to approach this problem of control which is of vital consequence. Such an approach presupposes some measure of lessening of tension in the world, some measure of mutual confidence on the part of great nations, some agreement to allow each country to live its life." Referring specifically to the question of control he said:

"Let us understand, without using vague phrases and language, what it means. Certainly we would be entitled to object to any control which is not exercised to our advantage."

He added that India accepted control in common with other countries "provided we are assured that it is for the common good of the world and not exercised in a partial way and not dominated over by certain countries, however good their motives."

In other words, to quote a phrase which a great Power used twenty years ago in the context of a comprehensive plan for the control of atomic energy, we are not interested in the establishment of an atomic commercial super-monopoly.

As the Indian delegation stated in the United Nations General Assembly last year, it recognizes that such explosions must be adequately safeguarded. The safeguards must apply equally to all nations and the Indian delegation is prepared to work with others in evolving a system of regulation which could be accepted by all States. As Ambassador Correa de Costa pointed out at our 297th meeting, the solution of the problem must not be sought in the renunciation of the sovereign right of unrestricted development of the new source of energy by some countries only; and mainly by the developing countries. We must not throw the baby away with the bath water.

Coming back to the question of the treaty, the two other facets of proliferation are equally amenable to a balanced and mutual

solution similar to that of the problem of dissemination—a solution which provides for obligations and responsibilities of nuclear-weapon Powers and non-nuclear-weapon Powers alike, as repeatedly demanded by the United Nations. An article in the treaty stipulating that no country should henceforth manufacture nuclear weapons would not only satisfy the criterion of balance and mutuality and of the assumption of responsibilities and obligations by both the nuclear and the non-nuclear-weapon Powers but also solve the problem of proliferation of nuclear weapons correctly and comprehensively. It would also obviate other pitfalls, both political and mechanical, particularly those relating to control, which would be bound to arise in a discriminatory and unbalanced treaty.

The Indian delegation has stressed repeatedly that future proliferation or further proliferation is only the consequence of existing or continuing proliferation of nuclear weapons by the nuclear-weapon Powers. Disregard of this self-evident truth led to proliferation in the past and we can disregard it now only at our peril.

History tells us that what is described as further proliferation or further spread of nuclear weapons took place in the past only among a few countries belonging to military alliances. Those countries have indicated the reasons which led to their decision to embark on a nuclear weapons programme. It is our duty as members of a group of experts to investigate those reasons and to ensure that in the solution that we purpose we eliminate them as far as possible.

The powerful members of military alliances which went in for further proliferation in the past have given two reasons for their action—status or prestige and national security. Firstly, they wanted to be at the top table. They felt somehow or other that possession of nuclear weapons gave them prestige and power, authority and influence. Secondly, they said that they could best safeguard their security by an independent nuclear deterrent. If, therefore, any serious efforts are to be made by this Committee to prevent further proliferation of nuclear weapons, those efforts must be directed towards meeting those two considerations of prestige and security.

Unfortunately, no real or effective effort is being made to deny prestige to possession of nuclear weapons. On the contrary, reports indicate that the nuclear-weapon Powers are being given an overwhelmingly privileged position in the propositions which are being elaborated these days. As time goes on, the nuclear-weapon Powers are apparently contemplating ever-increasing provisions of discrimination. The unbalanced aspects of the earlier draft treaties are being embellished further and attempts are being made to construct the



most perfect structure of imperfection. The nuclear-weapon Powers now want comprehensive controls over the peaceful activities of civil nuclear Powers, without, of course, any control whatsoever over their own activities, peaceful or warlike. They even want to prohibit the civil nuclear Powers from undertaking peaceful explosions purely for their economic development even if such peaceful pursuits take place under international supervision.

All these projects will, however, have just the opposite effect. A discriminatory treaty which gives a privileged licence to the existing nuclear-weapon Powers to proliferate at will and which heaps ever-increasing prohibitions on non-nuclear Powers will in itself be the strongest incentive to a new country to embark on a nuclear weapons programme.

The second consideration, that of security, which was advanced by the existing nuclear-weapon Powers to explain why they embarked on a nuclear-weapons programme, is even more germane. As far as the question of prestige is concerned, countries like India would be happier with the prestige of a civil nuclear Power. However, security is a much more vital consideration.

To be sure, this is not a matter which concerns only the question of non-proliferation of nuclear weapons. The terms of reference of our Committee stipulate that all measures that we negotiate "should be balanced so that at no stage of the implementation of the treaty could any State or group of States gain military advantage and that security is ensured equally for all" (ENDC.5, para. 5). Even apart from measures of disarmament, however, the very facts of political life of today demand that nations, and particularly a nation like India which is exposed to nuclear blackmail, take full account of the needs of national security. The question of security is a much wider issue and is relevant irrespective of a treaty on non-proliferation of nuclear weapons.

The great Powers, which possess in their ever-expanding armouries the most destructive power over known to mankind, have not yet, however, given any effective and credible consideration to the security needs of the non-nuclear countries, and particularly the non-aligned countries. Referring specifically to the question of a non-proliferation treaty, these powerful nuclear-weapon nations say that the non-nuclear nations would safeguard their security by forswearing nuclear weapons for ever in the midst of mushrooming proliferation by the nuclear-weapon Powers themselves.

This is, however, not the precept which they have themselves followed, and in fact they rejected it for themselves when it was time

for them to decide. Moreover, as we know, various disarmament forums have been discussing questions of disarmament and particularly of nuclear disarmament since 1946. To diverse proposals put forward on the subject from time to time, either by one side or the other or by non-aligned nations like India, the answers given by the great Powers have been that they cannot accept this or that proposal of nuclear restraint or reduction because it would adversely affect their security. But when they address themselves to non-nuclear Powers, the nuclear-weapon Powers argue that nuclear weapons provide no security and that the best way the non-nuclear nations can safeguard their security is to sign a discriminatory treaty—a treaty which will at the same time give unfettered licence to five Powers to proliferate.

On the other hand, the General Assembly of the United Nations has advocated the right approach and has laid down two basic principles, namely, that the treaty should embody an acceptable balance of mutual responsibilities and obligations of nuclear and non-nuclear Powers, and that the treaty should be step towards the achievement of general and complete disarmament, and more particularly nuclear disarmament. As the Indian delegation has pointed out before, this can be achieved by adequate and effective provisions in an appropriate treaty and I should like to recapitulate them at the risk of repetition.

On the question of dissemination, a balanced provision would require that no State shall transfer nuclear weapons or weapon technology to another State and that no State shall receive such weapons or technology from another State. Similarly, on the question of proliferation, a balanced article would stipulate that no State shall henceforth manufacture nuclear weapons. This would incidentally obviate all invidious distinctions of prestige between States possessing nuclear weapons and those not possessing them and curious concepts like the fixation of dates for the duration of the nuclear-weapon era or for the closing of the list of membership of an exclusive club.

That still leaves the problems of what the representative of Brazil described as the possession in the arsenals of the nuclear-weapon Powers of "a capacity for nuclear strike many times superior to their security needs—the 'overkill'..." (ENDC/PV. 297, p. 24). It is a matter of vital concern to India that one of the lesser nuclear Powers, in particular, is feverishly building up its arsenal of weapons and developing its delivery capability.

Those immense stockpiles of mass destruction in the possession of nuclear-weapon Powers pose a real threat to the security of nations



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and a non-proliferation treaty of universal arms restraint cannot in itself reduce that threat or its potentiality for blackmail unless it also embodies a provision dealing with those menacing stockpiles. It is for that reason that the General Assembly has maintained that one of the basic principles of a non-proliferation treaty is that it is a step towards nuclear disarmament. As has been pointed out by many non-aligned delegations, a non-proliferation treaty must accordingly embody an article of solemn obligation under which the States possessing nuclear weapons would negotiate a meaningful programme of reduction of existing stockpiles of weapons and their delivery systems. This provision cannot be merely a pious preambular platitude like the unfulfilled 'determination' in the four-year old partial Test Ban Treaty (ENDC/100/Rev. 1).

Increasing references are being made these days to the question of control and means of safeguarding observance of a treaty on non-proliferation of nuclear weapons. The delegation of India agrees with the principle of the General Assembly resolution 2028 (XX) that there should be acceptable and workable provisions to ensure the effectiveness of the treaty. These provisions must necessarily be balanced and mutual and should apply to the nuclear and non-nuclear Powers alike.

As the Committee is aware, the question of control has been debated right from the beginning of international discussions on matters concerning atomic energy and disarmament. The problem then debated is as relevant today as it was at that time. The Government of India has always believed that control and disarmament must go together. There can never be a question of one coming before the other, particularly if it is to be genuine disarmament or genuine control.

The second consideration that the Government of India has continued to advance throughout is that the control should be universal and that it should be exercised in a non-discriminatory and objective manner, otherwise, as the Indian representative stated in the Preparatory Commission of the International Atomic Energy Agency, it would be tantamount to a new form of economic colonialism.

It is in the context of those two considerations that we have to view the question of a control provision in a non-proliferation treaty. One thing is certain: control can never be used merely as an instrument of imposing non-armament on unarmed countries nor, as the leader of the Indian delegation to the International Atomic Energy Agency said in the General Conference last year, "as a lever for

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achieving the political objectives of non-proliferation."

I should like to quote in this context one of the greatest living experts on disarmament matters, the Nobel Peace Prize winner, Mr. Philip Noel-Baker. He said:

"In any case, the Western Governments cannot leave things where they are today. Either the 'safeguards' of IAEA inspection will become the instrument of control for nuclear disarmament for the world at large, or it may soon become a farce. It cannot be used to keep the non-nuclear Powers disarmed, while the nuclear Powers continue to pile up or to retain great stocks of atomic and hydrogen weapons, large and 'small'. The purpose of IAEA, and the purpose of the cut-off which the Western Governments propose, is to demilitarise atomic energy, either that purpose must be fully and speedily achieved, or IAEA, and the hopes built upon it, will all fail."

The Indian delegation realizes that the question of control is a complex problem. Many of those complexities need not arise, however, in the context of a genuine treaty on non-proliferation of nuclear weapons. If all of us, and particularly the big Powers, agree that there should be a provision in the treaty dealing with safeguards and control, we must eschew all notions of discrimination and provide for objective measures which apply equally to all. An adequate treaty on non-proliferation of nuclear weapons will prohibit the manufacture of nuclear weapons by all States. Whatever provisions are necessary, therefore, to ensure that the production of all fissile material by all States is used henceforth only for peaceful purposes will thus be in full conformity with the General Assembly resolution 2028 (XX). What is more, we would have fulfilled one of the terms of reference of the very first resolution of the United Nations, resolution 1 (I), namely, "control of atomic energy to the extent necessary to ensure its use only for peaceful purposes."

We are a negotiating Committee and the Indian delegation trusts that the views expressed by it will be considered fully by all delegations, and particularly by the Great Powers, during these negotiations. Earlier I quoted a statement made by our Foreign Minister in the Indian Parliament on March 17. I should like to continue that quotation. Mr. Chagla went on to say: "While welcoming a meeting of minds between the United States and the USSR, which in itself is a good augury, the Government of India hope that after the draft treaty on nuclear non-proliferation is presented to the ENDC it will be thoroughly discussed and that the treaty as finally agreed would take a shape and form acceptable to all countries which are represented on the Committee, and, subsequently, to the international community



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in general. A satisfactory agreement on the non-proliferation of nuclear weapons will have to take into account the peculiar circumstances in which certain countries are placed."



## **Annex 17**

**Statement by India's negotiator V C Trivedi at the Conference of the Eighteen-Nation Committee on Disarmament, 28 September 1967.**







138. Statement Made by V.C. Trivedi at the 18-Nation Committee on Disarmament on 28 September 1967 on Non-Proliferation of Nuclear Weapons

The delegations of the United States and the USSR have presented their ideas on non-proliferation of nuclear weapons in the form of a revised text of a draft treaty in documents ENDC/192 and ENDC/193. As both delegations have explained, the presentation of these documents should assist the members of the Committee in pursuing their task of negotiating an adequate and acceptable treaty with greater precision. In his statement of 24 August, the day the draft treaty was presented to us here, President Johnson also stressed that point and posed the problem very clearly. He said:

"The draft will be available for consideration by all governments, and for negotiation by the Conference." (ENDC/194, p. 1)

The President went on to say:

"The treaty must be responsive to the needs and problems of all the nations of the world—great and small, aligned and non-aligned, nuclear and non-nuclear.

"It must add to the security of all". (*Ibid.*)

This then, is the present task of Committee—to make the draft responsive to the needs of all nations and to ensure that it adds to the security of all people.

The two super-Powers and their allies have been discussing and negotiating among themselves for about a year with a view to elaborating a draft recommendation which would essentially meet their requirements and the requirements of their alliances. It would be helpful to the Committee, therefore, if the non-aligned delegations were now to indicate in what way this draft document needs improvement and alteration. The mandate given to us by the United Nations demands that as a result of our negotiations the Committee should evolve a final draft which is acceptable to all concerned and satisfactory to the international community.

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We are fortunate that in this field we are not working in a vacuum. We have the tragic history of past proliferation to warn us of spurious remedies, and we have the historic principles enshrined in United Nations resolution 2028 (XX) (ENDC/161) to direct us to the right solutions. The United Nations has also given us as our terms of reference and as our basic guide the Agreed Principles for Disarmament Negotiations (ENDC/5) formulated in September 1961. The success of our endeavours will depend upon the extent to which we give full and unequivocal consideration to those examples and those precepts.

Efforts to prevent the proliferation of nuclear weapons have a long history, dating more or less from the time these weapons of terror and destruction became part of a nation's armoury. When the United States was the only nuclear-weapon Power and when it presented the Baruch Plan (AEC/PV.1, pp. 25-30 *et seq.*), the Soviet Union pointed out (AEC/PV.2, pp. 65 *et seq.*) that two of the fundamental components of an international instrument in that regard were the prohibition of the production of nuclear weapons and the destruction within a period of three months of the bombs then in stock. Incidentally, it should also be remembered that one of the reasons why the Baruch Plan was found unacceptable was that, like the draft treaty before us, it sought to prohibit national research and development in atomic energy production.

The Indian delegation has had occasion in the past to quote the representatives of the United Kingdom and France on the question of preventing further proliferation. Those representatives had stated categorically and logically in the discussions in the Disarmament Sub-Committee that the only way to prevent the spread of nuclear weapons to additional countries was for the existing nuclear-weapon Powers to stop further production of nuclear weapons themselves. The Government of India then repeatedly urged a cessation of nuclear weapon tests and an 'armament truce' among the big Powers. The United States had also been proposing that prohibition of the dissemination of nuclear weapons should depend upon and follow the cessation of production of fissile material for weapon purposes. In fact, until recently the United States advocated the cut-off as a first step in a series of measures of nuclear disarmament. Thus it has been the firm international thesis all along that the cessation of production of fissionable material for weapon purposes is the basis of non-proliferation of nuclear weapons.

It has been argued in the Committee that the cessation of production of nuclear weapons by all countries may have been the



right solution for the prevention of proliferation of nuclear weapons, that it may have been recommended by all nations during the history of negotiations, but that it has, unfortunately, not so far resulted in an international treaty. In view of that, it is further argued, we should discard that solution and adopt some other way of obtaining a treaty.

That argument does not appeal to the Indian delegation. In the first instance, it does not stand to reason that the correct solution should be discarded in favour of an incorrect one because success has not been achieved so far or a particular treaty has not so far been signed. Perseverance is an essential requisite in all negotiations on arms control and disarmament. We have not yet been able to obtain any treaty on disarmament, partial or otherwise. That does not mean we should discard the concept of general and complete disarmament under effective international control—and that too in favour of a discriminatory concept of monopolistic armament—or that we should discard the concepts underlying various partial measures of disarmament in favour of concepts of graduated and responsive armament.

Secondly, although it is true that we have had no treaty on non-proliferation of nuclear weapons so far, there is no reason to believe that we shall have a genuine and abiding treaty on the basis of any but the right concept. What is important is to have, not just any treaty, but a treaty which truly prevents the proliferation of nuclear weapons. The United Kingdom and French representatives in the Disarmament Sub-Committee warned the international community that additional countries would manufacture nuclear weapons, that there would be what is called further proliferation of nuclear weapons, unless the existing nuclear-weapon Powers stopped further production of those weapons themselves; and that is exactly what happened in 1952, in 1960 and in 1964.

It has been argued that, although the weight of history and the wisdom of principles require that a satisfactory and adequate treaty should be non-discriminatory and should prevent the proliferation of nuclear weapons by all nations, nuclear as well as non-nuclear, big as well as small, powerful as well as weak, developed as well as underdeveloped, one has to be realistic. Surely realism should be a criterion to be applied to all States. If it is unrealistic to believe that the nuclear-weapon Powers will agree to a treaty which prevents the proliferation of their own weapons, it is equally unrealistic to assume that the non-nuclear nations, and particularly the non-aligned nations which are facing the threat of nuclear weapons, will be enthusiastic about a discriminatory and ineffective treaty, a treaty which not only does not add to their security but in fact increases their insecurity.

Jawaharlal Nehru said this in the Indian Parliament ten years ago:

"It is a strange way to ensure security by adding to every conceivable danger."

In the name of security atomic tests should go on; in the name of security hydrogen bombs should be flown all over the place; in the name of security all kinds of terrible weapons should be evolved; and in the name of security each party slings the other and thereby creates an atmosphere where the danger becomes more acute. Of course, everyone must recognize the argument for security. No country and no government can risk its future, or can accept a position when another country can impose its will upon it. But if, in order to ensure security, measures are to be taken which really endanger it still further, then we fail in getting that security."

The Indian delegation has stressed repeatedly that further proliferation is only the consequence of past and present proliferation and that, unless we halt the actual and current proliferation of nuclear weapons, it will not be possible to deal effectively with the problematic danger of further proliferation among additional countries. In the language of United Nations resolution 2153A (XXI) (ENDC/185), an international treaty to prevent the proliferation of nuclear weapons should achieve three objects: (1) prevention of an increase of nuclear arsenals, (2) prevention of a spread of nuclear weapons over the world and (3) prevention of an increase in the number of nuclear-weapon Powers.

As the resolution further points out, that can be done only by adhering strictly to the principles laid down in resolution 2028 (XX). The principles enunciated in resolution 2028 (XX) take into account the historical verities of the situation and stipulate how a treaty should be drafted so as to be acceptable and satisfactory to all concerned. They are not merely a set of principles set forth in a United Nations resolution; they are in fact the essential components of non-proliferation of nuclear weapons.

The Indian delegation has often analysed these principles and indicated how they should be given practical shape in an international instrument. The first principle has stipulated, *inter alia*, that the treaty should not permit nuclear or non-nuclear-weapon Powers to proliferate. The second principle has stated explicitly that the treaty should have within its body a balance of mutual responsibilities and obligations of both the nuclear and the non-nuclear-weapon Powers. The third principle requires that the treaty should be a step towards disarmament and, more particularly nuclear disarmament. The fourth principle has asked us to ensure that the provisions in the treaty based on these principles and incorporating this balance should



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be effective and not remain merely an expression of intention or goodwill.

The non-aligned delegations have placed special emphasis on the principle of balance and on the principle that the treaty should be a step towards nuclear disarmament. There is no balance, however, between a platitude on the one hand and a prohibition on the other. Again, nuclear disarmament is not achieved by retrograde steps taken in the direction of the retaining of exclusive rights, privileges and options by certain armed and powerful countries, by acts of omission or commission and by the imposing of prohibitions on the rest—the threatened and the unarmed.

Earlier I referred to the basic terms of reference of our Committee—the Joint Statement of Agreed Principles for Disarmament Negotiations formulated by the United States and the USSR in September 1961. They provide general as well as specific guidance in respect of all negotiations on matters of disarmament and arms control.

The eighth principle of the Statement stipulates:

“... efforts to ensure early agreement on and implementation of measures of disarmament should be undertaken without prejudicing progress on agreement on the total programme and in such a way that these measures would facilitate and form part of that programme.” (*ENDC/5, p. 3*)

The fifth principle states:

“All measures of general and complete disarmament should be balanced so that at no stage of the implementation of the treaty could any State or group of States gain military advantage and that security is ensured equally for all.” (*Ibid, p. 2*)

Any measure which gives a tacit licence to a small group of States to develop and augment its nuclear weaponry is in fundamental contradiction of those principles and purposes. When at the same time that particular measure imposes selective prohibitions only on the unarmed States, it certainly does not ensure equal security for all. As the Joint Statement has rightly emphasized, the supreme consideration is security. Some nations may feel that their military pacts and alliances provide them with protection from nuclear threats or attacks. Others may feel that their geographical location or political affiliation gives them the requisite security. Even if they are right, our negotiations must ensure that security is safeguarded equally for all—for the aligned as well as the non-aligned, for those far away from hostile nuclear arsenals as well as those in the neighbourhood

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of them; otherwise the disarmament or arms-control measure in question ceases to be meaningful.

There has been some discussion, in this context, of security assurances to be given to non-nuclear nations. Theoretically speaking such assurances or guarantees have been regarded as a means of ensuring security, the belief being expressed that it is possible or feasible to have unconditional, automatic, obligatory, credible and effective response from the super-Powers in case of nuclear threat or attack against the non-nuclear-weapon States. We should not, however, confuse the means with the end. Security assurances or guarantees are not the same thing as security. The threat to the security of non-nuclear-weapon countries comes from the arsenals of the nuclear-weapon countries; and the correct way of dealing with that threat is to ensure in the first instance that no international treaty gives a licence to the possessors of these weapons to continue increasing the instruments of their threat: their nuclear weapons. The question of credible assurances against the use or threat of the weapons already in the armouries of the nuclear-weapon Powers is only the second and subsequent step.

All measures of disarmament and arms control have thus to be viewed in the context of security for all. The nations which believed that security was ensured by the possession of nuclear weapons have already acquired them; and they continue to act in terms of increasing the area of their security by embarking on wider, newer and more ominous systems of offensive and defensive nuclear weapons and the means of their delivery. That is not, however, the approach of a large number of nations, despite their technological and material endowments. India, in particular, believes that international security lies not in armament but in restraints on armament and in disarmament. That belief, in fact, is the basic philosophy underlying all discussions on disarmament, whether in our Committee or elsewhere.

It is in that context of history, as well as of fundamental principles, that we have to view the revised draft treaty before us; and it is in that context that we have to examine how it can be improved and made responsive to the needs and problems of all nations. History has taught us that proliferation cannot be ended unless nuclear-weapon stocks are frozen at their present level and all further manufacture is prohibited. The principles worked out by the super-Powers, as well as by the United Nations, tell us that proliferation can be prevented if the appropriate treaty embodies a balance of mutual responsibilities and obligations of nuclear and non-nuclear-weapon Powers not to proliferate. That balance has also



been defined. It should be such that at no stage of the implementation of the treaty could any State or group of States gain military advantage, the supreme requirement being that security is ensured equally for all.

In their revised draft the delegations of the United States and the Soviet Union have adopted the same framework as in their earlier draft treaties (ENDC/152 and Add.1; ENDC/164). The non-aligned delegations in the Committee commented on those drafts in their memorandum of August 1966 (ENDC/178) and said that the drafts did not pay full attention to the principles laid down in United Nations resolution 2028 (XX). If the draftsmen of the revised text had followed the correct approach and, in the language of United Nations resolution 2153A (XXI), adhered strictly to those principles, they would have been able to draft a more satisfactory document and our task would have been comparatively easier. At the same time, it would not be too difficult, given the will and the effort, to improve the present draft so that it would conform to the mandate given to us by the United Nations General Assembly.

As I said earlier, the United States-USSR draft is the result of exhaustive negotiations among the aligned nations for a period of nearly a year. The non-aligned members of the Committee have just seen the full and final text and will now need to examine it carefully. To them the matter is extremely vital, for they are the non-possessors of nuclear weapons and wish to remain so. Their cities and populations, their industry and economy, are increasingly menaced by megadestruction even today, not to speak of the 1970s. At the same time, they are in no position to spend countless millions in perfecting either a defensive nuclear system or a deterrent offensive capability. Above all, they do not believe in nuclear weapons.

While this examination of the United States-USSR draft by delegations and governments is a continuing process, it will be helpful for the purposes of our negotiations and improvement of the draft if I make some preliminary comments on the documents before us. A negotiating committee is also a drafting committee, particularly when its negotiations relate to a draft. We are still at a drafting stage, and my comments are of the nature of those one makes in a drafting committee.

I do not propose at this stage to comment comprehensively on the preamble or on all the articles of the United States-USSR draft. I shall refer only to some of its basic provisions. The preamble could be altered, added to or subtracted from very easily to conform to the changes in the basic articles of the treaty. I shall therefore not refer

to it in these preliminary comments. I shall not refer either, for the time being, to the unwelcome idea of a veto—a double veto—on amendments, the inadequacy of the review provisions, or the shortcomings of the withdrawal clause. I shall confine myself this morning to the basic articles of the treaty. Once they are improved, other improvements should present little difficulty.

The Indian delegation has stated in the past that there are two facets of the problem of proliferation of nuclear weapons: the first is that of dissemination, that is of transfer and receipt of weapons and weapon technology; and the second that of proliferation proper—that is, of manufacture of nuclear weapons. It is appropriate that the first two articles of a treaty on non-proliferation of nuclear weapons should deal with those two aspects of the problem.

Articles I and II of the draft before us purport to deal with those two facets of the problem. When commenting on the earlier drafts the Indian delegation pointed out that there was general agreement among nuclear—as well as non-nuclear-weapon Powers—on the basic components of an article dealing with the question of dissemination of weapons. There was only some disagreement in that regard between the two super-Powers on the question of nuclear armament within alliances; and that has now been happily resolved.

No attempt appears to have been made, however, to deal with the question of the transfer of nuclear weapons to and their stationing in the territories of other countries, or with that of the training of the armed personnel of non-nuclear nations in the use of nuclear weapons. It should be remembered that India and other countries raised those points in recording their reservations at the time of the adoption of General Assembly resolution 1665 (XVI) (the 'Irish' resolution) in 1961. That matter represents one of the important features of the problem of dissemination.

Article I of the United States-USSR draft has another lacuna. That article says, *inter alia*, that nuclear-weapon States undertake not to assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or control over such weapons. Does it mean that one nuclear-weapon State can assist, encourage and induce another nuclear-weapon State to manufacture or acquire or control nuclear weapons? Surely that cannot be permitted. That may perhaps be only a drafting error or oversight which can be corrected easily. In any case it will need to be corrected.

There is, however, a third objection, which is much more serious. The old drafts submitted by the United States and the USSR, however faulty in some respects, had one advantage. They dealt with nuclear



weapons and their partial proliferation but not with other matters. That, regrettably, has been changed in the new draft, and an effort is now being made to deny development of peaceful technology to non-nuclear-weapon States in the field of nuclear explosions. Proposals are also being advanced for the establishment of a super-commercial monopoly of the nuclear-weapon Powers in this field. An appropriate draft on non-proliferation of nuclear weapons will have to deal only with the proliferation of nuclear weapons and not with explosive devices for peaceful purposes. Accordingly all references to such devices should be deleted from the treaty.

India is devoutly in favour of non-proliferation of nuclear weapons but is equally in favour of proliferation of nuclear technology for peaceful purposes. There have been debates over the years in various forums on the question of freedom of national research and development of atomic energy of the dangerous kind or the non-dangerous kind, as it was once called. Along with other nations, India has long maintained that there should be no fetters of any kind on the development of atomic energy for the purposes of economic and non-military development. At the same time India is willing to agree to international regulation under a non-discriminatory and universal system of safeguards to ensure that no country manufactures or stockpiles nuclear weapons while undertaking research and development of peaceful nuclear explosives. As I said once before, however, India does not believe in throwing the baby away with the bathwater. Those, then, are the three important drawbacks in article I as it is now drafted in documents ENDC/192 and ENDC/193.

Article II of the recommended draft is much more unsatisfactory. Unlike article I, which deals only with dissemination, this article mixes up the issues of dissemination and the manufacture of weapons. That is not because of any inadequacy in drafting but because the draft treaty in general and this article in particular, does not adhere strictly to the principles of United Nations resolution 2028 (XX), not does it take into account the Joint Statement of Agreed Principles of September 1961. It fails to heed the advice of Mr. Stassen, Mr. Jules Moch, Mr. Nutting and others and ignores the tragic lessons of the history of past proliferation. In effect, that article imposes discriminatory prohibition only on the non-nuclear-weapon States, and gives a licence to the nuclear-weapon Powers to continue their production and proliferation of nuclear weapons.

As I said earlier, article II does not deal only with the manufacture of nuclear weapons; it also incorporates a provision concerning dissemination—that is, receipt of nuclear weapons by

non-nuclear-weapon Powers. All provisions concerning dissemination should appropriately be in article I. If necessary that article can have two parts. Article II can then be confined to manufacture and will provide that each State party to the treaty undertakes henceforth not to manufacture or otherwise acquire nuclear weapons.

I should now like to refer to the two missing articles of the treaty, one relating to control and the other relating to obligations towards nuclear disarmament. The delegations of Sweden (ENDC/195) and Mexico (ENDC/196) have already taken welcome initiatives to fill in those gaps.

As article on control in a treaty on arms control and disarmament is a corollary to the basic articles of that treaty. An appropriate system of control in a treaty on non-proliferation of nuclear weapons should be related, therefore, to the twin facets of dissemination and manufacture of nuclear weapons—that is, to the provisions of articles I and II.

There is much talk these days of loop-holes in a treaty on non-proliferation—and that, curiously enough, in the context of peaceful development of nuclear energy by non-nuclear-weapon nations. There will in fact be a real and dangerous loophole if there is no satisfactory control to ensure observance of the provisions in the present draft that the nuclear-weapon Powers should not transfer nuclear weapons or control over such weapons directly or indirectly, and that non-nuclear-weapon Powers should not receive such weapons or assistance in their manufacture. The situation becomes particularly dangerous when it is universally known that one nuclear-weapon Power believes that it is desirable and even necessary for a large number of countries to possess nuclear weapons, and describes those weapons as providing “encouragement to all the revolutionary peoples of the world who are now engaged in heroic struggles”

When there is so much talk of loop-holes and of stringent provisions of control of manufacture of weapons, and that also in a discriminatory manner, it is worth remembering that there is equal, if not greater, justification for effective provisions to ensure that there is no dissemination of weapons or weapon technology from a nuclear-weapon Power to any other country. The concern of the Indian delegation is all the greater in that respect as the People's Republic of China has already expressed its complete opposition to signing any treaty on non-proliferation of nuclear weapons. While the other nuclear-weapon Powers are against the actual transfer of nuclear weapons to other nations as well as against the training of personnel belonging to non-nuclear-weapon States in the use of these weapons



as such, the same cannot be said of the People's Republic of China. To a country like India, that is vital.

Then there is the question of control over the production of nuclear weapons. The basic provision in an appropriate treaty will stipulate that all States undertake henceforth not to manufacture nuclear weapons. That will entail control over weapon-grade fissile material and the facilities which fabricate weapon-grade fissile material.

The Indian delegation believes, therefore, that the control provisions should deal with the transfer and receipt of fissile material, the transfer and receipt of weapons and weapon technology, and the facilities for production of weapon-grade fissile material. This should be adequate and should provide a reasonable solution to the problem of control. It has been pointed out that Uranium mines, plants for fabrication of fuel elements and the reactors are not in themselves a military danger. They do not promote any military purpose unless they are coupled with plants and facilities for the fabrication of the fissile material into weapons. It is the gaseous-diffusion plants, the chemical-separation plants and the centrifuge plants, if any nation is developing them, which have to be controlled.

The fundamental requirement that the Indian delegation puts forward in this context is that control should be universal, objective and non-discriminatory. The extent of the comprehensiveness or coverage of control provisions depends upon the mistrust and suspicion the negotiators have in regard to the parties to a treaty. Normally it is unreasonable and unprofitable to base an international instrument on the extreme threshold of unmitigated suspicion. There is, however, no cure for suspicion or mistrust. If it is generally proposed that control should be more comprehensive than what I have just outlined, India will have no objection, as long as it is universal and objective and applies in a non-discriminatory manner to all nations, big and small, nuclear and non-nuclear. It would be entirely unjustified to direct the suspicions only towards the weak, the unarmed and the unpossessed. If there are to be any suspicions at all, it is the proclivities of the powerful, the armed and the possessors of weapons which should evoke greater suspicion. The control provisions should also cover all aspects of the problem and not only those which cause concern to the nuclear-weapon Powers and their allies.

On the basis of these criteria and considerations, the question of amending the text of article III, when it is presented to us, will not be difficult. All that will be necessary will be to omit the words

'non-nuclear-weapon States', if the draft discriminates against that group of States. The extent and comprehensiveness of the control provisions will depend upon what the nuclear-weapon Powers are prepared to accept for themselves.

Finally, there is the missing article on obligations for disarmament. United Nations resolution 2028 (XX) stipulates that a satisfactory treaty to prevent the proliferation of nuclear weapons has to be based on that principle. That requirement cannot be fulfilled by a mere mention of intentions and desires in the preamble to the treaty. Four years ago, more than a hundred nations subscribed to a Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water (ENDC/100/Rev. 1). That treaty also had preambular paragraphs, one proclaiming its principal aim to be the speediest possible achievement of an agreement on general and complete disarmament, and the other testifying to the search by the United Kingdom, the United States and the Soviet Union for achievement of the discontinuance of all test explosions of nuclear weapons for all time, to their determination to continue negotiations to that end, and to their desire to put an end to the contamination of man's environment by radioactive substances. After four long years the international community is further away from the discontinuance of all test explosions than it was at that time.

The draft now before us is even more halting and hesitant than the Moscow test-ban treaty. Its preamble declares only the intention of achieving the cessation of the nuclear arms race. When it comes to specific measures, the preamble only expresses the desire to ease international tension which, when achieved would have the result of facilitating the cessation of the manufacture of nuclear weapons, the liquidation of all existing stockpiles and so on—and that also as part of a comprehensive treaty on general and complete disarmament. That is hardly the fulfilment of a principle which, according to the United Nations, should form the basis on which a treaty on non-proliferation of nuclear weapons is to be constructed.

As the Indian delegation and others have pointed out, the threat to the security of nations is posed by the existence of nuclear weapons in the arsenals of nuclear-weapon Powers. Although the draft treaty on non-proliferation that the Indian delegation urges for acceptance by the international community will freeze that threat quantitatively at the existing level, the threat as such will still remain. The nuclear-weapon Powers of the world already have in their possession more than enough weapons to destroy all civilization as we know it. Our treaty would therefore have to deal in a much more specific



manner with the threat which the nuclear weapons pose to the security of nations.

The ideal solution would be to envisage a specific programme of disarmament in the treaty. The Indian delegation recognizes at the same time that the nuclear-weapon Powers are not at present prepared to consider this proposition. In view of that, the Indian delegation would suggest the incorporation of a separate article in the treaty affirming the solemn resolve of the nuclear-weapon Powers to undertake meaningful measures of disarmament, particularly of nuclear disarmament. Such a provision would also need to be related specifically to the article dealing with the review conference.

These are some of the preliminary comments and suggestions that the Indian delegation wished to make at this stage in the context of our negotiations. All of us have a common objective, and that objective is to eradicate the nuclear menace as soon as possible and to ensure security for all. We also believe that prevention of the proliferation of nuclear weapons, which would halt the arms race even if it did not encompass a reduction of nuclear arms, is the first step that we must take in our quest for that objective.







**Annex 18**

**Statement by External Affairs Minister M.C. Chagla in the Indian Parliament, 27 March 1967.**







**132. Statement Made by M.C. Chagla in Parliament on 27  
March 1967 on Non-Proliferation of Nuclear Weapons**

The General Assembly by its Resolution 1722 (XVI) appointed an Eighteen-Nation Disarmament Committee, of which India is a member. The General Assembly recommended that the Committee should undertake negotiations with a view to reaching agreement on general and complete disarmament under effective international control.

As the Honourable Members are aware, the Eighteen-Nation Disarmament Committee (ENDC), which in reality is a Seventeen-Nation Committee because of the absence of France, has been meeting in Geneva since 1962. Various measures collateral to the question of disarmament have been discussed in the Committee, and one of these is non-proliferation of nuclear weapons. The ENDC has been giving particular attention to this subject since 1964, as it is recognised as a matter of some urgency.

Discussions in the Committee have revealed important differences of opinion, firstly, among the nuclear weapon powers themselves,



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and, secondly, between the nuclear weapon and non-nuclear weapon powers. The latter differences relate mostly to the question of mutual and balance of responsibilities and obligations between the nuclear weapon and non-nuclear weapon powers.

The General Assembly in its Resolution No. 2028 (XX) of November 19, 1965, laid down the following as the main principles on the basis of which the Committee was to negotiate an international treaty to prevent the proliferation of nuclear weapons:

- (a) The treaty should be void of any loopholes which might permit nuclear or non-nuclear powers to proliferate, directly or indirectly, nuclear weapons in any form;
- (b) The treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers,
- (c) The treaty should be a step towards the achievement of general and complete disarmament and, more particularly, the nuclear disarmament;
- (d) There should be acceptable and workable provisions to ensure the effectiveness of the treaty;
- (e) Nothing in the treaty should adversely affect the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories.

In elaboration of these principles the views of the eight non-aligned non-nuclear weapon countries who are members of the ENDC, were submitted in a Joint Memorandum to the Committee on August 19, 1966.

After prolonged discussions lasting several months, the United States and U.S.S.R. are reported to have reached a considerable measure of agreement as to the terms of a non-proliferation treaty. An agreed text of a draft treaty has not yet been presented to the ENDC and, evidently, the two Powers have yet to reach agreement on some points. Neither of the Big Powers has formally handed to us the text of the draft treaty. They have, however, informally indicated to us the likely content of the draft treaty. There has been no occasion for us formally to take a stand on its reported provisions.

Our views on the question of non-proliferation of nuclear weapons have been stated from time to time in the ENDC and at the forum of the United Nations. These views remain unchanged. We shall examine the text of any draft treaty submitted to the Committee

in the light of the principles enunciated in the United Nations General Assembly Resolution No. 2028 (XX).

The Government of India share with the international community the anxiety arising from the proliferation of nuclear weapons. They favour an early agreement on such a treaty and will be willing to sign one which fulfils the basic principles laid down by the United Nations. They are of the view that any such treaty should be a significant step towards general and complete and, particularly nuclear disarmament, and must meet the points of view of both nuclear weapon and non-nuclear weapon Powers. A non-proliferation treaty should not be a discriminatory or an unequal treaty. It is also the view of the Government of India that the non-proliferation treaty should be such as not to impede the growth of nuclear science and technology for peaceful purposes in the developing countries, where the need for such development is great.

While welcoming a meeting of minds between the U.S.A. and U.S.S.R., which in itself is a good augury, the Government of India hope that after the draft treaty on nuclear non-proliferation is presented to the ENDC it will be thoroughly discussed and that the treaty as finally agreed would take a shape and form acceptable to all countries which are represented on the Committee, and, subsequently, to the international community in general. A satisfactory agreement on non-proliferation of nuclear weapon and non-nuclear weapon Powers. A non-peculiar circumstances in which certain countries are placed. So far as India is concerned, apart from its anxiety to see the conclusion of a non-proliferation treaty as a step towards achievement of general and complete disarmament and more particularly nuclear disarmament, India has a special problem of security against nuclear attack or nuclear blackmail. This aspect which hardly needs elaboration, must necessarily be taken into full account before our final attitude to a non-proliferation treaty is determined.



## **Annex 19**

**Statement by Ambassador Azim Husain at the Conference of the Eighteen-Nation Committee on Disarmament, 27 February 1968.**







We recognize also the sincerity and the earnestness with which the Soviet Union and the United States have worked in drafting this treaty, just as we recognize the importance which this approach signifies for the future of international co-operation as a whole. We note, however, that the revised text does not meet some of the more fundamental and basic requirements of an acceptable treaty and does not incorporate many of the important ideas and suggestions put forward by a number of delegations, including my own.

#### ABIDING INTEREST

The deep and abiding interest of my Government in the field of disarmament is well known. India took the initiative in 1964 in inscribing for the first time on the agenda of the General Assembly an item under the title of 'Non-proliferation of Nuclear Weapons'. Unfortunately no discussion could take place during that year. It is a matter, however, of great satisfaction for my Government that this question has aroused the conscience of the international community, as evidenced by the fact that this item has continued to figure in the agenda of all subsequent sessions of the General Assembly.

I recall the inscription by India of the Item 'Non-proliferation of Nuclear Weapons' in 1964 because during the earlier years it was only the question of non-dissemination or a further spread of nuclear weapons which had been debated in the General Assembly and elsewhere. The difference between dissemination and proliferation of nuclear weapons is, I submit, not a matter of semantics but one of substance and significance. Our persistent plea that the international community should concern itself with proliferation in all its manifestations rather than with mere dissemination, which is only one aspect of it, is in our view fully vindicated by past experience and the past history of attempts to prevent a spread of nuclear weapons.

I do not wish to go into details which are well known to all of us in this Committee, but will contend myself with pointing out that the very fact that the number of nuclear-weapon Powers has increased from one in 1945 to two in 1949, three in 1952, four in 1960 and five in 1964 is proof of the failure of that limited approach. The urge to seek greater security—however imaginary or illusory this may eventually prove to be—by acquiring nuclear weapons cannot be curbed by a prohibition applied only to those that do not already possess them. It can be effectively controlled only by attacking the root of the evil; namely, the state of insecurity caused in the world by the possession of these weapons of horror and mass destruction by a few Powers. The desire to emulate the example of those that

#### 142. Statement Made by Azim Husain in the 18-Nation Committee on Disarmament on 27 February 1968

Mr. Chairman, I feel highly privileged to be able to participate in the deliberations of the Eighteen-Nation Committee on Disarmament at this important stage of its discussion of a non-proliferation treaty. I should like to take this opportunity of thanking my colleagues who have welcomed my association with this Committee, and I should like to assure them of my full and earnest co-operation in fulfilling the tasks entrusted to this Committee.

I should also like to take this opportunity of welcoming Mr. Foster, the representative of the United States, who has done much to promote the work of this Committee. We are glad to see him fully recovered and we wish him the best of health for the future.

The presentation of the revised and identical drafts of a treaty by the delegations of the United States and the Soviet Union (ENDC/192/Rev.1, 193/Rev.1) marks an important development in our work. These revised texts contain several new features. A number of changes have been made as a result of the negotiations which took place last year and the various memoranda and working papers presented to the Committee. We recognize that they present an improvement on the earlier identical drafts of 24 August 1967 (ENDC/192, 193), and we wish to associate ourselves with the tributes which have been paid to the United States and Soviet Union delegations for their untiring efforts.



have become nuclear-weapon Powers will be difficult to resist as long as the world lives in a state of imbalance. It can be eliminated only if we do away with the special status of superiority associated with Power and prestige conferred on those Powers by nuclear weapons.

### NUCLEAR MENACE

It is true that nuclear menace can be eliminated only by nuclear disarmament; but it is also equally true the first step that we take in this direction should be not only to prevent the spread of nuclear weapons but also and simultaneously to inhibit the further development and stockpiling of nuclear weapons. In other words a way out of the present impasse can be found only through prevention of both the aspects of proliferation of nuclear weapons, which have been variously termed as present and future proliferation, or existing and further proliferation, or vertical and horizontal proliferation. Both these aspects of the proliferation of nuclear weapons form part of a single whole and the problem cannot be dealt with by dealing with only one aspect of it. This element is essential and central to our concept of a non-proliferation treaty.

From what has been stated in this Committee during the current and the last session, my Government is aware that some delegations hold a somewhat different concept of the proposed treaty; but equally the position of the Government of India is well known and has been given expression to both here and in the General Assembly. At the last session of the General Assembly on 14 December 1967 our representative stated:

"... we should like to emphasize again that an acceptable and satisfactory treaty on non-proliferation should prevent three aspects of proliferation: first, an increase, in nuclear arsenals; second, a spread of nuclear weapons over the world, and, third, an increase in the number of nuclear weapon Powers. An acceptable and effective treaty, therefore, is one which prohibits existing proliferation among nuclear-weapon Powers, the dissemination of nuclear weapons and weapon technology from one country to another, and further or possible proliferation among hitherto non-nuclear weapon Powers." (*AC/1/PV.1551, p. 52*)

It is agreed on all sides in this Committee that, as laid down in General Assembly resolution 2028 (XX) (ENDC/161), which provides the guidelines to this Committee for drafting a treaty on non-proliferation of nuclear weapons, there must be an "acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers." It has been the view of my delegation before—and it continues to be the view now—that certain basic features of

the draft treaty before us do not conform to that principle. The first and most obvious and important lack of balance is that, while the non-nuclear-weapon Powers undertake not to proliferate, there is no comparable obligation placed upon the nuclear-weapon Powers, which would be free to continue to produce more weapons and to further improve such weapons.

In that connexion I may also recall that of the five principles enunciated in resolution 2028 (XX) the first requires:

"The treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form."

The reference here is to both nuclear and non-nuclear-weapon Powers, as is evident from the preamble to resolution 2153A (XXI) (ENDC/185) of the following year, which expressed apprehension about 'an increase of nuclear arsenals'. The report of the Secretary-General on the effects of the possible use of nuclear weapons and on the security and economic implications for States of the acquisition and further development of these weapons also lays stress, on this, when it says—

"So far as international security is concerned, it is highly probable that any further increase in the number of nuclear weapons States or any further elaboration of existing nuclear arsenals would lead to greater tension and greater instability in the world at large. Both these aspects of the nuclear arms race are significant to world peace." (*A/6658, para. 82*)

The United Nations having recognized that the proliferation of nuclear weapons in the nuclear-weapon countries is a matter of major preoccupation to be viewed with equal apprehension, it is clear that a non-proliferation treaty should have sought to meet that apprehension. The only effective way in which this could have been done was to include an obligatory provision in the treaty for a cessation of further production of nuclear weapons and what has been called in technical parlance a 'cut-off' of production of fissionable material for weapon purposes. But there is no such provision in the draft treaty.

### DEGREE OF SOPHISTICATION

Further, articles I and II of the draft treaty do not prevent the deployment of nuclear weapons on the territories of non-nuclear-weapon States; or do they prevent the training in the use of nuclear weapons of the armed personnel belonging to non-nuclear-weapon



States. Also, while article I calls upon the nuclear-weapon States not to assist, encourage or induce any non-nuclear-weapon States to manufacture or acquire nuclear weapons, it does not prohibit one nuclear-weapon State from assisting another nuclear-weapon State, which may not have reached the same degree of sophistication in the development of its nuclear-weapon technology, by providing technical aid, say, in the way of blueprints for the manufacture of more sophisticated nuclear weapons. These lacunae are a matter of deep concern to a large number of non-nuclear weapon States.

It is even more disturbing when we find that one-sided prohibitions on non-nuclear-weapon States apply also in regard to nuclear explosive devices for purely peaceful purposes. In this connexion it has been stated in this Committee that non-nuclear weapon countries should be prohibited from developing this technology or producing such explosives themselves because the technology for making nuclear explosives for peaceful purposes is the same as that for making nuclear weapons.

The Indian delegation has in the past expressed reservations about the view that there is no real difference between a peaceful nuclear device and a nuclear weapon. In this connexion I need not recall the serious and protracted discussions on the Plowshare in 1958 and 1960, when the need for and possibilities of peaceful nuclear explosions by all were recognized; but difficulties over modalities connected with the test-ban treaty made it difficult to come to an agreement.

A possible solution is one which has been envisaged in article 18 of the Treaty for the Prohibition of Nuclear Weapons in Latin America (ENDC/186). It should not, therefore, be beyond the ingenuity of the negotiators around this table to provide in a generally-acceptable manner for an unhampered use of nuclear energy for peaceful purposes by non-nuclear-weapon Powers by nuclear-weapon Powers. While India is fully in favour of the non-proliferation of nuclear weapons, it is equally in favour of the proliferation of nuclear technology for peaceful purposes.

### POTENTIAL BENEFITS

We have been told that, as provided in article V, if the non-nuclear-weapon States were to deny themselves the technology of making peaceful nuclear explosions, any potential benefits from peaceful applications of nuclear explosions, as and when these become economically and technically feasible, would be made available to them, freely and at economically attractive costs. We do not doubt that the nuclear-weapon Powers will wish to give

generously of the benefits of the peaceful uses of the atom. However, the issue involved here is something more basic than the mere question of distribution of benefits.

Mankind everywhere should be free not only to share in the benefits but also to acquire the knowledge of extracting such benefits by itself and to have the freedom to use such knowledge. Since nuclear technology is the technology of the future and is likely to become the most crucial and potent instrument of economic development and social progress it would obviously be invidious for a greater part of the world to become wholly dependent on a few nuclear-weapon States for the knowledge and application of this technology. When it is proposed that this should be done for an initial period of twenty-five years regardless of any technological breakthrough during that period, would this not widen the economic and technical gap which already exists and which the developing countries are striving hard to close, as is at present being attempted in the deliberations of the United Nations Conference on Trade and Development in New Delhi?

There is yet another feature of the treaty which causes concern, and that relates to safeguards provided in article III, which apply only to non-nuclear-weapon States, making the obligation entirely one-sided. The Indian Government has been consistently of the view that the safeguards should be universally applicable and be based on objective and non-discriminatory criteria. The Indian delegation is aware that two nuclear-weapon States have made statements indicating their willingness to accept the safeguards provided in the draft treaty (ENDC/206, 207); but this acceptance, apart from the fact that it is not agreed to by the other nuclear-weapon Powers, is subject to 'national security', the scope of which presumably would be defined by the nuclear-weapon States themselves, making the application of the safeguards illusory in practice.

While on the subject of safeguards, apart from the feature of paragraph 2 of article III I have just mentioned, we note that in the application of the whole safeguards system a certain flexibility has been envisaged. Paragraph 4 of this article speaks of non-nuclear-weapon States party to the treaty concluding agreements with the International Atomic Energy Agency "either individually or together with other States". It is not stated that these agreements would be uniform, one not being more onerous than the other, whether negotiated by individual countries or by a group of countries. In regard to the application of safeguards, we hope it is not the intention that different standards should be applied to those who accede to the treaty.



I now come to the question of disarmament, which, according to successive General Assembly resolutions, is the *raison d'être* of this Committee. The mandate of our present deliberations is General Assembly resolution 2346A (XXII) of 1967 (ENDC/210). That resolution reaffirmed resolution 2028 (XX) of 1965, of which paragraph 2(c) required that the "treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament". It also, reaffirmed General Assembly resolution 2153A (XXI) of 1966 (ENDC/185), which viewed with apprehension not only 'an increase in the number of nuclear-weapon Powers' but also 'an increase of nuclear arsenals'. It is clear that these General Assembly resolutions refer to 'nuclear disarmament' and stoppage of an 'increase of nuclear arsenals'. It was therefore logical that the joint memorandum of 1965 and 1966 presented by the eight non-aligned members of the Eighteen-Nation Committee on Disarmament (ENDC/158, 178) should have stressed that the treaty should be designed to halt the nuclear arms race.

### DRAFT TREATY

Some members of this Committee have spoken of the draft treaty before us as a first step towards nuclear disarmament and the cessation of the nuclear arms race and hailed it as an important step in the chain of direct and indirect steps towards disarmament and the elimination of the threat of nuclear war. I submit that that view is not supported by the relevant paragraphs of the preamble or the new article VI of the draft treaty. While the addition of article VI is a most welcome development, the mere declaration of good intent does not provide any credible commitment on the part of the nuclear weapon Powers.

The preamble does mention the desire for "the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery", but there is no commitment in the treaty itself regarding the stoppage of vertical proliferation as suggested by India; nor is there any time limit within which the objective of halting the nuclear arms race is to be achieved. In fact the quarter-century provided for in article X as the initial duration of the treaty appears to endorse and legitimize the present state of affairs and to legalize, if not encourage, the unrestricted vertical proliferation by the present nuclear Powers.

It has been stated in this Committee that article VI creates a juridical obligation of what was earlier only a declaration of intent in the preamble. Unfortunately that is not so; because, as at present

drafted the undertaking 'to pursue in good faith', which nobody has ever doubted, does not create any definite or enforceable juridical obligation on the part of the nuclear weapon States corresponding to the obligation undertaken under article II by the non-nuclear weapon States. It is an imperfect obligation with no sanction behind it. Even the areas within which the negotiations are expected to be pursued are not clearly defined.

Apart from the fact that the draft treaty does not embody either a cessation of further production of nuclear weapons or a 'cut-off' of production of all fissile materials for weapon purposes, there is no mention of some of the suggestions made in this Committee, such as (a) a comprehensive test-ban treaty or, to begin with at least, an immediate voluntary suspension of all underground nuclear weapon tests; and (b) a verified freeze of the production of delivery vehicles.

As against that, it has been stated—not without some degree of validity—that the non-proliferation treaty cannot be made a vehicle for measures of nuclear disarmament which need to be discussed separately and substantively and agreed upon, it being well known that there still remain serious differences between the nuclear-weapon Powers over those matters. If a non-proliferation treaty were to attempt to incorporate all or any of those measures, in view of the hitherto insuperable difficulties over the question of verification the conclusion of this treaty—so the argument runs—would be postponed indefinitely.

### SENSE OF OBLIGATION

Even if that were conceded, it still remains to be stated that article VI does not give any tangible form to the declaration of good intent, there being no sense of compulsive obligation or even a sense of urgency to pursue negotiations for nuclear disarmament as a preliminary to general and complete disarmament. It was for this reason that the delegation of Brazil, Sweden, Mexico, Rumania, Burma and the United Kingdom suggested importing into the draft treaty some sense of urgency, and that was not without good reason. As stated by the leader of the Brazilian delegation:

"... the ultimate answer to the question of checking the proliferation of nuclear weapons is the creation and maintenance of conditions of world security so that no nation can have a motive for producing or otherwise acquiring nuclear weapons." (ENDC/PV 327, para. 8)

Various suggestions were therefore made to impart to it the sense of urgency and compulsiveness I have spoken of. Those suggestions,



in addition to asking for negotiations to be undertaken at an early date, proposed that the question of the cessation of the nuclear arms race should be examined at the review conference... should consider the situation created and decide on the measures to be taken. It was even suggested that the failure to fulfil in good faith what is now proposed in article VI should be regarded as an additional ground for withdrawal from the treaty.

We are all aware that there is no family planning among nuclear-weapon Powers; there are already four or five generations of increasingly more sophisticated nuclear weapons and their delivery systems. There is development in hand in MIRV, which is expected to increase the nuclear power of a missile by a factor of ten or more. In addition to anti-ballistic missiles and Poseidons, there is talk also of the FOBS and the Space Bus. Each of these developments gives rise to the inevitable action-reaction phenomenon of the nuclear arms race, making even more difficult the halting of the nuclear arms race, as has been evident from the inability to make even the partial test-ban treaty (ENDC/100/Rev.1) comprehensive.

India, it is well known, has pleaded for various collateral disarmament measures for two decades now, and has always regarded the non-proliferation treaty as one of those measures; but it still needs to be convinced that the draft treaty before us does amount to a collateral disarmament measure. In order to become generally acceptable the treaty must provide within itself a positive obligation with some degree of compulsiveness and within a reasonable time limit, indicative of a sense of urgency on the part of the nuclear-weapon States to move towards nuclear disarmament, thus paving the way for general and complete disarmament; otherwise this non-proliferation treaty, no matter who and how many sign it, will not be effective and will not last, and our labours will have been in vain.

### NUCLEAR TESTS BY CHINA

If I have dwelt at some length on the disarmament aspect of the non-proliferation treaty, it is because I wish to emphasize the limitations of the kind of treaty now envisaged and the serious implications of those limitations, particularly for countries in Asia and in the Pacific. It is a matter of concern to India that across its border a major Power, China, not having acceded to the partial test ban treaty, continues to conduct nuclear-weapon tests in the atmosphere in flagrant violation of the will of the international community and in total disregard of the grave dangers posed by such testing to the welfare of millions of people. In a little over three years it has

had seven nuclear tests, including the testing of a thermo-nuclear device.

The growing nuclear-weapon capacity of China is thus a matter of concern not only to non-nuclear-weapon Powers but also to nuclear-weapon Powers. In our opinion this concern, so widely shared all over the world, only further emphasizes the urgency of early and effective implementation of measures of nuclear disarmament; and it further underlines the need, to which I have referred earlier, for an acceptable and balanced non-proliferation treaty to prevent further proliferation of nuclear weapons by all nuclear-weapon Powers, including China, and to provide a more direct, juridical and compulsive link with further measures of nuclear disarmament.

What I have spoken of the basic features of the draft treaty, it does not mean that the procedural provisions of the draft treaty could not also be improved upon. I shall, however not dwell on them, as they have already been dealt with at some length by several of my colleagues, some of whom have proposed amendments for the consideration of this Committee.

It has been stated, for example, that the entry into force of the treaty has been made too easy while its amendment has been made too difficult. It has been suggested that similar criteria should apply. It has been proposed that the review conference provided under paragraph 3 of article VIII should be enjoined specifically to consider the implementation of the provisions relating to peaceful uses of nuclear energy and the progress towards nuclear disarmament under article VI; also that further such periodic conferences to review the operation of the treaty should be convened; and, further, that the initial quarter-century duration of the treaty is too long, especially in the light of the tremendously rapid advance in the field of nuclear technology, and that this period should be reduced or made subject to consideration at each quinquennial conference designed to consider the realization of the purposes of the preamble and the provisions of the treaty. I have no doubt that those valuable suggestions will be given the most careful and serious consideration by the Committee and the sponsors of the draft treaty.

In conclusion, I should now like to come back to the point I made earlier. The danger to the security of the world arises not merely from the possible spread of nuclear weapons to non-nuclear-weapon States but also from the continued possession and further production of these weapons of mass destruction by the nuclear weapon Powers. India shares the common anxiety that this danger and risk should be checked and eliminated; we share the sense of



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urgency that has persuaded all of us to negotiate so earnestly measures for achieving that end.

### **DANGER TO WORLD SECURITY**

However, we cannot share the belief that the urgency for action is created solely by the possibility that a few of the States with present nuclear capacity may renounce their expressed decision not to acquire or to produce nuclear weapons, and that the only immediate step now required is to inhibit them. Surely such an inhibition should apply equally to all, including nuclear-weapon States. It is a question not of bargaining over rights and obligations, but of what is essential for ensuring the peace and safeguarding the security of the world.

I hope from what I have said it is clear where exactly India stands. We have always held that all proliferation of nuclear weapons is evil and we stand firmly by that conviction; we have maintained that this evil should be checked by common consent and international control.

However, we are equally convinced that this common objective—which all of us here and mankind in general share—cannot be achieved except through a viable treaty, one which will take into account not only the fears of the few but the preoccupations of all, impose equal obligations on all, confer the same benefits of security and progress on all and therefore become acceptable to the international community as a whole—a treaty which will endure, one that will not merely take cognizance of the undeniable realities of political fact and military power and technological superiority as they exist in the world of today but will also provide for the equally incontrovertible realities of the changes that will occur in these various fields in the years to come.



## **Annex 20**

**Statement by Ambassador Azim Husain in the Political Committee of the UN, 14 May 1968.**







**146. Statement Made by Azim Husain in the Political Committee of the UN on 14 May 1968 on Non-Proliferation of Nuclear Weapons**

Mr. Chairman, in discussing the report of the Eighteen-Nation Disarmament Committee concerning the draft of a treaty of the non-proliferation of nuclear weapons the resumed twenty-second session of the General Assembly is engaged on an urgent and important task to which the Government of India has given the most careful consideration and attaches great significance. The deep and abiding interest of the Government of India in the field of disarmament is well known. India has been firmly and consistently of the view that all nuclear weapons, being weapons of mass destruction, must be completely eliminated.

The idea of an immediate cessation of nuclear and thermo-nuclear weapon tests pending their complete prohibition under a comprehensive test ban treaty was first mooted by the late Prime Minister Nehru. India was one of the first countries to sign the Moscow Partial Test Ban Treaty. Ever since then the Government of India has expressed the hope that the Treaty would be signed by all countries and has urged that the prohibition be extended to underground tests as well. Further, India has supported efforts to prohibit the use of nuclear and thermo-nuclear weapons.



My delegation has taken an active part in the deliberations of the High-level-Nation Disarmament Committee. In that forum we have pleaded for various collateral measures—in particular, in relation to nuclear disarmament—as an integral part of the basic and ultimate objective of general and complete disarmament.

### INDIA'S INITIATIVE

It was in keeping with this approach and policy that in 1964 India took the initiative in inscribing for the first time on the agenda of the General Assembly an item under the title of 'Non-proliferation of Nuclear Weapons', and not—if I may repeat the words—under the title of 'Prevention of the wider Dissemination of Nuclear Weapons', as had been the case in 1959 and in 1961. And it is in this new and modified form that the item has continued to figure in the agenda of all subsequent sessions of the General Assembly.

I recall the wording of the inscription by India in 1964 of the item 'Non-proliferation of Nuclear Weapons' because it was done after due deliberation and forethought. The difference between dissemination and proliferation is, I submit, not a matter of mere semantics but one of substance and significance. There are two facts to the problem of the proliferation of nuclear weapons; the first is that of dissemination, that is, of transfer and receipt of weapons and weapon technology; and the second is that of production, that is, manufacture of nuclear weapons. Our persistent plea that the international community should concern itself with proliferation in all its manifestations rather than with only one aspect of it has, in our view, been fully vindicated by the past history of the efforts to prevent proliferation. Those efforts were designed to stop only dissemination, without imposing any curbs on the continued manufacture, stockpiling and sophistication of nuclear weapons by the existing nuclear-weapon Powers. The fact that the number of nuclear-weapon Powers increased from one in 1945 to two in 1949, three in 1952, four in 1960 and five in 1964 is proof enough of the failure of this limited approach. I may also recall that in the Sub-Committee on Disarmament the representatives of the United Kingdom and France repeatedly warned the international community that unless the existing nuclear-weapon Powers stopped further production of these weapons themselves there would be additional countries which would decide to develop their own nuclear deterrent. And, indeed, that is what has happened.

The urge to seek greater security—imaginary or illusory though it may prove to be—by acquiring nuclear weapons cannot be curbed

by a prohibition applied only to those who do not possess them. It can be effectively controlled only by attacking the root of the problem—namely, the state of insecurity caused in the world by the possession of those weapons of horror and mass destruction by a few Powers. The desire to emulate the example of those who have become nuclear-weapon Powers will be difficult to resist as long as the world lives in a state of imbalance. It can be eliminated only if we do away with the special status of superiority associated with power and prestige conferred on those possessing nuclear weapons.

It is evident that the nuclear menace can be eliminated only by nuclear disarmament, but it is equally evident that the first step that we take in this direction should be not only to prevent the further spread of nuclear weapons but also and simultaneously to inhibit the further development and stockpiling of nuclear weapons. In other words, a way out of the present impasse can be found only through a simultaneous prevention of both aspects of the proliferation of nuclear weapons, vertical as well as horizontal. Both these aspects of the proliferation of nuclear weapons form part of a single whole, and the problem cannot be successfully dealt with by tackling only one aspect of it. This consideration is basic and central to our concept of a non-proliferation treaty.

In this connexion, it may be recalled that of the five principles enunciated in resolution 2028 (XX) which provide the guidelines for the negotiation of a non-proliferation treaty, the first principle requires that "The treaty should be void of any loopholes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form" [para. 2 (a)]. The reference here is to both nuclear-weapon Powers and non-nuclear-weapon Powers. General Assembly resolution 2153 A (XXI) of the following year, which expressed apprehension equally about the possibility of 'an increase in the number of nuclear-weapon Powers', and about 'an increase of nuclear arsenals', again underlined this principle.

The report of the Secretary-General (A/6858), which has been so frequently referred to and quoted here, also lays stress on this when it states:

"So far as international security is concerned, it is highly probable that any further increase in the number of nuclear-weapon States or any further elaborations of the existing nuclear arsenals will lead to greater tension and greater instability in the world at large. Both these aspects of the nuclear arms race are significant to world peace." (A/6858, para. 82)

The Secretary-General's report has made no distinction between



the two aspects of the nuclear arms race. Wherever it has talked of the evils of a further spread of nuclear weapons it has simultaneously warned us of the dangers of the further development and stockpiling of nuclear weapons.

### OVER-KILL CAPACITY

The United Nations having thus recognized that the actual proliferation of nuclear weapons in the nuclear-weapon countries was a matter of major preoccupation to be viewed with equal apprehension along with the possible or likely increase in the number of nuclear-weapon countries, it is clear that a draft non-proliferation treaty should have sought to meet this apprehension. In our view, the only effective way in which that could have been done was to include an obligatory provision in the treaty for a cessation of any further production of nuclear weapons. In respect of nuclear-weapon countries this would have meant writing into the treaty itself what has been called a 'cut-off' of production of fissionable material for weapon purposes. I should like to stress that this would not involve nuclear disarmament, since it would not require the destruction of a single nuclear weapon. The question of nuclear disarmament—in other words, the reduction or destruction of existing nuclear arsenals—would be a matter to be dealt with subsequently and in stages.

It is a well-known fact that the present stockpiles of nuclear weapons possessed by the nuclear-weapon States have long since reached an overkill capacity. Where is, then, the justification for the nuclear-weapon Powers continuing to produce more weapons, when they can kill each one of us not once but several times over, and a man dies only once? The argument of differences over the question of control preventing an agreement on the stoppage of further production of nuclear weapons is not convincing. The same system of controls, which may be prescribed for non-nuclear-weapon States could be applied to nuclear-weapon States, because, once a cut-off in production has been agreed to, all facilities at present producing fissile material for weapon purposes would be switched over to production for peaceful purposes.

With the stoppage of further production of nuclear weapons, no risk to national security would be involved—because, so far as the existing stockpiles of nuclear weapons are concerned, there would be no reduction or diminution in them or control over them, and, so far as the extension of safeguards to nuclear-weapon States is concerned, again there would be no risk to national security, because all their facilities would have become peaceful. Under those circumstances

there would be no room for any fear of industrial espionage or unfair commercial competition, about which concern has been expressed in certain quarters.

When General Assembly resolution 2028 (XX) speaks of a balance of obligations and responsibilities of the nuclear-weapon and non-nuclear-weapon States, it does not suggest or imply the idea of a compensation or a *quid pro quo*. It means that, while the nuclear-weapon Powers undertake not to transfer nuclear weapons to anyone, the non-nuclear-weapon Powers should undertake not to receive such weapons. Similarly while the non-nuclear-weapon Powers undertake not to produce nuclear weapons, the nuclear-weapon Powers in their turn should undertake not to produce any further nuclear weapons. Indeed, the joint statement of agreed principles for disarmament negotiations formulated by the United States and the Soviet Union in September 1961, which have guided all disarmament negotiations, required that all measures towards

"disarmament should be balanced so that at no stage of the implementation of the treaty could any State or group of States gain military advantage and that security is ensured equally for all" (A/4879)

but that unfortunately, is not so in the case of this treaty.

### FEARFUL SHADOW

It has been claimed that this treaty will do more than any treaty of our time to push back the fearful shadow of nuclear destruction and that it will make all of us more secure than we would be in the absence of such a treaty. It is not clear to us how that is so, for, apart from the possible danger from an increase in the number of nuclear-weapon Powers, the draft treaty does not—I repeat, does not—concern itself with the existing stockpiles of nuclear weapons or their augmentation or their further sophistication. It does not in any way curb the nuclear-weapon Powers; and, since only nuclear-weapon Powers can cause nuclear destruction, the fearful shadow of nuclear destruction is not being pushed back, and we are, therefore, not likely to be any more secure tomorrow than we are today without the treaty.

It has been said that if we were to attempt to achieve agreement on all aspects of disarmament at this time, the negotiating difficulties would be insurmountable and we would end by achieving nothing. Agreement on all or even on some aspects of disarmament, if I may say so, is not what many countries within and without the Eighteen-Nation Committee on Disarmament—and certainly not my country—have urged. It has not been suggested that we seek either a full-fledged



measure of nuclear disarmament or no nuclear disarmament at all. My Government has been a firm believer in the validity of the step-by-step approach towards nuclear disarmament and we do recognize that it is not possible for a perfect treaty on nuclear disarmament to emerge immediately. We have never put perfection before progress, nor have we adopted an 'all or nothing' approach. Furthermore, the delegation of India has never suggested that a non-proliferation treaty should in itself become a vehicle or a measure of full-fledged nuclear disarmament. But we do feel that so long as the augmentation and sophistication of nuclear weapons by the existing nuclear-weapon Powers continues unchecked the interests of the security of the world will not be advanced. Measures which do not involve an element of self-restraint on the part of all States—nuclear weapon States as well as non-nuclear-weapon States—cannot form the basis of a meaningful international agreement to promote disarmament.

There is another feature of the treaty which causes us concern even within the limited scope of non-dissemination of nuclear weapons. The treaty does not prohibit the deployment of nuclear weapons on the territories of non-nuclear-weapon States, nor does it prevent the training in the use of nuclear weapons of the armed personnel belonging to non-nuclear weapon States. Also, while article I calls upon the nuclear-weapon States not to assist, encourage or induce any non-nuclear-weapon State to manufacture or acquire nuclear weapons, it does not prohibit one nuclear-weapon State from assisting another nuclear-weapon State, which may not have reached the same degree of sophistication in the development of its nuclear-weapon technology, by providing technical aid, say, by way of blueprints for the manufacture of more sophisticated nuclear-weapons. These loop-holes being contrary to the very first principle enunciated in General Assembly resolution 2028 (XX), are a matter of deep concern to a large number of non-nuclear weapon States.

This leads me to the question of the link between a non-proliferation treaty and disarmament. Principle 2(c) of General Assembly resolution 2028 (XX) requires that

"The treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament."

Some of the members of this Committee have spoken of the draft treaty before us as a first step towards nuclear disarmament and have hailed it as an important step in the chain of direct and indirect steps

towards disarmament and the elimination of the threat of nuclear war. I beg to submit that this view is not supported by the relevant preambular paragraphs or article VI of the draft treaty, which deal with this question. They contain a mere declaration of intent, which cannot provide any credible commitment on the part of the nuclear-weapon Powers.

The preamble mentions the desire for

"the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery...."

but there is no provision in the treaty itself regarding the stoppage of vertical proliferation, as suggested by India and certain other countries. There is also no time limit within which the objective of halting the nuclear arms race is to be achieved. In fact, the quarter of a century provided for in article X as the initial duration of the treaty appears to endorse and legitimize the present state of affairs and to legalize, if not encourage, the unrestricted vertical proliferation by the present nuclear-weapon Powers, which—it is now claimed—it is not reasonable to curb in the present world situation.

#### JURIDICAL OBLIGATION

It has been stated that article VI creates a juridical obligation, but this is not so, because the undertaking 'to pursue in good faith' does not create any definite or enforceable juridical obligation on the part of the nuclear-weapon States corresponding to the obligations undertaken under article II by the non-nuclear-weapon States. It is an imperfect obligation with no sanction behind it. Even the areas within which the negotiations are expected to be pursued have not been defined. It has been argued that it would not be wise to specify at this stage in the treaty itself the measures of disarmament on which negotiations are to be undertaken, because agreement might well become possible on other measures. This view is not convincing. We all know from our experience of past negotiations that agreements in the field of disarmament are difficult to negotiate because of the complexity of the issues involved and their vital connexion with the security of nations. If even the areas of disarmament on which agreements are to be sought cannot be defined now, how could there be any hope of such agreements being reached? The unfortunate fact is, as has been mentioned by several delegations, that certain areas like a comprehensive test ban on which agreement seemed possible at one time are eluding us now because of the development of newer



weapon systems and the intensification of the arms race.

Article VI does not give any tangible form to the declaration of good intent, there being no sense of compulsive obligation or even a sense of urgency to pursue negotiations for nuclear disarmament as a preliminary to general and complete disarmament. What is required is something in the nature of a nuclear moratorium, as was suggested in 1965, of which the essential element was that if nuclear disarmament was not achieved within a specified time limit, the non-nuclear-weapon Powers, as an instrument of persuasion and pressure, would reserve to themselves the resumption of their freedom of action.

In order to introduce a sense of urgency and compulsiveness and to exercise pressure and persuasion on nuclear-weapon Powers to take early steps towards nuclear disarmament, various suggestions have been made which the sponsors of the draft treaty have not found acceptable. Some of the suggestions which deserve to be mentioned here are:

- (a) A review conference should be held automatically after every five years;
- (b) the failure to move towards nuclear disarmament within a reasonable period should be an additional ground for withdrawal from the treaty;
- (c) if specific nuclear disarmament measures are not taken within five years, the situation thus created should be examined and the necessary action taken.
- (d) article VI should make specific mention on urgent negotiations for the suspension of underground tests, a freeze in the production of nuclear delivery vehicles and an agreement, on the eventual reduction and elimination of nuclear arsenals and their means of delivery.

We are all aware that there is no family planning among nuclear-weapon Powers, that there are already four or five generations of increasingly more sophisticated nuclear weapons and their delivery systems. There is a development in hand of MIRVs which is expected to increase the nuclear weapon power of a missile by a factor of ten or more. In addition to anti-ballistic missiles and Poseidons, there is talk also of FOBS, MOBS and the Space Bus. Each of these developments gives rise to the inevitable action-reaction phenomenon, making even more difficult the halting of the nuclear arms race, as has been evident from the inability to make even the partial test-ban treaty comprehensive.

India, as is well known, has pleaded for various collateral

disarmament measures for two decades now and has always regarded the non-proliferation treaty as one of those measures. But we still need to be convinced that the draft treaty before us does amount to a collateral disarmament measure. In order to become generally acceptable the treaty must have a provision for some degree of compulsiveness and a reasonable time limit, indicating a sense of urgency on the part of the nuclear-weapon States to move towards nuclear disarmament, thus paving the way for general and complete disarmament; otherwise, this non-proliferation treaty—and it does not matter by whom or by how many it is signed—will not be effective and will not last and our labours will have been in vain. Let us not, therefore, provide a false sense of security to the world.

#### NUCLEAR TESTS BY CHINA

If I have dwelt at some length on the disarmament aspect of the non-proliferation treaty, it is because I wish to emphasize the limitations of the kind of treaty now envisaged and the serious implications of those limitations, particularly for countries in Asia and in the Pacific, which arise from the fact that, whatever the reasons, all the nuclear-weapon Powers are not associated with our deliberations. It is a matter of concern to India that across its border a major Power—the People's Republic of China—continues to conduct nuclear-weapon tests in the atmosphere in flagrant violation of the will of the international community and in total disregard of the grave dangers posed by such testing to the health and welfare of millions of peoples and their future generations. In a little over three years of China has conducted seven nuclear tests, including that of a thermo-nuclear device. The People's Republic of China is not subject to the discipline of the international community, nor does it accept the generally accepted norms of international behaviour, nor could it be depended upon to observe the restraints needed for the maintenance of international peace and security.

It is, therefore, understandable that the growing nuclear-weapon capacity of the People's Republic of China is a matter of deep concern not only to non-nuclear-weapon Powers but also to nuclear-weapon Powers. This concern, so widely shared all over the world, only further emphasizes the urgency of an early and effective implementation of measures of nuclear disarmament and it further underlines the need, to which I have earlier referred, for an acceptable and balanced non-proliferation treaty to prevent proliferation of nuclear weapons by all nuclear-weapon Powers, including the People's Republic of China, and to provide a more direct juridical and



compulsive link with measures of nuclear disarmament.

The other disturbing and discriminatory feature of the draft treaty concerns the one-sided prohibitions on non-nuclear-weapon States in respect of the peaceful utilization of nuclear energy. It prevents them from conducting nuclear explosions for peaceful purposes. In this connexion I need hardly recall the serious and protracted discussions on Plowshare in 1958 and 1960, when the need for and possibilities of peaceful nuclear explosions by all was recognized, but the problem of modalities connected with the test-ban treaty made it difficult to come to an agreement. I also need not recall that the drafts of the treaty presented by the United States and the Soviet Union in 1965 and 1966 made no mention of nuclear explosive devices.

We have been told that, as provided for in article V, if the non-nuclear-weapon States were to deny themselves the technology of carrying out peaceful nuclear explosions, any potential benefits from peaceful applications of nuclear explosions, as and when these become economically and technically feasible, would be made available to them at economically attractive costs. We do not doubt that the nuclear-weapon Powers wish to give generously of the benefits of the peaceful uses of the atom, but, under the treaty, there is no binding commitment or a positive juridical obligation to provide the assistance since the undertaking is only to 'co-operate'. However, the issue involved here is something more basic than the mere question of distribution of benefits. Nations everywhere should be free not only to share in the benefits, but also to acquire the knowledge to extract such benefits by themselves and to have the freedom to use such knowledge.

Since nuclear technology is the technology of the future and is likely to become the most crucial and potent instrument of economic development and social progress, it would obviously be invidious for a greater part of the world to become wholly dependent on a few nuclear-weapon States for the knowledge and application of this technology. The proposed treaty creates a juridical discrimination between States according to whether they possess nuclear weapons or not, regardless of the fact that it is unwise to divide the world into a few 'haves' and a lot of 'have-nots', who would become dependent on the goodwill of the 'haves' in regard to development in the vital area of nuclear energy, thereby making them subject to pressures. And when it is proposed that this should be done for an initial period of twenty-five years regardless of any technological breakthrough during this period, would this not widen the economic and technical gap which already exists and which the developing countries are

striving so hard to close? The only just solution would seem to be that instead of dispensing 'benefits on a bilateral basis', which gives to the nuclear-weapon Powers full latitude for discriminatory treatment by making available benefits on their own terms and to whomsoever they like and for whatever purposes they like, peaceful nuclear explosives should be institutionalized under international control for the benefit of all nations.

As regards the question of controls, the solution, in our view, should be sought on the basis that their scope is clearly defined and that their implementation would not hinder in any way the peaceful utilization of nuclear energy by all countries. Prime Minister Nehru, speaking in the Indian Parliament in 1954, said that India was willing to accept controls in common with other countries:

"... provided we are assured that it is for the common good of the world and not exercised in a partial way and not dominated by certain countries, however good their motives."

#### GUIDING PRINCIPLE

The Indian Government have been consistently of the view that the guiding principle that should be followed in regard to safeguards is that they should be universally applicable and be based on objective and non-discriminatory criteria. The draft treaty places all safeguards and controls on the non-nuclear-weapon States and none whatsoever on the nuclear-weapon States. We are aware that two nuclear-weapon States, the United States and the United Kingdom, have made declarations indicating their willingness to accept safeguards, but this acceptance, apart from the fact that it is not agreed to by other nuclear-weapon Powers, is subject to reservation about national security, the scope of which would be defined by the nuclear-weapon States themselves, making in practice the application of the safeguards illusory.

There is another feature of the proposed system of safeguards which is unsatisfactory, as it could create discrimination among the non-nuclear States themselves. Paragraph 4 of article III speaks of non-nuclear-weapon States, parties to the treaty, concluding agreements with the International Atomic Energy Agency "either individually or together with other States". Since it is not stated that these agreements would be uniform, one not being more onerous than another, the interpretation which is being given by interested countries would suggest that different criteria might be established which is objectionable.

I should now like to refer to the question of the security



implications of the relationship between non-nuclear and nuclear-weapon Powers. The problem of the security of the non-nuclear-weapon Powers from the use or the threat of use of nuclear weapons arises from the possession, the continued stockpiling and the further sophistication of nuclear weapons and the means of their delivery. Any real and credible guarantee of security to non-nuclear-weapon States against the use or the threat of use of such weapons could be provided only through nuclear disarmament when nuclear weapons had been completely eliminated. Hence India's insistence on the importance of making progress towards nuclear disarmament.

It is, however, obvious that action in this field of genuine and lasting security would take time and would have to be sought through stages. Till such time, and as an interim measure, so long as nuclear weapons remain in the armouries of a few countries, the nuclear-weapon States have an obligation to assure the non-nuclear-weapon States that their security would not, in any way, be threatened by the use or the threat of use of such weapons, and also that these weapons would not be used as an instrument of pressure, intimidation or blackmail. It is in this context that we have to consider the question of security assurances.

Almost at the end of the last session of the Eighteen-Nation Committee on Disarmament the Soviet Union, the United States and the United Kingdom proposed the draft of a Security Council resolution. But, for lack of time, there was no opportunity to consider the proposed draft which we now need to discuss in this Committee.

My Government would welcome any steps that might be taken by the nuclear-weapon States in concert with non-nuclear-weapon States to make more effective the role of the United Nations for the purpose of providing effective security. The hopes of mankind rest on this. The obligations cast by the Charter on Member States, and more particularly on the permanent members of the Security Council, make it necessary for them to discharge their responsibilities in strict conformity with the Charter to ensure peace in the world.

But any security assurances that may be offered by nuclear-weapon States could not and should not be regarded as a *quid pro quo* for the signature of a non-proliferation treaty. The draft of a non-proliferation treaty should be judged by itself and on its own merits. As I have already stated, the threat of nuclear weapons to non-nuclear-weapon States arises from the possession of such weapons by certain States. This threat has nothing to do with the signature or non-signature of a particular non-proliferation treaty, as the threat has existed in the past and will remain, even after a non-proliferation

treaty has been concluded, until such time as the nuclear menace has been eliminated altogether.

### SECURITY ASSURANCES

The assurance of the security of non-nuclear-weapon States is an obligation and not something which the nuclear-weapon States could or should demand as a price for the signature of a non-proliferation treaty. The linking of security assurances to the signature of a non-proliferation treaty would also be contrary to the Charter because in respect of the maintenance of international peace and security the Charter of the United Nations does not discriminate between those who may adhere to a particular treaty and those who may not do so. Specifically, it violates the principles of equal rights of all nations mentioned in paragraph 2 of Article 1 and the principle of sovereign equality of all its Members enshrined in paragraph 1 of Article 2. The Charter aims at providing security in an equal manner to all nations. The proposed draft Security Council resolution, therefore, goes against the basic principle which should govern the problem of the security of non-nuclear-weapon States. It is the view of my Government, therefore, that the whole question of security assurances should be dealt with separately and independently of the non-proliferation treaty now under consideration.

I have not commented on the draft of the resolution on security assurances proposed to be introduced in the Security Council, nor have I expressed the view of the Government of India about what would be regarded as credible security assurances for the entire international community. On the credibility or otherwise of the assurances offered, our views will be expressed at the appropriate time.

Having stated the views of the Government of India with regard to the basic features of the treaty and the question of security assurances, I should now like to reiterate the policy of my Government about the utilization of nuclear energy. It is well known that many years ago, and after a most careful national evaluation of all aspects of the problem, the Government of India made a statement of policy that it intended to utilize nuclear energy exclusively for peaceful purposes. This policy of the Government of India was based on its firm belief in disarmament, which made it necessary not to do anything to escalate the nuclear arms race.

As early as 1957, Prime Minister Nehru, referring in Parliament to the programme of development of nuclear energy for peaceful purposes, reiterated his Government's policy by saying:



"We have declared quite clearly that we are not interested in making atom bombs, even if we have the capacity to do so, and that in no event will we use atomic energy for destructive purposes. I am quite sure that when I say that I represent every Member of this House I hope that will be the policy of all future Governments."

Prime Minister Indira Gandhi, speaking in Parliament on 14 March 1968, reiterated this policy. She said:

"India has repeatedly announced that she is not making an atom bomb and that she is developing her nuclear energy programme exclusively for peaceful purposes."

The Government of India have continued to adhere firmly to this national decision. Let me add that this decision was taken at a time when the international community was not seized of the question of a non-proliferation treaty. It is, therefore, a national policy, unrelated to the present consideration of the draft treaty on non-proliferation of nuclear weapons. Prime Minister Indira Gandhi, speaking in Parliament as recently as 24 April 1968, said:

"The choice before us is not only the question of making a few atomic bombs, but of engaging in an arms race with sophisticated nuclear warheads and an effective missile delivery system. Such a course, I do not think would strengthen national security. On the other hand, it may well endanger our internal security by imposing a very heavy economic burden which would be in addition to the present expenditure on defence. Nothing will better serve the interests of those who are hostile to us than for us to lose our sense of perspective and to undertake measures which would undermine the basic progress of the country. We believe that to be militarily strong it is equally important to be economically and industrially strong. Our programme of atomic energy development for peaceful purposes is related to the real needs of our economy and would be effectively geared to this end."

In conclusion, I should like to stress again that the danger to the security of the world arises not merely from a possible spread of nuclear weapons to non-nuclear-weapon States, but equally from the continued possession and further production and sophistication of these weapons of mass destruction by the existing nuclear-weapon Powers. India shares the common anxiety that this danger and risk should be checked and eliminated. We share the sense of urgency that this end should be achieved as early as possible by common consent and international control. To quote again from a statement made by Prime Minister Indira Gandhi:

"Mankind today is at the crossroads of nuclear peace and nuclear war. There can be no doubt we should take the road to nuclear peace."

### COMMON OBJECTIVE

We are convinced that this common objective—which all of us here and mankind in general share—cannot be achieved except through a viable treaty, one which will take into account not only the fears of a few but the preoccupations of all, impose equal obligations on all, confer the same benefits of security and progress on all, and will, therefore, become acceptable to the international community as a whole; a treaty which will endure—one that will not merely take cognizance of the undeniable realities of political fact and military power and technological superiority as they exist in the world of today, but also provide for the equally incontrovertible realities of the changes that will occur in these various fields in the years to come.

A treaty of this kind, with its far-reaching political and economic implications for all the nations of the world, must not be based on a discriminatory approach. We have been opposed to the division of the world in terms of ideologies and military alliances, or in terms of rich and poor nations. The proposed treaty adds one more category to the divisive forces which have bred fear and distrust and have generated tensions. A non-proliferation treaty, therefore, if it is to be effective, viable and generally acceptable, should prevent both nuclear-weapon and non-nuclear-weapon Powers from proliferating. It should contain an acceptable balance of obligations and responsibilities. It should be a real and meaningful step towards disarmament. It should not in any way hamper the utilization of nuclear energy for peaceful purposes. These are all principles which have been embodied in General Assembly resolution 2028 (XX).

After most serious and careful consideration, it is the view of the Government of India that the draft treaty before us does not conform to these principles and, therefore, my Government cannot subscribe to it. Our vote on the draft resolution endorsing the draft treaty will be determined accordingly.



**Annex 21**

**Statement by Prime Minister Indira Gandhi, Lok Sabha, 5 April 1968.**







**145. The Prime Minister Indira Gandhi's Reply in Lok Sabha  
on 5 April 1968 (Extract)**

I now come to the question with which not only Members of Parliament but the entire country seems to be deeply concerned. Almost everybody who spoke has spoken of the non-proliferation



treaty. I myself made a statement on that subject in this House on the 14th March. That statement stands. I should like to assure the House that we shall be guided entirely by our enlightened self-interest and the considerations of national security and, of course, adherence to our values, as Shri D.C. Sharma has pointed out.

We have already made it clear that the draft treaty in its present form does not fully conform to the principles enunciated in the General Assembly Resolution No. 2028 of the 20th session.

Mankind today is at the crossroads of nuclear peace and nuclear war. There can be no doubt that we should take the road to nuclear peace. But the first step in this direction is not yet in sight. It is vitally important, therefore, for the nuclear weapon Powers to undertake as soon as possible meaningful negotiations on a series of measures leading to nuclear disarmament. The present draft treaty acknowledges the need for such negotiations, but unfortunately the non-participation by some nuclear weapon Powers will make it only partially effective, and what is more, the other nuclear weapon Powers insist on their right to continue to manufacture more nuclear weapons. This is a situation which cannot be viewed with equanimity by non-nuclear countries, specially as they are called upon to undertake not to manufacture or acquire nuclear weapons for their own defence.

At the same time, we have stated that the Government of India do not propose to manufacture nuclear weapons. This is a decision taken many years ago and is unrelated to the treaty on non-proliferation of nuclear weapons. We shall continue our efforts for nuclear disarmament because it is only through nuclear disarmament that discrimination would be eliminated and equality between nations re-established.

The draft treaty on non-proliferation of nuclear weapons will now be discussed by the resumed session of the General Assembly towards the end of April this year. Several amendments have already been proposed by some non-nuclear countries and there may be more to come. These amendments will receive our careful consideration, and we shall continue to impress upon the nuclear Powers the need for a balanced and non-discriminatory treaty.

The issue before us is essentially a political one. And it also has serious implications as regards security matters. The treaty and all its implications are under continuous study and the Government will give careful thought to the views of Members as expressed in this House.

All parties with the exception of the hon. Member Shri M.R. Masani have generally supported the stand taken by the Government

of India in not signing the treaty in its present form. Government are fully aware of the serious issues involved. I would assure the House that in any decision taken, the best interests of the country and of world peace will guide and inform our deliberations.

At the same time, I should also like to warn the House and the country that not signing the treaty may bring the nation many difficulties. It may mean the stoppage of aid and the stoppage of help. Since we are taking this decision together, we must all be together in facing its consequences. I personally think that although it may involve sacrifice and hardship, it will be the first step towards building the real strength of this country and we will be able to go ahead on the road to self-sufficiency.

The hon. Member Shri V. Krishnamoorthi's speech showed a recognition that foreign policy concerns and touches our national interests and should not, therefore, be viewed in terms of party politics. I earnestly hope that this trend will gain wider acceptance and will govern our attitude towards our foreign policy.



**Annex 22**

**Statement by External Affairs Minister Pranab Mukherjee at the UN General Assembly (*relevant extracts*), 29 September 1995**







50th Session  
12th Plenary Meeting, 29th September, 1995

Speech by Mr. Pranab Mukherjee

Relevant Extracts

Mr. President, It gives me great pleasure to congratulate you on your election as the President of this fiftieth session of the United Nations General Assembly, during which you will guide our discussions on what the future of the UN should be. May I also convey my thanks to your predecessor, H.E. Mr. Amara Essy, who as it were, tilled the ground which you will so.

A fiftieth anniversary is a climacteric, usually joyous but not necessarily so. In ancient India, this is around the time in a man's life that he would be expected to withdraw into a forest, to spend the rest of his days in contemplation of past and future, it being the assessment of our ancestors that anything a man could usefully do, he would have done by then. No such drastic measures are needed for the UN, not least because it has spent much of its first fifty years meditating in a concrete jungle, and the shadow of the woods of Bretton always loom over it. I do think however, that as we celebrate, which we should, the UN's survival, we should judge what it has done and what it now needs to do. The UN system has remarkable successes, in helping to defeat colonialism and apartheid, on social issues like universal health care and women's rights, and in banning, through global non-discriminatory treaties, two out of the three weapons of mass destruction. These are considerable achievements, but a clear pattern emerges from them; whenever the UN has acted on principle, responding to the felt needs and priorities of the majority of its membership, it has done well. When it has pursued narrow agendas or succumbed to special pleading it has not.

If we were setting out tasks for the UN today, what would be the major trends and challenges we would expect it to address? Firstly, the international economy transformed by global movements of trade, capital and labour, driven by forces which can break developing economies; these are regulated if they can at all be, in forums outside the UN, which is therefore marginalised in this most momentous



Both propositions are historically untrue. Democracies that developed in the 19th and 20th centuries either suppressed democratic rights until they became rich, or grew rich on the ruthless exploitation of colonies; when they shed their empires after the Second World War, democracy became development in Europe only in the uniquely generous embrace of the Marshall Plan. The myth that democracies do not wage war is destroyed by the history of colonial rule and its wars, leading up to the conflagration of the First World War. The UN should, therefore, take these propositions as objectives, not as givers. Democracy should lead to development, democracies should be peaceful.

I want to touch briefly upon two other global issues which affect our lives; disarmament and human rights. After Hiroshima and Nagasaki, Mahatma Gandhi said that the use of the atom bomb for the wholesale destruction of men, women and children was the most diabolical use of science. We were, therefore, appalled that, instead of stepping back from the road to nuclear ruin, the nuclear weapon states sped faster and faster down it. As they accelerated, India tried unsuccessfully to put on the brakes. In 1954, we called for an end to nuclear testing. In 1965, we proposed principles for an NPT. In 1982 we called for a Convention to ban the use of nuclear weapons, and for an end to the production of fissile material for nuclear weapons. In 1988, we proposed to the UN a comprehensive Action Plan for a world free of nuclear weapons.

Our goal, shared, I believe by most of us here, is a world from which nuclear weapons have been eliminated. The nuclear weapon States claim to share this goal, but their present objective is to retain nuclear weapons while making sure others do not get them. The logic of this is hard to understand. It cannot be argued that the security of a few countries depends on their having nuclear weapons, and that of the rest depends on their not. What makes the NPT such a pernicious document is that it legitimises this illogic, and now that it has been made permanent, it has made the possession of nuclear weapons by the nuclear weapon States immutable, and has made the goal of global nuclear disarmament that much more difficult.

It is useful to recall that, when India and other developing countries proposed the NPT, a global balance of responsibilities was envisaged.



Those who did not have nuclear weapons would not seek to acquire them; those who had them would not try to either refine or develop them, or to increase their arsenals. This balance was never honoured, with the result that, 25 years after the signature of the NPT, the world is a much more dangerous place, made so by the proliferation of nuclear weapons in the arsenals of the nuclear weapon States.

I recall this background, two years ago, the international community at last agreed to negotiate a Comprehensive Test Ban Treaty. We are glad that negotiations are in progress, but we also note that nuclear weapons States have agreed to a CTBT only after acquiring the know-how to develop and refine their arsenals without the need for tests. In our view, the CTBT must be an integral step in the process of nuclear disarmament. Developing new warheads or refining existing ones after a CTBT is in place, using innovative technologies, would be as contrary to the spirit of the CTBT as the NPT is to the spirit of non-proliferation. 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.

The existence of nuclear weapons poses a threat to peace and security. Only global nuclear disarmament can guarantee that there will never be a nuclear war. Therefore, despite the unfortunate legitimisation of nuclear weapons through the indefinite extension of the NPT, India will continue to work with like-minded countries for the early elimination of all nuclear weapons. We hope this session will finalise dates for the 4th United Nations Special Session on Disarmament in 1997.

Mr. President,

Human rights have always been a preoccupation of the United Nations, but their protection and promotion in each country is the primary responsibility of the government. The universality and interdependence of all human rights are also beyond question. That is precisely why the United Nations system cannot promote and protect human rights by a unilateral prioritisation of individual freedoms or a proliferation of intrusive mechanism or by diverting funds from development activities to human rights activities. The priorities of nations will differ. The United Nations must balance the promotion of all human rights - civil,







**Annex 23**

**Statement to Parliament on the NPT Review Conference by External Affairs  
Minister Jaswant Singh (9 May, 2000)**







### **Suo Motu Statement Made in the Parliament on May 9, 2000 by the Minister of External Affairs on the NPT Review Conference**

The sixth Nuclear Non-Proliferation Treaty (NPT) Review Conference is currently taking place in New York. Consistent with our policy India is not attending the Conference.

2. Since independence India has been a strong proponent of global nuclear disarmament and has taken numerous initiatives towards this objective. We remain committed to nuclear non-proliferation. India holds that genuine and lasting non-proliferation can only be achieved through agreements that are based upon equality and non-discrimination, for only these can contribute to global peace and stability.

3. In 1995, the NPT was extended indefinitely and unconditionally. Hon'ble Members would be aware that 187 countries are today parties to the NPT. The proponents of NPT cite these developments as evidence of NPT's success; yet it is also clear that there exist strong differences even among the NPT States Parties. Three of the five Review Conferences held so far failed to reach any agreement on a 'final document'. The non-nuclear weapon States Parties to the NPT have increasingly felt let down by the lack of progress on disarmament, as well as non-compliance with the basic provisions of the Treaty.

4. The nuclear weapon States Parties to the NPT and their allies have not diminished the role of nuclear weapons in their respective or collective security calculus; on the contrary, new doctrines and justifications have been developed. NATO's new strategic concept, announced last year, ten years after the end of the Cold War, goes to re-emphasising a need for the continued retention of nuclear weapons. The nuclear weapons sharing arrangements within NATO also pose serious questions about compliance. Such developments are clear and continuing violations of the provision of the NPT. This the NPT community has been unable to discuss, let alone deal with.

5. One of the basic obligations of nuclear weapons states under the NPT was to prevent further proliferation. The record on this has also not been satisfactory. The nuclear-weapon-states have either been active collaborators in or silent spectators to continuing proliferation, including exports of nuclear weapon related components and technologies.

6. After more than three decades, the nuclear weapon States Parties to the NPT remain to be persuaded to begin any kind of collective, meaningful negotiations aimed at global nuclear disarmament. These countries were expected to display a special responsibility to implement Article VI; instead this special responsibility today appears to be arrogated as a permanent special right to possess nuclear weapons and only for their exclusive security.

7. India is a nuclear weapon state. Though not a party to the NPT, India's policies have been consistent with the key provisions of NPT that apply to nuclear weapon states. These provisions are contained in Articles I, III and VI. Article I obliges a nuclear weapon state not to transfer nuclear weapons to any other country or assist any other country to acquire them and India's record on non-proliferation has been impeccable. Article III requires a party to the treaty to provide nuclear materials and related equipment to any other country only under safeguards; India's exports of such materials have always been under safeguards. Article VI commits the parties to pursue negotiations to bring about eventual global nuclear disarmament. It needs to be emphasised that India today is the only nuclear weapon state that remains committed to commencing negotiations for a Nuclear Weapons Convention in order to bring about a nuclear-weapons-free world, the very objective envisaged in Article VI of the NPT.

8. After the tests undertaken by India in May 1998, we have declared that India shall only maintain a minimum credible deterrent and not engage in any arms race. The role of India's



nuclear weapons is defensive; accordingly India has announced a policy of no-first-use and a policy of non-use against non-nuclear weapon states. In fact this meets the demand of unqualified negative security assurances raised by the large majority of non-nuclear weapon states to ensure their security. India has also indicated readiness to provide requisite assurances to the nuclear-weapon-free-zones in existence or those being negotiated. We have also taken new initiatives calling for de-alerting of nuclear weapons as a means of reducing the risk of accidental or unauthorized launch.

9. The NPT community needs to understand that India cannot join the NPT as a non-nuclear-weapon state. Statements by NPT States Parties about India rolling back its nuclear programme are mere diversions to prevent focussed attention on the basic goals of the NPT.

10. India's commitment to global nuclear disarmament and lasting non-proliferation remains undiluted. While willing to commence negotiations on Nuclear Weapons Convention, India also remains ready to participate in agreed and irreversible steps to prepare the ground for such negotiations. A global no-first-use agreement and a non-use agreement against non-nuclear weapon states would meet the longstanding requirement for legally binding negative security assurances and assurances to nuclear-weapon-free-zones. Another positive development would be a commitment by nuclear weapon states not to deploy nuclear weapons outside their own national territories. Nuclear weapon states also need to take steps to lower the alert status through gradual de-alerting actions, consistent with policies of no-first-use and the defensive role of nuclear weapons. Tactical weapons that lend themselves to war fighting roles need to be eliminated. These would be some positive and concrete steps in the right direction.

11. India has been a responsible member of the international nuclear non-proliferation regime and will continue to take initiatives and work with like-minded countries to bring about stable, genuine and lasting non-proliferation, thus leading to a nuclear-weapon-free-world.

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**Annex 24**

**The Cabinet Committee on Security Reviews Operationalization of India's Nuclear Doctrine, Press Release, Press Information Bureau, New Delhi, 4 January 2003.**







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**CABINET COMMITTEE ON SECURITY REVIEWS PROGRESS IN  
OPERATIONALIZING INDIA'S NUCLEAR DOCTRINE**

The Cabinet Committee on Security (CCS) met today to review the progress in operationalizing of India's nuclear doctrine. The Committee decided that the following information, regarding the nuclear doctrine and operational arrangements governing India's nuclear assets, should be shared with the public.

2. India's nuclear doctrine can be summarized as follows:

- i. Building and maintaining a credible minimum deterrent;
- ii. A posture of "No First Use" nuclear weapons will only be used in retaliation against a nuclear attack on Indian territory or on Indian forces anywhere;
- iii. Nuclear retaliation to a first strike will be massive and designed to inflict unacceptable damage.
- iv. Nuclear retaliatory attacks can only be authorised by the civilian political leadership through the Nuclear Command Authority.
- v. Non-use of nuclear weapons against non-nuclear weapon states;
- vi. However, in the event of a major attack against India, or Indian forces anywhere, by biological or chemical weapons, India will retain the option of retaliating with nuclear weapons;
- vii. A continuance of strict controls on export of nuclear and missile related materials and technologies, participation in the Fissile Material Cutoff Treaty negotiations, and continued observance of the moratorium on nuclear tests.
- viii. Continued commitment to the goal of a nuclear weapon free world, through global, verifiable and non-discriminatory nuclear disarmament.

3. The Nuclear Command Authority comprises a Political Council and an Executive Council. The Political Council is chaired by the Prime Minister. It is the sole body which can authorize the use of nuclear weapons.

4 The Executive Council is chaired by the National Security Advisor. It provides inputs for decision making by the Nuclear Command Authority and executes the directives given to it by the Political Council.

5. The CCS reviewed the existing command and control structures, the state of readiness, the targetting strategy for a retaliatory attack, and operating procedures for various stages of alert and launch. The Committee expressed satisfaction with the overall preparedness. The CCS approved the appointment of a Commander-in-Chief, Strategic Forces Command, to manage and administer all Strategic Forces.

6. The CCS also reviewed and approved the arrangements for alternate chains



of command for retaliatory nuclear strikes in all eventualities.

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