

OPINION NOTE

Focusing the debate on the humanitarian consequences of nuclear weapons: An Indian perspective

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Abstract

The participation of nuclear India in the humanitarian impact of nuclear weapons conferences has generated curiosity in the global community. The world is bewildered to know that India simultaneously possesses nuclear weapons and participates in the humanitarian impact initiative. Even observers of the humanitarian impact movement often wonder what contribution India makes to the movement. Some historical insight into India's nuclear policy solves the puzzle. The humanitarian impact aspect of the nuclear debate has been an ingredient in India's policy because of India's strategic culture. The components of the Humanitarian Pledge are echoed in India's nuclear policy, and India maintains that a world without nuclear weapons will be more secure.

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Introduction

The bombings of Hiroshima and Nagasaki demonstrated the devastating consequences that the use of nuclear weapons can have on human beings. The troubled conscience of the international community made it consider the humanitarian consequences of nuclear weapons quite regularly. Yet there was no renunciation of the much-condemned weapon by the United States, the country that used it, and the world saw an increase in the number of countries and military alliances possessing it. Even the end of the Cold War did not end the relevance of nuclear weapons for their possessors, as nuclear weapons countries continued to justify them on security grounds. The former Soviet Union did not give up its nuclear weapons, instead leaving them to Russia as its successor State. All the nuclear weapons-possessing countries justified their nuclear arsenals as necessary for deterrence. Nuclear disarmament was often mentioned as a future necessity, but rarely seriously pursued. The military doctrines of the possessor States justified the continued existence of the weapon.

The Nuclear Non-Proliferation Treaty (NPT), which has a provision for the elimination of nuclear weapons in its Article VI, has not delivered a world without nuclear weapons. The treaty has acquired a “near universal” status because all but five countries¹ are members. The latent frustration of the international community gave rise to a new voice for a very old cause, with a new vigour. This new force has the overwhelming support of non-nuclear weapons States and even some nuclear weapons States, as well as international organizations, non-governmental organizations (NGOs) and so on. It has organized three conferences on “The Humanitarian Impact of Nuclear Weapons”.² Although the recent mobilization in the three conferences has put the humanitarian impact of nuclear weapons back in the limelight, the momentum has been very gradual. The 2010 NPT Review Conference played a highly supportive role in giving a new fillip to the humanitarian movement against nuclear weapons. The final document released after the 2010 Review Conference noted: “The Conference expresses its deep concern at the continued risk for humanity represented by the possibility that these weapons could be used and the catastrophic humanitarian consequences that would result from the use of nuclear weapons.”³ Even the subsequent Preparatory Committee meetings for the 2015 NPT Review Conference kept underlining the

1 India, Israel, Pakistan and South Sudan never signed the treaty, and North Korea withdrew its membership after joining it.

2 The first conference was organized in Norway in March 2013, the second in Mexico in February 2014 and the third in Austria in December 2014. See Alexander Kmentt, “The Development of the International Initiative on the Humanitarian Impact of Nuclear Weapons and its Effect on the Nuclear Weapons Debate”, in this issue of the *Review*.

3 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Vol. 1, NPT/CONF.2010/50, 2010, available at: [www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50\(VOL.I\)](http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50(VOL.I)) (all internet references were accessed in December 2015).

humanitarian impact concern.⁴ Similarly, a resolution of the Council of Delegates of the International Red Cross and Red Crescent Movement, passed on 26 November 2011, expressed concern about “the destructive power of nuclear weapons, the unspeakable human suffering they cause, the difficulty of controlling their effects in space and time, the threat they pose to the environment and to future generations and the risks of escalation they create”.⁵

After the three conferences – in which 158 countries participated – and a number of activities such as study reports and follow-up meetings undertaken in different academic institutions, think tanks and advocacy groups to promote the cause, it is important to analyze the momentum from an Indian perspective. Quite significantly, India, a nuclear weapons country which is outside the NPT, participated in all three conferences. The United States and the United Kingdom joined the movement later.

It is important to know the reason behind India’s participation in the three conferences and its support for the broad humanitarian concern arising out of nuclear weapons. The question that is raised by those who are puzzled that a nuclear weapons State would support the humanitarian impact initiative is: Do the concerns and approaches of India and the humanitarian impact initiative converge? Furthermore, has India’s participation in the conferences signified a shift in its nuclear policy? Is India contributing constructively to the cause?

This paper first highlights some key moments in the humanitarian approach that can be seen in the history of India’s nuclear policy. It then links India’s contemporary nuclear policy with the humanitarian impact movement and assesses the relationship India has with that movement, and gives an overview of the steps that would need to be taken to achieve total disarmament worldwide. Ultimately, this paper finds that even as a non-NPT nuclear weapons country, India shares the concerns expressed by those promoting the humanitarian impact of nuclear weapons and has been championing universal nuclear disarmament prior to and while possessing nuclear weapons because of its strategic culture. Without formally shifting its policy, India is pushing the international community to take genuine measures to achieve total nuclear disarmament, which is the only solution.

The humanitarian approach in light of the history of India’s nuclear policy

For a predominant section of the international community, nuclear disarmament has been a cherished goal since first realizing the destructive potential of nuclear

4 For example, Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, “Addressing the Humanitarian Consequences of Nuclear Weapons as the Foundation of the Treaty on the Non-Proliferation of Nuclear Weapons in Oslo, Nayarit, Mexico and Vienna”, Working Paper, NPT/CONF.2015/PC.III/WP.30, 24 April 2014, available at www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2015/PC.III/WP.30.

5 Council of Delegates of the International Red Cross and Red Crescent Movement, Resolution 1, 26 November 2011, available at: www.icrc.org/eng/resources/documents/resolution/council-delegates-resolution-1-2011.htm.

weapons. Yet in recent years the mobilization against nuclear weapons has not been based on humanitarian consequences or impact. Generally speaking, the debate has been either legalistically oriented, towards the fulfilment of the obligations of, or compliance with, the NPT, or militaristically oriented, towards the strategic relevance or irrelevance of the nuclear weapons debate. For a long time, the legalistic and militaristic paradigms have dominated the global nuclear debate.

Though the 2010 NPT Review Conference did mention the humanitarian concern in its final document, the Review Conferences have basically become a battleground for compliance and fulfilment of international obligations. On the one hand, some countries, like Iran, complain that their civil nuclear energy programmes are targeted on the grounds of suspicion of development of nuclear weapons, and on the other, some nuclear weapons States, like the United States, maintain that it is not obligatory under the NPT to pursue total nuclear disarmament.

A few countries have reduced their redundant nuclear arsenals and are trying to shift the discourse on nuclear disarmament. These countries push the idea that by decreasing the arsenal of an individual nuclear weapons country to triple digits or less, the problem of global nuclearization may be solved. The goal of reaching total elimination of nuclear weapons, or “Global Zero”, is championed by a group of international leaders and experts,⁶ but thus far does not seem to be making much impact on the existence of nuclear weapons.

The humanitarian impact conferences have mobilized the international community on the consequences and impact of nuclear weapons. These conferences highlighted the devastating consequences of nuclear weapons for human beings and the environment. The emphasis on “human suffering and humanitarian harm”⁷ was the principal basis for building global public opinion against nuclear weapons. Importantly, the December 2014 Humanitarian Pledge of the Vienna Conference noted the mindset of the participants:

Understanding that the immediate, mid- and long-term consequences of a nuclear weapon explosion are significantly graver than it was understood in the past and will not be constrained by national borders but have regional or even global effects, potentially threatening the survival of humanity,

Recognizing the complexity of and interrelationship between these consequences on health, environment, infrastructure, food security, climate, development, social cohesion and the global economy that are systemic and potentially irreversible,

Aware that the risk of a nuclear weapon explosion is significantly greater than previously assumed ...⁸

6 Global Zero, “Who We Are”, available at: www.globalzero.org/our-movement/who-we-are.

7 Pledge presented at the Vienna Conference on the Humanitarian Impact of Nuclear Weapons by Austrian Deputy Foreign Minister Michael Linhart, 8–9 December 2014, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14_Austrian_Pledge.pdf.

8 Humanitarian Pledge, 9 December 2014, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14vienna_Pledge_Document.pdf.

India considers nuclear weapons a weapon of mass destruction (WMD), not a typical weapon of warfare. India never considered nuclear weapons to be merely an advanced form of conventional weapon, having a similar impact as other types of bombs dropped from aircraft. In the Indian governmental and even non-governmental perspectives, nuclear weapons are a special type of weapon. As a result, they require special treatment.

The bombings of Hiroshima and Nagasaki are time and again cited in Indian policy statements and documents to support this understanding. The greatest leader of India's struggle for independence, Mahatma Gandhi, once stated that the nuclear bomb "deadened the finest feeling that has sustained mankind for ages".⁹ He also refused to give any credit to the Allied victory effected by nuclear weapons. He called it "an empty victory to the allied arms" because it destroyed "the soul of Japan".¹⁰

India's first prime minister, Jawaharlal Nehru, in his famous 1954 speech¹¹ in which he had proposed a "stand-still agreement" – the predecessor of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) – talked about the disastrous and horrible consequences of hydrogen bomb testing. At that time, the world was new to the impact of hydrogen bomb tests. Prime Minister Nehru shared the global concern regarding the new weapon, and in his speech, he encouraged the world to think beyond mere concern, panic, fear and dread. He put an emphasis on constructive thought, and on the support of government of India towards such endeavours. He stated:

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. ... Mankind has to awaken itself to the reality and face the situation with determination and assert itself to avert calamity.¹²

In later years, too, Indian leaders and officials continued to highlight the disastrous consequences of nuclear science, which otherwise could be used for the benefit of mankind, being used to create weapons. The first president of independent India, Rajendra Prasad, in his inaugural speech at the anti-nuclear arms convention in New Delhi on 16 June 1962, expressed concern for "the destruction of civilization

9 Mahatma Gandhi, "Atom Bomb and Ahimsa", *Harijan*, 7 July 1946, available at: <http://meaindia.nic.in/cdgeneva/?pdf0604?000>.

10 *Ibid.*

11 Jawaharlal Nehru, "Stand-Still Agreement", Statement, Lok Sabha, 2 April 1954, available at: <http://meaindia.nic.in/cdgeneva/?pdf0601?000>.

12 *Ibid.*

and the annihilation of mankind”¹³ because of the creation of nuclear weapons and the ensuing nuclear arms race. He stated: “Nuclear weapons, far from ensuring the triumph of one way of life or the other, only promise the extinction of all life.”¹⁴ He advocated not only for nuclear disarmament but also for a change in the ideology that generates fear and the need for such weapons.¹⁵

Later, India produced the Rajiv Gandhi Action Plan for nuclear disarmament. This June 1988 plan highlighted to the world the humanitarian consequences of nuclear weapons, and forewarned that a nuclear war could cause more than 100 million or even a billion deaths. According to Rajiv Gandhi, the use of nuclear weapons could result in the death of 4 billion people, or the end of life on Earth as we know it.¹⁶ On 21 January 1988, in his speech at the opening session of the Six-Nation Five-Continent Peace Initiative in Stockholm, Rajiv Gandhi, then prime minister, stated: “What we need to end is the option of unleashing global devastation or holding the survival of humanity to ransom. We must protect humanity as much from the known dangers of extinction as from those that are still unknown.”¹⁷

For decades, the NPT provided the normative structure for dealing with nuclear weapons. According to the “grand bargain” behind the NPT, the Treaty should strike a balance between nuclear energy, non-proliferation and nuclear disarmament. The NPT framework fails to maintain that balance as it focuses principally on nuclear energy development for peaceful purposes and non-proliferation of nuclear weapons; as discussed, disarmament – the foundation of the “grand bargain” – does not get much attention from nuclear weapons States.

In fact, the current campaign revolving around humanitarian consequences has spread so successfully because the NPT framework is struggling and gradually losing legitimacy. The NPT Review Conferences are failing to persuade the Treaty’s dominant States Parties, like the United States and France, to fully implement nuclear disarmament. However, the current humanitarian impact campaign is not intended to weaken the NPT and its framework, but rather aims to consolidate whatever gains the NPT has made. The pledges of the conferences are in line with the goal of non-proliferation, and clearly mention that proliferation by new countries may increase the danger of the devastating consequences of nuclear weapons becoming a reality. For example, the Austrian Conference noted that States were “[a]ware that the risk of a nuclear weapon explosion is significantly greater than previously assumed and is indeed increasing with increased proliferation [and] the lowering of the technical threshold for nuclear weapon capability”.¹⁸

13 Rajendra Prasad, “The Case for Unilateral Disarmament”, inaugural speech at the Anti-Nuclear Arms Convention, New Delhi, 16 June 1962, available at: <http://meaindia.nic.in/cdgeneva/?pdf0597000>.

14 *Ibid.*

15 *Ibid.*

16 Rajiv Gandhi, “A World Free of Nuclear Weapons: An Action Plan”, address to the Third Special Session on Disarmament at the UN General Assembly, 9 June 1988, p. 3, available at: <http://meaindia.nic.in/cdgeneva/?pdf0611?000>.

17 Rajiv Gandhi, “Disarmament”, speech at the opening session of the Six-Nation Five-Continent Peace Initiative, 21 January 1988, available at: <http://meaindia.nic.in/cdgeneva/?pdf0588?000>.

18 Humanitarian Pledge, above note 8.

As the current global nuclear identity is greatly shaped by the NPT divide between nuclear weapons States and non-nuclear weapons states, India's nuclear identity is independent of and at the same time related to the NPT. The NPT has divided the world into two categories: nuclear weapons States and non-nuclear weapons States. Under the NPT, any country that became a nuclear weapons State before 1 January 1967 is a nuclear weapons State, and all others are non-nuclear weapons States. NPT States Parties believe in this hierarchical arrangement. The NPT has ended up in legitimizing the possession of nuclear weapons by five nuclear weapons countries. India is not a member of the NPT. As of May 1998, it declared itself a nuclear weapons country, acquiring this distinct identity as a non-NPT nuclear weapons State. Had it joined the NPT, it would have to accept the dividing line or date of determining a country's nuclear identity, and would therefore have joined the NPT as a non-nuclear weapons State.

Despite becoming a nuclear weapons state, India realizes the destructiveness of nuclear weapons for humanity. It treats nuclear weapons as a fundamental global concern and as a challenge to the very survival of human society. India has not abandoned its time-tested approach to eliminating nuclear weapons to address their humanitarian impact. India's commitment to humanitarian impact, it seems, is part and parcel of its strategic culture. One Indian official summarized the Indian position by stating:

[W]hile India is a nuclear weapon state, it is the only such state to declare unequivocally that, in its perception, its security will be enhanced and not diminished in a world free of nuclear weapons. This is important because it lends credibility to our consistent advocacy of nuclear disarmament and our willingness to engage, without delay, in multilateral negotiations on a Nuclear Weapons Convention prohibiting the development, production, stockpiling and the use of nuclear weapons and on their time-bound destruction, leading to the global, non-discriminatory and verifiable elimination of nuclear weapons.¹⁹

Linkage: The humanitarian impact movement and India's contemporary nuclear policy

The three humanitarian impact conferences, along with the build-up and follow-up for each, have definitely stimulated global public opinion against nuclear weapons. The destruction of human civilization²⁰ and the environment²¹ is accepted as a

19 Remarks by Special Envoy of Prime Minister Shri Shyam Saran at the Global Zero Summit, 3 February 2010, available at: <http://mea.gov.in/Speeches-Statements.htm?dtl/448/Remarks+by+Special+Envoy+of+Prime+Minister+Shri+Shyam+Saran+at+the+Global+Zero+Summit>.

20 Charter of the United Nations, 1 UNTS XVI, 24 October 1945, Preamble, available at: www.un.org/en/sections/un-charter/preamble/index.html.

21 Convention Concerning the Protection of the World Cultural and Natural Heritage, 1037 UNTS 151, 16 November 1972 (entered into force 17 December 1975), available at: http://portal.unesco.org/ev.php-URL_ID=13055&URL_DO=DO_TOPIC&URL_SECTION=201.html.

taboo and is morally unacceptable.²² As India stated at the Vienna Conference: “There is a need to strengthen the international norm of nearly seventy years of non-use of nuclear weapons.”²³

Generally speaking, international humanitarian law prohibits the use but not the possession of nuclear weapons. India is an old supporter of the position found in the 1996 Advisory Opinion of the International Court of Justice (ICJ) that appears to be gathering support in the conferences.²⁴ Admittedly, even the ICJ Advisory Opinion “could not conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake”.²⁵ In fact, though some nuclear weapons States ignore the 1996 ICJ Advisory Opinion and even sometimes violate IHL, no State has yet broken the nuclear taboo. There has been no use of nuclear weapons in war since their tragic use in Hiroshima and Nagasaki. India and Pakistan – two nuclear weapons countries – fought a conventional war in 1999 without resorting to nuclear weapons. The show of restraint in the Kargil War demonstrated the fact that a fight between two nuclear weapons countries may not necessarily result in the use of nuclear weapons in the conflict.

Nuclear weapons countries should act to strengthen the nuclear taboo and related norms by prohibiting not only the use of nuclear weapons but also the threat of use of nuclear weapons against an adversary. Nuclear doctrine is quite important in implementing the nuclear weapons taboo. The prohibition of use and threat of use of nuclear weapons in the nuclear doctrines of a country may make the country feel that there is a little interest in possessing nuclear weapons. Pending nuclear disarmament, nuclear weapons countries are expected to have non-aggressive nuclear doctrines. Indeed, the Indian government has adopted this approach. An Indian official made a statement at one of the humanitarian impact conferences:

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 de-legitimization of nuclear weapons, an essential step for their eventual elimination, as has been the experience for chemical and biological weapons.²⁶

India has used all available platforms and the international bodies to promote the goal of universal and non-discriminatory nuclear disarmament in a time-bound manner. India has often proposed resolutions at the United Nations (UN) General Assembly for a Convention on the Prohibition of the Use of Nuclear

22 United Nations Millennium Declaration, UNGA Res. 55/2, 8 September 2000, available at: www.un.org/millennium/declaration/ares552e.htm.

23 Suhel Ajaz Khan, India’s Statement at the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, 8–9 December 2014, available at: <http://meaindia.nic.in/cdgeneva/?3815?000>.

24 ICJ, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 8 July 1996, *ICJ Reports* 1996.

25 *Ibid.*, para. 105, sec. 2E.

26 S. A. Khan, above note 23.

Weapons.²⁷ These resolutions talk about pushing for a “multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons”,²⁸ and urge the Conference on Disarmament to begin negotiations to conclude a convention for that purpose.

The General Assembly has been passing resolutions for a review of nuclear doctrines for many years. India is one of the sponsors of the resolution on “Reducing Nuclear Danger”. This resolution explicitly states 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”.²⁹ The resolution has asked the Secretary-General to implement seven recommendations made by the General Assembly Advisory Board on Disarmament Matters for substantially reducing nuclear risks.³⁰

India has been emphasizing the need to prevent unauthorized and accidental use of nuclear weapons in different meetings and policy statements.³¹ To that end, India uses multilateral bodies like the UN and bilateral Memoranda of Understanding with countries like Pakistan³² to promote measures to reduce nuclear danger through de-alerting and supporting the use of technology to prevent unintentional use. As one policy document issued by the government of India notes: “Nuclear Security is the prevention and detection of, and response to unauthorised removal, sabotage, unauthorised access, illegal transfer or other malicious acts involving nuclear or radiological material or their associated facilities.”³³

To underscore that its nuclear identity does not signal a militaristic intent, the Indian government and the strategic community have belaboured the point that nuclear weapons are under civilian command and control, though for operational necessity, Strategic Forces Command could be the key organ in any potential use of nuclear weapons.³⁴

27 See Disarmament Resolutions and Decisions Database, available at: <https://gafc-vote.un.org/>.

28 *Ibid.*

29 “Reducing Nuclear Danger”, UNGA Res. 70/37, 7 December 2015, available at: <https://gafc-vote.un.org/>.

30 “Reducing Nuclear Danger: Note by the Secretary-General”, UN Doc. A/56/400, 25 September 2001.

31 See, e.g., Adam Ward, Address by Foreign Secretary at the 3rd MEA-IISS Seminar on Perspectives on Foreign Policy for a 21st Century India, 22 February 2010, available at: www.mea.gov.in/Speeches-Statements.htm?dtl/445/Address+by+Foreign+Secretary+at+the+3rd+MEAIISS+Seminar+on+Perspectives+on+Foreign+Policy+for+a+21st+Century+India.

32 Lok Sabha, “Accidental/Unauthorised Use of Nuclear Weapons”, Unstarred Question No. 2223, 7 December 2005, available at: www.mea.gov.in/lok-sabha.htm?dtl/11327/Q+2223+Accidental+Unauthorised+Use+Of+Nuclear+Weapons.

33 Ministry of External Affairs, *Nuclear Security in India*, 18 March 2014, available at: www.mea.gov.in/Images/pdf/Brochure.pdf.

34 According to a press release from the government of India:

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 [Cabinet Committee on Security] reviewed the existing command and control structures, the state of readiness, the targeting strategy for a retaliatory attack, and operating procedures for

An additional aspect of India's current nuclear policy is the "no first use" (NFU) doctrine. NFU is an official doctrine in India and China; other countries have yet not officially adopted NFU, though in recent years several disarmament and arms control campaigns have emphasized the significance of NFU for crisis management and prevention of nuclear war. Despite this, India is facing internal pressure to revise its NFU policy in light of the national security threat posed by the Pakistani nuclear arsenal.³⁵ A significant portion of the Indian strategic and political communities want India to review its NFU policy and revise its nuclear doctrine.³⁶ The emergence of this position is a disappointment for the portion of the international community that is mobilizing global public opinion to focus on the humanitarian consequences of nuclear weapons use. Although voices for the revision of NFU and nuclear doctrine are growing in India, the underlying tone and tenor of the conversation is that this is out of a desire to deter others from using their nuclear weapons, rather than to fight a nuclear war in the region.

Another of India's nuclear policies is that the use of nuclear weapons against non-nuclear weapons States is prohibited. The principle of no use of nuclear weapons against non-nuclear weapons countries has been predominantly accepted by nuclear weapons countries. India has been following this policy from the very beginning,³⁷ and the United States has also adopted it. In its 2010 *Nuclear Posture Review Report*, the US government very emphatically stated that it is

now prepared to strengthen its long-standing "negative security assurance" by declaring that the United States will not use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the NPT and in compliance with their nuclear non-proliferation obligations.³⁸

Overall assessment of the Indian relationship with the humanitarian impact movement

The Indian strategic community and the Indian government have developed a highly interactive relationship with the international community and

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.

Press Information Bureau, "Cabinet Committee on Security Reviews in Progress in Operationalising India's Nuclear Doctrine", Prime Minister's Office press release, 4 January 2003, available at: <http://pib.nic.in/archieve/lreng/lyr2003/rjan2003/04012003/r040120033.html>.

35 Express News Service, "Revise 'No-First-Use' N-Policy: Jaswant", *Indian Express*, 16 March 2011, available at: <http://archive.indianexpress.com/news/revise-nofirstuse-npolicy-jaswant/763040/>.

36 Bharatiya Janata Party, *Manifesto 2014*, available at: <http://www.bjp.org/manifesto2014>.

37 Lok Sabha, "A Statement by Prime Minister Atal Bihari Vajpayee on Nuclear Tests in Pokhran", 27 May 1998, available at: http://164.100.47.192/Loksabha/Debates/Result_Archive.aspx?dbsl=1200249.

38 US Department of Defense, *Nuclear Posture Review Report*, April 2010, available at: www.defense.gov/Portals/1/features/defenseReviews/NPR2010_Nuclear_Posture_Review_Report.pdf.

international laws and practices. Certainly, the involvement of the Indian State and civil society in the conferences is more than skin-deep. The statements made by the Indian officials at the three conferences were in fact repetitions of messages passed earlier and elsewhere. The debate inside Indian civil society reinforces that the humanitarian impact of nuclear weapons is being taken seriously and, as mentioned above, is embedded in the strategic culture of the country.

Universal nuclear disarmament is the ultimate and in fact the only solution to overcome the potential consequences of nuclear weapons for humanity. Absent the total elimination of nuclear weapons, the element of risk that nuclear weapons will be used continues to exist. A large number of countries and civil society groups have echoed this idea on different platforms. In Vienna in December 2014, a Joint Statement of 155 countries asserted that “the only way to guarantee that nuclear weapons will never be used again is through their total elimination”.³⁹ The 2014 Humanitarian Pledge reads:

We call on all states parties to the NPT to renew their commitment to the urgent and full implementation of existing obligations under Article VI, and to this end, to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons and we pledge to cooperate with all stakeholders to achieve this goal.⁴⁰

India has issued a statement in support of the Non-Aligned Movement’s (NAM) proposal for a comprehensive nuclear weapons convention to be negotiated at the Conference on Disarmament.⁴¹ During the proposal, after expressing concern regarding the impact of nuclear weapons use, the NAM governments generally discussed the building blocks for nuclear disarmament. For example, the NAM statement had one paragraph on the impact of nuclear weapons, and the rest of the statement addressed nuclear disarmament and steps toward total disarmament.⁴² In recent years, as discussed, nuclear disarmament has been somewhat equated with nuclear reduction. There is a difference between arms control and disarmament. Elimination of a category or a certain size of nuclear arsenal is arms control; in contrast, disarmament refers to the elimination of the entire category of nuclear weapons. Discarding of surplus or redundant weapons should not be equated with nuclear disarmament. The humanitarian impact campaign recognizes this important difference. In the humanitarian impact conferences, all States were asked to take measures toward nuclear disarmament. An NGO coalition present at the conferences was of the view that “the immediate effects of even a single nuclear weapon detonation are shocking and

39 Dell Higgie, “UNGA 69: First Committee Joint Statement on the Humanitarian Consequences of Nuclear Weapons”, 20 October 2014, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/Joint_Statement_20Oct_NewZealand.pdf.

40 Humanitarian Pledge, above note 8.

41 D. B. Venkatesh Varma, Statement, Geneva Thematic Debate on Nuclear Weapons at the First Committee of the 70th Session of the United Nations General Assembly, New York, 20 October 2015, available at: <http://meaindia.nic.in/cdgeneva/?pdf4420?000>.

42 *Ibid.*

overwhelming. Its destructive force will cause nightmarish scenes of death and despair”, emphasizing the need for total disarmament.⁴³

India has been advocating conclusion of a nuclear weapons convention for a long period of time. Finally, what emerged out of the three humanitarian impact conferences was the recommendation that the international community must adopt a proper legal framework. There could be a nuclear weapons convention along the lines of the Chemical Weapons Convention, with a comprehensive verification structure. India believes that the goal of a world free of nuclear weapons does not contradict its security imperatives. India and an overwhelming section of its civil society support the campaign for “Global Zero”.

As for the new momentum built in the three conferences on the humanitarian impact of nuclear weapons, the Indian government has stated:

The three meetings in Oslo, Nayarit and Vienna on the humanitarian impact of nuclear weapons, generated considerable interest [in] reinvigorating international efforts on addressing the most serious threat to the survival of mankind posed by the use of nuclear weapons. India participated in these meetings in the hope that these would help generate momentum for increased restraints on use of such weapons and thus correct an imbalance in the international legal discourse that has focussed almost exclusively on restraints on possession. It has been our consistent position that the process should be inclusive and do no harm to the disarmament machinery and in terms of substance promote genuine progress towards the goal of nuclear disarmament. Current indications are that on both counts the results are far less than expected and it is a matter of regret that some of the proposals tabled this year in this Committee have deepened differences instead of bridging them.⁴⁴

Step-by-step process

With the exception of a few nuclear weapons countries⁴⁵ that seem over-dependent on nuclear weapons for their security or politics, most of the nuclear weapons countries support nuclear disarmament in principle. Even those nuclear weapons countries that want to keep their nuclear arsenals are often found supporting nuclear disarmament. For example, in 2009 President Obama famously made a

43 Ray Acheson, “ICAN Closing Statement to the Second Conference on the Humanitarian Impact of Nuclear Weapons”, 14 February 2014, available at: www.icanw.org/campaign-news/ican-closing-statement-to-the-second-conference-on-the-humanitarian-impact-of-nuclear-weapons/.

44 D. B. V. Varma, above note 41.

45 For example, France, which has always maintained the need for nuclear deterrence. See Josselin de Rohan, “France and Nuclear Disarmament”, speech, All-Party Group on Global Security and Non-Proliferation, 10 February 2011, available at: www.europeanleadershipnetwork.org/france-and-nuclear-disarmament-speech-by-president-josselin-de-rohan_145.html.

statement for nuclear disarmament.⁴⁶ Similarly, France also supports nuclear disarmament.⁴⁷ The conferences on the humanitarian impact of nuclear weapons discussed the “common ground, identifying concrete and practical building blocks”, toward nuclear disarmament.⁴⁸ That the ultimate goal of total disarmament needs an interim preparatory period is commonly understood. However, despite receiving support in principle, the international community has been struggling to make real steps towards global nuclear disarmament.

India has supported the step-by-step approach to nuclear disarmament, and the Indian government has proposed different steps towards that end. In 2006, India officially issued a Working Paper in which it delineated specific steps towards nuclear disarmament. Although it was issued as a Working Paper,⁴⁹ this document was merely a reiteration of what the Indian government has been stating over a period of time and is still presenting in different fora, platforms and organizations. The paper, which India submitted at the Conference on Disarmament, identified several steps as building blocks for nuclear disarmament:

- 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.⁵⁰

46 White House, Office of the Press Secretary, Remarks by President Barack Obama in Prague (As Delivered), 5 April 2009, available at: www.whitehouse.gov/the-press-office/remarks-president-barack-obama-prague-delivered.

47 France Diplomatie, “Nuclear Disarmament”, available at: www.diplomatie.gouv.fr/en/french-foreign-policy/disarmament-and-non-proliferation/france-and-disarmament/article/nuclear-disarmament.

48 Susanne Rumohr Haekkerup, “Denmark: National Statement”, 3rd International Conference on the Humanitarian Consequences of Nuclear Weapons, Vienna, 8–9 December 2014, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/Statements/HINW14_Statement_Denmark.pdf.

49 India, “Nuclear Disarmament”, Working Paper, Conference on Disarmament, CD/1816, 20 February 2007, available at: <http://meaindia.nic.in/cdgeneva/?pdf0610?000>.

50 *Ibid.*

Indian officials have continued to reiterate these steps in recent years, throughout the humanitarian conferences. For example, in May 2013, one of the officials advocated in her submission for the de-alerting of nuclear weapons, global agreements among nuclear weapons countries on no first use of nuclear weapons, a universal and legally binding agreement on non-use of nuclear weapons against non-nuclear weapons countries, a convention on the complete prohibition of the use or threat of use of nuclear weapons, reducing salience of nuclear weapons in the military doctrines of nuclear weapons countries, and so on.⁵¹ One of the Indian officials welcomed President Obama's Prague speech, "including his commitment that the US would reduce the role of nuclear weapons in its national security strategy".⁵² Non-proliferation is generally considered a step towards nuclear disarmament. From time to time, different non-proliferation measures such as the Fissile Material Cut-Off Treaty⁵³ and the CTBT⁵⁴ are also projected as steps towards nuclear disarmament. Four nuclear weapons countries have already declared a moratorium on fissile materials production, although China and new nuclear weapons countries such as India and Pakistan are seemingly producing fissile materials for military purposes. The international community has no information on Israeli nuclear arsenals, nor has any been communicated by the Israeli government on its fissile materials.

India has expressed its willingness to negotiate for a Fissile Material Cut-Off Treaty. However, it wants this treaty to be formally linked with nuclear disarmament. In the past, India had blocked the CTBT because it had not included nuclear disarmament as an end result of the test ban agreement. India maintains that non-proliferation should be a means for nuclear disarmament and should not become an end in itself,⁵⁵ as focusing solely on non-proliferation will create an unstable nuclear order and will not end the urge of other countries to go nuclear.

As discussed above, in recent years, global nuclear disarmament has become conflated with arms reduction. A few countries, and surprisingly some credible studies, have been asserting that a freeze on a certain number of nuclear weapons will stabilize the global nuclear order.⁵⁶ Unsurprisingly, nuclear weapons

51 Sujata Mehta, "Taking Forward Multilateral Nuclear Disarmament Negotiations", Statement, Open Ended Working Group, Geneva, 15 May 2013, available at: <http://meaindia.nic.in/cdgeneva/?pdf1352?000>.

52 Shri Shyam Saran, Remarks, Global Zero Summit, 3 February 2010, available at: <http://mea.gov.in/Speeches-Statements.htm?dtl/448/Remarks+by+Special+Envoy+of+Prime+Minister+Shri+Shyam+Saran+at+the+Global+Zero+Summit>.

53 See United Nations Office at Geneva, "Conference on Disarmament Discusses Humanitarian Impact on Nuclear Weapons, Model Convention on Nuclear Weapons and the Fissile Materials Cut-Off Treaty", 28 January 2015, available at: [www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/9537F14884EA5920C1257DDB0061BBE2?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/9537F14884EA5920C1257DDB0061BBE2?OpenDocument).

54 Comprehensive Test-Ban-Treaty Organization, "The Treaty: The Comprehensive Nuclear-Test-Ban Treaty", available at: www.ctbto.org/the-treaty/.

55 Minister of State in the Ministry of External Affairs, Parliament of India, House of the People, "Regarding Non-Proliferation Treaty (NPT) Review Conference", available at: http://164.100.47.192/Loksabha/Debates/Result_Archive.aspx?dbsl=1300258.

56 See, e.g., Ramesh Thakur and Gareth Evans (eds), *Nuclear Weapons: The State of Play*, Centre for Nuclear Non-proliferation and Disarmament, Canberra, 2013.

countries are in favour of this thinking (as opposed to total disarmament), and some non-nuclear weapons countries, especially nuclear umbrella countries, also appear satisfied with this kind of arrangement. Along these lines, the New Strategic Arms Reduction Treaty (New START) is projected as a measure that will gradually lead to disarmament, though even this measure is struggling.⁵⁷ Fortunately, the three conferences on the humanitarian impact of nuclear weapons overwhelmingly rejected equating arms control to nuclear disarmament, and the public opinion mobilized by the humanitarian impact initiative is also in favour of nuclear disarmament.

Many think a convention on the prohibition of the use or threat of use of nuclear weapons may be more effective than even the 1925 Geneva Protocol on the use of Chemical and Biological Weapons. The International Campaign to Abolish Nuclear Weapons (ICAN), the coalition of NGOs participating in the conferences on the humanitarian impact of nuclear weapons, has stated:

History shows that legal prohibitions generally precede and facilitate the processes of stockpile elimination, not the other way around. And history and experience also show that weapons that have been outlawed become delegitimised. They lose their political status, and so do not keep having money and resources invested in their production, modernisation, proliferation and perpetuation.⁵⁸

Conclusion

India has been a partner in the initiative on the humanitarian impact of nuclear weapons, has organized to call attention to the grave consequences of nuclear weapons use, and has evoked profound moral and ethical issues regarding the existence of these WMDs. The humanitarian conferences witnessed the participation of national governments, international organizations, the international humanitarian community, the international scientific community, NGOs and many others. Needless to say, the conferences further strengthened the nuclear disarmament movement and the norm against the use of nuclear weapons.

Although India participated in the conferences and supported all the broad principles of the conferences, it later appeared disappointed with the attitudes of some of the leading countries when it came to implementation of pledges taken at the conferences. Some of the countries involved in the humanitarian initiative voted against the resolution on a Convention on the Prohibition of the Use of Nuclear Weapons. The resolution has been tabled since 1982. However, the

57 US Department of State, "New START", available at: <http://www.state.gov/t/avc/newstart/index.htm>.

58 Rebecca Johnson, "ICAN Intervention in Final Session of the Conference on the Humanitarian Impact of Nuclear Weapons", Oslo, 4–5 March 2013, available at: www.icanw.org/wp-content/uploads/2013/03/ICAN-final-statement5.3.13.pdf.

Indian government appears pleased about the support of the international community on the “Reducing Nuclear Danger” resolution.

The impact of the campaign was evidenced when two of the five NPT-defined nuclear weapons States participated in the most recent conference in Vienna. Although India and Pakistan have attended all three humanitarian impact conferences, the attendance of the United States and the United Kingdom is a positive step. The cascading effects of norm-building may be witnessed. Other countries also need to commit to strengthening of and adherence to the nuclear taboo to further strengthen the humanitarian norm against the use of nuclear weapons. The international community should insist that, not limited to the conferences, international bodies draft a convention against the use of nuclear weapons, and that all nuclear weapons countries sign this convention.

One writer on the subject finds nuclear disarmament to be “an essential goal of a sustainable international order”.⁵⁹ Indeed, the international community should show more conviction in moving toward this goal. The cautionary note of the Indian government in the First Committee of the UN General Assembly needs to be taken seriously in order to strengthen the campaign for nuclear disarmament. The mobilization generated by the humanitarian impact initiative requires further strengthening in order to make significant progress toward the goal of nuclear disarmament. On a number of occasions in the past, the international community has mobilized public opinion against nuclear weapons, but momentum toward disarmament has ultimately fizzled. This should not be allowed to happen again this time. India and other stakeholders in this campaign must have a sustained dialogue to work together in the relevant international bodies toward nuclear disarmament.

If the current movement succeeds and an international instrument on nuclear disarmament is concluded, it will help in “reviewing the international security regime and developing a credible and more humane security framework that does not depend on nuclear weapons”.⁶⁰ Global nuclear governance may focus on the necessary steps towards nuclear disarmament and on a timetable for nuclear weapons States to accomplish these steps. The international community can build a clear-cut regime and an institution like the Organisation for the Prohibition of Chemical Weapons to implement the mandate and verify compliance. It may sound a distant dream today, but by sustaining the current campaign, the goal of total nuclear disarmament could be realized in the near future.

59 James E. Doyle, “Why Eliminate Nuclear Weapons?”, *Survival*, Vol. 55, No. 1, 2013, p. 26.

60 Yasuyoshi Komizo, “Remarks on Behalf of Mayors for Peace”, Vienna Conference on the Humanitarian Impact of Nuclear Weapons, 9 December 2014, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/Statements/HINW14_Statement_Mayors_for_Peace.pdf.