



**IPCS Nuclear
Security Project**

Since its inception, the IPCS has been working on various issues related to disarmament, especially Nuclear Disarmament. We are the only research institute in South Asia that focuses on all aspects of Weapons of Mass Destruction (WMD), including Chemical, Biological and Radiological weapons.

The Institute has undertaken numerous projects, both on an individual and collaborative basis, on the issue of WMDs.

The Nuclear Security Project aims to strengthen the Institute's efforts on the above issues.

This project is supported by the Nuclear Threat Initiative (NTI).

**INSTITUTE OF PEACE AND
CONFLICT STUDIES**

B-7/3, Safdarjung Enclave
New Delhi, INDIA
91-11-41001900

www.ipcs.org

Towards the 2010 NPT RevCon

IPCS Conference Report

Rapporteurs

**Rekha Chakravarthi
Yogesh Joshi**



Institute of Peace and Conflict Studies Nuclear Security Project (NSP)

Since its inception, the IPCS has been working on various issues related to disarmament, especially Nuclear Disarmament. The IPCS is the only research institute in South Asia that focuses on all aspects of Weapons of Mass Destruction (WMD), including Chemical, Biological and Radiological weapons. The Institute has undertaken numerous projects, both on an individual and collaborative basis, on issues relating to WMD.

Extending this work further, the IPCS is now undertaking the Nuclear Security Project (NSP) supported by the Nuclear Threat Initiative (NTI) as its partner organization in South Asia. The IPCS Nuclear Security Project seeks to provide partnership and support the global discourse on the vision of a world free of nuclear weapons.

MAJOR ACTIVITIES OF THE NSP

TRILATERAL INDIA-CHINA-PAKISTAN DIALOGUE ON ELIMINATION OF NUCLEAR WEAPONS

Till date, neither has India, China and Pakistan engaged in a dialogue on issues of nuclear weapons nor there exists a framework, even at the Track II level, for discussing nuclear issues between the three countries. Aiming to bridge this gap, the IPCS brought together participants from India, China and Pakistan for the first time at Colombo in December 2008 to address possible steps towards disarmament. The IPCS will organize two trilateral dialogues in 2009, one in Shanghai in the third quarter and the other in Bangkok in the fourth quarter.

REGIONAL WORKSHOPS

It has long been felt that discussions on nuclear disarmament happen only in New Delhi, while debates and concerns from other regions get drowned out. To address this imbalance, the IPCS plans to hold two regional workshops each year. The Institute will provide for the fac-

The Nuclear Security Project (NSP), Institute of Peace and Conflict Studies, organized a panel discussion on 12 June 2009, to review the third Preparatory Committee (PrepCom) meeting for the 2010 NPT Review Conference (RevCon).

The panel discussion was chaired by Prof. PR Chari, *Research Professor, Institute of Peace and Conflict Studies* and the speakers were Amb. KC Singh, *Former Secretary, Ministry of External Affairs*; and Prof. Rajesh Rajagopalan, *Professor, CIPOD, Jawaharlal Nehru University*.

Contents

Report of the Discussion

Annexure

IPCS Article: Why the 2009 NPT PrepCom was Not a Failure

ulty/panel from New Delhi and conduct seminars and discussions at multiple centres in major metropolitan cities across India.

NATIONAL WORKSHOP FOR LEGISLATORS

For the last two years, the IPCS has been organising workshops on nuclear issues for senior Government officials (civilian and military). The Institute will organise a similar workshop for legislators (Members of Parliament) to inform them in depth about various issues relating to nuclear weapons and deterrence.

NATIONAL CAPACITY BUILDING WORKSHOP FOR YOUNG SCHOLARS

The IPCS workshops provides basic introduction to disarmament and provide opportunities for research on nuclear issues, in turn build help capacity among younger scholars, refining their ability to analyse, criticise and think with an open mind. To this end, the IPCS organizes one workshop each year, held over three days, with a maximum of 30 participants selected from all over India



Towards the 2010 NPT RevCon

Amb. KC Singh

The third session of the Preparatory Committee (PrepCom) meeting for the 2010 NPT Review Conference (RevCon) should be seen from India's point of view, that is, possible Indian approaches to the 2010 RevCon and also regarding where does the NAM group stand at present? What was different this time was, first, the continuing defiance of Iran and North Korea, second, Obama's ascendance and serious efforts towards nuclear disarmament and third, India's entry into the NPT whereas efforts to universalize the NPT was repetitive.

Coming to the universalization of the NPT, what is not clear is the methodology of achieving the same, especially with regard to India. It is one thing to ask India to sign the NPT; the question, however, remains how, as a nuclear weapon state? India is a de-facto nuclear weapon state with the IAEA already having recognized India's separation plan (civilian and military). It is, therefore, not possible for India to sign the NPT as a non-nuclear weapon state. The world recognizes India's weapons status, albeit not explicitly stated, so what are the possibilities of bringing India into the NPT regime as a de-jure weapon state?

Another interesting development was the linking of non-proliferation to disarmament, that is, the confidence of the nuclear weapon states to be able to disarm can be built only when proliferation does not take place and therefore, the nuclear weapon states require certain guarantee to build momentum on disarmament. This linkage was not present earlier. Also, because of this linkage the haves and the have-nots, for the first time, were talking to each other as against the haves only dictating terms to the have-nots previously.

The PrepCom was not able to decide on the recommendations for the RevCon. There were repeated references to Obama's April 5 speech in Prague. The highlights at the third session was the need for a political and diplomatic push to get the Comprehensive Test Ban Treaty (CTBT) ratified by states to enter into force, the US negotiations with Russia on reducing strategic nuclear weapons, and a verifiable Fissile Material Cut-Off Treaty (FMCT).

There were also indications of a global summit on



Amb. KC Singh and Prof. PR Chari

nuclear security within a year coinciding with the 2010 RevCon. Therefore, it definitely reflects the political will to strengthen the non-proliferation regime. Moreover, the correlation that is being built between non-proliferation and disarmament provides the nuclear weapon states a moral advantage and it is aimed mainly at Iran and North Korea.

The Custer I (disarmament) speech by Ambassador Marguerita Ragsdale highlighted the US review of its deterrence policy known as the Revised Nuclear Posture Review (NPR). The NPR is expected to provide guidance to the START negotiations with Russia before December 2009. The speech also pointed out the US' commitment to ratify the CTBT and push diplomatic efforts to work on a verifiable FMCT.

While there were also talks on peaceful uses of nuclear energy, it is important to address the problem of Iran and North Korea. The Obama administration has identified December as the timeline of engaging with Iran or start adopting stronger steps to deal with the Islamic Republic. However, the US should realize by now that no amount of tougher sanctions works against whom it is supposed to, sanctions only affect the population and not the state (the elites) like in the case of North Korea, which will continue to be a problem. Although President Obama has declared a positive approach on nuclear disarmament, the

true character of the revised policy can only be ascertained by the end of the year when the NPR will be out in the open. Also this will be the time when the administration will take stock of the situation in Iran and rethink its strategy on Iran.

The statements made by the Non-Aligned Group reflect the frustration on their part regarding peaceful uses of nuclear energy. In fact, Indonesia and Cuba have brought in clauses that are directly against India's interests and which were not even contested by New Delhi. The Cluster III statement by the NAM clearly points out that, "The group remains concerned about the ability of States not Parties to the Treaty to obtain materials, technology, and know-how to develop nuclear weapons. The Group calls for the total and complete prohibition of the transfer of all nuclear related equipment, information, material and facilities, resources or devices and extension of assistance in nuclear, scientific or technological fields to States non-parties to the Treaty without exception." It was surprising that not a single voice of dissent was audible from the Indian side. Such linkage is preposterous because no where in the NPT such an obligation exists. Anyway, India is also not legally bound by the NPT regime.

Where does all this leave India at the 2010 RevCon?

“

The statements made by the Non-Aligned Group reflect the frustration on their part regarding peaceful uses of nuclear energy. In fact, Indonesia and Cuba have brought in clauses that are directly against India's interests and which were not even contested by New Delhi.

”

India should participate in the 2010 NPT RevCon, it is already a de-facto nuclear weapons state which is accepted and it is legally engaging in nuclear commerce. As far as India signing the NPT, how can the nuclear powers commit India to be a signatory to the NPT without altering the treaty?

Prof. Rajesh Rajagopalan

The third session of the PrepCom meeting for the 2010 NPT RevCon was a much better and successful PrepCom than the one in 2005. The change in the atmosphere of the PrepCom can be attributed to the efforts taken by the Obama administration, especially his 5 April speech in Prague. There was a sense of reassurance that the agenda (disarmament, non-proliferation and right to civilian atomic energy) for the 2010 RevCon was agreed upon, although recommendations to the RevCon were not finalized.

From all the efforts taken by the Obama administration to the proceedings at the PrepCom, it seems that there is change in strategy rather than a change in goals. The focus is clearly on non-proliferation. Unlike the Bush administration, the Obama administration recognizes that even being the most powerful nation in the world, it cannot apply force to create or generate consensus among nation states and that concessions matter in order to build some kind of consensus. This is reflected in Obama's speech in Prague as well as in the PrepCom meeting.

The first draft recommendations was very strong on disarmament including specific measures such as the CTBT, verifiable FMCT, reducing the operational status of the nuclear forces, diminishing the role of nuclear weapons in security policies, refraining from the qualitative improvement of nuclear weapons, placing fissile material recovered from dismantled nuclear weapons under IAEA monitoring and verification etcetera. In the second draft recommendations to the RevCon, the disarmament obligations were heavily diluted. The obdurate resistance from the NWS saw any reference to the '13 practical steps' being dropped from the draft recommendations. The final draft seems like a compromise draft with a number of issues being scratched out even though the Chair was hoping that recommendations could be salvaged on the last day. However, by the end of the day the Prep Com left the matter to the 2010 RevCon. Perhaps, in the euphoria of having agreed on the agenda for the RevCon, the PrepCom may have considered that the recommendations need not be pushed too hard.

Anyway, the PrepCom was a much constructive gathering compared to yester years and the consideration of carrying the positive mood to the RevCon would have been in the Chair's mind and, therefore, the recommendations were not pushed too hard. The key differences relate to the nuclear weapons convention and of course, the language remains problematic. Nuclear Weapons Free Zone was a matter of discussion, especially the 1995 RevCon recommendation of a NWFZ in the Middle-east. That apart, issues regarding article VI have not been emphasized. Moreover, multilateralism of fuel cycle will always be a problem and there are genuine economic reasons for this. Surprisingly Japan did not make any statement on regarding the same. Another contentious issue is regarding Article X pertaining to the withdrawal from the NPT, which is opposed by a lot of countries.

Where does India stand regarding all these and many more issues? What is that India needs to do vis-à-vis the NPT regime? India has to play a more active role in the NPT regime even though it may not join the treaty. As far as nuclear disarmament is concerned, it is equally important to give enough thought as to what will happen if there are no nuclear weapons and how will one address the security of states in a world free of nuclear weapons. Just imagine the withdrawal of all nuclear weapons in the Northeast Asia and suddenly security and balance of power become perennial problems. How can one maintain balance using conventional deterrence? It will be far too costly both in material and human terms. The positives of nuclear weapons are many a times forgotten in the heat of disarmament debates.

Comments and Questions

- If India does decide to join the NPT, there will be a conscious presence of the country in the RevCon which will entail India to follow certain norms engendering out of its participation in global forums such as the RevCon. India's observer status makes it a legal subject of international law. Given the differences over the perceptions on the NPT between India and the rest if the world, it will not be a good idea to join the NPT in any capacity.
- There is no certainty that the ambiguity which has been infused into the NPT regime by President Obama's approach will pay dividends. The situation merits caution. Moreover India can always let its opinion be known to the US through informal mechanisms.



Prof. Rajesh Rajagopalan

- Though the Obama effect may last up to 2010, there are many other things happening simultaneously. The issue of fissile material is one, CTBT another. Moreover, the basic problems with NPT still linger and the problems of 2005 have not left the regime still which are further exacerbated by the Indo-US nuclear deal. In this situation it is important for India to assess how relevant is the current nuclear discussion. The NPT has become nothing more than a formalistic dance. All the actual work is done outside, in the Conference on Disarmament, in the IAEA. PrepCom is a highly politicized forum to be of any constructive purpose.
- Why should India wait for the Nuclear Posture Review of the US? They can do so many different things outside the NPR. It is a tradition which has to be followed every three or four years. It shouldn't be taken much too seriously
- What is the advantage of India participating in the RevCon? What purpose will it serve?
- Does India really believe that the NPT regime will lead to a safer world? What is the official position of India in this regard?
- What is the current political or international posture relating to India over the no-proliferation issue? Does India see itself half-inside or half-outside the tent? Does India still take up the same approach which it took earlier where it constantly underlined the hypocrisy of the NPT regime or should it be taking up a more constructive position?
- How important is the role of Non-Alignment Movement in the PrepCom?

- How long will the Obama effect last looking at the various fissures in the NPT regime which are still unattended?

Responses

- India has always opposed the NPT but has supported non-proliferation. India has not clearly charted out its course of action regarding whether it supports the NPT in the current situation or not. India has to debate the issue based on where its interest lie.
- There is a lot of opaqueness in India's stand on disarmament. What is a credible nuclear strategy? What is enough? New Delhi needs to have an extensive debate on these issues.
- Bulk of the NAM members are reticent in international forums. Few countries have taken up the leadership which they use for propagating their own agendas. India has to make sure that the NAM's posture should not affect its interest's vis-à-vis the US and at the same time India should be able to tell US that it is a vital link between the superpower and the non-aligned countries. India cannot leave NAM but it is also not necessary to lead NAM either.
- NAM is suddenly turning its back at India. The

types of narratives heard from the NAM countries in the PrepCom are alarming. International Politics is a constant exercise of competing narratives. Narrative gets coloured and if others endorse these narratives, they gain legitimacy. Any major power would monitor the words coming out at these international forums. Surprisingly, India has not taken up issues with NAM over its constant linkage of the nuclear deal with non-proliferation.

- As far as the Obama effect is concerned, it is going to last. The Prague speech was not accidental. It was a part of carefully thought out strategy which they are going to maintain till the coming RevCon.

“

The final draft seems like a compromise draft with a number of issues being scratched out even though the Chair was hoping that recommendations could be salvaged on the last day. However, by the end of the day the Prep Com left the matter to the 2010 RevCon

”

Annexure I

Why the 2009 NPT PrepCom was Not a Failure

Yogesh Joshi, Research Intern, IPCS

For two weeks in the month of May, delegates from 122 countries, signatories of the Non-Proliferation Treaty discussed the procedural agenda and substantive recommendations for the 2010 NPT Review Conference (RevCon). Chaired by Ambassador Boniface Chidyausiku of Zimbabwe, the third and final Preparatory Committee (PrepCom) for 2010 RevCon, unlike the PrepCom of 2004, was able to approve an agenda for 2010 but failed to provide a recommendation, as in 2004, on substantive issues beleaguering the NPT regime in particular and the universal discourse on disarmament in general. Though one can easily tout the differences on substantive recommendations as an outright failure, it is important to look at various positives from the PrepCom.

If we look through a minimalistic prism, the PrepCom was successful in at least in one regard. It was able to consensually arrive at an agenda which basically revolved around the “principles and objectives” of the 1995 Review and Extension conference and the “13 practical steps” of the 2000 NPT Review Conference. A reference to the 1995 and 2000 RevCon meant a clear indication to return to the pre-Bush administration approach to arms control. No serious efforts to ratify the CTBT and the unilateral American withdrawal from the ABM treaty clubbed with counter-proliferation measures such as Proliferation Security Initiative and Container Security Initiative led to the moribund state in which the NPT regime found itself at the end of the Bush administration.

The revival of “NPT spirit” was singularly possible because of the change of guard at the White House and the recent goodwill generated by a revisionist (in relation to the previous administration) nuclear policy of the Obama administration. President Obama’s assertion that he would work for the ratification of the CTBT and for strategic arms reduction with Russia brought back, in some measure, the legitimacy of the regime by proclaiming disarmament to be the central tenet of the NPT regime.

Further, during the course of the PrepCom, the US adopted a non-confrontational approach evident in the address of the Assistant Secretary of State, Rose Gottemoeller, to the PrepCom, reiterating unequivocal commitment to nuclear disarmament and by the absence of any direct reference to Iran. Earlier in 2004, the US eschewed any reference to disarmament commitments, focussed only on potentially proliferating states and even rejected the 13 steps of the 2000 RevCon. This change in attitude of the superpower allowed for a modicum of cooperation in the PrepCom. Among the P-5, only France and China appeared to be laidback and un-

cooperating and were definitely not prepared for the doctrinal changes accompanying the revised US policy. They were initially reluctant to refer to the disarmament commitments as well as over the verification clause in the Fissile Material Cut-off Treaty but could do little against the changed environment. A more calm and stable diplomatic milieu was definitely an advantage over the chaos of the earlier meetings.

Though no substantive recommendations could be made to the 2010 RevCon, the discussions on various other aspects related to the three pillars of NPT – disarmament, non-proliferation and peaceful uses nuclear energy – were a welcome development. The Nuclear Fuel Bank (NFB) and the Nuclear Weapons Free Zones (NWFZ) were two important issues which were highlighted during the negotiations on the recommendations. In debates over the NFB, there was a clear omission of the Global Nuclear Energy Initiative, proposed by the Bush Administration in 2006 authorising some states to enrich nuclear fuel and relegating others to buy from a select few.

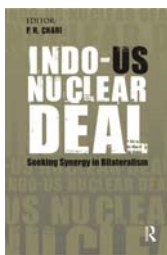
The inclusion of multilateral approaches as proposed by the Nuclear Threat Initiative and IAEA were supported by most states and all were quick to recognise the importance of the NWFZ in strengthening the NPT regime. The 1995 RevCon recommendation for a NWFZ in the Middle East was revisited and strong appeals were made to rework the arrangement. A Nuclear Weapons Convention banning nuclear weapons on the lines of the CWC and provisions for making ‘Negative Security Assurances’ (assurance from Nuclear Weapon States of not using nuclear weapons against Non-Nuclear Weapon States) legally binding were also discussed and supported by a host of states.

Since concrete measures for global disarmament are not visible in the conclusion of the PrepCom, one can argue that tactical requirements to serve one’s interests can lead to symbolism and this is precisely what US is trying to do. The argument that equating disarmament with non-proliferation, renouncing unilateralism, being more accommodative are short-term measures indicating efforts to make up for the blunders of the Bush Administration is to miss the whole point of the importance of norms and rules. The US acceptance of the NPT regime as the legitimate authority for global disarmament, a more multilateral approach for countering nuclear threats and a voluntary recognition of the responsibilities it shares with the international community highlights the importance of legitimacy and shared understanding in resolving contentious issues.



RECENT NSP PUBLICATIONS

BOOKS



Indo-US Nuclear Deal: Seeking Synergy in Bilateralism

Edited by PR Chari

Routledge, 2009

Indo-US Nuclear Deal: Seeking Synergy in Bilateralism

Book Discussion Report

Sitakanta Mishra, Vidisha Shukla & Yogesh Joshi, June 2009

Nuclear Policies of Japan and Australia: Implications for India

Workshop Report, Yogesh Joshi, June 2009

CBRN BRIEFS

Pakistan's Nuclear Assets: Safe and Secure

Rabia Akhtar, CBRN Brief 13, June 2009

Obama and Nuclear Disarmament: An Indian Critique

Conference Report, Rekha Chakravarthi, Kimberley Layton & Vidisha Shukla, May 2009

India and Nuclear Disarmament: Chasing a Dream

Rekha Chakravarthi, CBRN Brief 12, March 2009

Indo-US Nuclear Deal: Implications for India and the Global Nuclear Regime

Rajeswari Pillai Rajagopalan

CBRN Report, December 2008

Pakistan's Nuclear Assets: India's Concerns

Ali Ahmed, CBRN Brief 11, February 2009

CBRN REPORTS



Recent Developments in North Korea

PR Chari, Special Report 74, June 2009

India and the Impending FMCT: Interview with Prof R. Rajaraman

Rekha Chakravarthi & Yogesh Joshi

CBRN Report, June 2009