

Conning Humanity in the Name of Disarmament

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One of the biggest failures of the United Nations since its founding has been its inability to halt the nuclear arms race and take any significant step towards elimination of nuclear weapons. On the contrary, the —wittingly or unwittingly—became a victim of a series of con games played by the nuclear weapon states. On the face of it, the latest attempt of the to adopt a so-called Convention on the Prohibition of Nuclear Weapons appears to be no different. India's decision to stay away from the proceedings is shocking since it has historically supported the cause of disarmament. New Delhi is defending a world divided into nuclear-haves and nuclear-have-nots unmindful of the disastrous consequences.

The very first resolution adopted by the United Nations General Assembly (UNGA) on 24 January 1946 at its first session held in London, was regarding the "Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy." The Commission was entrusted with the task of making specific proposals: (i) for exchange of basic scientific information for peaceful purposes; (ii) for ensuring use of atomic energy only for peaceful purposes; (iii) for the "elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction"; and (iv) for "effective safeguards... to protect complying States against the hazards of violations and evasions."¹ While there may have been some noticeable progress under tasks (i) and (ii), tasks (iii) and (iv) have remained practically unaddressed. This was primarily because, from 1946 onward, the United States (US), the Union of Soviet Socialist Republics (USSR), the United Kingdom (UK), and France have wielded disproportionate influence in controlling and directing the activities of the UN (China was admitted to the UN only in 1971). The USSR did vociferously support disarmament from 1945 until 1963, after which it became obsessed with seeking military parity with the US. During a brief phase, 1961–63, the US too had expressed support for disarmament. However, with the signing of the Partial Test Ban Treaty (PTBT) in 1963, the task of disarmament was completely sidelined by the UN. Before probing the fate of the main disarmament proposals that the UN had considered since 1946, the scope of the current proposal pending before the UN is examined.

Draft Convention

The first draft of the proposed "Convention on the Prohibition of Nuclear Weapons" was released by the UN in Geneva on 22 May 2017.² According to a press statement issued by the International Campaign to Abolish Nuclear Weapons (ICAN), the draft was developed on the basis of discussions and inputs received during the first round of negotiations, held at the UN headquarters in New York from 27–31 March 2017, with the participation of 132 nations.³ The negotiations are scheduled to resume on 17 June 2017 and continue until 7 July 2017, with the draft as the basis. India has chosen to abstain from the proceedings.

The preamble to the Draft Convention attempts to eloquently focus attention on the nuclear threat and highlights the need for nuclear disarmament as well as general and complete disarmament. However, the last but one para of the preamble is a giveaway since it goes on to state as follows:

Reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons [NPT] as the cornerstone of the international nuclear non-proliferation regime and an essential foundation for the pursuit of nuclear disarmament, the vital importance of the Comprehensive Nuclear-Test-Ban Treaty [CTBT] as a core element of the nuclear disarmament and non-proliferation regime, and the contribution of the treaties establishing nuclear-weapon-free zones [NWFZs] toward strengthening the nuclear non-proliferation regime and to realising the objective of nuclear disarmament.⁴

The self-serving claim that NPT, CTBT and NWFZs (in their present form) have contributed to the advancement of nuclear disarmament is hugely contentious. On the contrary, as will be explained below, these regimes are not what they appear to be but are being flaunted as significant ones in the cause of nuclear disarmament only to safeguard the interests of the nuclear weapon powers. While fully realising the urgency of mobilising world opinion to support disarmament and being deeply conscious of the pressing need for adopting a global treaty to prohibit nuclear weapons at the earliest, it is extremely disheartening to note that, in its present form, the Draft Convention is totally disappointing since it is in no way designed to achieve the purported objective of prohibiting nuclear weapons worldwide. From the haphazard and lackadaisical manner in which it has been drafted, it is quite evident that the attempt to adopt this convention is only intended to hoodwink the peace loving people across the globe by giving the false hope that a serious attempt is being made to address one of the most vital issues confronting humankind at present.

For all practical purposes, the Draft Convention is almost a mirror image of the NPT. There are, however, three crucial differences. In Article-I of the Draft Convention, it is stated as follows:

(i) Each State Party undertakes never under any circumstances to:

(a) Develop, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices;

...

(d) Use nuclear weapons;

(ii) Each State Party undertakes to prohibit and prevent in its territory or at any place under its jurisdiction or control:

(a) Any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices...⁵

The call to freeze development, manufacture and stockpiling of nuclear weapons is, indeed, welcome and, theoretically, it could be applicable to both Nuclear Weapon States (NWS) as well as Non Nuclear Weapon States (NNWS). Unfortunately, what appear as positive sub-clauses in Article-I (against “use of nuclear weapons” as well as against “deployment of any nuclear weapons” in foreign territories) are mere window dressings since the Draft Convention does not even acknowledge the existence of NWS and these provisions are not addressed to them. It is the NWS, which have to give a categorical undertaking not to use nuclear weapons against NNWS under any

circumstances and not to use it first against fellow NWS.

Similarly, only NWS can deploy nuclear weapons on foreign territories. As long as the existence of NWS is not recognised and they stay out of the present convention, NNWS who support this convention would have the satisfaction of merely reiterating what they have been reaffirming about their commitment to nuclear disarmament since 1946 or since the time they became members of the UN. What is sorely missing from the Draft Convention is a categorical assertion that the use or threat of use of nuclear weapons would constitute a crime against humanity. The Draft Convention should have made it clear that Article 51 of the UN Charter (right of self-defence) cannot be invoked by any NWS to commit genocide; that member-states should only act in a manner that is in consonance with Article 2(4) of the UN Charter (to refrain from threat or use of force against fellow member-states).⁶

No Nuclear Disarmament

Moreover, while the preamble to the Draft Convention recognises that “the prohibition of nuclear weapons would be an important contribution towards comprehensive nuclear disarmament,”⁷ there are no provisions in it that actually seek to outlaw the production and stockpiling of nuclear weapons. An equally distressing aspect is that, while the preamble lays emphasis on “the role of public conscience in the furthering of the principles of humanity as evidenced by the call for the total elimination of nuclear weapons,”⁸ there are no provisions in it that actually seek to eliminate the existing stockpile of nuclear weapons in a time-bound manner. Instead, what is provided in Article 5 is as follows: “Proposals for further effective measures relating to nuclear disarmament... may be considered at the Meetings of States Parties or Review Conferences.”⁹

In short, the issue of nuclear disarmament is not a part of the present Convention and the matter would only be considered at a later date. This is further evident from Article 9 of the Draft Convention, which states as follows:

(1) The States Parties shall meet regularly in order to consider... further elaboration of effective measures for nuclear disarmament, including:

...

(d) Proposals for effective measures relating to nuclear disarmament, ... and irreversible elimination of nuclear weapon programmes, including additional protocols to this Convention.¹⁰

Therefore, the very title of the Draft Convention is totally misleading since it has nothing to do with prohibiting nuclear weapons. Likewise, Article 2 of the Draft Convention is a strange provision because it states as follows:

Each State Party shall submit... a declaration in which it shall declare whether it has manufactured, possessed or otherwise acquired nuclear weapons or other nuclear explosive devices after 5 December 2001.¹¹

What is so peculiar about nuclear weapons manufactured after 5 December 2001? What is so

significant about this particular cut-off date? However, when combined with Article 4 of the Draft Convention, it would appear that Articles 2 and 4 have been incorporated to focus attention on North Korea since Article 4 states as follows:

Each State Party that has manufactured... nuclear explosive devices after 5 December 2001, and eliminated all such weapons or explosive devices prior to the entry into force of the Convention..., undertakes to cooperate with the International Atomic Energy Agency...¹²

Since North Korea is the only nation that has acquired nuclear weapons after 5 December 2001, those who drafted the present convention perhaps are under the illusion that North Korea would voluntarily give up its nuclear weapons. That is a rather far-fetched hope! Why will North Korea join the present convention without any reciprocal guarantee from the NWS that it would not be targeted with nuclear weapons or subjected to aggression by other means? Given the fact that Articles 2 and 4 are not applicable to the other nuclear weapon states, which had acquired nuclear weapons prior to 5 December 2001, the objective in including Articles 2 and 4 in the Draft Convention is not at all apparent other than that it is only intended to target North Korea.

In fact, the limitations, if not the complete irrelevance, of the entire exercise of drafting this convention is evident from what is stated in Article 19, which is as follows:

This Convention does not affect the rights and obligations of the States Parties under the Treaty on the Non-Proliferation of Nuclear Weapons.¹³

In other words, the provisions of the NPT will continue to be supreme and the proposed "Convention on the Prohibition of Nuclear Weapons" would be merely subservient to the NPT. (The failure to make even a passing reference to the Model Nuclear Weapons Convention of 2008,¹⁴ which is currently pending before the UN General Assembly, exposes the complete hollowness of the present Draft Convention. It is also rather curious as to why the Costa Rican ambassador to the UN, who is presiding over negotiations of the Draft Convention on Prohibition of Nuclear Weapons, chose to conceal the significance of the Model Nuclear Weapons Convention of 2008, which was first submitted to the UN by Costa Rica in 1997.)

Nature of the NPT

It is very unfortunate that the UN continues to describe the NPT as:

a landmark international treaty whose objective is to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament.¹⁵

Regrettably, the assertion of the UN about the NPT's objectives "to further the goal of achieving nuclear disarmament and general and complete disarmament" is far removed from reality. On the contrary, my considered submission is that, as long as the UN continues to accord legitimacy to the

NPT in its present form, there is absolutely no possibility of the UN ever being in a position to advance the cause of nuclear disarmament even a step further. This is because the NPT is structured in such a manner that it is primarily intended to safeguard the interests of the five nuclear weapon states (P-5) that are signatories to the NPT. The most notable fact is that there is no specific clause in the NPT that explicitly seeks to prevent the P-5 from launching a nuclear attack on any NNWS even if it is a party to the NPT. On the contrary, the NNWS have been compelled to give a categorical undertaking to the P-5 that NNWS would not manufacture or acquire nuclear weapons under any circumstances. In effect, 185 NNWS, which are signatories to the NPT, have voluntarily handed over to the P-5 the right to target any NNWS with nuclear weapons. An analysis of the main operative clauses of the NPT, that is, Articles-I, II, III, and VI, would expose the real intent and purpose of the NPT.

The NPT was signed on 1 July 1968 by the US, USSR and UK.¹⁶ Subsequently, it was opened for signature by other countries and it entered into force on 5 March 1970. The preamble to the NPT does highlight the danger of nuclear war and about the “need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples.” Since “the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,” it further states that the task of “prevention of wider dissemination of nuclear weapons” is of utmost importance. Articles-I and II of the NPT¹⁷ were purportedly formulated with these objectives.

Violation of Articles-I and II

The P-5 members have had no compunctions in violating Article-I of the NPT with impunity. For example, contrary to the undertaking that “each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons...,” the US has continued to deploy nuclear weapons abroad and had deployed about 12,000 nuclear weapons in 18 NPT member-states and nine foreign territories under US occupation well until 1977, that is, even nine years after signing the NPT.¹⁸ The problem continues to persist, albeit on a much smaller scale, even 40 years later. According to the *Bulletin of the Atomic Scientists*, the status in this regard at the beginning of 2017 is as follows:

About 150 of these (versions 3 and 4) [US nonstrategic nuclear weapons] are deployed at six bases in five European countries: Aviano in Italy, Büchel in Germany, Ghedi in Italy, Incirlik in Turkey, Kleine Brogel in Belgium, and Volkel in the Netherlands.¹⁹

As is evident, five North Atlantic Treaty Organisation (NATO) allies of the US, which are non-nuclear weapon NPT member-states, continue to allow the US to deploy nuclear weapons on their soil. Granting permission for such deployments constitute patent violation of the letter and spirit of Article-II of the NPT, which states that, “(e)ach non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transfer or whatsoever of nuclear weapons...” Therefore, not only are the US and the said NATO allies guilty of “dissemination of nuclear weapons” but they are also guilty of acting in a reckless manner that “enhance(s) the danger of nuclear war” as enunciated in the preamble to the NPT. However, such utter disregard for the NPT by both the P-5 as well as those NNWS that are signatories to the NPT is quietly overlooked.

Inspectors of the International Atomic Energy Agency (IAEA) choose to turn a blind eye to the presence of US nuclear weapons on the territories of the US’s non-nuclear NATO allies—namely Belgium, Germany, Italy, the Netherlands, and Turkey—who are all parties to the NPT, and whose

territories and nuclear facilities are supposedly subjected to regular IAEA inspection. IAEA was unable to detect the presence of nuclear weapons—earlier on the territories of some 27 NNWS and presently on 5 NNWS—despite carrying out inspections for 47 years. At the same time, Iraq (a signatory to the NPT) was wantonly destroyed on the mere suspicion (which later turned out to be false) that it was attempting to acquire nuclear weapons. These are other classic examples of the grossly discriminatory nature of the present NPT regime and the extremely sectarian manner in which the IAEA has been forced to carry out its duties.

The P-5 have also deployed hundreds of nuclear weapons on submarines (and on ships until 1991) that patrol the oceans and seas across the world, which amount to spreading their nuclear tentacles worldwide. The US and Russia are the biggest culprits in this regard. According to the *Bulletin of the Atomic Scientists*, by 2018, the US will have a stockpile of 240 SLBMs (Submarine Launched Ballistic Missiles) with nearly 1,000 warheads.²⁰ Currently Russia has deployed about 160 SLBMs with about 800 warheads;²¹ Britain has about 225 warheads on SLBMs;²² France has about 80 warheads on SLBMs;²³ and China has about 48 warheads on SLBMs.²⁴ In short, the P-5 have made a complete mockery of Article-I of the NPT by brazenly deploying nuclear weapons outside their respective mainlands and, thereby, increasing the possibility of outbreak of nuclear war through accident, miscalculation, or deliberate use. (A significant policy difference within the P-5 is that China has unilaterally given an undertaking never to use nuclear weapons against NNWS and not to use nuclear weapons first against NWS.²⁵)

Nuclear Infrastructure

Another disturbing aspect is the extension of the huge nuclear infrastructure of the P-5 into the territories of the NNWS. Nuclear weapons are only one part of the nuclear infrastructure; an equally important part is the command, control, communication and intelligence (C3I) system. From a study conducted as early as 1985 and published in *Bulletin of Atomic Scientists*, it was evident that:

(a) Command, control, communication and intelligence (C3I) systems—the nervous system of the nuclear arsenals—are what gives the superpowers the confidence that they can fight and win a nuclear war.

(b) ...65 nations and territories house facilities of the nuclear infrastructure: the United States has nuclear related facilities in 40 foreign countries and territories, the Soviet Union in 11, Britain in 12 and France in 9.

(c) Every day, through training, reconnaissance, and exercise, the nuclear infrastructure makes dry run of nuclear war. Nuclear-free countries have already begun to realise, however crudely in some instances, that 'protection' by this infrastructure entails provocation and high-risk operations.²⁶

China is the only P-5 that has not set up C3I facilities on foreign territories so far. With the demise of the Soviet Union, the situation had marginally changed for the better. However, the fact remains that all the NWS, which have set up foreign nuclear infrastructural facilities, are guilty of violating Article-I of the NPT by exercising "control over" nuclear weapons by "transferring" nuclear infrastructure to "recipient" NNWS. Similarly, the NNWS that continue to host such vital facilities on their territories are guilty of violating Article-II of the NPT by "directly or indirectly" helping NWS to exercise "control over" nuclear weapons, which are deployed outside the territories of the P-5.

No Restraint on Nuclear Tests/Stockpiles

Moreover, while horizontal proliferation (that is, testing and acquisition of nuclear weapons) by the NNWS was prohibited under the NPT, there was no prohibition on vertical proliferation (that is, testing, production, and stockpiling of nuclear weapons) by the P-5. As a result, between 1968 and 1995 (that is, before signing the CTBT), the P-5 had carried out no less than 1,186 nuclear weapon tests as opposed to 858 such tests that the P-5 had carried out between 1945 and 1967 (that is, before signing the NPT).²⁷

That the NPT had clearly failed to restrain the aggressive policies of the P-5 is evident from the fact that while the entire stockpile of nuclear weapons (both strategic as well as tactical ones) in 1968 had totalled 38,974, by 1986 the figure had shot up to 70,481.²⁸ The total destructive power of this huge nuclear arsenal was about 22,000 megatons of TNT, which was roughly equivalent to over 1,470,000 Hiroshima-type atom bombs.²⁹ The mind-boggling devastation this huge arsenal could have unleashed may well be imagined! Thus, 20 years after signing the NPT, the world had become a far more dangerous place to live in—all thanks to the framers of the NPT, who were intent on pandering to the whims and fancies of the P-5 and their allies. Can these facts be denied? For whose benefit was unbridled vertical proliferation permitted? Why did the NNWS remain mute spectators to this mindless nuclear arms race? The current stockpile of nuclear weapons is as follows: US = 7,000; Russia = 7,290; Britain = 215; France = 300; China = 260; Israel = 80; India = 100-120; Pakistan = 110-130; and North Korea = 10; that is, a total of 15,395 warheads.³⁰

Sidelining of Resolution 2028 (XX)

This perilous situation was a testimony to the fact that while formulating Articles-I and II of the NPT, no attempt was made to ensure that the signatories to the NPT would abide by the stipulations set out in Clause 2 of the UNGA Resolution 2028 (XX) of 19 November 1965. Three of the said stipulations were as follows:

- (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.³¹

As is evident, Articles-I and II of the NPT had left enough loopholes to help the P-5 to indulge in unbridled proliferation—both vertical as well as horizontal. Not only did the P-5 recklessly increase the stockpile of nuclear weapons (vertical proliferation) but they also thoughtlessly deployed nuclear weapons abroad—stationary ones at bases in territories of allies as well as occupied territories and mobile ones on submarines (horizontal proliferation). Moreover, as noted above, not only were responsibilities and obligations on the part of P-5 and NNWS different but also the P-5 took no step towards the achievement of nuclear disarmament, let alone general and complete disarmament. Thereby, the said stipulations made in clause 2 of the said UNGA Resolution 2028 (XX) were rendered completely meaningless. All that the original signatories to the NPT (US, USSR and UK) had to do to escape the ambit of these stipulations was to delete clauses 2(a)-(d) from the final text of the NPT, which was signed on 1 July 1968. (However, clause 2(e) was incorporated as Article-VII of the NPT.) Incidentally, UNGA Resolution No 2028 (XX) was titled “A Treaty to Prevent the Proliferation of Nuclear Weapons” and it was proposed by India and seven other non-aligned

countries. It was against the non-inclusion of the said stipulations in clause 2, which rendered the NPT not only discriminatory but also meaningless, that India had refused to sign the NPT.

Discriminatory Nature of the NPT

The thoroughly discriminatory nature of the NPT again comes out clearly in its Article III (1),³² according to which nuclear facilities of only the NPT-member NNWS were to be placed under the International Atomic Energy Agency's (IAEA) safeguards system. This was for the exclusive purpose of verifying whether the said NNWS were fulfilling their obligations, which they had assumed under the NPT, that is, to use nuclear technology only for peaceful purposes and not divert the same for building weapons of mass destruction. While all the nuclear facilities of the said NNWS were to be covered by IAEA's "Comprehensive Safeguards Agreement,"³³ the P-5 were "not obliged to conclude safeguards agreements."³⁴

After making this revelation, the IAEA grudgingly went on to state that: "the five declared nuclear weapon States have agreed that IAEA safeguards may be applied to all or part of their civil nuclear activities,"³⁵ through what is called "Voluntary Safeguards Agreement."³⁶ This implies that possibly some civilian nuclear facilities and all the military nuclear facilities of the P-5 are wholly exempt from the voluntary safeguards agreement, which amounts to a clear case of discrimination against the NNWS over whom the IAEA has the "right and obligation to ensure," that is, to compulsorily conclude, a comprehensive safeguards agreement covering all nuclear facilities of the NNWS.

Therefore, by definition, the present NPT does not embody an acceptable balance of mutual responsibilities and obligations of the nuclear weapon states and non-nuclear weapon states as originally envisaged in Clause 2(b) of the UNGA Resolution 2028 (XX).³⁷ As is apparent, Article-III of the NPT sets out conditions and obligations, which are strict and inflexible for the NNWS while, as shown below, the conditions and obligations set out for the P-5 NWS under Article-VI of the NPT are extremely lax and very flexible.

Lifeless Article-VI

It would appear that Article-VI of the treaty had fulfilled the principle stipulated in Clause 2(c) of the UNGA Resolution 2028 (XX),³⁸ which was that: "The treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament." On the contrary, the wording of Article-VI betrays its intent and purpose. It says that:

Each of the Parties to the Treaty undertakes 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 on a Treaty on general and complete disarmament under strict and effective international control.³⁹

As is apparent, it is a completely vague statement because the issue of nuclear disarmament in the first place should have been addressed solely to the P-5 and not to "each of the Parties to the Treaty." This is because other than the P-5 no other nation across the world was known to possess nuclear weapons at the time of signing the NPT in 1968.

Instead of placing the onus of nuclear disarmament squarely on the NWS, there was an attempt to obfuscate the issue by making it appear that the NNWS also had an equal role in nuclear

disarmament. While NNWS could at best give an undertaking not to acquire nuclear weapons and place all their nuclear facilities, if any, under strict IAEA safeguards, how could they be disarmed of weapons they did not possess in the first place? What could the NNWS possibly do other than to urge the NWS to end the nuclear arms race and to begin the process of nuclear disarmament?

It is impossible to carry out a clandestine nuclear weapons programme anywhere on Earth without the knowledge of one or the other P-5 members or the governments of the NNWS in whose territory such activity could possibly take place. This is because the level of scientific and technical know-how, the number of skilled personnel, and the size of infrastructure required for the purpose are significantly high. Considering the advanced level of detection and monitoring mechanisms that were available even at the time of signing the NPT, any possibility of some disgruntled group or organisation carrying out a wholly clandestine nuclear weapon programme could have been completely ruled out.

Article-VI also did not specify any time-frame within which to end the nuclear arms race or even for initiating the process of nuclear disarmament. Moreover, what are the phrases “negotiations in good faith” and “at an early date” supposed to mean? In fact, they are merely inbuilt “escape clauses” to assist the P-5 to eschew their obligation to begin negotiations to end the nuclear arms race and eliminate the stockpile of nuclear weapons. Is it not an appalling situation that even 49 years after the signing of the NPT in 1968, the nuclear weapon powers have not been able to find an “early date” for beginning the process of nuclear disarmament?

The worthwhile role that the NNWS could have actively played was by interacting with the NWS to help formulate the necessary policies for advancing the cause of nuclear disarmament and peace. But was it lack of initiative on the part of the NNWS which failed to curb the nuclear arms race and which was responsible for holding back the process of nuclear disarmament? One of the principles on which the NPT was to be based, as per Clause 2(d) of the UNGA Resolution 2028 (XX), was that: “There should be acceptable and workable provisions to ensure the effectiveness of the treaty.”⁴⁰ What are the workable provisions in Article-VI that would have made it effective? There was none at all.

The reasons are simple: Article-VI was not designed to have either workable or effective provisions. The effectiveness of Article-III, as far as the NNWS were concerned, is hardly in doubt since its workable provisions, which the IAEA implements, were very tough and stringent. Therefore, there is absolutely no doubt that Article-VI of the NPT was merely the carrot at the end of the long stick to lead the peace movement up the garden path. The complete failure during the last five decades to get a firm commitment from the NWS to end the nuclear arms race and begin the process of abolition of nuclear weapons is a testimony to that fact.

Why was an explicit provision not included in the NPT to prohibit the use of nuclear weapons by the NWS, especially against NNWS? Who stood to gain from the absence of such a provision—the nuclear weapon states or the non-nuclear weapon states? This was yet another deliberate loophole in the treaty in favour of the NWS. When the NNWS insisted on security assurances from the NWS, they were again hoodwinked into believing that Resolution 255 that was adopted by the UNSC on 19 June 1968⁴¹ would provide such security to the NNWS. The fact was that the security that the said Resolution 255 was supposed to guarantee to the NNWS was a complete sham. It was not worth the scrap of paper it was written on and those who proposed that Resolution knew that very well. Believe it or not, it was called “positive” security assurance to NNWS, that is, after an NNWS becomes “a victim of an act... in which nuclear weapons are used,” the Security Council promises to step in and take measures to maintain international security. Could there have been a more absurd proposition

to assuage the fears of the NNWS (that the Security Council will step in to provide security to an NNWS after the latter becomes a victim of a nuclear attack)?

Negative Security Assurance

In a detailed article titled "The Legal Status of US Negative Security Assurances to Non-Nuclear Weapon States,"⁴² George Bunn, who had served as general counsel of the US Arms Control and Disarmament Agency (ACDA) from 1961 to 1969, and who was one of the negotiators of the Non-Proliferation Treaty, laid bare the US position on the issue way back in 1997. Divulging the US stand, he wrote:

(a) In 1966, the eight non-aligned countries [which included India] that were members of the Geneva disarmament conference joined in a memorandum to the conference that recited their various individual NPT-related proposals including "the banning of the use of nuclear weapons and assurance of the security of non-nuclear-weapon States." They suggested that these "could be embodied in a treaty as part of its provisions or as a declaration of intention."

(b) During the UN General Assembly debates on disarmament in the fall of 1966, 46 non-aligned countries introduced a draft resolution that invited the nuclear weapon states "to give an assurance that they will not use, or threaten to use, nuclear weapons against non-nuclear-weapon States."

(c) ACDA sought authority from President Johnson for the US representative to the United Nations to vote for the resolution ... The Joint Chiefs of Staff opposed ACDA's draft: According to a State Department cable sent to President Johnson and Secretary of State Rusk, who were abroad when the issue arose, the Chiefs' "opposition was based on the reason that such a non-use assurance could provide an impetus toward total prohibition of nuclear weapons."

The US Joint Chiefs of Staff as early as 1966 had correctly identified the crux of the issue: "a non-use assurance could provide an impetus toward total prohibition of nuclear weapons." This is precisely the reason why a negative security assurance, that is, a pledge by the nuclear weapon states not to use nuclear weapons against non-nuclear weapon states, has to be an integral part of any nuclear arms control or disarmament treaty. A negative security assurance is the very first step that would provide the necessary impetus for moving towards the goal of nuclear disarmament.

Expressing a similar opinion, Carlton Stoiber, an expert on international law based in Washington, DC, and who had served in the US Department of State as well as the Nuclear Regulatory Commission for nearly 30 years, commented on the developments in the NPT Review Conferences (RevCons) in this regard as follows:

The issue of security assurances to non-nuclear weapon states parties to the NPT has been a central issue at NPT RevCons since 1975. The issue was actively debated during negotiations of the treaty itself. In fact, without the adoption of Security Council Resolution 255 in 1968, extending so-called positive security assurances to the NNWS it is unlikely that the treaty would have been approved.⁴³

While Security Council Resolution 255 of 1968 (UNSC 1968)—the so-called “positive” security assurance—was one of the most abject resolutions ever to be passed by the UN Security Council, the point to be noted here is that the issue of security assurances to the NNWS has remained a perpetual source of controversy in the RevCons. To ostensibly rectify the shortcomings of the UNSC Resolution 255 of 1968, the UNSC passed yet another resolution on 11 April 1995 (Resolution 984 of 1995).⁴⁴ However, on that very day, the G-21 nations, representing the non-aligned nations in the UN, wrote a protest letter (CD\1312) addressed to the Deputy Secretary-General, UN Conference on Disarmament, against the said resolution. The letter stated that:

this resolution does not take into account any of the formal objections made in the past by Non-nuclear Weapon States on the restrictive, restrained, uncertain, conditional and discriminatory character of the guarantees already provided. [Therefore,] it is for the Nuclear Weapon States to provide security assurances to Non-nuclear Weapon States against the use or threat of use of nuclear weapons in an internationally and legally-binding form.⁴⁵

The inherent flaws in the UNSC Resolution No 984 of 1995 thus stood exposed. However, because of G-21’s strong protest, a separate decision was adopted at the 1995 NPT RevCon, which stated as follows:

further steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.⁴⁶

Despite the decision to strengthen the negative security assurance to NNWS, till date the inherent flaws in Resolution No 984 of 1995 have not been rectified due to the continued obstinacy on the part of the US (as well as Russia, UK and France that have identical positions), which is terrified at the prospect that “a non-use assurance could provide an impetus toward total prohibition of nuclear weapons.”⁴⁷

‘Greatest Con Game’

The intrigue behind the NPT was exposed through a chance discovery. While exploring aspects of non-compliance of the obligations under the existing arms control treaties, Zia Mian of Princeton University had uncovered as follows:

Bill Epstein, a veteran United Nations official in the area of arms control and disarmament, records that one of the American negotiators conceded privately that the NPT was ‘one of the greatest con games of modern times.’⁴⁸

Indeed, from the above analyses it is very evident that the NPT has been “one of the greatest con games of modern times.” Although William Epstein had recorded this fact in 1976, it was never given the prominence it truly deserved. The proponents of the NPT, who may have been aware of this fact for the last 40 years or more, nevertheless, have had no compunctions in continuing to eulogise the NPT. It may be relevant to mention here that William Epstein, who after having served the UN for 54

years passed away in 2001, was—in the words of the then UN Secretary-General, Kofi Annan—“indisputably one of the world’s leading advocates of global disarmament, having devoted his entire professional career and his long retirement to this noble cause.”⁴⁹ It was obviously a considered decision on the part of William Epstein to have recorded that the NPT was nothing but a con game. For a long time and among a sizeable section of peace activists, an illusion was created that the NPT was addressing the issue of global disarmament and peace. How many of those peace activists are willing to reassess their position on the NPT in the light of this revelation by Bill Epstein? The fact is, 49 years after the signing of the NPT, the human security environment is far worse than what it was in 1968.

With the 1995 NPT Review Conference deciding to extend the NPT indefinitely, it became evident that this retrograde step would not only legitimise the possession of nuclear weapons by the P-5 and their self-proclaimed right to use nuclear weapons against NNWS in perpetuity but also, by implication, postpone for ever even the possibility of beginning negotiations for cessation of the nuclear arms race and elimination of nuclear weapons. The issue of nuclear disarmament, thus, was sought to be reduced to a mere pipe dream. It had become apparent that the US and its allies have had no interest or intention of implementing Article-VI of the NPT at any stage.

After the US and its allies came out in their true colours, the other supporters of the NPT consisting of the majority of Non-Aligned Movement (NAM) members, members of the New Agenda Coalition (NAC), and various NGOs, who had repeatedly quoted Article-VI to propagate the virtues of the NPT, found themselves in a quandary. The only way members of NAM, etc, could redeem their credibility was by trying to infuse some life into the lifeless Article-VI. As a face-saving exercise at the 1995 NPT Review Conference, they managed to push through on 12 May 1995 a decision called “Principles and Objectives for Nuclear Non-Proliferation and Disarmament,”⁵⁰ which included a “Programme of Action.”

Between the 1995 and the 2000 NPT Review Conferences, the world witnessed further horizontal nuclear proliferation with India and Pakistan becoming de facto members of the nuclear weapons club. Therefore, the 2000 NPT RevCon, agreed to adopt, what was reported as, “Practical steps for the systematic and progressive efforts to implement article VI of the NPT.”⁵¹ However, even by 2015, neither the “Principles and Objectives...” of 1995, the “Practical Steps...” of 2000, nor the “64-Point Action Plan” of the 2010 NPT RevCon appear to have had any positive impact on changing the discriminatory character of the NPT.⁵² The refusal by the US, Russia, UK, and France to give unqualified Negative Security Assurance (NSA) to NNWS (like the one offered by China) has been the biggest problem plaguing the NPT.

North Korea Exits NPT

The repercussions of the lack of unqualified NSA to NNWS came to the forefront on 10 January 2003 when North Korea announced its decision to withdraw from the NPT. NPT member-states were quick to condemn the decision. However, little attention was paid to the circumstances that compelled North Korea to take that decision. It may be recalled that on 12 March 1993, North Korea had served notice that it would withdraw from the NPT in three months time because of the hostile attitude of the US and because North Korea was “constantly under the US nuclear threat.”⁵³ However, due to the signing of the US-DPRK Joint Statement on 11 June 1993, North Korea decided to temporarily suspend the withdrawal. The Joint Statement was based on the principles of “assurances against the threat and use of force, including nuclear weapons; peace and security in a nuclear-free Korean Peninsula...; [and] support for the peaceful reunification of Korea.”⁵⁴ However, even a decade later,

there was no reduction in the US's hostility towards North Korea and there was little progress in implementing the decisions made under the US-DPRK Agreed Framework, which was signed on 21 October 1994.⁵⁵ In the statement issued at the time of withdrawal, North Korea had submitted as follows:

In the event that the US legally pledges non-aggression, including the non-use of nuclear [weapons] against us, through a non-aggression treaty....we will be ready to prove... that we will not make nuclear weapons.⁵⁶

Obviously, North Korea did not want to meet Iraq's fate. The refusal of the US to give a categorical undertaking not to target North Korea with nuclear weapons as well as its disinclination to sign a non-aggression treaty, left North Korea no option but to take all steps necessary to protect its security, which included, from its point of view, acquisition of nuclear weapons to deter the US from a pre-emptive nuclear attack. However, six days before North Korea conducted its first nuclear test on 9 October 2006, its Foreign Ministry issued a statement, which clarified that: "DPRK will never use nuclear weapons first..."⁵⁷ Again on 8 May 2016, North Korea has reiterated as follows:

As a responsible nuclear weapons state, the DPRK will not use a nuclear weapon first unless its sovereignty is encroached upon by hostile aggression forces with nukes, as it had already declared, and it will faithfully fulfil its commitment to nuclear non-proliferation it made to the international community, and strive for the denuclearisation of the world.⁵⁸

No First Use Policy

It is the US which forced North Korea to withdraw from the NPT by its refusal to give a categorical undertaking that it would not target NNWS with nuclear weapons. The US can still give an unqualified negative security assurance to NNWS and a No-First-Use pledge to NWS, as a first step to resolve the prevailing crisis. That a No-First-Use pledge is a sound policy has been argued by several US experts in the field. In an article titled "End the First Use Policy for Nuclear Weapons," James E Cartwright, a former vice-chairman of the US Joint Chiefs of Staff and former commander of the United States Strategic Command, and Bruce G Blair, a former Minuteman launch officer (both of whom are currently with Global Zero), have argued that:

A no-first-use policy would also reduce the risks of accidental or unauthorised use of nuclear weapons... Beyond those benefits, we believe a no-first-use policy could catalyse multilateral negotiations to reduce nuclear arms, discourage nonnuclear states from developing them and reinforce the Nuclear Non-proliferation Treaty.⁵⁹

Similarly, Michael O'Hanlon, a senior fellow in Foreign Policy at the Brookings Institution and a specialist in US defence strategy, expressed the view that "a nuclear no first use policy can cause net benefit in handling the nuclear problems of the [Korean] peninsula."⁶⁰ Furthermore, Kingston Reif, Director for Disarmament and Threat Reduction Policy at the US Arms Control Association, was of the opinion that

A no-first-use declaration would be highly credible in the current and foreseeable strategic environment, and over time, it could be made more credible by adjusting US operational practices to clearly reflect the new nuclear declaratory policy, such as reducing the stringent readiness requirements of US nuclear forces... In today's global security environment, the threat of nuclear first use is unwarranted and imprudent.⁶¹

Therefore, it is high time that NWS give an unqualified undertaking never to use nuclear weapons against NNWS as well as never to use nuclear weapons first against other NWS.

Expression of Anguish

The failure of the 2005 NPT Conference evoked strong reactions from some of the ardent supporters of the NPT. In this context, it would be interesting to recall what Rebecca Johnson, Founding Director of the Acronym Institute for Disarmament Diplomacy, UK, remarked:

The NPT's historical discrimination between the rights and obligations of nuclear haves and have-nots, which was bolstered by cold war power relations, is proving to be unsustainable in the new security environment ... In the 21st century, nuclear deterrence has no convincing role and should be abandoned... What prevents the nuclear genie from being put back into its bottle is not the technology or know-how, but the value still accorded to nuclear weapons, particularly by states that have them ... By its actions and policies, the US has helped to create a context in which nuclear weapons become the ultimate necessity for, and symbol of, state prestige and security ... Western allies have to stop running away from the inescapable logic of what the NAM have argued for years: non-proliferation is unsustainable without real and significant progress in nuclear disarmament and the devaluation of nuclear weapons.⁶²

Johnson had aptly summed up the crisis facing the NPT regime.

NWFZs and CTBT

Apart from the NPT, most of the NWFZ treaties and the CTBT have little to do with disarmament and all of them have been framed with plenty of loopholes to favour the interests of the advanced nuclear weapon states. (The only genuine and valuable NWFZ treaty is the Antarctic Treaty signed in 1959; it prohibits any type of military activity by any outside agency on the continent.) Referring to the pitfalls in the NWFZs, Section 7 of the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament,"⁶³ which was adopted at the 1995 NPT RevCon, emphasised that

The cooperation of all the nuclear-weapons States and their respect and support for the relevant protocols is necessary for the maximum effectiveness of such nuclear-weapon-free zones and the relevant protocols.

This was an admission that despite the existence of various NWFZs (by 1995 there were three: in Antarctica, Latin America, and the South Pacific), not all the P-5 members were respecting or observing all the relevant protocols necessary for making such NWFZs meaningful and effective.

It may be recalled that it was the apprehension regarding the deployment of foreign nuclear weapons on or near the territories of NNWS as well as to protect themselves against a nuclear attack that initially gave rise to the demand for creation of NWFZs. However, in the absence of a competent monitoring mechanism, there was no way of detecting any violation of the sanctity of the six NWFZs that have been established so far if and when NWS choose to violate such sanctity. As of today, NWFZs essentially mean that the NNWS within such zones would provide a one-way guarantee to the NWS that the NNWS would not use nuclear weapons against NWS. However, the NWS (except for China, India, Pakistan, and North Korea) have so far refused to give a reciprocal guarantee to the NNWS that the NWS would not target NNWS with nuclear weapons.

In other words, the fact that P-5 (excluding China) and Israel have refused to give a clear-cut commitment not to use nuclear weapons against NNWS has meant that the member-states of NWFZs are not free from the threat of a nuclear attack by four of the P-5 members and Israel, which make the concept of NWFZs absolutely redundant. All nuclear activities of the member-states of the NWFZs are subjected to regular inspection by the IAEA since all of them are signatories to the NPT as well. However, the task of tracking any military-related nuclear activity of the NWS within such zones, including the existence of C3I infrastructure for guiding nuclear weapon delivery systems, apparently does not fall within the purview of the IAEA.

CTBT: Another Deceptive Treaty

As far as the CTBT is concerned, it may be recalled that it was the first item on the agenda of the Eighteen Nation Committee on Disarmament (ENCD) that was set up by the UNGA way back in 1962. However, on the eve of finalising the CTBT, as mentioned earlier, three nuclear powers—namely, the US, USSR, and UK—signed the PTBT on 5 August 1963. The PTBT permitted underground nuclear tests while banning nuclear tests in the atmosphere, underwater and in outer space. Signing the PTBT was a betrayal of the cause of disarmament and peace. Yet most nations of the world, as well as the peace movements, welcomed it without understanding the repercussions of supporting the PTBT and the adverse impact it would have in the long run.

Similarly, peace movements were enamoured more by the form of the CTBT than its content and willingly supported its adoption in 1996. However, the CTBT is just another “too clever by half” proposal of the US through which it intended to outwit other nations. This is evident from the statement of Dr Sigfried Hecker, former director of Los Alamos National Laboratory, who let the cat out of the bag in 2009 when he stated that “the single most important reason to ratify the CTBT is to stop other countries from improving their arsenals.”⁶⁴ In other words, the CTBT does not in any way restrain the US from improving or upgrading its nuclear arsenal; it is only intended to “stop other countries” from doing so.

According to Article-1 of the CTBT, “Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion...”⁶⁵ However, strangely enough, the Treaty does not define what constitutes a “nuclear weapon test explosion or any other nuclear explosion.” This is not an oversight but another one of those devious tactics on the part of the P-5. According to the US State Department:

The US decided at the outset of negotiations that it was unnecessary, and probably would be problematic, to seek to include a definition in the Treaty text of a “nuclear weapon test explosion or any other nuclear explosion” for the purpose of specifying in technical terms what is prohibited by the Treaty.⁶⁶

In short, “the Comprehensive Test Ban Treaty purports to ban an activity it does not define” as was pointed out by none other than Republican Senator Trent Lott, the majority leader in the US Senate, on 5 October 1999.⁶⁷ Therefore, nobody knows whether the so-called low-yield hydro-nuclear tests, zero-yield nuclear tests, hydrodynamic experiments, subcritical experiments, etc—all intended to develop/upgrade nuclear weapons—are banned or not. However, the fact is that the US, Russia, UK and China have conducted hydro-nuclear tests after the signing of the CTBT.⁶⁸ The US has also reportedly carried out 27 subcritical critical experiments with plutonium since 1992 at the Nevada Test Site.⁶⁹ Moreover, according to a recent news report, the US successfully tested an upgraded version of the B61-12 nuclear bomb by dropping a zero-yield version of the bomb over the Nevada desert.⁷⁰

In a gist, the CTBT, in its present form, has not imposed any restrictions on the nuclear weapon development capabilities of the P-5. Instead, the CTBT was designed as a non-proliferation tool to rein in the NNWS and to maintain the status quo. It is quite obvious that the CTBT, in its present form, was not intended as a step towards the goal of nuclear disarmament. As far as the US was concerned, CTBT was just a cover for outwitting the other members of the P-5 and other NWS.⁷¹

McCloy-Zorin Accord

The worst role that questionable treaties such as NPT, NWFZs, and CTBT have played over the last five decades has been to obfuscate the issue of general and complete disarmament and effectively obliterate from public memory the significance of the McCloy-Zorin Accord or what is also known as the “Joint Statement of Agreed Principles for Disarmament Negotiations.” The leadership of the NATO and the Warsaw Pact military alliances are not the only ones who are guilty of attempting to cover up this historic pact, which was signed by John McCloy on behalf of the US and by Valerian Zorin on behalf of the USSR on 20 September 1961. A sizeable section of the global peace movement, who are so overawed by NPT, NWFZs, and CTBT (in their present form), have also suffered from selective amnesia about the remarkable features of the McCloy-Zorin Accord, which was a path-breaking initiative. Through the McCloy-Zorin Accord, the US and the USSR had agreed to recommend the following principles as the basis for future multilateral negotiations on disarmament and had called upon other states to cooperate in reaching early agreement on general and complete disarmament in a peaceful world in accordance with these principles:

- (1) The goal of negotiations is to achieve agreement on a programme which will ensure:
 - (a) That disarmament is general and complete and war is no longer an instrument for settling international problems;
- (2) To this end, the programme for general and complete disarmament shall contain the necessary provisions, with respect to the military establishment of every nation for:
 - (a) The disbanding of armed forces, the dismantling of military establishments, including bases, the cessation of the production of armaments as well as their liquidation or conversion to peaceful uses;
 - (b) The elimination of all stockpiles of nuclear, chemical, bacteriological, and other weapons of mass destruction, and the cessation of the production of such weapons;
 - (c) The elimination of all means of delivery of weapons of mass destruction;
 - (d) The abolition of organisations and institutions designed to organise the military efforts of States, the cessation of military training, and the closing of all military training institutions; and

(e) The discontinuance of military expenditures.⁷²

It is also notable that the McCloy-Zorin Accord was signed in Belgrade, Yugoslavia, two weeks after the conclusion of the First Conference of Heads of State or Government of Non-Aligned Nations, which was held in Belgrade from 1-6 September 1961. The Belgrade Declaration had laid special emphasis on disarmament and had stated:

15 The participants in the Conference consider that disarmament is an imperative need and the most urgent task of [hu]mankind. A radical solution of this problem... in the unanimous view of participating countries, can be achieved only by means of a general, complete and strictly internationally controlled disarmament.

16 The Heads of State or Government point out that general and complete disarmament should include the elimination of armed forces, armaments, foreign bases, manufacture of arms as well as elimination of institutions and installations for military training, except for purposes of internal security; and the total prohibition of the production, possession and utilisation of nuclear and thermo-nuclear arms bacteriological and chemical weapons as well as the elimination of equipment and installations for the delivery and placement and operational use of weapons of mass destruction on national territories.⁷³

Impact of First NAM Summit

What was also remarkable was that 25 Heads of State or Government, who were attending the NAM summit, jointly wrote identical letters addressed separately to President John Kennedy and Premier Nikita Khrushchev, as follows:

we take the liberty of urging on the Great Powers concerned that negotiations should be resumed and pursued so that the danger of war would be removed from the world and [hu]mankind adopts ways of peace... your efforts through persistent negotiations will lead to a way out of the present impasse and enable the world and humanity to work and live for prosperity and peace.⁷⁴

Prime Minister Jawaharlal Nehru of India and President Kwame Nkrumah of Ghana were entrusted with the task of personally handing over the letter along with the Belgrade Declaration to Premier Nikita Khrushchev. Similarly, President Sukarno of Indonesia and President Modibo Keita of Mali were to hand over the same to President Kennedy, which they did immediately after the end of the First NAM Conference. The NAM appeal from Belgrade had a dramatic impact. The representatives of the US and USSR not only met in Belgrade to sign the Joint Statement, which later came to be known as the McCloy-Zorin Accord, but also the Joint Statement incorporated almost in toto paras 15 and 16 of the Belgrade Declaration relating to disarmament. President Kennedy acknowledged this contribution when he addressed the UN General Assembly on 25 September 1961, five days after the signing of the McCloy-Zorin Accord. In that address, he said:

The risks inherent in disarmament pale in comparison to the risks inherent in an unlimited arms race. It is in this spirit that the recent Belgrade Conference—recognising that this is no longer a Soviet problem or an American problem, but a human

problem—endorsed a program of ‘general, complete and strictly an internationally controlled disarmament...’ And it is in this spirit that we have presented with the agreement of the Soviet Union—under the label both nations now accept of ‘general and complete disarmament’—a new statement of newly-agreed principles for negotiation.⁷⁵

On 25 September 1961, President Kennedy also unveiled before the UNGA a plan, which was subsequently titled “Freedom from War: The United States Program for General and Complete Disarmament in a Peaceful World” (State Department Publication 7277).⁷⁶ Three months later, the McCloy-Zorin Accord was unanimously adopted by the UN General Assembly on 20 December 1961 through Resolution No 1722 (XVI).⁷⁷ The Resolution endorsed the setting up of an Eighteen Nations Committee on Disarmament (ENCD) comprising five representatives from NATO, five from the Warsaw Pact, and eight representatives from the NAM, including India, to execute the recommendations of the McCloy-Zorin Accord. The ENCD discussed two drafts: one submitted by the USSR on 15 March 1962 titled “Draft treaty on general and complete disarmament under strict international control;”⁷⁸ and another one submitted by the US on 18 April 1962 titled “Outline of basic provisions of a treaty on general and complete disarmament in a peaceful world.”⁷⁹

The Downside

During the early 1960s (since the world was faced with the menace of nuclear weapon tests, especially atmospheric ones), deliberations at ENCD focused attention on arriving at a test ban treaty as the first step towards nuclear disarmament. However, on the eve of signing a comprehensive test ban treaty, as already mentioned, the US, USSR and UK decided to sign the PTBT on 5 August 1963. With the signing of the PTBT, the powerful worldwide peace movement against nuclear weapons (which was the moving spirit behind the McCloy-Zorin Accord) almost dissipated on the mistaken belief that the danger posed by nuclear weapons had been averted.⁸⁰ Moreover, with the assassination of President Kennedy on 22 November 1963, and the untimely death of Prime Minister Nehru (one of the main architects of NAM) on 27 May 1964, the issue of general and complete disarmament practically disappeared from the agenda of the peace movement.

Thereafter, discriminatory treaties such as NPT, NWFZs, and CTBT have been dominating the scene for the last five decades, without having any impact on either reducing the threat of nuclear war or advancing the cause of general and complete disarmament. Of course, between 1963 and 1975, the peace movement was totally immersed in the campaign to oppose US’s aggressive war against Vietnam. It was only when the US began deploying neutron bombs in Europe in 1977 that the peace movement again began focusing attention on the impending threat of nuclear war. Concurrently, as a result of the initiative taken by the NAM Summit in Colombo in 1976,⁸¹ the UN decided to convene a Special Session of the General Assembly Devoted to Disarmament (UNSSOD) in 1978, which was followed by two more UNSSODs in 1982 and 1988.

At the 1988 UNSSOD, Prime Minister Rajiv Gandhi submitted India’s “Action Plan for Ushering in a Nuclear Weapon Free & Non-Violent World Order,”⁸² which was an attempt at resurrecting the essence of the McCloy-Zorin Accords of 1961.⁸³ Unfortunately, after the demise of the Soviet Union in 1991, the peace movement has suffered a setback due to the false assumption that nuclear weapons were no longer a threat to humanity. The fact that the UN has been unable to organise a fourth special session on disarmament during the last three decades, despite the turbulence and discord in many parts of the globe, is a matter of grave concern. It is an indication of the kind of ideological influence under which the UN is being forced to function.

A Forlorn Hope

While any initiative to prohibit nuclear weapons is welcome, by making it subservient to the NPT in its present form, the very purpose for which the “Draft Convention on Prohibition of Nuclear Weapons” was being introduced has lost its rationale. If the objective is really to prohibit nuclear weapons, the Draft Convention will have to:

- (a) Declare that the use or threat of use of nuclear weapons would constitute a crime against humanity;
- (b) Prohibit the use or threat of use of nuclear weapons until their elimination;
- (c) Outline confidence building measures for reducing the nuclear threat. Such steps would necessarily have to include:
 - (i) An unqualified and binding negative security assurance to NNWS;
 - (ii) A no-first-use pledge by NWS to each other;
 - (iii) De-alerting of deployed nuclear weapons;
 - (iv) Separation of nuclear warheads from missiles and other delivery systems;
 - (v) Resurrection of the Anti-Ballistic Missile Treaty of 1972;
 - (vi) Ban on militarisation of outer space;
 - (vii) Ban on introduction of new types of weapons and delivery systems; etc.
- (d) Initiate steps to remove the discriminatory character of the NPT, NWFZ treaties and the CTBT;
- (e) Assert that no NWS can claim any inherent right to use nuclear weapons since the Right of Self-Defence enshrined in Article 51 of the UN Charter does not empower any member-state to commit genocide;
- (f) Expose the myth of nuclear deterrence since possession of nuclear weapons cannot provide immunity from mutually assured destruction;
- (g) Shatter the delusion that nuclear weapons can provide security to NWS or to NNWS that seek refuge under the nuclear umbrella; and
- (h) Highlight the fact that nuclear weapons cannot protect life in any way; that its use either through a pre-emptive attack or through a retaliatory attack can only cause widespread death and devastation.

Finally, a genuine Convention on Prohibition of Nuclear Weapons can be based only on the agreed principles enunciated in the McCloy-Zorin Accord⁸⁴ and it will have to incorporate the essence of Rajiv Gandhi’s “Action Plan for Ushering in a Nuclear Weapon Free and Non-Violent World Order” of 1988.⁸⁵ In addition, it should have enough inputs from the revised “Model Nuclear Weapons Convention” submitted by Costa Rica and Malaysia to the UNGA in 2008.⁸⁶ India has ample opportunity to intervene and propose necessary amendments to the Draft Convention and, thereby,

reclaim its historical role as a champion of disarmament and peace. Hopefully, the Government of India will do the needful in this regard instead of choosing to defend the status quo.

Notes

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2 UNGA, A/CONF.229/2017/CRP.1, 22 May 2017, <http://www.icanw.org/wp-content/uploads/2017/05/DraftTreaty.pdf>.

3 ICAN News report, "Positions on the Ban Negotiations," <http://www.icanw.org/why-a-ban/positions/>, accessed on 14 June 2017.

4 Preamble, UNGA (2017).

5 Article-1, UNGA (2017).

6 UN, Charter of the United Nations, <http://www.un.org/en/charter-united-nations/>.

7 Preamble, UNGA (2017).

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9 Article-5, UNGA (2017).

10 Article-9, UNGA (2017).

11 Article-2, UNGA (2017).

12 Article-4, UNGA (2017).

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25 Kristensen and Norris (2016).

26 William M Arkin and Richard W Fieldhouse, "Focus on Nuclear Infrastructure," *Bulletin of Atomic Scientists*, June/July 1985, pp 12, 13 and 15, https://books.google.ca/books?id=BgYAAAAAMBAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=true.

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29 Hiroshima Peace Site, The Evolution of Nuclear Weapons, http://www.pcf.city.hiroshima.jp/Peace/E/pNuclear4_1.html, accessed on 14 June 2017.

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The total destructive power of the world's nuclear weapon stockpile had reduced from the high of 22,000 megaton TNT in 1986 to about 6600 megaton TNT in 2017, see: <http://www.telegraph.co.uk/news/2016/12/23/without-trump-putin-building-many-nuclear-weapons-world-could/28> April 2017), which was nearly one ton of TNT for killing every human being on Earth. This apocalyptic scene is an indication of the gravity of the challenge that is still confronting humanity today.

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35 Kyd (1993).

36 "The five nuclear-weapon States parties to the NPT have concluded voluntary offer safeguards agreements under which the IAEA applies safeguards to nuclear material in facilities that the State has voluntarily offered and the IAEA has selected for the application of safeguards." See: IAEA, Safeguards Agreement, <https://www.iaea.org/topics/safeguards-agreements>.

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38 UNGA (1965).

39 Article-VI, UNODA (1968).

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