

**THE INTERNATIONAL NON-PROLIFERATION REGIME: AN ANALYSIS OF
THE CRUCIAL ROLE PLAYED BY INDIA AND CHINA**

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ON THE INDIAN PERSPECTIVE

India is undoubtedly one of the prominent non-signatories to the NPT and has been a target of the regime in more than one occasion. However, in the current scenario it can be said that India is moving towards a *modus vivendi* with the regime considering the waiver given to it by the NSG and the additional safeguards imposed by IAEA.² India's nuclear weapons testing in the year 1974 led to the establishment of the NSG and although India's nuclear programme remained shut for the next for the next decade and a half, the decision to develop nuclear weapons was a swift one taken during the late-1980s.³ The decision to openly declare itself as a nuclear state might have been reluctant but Pakistan's steady progress in its own nuclear programme was one of the primary considerations which led India to test nuclear weapons during the 1990s.⁴ India's abhorrence for nuclear weapons clear ever since Rajiv Gandhi's speech in 1988 at the UN General Assembly where he referred to nuclear arsenals as '*the ultimate philosophy for terrorism, holding humanity hostage to a presumed security needs of a few.*'⁵ Thereafter, emerged the 'Rajiv Gandhi Action Plan for Ushering in a Nuclear-Weapon Free and Non-Violent World Order' whose primary objective as the name suggests called for a new, universal and most importantly, legally binding commitment to the staged elimination of nuclear weapons within a defined timeline.⁶ A more modified Action Plan was later on submitted by Congress Party MP, Mr. Mani Shankar Aiyar to the General assembly outlined the following important steps:⁷

- i. A renewed commitment by all nations possessing nuclear weapons to complete disarmament with India committing to eliminate its own arsenal and move towards a universal, non-discriminatory and verifiable global process of disarmament.

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² Rajesh Rajagopalan, *Nuclear Non-Proliferation: An Indian Perspective*, FRIEDRICH EBERT STIFTUNG (October 10, 2008), available at <http://library.fes.de/pdf-files/iez/global/05793.pdf>.

³ *Id.* at 2

⁴ *Id.*

⁵ Sandeep Dikshit, *Rajiv Gandhi Plan: A Valuable Solution*, THE HINDU (25th August, 2017, 7:54pm), available at <http://www.thehindu.com/opinion/op-ed/Rajiv-Gandhi-Plan-a-valuable-solution/article16124741.ece>.

⁶ *Supra* note 1 at 3.

⁷ Conference on Disarmament, India Working Paper, CD/1816 (20th February, 2007), available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/604/46/PDF/G0760446.pdf?OpenElement>.

- ii. Reducing salience on nuclear weapons with regards to security doctrines and India already introducing the idea of having a dialogue on nuclear doctrines between nations possessing nuclear armaments.
- iii. Having a dialogue between nuclear weapons States to address any accidental use of such weapons and to identify ways of reducing danger to the same.
- iv. Proposal of a global agreement which would encourage 'no first use' – a method by which deterrence doctrines could also be encouraged to non-nuclear weapons States.
- v. A proposal seeking assurance from nuclear weapon States as to never launch a nuclear attack upon those nations who have renounced nuclear weapons or have actively participated in nuclear disarmament alliances.
- vi. Convention banning the use or threat to use nuclear weapons.
- vii. Convention banning the production, stockpiling and possession of nuclear weapons.

ROLE PLAYED BY CHINA AND PAKISTAN IN INDIA'S STAGGERING NUCLEAR POLICY

The Rajiv Gandhi Action Plan did not garner much success from the international community although most of its underlying principles were later incorporated into the NPT which came into force in 1970. However, ever since the induction of NPT, India has acted quite contrary to the image projected by it during the early onset of the Nuclear Era. India's many 'atomic avatars' has been primarily contributed to the reigning threat possessed by its nuclear neighbours – China and Pakistan. A recent example would be India's negative vote of the Draft Provisions which would have required it accede to the NPT and explaining the reason behind its vote India once again harped on its national security being compromised in the event of complete nuclear disarmament.⁸ India is instrumental in carrying out what it refers to as the 'peaceful nuclear explosion' (PNE) methodology which seeks to conform to the existing non-proliferation regime alongside national interests.⁹ An examination of the current South Asian balance of power will probably justify India's stand on the matter. For internally disturbed and nuclear armed Pakistan, one cannot lower its guard. The risk of a state failure coupled with radicalized zealots who are ever ready to export religious terrorism beyond their borders cannot be undermined and New Delhi's stance on this is certainly justified.¹⁰ India

⁸ PTI, *India votes against UN draft resolutions on NPT*, THE HINDU (25th August, 2017, 11:03pm), available at <http://www.thehindu.com/news/national/india-votes-against-un-draft-resolutions-on-npt/article6551447.ece>.

⁹ Brahma Chellany, *The India-Pakistan-China Strategic Triangle and the Role of Nuclear Weapons*, INSTITUT FRANCAIS DES RELATIONS INTERNATIONALES (Winter 2002), available at <https://www.ifri.org/sites/default/files/atoms/files/Chellaney.pdf>.

¹⁰ *Id.* at 13

and Pakistan's complicated relationship over Kashmir has only aggravated this already existing threat and where India's position as a united, secular and democratic nation depends upon its ability to hold on to Kashmir. Another factor that cannot be undermined is India's impeccable record towards the common goal of nuclear disarmament as opposed to Pakistan's aggressive nuclear measures, which only incites a dangerous arms race between the two countries. India has long suggested alternative measures to core NPT requirements which included¹¹:

- Complete test ban
- No first use
- Scrutiny of fissile material
- No underground tests
- Threshold test ban treaty
- Prohibition on production on fissionable material and substantial reduction of nuclear arsenal

And inspite of New Delhi making its position clear on nuclear wars, Pakistan's nuclear programme has been guided by the *three A's – Allah, Army and America*. A brief insight into Pakistan's jihad culture will be of utmost help. Radicalization camps set up by terrorist organizations provide training and counselling to the Nation's youth especially the poor and the downtrodden. The military's alliance with these terrorist outfits has blurred the line between civilians and military jihadists.¹² Detention and investigation of Pakistani nuclear scientists with links to terrorist organizations is quite a commonplace affair. One prominent example would be that of Mr. Sultan Bashiruddin Mahmood – a Pakistani nuclear scientist who met Osama bin Laden twice in Afghanistan compelling Pakistani authorities to freeze his assets and keep him under house arrest after being alarmed by the US.¹³ But that will not be the only cause of concern. Taking into account nuclear smuggling and espionage, presence of radical Islamists within its military and nuclear weapons establishment, visits by officials from Saudi Arabia and United Arab Emirates to Pakistan's nuclear complex in Kahuta and

¹¹ Susangit Kajur, *India's Outlook on Nuclear Non-Proliferation Treaty*, SOUTH ASIA JOURNAL (26th August, 2017, 10:55am), available at <http://southasiajournal.net/indias-outlook-on-nuclear-nonproliferation-treaty/>.

¹² *Supra* note 8 at 16.

¹³ *Id.*

alleged deals with North Korea has only strengthened New Delhi's outlook on nuclear non-proliferation over the years.¹⁴

The Pakistani military has always been in charge of nuclear weapons dating back to the year 1999 when the military sought to incorporate stringent steps to integrate nuclear weapons more fully within its structure.¹⁵ And the results have been quite successful with Pakistan being named as the World's fastest growing nuclear stockpile.¹⁶ Unfortunately, for nuclear India, Pakistan has been religiously following 'full spectrum deterrence'¹⁷ which essentially means its willingness to adopt a nuclear first use policy in a tactical environment.¹⁸ The extent of terrorist infiltration in the nuclear equipped army has been quite evident in several instances, the most prominent amongst them being an attack by jihadists on one of Pakistan's biggest naval bases.¹⁹ Such instances have always been instrumental in keeping its Indian neighbour alert at all times and holding its nuclear cards closer to its chest. The China Problem has been a constant source of threat to India's national security and its border disputes has further aggravated the problem. China is the only country in the world which recognizes Sikkim as an independent State.²⁰ Moreover, official Chinese maps recognize three Indian States as independent and China's views on its border issues with India have been constrained to be resolved only when 'conditions are ripe'.²¹ Nuclear missiles have always been considered sacred in China and it has outrightly refused to participate in any meaningful international or bilateral talks or put any form of restraint.²² India has lately been indulged in developing missiles which can cover the whole of China from its bases in the south as a measure to deter China's ambitions upon its States. However, China's nuclear doctrine is largely unknown except for the fact that the Chinese share India's view on no first use policy (NFU) which is quite contrary to its Pakistani counterpart. However, in the year 1995 this also changed when China dropped the word 'unconditionally' from its nuclear posture and substituted it with 'conditionally'.²³ Beijing has been a major player in the

¹⁴ *Id.*

¹⁵ *Id.* at 17

¹⁶ Toby Dalton and Michael Krepon, *A Normal Nuclear Pakistan*, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE (26th August, 2017, 11:45am), available at <http://carnegieendowment.org/files/NormalNuclearPakistan.pdf>.

¹⁷ Saima Ali, *Pakistan national security calculus and full spectrum deterrence*, FOREIGN POLICY NEWS (26th August, 2017, 11:55am), available at <http://foreignpolicynews.org/2017/01/11/pakistan-national-security-calculus-full-spectrum-deterrence/>.

¹⁸ Sajid Farid Shapoo, *The Dangers of Pakistan's Nuclear Tactical Weapons*, THE DIPLOMAT (26th August, 2017 12:00pm), available at <http://thediplomat.com/2017/02/the-dangers-of-pakistans-tactical-nuclear-weapons/>.

¹⁹ *Id.*

²⁰ *Supra* note 8 at 6.

²¹ *Id.*

²² *Id.*

²³ *Id.* at 22

proliferation regime known for supplying nuclear materials as well as technology to North Korea, Pakistan, Iran, Saudi Arabia, Libya and Syria.²⁴ China's assistance to Pakistan in this matter has paled all the others in comparison. China has been known to supply nuclear warhead blueprints, complete missiles and technologies for local production – a fact that China has refused to acknowledge but known to the international community as true.²⁵ Three theories have been established regarding China's nuclear conduct:²⁶

- i. For profit motives
- ii. Deliberately playing the proliferation card for leverage and containment
- iii. Nuclear weapons are used solely for research and educational purposes as it is becoming a more responsible nuclear power considering its signing of the NPT.

In December 2013, the Chinese Academy of Military Sciences (AMS) in its third report emphasized upon the fact that nuclear weapons play a very limited role in Chinese military strategy and is being developed for the sole purpose for deterring other nuclear armed nations from using or threatening to use nuclear weapons against China.²⁷ The report further outlines the following:²⁸

- i. China will not use its nuclear weapons to attack or threaten non-nuclear states
- ii. China will not use nuclear weapons to respond to conventional attacks
- iii. China will resort to using nuclear weapons only after it has conceived an incoming nuclear attack.

However, recent nuclear activity in China has only contradicted its official report. China has been instrumental in developing long range missiles along the Russian coast from where they could reach the USA.²⁹ China's nuclear strategy has never been stable, passive or isolated. The Chinese have always taken special attention to ensure a more flexible approach towards nuclear weapons and it is easy to verify the same by accounting for the numerous road mobile nuclear weapons equipped with multiple warheads and a new generation of nuclear powered

²⁴ *Id.*

²⁵ Arun Sehgal, *Why India's ICBM Tests Rile China*, THE DIPLOMAT (26th August, 2017, 12:51pm), available at <http://thediplomat.com/2017/01/why-indias-icbm-tests-rile-china/>.

²⁶ *Supra* note 22.

²⁷ Gregory Kulacki, *The Chinese Military Updates China's Nuclear Strategy*, UNION OF CONCERNED SCIENTISTS (26th August, 2017, 1:21pm), available at <http://www.ucsusa.org/sites/default/files/attach/2015/03/chinese-nuclear-strategy-full-report.pdf>.

²⁸ *Id.* at 2.

²⁹ Rachel Roberts, *China deploys 'long range nuclear missiles to coast' in response to Donald Trump's 'aggression'*, THE INDEPENDENT (27th August, 2017, 1:35pm), available at <http://www.independent.co.uk/news/world/politics/china-deploys-long-range-nuclear-cpable-missiles-russian-coast-us-president-donald-trump-a7548296.html>.

submarines. India's cause of concern increases as the Chinese achieve more milestones in the progress of nuclear warfare. And more so, China's extensive nuclear support to Pakistan has rattled New Delhi to its very core. India eventually took a step forward and the testing of the ICBM missiles Agni IV and Agni V which are capable of reaching China has riled China; with its leaders condemning India's missile tests and asking it to 'cool down its missile fever'.³⁰

THE INDO-US NUCLEAR DEAL: A TURNING POINT IN INDIA'S NUCLEAR PROGRAMME?

Before discussing the implications of the Nuclear Deal entered into between Indian and USA in the year 2008, let us briefly review the events which led to the signing of this deal. As has been previously mentioned, India's consistent record towards nuclear disarmament and non-proliferation inspite of being outside the NPT tent has earned sufficient attention from other international nuclear players. India's refusal to sign the NPT inspite of taking part in the negotiations did not refute its stance on non-proliferation as it refused to share its nuclear technology with Libya.³¹ Meticulous steps were also taken by New Delhi time and again to ensure that its nuclear technology does not reach non-nuclear weapons states (NNWS). India was the first country to suggest banning of nuclear tests and had also supported Partial Test Ban Treaty nine years later.³² Being one of the founding members of the IAEA, India emphasized upon the fact that its first nuclear explosion conducted in the year 1974 was a peaceful one.³³ India being a non-signatory to the NPT became a pariah and was cut off from all types of nuclear trade. India's second nuclear test led to the establishment of the NSG which sought to control exports of nuclear material with the common objective of preventing further proliferation.³⁴ India's first nuclear test which was responded by Pakistan a few days later was met with harsh criticism by the international community by the UN Security Council via Resolution no. 1172 which accused both the countries for thwarting international efforts towards nuclear disarmament and non-proliferation and giving rise to regional power imbalances.³⁵ India's nuclear turning point happened during the tests conducted by it in 1998.

³⁰ *Supra* note 24.

³¹ *Supra* note 1 at 4.

³² Benjamin Kienzie, *Integrating Without Quite Breaking the Rules: The EU and India's Acceptance Within the Non-Proliferation Regime*, Non-Proliferation Paper No. 43, EU NON-PROLIFERATION CONSORTIUM (27th August, 2017, 2:56pm), available at <http://www.nonproliferation.eu/web/documents/nonproliferationpapers/integrating-without-quite-breaking-the-rules-the-e-44.pdf>.

³³ *Id.* at 2.

³⁴ *Id.*

³⁵ *Id.*

India slowly began to push itself into the international nuclear regime as a nuclear weapon State. Post-Cold War Indian foreign policy reflected economic progress, international interdependence and liberal ideas of prosperity which eventually led to the gradual acceptance of India as a ‘*responsible nuclear power.*’³⁶ Indian policymakers were instrumental in implementing that India has hardly ever contributed to any form of nuclear proliferation and in technical terms has never violated any of the treaties or agreements formulated by the international community.³⁷ India’s technical and financial difficulties have also hampered India’s production of warheads – another reason behind its explicit NFU Policy.³⁸ India’s position on nuclear disarmament finally culminated into the much coveted Indo-US nuclear deal. In the year 2005 India and US released a joint statement where then US President George Bush resolved to ‘*work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India.*’³⁹ The landmark deal signed between the two countries gave India access to civilian nuclear technology.⁴⁰ The US formally recognized India as responsible State with the dialogue entered into in 2005 and ever since, a number of initiatives have been undertaken by both countries which includes – Nuclear Separation Plan submitted by India to the US (in the year 2006), passing of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act in December 2006 and release of the 123 Agreement by both countries in August 2007 which seeks to translate the law into a mutually acceptable bilateral framework.⁴¹ The first direct impact was created on India’s ballistic and nuclear missile programmes with the USA’s acceptance of New Delhi’s right to pursue and retain those programmes outside the framework of the international non-proliferation regime which in turn garnered much debate.⁴² The ratification of the deal by the US Congress along with introduction of IAEA’s India Specific Safeguards⁴³ and the NSG exemption ended New Delhi’s thirty year old quest for recognition. India was required to adhere to the MTCR Guidelines but an exception was

³⁶ *Id.*

³⁷ *Supra* note 1 at 5.

³⁸ *Supra* note 31 at 5.

³⁹ The White House, ‘Joint statement between President George W. Bush and Prime Minister Manmohan Singh’, Press release, 18 July 2005, available at <http://www.nonproliferation.eu/web/documents/nonproliferationpapers/integrating-without-quite-breaking-the-rules-the-e-44.pdf>.

⁴⁰ Sartaj Aziz, *Indo-US nuclear deal will negatively impact South Asia*, THE DAWN (27th August, 2017, 4:10pm) available at <https://www.dawn.com/news/1159804>.

⁴¹ Upendra Chaudhary, *The Indo-US Nuclear Deal and its Impact on Ballistic Missile Programme*, SOUTH ASIAN STRATEGIC STABILITY INSTITUTE (28th August, 2017, 4:32), available at [http://www.reading.ac.uk/web/files/123agreement/SASSI_Paper_\(2\).pdf](http://www.reading.ac.uk/web/files/123agreement/SASSI_Paper_(2).pdf).

⁴² *Id.* at 7.

⁴³ R. Ramachandran, *Indo-US Nuclear Agreement and IAEA Safeguards*, (29) Strategic Analysis, pp574-92.

created where it was not required to dismantle its missile programme like that of Brazil.⁴⁴ Secondly, the USA also did not react to India's testing of the Agni III missile unlike in the past. New Delhi therefore, managed to score a leeway to pursue its ballistic missile programme. Although many critics were also of the opinion that the USA wants to limit India's nuclear capability by imposing restrictions upon the range of its ballistic missiles and will not allow India to emerge as a potential nuclear threat such as Russia and China.⁴⁵ The deal however suffered sufficient backlash from the international community with critics accusing India and USA of stirring up an arms race in South Asia.⁴⁶ Shortly after the deal was entered into Pakistan engaged its resources towards ramping up its nuclear arsenal. As Charles D. Ferguson, President of the Federation of American Scientists wrote – India was short on uranium and for the deal to be concluded successfully India was granted access to uranium which diverted its indigenously mined uranium to military applications without detracting fuel from the civilian programmes.⁴⁷ And furthermore, with USA's pressure upon the members of the NSG, India started receiving uranium from Australia, France, Russian and Kazakhstan and struck supply agreements with Mongolia, Argentina and Namibia.⁴⁸ Such developments led to a deadly arms race between India and Pakistan and the two countries came dangerously close to a nuclear standoff which had been described as one of the *tensest nuclear face offs between India and Pakistan since 1947*.⁴⁹ Indian and international critics were quick to point out that the so-called 'nuclear deal' would ultimately result in India acceding to USA's superiority. Many experts on international relations stated that India was slowly becoming a pawn and was playing a critical role in the United States' plan to contain China's aggression and that 'a civilian nuclear deal' was a mere cloak hiding the nasty fact that the deal created substantial instability in the balance of powers in South Asia and further deteriorated the natural distrust between India, China and Pakistan.⁵⁰

⁴⁴ *Supra* note 40 at 8

⁴⁵ *Id.*

⁴⁶ Amitai Etzioni, *The Darker Side of the US-India Nuclear Deal*, THE DIPLOMAT (27th August, 2017, 5:08pm), available at <http://thediplomat.com/2015/02/the-darker-side-of-the-u-s-india-nuclear-deal/>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Naveed Ahmed, *Alarming arms race amongst Pakistan, China and India*, THE EXPRESS TRIBUNE (28th August, 2017, 5:38pm), available at <https://tribune.com.pk/story/1312559/alarming-arms-race-among-pakistan-india-china/>.

ON THE CHINESE PERSPECTIVE

Chinese nuclear programme was an outcome of the USA's nuclear blackmail over Taiwan. They accepted nuclear assistance from the USSR – a friendly Communist government and thus, began hostilities between the USA and China.⁵¹ The Soviet Union supplied China an experimental nuclear reactor, gas diffusion equipment, a cyclotron and a board of advisors to help the Chinese develop their nuclear programme.⁵² Eventually, China started developing its own nuclear programme and was nuclear capable by 1964.⁵³ China's first nuclear device was a 20 kiloton (KT) atomic bomb developed on 14th October, 1964 which was followed by the successful testing of 3 megaton (MT) range hydrogen bomb.⁵⁴ The Chinese military very quickly developed long range nuclear delivery systems, targeting systems and larger bombs some of which were equipped with Multiple Independently Targetable Re-entry Vehicle (MIRV) technology and long range missile technology.⁵⁵

In a report published in 1999⁵⁶ there were accusations that China had stolen its designs for MIRV and long range missiles as well signed a secret agreement with the Soviet Union back during the 1950s wherein there was an understanding that Beijing would provide Moscow with uranium ores in exchange for nuclear technology and assistance.⁵⁷ China denied the accusations labelled by the report but remained mum on Moscow's role in its nuclear enhancement. Presently, not much is known of the Chinese nuclear arsenal as the country takes immaculate measures to keep information regarding the People's Liberation Army (PLA) and its nuclear capabilities a well-guarded secret.⁵⁸ China's nuclear aggression was the result of Chinese claim over the territories of more than 23 countries (although it shares its borders with only 14) which includes – India, Bhutan, Kazakhstan, Kyrgyzstan, Vietnam, South Korea, Japan, Taiwan, Afghanistan, Brunei, Cambodia, Malaysia, Mongolia, Pakistan, Singapore, Nepal, Philippines, Russia, Tajikistan, North Korea and Myanmar.⁵⁹ The Chinese missile programme gave the military expertise on both short-Range Ballistic Missiles

⁵¹ Erik Fogg, *The Chinese Nuclear Weapons Programme and its Threat to the United States and her Allies* (6th December, 2006), available at <http://web.mit.edu/efogg/Public/chinanuclear.pdf>.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Shao Chuan Leng, *China's Nuclear Policy: An Overall View*, Reprint Series in Contemporary Asian Studies Number 1 (1984), SCHOOL OF LAW, UNIVERSITY OF MARYLAND (28th August, 2017, 7:00pm), available at <http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1059&context=mscas>.

⁵⁵ *Supra* note 50 at 3.

⁵⁶ The Cox committee as cited in Erik Fogg see <http://carnegieendowment.org/pdf/npp/coxfinal3.pdf>.

⁵⁷ *Supra* at 54.

⁵⁸ *Supra* at 50.

⁵⁹ Lt. Gen. Prakash Katoch, *China's Unbated Cartographic Aggression*, INDIAN DEFENCE REVIEW (28th August, 2017, 7:40pm), available at <http://www.indiandefencereview.com/news/chinas-unabated-cartographic-aggression/>.

(SRMBs) and Inter-Continental Ballistic Missiles (ICMBs). The Dong Feng (or the East Wind) series of missiles has grown more advanced over the period of time and constitutes the bulk of Chinese deployment forces.⁶⁰

After achieving steady progress and repeated success in its nuclear programmes, China emerged as a nuclear superpower in 1978, by which time it had already conducted 23 nuclear tests including tower releases, missile firings and underground detonations.⁶¹ A major consideration in Chinese nuclear progress was its development of tactical nuclear weapons.⁶² The Chinese concentrated on developing tactical nuclear weapons in light of a conventional attack by Russia and deployment of such tactical weapons would further give rise to the uncertainty as to how they might be used therefore, acting as a strong deterrent.⁶³ China's nuclear doctrine has always been steeped in ambiguity, known for its negligible transparency and being the only major nation to not publish the breakup of its defence budget.⁶⁴ The Chinese stockpile of its missiles directly impinges on its neighbours and its nuclear programmes will continue to threaten only its neighbours.

Chinese aggression was at its peak during the 1970s when it test-fired a ballistic missile over a 2,200 mile range and subsequently in 1971 which was another short to medium ICBM test intended to bring the United States and Russia within its range of target.⁶⁵ This also meant that test-firing an ICBM missile into the Pacific or the Indian Ocean would enlarge the area targeted by Chinese missiles. Thirdly, China's reputation of being secretive and ambiguous opens up different interpretations over the actual intendment of its nuclear programmes.⁶⁶ Another leading example of China's aggression happened back in the year 1996 where China held a military exercise where it fired several SRMBs into the strait of Taiwan and the missiles fell into the water on either side of the island and merely 30 miles away from two of Taiwan's largest port cities.⁶⁷ The situation required the United States to send in its Seventh Fleet to intervene and cease fire; and although the situation was resolved peacefully in the

⁶⁰ *Supra* note 50 at 4.

⁶¹ P. Chari, *China's Nuclear Posture: An Evaluation*, (18) Asian Survey, UNIVERSITY OF CALIFORNIA PRESS, available at <http://www.jstor.org/stable/pdf/2643560.pdf>.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Supra* note 8 at 24.

⁶⁵ *Supra* note 60 at 821.

⁶⁶ *Id.*

⁶⁷ *Supra* note 50 at 13.

end, it created surmountable fear upon the Taiwanese population and further deteriorated relations between Beijing and Washington.⁶⁸



Fig 1. A map showing the Chinese missile drills conducted by China in the Taiwan Strait.

Image source: http://e.dition.cnn.com/WORLD/9603/china_taiwan/16/index.html.

Furthermore, China's collusion with Pakistan – a radically unstable State has long been well known. Pakistan had declared its plans of acquiring eight submarines from China out of which four of them were being built in Karachi itself.⁶⁹ The JF-17 fighter jets a key player in the Pakistani Airforce is a replica of the MiG 29 jets used by Russia and which has been engineered by China.⁷⁰ China has also repeatedly thwarted attempts by India to gain entry into the NSG as well as attaining membership in the Shanghai Cooperation Organization were China insisted that both India and Pakistan should be given simultaneous membership – a tactical move aimed at undermining India's presence. Not to mention china has also been engaging with India's south Asian neighbours such as Sri Lanka in order to embarrass and isolate India and gain entry into SAARC as a full time member.

CHINA'S ENTRY INTO THE NPT AND ITS SUBSEQUENT AIM AT REGIONAL LEADERSHIP

⁶⁸ *Id.*

⁶⁹ G. Parathasarathy, *A response to Chinese aggression*, THE HINDU (28th August, 2017, 9:01pm), available at <http://www.thehindubusinessline.com/opinion/a-response-to-chinese-aggression/article7842616.ece>.

⁷⁰ *Id.*

As per the report submitted by the People's Republic of China (PRC), China contends that it has earnestly undertaken the policy of non-advocating, encouraging or engaging in the proliferation of nuclear weapons and has supported and participated in international efforts towards non-proliferation of nuclear weapons by any country in any form.⁷¹ Furthermore it suggests that on various occasions China has adhered strictly to the NPT such as in 1996 when China undertook not to provide any form of nuclear assistance to NNWS and then again in October 1997 when China became a full time member of the Zangger Committee.⁷² China insists that it has exercised stringent control and administration over nuclear export and has been using nuclear power only for civilian and peaceful purposes as formulated by the IAEA safeguards.⁷³ China has also adopted internationally accepted practices for controlling nuclear exports including exporters' registration, end-user and end-use certification.⁷⁴

The report also gave examples of China's pursuit towards nuclear disarmament. China proposed the following steps to ensure complete prohibition of nuclear weapons:⁷⁵

- All parties should establish a security concept based on mutual trust, mutual benefit, equality and cooperation so as to create a favourable regional and international environment.
- Nuclear disarmament should contribute to the maintenance of international strategic stability and should be based on the principle of undiminished security for all
- Disarmament should be carried out through a just and reasonable process of gradual reduction towards a downward balance.

As also the report very boldly outlines, that China has never shunned away from its responsibilities as permanent member of the United Nations Security Council as well as a NWS and has undertaken prohibition measures and other responsibilities which other NWS states are not yet willing to undertake. However, such bold statements are in stark contrast to what China has been doing over the years. Its involvement with Pakistan's nuclear programme and its constant efforts to thwart India has only been feeding into its quest of becoming the ultimate superpower of South Asia. 'Peaceful Rise of China' is what Nuclear China seeks to achieve in the South Asian bloc of nations.⁷⁶ Soon after China's induction into the NSG in 2002, the country has done everything in its power to block any attempts made by

⁷¹ Report of China on the Implantation of NPT, 2005 Review Conference of Parties to the Treaty of Non-Proliferation of Nuclear Weapons, available at http://www.china-un.org/eng/chinaandun/disarmament_armscontrol/npt/t196288.htm.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ PTI, *The Shanghai Spirit: India's super strategy*, THE ECONOMIC TRAIL (30th August, 2017, 10:49pm), available at <http://www.theeconomictrail.com/the-shanghai-spirit-indias-super-strategy/>.

India to enter the elite group of nuclear trade. Its objection being – India should sign the NPT in order to gain access to NSG. When *prima facie* it may seem China has strictly adhered to NPT and its regulations, one cannot undermine the regional interests China has in the same and how India's disadvantaged position is being played out in its favour. 'Nuclear hypocrisy' would be a term suitable for China's actions (in all probability). A country who has undertaken to lecture India on nuclear disarmament when it has a nuclear arsenal capable enough of destroying the world many times over. India's foreign policy was brilliantly exhibited during negotiations with the NSG and it has won over many members including the United States in the 48 member group but China. During the NSG Meet in Seoul, the Chinese have gone on record 'to deny that the possibility of even discussion of a non-NPT State within the NSG.'⁷⁷ Beijing's recalcitrance in allowing India within the NSG is a major indication that it recognizes India as a major nuclear challenger to China.

During recent events both China and India have embarked on a quest to prove their nuclear responsibility to the world rather than jumping right into nuclear arms race.⁷⁸

China and India have been both equally responsible at undermining the other's efforts to project itself as a nuclear responsible State especially in the eyes of the United States. The innate tensions between the two countries in order to accommodate itself within the global non-proliferation regime are not new and that seems to be the way forward with neither of them willing to budge from its stance. However, China being placed at a more advantageous position than India has on many occasions refused to accept India's nuclear potential and has vehemently criticised the Indo-US nuclear deal and India's safeguards under IAEA. With the prospect of 'peaceful emergence of China' this seems to be the legitimate course of action for China's policymakers.

CONCLUSION

Nuclear arms race is a dangerous and undeniably a catastrophic occurrence. An occurrence which every country would like to avoid as use of nuclear weapons would mean a complete Hollywood style apocalypse. Yet every NWS holds its nuclear cards close to its chest either as a means of deterrence or as a means of imposing its authority on smaller and militarily weaker Nations. The South Asia scenario with the complicated India-China-Pakistan

⁷⁷ *Id.*

⁷⁸ Kate Sullivan De Estrada and Nicola Leverinnghaus, *China's Stance on NSG Membership Shows the Extent of India's Challenge in the Global Nuclear Order*, THE WIRE (30th August, 2017, 11:16pm), available at <https://thewire.in/152726/india-china-nsg-global-nuclear-order/>.

situation is unique – two Super Powers trying to establish its superior authority in the region and one failed State where terrorism has become a way of life for its poor and underprivileged. Add to it the threat of a nuclear war and the question of World Peace has no definitive answer. Bilateral talks, dialogues, agreements and acknowledgments by various Presidents and Prime Ministers over the years has helped mitigate the situation to a certain extent but the natural notion of distrust existing between the three countries is a situation which no bilateral talk has yet been able to address. India's China problem could only be resolved by such talks and dialogues. Moreover, an understanding with ASEAN would also help in furthering India's goals of maintaining regional stability along with establishing itself as a regional super power. It is most certainly an ambitious goal but not impossible. India's diplomatic and smart foreign policy can be the only way forward in this complex situation and the future will hold a testament to the same.
