

ORAL HISTORY

The Comprehensive Nuclear Test Ban Treaty: Intricate Moments during the Negotiations

Arundhati Ghose¹

In January 1994, the Conference on Disarmament (CD) set up an Ad-Hoc Committee to negotiate the Comprehensive Nuclear Test Ban Treaty (CTBT) - that had eluded the international community for decades.

The “mandate” for the Committee included the need to intensively negotiate “*a universal and multilaterally and effectively verifiable ... (treaty) ... which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security.*”

Negotiations began in the Ad Hoc Committee in February 1994. Ambassador Arundhati Ghose was India’s Permanent Representative to UN Organizations at Geneva from mid-1995 till 1997. By the time she reached Geneva, the negotiations were at a decisive stage - which she found quite unfavourable to Indian interests.

In this frank tête-à-tête with the Journal, Ambassador Ghose describes these intricate moments during negotiations of the Treaty.

Indian Foreign Affairs Journal (IFAJ): Thank you, Ambassador, for agreeing to share your experiences with the *Journal* on the test ban treaty negotiations at the Conference on Disarmament (CD) during the mid-90s. You reached Geneva in mid-1995, while negotiations had started the previous year. It would be very useful to have your impressions as to how you saw the ‘setting’ in Geneva.

Arundhati Ghose (AG): First of all, let me thank IFAJ for inviting me to be a part of the Oral History project, and to Ambassador Sheel Kant Sharma², whom I consulted on occasion during those days.

My memory is at best patchy as the event took place twenty years ago. Please do bear with me.

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We must remember what the world was then. There was just one super power, i.e., the United States, with President Bill Clinton who wanted to get the CTBT through during his first tenure – perhaps, so that it would add to his chances of getting elected for the second term. After the collapse of Soviet Union, Russia was down; neither China was what it is today; nor, of course, were we where we are today.

I arrived in Geneva in mid-1995. In fact, the negotiations first started in 1994 and my predecessor, Ambassador Satish Chandra, participated in the initial phases. Unfortunately, it appeared that not enough importance had been given at Head Quarters (the Ministry) to the possible impact of this treaty, should it come through, on our security interests. This was at least my impression after reading the papers presented to me on my arrival.

One more thing that I wish to recall is the earlier (in May 1995) indefinite extension of Nuclear Non-Proliferation Treaty (NPT). I was posted in Egypt before I came to Geneva and I had seen how Egypt was dragged into accepting the indefinite extension of NPT, against its will.

After my arrival, as is usually done, I called on all other ambassadors at Geneva - representing the P-5, G-21, etc., in addition to officials at the CD Secretariat. The CD Secretariat is staffed by the UN Department of Disarmament. When the CD negotiates any Treaty, it normally sets up an Adhoc Committee to do so. There was an Algerian, whom I knew from my days in New York in the 70s, who was Secretary of the CD, who asked me, when I met him, if I had noticed the ‘triumphalism’ in the P-5 after they got the NPT extended indefinitely without a real commitment to any kind of nuclear disarmament. I got the same impression from my other calls, not from the Americans so much but, I remember very clearly, from the British.

I had a lot of catching up to do. I remember staying up late nights, reading documents and papers. I had two outstanding counsellors assisting me in the mission – Navtej Sarna, who was very enthusiastic and excitable by nature, and, Ajit Kumar, who was sober and very cautious. So, I had balanced advice coming from the two. Hamid Ali Rao, also sober and steady, joined us after Ajit left Geneva. Without them it would not have been possible to work at all because I was not only posted there as the Ambassador to the CD; I was also the Permanent Representative (PR) to the United Nations Conference on Trade and Development (UNCTAD) and other UN offices in Geneva, including the International Labour Organisation (ILO), the World Intellectual Property Organization (WIPO),

World Health Organisation (WHO), the Human Rights Commission etc. and every concerned ministry in Delhi wanted me to attend every single meeting!

So, my first impression was the impact of the NPT extension on the way the CTBT was being pushed.

IFAJ: India was a non-party to the NPT, but it was becoming clear that the momentum of the indefinite extension of NPT was being used to push the CTBT. How did New Delhi see this?

AG: Sometime around July-August 1995, I had started getting a feeling that we were being trapped into a situation of having to accept a draft treaty which was against our basic interests. I spoke to Rakesh Sood, then Director (DISA) in the Ministry who had been handling the dossier for a long while and who was my anchor in Delhi. He was able to not only get my voice heard at Headquarters, but through the negotiations, was the pointsman and more important, my morale supporter as well. On his advice, I sent a message home, clearly expressing my apprehensions and asking for clarifications and instructions.

By this time, the Foreign Secretary Krishnan Srinivasan had retired and Salman Haider had taken over. I needed instructions from the higher political leadership, as I felt that we were being pushed in a direction that would not be in our interest.

I felt that the political leadership needed to be aware and take a call on the issue. I was getting convinced that were we to go along with the flow, it would close our nuclear option. I had come to this conclusion on the basis of my three months of reading and meeting people.

A message came from the DAE (Department of Atomic Energy) which, more or less said that if India were to accept this treaty, as it was emerging, it would indeed close our options. This message is somewhere in the files in Geneva.

The then Principal Secretary to Prime Minister, Amarnath Verma, called a meeting because the Foreign Secretary had put up my message to him and with Prime Minister's approval instructions were issued. This was sometime around 1995. I had gone to Vienna and met the FS who handed me the instructions. In simple terms, the instructions were that, unless we get some kind of equalizer through on nuclear disarmament, in the body of the draft treaty (i.e. in the operative part), it was not going to be possible for us to accept the text.

There were of course other things. Apart from disarmament, which was the most visible facet of our opposition, the treaty draft only banned explosive testing.

It didn't ban any other form of testing methods such as computer simulation, sub-critical, hydrodynamic testing, etc. Of course those who didn't have these technologies would be the ones affected. In fact, the objective of the treaty, as told to me by an American, "was to stop you (us) at the learning curve". That clearly was the intention of the treaty.

The third problem was the verification regime which was highly intrusive, formulated more or less on the basis of the Chemical Weapons Convention (CWC) inspections. The feeling I got was that they were trying to drag those of us who were not in the NPT into the NPT through a CTBT and in to accepting full scope safeguards, because those who were party to the NPT, were in any case covered by full scope safeguards.. The three of us who were not members of the NPT were, with China, the targets of these intrusive inspections.

By September, I had got my clear instructions. Simultaneously, Dr. R. Chidambaram, Chairman, Atomic Energy Commission, in a speech in Vienna, at the IAEA proposed specific amendments to the Treaty on nuclear disarmament. Our position on the Treaty Draft was now being put out clearly. The next speech was made by the then Foreign Minister Pranab Mukherjee in the UN General Assembly. Prime Minister Narasimha Rao had gone to Cartagena to attend a NAM meeting and he came to New York thereafter. He made a statement also on the same lines.

Thus, the seriousness of India's concerns were made known, in a series of public statements made in Vienna, Geneva and Cartagena NAM summit and at New York between September-December 1996. Through these statements the markers were set.

I recall that John Holum, who was the head of the ACDA (the then Arms Control and Disarmament Agency in US) in Washington, had asked for a separate meeting with me in New York. He asked me why we were asking for such amendments pertaining to nuclear disarmament and hoped that we would be more helpful. Nuclear Disarmament, he felt, was "a pipe dream". I told him that if that was the case "your CTBT is a pipe dream".

In late 1995, the Foreign Press Club in Geneva invited me to address them on India's position on CTBT. I happily agreed. They raised a clear question: Was India going to conduct a nuclear test? I answered - "My Minister has said 'No'. How you expect a negotiator to know what's going on". I flatly denied it, as I really didn't know.

Looking back, I think the part of the problem was that they did not take India's security interests into account. Our statements on our security interests, they thought, were just rhetoric. In any case, we can't blame them completely for that

because, the first time we used the word “in our security interests” were only in January 1996, in a speech I made at the CD.

Incidentally, at that time, we did not have email links and had to fax all draft speeches to Delhi and get back Ministry’s comments and approval. In my draft for a speech in the CD, in January, the Ministry was apprehensive of using the words “our security interests” – since we did not normally use it. We had, however, been using the word in our informal interactions and therefore the words were retained.

So, our views were squarely before the CD to read (between the lines) and understand as to what we were saying. It is not true that we put forward amendments only on disarmament; we did put forward amendments on the scope and also other aspects like the use of national technical means on verification, etc. But our consistent stance of demanding disarmament, and further, explaining in our speeches that it was our security that was at the core.

IFAJ: How did that stand of India play out in the course of actual negotiations in the CD?

AG: Back in the CD in Geneva, I got to know that the P-5 were meeting, to discuss / negotiate issues before the Ad Hoc Committee, every Tuesday at the American Embassy, privately, before coming to the Plenary session of CD. I asked my Chinese counterpart on the purpose of such meetings. It was the Americans who explained that they were just discussing what should be permitted and what should not be permitted in the treaty. I was absolutely infuriated and told them in no uncertain terms that they had no business to discuss this outside the Ad-hoc Committee.

But this was partially one of the effects of what the indefinite NPT extension had created, a ‘permanent upper-class’ and it was fast becoming an accepted fact because of the international political situation with just a single super power. Everybody seemed to accept this.

IFAJ: Was this ‘pre- meeting’ of P-5 in practice even before you joined there?

AG: May be, but I was not aware of it. I was appalled at this practice.

At the same time, I was busy holding continuous bilateral discussions with the Russians and Americans, on delegation-to-delegation basis. We were even holding meetings with the Israelis and Chinese, at their request.

The situation around June 1996, according to me, was the turning point. I had come home for consultations. During those days I was called for consultations almost every month. At his request, I had a meeting with Brajesh Mishra, when

Rakesh was also present. He wondered if time was right for us to test. I had felt that it would make our position in the Treaty negotiations difficult.

I was told that the opposition parties were briefed, about CTBT negotiations, on a continuous basis. The government was keeping the opposition informed of exactly what was going on. It was not through the media but they were briefed by the Foreign Minister and the Foreign Secretary. At least on two occasions I was even asked to come all the way from Geneva to go to the Parliament and listen to the debates on the CTBT.

IFAJ: During those days, in Delhi, K. Subrahmaniam, Jasjit Singh and C Raja Mohan had taken a strong line on security and they were totally opposed to India joining the CTBT. K. Subrahmaniam was leading the campaign.

AG: Though I knew of Subrahmaniam and Jasjit Singh and their views, I didn't know them then personally. I did not get to read the debate on the issue or their published views. Those days, we used to get newspapers through the diplomatic bags, in weekly bundles. One didn't have the time to go through the whole lot of newspapers. Whatever news I got, they were mainly through the telex link. Internet was not so much in use those days. (I got a mobile phone, for the first time, during my stay in Geneva!). I think I had come across some of Subrahmaniam's articles that might have influenced my thinking on the subject.

IFAJ: The modern ICT tools were slowly trickling in during those days.

AG: Some of our more computer savvy officers were into these new tools. For example, when we were examining the issue of the legality of Art XIV, Navtej managed to get the relevant stipulation from the Law of the Treaties. We ascertained that Article XIV was illegal according to the Law of Treaties, – that you cannot force a country to accept a treaty.

IFAJ: This 'hard stand' by India in Geneva would surely have affected the way others saw us elsewhere – for example, at the UN in New York.

AG: We were, at that time, contesting elections for a non-permanent seat in the Security Council. Japan was the other candidate. I remember, I told our DPR (Deputy Permanent Representative) at New York, Nalin Surie and our PR, Prakash Shah that we were not going to win that election. The Americans were so angry with our stand at the CTBT process that India was not going to get it.

IFAJ: And we didn't get it. Wasn't there a buzz, by mid-1996, in disarmament forums, that a CTBT was just around the corner?

AG: I remember asking the then Foreign Minister I.K. Gujral: Why did we get into it? Why were we there? Why did we agree to the CTBT process? The CTBT and

Rajiv Gandhi Action Plan were meant for the Nuclear Weapons States (NWS), not for others. And coming after the NPT extension conference I was clear that we had walked into a trap. We had to quickly think of ways to get out of this trap.

I must acknowledge that I got absolute support in managing the situation from one and all - from Rakesh, from Salman, and from Kamlesh. Salman told me that I could call him at anytime and that I should 'keep my eyes on the ball' (but without telling where the ball was and where it was supposed to go! The issue really was 'not to get trapped'. But, according to me, that was not up to a negotiator; but was up to the Headquarters.)

IFAJ: Did you make any headway in the CD voicing Indian concerns?

AG: By late May / early June 1996, it had become clear that the US and the rest of the P-5 supported by the Western Group were not willing to take on board any of our concerns. The Chairman came out with a 'clean text' which did not refer to any of our concerns or our amendments. I was called to Delhi for consultations.

A meeting to give me final instructions was set up by the then Foreign Minister, Shri Gujral with the Prime Minister, Deve Gowda. The meeting was attended by officials of the Prime Minister's Office and the MEA. It was evident that a decision had been taken not to support the Treaty; the issue was how this was to be conveyed, whether by a walk-out or a distancing through a statement. Since the CD operates on the basis of consensus, the Treaty was to be held up in Geneva itself. It was felt that a statement in the Plenary of the CD would be sufficient. The PM listened to the discussions with his eyes closed; when he finally opened his eyes he directly asked me if I was satisfied with the brief. I said I needed clear instructions in writing approved by him. Prabhat Shukla, JS in the PMO was asked to ensure I got the written instructions before I returned to Geneva that night. He saw to it that I did.

So, on 20 June 1996, we made the statement where for the first time, we referred to the 'clandestine proliferation in our neighbourhood', indicating both China and Pakistan indirectly. Before that, all attention had been paid on how to block the process. For the first time India's security interests were clearly identified.

We said that "This cannot be the CTBT that India can be expected to accept" and added, "Countries around us continue their nuclear weapons programme, either openly or in a clandestine manner. In such an environment, India cannot accept any restraints on its capability, if other countries remain unwilling to accept the obligation to eliminate nuclear weapons" ... "Such a Treaty ... is not in India's

national security interest. India, therefore, cannot subscribe to it in its present form”.

IFAJ: What kinds of pressures were brought on India, thereafter?

AG: After that, the *tamasha* of Article XIV started. I told the Ad-hoc Committee that ‘you people wanted it, so you take it, sign it, and do whatever you want with it’. But they insisted on having India on board!. After all, we were one of the target countries.

One of the earliest attempts was to include the names of all countries that had offered sites for the International Monitoring System (IMS) as being required to sign the Treaty for it to come into effect. India had offered two sites and as soon as we heard that a formulation was being considered that would make India’s signature necessary for entry into force, we sent a formal letter to the Secretariat withdrawing the sites, after of course, consulting Delhi. Clearly the absence of these sites would adversely affect the IMS; though the proposal was not accepted, India’s sites remain still off the IMS map. Various other formulations and proposals were put forward; we even suggested the CWC formulation- i.e. the signature by any 65 (or any other number) countries would automatically bring the Treaty into force. It was at this time that Navtej’s download of the Vienna Convention enabled me to object to the illegality of the procedures being considered, if it was to include a country, India, that had already said it would not accept the Treaty in its current form, and that we would object to the whole text.

Ignoring these arguments, the CD, on the advice of the British and supported by the P-5 adopted the current formulation, which through an annexure, includes India in the list of countries required to sign and ratify the Treaty for it to come into force.

This is where Pakistan and Britain played their usual games. Pakistan apparently told the British that they would get NAM to pressurise India to sign. The British persuaded the Americans - who were fairly laid back on the issue. The Americans later told me that they had informed the British that ‘the Indians have not signed the NPT for thirty years and will not sign the CTBT for another thirty years’. I asked the British Ambassador, Michael Weston, why he believed the Pakistanis on issues relating to India. I asked “in which century are you living in? You don’t know India”.

Actually it was not Pakistan playing the mischief by itself - it was China too, according to the US. I then asked the Chinese as to why they had been insisting on this provision. They said that they didn’t want onsite inspections focused only on them. Twenty-seven satellites were already over their country, he said, monitoring their nuclear programme. They didn’t want further on site monitoring. Hence they

would like India to be there. In the P-5, China said that unless India came in they would not sign. Russia said that unless China joined they won't come in. So that is how Article XIV came up.

IFAJ: But the other larger problem countries like Iran, DPRK, etc. Were they not included in Article XIV as their joining too was necessary for CTBT to enter into force?

AG: Of course they were. They were in the IAEA list of 44 countries with advanced nuclear technology. The CD took refuge in the IAEA list, and was trying to show that since India has some standing in the IAEA she would not object to the IAEA list. I was clear and I stated: If you mention India's name anywhere, we will oppose. There was now a logjam!

By this time, we not only had our substantive objections, but also an objection to Article XIV. To short-circuit the inability to get a CD document approved and sent to the GA given the lack of consensus, the Western Group thought of a rather sly manoeuvre - the document containing the text of the CTBT would go to the UNGA as a Belgian document. The Belgian Ambassador asked the CD Plenary to send 'his country's' document to the GA, where it was fielded by Australia, which presented it to the UN as a national paper. It was not a CD document that was adopted by the GA and had no CD number. Not only was Article XIV illegal, the whole process was illegal.

At this point, I was instructed by Delhi to present the amendments we had put forward in the CD on disarmament, including one on 'no first use' of nuclear weapons. Speaking to then PM Gujral on the telephone, I was able to convince him that while the NFU amendment would imply we had nuclear weapons, the ones on disarmament would place our friends in NAM and others who supported us on the issue, such as Mexico and other Latin Americans, in an embarrassing choice, as they already had instructions to support the CTBT text. Mr. Gujral agreed with me, though Mr. Amarnath Verma felt that we should not allow ourselves to be isolated. My response that it was not easy to isolate a billion people seemed to be accepted.

IFAJ: How did the 'last lap' play-out in the UNGA?

AG: There was indeed one other issue at the time. PM Gujral seemed to assume that I would be making the major statement, but I insisted that it was the job of the PR to the UN in New York to do so. The reason for this was that I had been getting an uncomfortable feeling that there was gossip in the international NGO community and the western group, that I was a hardliner and had influenced India's decision to stay out of the Treaty. In fact, according to Mr. Gujral, a foreign correspondent asked him whether the PR in Geneva had made him change his

mind about the Treaty, to which he said that ‘the Government of India makes up its own mind’!

When the vote took place in the UNGA, the Libyan and Tanzanian wanted to vote with us - somewhat carried away by the prospect of having a single ‘red button’ on the voting board, I told them to vote with their groups. Nonetheless, Bhutan and Libya voted with us - so it was three red buttons in a sea of green!

On my insistence, our PR in New York, Prakash Shah delivered the National Statement. However, I gave the explanation of vote because I pressed the red button for the ‘no’ vote – and in my explanation of vote, I said the lines, (that are now being quoted very often), “we will not sign this now, not later”.

I must also mention here, that after we got back to Geneva from New York, at my meetings with the P-5. I expressed my sadness and disillusion at the way the CTBT was handled by the CD and the GA. I told them, “Nobody will ever trust CD procedures again. You just finished the CD”.

IFAJ: We are fully committed to Nuclear Disarmament and never fail to mention it at any available opportunity. We have always said that we will continue to work towards achieving the objectives of a nuclear weapons free world. How did the CD take up that issue again?

AG: There were two things on the table – the CTBT and FMCT. Two resolutions were passed in the UNGA at the same time. The CD started negotiating the CTBT first. The FMCT mandate was there (since 1993) and we started working on that, but it got stuck on the issue of stock piles. The plan then was to start the FMCT after the CTBT issue was over. But, I told Delhi that I was not going to open my mouth on FMCT, one way or the other.

I so informed my colleagues at the CD, informally of course, that we would not take any position on the FMCT, partially because I was tired, and secondly, I did not believe the P-5 and the Western group. So, for one year I remained absolutely quiet, didn’t say anything. I retired in 1997. Then the 1998 nuclear tests were conducted and we came out supporting the FMCT in the CD.

IFAJ: Did you then expect that India would soon go in for nuclear testing?

AG: I felt that after the CTBT, nuclear tests by India were just a question of time. The tests in 1998 were actually a logical conclusion of the CTBT and the indefinite extension of NPT.

IFAJ: Thank you, Ambassador Ghose, for sparing your time to talk to us on such an intricate issue - that you managed very tactfully during a very critical phase of Indian History.