

STATE SPONSORED NUCLEAR PROLIFERATION: THE CASE OF INDIA

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Introduction

The issue of nuclear proliferation has been part of the arms control agenda since efforts began to evolve a nuclear nonproliferation regime. However, the central focus of the regime on the Non proliferation Treaty, which came out of the 1961 UN General Assembly's Irish Resolution, meant that the principle of discrimination would be inherent in such a regime. This is because within the NPT, while it was mandatory for the non-nuclear weapon states, party to the Treaty, to give up their right to acquire nuclear weapons, for the nuclear weapon states Article VI, requiring them to move towards nuclear disarmament was merely a "good faith" clause. Furthermore, only those states that tested before 1967 were recognized as nuclear states for purposes of the Treaty (Article IX), so the discrimination was built into the NPT.

Despite the accommodation of a two-tier state hierarchy within the nuclear context, the nuclear weapon states have been in violation of their nonproliferation obligations under the NPT right from the start. Amongst the first proliferators in the nuclear field were the US and French governments and the state that benefited from this was Israel. In fact, Israel's nuclear programme, which began in 1952 with the creation of the Israel Atomic Energy Commission, got off the ground because of the aid provided by France.¹

In 1956, France agreed to provide Israel with an 18-megawatt nuclear reactor, but France made a greater commitment to support Israel's nuclear ambitions in exchange for support in the 1956 Suez War.² So, after Israel invaded Egypt the reactor agreement was revised (in October 1957) to provide a 24-megawatt reactor – although the cooling systems and waste facilities were designed to handle three times that power. This was not subject to any IAEA safeguards. Also, in Protocols that were not committed

to paper, a chemical reprocessing plant was also to be supplied by France. Before this Franco-Israeli agreement, no country had supplied another with the means for developing nuclear capability.³ As part of the deal, France purchased heavy water from Norway for the Israeli reactor, thereby breaking assurances to the Norwegian government that it would not transfer the water to a third country.⁴ The French Air Force secretly flew as much as four tons of heavy water to Israel. And the French state went even further in maintaining the deception. For instance, according to one report, French customs officials were told that the largest of the reactor components, like the reactor tank, were part of a desalination plant bound for Latin America.⁵

Even when France and Israel fell out over the project in 1960, the French agreed to finish shipping the reactor components and in 1964 the Dimona reactor became operational. The French also built the reprocessing complex here. Nor did the French feel they had done anything wrong in helping to lay the base for Israel's nuclear weapons programme. Francis Perrin, former High Commissioner of the French Commissariat *a L'Energie Atomique* had declared that France did not violate any US agreements by aiding Israel's nuclear programme in the 1950s because there was no agreement.⁶ Legally, this argument is correct, since the NPT did not become operational till 1970.

So by that logic, those states, and citizens of those states, that are not signatories of the NPT, MTCR and other such agreements, do nothing wrong if they provide missile and nuclear support for third countries – provided that the third country is also not a signatory to the NPT. But what happens when the proliferators are parties to nonproliferation treaties like the NPT and supplier cartels like the Nuclear Suppliers' Group (NSG)? Interestingly enough, Perrin did admit that France might have broken a pact with Britain in that the French, scientists who participated in the nuclear collaboration between the US, Canada and Britain were working as members of the Free French on behalf of the British government and had signed the British Official Secrets Act.⁷

Nor was France alone in aiding and abetting the Israeli nuclear programme. The US, Israel's main provider of military aid,

was also aware of Israel's nuclear project. According to Sir Timothy Garden, a fellow at Indiana University, Israel signed a nuclear cooperation agreement with the US in 1954. Between 1955 and 1966, more than 50 Israeli nuclear specialists completed a probationary period in the largest US scientific institutions. Israel received 6-10 kilograms of uranium a year starting in 1955. The total grew to 40 kilograms by 1966. The US provided Israel with a small nuclear reactor in 1955, which became operational in 1960.⁸ In 1958 US spy planes photographed the Dimona complex, but US Atomic Energy Commission's (AEC) inspections of the Dimona facilities in the late sixties were hampered because of non-cooperation on the part of the Israeli government. In addition to controlling the extent of the inspections as well as the timing, according to Rohan Pearce, Israel constructed false control panels and bricked up corridors to fool AEC teams. As Pearce puts it, "an October 1969 US government memo, reporting on discussions between State Department officials and a representative from the AEC, implied that the US government had no problem with Israel possessing the facilities for building nuclear weapons."⁹ The memo made it clear that the US was not prepared to support a real inspections effort.

With all this unsafeguarded nuclear assistance from France and the US, at the level of the state, Dimona had already begun to produce approximately 8 kilograms of plutonium per year, enough for Israel to build one or two nuclear weapons once the material had been reprocessed.

From 1967 till the fall of the apartheid system in South Africa, Israel relied on the apartheid South African regime for the supply of approximately 550 tons of uranium for the Dimona complex. It is widely believed that the two states conducted a joint nuclear weapon test in the Indian Ocean in September 1979. According to reports in the Israel press in 1997, it is clear that the two states aided each other in building their nuclear capabilities. The first public confirmation of Israel's possession of nuclear weapons came in 1986, when Mordechai Vanunu provided Britain's *Sunday Times* with photographs of Israel's nuclear facilities. Vanunu had been a technician at the Dimona Machon 2 facility between 1976-

1985, after which he was fired for his left-wing, pro-Palestinian politics.¹⁰ Machon 2 is known to produce plutonium and components for nuclear bombs.

Despite all these public facts, and even after the US had become a party to the NPT, it has continued to aid and abet Israel's nuclear and military capability. In October 1998, Israel and the US reached an agreement that committed the US to enhancing Israel's "defensive and deterrent capabilities." An agreement reported in February 2000¹¹ between the two related to cooperation in nuclear and other energy technologies and this agreement allowed Israeli scientists to once again gain access to US nuclear technology. So it is hardly surprising to find that by October 2003 Israeli and US officials admitted that they had collaborated to deploy US-supplied Harpoon cruise missiles armed with nuclear warheads in Israel's fleet of Dolphin-class submarines.¹²

All in all, proliferation by states party to the NPT, has been going on unchecked and the international community has chosen to ignore this continuing contravention of this Treaty – specifically of Articles I and III: 2.

Article I states:

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article III: 2 states:

Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.

Of course, the efforts by these leading proliferating states were not confined to the official level only. There are documented thefts of material from US nuclear facilities being traced to Israel and there are cases of individuals in sensitive positions in the US working for Israel. The much publicised case of Jonathan Pollard is only one such instance (the Israelis conferred citizenship on him for his services while he was imprisoned by the US). It is no wonder then that, today, estimates of Israel's nuclear arsenal pinpoint to about 300 nuclear weapons. And, yet, within the international debate on Weapons of Mass Destruction in general and nuclear weapons in particular, the case of Israel is never raised.

India's Proliferation Record

More interesting in this context of proliferation by states, has been the case of India. India and Israel have cooperated on the nuclear front, but then neither is a party to the NPT, and it is known that the second set of nuclear tests conducted by India in May 1998 were a joint Indo-Israeli venture. Indian nuclear scientists had been trying to link up with Israel in the field of nuclear technology since the eighties. As ex-Mossad agent, Ostrovsky, has described in his book, *By Way of Deception*, one of his assignments was to escort a group of Indian nuclear scientists in mid-July 1984, who had come "on a secret mission to Israel to meet with Israeli nuclear experts and exchange information."¹³

India, which has been a vociferous opponent of the NPT-centred nonproliferation regime, has also cooperated with Iran and Iraq, both parties to the NPT, in the development of their nuclear programmes. In March 2006, Albright and Basu of the Institute for Science and International Security wrote that the ISIS had "uncovered a well-developed, active, and secret Indian program to outfit its uranium enrichment program and circumvent other countries' export control efforts."¹⁴ Also, according to them, India leaked out sensitive nuclear technology in order to procure material for its nuclear programme.

India's nuclear cooperation with Iran¹⁵ began in May 1974, when, following a visit to Tehran by the then Prime Minister Indira

Gandhi, Iran and India issued a communiqué, which laid the basis for atomic energy cooperation between the two countries.¹⁶ In February 1975 the two countries signed a nuclear cooperation agreement. Between 1980 and 1983 Iran asked India to help complete the Bushehr reactor after West Germany backed out of the project in 1980.¹⁷ In October 1982, Indian radio reports gave out that India was sending a group of scientists and nuclear engineers to Iran to inspect the Bushehr nuclear plant and its problems.

In 1991, despite US opposition, India negotiated the sale of a 10 megawatt nuclear reactor to Iran and Dr Prasad worked in Bushehr after he retired in July 2000 as head of the Nuclear Corporation of India. That is why, in February 2004, Iran's top nuclear negotiator, Hasan Rowhani, visited New Delhi for talks with the Indian Prime Minister.¹⁸ Nor is this all in terms of WMD proliferation. In 1992, India supplied thiodyglycol and other chemicals also to Iran and, in 1993, 30 tonnes of trimethyl-phosphite was supplied to Iran by United Phosphorous of India.¹⁹

With Saddam Hussain's Iraq also India had a history of nuclear cooperation. This cooperation was a reflection of an extensive relationship that existed between the two countries. According to a brief by the Institute for Science and International Security,²⁰ the Indo-Iraq nuclear cooperation can be traced to 1974, when Saddam Hussein flew to India specifically to sign a nuclear cooperation treaty with Indira Gandhi, the then Prime Minister. The little known Treaty involved the exchange of scientists, access to training facilities and transfer of technology. According to reports, Iraqi scientists were working in India's plutonium separation labs, often referred to as fuel reprocessing laboratories, at the time India separated plutonium for its first nuclear explosive device. Those same Iraqi scientists later were in charge of the nuclear fuel reprocessing unit supplied to Iraq by the Italian company CNEN. A year or two later, an Indian scientist spent a year at the Iraqi Atomic Energy Commission's computer centre training Iraqis on the use of nuclear computer codes.

According to an *Associated Press* report of May 17, 1998, Iraq supported India's nuclear tests. The Ba'ath Party's newspaper,

Al-Thawra, said: "We cannot see how anyone can ask India not to develop nuclear weapons and its long-range missiles at a time it is like any other big state with its human and scientific potential."²¹ Also, in May 1998, a Baghdad weekly, owned by Saddam Hussein's eldest son Uday, announced that India had agreed to enroll several groups of Iraqi engineers "in advanced technological courses" scheduled for mid-July. The field of training was left unstated.

An Indian company, NEC Engineers Private Ltd., is believed to have helped Iraq to acquire equipment and materials "capable of being used for the production of chemicals for mass destruction."²² The company also sent technical personnel to Iraq including to the Fallujah II chemical plant. Between 1998 and 2001, NEC Engineers Private Ltd shipped 10 consignments of highly sensitive equipment, including titanium vessels and centrifugal pumps to Iraq.²³ It is also known that an Indian company exported chemicals to Iraq for Saddam's missile programme and a director of that company, Hans Raj Shiv was under arrest in New Delhi.²⁴

It is within the ambit of this questionable record of proliferation by the Indian state, as opposed to individuals acting outside the knowledge or approval of the state, that one has to question the wisdom of the Indo-US nuclear agreement. Apart from the fact that the agreement will allow India to divert unsafeguarded fissile material from its civilian to its military facilities – since the US will be supplying safeguarded fuel for the civilian reactors – the deal reflects yet another incidence of state proliferation by the US. Because India has not signed the NPT and has acquired nuclear weapons capability, the NPT obligations under Articles I and III: 2 do not allow the US to give nuclear technical or fuel assistance to India.

Conclusion

Unfortunately, 9/11 altered the dynamics of the nuclear proliferation issue by shifting the focus away from nuclear proliferation to a focus on the weapons of mass destruction (WMD) programmes, which links nuclear to biological and chemical weapons and the focal point are the WMD programmes of certain

states only – a further bolstering of the discriminatory principle. Which states are these? Primarily states that the US regards as hostile – what it has termed as the “axis of evil” and as “rogue” states. Barring North Korea, the other states identified for scrutiny on the WMD issue are all Muslim states. The Israeli nuclear capability continues to remain outside the purview of the mainstream debate on nuclear proliferation – as do its chemical and biological capabilities. Yet Israel has yet to sign the Biological Weapons Convention and has yet to ratify the Chemical Weapons Convention.²⁵

Additionally, the WMD issue has become a central rationalisation for the US pre-emption doctrine – in military terms. The result has been the undermining of the existing nuclear non-proliferation structures and treaties and the increasing politicisation of the issue. The move initiated by the US of bringing the proliferation issue within the domain of the UN Security Council has added to the conflictual framework of the non-proliferation issue.

Till the issue got dragged to the UNSC, the main institution to deal with this issue at the global level was the IAEA, which was to supervise the safeguards agreements, both within the NPT context and outside of it, monitor implementation of the NPT and other nuclear-related agreements and provide technical assistance in the field of civilian nuclear energy. In addition, traditionally, the practice had been that the UN had evolved a distinct mechanism to deal with issues of arms control and disarmament, primarily through the Conference on Disarmament (CD). The UN had also held periodic conferences relating to disarmament. In fact, the CD was established in 1979 as the single multilateral disarmament negotiating forum of the international community as a result of the UN’s First Session on Disarmament in 1978. The CD has a special relationship with the UN and adopts its own rules of procedure and agenda, but takes into account the recommendations of the General Assembly and proposals of its members. It reports to the UNGA, at least annually, and its budget is included in that of the UN. The work of the conference is conducted by consensus.

Till the Iran nuclear issue, the UN Security Council had not played a central role in issues relating to nuclear proliferation. The idea of this separation of functions was partly to avoid arms control and disarmament issues from falling prey to the politics of the UN – especially the Security Council and the machinations of the veto. The IAEA, especially, adopted a technical approach to its three main functions: safety and security; science and technology; and safeguards and verification. With the Iran nuclear issue being brought to the UNSC all that has now altered.

The main threat in terms of proliferation is now being perceived in the form of non-state actors so the whole issue of non-proliferation has become linked to the issue of terrorism. It is at this level that the US has led the international community into altering the whole focus of the non-proliferation issue in terms of structure – by trying to bring it directly under the purview of the UNSC, where the veto replaces consensus. Within the context of nuclear non-proliferation, which has now become inextricably linked to the overall issue of WMD proliferation, this has been done through the passage of UNSC Resolution 1540 in April 2004. This Resolution was a US initiative aimed at preventing acquisition of WMD by non-state actors. Many states were concerned at the UNSC's attempts to legislate on arms control and disarmament under Chapter VII of the UN Charter – especially since the UNSC comprises only 15 states. As the Pakistani Representative to the UN put it: *"The Council could not assume the stewardship of global non-proliferation and disarmament issues. Composed of 15 States, it was not a representative body. It could not enforce the obligations assumed by five of its members which retained nuclear weapons since they also possessed the right of veto."*²⁶

The involvement of the UNSC, through a Resolution invoking Chapter VII of the Charter, undermines the whole structure of safeguards and verification procedures built up through the IAEA's non-political approach to the issue. This technical approach had provided a certain level of trust and credibility to the IAEA, which allowed it to access states like Iran and North Korea. The UNSC will undermine this approach. But, in reality, the IAEA was already being undermined by the US and Britain – especially the

manner in which they dealt with the Libyan issue, where all the nuts and bolts of Libya's nuclear development were taken away by these two states, while the IAEA was brought in to mop up with some form of inspections.

Perhaps the most damaging development that has taken place has been the focus on non-state actors as the main proliferators - reflected in the so-called A.Q.Khan network. The focus on this network - or rather the one individual in the network, Dr Khan - has totally detracted from the continuing proliferation between states - in total violation of their international treaty and other obligations and commitments. It is this neglect and lack of censure for state proliferation that has allowed the US and India to aid their allies and now each other in complete disregard of the NPT and NSG provisions. Until such time as mechanisms are created to enforce punitive action against states indulging in proliferation, the problem of proliferation will continue to be a source of strategic instability and a multiplier in threat exacerbation in volatile regions.

End Notes

1. See S. Mazari, "The Proliferation Trail" in *Strategic Studies*, Vol.XXIV, No. 1, Spring 2004
2. Ibid.
3. Ibid.
4. On a visit to Oslo, Norway, in 2004, I was informed by a Norwegian journalist (on February 9, 2004) that Norway itself had also sold heavy water clandestinely to Israel.
5. Mazari, op.cit.
6. Ibid.
7. Ibid.
8. Ibid.
9. As cited in, Ibid.
10. Ibid.
11. *BBC News*, 22 February 2000
12. see *AxisofLogic.com*
13. Clair Hoy & Victor Ostrovsky, *by Way of Deception*. Stoddart Publishing Company Ltd.: Toronto, Ontario, 1990. P.12.
14. David Albright & Susan Basu, "India's Gas Centrifuge program: Stopping Illicit Procurement and the leakage of Technical Centrifuge Know-How", at <http://www.isis-online.org/publications/southasia/indianprocurement.pdf>

15. Iran signed the ratified the NPT in February 1970, the Chemical Weapons Convention in November 1997 and the Biological Weapons Convention in August 1973.
16. See www.nti.org
17. Ibid.
18. S. Mazari, "The writing on the wall", *The News*, July 26, 2005.
19. Ibid.
20. David Albright, "India's Nuclear Tests: Will They Open New Possibilities for Iraq to Exploit?" ISIS Issue Brief, May 28, 1998, at <http://www.isis-online.org/publications/southasia/indiraq.html>
21. ISIS brief, May 28, 1998
22. *CNN*, January 26, 2003.
23. Ibid.
24. Ibid.
25. Like Iran, Pakistan has also ratified the Chemical and Biological Weapons Conventions'.
26. UNSC Press Release SC/8076 28/04/2004

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