

LOOKING BACK: The 1998 Indian and Pakistani Nuclear Tests

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Ten years ago, the governments of India and Pakistan tested nuclear devices, prompting a global uproar, a united front by the five permanent members (P-5) of the UN Security Council, and stiff sanctions directed at New Delhi and Islamabad. Although the timing of the tests came as a surprise to the U.S. intelligence community, New Delhi had foreshadowed its decision to test two years earlier by withdrawing from the negotiating endgame for the Comprehensive Test Ban Treaty (CTBT), a goal that was ardently championed from 1954 onward by Jawaharlal Nehru, India's first prime minister, and his successors.

New Delhi's stated reason for its reversal was the failure by states possessing nuclear weapons to accept a time-bound framework for nuclear disarmament along with the CTBT. New Delhi also took issue with a complex entry-into-force (EIF) provision that would make the treaty contingent on India's deposit of its instrument of ratification, along with no less than 43 other states that then possessed nuclear power or research reactors.[1] This provision, which was widely perceived at home as an affront to India's strategic autonomy, bore the fingerprints of China, France, Russia, and the United Kingdom, which wished to prolong taking the treaty's bitter medicine as long as possible by forcing others to take it as well.

The real reasons behind the Indian government's sudden reversal on the CTBT were not the EIF clause, despite its aggravating features, nor the absence of a time-bound framework for nuclear disarmament, an agenda item that was not part of the negotiations. What truly rankled New Delhi was that the walls of the global nonproliferation system appeared to be closing in from all sides. The nuclear Nonproliferation Treaty (NPT) had been indefinitely extended in 1995, with the promise of a CTBT to follow—a promise that the P-5 could condition but from which they could not back away. India's nuclear enclave believed that negotiations on a treaty ending the production of fissile material for nuclear weapons would be next in line. Global export controls also seemed to be closing in on India's nuclear options, while the screw-tighteners seemed to put blinders on when China helped Pakistan.

No nuclear agreement has more onerous EIF provisions than the CTBT, which attests to the reluctance of the P-5 to accept what President Bill Clinton called "the longest-sought, hardest-fought prize in arms control history." By comparison, the Chemical Weapons Convention required the deposit of 65 instruments of ratification, and the NPT simply required the deposit of instruments of ratification by the United Kingdom, United States, and USSR, along with 40 other countries. Securing comparable EIF procedures for the CTBT and avoiding the treaty's extended limbo would have required Clinton's strenuous, early, and sustained efforts. Instead, Clinton put off consideration of EIF provisions until the very end of negotiations, when he succeeded in convincing British Prime Minister John Major to be more flexible. Then, instead of making other phone calls, Clinton quickly threw in the towel.[2] The hour was late, and the time had come, in the view of the president and his advisers, to orchestrate a treaty signing ceremony at the United Nations.

The P-5 signed the CTBT on September 24, 1996, thereby incurring the obligation under international law not to undercut the treaty's objectives and purposes pending its entry into force or until renunciation of their treaty commitments. Two of the five, China and the United States, have yet to deposit their instruments of ratification. The Senate refused to consent to ratification in 1999—a sad tale recounted below—and China's legislature continues to consider this matter at a snail-like pace.

Even if Washington and Beijing were to join the 144 other capitals that have ratified the CTBT, other prominent holdouts may not follow suit. Despite the international community's best efforts, India and Pakistan refused to sign the treaty after testing nuclear devices. This reluctance either reflects lingering domestic constraints against doing so, the intention to test again after a suitable interval, or both. Other holdouts, which include Egypt, Iran, and Israel, as well as North Korea, which broke a global moratorium on nuclear testing that had lasted for eight and a half years after the Indian and Pakistani tests, may be expected to seek inducements and conditions that the EIF procedures invite. Rarely in the history of nuclear negotiations has a provision ostensibly designed to rope in stragglers given them so much bargaining leverage or mischief-making potential.

The CTBT and the Indian and Pakistani Tests

Many Indian supporters of the CTBT argued that it would help reduce the shadow cast by nuclear weapons over international politics, thereby advancing India's long-standing goal of nuclear abolition. This and other arguments fell on deaf ears. India's test of a nuclear device in 1974 was more of a physics experiment than a workable bomb design, and India's nuclear enclave was chafing at the bit. If ever there was a juncture to break free of New Delhi's decades-long ambivalence regarding nuclear weapons, it was, paradoxically, at a time of progress to prevent proliferation and to end nuclear testing permanently. The timing of India's decision to test depended on the election of a coalition government led by a party with enough nerve to break out of this box. That government took office in March 1998, led by the Bharatiya Janata Party's (BJP) two most senior politicians, Prime Minister Atal Bihari Vajpayee and Deputy Prime Minister L.K. Advani. When India finally decided to test, it was almost a foregone conclusion that Pakistan would follow suit.

Predictably, instead of tying New Delhi's hands, the EIF clause became a source of indignation across the domestic political spectrum, a powerful consensus-builder to reject any constraints on India's nuclear options sought by outside powers. As anticipated, the Pakistani government welcomed the disapprobation placed on India for withdrawing support for the CTBT and waited in the shadows for New Delhi's eventual decision to accept even more heat by testing nuclear devices. When New Delhi obliged on May 11 and 13, no inducements or penalties the United States and other capitals could identify were powerful enough to prevent Pakistan from following suit. Just to make sure that Pakistan would reject U.S. offers and to prevent India from being singled out for international pressure, Advani issued a thinly veiled public threat to the effect that now that New Delhi possessed the bomb, its neighbor should watch its step in Kashmir.^[3] Pakistan tested its nuclear devices on May 28. The exact number of tests conducted on the subcontinent in May 1998 remains in doubt because several devices were tested simultaneously and because Pakistan may have inflated its number of tests for political reasons.

After the Tests

Immediately after New Delhi inaugurated this round of testing, the Clinton administration made an intense effort to threaten international isolation unless the governments of India and Pakistan signed the CTBT and took other steps to reduce nuclear dangers. The point man for the Clinton administration was Deputy Secretary of State Strobe Talbott. His opposite number was Jaswant Singh, a confidant of Vajpayee who was later appointed external affairs minister in December 1998. Talbott quickly came to the conclusion that little would result from his dialogue with Pakistan unless he could first gain traction in India.

Drawing from a P-5 joint communiqué issued in June 1998, Talbott and his negotiating team initially laid down five conditions for India and Pakistan to meet in order to be freed of sanctions and to break their diplomatic isolation. The topmost condition was signing the CTBT. Next was cooperation in negotiating a permanent ban on the production of fissile material and, pending this negotiation, a freeze on further production of bomb-making material. Third, the United States wanted both countries to accept a "strategic restraint regime" that would limit ballistic missile inventories to versions that had already been tested. Other parts of the strategic restraint regime included pledges by India and Pakistan not to deploy missiles close to each other's borders and also not to maintain warheads atop missiles or stored nearby. Fourth, the United States demanded that both countries adopt "world class" export controls. The fifth condition called on India and Pakistan to "resume

dialogue to address the root causes of tension between them, including Kashmir."^[4]

Beijing's imprint on the P-5's conditions was difficult to miss, as the proposed strategic restraint regime and a fissile material cutoff treaty (FMCT) would not just curtail New Delhi's options against Pakistan, but would also significantly constrain India from countering China's strategic modernization programs. The reference to Kashmir as the "root cause of tensions" on the subcontinent, without mentioning Pakistan's support for crossings of the Kashmir divide by Islamic extremists to initiate acts of violence, was akin to waving a red flag in front of a very disgruntled Brahma bull. Nonetheless, India swallowed its resentments over the P-5's agenda. New Delhi's top priority after May 1998 was to chip away at its diplomatic isolation, and the best interlocutor to accomplish this objective was the United States.

The talks began in June 1998. Singh asserts in his memoirs that, at the outset, he told Talbott, "I was not there to negotiate, either to give or to ask for anything. I was really there much more to engage in a dialogue.... [W]e could endeavor to harmonize our views so that the first requirement—a restoration of confidence—is achieved, even if only in part."^[5] This was a deft gambit, one that Talbott could hardly refuse. U.S.-Indian bilateral relations were in desperate need of repair, and the upside potential of a serious dialogue could yield important dividends downstream. Neither could Talbott wave away the Clinton administration's stipulations for concrete measures to reduce nuclear dangers, specially the need for India to sign the CTBT.

The extended dialogue between Talbott and Singh might be likened to the diplomatic equivalent of a handicap match in professional wrestling, with the world's sole superpower shouldering the handicap. The most crucial factor in the Talbott-Singh strategic dialogue was the passage of time because the Clinton administration had less than three years to accomplish any of its objectives. As Talbott wrote, "India's strategy was to play for the day when the United States would get over its huffing and puffing, and with a sign of exhaustion or a shrug of resignation, accept a nuclear-armed India as a fully responsible and fully entitled member of the international community."^[6] For a nation such as India, which waited 24 years between tests of nuclear devices, three years was not a very long time to outwait Washington.

The primary reason why New Delhi backed away from previous internal deliberations to test was the threat of economic sanctions imposed by foreign governments on an overly centralized, underperforming national economy. According to a well-sourced Indian account, an internal assessment done prior to the 1998 tests estimated that if sanctions lasted more than six months, the Indian economy could be seriously stressed.^[7] Members of the U.S. Congress from farming states began chipping away at the sanctions well before then, in search of export earnings. Commercial interests in Paris and Moscow also began to erode the P-5's united front, as might be expected. One by one, the concrete measures demanded of India by the Clinton administration slipped off the negotiating table.

What remained was the CTBT. Vajpayee announced a moratorium on testing in May 1998, even before Talbott and Singh met, but this was hardly the legal or political equivalent of signing the CTBT. The U.S. negotiating team repeatedly asked a simple question: If New Delhi had no plans or intentions to test again, why not sign the CTBT? Talbott, a meticulous chronicler of nuclear negotiations, never got a straightforward answer. He recalls Singh stating in June 1998 that, "in exchange for the lifting of American sanctions, India might take the next step, 'de jure formalization of our position and acceptance of the letter of the treaty.'"^[8] In August 1998, Singh showed Talbott a letter from Vajpayee to Clinton promising "to engage constructively with a view to arriving at a decision regarding adherence to the CTBT by the month of September 1999."^[9] During this visit to Washington, Talbott reports that, in his presence, Singh told national security adviser Sandy Berger that "Vajpayee had made an 'irreversible' decision to sign the CTBT—it was just a question of how and when to make that decision public."^[10] In January 1999, Talbott reports that Singh told him that "India would sign the CTBT by the end of May."^[11] None of these statements were vocalized publicly by Indian officials.

Singh's memoir offers no promises in this regard. He writes, "India had a certain position on the CTBT, and we were going to move purposefully in that direction—but at our own pace. The Prime Minister had already stated that we were not going to conduct more tests. This was a self-imposed

restraint amounting to a moratorium." Singh stresses in his account and in his meetings with U.S. officials that the CTBT had been "demonized" in India and that it was widely viewed as "an unequal, dangerous, and coercive treaty."^[12] In perhaps the most revealing passage about his interactions with Talbott, Singh notes in characteristically stilted fashion that "[i]f, occasionally during the dialogue and in discussing the issue of adhering to the CTBT, recourse was taken to deflectional ambiguity, that can hardly be characterized as adherence."^[13]

The longer the U.S.-Indian strategic dialogue proceeded, the less Singh needed to resort to deflectional ambiguity. The Clinton administration necessarily needed to turn its attention elsewhere, especially to al Qaeda, which had begun to carry out long-distance acts of violence from its base in Afghanistan. The flurry of nuclear tests also set in motion dangerous friction between India and Pakistan that raised nuclear dangers and the risk of uncontrolled escalation. Within eight months after testing nuclear devices, General Pervez Musharraf, Pakistan's chief of army staff, in effect called Advani's bluff over Kashmir by beginning to infiltrate military units across the Kashmir divide in mountainous terrain overlooking the town of Kargil. Infiltration levels and acts of violence carried out by Pakistani-supported jihadi groups on Indian soil were also becoming more brazen. The stability/instability paradox—a construct devised by Western deterrence theorists who postulated that nuclear weapons could check full-scale wars but encourage mischief-making below the nuclear threshold—seemed to be playing out on the subcontinent under a risk-taking Pakistani army chief.^[14]

Beginning in May 1999, when the Pakistani units were discovered by Indian reconnaissance teams in the heights overlooking Kargil, the CTBT took a distant back seat to the need to secure a Pakistani withdrawal and to prevent the high-altitude war from expanding in scope and intensity. Several unanticipated consequences and deep ironies resulted from U.S. crisis management in the Kargil war. Clinton, who was withholding a trip to the subcontinent as leverage for CTBT signatures, promised one to Pakistani Prime Minister Nawaz Sharif as a face saver for withdrawal. His subsequent trip to the region clarified how much progress was possible in improving Indo-U.S. relations and how badly strained bilateral ties with Pakistan had become, primarily due to its ties to al Qaeda and other Islamic extremist groups.

The prospects of gaining Indian and Pakistani signatures on the CTBT were hanging by a slender thread when the Republican-led Senate suddenly consented to long-standing demands by their Democratic colleagues to vote on the treaty. The Clinton White House and Senate Democratic leadership were completely unprepared for this eventuality and ignorant of the prior efforts by Senator Jon Kyl (R-Ariz.) to line up sufficient Republican votes to kill the treaty. Relations between Republicans and the Clinton White House were venomous, as reflected in the 16-month-long impeachment proceedings during 1998-1999 regarding Clinton's sexual relations with Monica Lewinsky. Lines of communication were also severed between Democrats and Republicans on Capitol Hill. When Senator Byron Dorgan (D-N.D.) stood up in the Senate in September 1999 expressing his intention to block all further proceedings unless the CTBT were brought up for a vote, he was about to learn that Kyl had the votes to defeat ratification.^[15]

Senate Democrats found it awkward to pivot away from the CTBT after demanding a vote. As in Geneva, the Senate's negotiating endgame left the Clinton White House holding a very poor hand. Clinton had neither the time nor the leverage to influence the outcome. Sixty-two Senators, led by John Warner (R-Va.) and Daniel Patrick Moynihan (D-N.Y.), tried to avoid a complete train wreck over the CTBT by signing a letter requesting postponement of the vote. Senate Majority Leader Trent Lott (R-Miss.) and Senate Foreign Relations Committee Chairman Jesse Helms (R-N.C.) agreed to withdraw the treaty if Clinton would request a withdrawal in writing and if he would pledge not to bring up the CTBT for the duration of his presidency. Under the prevailing circumstances, these conditions bowed to political realities, but the second condition was somehow deemed unacceptable by the Clinton White House. As Berger explained, "The president believes that it is inappropriate for him to say to the world that the United States is out of the nonproliferation business during an election year."^[16] On October 13, 1999, the Senate failed to give the CTBT a simple majority, let alone the necessary two-thirds vote required for passage. The vote was 48 in support, 51 opposed.

September 11 and U.S. Relations With India and Pakistan

The Bush administration's agenda for the subcontinent shifted dramatically after the terrorist attacks

of September 11, as it sought to forge a strategic partnership with Islamabad to fight the "war on terror" and to create a new partnership with India with the unstated purpose of helping to provide a counterweight to China. On September 22, 2001, the Bush administration lifted all remaining economic sanctions on India and Pakistan, except for sanctions on entities that had engaged in proliferation-related commerce. India's economic potential, trade, and growth have inoculated the country from new threats of sanctions. Besides, the Bush administration made it a strategic priority to befriend India, including the promotion of a wide-ranging civil nuclear cooperation agreement with New Delhi, overriding decades of export control arrangements established by the Nuclear Suppliers Group. The Bush administration asked for very little in return, least of all India's signature on the CTBT. Ironically, this proposed deal, which was the Bush administration's most important regional priority as Pakistani governance faltered, remains in limbo. Like the CTBT, the deal has been stymied by polarized domestic politics in India.

Ten years after testing nuclear devices, India and Pakistan still have not accepted any constraints on their strategic autonomy. Along with China, both states are engaged in strategic modernization programs of considerable breadth, building nuclear-tipped cruise missiles as well as ballistic missiles to be carried by their land, sea, and air forces.[17] India has plans for a deterrent it deems worthy of a major power, which might entail further tests to certify thermonuclear weapon designs. If India tests again, Pakistan is likely to do so as well. The nuclear enclaves in each country are highly respected at home and believe they have more work to do. This spells trouble not only for the CTBT's entry into force, but also for initiating and successfully concluding fissile material cutoff negotiations in Geneva.

Looking back, the nuclear tests by India and Pakistan and the subsequent rejection by the Senate of the CTBT were significant setbacks for global nonproliferation efforts. Nonetheless, the sky has not fallen. In the following decade, only one additional device has been tested, the lowest number in any 10-year period since the bomb's unveiling. This test, by North Korea, was widely condemned and helped to spur diplomatic efforts to dismantle Pyongyang's nuclear infrastructure. Although other nuclear-weapon enclaves would welcome the opportunity to test again, several are weaker than they have ever been, and political leaders are hesitant to be the first to break an informal global moratorium or to follow the lead of an outlier state. This calculus of restraint can change quickly, especially if China, Russia, or the United States is the first to resume testing.

Looking forward, U.S. CTBT ratification depends, in the first instance, on the identity of the next president. Senator John McCain (R-Ariz.) voted against the CTBT in 1999; Senators Barack Obama (D-Ill.) and Hillary Clinton (D-N.Y.) support the treaty. Yet, even if the next president thinks positively of the CTBT, he or she will have many pressing matters to address. The priority attached to the CTBT will depend in part on the projected vote count in the Senate. Perhaps a dozen Republican senators will need to join Democrats in consenting to ratification, including some, such as Senator Richard Lugar (R-Ind.), who voted nay in 1999. Kyl may well hold an even more important Republican leadership position after the next U.S. election, and his opposition appears unyielding. If the new administration is favorably disposed toward the CTBT and if its vote count falls short, moving forward might well require trade-offs involving support for some variant of the Reliable Replacement Warhead program that may be very controversial and unacceptable to long-standing treaty supporters who oppose new warhead assembly lines.

Another option for the next U.S. administration would be to pursue modest but useful steps that are already in train, thanks to the steady and wise leadership of the Comprehensive Test Ban Treaty Organization's (CTBTO) current executive secretary, Tibor Tóth of Hungary, and his predecessor, Wolfgang Hoffmann of Germany. The treaty's international monitoring system is being expanded, and valuable training exercises are being carried out. The next administration may also see the wisdom of paying U.S. dues to the CTBTO in full. The treaty's international monitoring network's ability to identify the sub-kiloton North Korean nuclear test marks a major success story. Adapting and adding to this network to provide for an improved tsunami early-warning system could add to the success of the CTBTO.

We are a long way from closure regarding the CTBT. India, like the United States, believes deeply that it is an exceptional country and exceptional countries prefer to lead rather than to join. The harsh treatment meted out to the civil nuclear cooperation agreement by opposition leaders in the

BJP-an agreement they would surely have welcomed had they been in power during the Bush administration-does not bode well for forging a national consensus in India on the CTBT. The EIF provision continues to serve its intended, malign purpose, which in turn makes it essential to continue an informal global moratorium on testing.

Ten years after the May 1998 tests, India and Pakistan remain outliers to treaties that help define responsible stewardship of nuclear arsenals. Pakistan shows every inclination to compete with India, as is suggested by its growing bomb-making infrastructure and its willingness to block the initiation of negotiations on an FMCT in Geneva. Islamabad's response to treaty commitments remains fixed: Pakistan will consider whatever India agrees to first. Meanwhile, New Delhi's timelines for considering the CTBT and the cutoff treaty seem quite elastic.

The positive news about nuclear stabilization measures on the subcontinent lies outside the domain of treaties. India and Pakistan have agreed to several confidence-building and nuclear risk-reduction measures, such as notifications regarding certain missile flight tests and military exercises. After a period of domestic turbulence in Pakistan, these discussions will resume, perhaps yielding more agreements that reduce the possibility of unintended escalation. Each country is focused on trade, economic development, and domestic cohesion. In turn, this requires that the divided territory of Kashmir, which Pakistani officials used to describe as a "nuclear flashpoint," remain on the back burner. These important gains are unlikely to be supplemented by constructive initiatives relating to nuclear negotiations.

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ENDNOTES

1. See Arundhati Ghose, Statement to the Conference on Disarmament, Geneva, June 20, 1996.
2. Senior Clinton administration officials, interviews with author, Washington, D.C., 1996.
3. "Islamabad should realise the change in the geo-strategic situation in the region and the world. It must roll back its anti-India policy especially with regard to Kashmir. Any other course will be futile and costly for Pakistan." Sabina Inderjit, "Advani Tells Pakistan to Roll Back Its Anti-India Policy," Times of India, May 19, 1998 (quoting Advani).
4. See Strobe Talbott, *Engaging India: Diplomacy, Democracy, and the Bomb* (Washington: Brookings Institution Press, 2004), pp. 96-97. Talbott's account is essential for specialists and accessible to nonexperts, making it an excellent teaching tool for the complexities of proliferation and U.S.-Indian relations.
5. Jaswant Singh, *In Service of Emergent India: A Call to Honor* (Calcutta: Rupa & Co., 2006; Bloomington: Indiana University Press, 2007), p. 253.
6. Talbott, *Engaging India*, p. 5.
7. Raj Chengappa, *Weapons of Peace, The Secret Story of India's Quest to be a Nuclear Power* (New Delhi: HarperCollins, 2000), pp. 48-49.
8. Talbott, *Engaging India*, p. 86.
9. *Ibid.*, p. 121.

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10. Ibid., p. 123.

11. Ibid., p. 145.

12. Singh, *In Service of Emergent India*, p. 263.

13. Ibid., p. 274.

14. For more on the stability/instability paradox as it applies to South Asia, see Michael Krepon, "The Stability-Instability Paradox, Misperception, and Escalation Control in South Asia," in *Prospects for Peace in South Asia*, ed. Rafiq Dossani and Henry S. Rowen (Stanford University Press, 2005); Michael Krepon, Rodney W. Jones, and Ziad Haider, eds., *Escalation Control and the Nuclear Option in South Asia* (Washington, D.C.: Henry L. Stimson Center, 2004). For another perspective, see S. Paul Kapur, "India and Pakistan's Unstable Peace: Why Nuclear South Asia Is Not Like Cold War Europe," *International Security*, No. 30 (Fall 2005), pp. 127-152.

15. For a superb case study, see Terry L. Deibel, "Inside the Water's Edge: The Senate Votes on the Comprehensive Test Ban Treaty," *Institute for the Study of Diplomacy Case Studies*, No. 263 (2003).

16. Ibid., p. 147.

17. See Robert S. Norris and Hans M. Kristensen, "India's Nuclear Forces, 2007," *Bulletin of the Atomic Scientists*, No. 63 (July/August 2007), pp. 74-78; Robert S. Norris, "Pakistan's Nuclear Forces, 2007," *Bulletin of the Atomic Scientists*, No. 63 (May/June 2007), pp. 71-74.

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