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INTERNATIONAL NON-PROLIFERATION REGIME: PAKISTAN AND INDIAN PERSPECTIVES

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Abstract

This paper attempts to build up an understanding into the extremely important issue of "current trends in global non-proliferation regime and challenges," especially in the context of the South Asian nuclear matrix. A considerable portion of the study is devoted to finding answers to questions such as "can South Asian nuclear states, India and Pakistan, be integrated into the existing international non-proliferation regime?" If so, then what would be the pathways and modalities for this, and if not, then what are those perceived reservations and concerns of these two states which are the main barriers in the way? An endeavor has also been made to discuss the prospects of international non-proliferation regime in the South Asian strategic milieu.

Key Words: International Non-proliferation Regime (NPT, CTBT, FMCT), Trends and Issues, Pakistan, India.

Review of International Non-Proliferation Landscape

With the dawn of history, man has been facing security problems of wide and various kinds. To promote and strengthen security, weapons of different kinds have been/are being continuously innovated by man with the help of developing technologies. Apart from purely security reasons, there could be diverse grounds such as prestige, influence and economic power that may lead a state to procure or manufacture new weapons. If we study the literature on nuclear proliferation, it would be clear that lack of order in the international system, external threat environment, absence of great-powers' positive security guarantees, politics of prestige and status, have undermined the performance of the United Nations (UN) in the area of global strategic issues giving rise to a discriminatory international

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nuclear non-proliferation system which has led a number of states to manufacture nuclear weapons.[1]

Many scholars of strategic studies apply levels of analysis (systemic-level, state-level, individual-level) to concisely explain nuclear proliferation phenomenon in international politics. Saira Khan, in her comparative study to elucidate nuclear proliferation dynamics in South Asia and Middle East, thinks that at the systemic-level, motivations for nuclear proliferation could be anything from the quest for ensuring security, imposing regional hegemony, winning international prestige to just obtaining some bargaining advantage. Among state-level motivations, she identifies domestic turmoil, economic considerations, public opinion, scientific/technological momentum or bureaucratic policies. At the individual level, however, motivations are limited to the leaders' attitudes and beliefs.[2] A number of commentators use the theories of International Relations such as classical realism (Zachary S. Davis, Richard K Betts), neo-realism (Kenneth Waltz, Benjamin Frankel, John Mearsheimer), domestic determinants (Mitchell Reiss, Glenn Chafetz, Stephen M. Meyer, Graham Allison), organization (Scott D. Sagan), cognitive and psychological (Peter R. Lavoy), and historical sociological approaches (Donald Mackenzie, Steven Flank), to explain the complex and debatable dynamics of nuclear proliferation.[3]

If we go over the nuclear history it can be said with certainty that nuclear weapons and global efforts to curtail their spread evolved on the scene of international politics almost simultaneously. In the international politics of nuclear technology, nuclear proliferation as an issue area has been recognized since the nuclear weapons were used by the US against Japan in 1945, which led the great powers to work out some arrangements (regime) for regulating nuclear technology. A regime can be defined as "collaboration structured around a consensual understanding of a set of interconnected issues." Regimes are composed of commonly held norms, accepted rules and institutionalized ways of making collective decisions (procedures).[4] The non-proliferation regime can be defined as "a combination of domestic laws, international laws, technical arrangements, and bilateral agreements — all held together by skilful

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[1] For a complete discussion about the conceptualization of nuclear proliferation see, Sarah J. Diehl and James Clay Moltz, *A Handbook of Nuclear Weapons and Non-Proliferation* (New Delhi: Pentagon Press, 2005).

[2] Saira Khan*, Nuclear Proliferation Dynamics in Protracted Conflict Regions: A Comparative Study of South Asia and the Middle East* (Burlington: Ashgate Publishing Limited, 2002), 13.

[3] Tanya Oglivie-White, "Is there a Theory of Nuclear Proliferation? An Analysis of the Contemporary Debate," *The Nonproliferation Review* (Fall 1996): 43-60.

[4] Benjamin N. Schiff, *International Nuclear Technology Transfer* (London: Rowman & Allanheld Publishers, 1983), 20.

diplomacy and a little smoke and mirrors."[5] The international non-proliferation regime is also based on norms, rules and procedures. Benjamin N. Schiff mentions that the following five norms have played a fundamental role in the formation of international non-proliferation regime:

1. The proliferation of nuclear weapons capabilities is bad,
2. peaceful nuclear technology is a useful scientific and industrial tool,
3. the regime should operate according to universal principles,
4. states' sovereignty is to be maintained, and
5. there should be reciprocity of benefits and sacrifices among states.[6]

The rules of international non-proliferation regime, which are clearly mentioned in different treaties and agreements such as the Nuclear Non-Proliferation Treaty (NPT), Comprehensive Test Ban Treaty (CTBT) and Fissile Material Cut-off Treaty (FMCT) signify those activities which are allowed as well as proscribed for member states. The third component of international non-proliferation regime is "procedures," through which agreements are concluded and controversies are resolved within the regime; for example, International Atomic Energy Agency (IAEA) has a board of governors which adopts different procedures to sort out a large number of problems and issues occurring in the realm of nuclear technology keeping in view the norms and treaties of international non-proliferation regime.[7]

The international non-proliferation regime evolved with the realization of the fact that materials, technology and know-how relevant to the manufacture of nuclear weapons were bound to spread internationally. The first and foremost objective was to stop the spread of nuclear weapons technology; however, both the US and the former USSR believed in the use of nuclear technology for peaceful purposes. Zafar Nawaz Jaspal points out this aspect: "The primary objective of the global nuclear order has been to prevent the proliferation of nuclear weapons as a by-product of nuclear cooperation for the promotion of peaceful use of nuclear technology."[8]

On January 24, 1946, the UN General Assembly established the United Nations Atomic Energy Commission (UNAEC) which was made responsible for the control of nuclear technology and the elimination of weapons of mass

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[5] Adil Sultan, "Regional Non-Proliferation Regime, A new Approach to Integrate De Facto Nuclear Weapons States into International Non-Proliferation Regime: A Case of South Asia" *IPRI Journal*, vol. VII, no.2 (Summer 2007): 15.

[6] Benjamin N. Schiff, *International Nuclear Technology Transfer*, 23.

[7] Ibid., 26-27.

[8] Zafar Nawaz Jaspal, "Nuclear Weapons and Arms Control in South Asia," *Nelson Mandela Centre for Peace and Conflict Resolution*, Jamia Millia Islamia, New Delhi, 2007, 46.

destruction from national stockpiles. The American Baruch Plan was the first attempt to control nuclear technology. It was an ambitious and radical proposal to put the control of all nuclear technology in the hands of an International Atomic Development Authority (IADA), which would control or manage the exploitation of nuclear energy from the mining of raw materials to the activities of production plants, to the sole right to conduct research in the field of atomic explosives. At that time, of course, the US was the sole nuclear power and it was not surprising that the Soviet Union objected to the Baruch Plan because it placed the problem of "control" before the problem of "disarmament." In the words of Benjamin N. Schiff: "prevention of the Soviet acquisition or control of atomic weapons was the main objective of the US proposal."[9] The Soviets rejected the Baruch Plan on solid grounds and presented their own proposal which aimed at controlling US nuclear capability prior to placing limits on other countries' atomic developments. Both the super powers remained stuck to their guns in UNAEC which prevented consensus and ultimately resulted in the death of this forum in 1950.[10]

The demise of UNAEC created a vacuum in the domain of negotiations to control the nuclear technology. There was no nuclear non-proliferation regime from 1946 through 1953. Nevertheless, the US administration, recognizing the peaceful uses of nuclear technology, re-evaluated the "policy of secrecy." On December 8, 1953, President Eisenhower in his speech before the General Assembly of the UN on Peaceful Uses of Atomic Energy stated:

> The United States knows that peaceful power from atomic energy is no dream of the future. That capability, already proved, is here — now — today. Who can doubt, if the entire body of the world's scientists and engineers had adequate amounts of fissionable material with which to test and develop their ideas, that this capability would rapidly be transformed into universal, efficient, and economic usage…The United States would be more than willing — it would be proud to take up with others principally involved: the development of plans where by such peaceful use of atomic energy would be expedited.[11]

Under "Atoms for Peace Policy" the US Atomic Energy Act of 1946, which was based on the policy of "no transfer of nuclear technology," was replaced by the Atomic Energy Act of 1954, which opened new windows for the dissemination of nuclear technology for peaceful purposes under bilateral as well as multilateral arrangements. The US Congress laid down four limitations on US nuclear technology transfers that became the basis of

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[9] Benjamin N. Schiff, *International Nuclear Technology Transfer*, 37.
[10] Ibid., 42.
[11] Quoted in Zafar Nawaz Jaspal, "Nuclear Weapons and Arms Control in South Asia," 46.

negotiations and approval of agreements for cooperation with other governments. These were:

1. Prohibition against the communication of weapons design and fabrication data.
2. Requirement for adequate security standards in countries receiving classified information.
3. Determination by the President that the arrangements would promote and not endanger the common defence and security and requirement that the Joint Committee on Atomic Energy be informed of the arrangement 30 days prior to its consummation.[12]

It is commonly believed that the American "Atoms for Peace" policy and Atomic Energy Act of 1954 paved the track for the establishment of IAEA in 1957 to regulate nuclear technology dissemination for civilian uses. The international non-proliferation regime came into being with the formal endorsement of the IAEA statutes.

The NPT, which is widely considered as the beacon of international non-proliferation efforts, emerged out of the two superpowers' consistent engagement during the late 1950s and early 1960s. Both the superpowers started to think and act seriously to plug the way for further spread of nuclear weapons, especially in the backdrop of China's successful nuclear detonations in 1964.[13] An Irish resolution that was adopted by the UN in 1961 became the direct precursor of NPT, which was ultimately concluded when the UN General Assembly approved the resolution commending the NPT text on June 12, 1968. The NPT opened for signatures by depository governments in 1968 and came into force in 1970.[14] Since its coming into force in 1970, the treaty has become the "spinal cord" of the global nuclear non-proliferation regime.

If we dissect the text of the NPT, we can claim that it clearly outlines the "dos and don'ts" for the member states — whether they are nuclear weapons states (NWS) or non-nuclear weapons states (NNWS). Article I and II of the NPT bind NNWS to neither develop nor receive nuclear explosive technology, and the NWS to neither assist in its development, nor transfer it to other countries. These articles explicitly underlined the rule of non-dissemination as an obligation on the member states. Article III requires NNWS to accept IAEA safeguards or "equivalent" safeguards on all nuclear facilities under their control. Article IV stipulates that the treaty shall not impede the flow and transfer of nuclear materials, technology, or equipment

[12] Benjamin N. Schiff, *International Nuclear Technology Transfer*, 43.
[13] Sarah J. Diehl and James Clay Moltz, *A Handbook of Nuclear Weapons and Non-Proliferation*, 13.
[14] Benjamin N. Schiff, *International Nuclear Technology Transfer*, 79.

for peaceful purposes, and declares that it's the responsibility of the nuclear and developed countries to make peaceful nuclear technology available, especially to the developing states, thereby formalizing the technology transfer rule. Article V promises that if a state desires peaceful nuclear explosive services, these shall be provided, the treaty notwithstanding and Article VI declares that the NWS will seek to negotiate strategic weapons reduction, and they will pursue strategic disarmament. Article VI was included at the behest of developing and NNWS acceded to the treaty. Article VII stipulates that the NPT will not in any way inhibit the conclusion of other treaties limiting nuclear weapons deployment, and has been interpreted as encouraging regional de-nuclearization agreements. Under Article VII it was established that the NPT will be reviewed every five years and the procedures of amendments were articulated. Other Articles establish rules for accession to and withdrawal from the treaty, and declare that it is to be reviewed for continuation or termination after 25 years.[15] During the NPT review conference of 1995 it was extended indefinitely.

The second most vital layer of international non-proliferation regime is CTBT, which is still to be enforced because of numerous impediments. The CTBT is one of the most famous of all nuclear arms control and disarmament treaties and it has the longest history, even longer than the NPT. The idea originated in the mid-1950s, when concern about the fallout from nuclear tests was rising.[16] In 1958 and again in 1963 the US and the former USSR leaders attempted to negotiate a comprehensive ban on all nuclear test explosions; however, they failed to finalize the deal. Nevertheless, these attempts led to the Partial Test Ban Treaty (PTBT). Subsequent efforts of nearly three decades paved the way for concluding the negotiations on CTBT — the treaty was opened for signatures and ratification in 1996.[17]

The third important pillar of international non-proliferation regime is FMCT, which has not been formalized and concluded yet. The goal of an FMCT has been set out in two international decisions, both adopted by consensus: a 1993 UN General Assembly resolution (48/75L) and then a 1995 decision by the Conference on Disarmament (CD) to adopt what is known as the "Shannon mandate"[18] (CD/1547) (see UN General Assembly 1993). The main direction contained in the mandate is for the responsible *Ad Hoc*

[15] For this and other references to the NPT, see Treaty, "Non-Proliferation of Nuclear Weapons," March 5, 1970.

[16] Annette Schaper, "The Fizzling Fervency of the Comprehensive Test Ban Treaty," in Bremer Mærli and Sverre Lodgaard (ed.), *Nuclear Proliferation and International Security* (London: Routledge, 2007), 215.

[17] Daryl G. Kimball, "The Enduring Value of the Comprehensive Nuclear Test Ban Treaty and New Prospects Entry into Force," *CTBT Spectrum*, vol. II (September 2008): 12.

[18] Named after the late Canadian Ambassador Gerald Shannon who had formulated it.

Committee of the Conference to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. What is sometimes overlooked, however, is that Ambassador Shannon's report also recorded that delegations held differing views as to "the appropriate scope of the convention," specifically whether past as well as future production should be considered and that "it has been agreed by delegations that the mandate for the establishment of the *Ad Hoc* Committee does not preclude any delegation from raising for consideration in the *Ad Hoc* Committee any of the above noted issues." In short, the core issue of the scope of the treaty remains an open question and the external veneer of consensus in the treaty's favour is actually paper thin.[19]

The FMCT was regarded as the natural next step on the arms control agenda, to be negotiated immediately after the CTBT. It was thought that such a treaty would effectively halt the future production of fissile material for explosives — hence capping the number of nuclear warheads that could be manufactured. The UN primary negotiation forum on arms control and disarmament — CD, was assigned to negotiate and conclude the FMCT, even though, there was indeed a lot of interest by most of the nations including the NWS. The forum has remained deadlocked. The target states of the FMCT are the United States, Russia, the United Kingdom, France, China, India, Pakistan, Israel and North Korea.[20]

Current Trends and Challenges to International Non-Proliferation Regime

The international non-proliferations efforts during all these years have given birth to multiple measures and mechanisms which have been categorized in the foregoing section of the paper. Apart from the notable multilateral arms control and disarmament treaties like the NPT, CTBT (still to be enforced) and FMCT (still to be concluded), several multilateral formal and informal Nuclear Export Control Regimes (ECR) for example IAEA, Nuclear Supplies Group (NSG) and the Missile Technology Control Regime (MTCR) are also part of the international non-proliferation efforts.

Since its coming into force in 1970, the NPT has become the core of the global nuclear non-proliferation regime. The "laps" of NPT are filled with pluses and minuses — India, Israel, and Pakistan are not NPT parties; North Korea joined the treaty in 1985 but withdrew in 2003. Even though, the NPT

[19] Annette Schaper and Morten Bremer Mærli, "The Fissile Material Cut-off Treaty as a Nuclear Security Policy Driver," in Bremer Mærli and Sverre Lodgaard (ed.), *Nuclear Proliferation and International Security,* 236.

[20] Ibid., 234-235.

has failed to attract the latter states into its fold but a pragmatic assessment of the treaty reveals that it has remarkable achievements.[21] For instance, in 1962, American President, John F. Kennedy, predicted that the US could be facing the threat of 15 to 25 nuclear powers by the 1970s but it did not come true.[22] Dozens of other states might have had the bomb today if NPT and associated measures were not in place. Over the years, the NPT security framework, combined with effective diplomacy, has led states such as Argentina, Brazil, Sweden, and Libya to abandon their nuclear weapons ambitions. Belarus, Kazakhstan, South Africa, and Ukraine gave up their nuclear weapons and joined the NPT in the 1990s.[23]

The non-proliferation experts believe that the NPT faces two kinds of crucial challenges, which are from "insider" and "outsider" states. It is claimed by a large number of specialists of nuclear issues that "insider states" such as Iran and *de jure* NWS (US, USSR, UK, China, and France) have not fulfilled their promises made in the treaty. The "outsider states" the *de facto* NWS India, Pakistan, North Korea and Israel are not ready to be part of the existing NPT because of their perceived concerns and objections. A notable strategic analyst Michael Krepon, while assessing the gains of NPT outlines:

> Over the past two decades, the most impressive treaty gains have been made by the United States, Russia, Great Britain, and France. These gains can be measured by six key indicators of declining nuclear weapons' utility: actual battlefield use, threats of battlefield use, overall stockpile size, warheads deployed, nuclear-weapon tests, and fissile material production for weapons.[24]

Moreover, he also laments over the role of these P5 states, which added to the weaknesses of the NPT. He underlines:

> There are many reasons for the NPT regime's weaknesses besides the actions of outlier states. Moscow and Beijing have not stepped up to their responsibilities as treaty guardians and as veto-wielding members of the Security Council. Russian and US nuclear stockpiles remain extremely large. The Bush administration did serious harm to NPT norms by championing a civil nuclear deal with India without compensatory steps to shore up the treaty. Meanwhile, Beijing still acts as a free-rider to the NPT regime, rather than taking on responsibilities

[21] Lewis A. Dunn, "The NPT," *The Nonproliferation Review*, vol.16, no.2 (July 2009): 143.
[22] Tanya Oglivie-White, "Is there a Theory of Nuclear Proliferation?," 4.
[23] Cole Harvey, "Major Proposals to Strengthen the Nuclear Nonproliferation Treaty," *Arms Control Today* (March 2010): 1.
[24] Michael Krepon, "The NPT at Age Forty," *Henry L. Stimson Centre* (March 10, 2010), http://www.stimson.org/css/screen-ie6.css.

> commensurate with its growing power. Beijing, like Washington, has still not ratified the Comprehensive Test Ban Treaty.[25]

Furthermore, Article VI of the NPT obliges the NWS to negotiate in good faith toward nuclear disarmament. This provision is one of the crucial pillars of the treaty and an important part of the NPT bargain. The treaty does not specify a timeline for disarmament or steps that are to be taken along the way. As a result, the member states have used the review conferences, particularly those of 1995 and 2000, to elaborate principles and objectives for nuclear disarmament. NNWS attach high importance to the 1995 and 2000 agreements and sometimes accuse the five recognized nuclear powers as being too slow in fulfilling their obligations.[26]

Member states are entitled under the NPT to pursue the peaceful use of nuclear energy and technologies under IAEA safeguards. Yet, highly enriched uranium and plutonium, which can be produced by and used for civilian nuclear programmes, can be used to create nuclear weapons, so the dual-use character of these materials is a prominent challenge to the NPT regime, and is central to the dispute over the nature of Iran's nuclear programme.[27] Another important concern that has been consistently raised by NNWS members of NPT is that the legally recognized NWS have not provided the "negative security assurances"[28] (NSAs). By reassuring the NNWS that they are not under a nuclear threat and therefore have less incentive to pursue nuclear weapons of their own, NSAs could become an important part of the non-proliferation tool kit. Many NNWS see NSAs as an important step toward disarmament because they diminish the role of nuclear weapons in the security policies of NWS. The NNWS have consistently pressed for stronger NSAs, including a legally binding international instrument that would outlaw the use or threat of use of nuclear weapons against non-nuclear adversaries.[29]

The critics of NPT underscore that even though this treaty is for arms control and disarmament purposes it may still provide the chance to some nuclear weapons aspirant state to get them easily without fear of severe punitive action. The text of the treaty manifests that every state has the right to withdraw from the NPT under Article X if it feels that its "supreme interests" are in jeopardy.[30] This issue became particularly salient following North

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[25] Ibid.

[26] Cole Harvey, "Major Proposals to Strengthen the Nuclear Nonproliferation Treaty," 16.

[27] Ibid., 22.

[28] Ibid., 25. Negative security assurances (NSAs) are commitments made by nuclear-weapon states not to use or threaten to use nuclear weapons against non-nuclear-weapon states.

[29] Ibid., 25.

[30] For this and other references to the NPT, see Treaty, "Non-Proliferation of Nuclear Weapons."

Korea's decision to withdraw from the treaty in January 2003 and conduct subsequent nuclear tests in October 2006 and May 2009. In this backdrop, some states want to specify consequences for withdrawal to prevent states from using nuclear materials and know-how gained under the treaty to pursue a military programme.

In the wake of the failure of the 2005 NPT Review Conference, a few states have called for structural reforms to the treaty organization itself. Unlike other international arms control and disarmament regimes, such as the CTBT and Chemical Weapons Convention (CWC), the NPT lacks institutional features, for instance, it has no dedicated secretariat and annual meetings. Some states believe that establishing an NPT secretariat or political bureau or convening more frequent meetings would allow the member states to respond more flexibly and effectively to the challenges facing the treaty.[31]

The 1995 NPT Review Conference established guidelines for a Middle East Nuclear Weapons Free Zone (NWFZ); however, it has not been followed up vigorously. Nonetheless, the 2010 Review Conference made further progress on the Middle East NWFZ and adopted an action plan by consensus to speed up arms reductions and to take other steps to diminish the importance of nuclear weapons. The 2000 Review Conference set out 13 practical steps for nuclear disarmament that included an unequivocal undertaking by NWS to accomplish the total elimination of their nuclear arsenals. Even though there have been substantial reduction in the number of warheads, there are still enough to wipe life out on earth many times over.[32]

The realm of CTBT, which is rightly considered another salient contour of international non-proliferation regime, is full of power politics. This creates unending impediments in the enforcement of this treaty. Despite the fact that the treaty was opened for signatures and ratifications in 1996 it is still in limbo. Notably, the treaty includes an entry into force (EIF) clause that requires ratification by 44 specified states, including the US. Commenting on this hard fact, Michael Krepon, underpins:

> The treaty's tortured entry-into-force provision was the handiwork of China, Russia, and France, whose leaders felt obligated to sign, but remained reluctant to end nuclear testing permanently. They resolved this conundrum by giving other

[31] Cole Harvey, "Major Proposals to Strengthen the Nuclear Nonproliferation Treaty," 31.

[32] Ashraf Jehangir Qazi, "The Emerging Nuclear Order," (paper presented in the two-day Conference on "Pakistan and the Emerging Nuclear Order," organized jointly by the Institute of Strategic Studies, Islamabad; the Department of Defence and Strategic Studies, Quaid-i-Azam University, Islamabad; the Carnegie Endowment for International Peace and the Henry L. Stimson Center, Washington, D.C.; and the South Asian Strategic Stability Institute, Islamabad at the Institute of Strategic Studies, Islamabad, June 10-11, 2010).

> recalcitrant states vetoes over the treaty's entry into force. No other treaty has had to run this fierce a gauntlet. The 1963 treaty that stopped atmospheric testing required only three ratifiers: the United States, the Soviet Union, and the United Kingdom. The 1970 Nonproliferation Treaty required these three, plus any 40 states that wished to join them.[33]

Hitherto, it has been signed by all the required states except India, Pakistan and North Korea, and ratified by 33 of the necessary 44 states.[34] From P5 states, Russia, France and Britain have signed and ratified the CTBT; however, the major setback to the treaty came from the US when in October 1999 the US Senate rejected the CTBT ratification and subsequent opposition of the treaty by the Bush administration. China is unlikely to ratify till the US does. Israel, another "hold out" state, follows an ambiguous policy and is reluctant to ratify the CTBT.[35] Michael Krepon aptly notes this kind of behaviour and argues that:

> It took France and China 22 years to join the Nonproliferation Treaty. It is likely to take even longer for all of the 44 states to relinquish their vetoes over the CTBT's formal entry into force. In the mean time, states that matter can reaffirm their commitment to end nuclear testing by making the treaty organization's essential global services permanent rather than provisional.[36]

Since 2001, a conference has been held every two years to examine how to speed up the ratification process in compliance with international law. But this conference has no power to decide on entry into force. As of August 2011, 182 states had signed it and 154 had ratified.[37]

If we look at FMCT that is believed to be a very significant venture for nuclear arms control, we find more controversies, power politics, and egoism — resultantly an un-breaking logjam. The FMCT has been discussed at the UN primary negotiating forum for arms control and disarmament (CD). The treaty recognizes the special status of Pakistan, India, Israel and North Korea; however, each of these countries has its own concerns and reservations on the treaty.

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[33] Michael Krepon, "Making the CTBT's Valuable Benefits Paramagnet," *Henry L. Stimson Centre*, September 19, 2011, http://www.stimson.org/css/screen-ie6.css.

[34] Annette Schaper, "The Fizzling Fervency of the Comprehensive Test Ban Treaty," 215.

[35] Daryl G. Kimball, "The Enduring Value of the Comprehensive Nuclear Test Ban Treaty," 12.

[36] Michael Krepon, "Making the CTBT's Valuable Benefits Paramagnet."

[37] Jonathan Medalia, "Comprehensive Nuclear-Test-Ban Treaty: Background and Current Developments," *CRS Report*, October 5, 2011, 2.

The UN General Assembly adopted Resolution A/RES/64/29 on December 2, 2009, urging the CD — to agree early in 2010 on a programme of work that includes the immediate commencement of negotiations on a treaty banning the production of fissile materials for nuclear weapons or other nuclear explosive devices. The CD commenced negotiations on the subject in the beginning of 2010, however, these were short-lived and FMCT is still in limbo.[38]

Pakistan, India and the International Non-Proliferation Regime

A quick look at the South Asian strategic environment shows that Pakistan has always been very conscious of its security imperatives. Since its emergence on the map of the world, it has been perceiving security threats from India. In this context, its nuclear policy right from the 1970s could be better understood keeping in view the Indian strategic policy in the region. However, many will agree that in spite of this predicament, Pakistan's role in international non-proliferation efforts has been very cooperative and constructive. A noteworthy strategic analyst from Pakistan, Naeem Salik, affirms this fact in the following words:

> Pakistan's track record, however, indicates that it has consistently tried to make positive contributions towards the cause of non-proliferation by actively participating in multilateral negotiations towards this end. It is a party to the Biological as well as Chemical Weapons Conventions, made useful contributions in the formulation of the CTBT, has expressed its willingness to participate in the negotiations leading to the finalization of Fissile Material Cut-Off Treaty and despite certain reservations played its due role in developing a consensus on the UNSC Resolution-1540.[39]

The South Asian strategic calculus amply illustrates that the main aim of Pakistan's consistent efforts to augment its nuclear arsenal is to deter the Indian military threats and to offset the asymmetries at the conventional level.[40] Feroz Hassan Khan explains this reality and Pakistan's perspective over the global elimination of nuclear weapons in the following words:

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[38] Zafar Nawaz Jaspal, "Future of FMCT: Assessing the Prospects and Constraints," *Strategic Studies*, vol. XXX, no.1 & 2 (Spring & Summer 2010), http://www.issi.org.pk/publication-files/1299560158_80128402.pdf.

[39] Naeem Ahmad Salik, "Pakistan and the Future of Non-Proliferation," *IPRI Journal*, vol. VI, no.1 (Winter 2006): 25-26.

[40] Feroz Hassan Khan, "Pakistan's Perspective on the Global Elimination of the Nuclear Weapons," in Barry Blechman, *Pakistan and Israel* (Washington DC: The Henry L. Stimson Center, 2009), 5.

> Pakistan approaches nuclear weapons differently than any other nuclear weapon state. In the broad scheme of world politics, Pakistan is a small country. It has neither a decisive say nor a strong belief regarding the role of nuclear weapons in international security. It is, however, a proactive participant in nuclear diplomacy and, as a *de facto* nuclear power, the establishment of global nuclear norms, non-proliferation regimes, and new developments regarding disarmament will have direct bearing on its national security. Pakistani policy makers have called consistently for regional nuclear disarmament and regional arms control regimes as preludes to the global elimination of nuclear weapons.[41]

Whereas, if we delve into the Indian nuclear weapons acquisition, it is commonly believed by many Indian and Western writers that China has centrality in the Indian strategic thinking. It is generally thought that the May 1998 overt nuclearization by India and Pakistan caused the most serious challenge to the international non-proliferation regime.[42] About the May 1974 Indian nuclear test, Raja Ramanna, the principal scientist behind the test and in the late 1980's a Minister of State for Defense in the Union cabinet, said in 1997 that, "The Pokharan test was a bomb, I can tell you now — an explosion is an explosion, a gun is a gun, whether you shoot at someone or shoot at the ground — I just want to make clear that the test was not all that peaceful."[43]

Naeem Salik outlines the fall-out of the first so-called Indian peaceful nuclear explosion and states that, "in fact that particular event served as a wakeup call to the international community and led to the initiation of a variety of measures to strengthen the regime and led to the tightening of export controls through the establishment of arrangements such as the NSG."[44]

India's Stance on NPT

India was one of those states which launched the struggle in the 1950s and early 1960s to curtail the menace of nuclear proliferation by formulating a tent of international non-proliferation treaty. On July 12, 1956, New Delhi placed a proposal before the UN Disarmament Commission for "Cessation of All Explosions of Nuclear and Other Weapons of Mass Destruction." On October 10, 1964, India and seven other nations moved the resolution on "A Treaty to Prevent the Proliferation of Nuclear Weapons," which was adopted

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[41] Ibid., 1.

[42] Naeem Salik, *The Genesis of South Asian Nuclear Deterrence: Pakistan's Perspective* (Karachi: Oxford University Press, 2009), 156.

[43] Dipankar Banerjee, "Addressing Nuclear Dangers: Confidence Building between India-China-Pakistan," *India Review*, vol. 9, no. 3 (July–September 2010): 347.

[44] Naeem Ahmed Salik, *The Genesis of South Asian Nuclear Deterrence,* 156.

by the UN General Assembly at its 1382nd plenary meeting on November 19, 1965. The resolution unequivocally stated that the treaty to prevent the proliferation of nuclear weapons should be based on the following main principles:

- The Treaty should be void of any loopholes which might permit nuclear or non-nuclear powers to proliferate, directly or indirectly, nuclear weapons in any form.
- The Treaty should embody an acceptable balance of mutual responsibilities and obligations on the nuclear and non-nuclear powers.
- The Treaty should be a step towards the achievement of general and complete disarmament.[45]

However, none of the afore-mentioned principles was accepted by the major players of international politics, that's why, when NPT was finalized and opened for signatures, India refused to sign it. India claimed that the NPT was negotiated in a world marked by one fundamental, discriminatory reality. A small group of states — five in a system of nearly 200 — possessed nuclear weapons. All other states not only did not possess them but asked to join a legally binding agreement that would require them to relinquish nuclear weapons for ever. The NPT acknowledged this discriminatory reality by designating the nuclear five as the only legally recognized NWS. So, it accepted and codified the division of the world into nuclear "haves" and nuclear "have-nots." Naeem Salik highlights that the Indian criticism of the NPT was built around the following arguments:

- Firstly, India was convinced that by legitimizing the five NWS and closing the door for others to join them, the treaty has divided the world into nuclear "haves" and "have nots".
- Secondly, India raised its reservations that the treaty did nothing to check vertical proliferation.
- Thirdly, India was also concerned about the inequality inherent in the treaty that is comprehensive safeguards for NNWS party to the treaty and voluntary safeguards for NWS.
- Fourthly, India also cited its security imperative with respect to China, which became the party to the treaty only in 1992.
- Finally, India stressed on its right for advanced technologies including nuclear technology as a sovereign state.[46]

[45] Zafar Nawaz Jaspal, "Nuclear Weapons and Arms Control in South Asia," 53-54.
[46] Naeem Ahmed Salik, *The Genesis of South Asian Nuclear Deterrence,* 161.

Nevertheless, India conducted its first nuclear test in May 1974 and advocated it as a Peaceful Nuclear Explosion (PNE). In this backdrop, Pakistan moved a resolution in the General Assembly in December 1974 calling for the establishment of a NWFZ in South Asia. However, India did not accept the idea on two grounds. First, India insisted that China should be considered as a part of South Asia, and secondly, South Asian NWFZ would be worthless till the time super powers maintain their presence in the Indian Ocean with their strategic forces in close proximity of South Asia.[47]

India's nuclear tests on 11 and 13 May 1998 in the Pokharan desert, and New Delhi's proclamation that it was a nuclear-weapon power, produced entirely unexpected outcomes for the NPT. For instance, C. Raja Mohan said that "from being a protester against "discrimination" in the nuclear order, India was now transforming itself into a nation ready to support the existing order and indeed calling for its incremental reform."[48] One can imagine that right from the 1950s India has been a diehard advocate of nuclear disarmament but it was only after 1998 tests that India forgot disarmament and started talking about arms control just to maintain its newly acquired status. India also reiterated that now it would only consider the signing of NPT if its nuclear status was accepted by the global powers, by rewriting the NPT.[49]

In the post Indo-US civilian nuclear agreement 2006, India has got lot of leverage to deal with NPT. For instance, India has been accepted as a *de facto* nuclear weapon state without accepting the constraints of the NPT. This has prompted many objections by different stakeholders. Above all, India has been categorized "as an exceptional case" to qualify for civilian nuclear trade with NSG members despite the fact it is a non-NPT state. Yet a most significant recent development is that Australia's ruling party has announced to lift a long-standing ban on exporting uranium to India. Australia like the US has given exemptions because it does not export uranium to those countries which are not signatories of NPT. Many anti-nuclear campaigners have advocated that the Australian waiver for India is a serious blow to the global nuclear non-proliferation regime.[50] If we evaluate this turn in India's favour, we can predict that India will never become a party to NPT in its existing shape. For India, NPT seems to be irrelevant in the current shape; however, it is widely expected that India will continue to adhere to the norms of international non-proliferation regime.

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[47] Ibid., 162.

[48] C. Raja Mohan, "India's Nuclear Exceptionalism," in Bremer Mærli and Sverre Lodgaard (ed.), "The Fissile Material Cut-off Treaty as a Nuclear Security Policy Driver," 153.

[49] Naeem Ahmed Salik, *The Genesis of South Asian Nuclear Deterrence,* 161.

[50] "Australia's Ruling Party for End to India Uranium Ban," *Dawn*, December 5 2011, 10.

Pakistan's Stance on NPT

The empirical evidence suggests that Pakistan's policy towards NPT is entirely tied to India's stance on this treaty. In this context, Pakistan's position on NPT is of a "realist paradigm" in international politics. Pakistan's record in this respect shows that it offered many pathways to curb nuclear proliferation in the region. After India's 1974 nuclear test, Pakistan proposed a joint Indo-Pakistan declaration renouncing the acquisition or manufacture of nuclear weapons. In 1978, Pakistan proposed mutual inspections by India and Pakistan of each other's nuclear facilities. In 1979, it proposed simultaneous adherence to the NPT by India and Pakistan. Also that year, Pakistan proposed simultaneous acceptance of IAEA safeguards in full scope. In 1987, it proposed a bilateral or regional nuclear test ban treaty. Pakistan also proposed a South Asia Zero-Missile Zone in 1994.[51] However, none of these proposals met with India's approval.

Naeem Salik sums up Pakistan's policy towards NPT in the post 1998 nuclear tests in the following words:

> In the post-98 environment, Pakistan is obviously not in a position to revert back to its traditional stance on NPT and it is not possible for it any more to join the NPT as a non-nuclear weapon state. The NPT structure rooted in the realities of another era, is however, not flexible enough to accommodate the reality of nuclearization of India and Pakistan as well as the ambiguous nuclear status of Israel. Given the very complex amendment procedure for the NPT and the fear that the Pandora's box once opened would be difficult to close again, the challenge for the international community now is to find some innovative way to ensure some kind of an associate membership of the NPT for India and Pakistan and possibly Israel as well.[52]

Muhammad Khurshid Khan outlines that in the changed security and political environment, Pakistan's signing of NPT should remain linked to "one, resolution of the outstanding issues with India especially Kashmir; two, a positive change in the coercive and discriminatory attitude of the West/US/G-8 towards Pakistan, especially on nuclear issues. Third, acceptance of Pakistan as a nuclear weapons state…"[53]

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[51] Feroz Hassan Khan, "Pakistan's Perspective on the Global Elimination of the Nuclear Weapons," 25-26.

[52] Naeem Ahmad Salik, "Pakistan and the Future of Non-Proliferation," 30.

[53] Muhammad Khurshid Khan, "Nuclear Non-Proliferation Treaty Review Conference 2010: Emerging Trends and Policy Options for Pakistan," in Zulfqar Khan, *Nuclear Pakistan: Strategic Dimensions* (Karachi: Oxford University Press, 2011), 256.

Futuristic Assessment

- Like India, Pakistan would like to join the NPT regime as a declared NWS. Since this is not possible under the current formulation of the Treaty, and since the two countries are not inclined to join the Treaty as NNWS, Pakistan and India are likely to remain outside of the Treaty at least for the foreseeable future.
- While there is no realistic prospect of the NPT being reopened and amended to permit *de jure* recognition of India, Israel and Pakistan as NWS, the growing tendency to treat these states "as if they were NWS" carries a potentially serious risk of disagreement among compliant but increasingly disenchanted NNWS that are party to the NPT.
- India and Pakistan's acquisition of nuclear weapons is security driven. If the international community wants to bring them under the tent of NPT, it must first of all establish the political and regional security environment that is necessary to satisfy the security concerns of both the countries, which would automatically nullify the security related rationale for possessing strategic military weapons in South Asia. But in the foreseeable future this seems highly unlikely.
- It is widely proposed that the elimination of nuclear weapons by India, Pakistan, North Korea and Israel may be made conditional on genuine progress on disarmament by the five NWS. Thinking realistically, this amounts to setting an impossible condition.
- Another idea, flagged at different platforms, is that Pakistan, India and Israel may be engaged in the international non-proliferation regime by treating them "as if" they were nuclear weapon states with the same rights, responsibilities and obligations as the P-5 NWS. This could be done, for example, through an associate membership scheme under a separate, free standing agreement or protocol. This approach would have to take into account the views of the NNWS, who might be provoked to reconsider the benefits of their commitment to the NPT. As a result, some NNWS might be tempted to take a closer look at the withdrawal clause.[54]

[54] Jenny Nielsen, "Engaging India, Israel and Pakistan in the Nuclear Non-Proliferation Regime," *Disarmament Diplomacy*, The Acronym Institute, issue no. 86 (Autumn 2007), http://www.acronym.org.uk/textonly/dd/dd86/86jn.htm.

India's Stance on CTBT

Indian nuclear tests of May 1998 and Pakistan's "tit for tat" response jolted the international non-proliferation regime and brought an end to the global moratorium on nuclear testing that had been in force since 1996. The Indian stance on CTBT could be debated keeping in view two eras, prior to 1998, and post-1998. However, as a matter of fact, India has been opposing the treaty in its present shape in both eras. The literature reveals that Indian opposition to CTBT before her overt nuclearization was based on political and technical grounds but after the May 1998 tests it has become purely strategic.

India — a country which had displayed a lot of zeal and zest when the CTBT negotiations commenced in 1994, became a stumbling block when it came to the enforcement of the treaty along with other "hold-out" states.[55] On June 20, 1996, India declared its unwillingness to sign the CTBT, stating that because the treaty "is not conceived as a measure towards universal nuclear disarmament...[India] cannot subscribe to it in its present form." On September 10, 1996, when the CTBT was adopted at the United Nations, India stated that it would "never sign this unequal Treaty, not now, nor later."[56] While commenting on this, D. Ramana and Rupak Chattopadhyay explain that "Indian rejection of the Comprehensive Test Ban Treaty (CTBT) in 1996 was based on both political and technical considerations."[57] Zafar Nawaz Jaspal outlines Indian political considerations and writes that:

> India and like-minded states' struggle did not succeed in constituting the non-discriminatory nuclear disarmament treaty and thereby, New Delhi neither joined NPT, nor signed CTBT. It has been consistently opposing these treaties in their present forms due to the treaties' discriminatory articles and clause, which guard the interests of the nuclear weapon states.[58]

In India's view nuclear disarmament and non-proliferation should be recognized simultaneously. Technical considerations, such as that the CTBT does not effectively prohibit nuclear explosive tests whether sub-critical, laboratory, hydro-nuclear or computer simulated, are seen insufficient to prevent NWS from improving their nuclear arsenals qualitatively.[59] For

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[55] Dinshaw Mistry, "Domestic-International Linkages: India and the Comprehensive Test Ban Treaty," *The Nonproliferation Review* (Fall 1998): 25.

[56] Ibid., 25.

[57] D. Ramana and Rupak Chattoapdhyay, "India and the CTBT: Progress and Prospects," *Bharat Rakshak Monitor*, vol. 2, no. 5 (March-April 2000), http://www.bharatrakshak.com/MONITOR/ISSUE2-4/menon.html.

[58] Zafar Nawaz Jaspal, "Nuclear Weapons and Arms Control in South Asia," 54.

[59] Takaya Suto, "Prospects of Arms Control and CTBT in South Asia," (paper for IPRI-Hanns Seidel Foundation International Seminar on *Arms Race and Nuclear Developments in South Asia*, Islamabad, April 20-21, 2004, 10-11).

instance, since 1997, the US has held 26 "subcritical experiments" at the Nevada National Security Site, most recently in February 2011, to study how plutonium behaves under pressures generated by explosives. But it asserts these experiments do not violate the CTBT because they cannot produce a self-sustaining chain reaction. Russia reportedly has held some of its own since 1998.[60]

In the post 1998 era, India has stopped raising the technical issues; however, it still has political and strategic concerns. In India's thinking the following points need to be highlighted:

- By saying that "India will never sign this unequal Treaty, not now, nor later", India formally declared in the United Nations that it will not stand in the way of the "entry into force" clause.
- India declared a unilateral moratorium after the nuclear tests.
- Most important and little noticed, India no longer insists on a time-bound linkage to disarmament, a source of embarrassment to the NWS.[61]
- Moreover, it would accede if the signatories ratified the treaty without conditions.

Interestingly, the principal signatory of the treaty, the US, emerged as the main obstruction in enforcement of the CTBT when in October 1999 the US Senate rejected the CTBT ratification. The Bush administration subsequently opposed it. China is unlikely to ratify till the US does, so in this context, India has a valid reason for not signing and ratifying the treaty. Another reason in the Indian context is that testing could serve as a warning shot across the bows to ward off potential aggressors.[62] Referring to these concerns, the Indian minister for External Affairs stated, "We have taken a principled stand and so the question of India revising its stand depends on a number of other developments that would address our concerns."[63] Deepa Ollapally and Rajesh Rajagopalan while discussing Indian pragmatists and nationalists' approach with respect to CTBT say that; "on CTBT… nationalists would suggest that India should not sign the treaty unless all others do and add conditions such as the treaty being non-discriminatory with a clearly-established link to nuclear disarmament. In essence, these conditions

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[60] Jonathan Medalia, "Comprehensive Nuclear-Test-Ban Treaty: Background and Current Developments," *CRS Report*, October 5, 2011, 1.

[61] S. Chandrasekharan, "CTBT & CTBTO: where does India stand?," *South Asia Analysis Group,* http://www.southasiaanalysis.org/%5Cpapers%5Cpaper8.html.

[62] D. Ramana and Rupak Chattoapdhyay, "India and the CTBT: Progress and Prospects."

[63] "India has Taken a Principled Stand on CTBT," *Hindu*, September 25, 2009, http://www.thehindu.com/news/national/article24802.ece.

would suggest that it's highly likely that India will not sign the CTBT in the foreseeable future."[64]

Pakistan's Stance on CTBT

Pakistan's posture towards CTBT is determined by its bilateral relationship with India. Pakistan also announced its unilateral moratorium on further nuclear testing after India did. It typically offers to sign the CTBT provided India also signs, and refuses to do so if India does not. For instance, before the nuclear tests of May 1998, Pakistan had been proposing a simultaneous adherence to NPT and CTBT by India and Pakistan.[65] Interestingly, Pakistan edged very close to signing the CTBT in March 2001 due to Japan's diplomatic efforts, but the Indian ballistic missile tests of *Prithvi* ruined the chance. Even after that event, Pakistan continues to show its interest in the CTBT and has attended some meetings on occasions, such as the Preparatory Commission meetings and Conferences on Facilitating Entry into Force of the Treaty, the so called Article 14 Conference. Pakistan has attended all of these Conferences so far as an observer.[66]

In the backdrop of the India-US civilian nuclear deal and subsequent events such as the NSG waiver for India, Pakistan has inched towards a more independent policy on non-proliferation agreements. According to a press report of June 2009, the situation has changed: "Let me tell you, Pakistan has no plan to sign the CTBT, Pakistani Foreign Ministry spokesman Abdul Basit said, adding that circumstances have changed since Islamabad pledged in 1998 to sign off on the agreement if nuclear rival India did the same."[67] Naeem Salik explains that Pakistan's current policy on CTBT can be summed up in three sentences as under:

- Pakistan was not the first to start testing.
- It will not be the first to resume testing.
- It will not stand in the way of implementation of this treaty.[68]

Future Assessment

- President Obama's "nuclear zero" initiative could prove positive for the early enforcement of the CTBT.

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[64] Deepa Ollapally and Rajesh Rajagopalan, "The Pragmatic Challenge to Indian Foreign Policy," *Washington Quarterly* (Spring 2011): 153.

[65] A. H. Nayyar, "A Pakistani Perspective on Nuclear Disarmament and Non-Proliferation," *FES Briefing Paper 9* (August 2008): 5.

[66] Takaya Suto, "Prospects of Arms Control and CTBT in South Asia," 12.

[67] Quoted in Jonathan Medalia, Comprehensive Nuclear-Test-Ban Treaty," 11.

[68] Naeem Ahmed Salik, *The Genesis of South Asian Nuclear Deterrence,* 183.

- The prospects of CTBT coming into force would be multiplied if the US Senate ratified the CTBT. If it happens in the near future, China will come under pressure and will have no option but to ratify the treaty. But the most disappointing thing is that the time line for the US Senate consideration of the CTBT is uncertain.
- If this happens, pressure on the hold-out states, notably India and Pakistan, will mount and they probably will fall in line. Although India is yet to make up its mind on the issue, the question remains, will New Delhi be able to resist this pressure?
- If India signs and ratifies the CTBT, then Pakistan will have to do the same because of many other reasons. Firstly, Pakistan will not be able to resist international diplomatic pressure; secondly, refusal to sign and ratify will not be in favour of Pakistan's national interests.

India's Stance on FMCT

India, Pakistan and Israel — the three countries which have not joined the NPT — are the only states other than the P5 not legally prohibited from producing fissile materials (plutonium and highly enriched uranium) for nuclear weapons. The available facts substantiate that the Indian policy on FMCT has been characterized by two phases: prior to May 1998 and post 1998. It was widely believed that once CTBT negotiations ended at CD, the next step would be the establishment of an *Ad Hoc* committee on FMCT by the CD. Nevertheless, the CD was unable to proceed in the years after 1996, due to a linkage: a group of non-aligned states, led by India, insisted that there should also be talks on the phased elimination of nuclear weapons within a time-bound framework. The group blocked discussion of any other nuclear issue because its demand was not met.[69]

After its nuclear tests in 1998, however, India has changed its position: it now perceives itself as a nuclear-weapon state, and opinions voiced by Indian government officials do not differ greatly from those of other NWS. Interestingly, even though India did show flexibility from its previous stand, yet FMCT negotiations did not start, because the initial linkage was replaced by another one: from 1999, China insisted that an *ad hoc* committee on the "Prevention of an Arms Race in Outer Space" (PAROS) should be established in parallel to any FMCT endeavours. The background was China's opposition to the US cancellation of the ABM Treaty and the establishing of a National Missile Defense. The system may cripple China's nuclear deterrence, which currently rests on a minimal strategic nuclear force.[70] In the aftermath of

[69] Annette Schaper and Morten Bremer Mærli, "The Fissile Material Cut-off Treaty as a Nuclear Security Policy Driver," in Bremer Mærli and Sverre Lodgaard (ed.), 237.
[70] Ibid., 237.

India-US civilian nuclear deal, it is reportedly said that Indian government had expressed its readiness to work with the US for the conclusion of a multilateral FMCT; however, both the states have different views on FMCT verification mechanisms.[71] In contrast to Pakistan, India insists that an FMCT would focus on the future production of fissile material for nuclear weapons or other nuclear explosive devices and its CD ambassador warns that "we will not accept obligations not in keeping with or prejudicial to our national security interests or which hinder our strategic programme."[72]

Pakistan's Stance on FMCT

FMCT is a unique international non-proliferation enterprise where Pakistan has taken an independent stance — in contrast to its traditional India-specific policy on NPT and CTBT. Importantly, since 1993, Pakistan has all along been in favour of the UNGA resolution 48/75/L and supported the Shannon mandate. The principal stand that Pakistan has taken right from its early negations to the present unchanged position can be phrased as: "Pakistan wants a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices while taking into account existing fissile material stocks."[73] Muhammad Khurshid Khan indicates the rationale for such a policy in these words; "Pakistan is in the camp of countries interested in reductions in existing stocks because it fears that a cut-off treaty could lock it into a position of disadvantage relative to India."[74]

It is a fact that Pakistan perceives its big neighbour as having a strategic advantage in terms of existing nuclear weapons and related fissile material stocks and this is the reason it is not ready to allow its own inferior status to be permanently frozen through a treaty that only bans future fissile material production.[75] Moreover, many believe that the existing strategic imbalance has been exacerbated by the Indo-US nuclear deal, which would allow India to produce fissile material stocks in more quantity and quality. Pakistan's representative stated at CD on July 4, 2009:

> As regards the Fissile Material Treaty (FMT), the CD Membership is fully cognizant that existing and future stocks has

[71] Ibid., 238.

[72] Paul Meyer, "A Fissile Material (Cut-off) Treaty: Some Observations on Scope and Verification," *Disarmament Diplomacy*, The Acronym Institute, issue no. 91 (Summer 2009), http://www.w3.org/tr/rec-html40/loose.dtd.

[73] Muhammad Khurshid Khan, "Fissile Material Cut-off Treaty: An Overview from Pakistan," *Strategic Studies,* ww.issi.org.pk/publication-files/1315811133_20447390.pdf.

[74] Ibid.

[75] Paul Meyer, "A Fissile Material (Cut-off) Treaty."

> assumed greater significance for Pakistan in the light of the nuclear cooperation arrangements in our neighborhood. These upset the strategic balance in the region. Unless the equilibrium is re-established, the fashioning of an appropriate FMT appears to be a difficult challenge. A treaty which would merely legalize national moratoria of nuclear-weapons-states and freeze the asymmetries will undermine the international community's vision of a nuclear weapons free world as well as Pakistan's national security.[76]

Pakistan has argued that the FMCT should be a nuclear disarmament measure and not just a non-proliferation measure. Notably, the FMCT formed part of a work programme at the CD that also foresees activity on three other core CD issues: nuclear disarmament, the prevention of an arms race in outer space, and negative security assurances. Since May 2009, substantial response to the core issues has been awaited.[77]

Future Assessment

From the above discussion the following future assessment can be drawn:

- Firstly, as long as the CD's "consensus rule" remains in place, the chances of FMCT conclusion in the near future look very bleak.
- Secondly, Pakistan needs more time to amass enough stockpiles of fissile material for its strategic requirements. Once it realizes that it has achieved desired stocks of fissile material to match the Indians, it would not in all likelihood stand in the way of the CD negotiations to conclude FMCT.
- Thirdly, if the US Senate ratifies the CTBT, the FMCT will feature prominently in the CD in Geneva.
- Fourthly, Pakistan could be brought under FMCT umbrella for its conclusion by offering a civilian nuclear deal on the pattern of the India-US nuclear deal. In this way, Pakistan's legitimate demands would be met accordingly i.e., the use of nuclear technology to fulfill energy needs.
- Fifthly, in the emerging political/strategic scenario, India might show flexibility to achieve high moral ground that would bring more pressure on Pakistan.
- Sixthly, a real shift in Islamabad's stance on the FMCT seems highly unlikely because of its financial limitations to match the Indian conventional weapon purchases. Pakistan would need to

[76] Statement to the CD by Ambassador Zamir Akram of Pakistan, July 4, 2009.
[77] Zafar Nawaz Jaspal, "Future of FMCT: Assessing the Prospects and Constraints."

maintain "credible nuclear deterrence", with the lowest possible number of nuclear weapons, consistent with its national security needs. But what it requires for minimum credible deterrence vis-à-vis India is not easy to quantify in concrete terms. Thus, Pakistan has been compelled to take an undesirable step of blocking consensus as a last ditch effort in the CD sessions to guard its supreme national interests.

Conclusion

The South Asian strategic enclave presents a classical "security dilemma" characterized by complexity, uncertainty, hostility and volatility between the nuclear armed rivals – India and Pakistan. The key players of international politics, especially the P5 states, have also contributed to fuel the India-Pakistan nuclear rivalry. The persistence of a discriminatory international non-proliferation regime and the lack of sincerity towards disarmament among the major powers have allowed the two sides to deflect international pressure with ease. Moreover, lack of Negative Security Assurances (NSAs) highlights that the nuclear weapons still have a role in P5 defence policies — resultantly, vertical proliferation by P5 states continues. The failure to implement the decisions taken in the NPT Review Conference in 1995 regarding the Middle East NWFZ and NPT Review Conference 2000 (13 practical steps for nuclear disarmament) has further undermined the non-proliferation efforts.

The international community must not undermine the goal of nuclear non-proliferation and strategic stability in South Asia by employing shortsighted policies. Actions that discriminate between the two sides are bound to be counterproductive. While non-NPT members India, Israel, North Korea and Pakistan will not like to join NPT, CTBT and FMCT in the near future, it is possible for them to move closer to the nuclear non-proliferation mainstream by complying with the standards, practices, and norms. While both India and Pakistan realize the need to support non-proliferation efforts, agendas driven by national interests would continue to take priority because international politics works on the realist principle "powers precedes and justice recedes."■