

De-nuclearisation - II

Imagination is more important than knowledge
— Albert Einstein

Living with South Asian Nuclear Reality

by Iftekharuzzaman

(emphasis added).

The Indian and Pakistani tests provide a clear evidence of the validity of this statement. The same message came from the summit meeting of the South Association for Regional Cooperation (SAARC) held in Colombo which for the first time after the Indian and Pakistani tests brought the Prime Ministers of the two countries together. It is well known that the existing *adverse nuclear asymmetry* was not acceptable to it. The underlying rationale of the asymmetry argument is that the South Asian region may any time become a flash point for a nuclear catastrophe - by choice or by accident.

Nuclear Weapons: Status Symbol

Indian elite's perceived desirability and international role as a major power of regional and international influence has always shaped New Delhi's foreign and security policies and actions. Conscious of India's power potential - physical size, population, economy and resource base, industrial and technological strength, strategic location, democratic institutions, historical past - India aspires to play the role of a power that matter in the international arena. India's leading initiatives in the non-aligned movement was to a great extent guided by its aspiration to play a role of global importance.

The Advisory Opinion of July 8, 1996 issued by the International Court of Justice (ICJ) stated with reference to Article VI of the NPT: "There exists obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control". No significant movement has taken place in this direction proving the fundamentally flawed nature and limited utility of the non-proliferation regime. The declared recognized nuclear powers have actually moved in opposite direction from disarmament enhancing actual capacity through further sophistication of their arsenal. The United States and Russia have taken some steps to cut their nuclear arsenals, but even if they go ahead with ratification of the START II, the two will be left with enormous advantage

an upper limit of the number of nuclear explosive devices to be achieved within a specific date - say 1000 devices by the year 2015. Under the terms of this agreement to be signed by all recognized and other nuclear weapons powers the next steps could be to reduce their respective arsenals by an agreed factor in each successive periods leading to the achievement of zero level - say by the year 2020. This multi-step elimination process takes into consideration concerns of all parties involved including deterrence for all recognized weapons powers and countries enjoying their nuclear umbrella for as long as all weapons are not totally eliminated. It also addresses India's insistence on non-discriminatory global nuclear disarmament, which by implication also covers Pakistan's concerns.

In the interim period leading to achieving the zero level, while India and Pakistan cannot be clearly recognized as a nuclear weapon state under the existing framework of NPT, they could be persuaded to sign a protocol under which they would commit to the obligations of the NPT, including safeguards and export controls. After the tests, India and Pakistan sent signals that they may be willing to negotiate signing of the CTBT, though India was initially talking of certain unspecified conditions, and now stressing the need to achieve national consensus, which can

Pakistani tests have led to an extraordinary situation, and if the international community is really keen to see India and Pakistan renounce their nuclear capability, it also deserves extraordinary response. The alternative is a scenario where India will have deployed its 350-400 warheads in next 30 years, with Pakistan ensuring its own numbers.

Ironically, the fact accomplished by Indian and Pakistani tests may be viewed to have extended renewed imperatives and opportunities for global nuclear disarmament.

The tests persuaded the international community of the need to wake up and move with greater degree of seriousness than ever before in dialogue with them, especially India. The level and intensity with which the US, for instance, has engaged in dialogue with India has hardly any parallel in the history of US-India relations. Although the series of dialogues that took place have not produced much in concrete terms, these demonstrate the willingness on both sides not to allow differences dictate the terms of negotiations. The Kargil conflict of June-July this year brought forth a coincidence of Indo-US perspectives in ensuring regional stability, especially against a backdrop of widespread doubts about credibility command and control as well as safeguards in South Asian nuclear capability. While Washington was found to be

huge step for the five to take but if we are to avoid the growth of enormous dangers, it will be inevitable. Once the big five had agreed that their long term goal was to eliminate nuclear weapons, the problems posed by India and Pakistan would be less complex. India and Pakistan will lose their moral arguments for retaining nuclear weapons and India would lose its rationale that China would always pose a nuclear threat.

b) International Legal Instrument for Security of NNWS

South Asia today is clearly under a nuclear shadow with no active and reliable instruments available for mutual confidence, communication and transparency of information between the two actively hostile neighbors sharing disputed borders. The smaller countries of the region have been thrown into a state of helplessness and despair. Prospect of improving trade and economic relations between India and Pakistan within or outside the framework of SAARC, about which expectations grew high recently has suffered a serious setback. The idea of economic ties working as a confidence building measure has been rendered irrelevant in the South Asian context.

Irrespective of whether or not the region will face a direct nuclear catastrophe, there is certainly going to be a balance of terror. An indication of this came from the way the smaller

countries did not consider, for instance, any collective action under Chapter VII of the UN Charter. The tests did shock other international forums like Non-aligned Movement, which, however, failed to come up with any clear position on the question. It is indeed difficult to imagine how the international community can make sanctions work against countries that possess nuclear capability, especially India.

Economic sanctions were certainly expensive, but from the very beginning it was doubtful if the kind of sanctions that were being imposed were going to help rolling back to the pre-May 1998 situation. Notably, the economic sanctions focused almost exclusively on financial assistance, both bilateral and multilateral, whereas there was hardly any initiative that could affect trade and investment relations. In case of Pakistan, sanctions had indeed provided its fragile and externally dependent economy a severe blow. But the Pakistani economy had already been surviving on borrowed money and borrowed time for long, with or without its nuclear program. Sanctions have certainly caused a temporary setback, and functioned as an instrument of pressure, but the linkage of nuclear capacity with national pride not only accounted for the emotions attached at the respective national levels but also rendered the financial and other costs bearable.

In case of India, which is a huge economy but has relatively smaller, though not negligible, external economic dependence, sanctions and the associated international pressures perhaps provided New Delhi a moral and political humiliation rather than any substantive economic setback that prompted India to launch its own diplomatic counter-offensive. But it was always understandable that the cost of economic sanctions that were imposed would be unbearable for India in practical terms.

On the other hand, one inevitable outcome of such sanctions is the loss of space for negotiations for objectives that sanctions are supposed to achieve. Not too long after the sanctions became effective, the US Senate authorized the President to waive some of these to give it room to maneuver in nuclear bargaining with Indian and Pakistani Governments.

Japan also gradually moved away from its initial position of punitive sanctions to constructive dialogues. Indeed, for the NWS as well as other leading members of the international community maintaining a stable relationship with India and Pakistan with proven nuclear weapons capability is clearly more desirable rather than isolating them, especially because of their active mutual hostility.

Given the history of confrontation relationship between the two, now with the nuclear dimension added, it is more important than ever before to facilitate effective war-avoidance measures.

This demands possession of advanced technologies and devices that can prevent miscalculated, misinformed or even accidental use of nuclear weapons. Many experts see the possibility of a nuclear war between India and Pakistan not by a conscious and a well-thought-out design but as a result of misperception and miscalculation of each other's moves or even unintended use of the weapons. If indeed this happens, it will have as much to do with the lack of communication and transparency as the lack of relevant expertise and technology. There is little information on whether the weapons capabilities in possession of Pakistan and India are equipped with fully dependable safety devices. In this connection it will be imperative upon the recognized nuclear weapons states to facilitate limited access to technologies that would ensure safety of whatever nuclear weapons capabilities India and Pakistan are in possession of. In the absence of proper safeguards the Indian and Pakistani nuclear weapons may indeed provide the ultimate and most expensive evidence of the failure of such weapons.

c) Positive Incentives

As widely expected, international sanctions on India and Pakistan did not cause any major collapse of the economies of the two, especially the former. The tests resulted in widespread international condemnation. But beyond that there was no concerted international action of specific nature.

Economic sanctions were imposed by the United States because it had to do so mainly thanks to domestic legal obligations. Japan followed the suit primarily also to meet its own constitutional obligations. But other leading members of the United Nations Security Council or G-8 showed no interest in taking any concrete action. The UN Security Council Resolution of June 5, 1998 declared the tests as a threat to international peace and security. It refused to confer nuclear weapons status to India and Pakistan and called upon them to sign the CTBT, and refrain from weaponization and deployment. Apart from this there was no indication of how India and Pakistan could be persuaded to oblige to such appeals. The Se-

curity Council did not consider, for instance, any collective action under Chapter VII of the UN Charter. The tests did shock other international forums like Non-aligned Movement, which, however, failed to come up with any clear position on the question. It is indeed difficult to imagine how the international community can make sanctions work against countries that possess nuclear capability, especially India.

Then came the recently announced Indian nuclear doctrine creating incentives for an arsenal far larger than necessary for mere deterrence. First, it proposes the creation of a triad of forces on land, sea, and in the air, mimicking the superpowers. But the triad - and the multitude of delivery systems associated with it - is proposed not so much because it was carefully determined that such a structure would ensure India's security and stability, but perhaps more as a consequence of inter-service rivalry for allocation of military budget.

Second, by not specifying what a "minimum deterrent" is, and by calling for robust and survivable second-strike forces, the doctrine endorses an open-ended arsenal. Someone will always be able to argue that x number of weapons is not sufficient because, of course, India's forces will not be developed in isolation. Pakistan and possibly China will respond, leading to a counter-response by India and so on. The result will be an arms race, with each side's actions beheaded at the name of increasing security - leading to more insecurity for the other.

The document is uni-dimensional, and not in conformity with contemporary knowledge about national security problematic. Ignoring the whole gamut of other factors, it is preoccupied with only one dimension of national security -- the quantitative and the qualitative aspect of the nuclear deterrence. What India and Pakistan need, is not a nuclear doctrine, but a national security strategy that would include multi-dimensional aspects of security concerns - political, social, economic as well as defense. Imperatives for realistic, non-polemical and non-confrontational assessment of defense requirements cannot be more urgent anywhere in the world than in India and Pakistan.

Security discourse in India and Pakistan, and hence, in the rest of South Asia has always been distorted because defense or military build up and strength have been perceived as the instrument of self-assertion and as the currency of status and power. This is wrong and outdated. India and Pakistan need to adopt non-offensive defense strategy that would abandon the policy and practice of using defense preparedness as an instrument of power projection and confrontational foreign and security relation, and would instead adopt a policy of developing military strength for purely self-defense purposes. Accordingly, build-up and modernization of military strength - conventional as well as nuclear - where applicable - must be based on objective and multi-disciplinary assessment of external threats, relative national priorities, as well as financial and economic capabilities.

Equally important are imperatives of activism of the civil society groups and institutions in transforming the security and strategic discourse in the region. The growing frequency of "track two" initiatives in the region is encouraging and must be sustained. The institutions and groups engaged in research and education should particularly focus on sensitizing younger generation of South Asians as agents of change. The role of media and education is vital; it is particularly important to review and rethink knowledge and information systems that could help a transformation process.

The common South Asian citizens have no idea on what India and Pakistan plan to do with their nuclear weapons capabilities. There is hardly any doubt that nuclearization has made India and Pakistan - and thereby the rest of South Asia - more insecure than ever before. Whatever these weapons are supposed to do, these cannot certainly address the security concern of the common South Asian, nor can they help the cause of regional stability, development and cooperation in the region. The peoples of the region in their search to know where they stand in the nuclear space must work towards strengthening the regional civil society movements. Although such movements may not go too far in making the region free of nuclear weapons in the foreseeable future, they can at least help rethink security and promote a human-centred security discourse.

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over other nuclear weapons states. These latter are unlikely to participate in any nuclear weapons reduction negotiations until US and Russian stockpiles are reduced to a level comparable to theirs, which remains a remote possibility. Hence the vicious circle. No goals of genuine non-proliferation can be achieved as long as the P5 nuclear weapons powers continue to pay lip service to their commitment under Article VI of the NPT.

Freeze, Reduce, Eliminate

The Canberra Commission identified several practical and achievable steps, which have not been taken. One possible way forward in the present context is that India and Pakistan freeze their nuclear programs at current levels without weaponizing or deploying an agreed period, while during this agreed period the five NWS could undertake a specific commitment and action plan on a phased timetable for universal nuclear disarmament. As a first step in a process of FRED (freeze, reduce, eliminate) that could follow, all nuclear weapons states could agree on

be a convenient ploy to delay the process. Both New Delhi and Islamabad have pledged voluntary moratorium on further tests. They have also indicated their willingness to join the Conference on Disarmament for Fissile Material Cut-off Treaty negotiations. It can also be expected that they would be willing to conform to other related instruments including the Missile Technology Control Regime. By joining these international regimes, which do not require giving up nuclear weapons capability, India and Pakistan could avert further international condemnation. Although the failure of US to ratify the CTBT has provided India, and hence Pakistan, the scope to be reticent, these are options, especially for India, to be in a morally stronger position to work towards its long-cherished goal of nuclear disarmament.

The proposed FRED scheme to achieve total elimination of nuclear weapons in 20 years, which also for the first time links Indian and Pakistani nuclear weapons programs with that of the P5, may appear ambitious, but if the Indian and

States of the region responded to the tests. Countries like Bangladesh and Maldives reiterated their commitment to a nuclear weapon-free world but refrained from making any direct critical comment on the Indian and Pakistani tests. The visit of the Prime Minister of Bangladesh to New Delhi and Islamabad in the wake of the tests was clearly an evidence of her concern for the impact that nuclearization would have on the stability of the region. But in consultation that she held with her Indian counterpart she refrained from raising the issue clearly because it was not to be well received by the hosts. Sri Lanka, which has always been at the forefront of non-proliferation movement, took a position that was tantamount to endorsing India's "right" to conduct the tests. They did so largely because they have no capacity or will to antagonize India, especially when they are always concerned of being penalized in their bilateral relations if any move they take is not liked in New Delhi.

But they did so also because of the absence of any legally binding international instrument to provide security assurance against use or threat of use of nuclear weapons against non-nuclear weapons states (NNWS). The absence of such an instrument is particularly unjustified in the face of the Advisory Opinion of the International Court of Justice of July 8, 1986, that use or threat of use of nuclear weapons are contrary to the international law.

The Indian and Pakistani tests have once again underscored the need to redouble international efforts towards a universally binding international legal instrument to provide specific and complete security assurances to non-nuclear weapons states. The South Asian NNWS need the support of the international community, especially the powerful G-8, as well as the United Nations and other international forums in persuading India and Pakistan to sign a binding legal instrument to guarantee their security against any possible use or threat of use of nuclear weapons. This provision could be built into an agreement that may be reached between India and Pakistan to promote nuclear stability in the region.

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precise form of the amendment is not important as long as it is acceptable to at least one-third of NPT parties. A simple amendment could, for example, be based on Article I of the Biological Weapons Convention, and would just add a new article to the NPT saying:

"Recognising their obligations under Article VI, each State party to the Treaty undertakes never in any circumstances to develop, produce, stockpile, or otherwise acquire or retain:

i) Nuclear Weapons or fissile materials, whatever their origin or method of production, that can be used for producing nuclear weapons.

ii) Equipment or means of delivery designed to use such nuclear weapons or materials for hostile purposes or in armed conflict.

iii) The verification procedures for realizing these are contained in the protocol to the

For instance, the New Agenda Coalition States could propose a resolution at the UN General assembly calling on all States party to the NPT to "consult among themselves as to the most appropriate method to take advantage of Article VIII of the NPT for the conversion of the NPT into a Nuclear Weapons Convention". This could be followed by one that calls on signatories to the NPT to "take practical steps leading to the convening of a conference at the earliest possible date to consider amendment of the NPT that would convert it into a nuclear weapons convention."

Conclusion

The argument outlined here offers a way out from the dynamic that has emerged only too clearly since the end of the cold war. Changing this dynamic will require changing the rules of the game of disarmament. The overwhelming majority of the international community can, if it chooses, exercise its right to dub those who insist on maintaining nuclear weapons at all costs, as being outside the pale.

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LAW AND CIVIL SOCIETY

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meeting was hosted by Hiti Tau, a local network of NGOs dedicated to supporting indigenous culture, anti-nuclear activism and support for test site workers and other victims of testing, independence, and economic self-sufficiency, including through enterprises like

vanilla and manoi (coconut) oil cooperatives. Women are well represented among the Hiti Tau leadership.

The author is associated with Hague Appeal for Peace, International Association of Lawyers Against Nuclear Arms, Lawyers' Committee on Nuclear Policy.