

Prospects of Arms Control and CTBT in South Asia

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Takaya Suto

Director

Center for the Promotion of Disarmament and Non-Proliferation
Japan Institute of International Affairs

1. Introduction

Looking at the situation in South Asia from outsider's perspective, both India and Pakistan seem to have been wasting precious resources, such as human, financial as well as time, which could have been allocated to their economic development and social welfare, on the dispute over Kashmir.

History tells us that territorial disputes tend to be a-hundred-year-long war. Japan also has territorial disputes with Russia, China, and South Korea. Although the Japanese government has been making strenuous efforts to resolve these issues through diplomatic channels, there are no prospects for early resolution.

As is seen, military confrontations over Kashmir are still prevalent, which is considered to be a highly volatile situation. Such confrontations weigh high cost upon both countries, but Pakistan is forced to bear relatively more cost than India, due to the size of its economy.

Comparing military capabilities, India is overwhelmingly superior to Pakistan. If there were an element that Pakistan has superiority over India, it would be high morale of the Pakistani Army, which dares to sacrifice themselves for their country's independence. Yet, the military victory will last for a short period of time and will not

bring a durable solution. Rather, solutions by military force will only bring arrogance and the temptation to further victory to the winner, and hatred and the resolution for revenge to the loser. The resolution of the problem will last only when both sides are convinced of it. In order to achieve that, we must go through long and patient talks.

Going back to the Indo-Pakistani situation, Pakistan is inferior to India in terms of the size of land, population, military power, economy, and more. Against this background, Pakistan has been forced to accommodate India's requests, and Kashmir is just a symbolic issue to reflect such bilateral relationship. As is seen in the United Nations Security Council Resolution 48 of 21 April 1948, a roadmap to solve Kashmir issue has been tabled for a long time. Yet, the implementation of it has not been enforced, due to disagreement by India. India, backed by the overwhelming military power, has been pressing the resolution of the issue on a bilateral basis. Pakistan, on the other hand, has been seeking international interventions to balance gaps with India. Such Indo-Pakistani relationship has been lasting for years with recent waves of tensed relations, which peaked in the summer of 2002 and eased down somewhat earlier this year. Ups and downs it may go through, sources of Pakistan's ever-lasting policy are India's behavior. Being in a subordinate position, Pakistan says that it has no choice but to react to India's decisions. While India is independent, Pakistan is subordinate. While India is a big brother, Pakistan is a little brother. While India is a leader, Pakistan is a member. These kinds of relationships spread in all spheres of the Indo-Pakistani relations. Pakistan claims that this is the only way to survive, if you seriously consider the imbalance of the power between the two countries.

Both sides will be exhausted in the end, if these kinds of behaviors continue. Isn't there any way out? On one occasion, the Prime Minister of Canada compared the relationship between the United States and Canada to an elephant and an ant. The ant

has to pay close attention to any and every movement of the elephant for its survival, even though the elephant may be very innocent. Dear Pakistani people, how would you hear this Canadian Prime Minister's comparison? Canada is a member of Group of Eight and yet, it sees itself and its neighboring giant as such. Pakistan is considered to belong to a category of big countries in terms of the size of land and population. If Pakistan imagines it is placed not next to India but somewhere else in the world, the Pakistanis could understand what is meant.

Because of extremely big presence of its neighboring country, wouldn't Pakistan be narrowing its own vision to the conflict in front of it only? Pakistan's famous philosopher Allama Iqbal said, "there is another sky to fly." Wouldn't it see another sky by switching the way it looks at the situation? Wouldn't there be any way to lead India with Pakistan's initiative? I would like to illustrate "another sky" by using the Comprehensive Nuclear-Test-Ban Treaty (CTBT), which both Pakistan and India are admittedly positive to sign and ratify, and see how Pakistani signature and ratification of it would press India to do the same.

2 . Challenges to the Nuclear Nonproliferation Regime and South Asia

After the end of the Cold War, international efforts towards nuclear non-proliferation and disarmament have vigorously been promoted, placing the nuclear nonproliferation regime at the core. Above all, of utmost significance are efforts towards strengthening of the Nuclear Non-Proliferation Treaty (NPT) by achieving the universality, thus solidifying the international norm, as well as making the CTBT enter into force as soon as possible.

With regard to the NPT, while it has been playing critically important roles in arresting nuclear weapons proliferation, it has been facing several serious challenges

emerged in the 1990s. These challenges can be divided into two categories: challenges that emerged within the NPT, that is State Parties in breach of the obligations under the Treaty; and challenges that emerged from outside the NPT. The former is the issue of non-compliance of the Treaty, exemplified by the Iraqi nuclear weapons development program, which was disclosed after the Gulf War in 1991 and by the North Korean revelation of nuclear weapons development program and subsequent unilateral declaration of its intention to withdraw from the NPT. The most contemporary case is the alleged Iranian possession of nuclear weapons development program.

As for the latter challenge, three countries, India, Pakistan, and Israel continue to reject acceding to the NPT and hamper the “total” universality of the Treaty. Among other things, nuclear tests conducted by India and Pakistan in May 1998 and their declaration to be nuclear weapon states posed a serious challenge to the basic premises of the NPT, which recognizes the five states, which conducted nuclear tests prior to 1967, as nuclear-weapon states. Also, their tests disturbed the post-Cold War momentum of promoting disarmament and the ongoing efforts to realize the entry into force of the CTBT, which was adopted at the United Nations General Assembly in September 1996.

Currently, much attention of the international community has been paid to the former problem. However, there are voices expressing the need to deal also with the three countries, India, Pakistan, and Israel, sitting outside of the NPT.¹ Given that the NPT achieved near universality, strongly supported by the international community, it would be unavoidable that more attention will be paid to those three countries, and thus the pressure to urge them to sign the Treaty will be amounted. In fact, after Libya declared

¹ Marvin Miller and Lawrence Scheiman, “Israel, India, and Pakistan: Engaging the Non-NPT States in the Nonproliferation Regime,” *Arms Control Today*, December 2003.

that it decided to destroy all weapons of mass destruction (WMD) and WMD development programs that it possessed, Israel has been facing harsh criticism against the claimed possession of nuclear weapons. Pakistan and India would not be an exception. Particularly Pakistan may face stronger criticism, because of the recent revelations about the so-called a nuclear black market centered on Khan Research Laboratories. In addition to elucidating the black market and nuclear network, Pakistan would be required to take tangible actions to demonstrate its stated commitment to the nuclear nonproliferation.²

One of the ways for Pakistan to show such commitment is joining the NPT as a non-nuclear-weapon state. Yet, the security environment and domestic political situation do not seem to allow the country to do so, at least, for now. Another way is to sign the CTBT, which would require less efforts for Pakistan to do so. Islamabad would not lose anything by signing it. Rather, it would best serve its national interest. Therefore, it is strongly recommended that Pakistan sign the CTBT to probe itself to be a responsible state in the international community.

3. Significance of the CTBT

The CTBT is an epoch-making treaty on nuclear disarmament and non-proliferation that aims to ban all nuclear tests in any environment, regardless of nuclear-weapon state or non-nuclear-weapon state. The CTBT constrains the development and qualitative improvement of nuclear weapons and ending the development of advanced type of nuclear weapons, and it constitutes an effective measure of nuclear disarmament and nuclear non-proliferation. In this respect, it is recalled that Japan is the only country on earth to have experienced the devastation of atomic bombs used in a war. Japanese

² "US says it values Pakistan's assurance on nonproliferation," *People's Daily*, 6 February 2004.

people know by their skins and bones the reality of the devastation caused by atomic bombings which far exceeds our imagination. The death toll from atomic bombs, dropped on Hiroshima and Nagasaki in 1945, reached the level of 500,000 and is still growing even after 58 years. The tragedy continues with the second generation of atomic bomb victims. Japanese people firmly believe that nuclear weapons should never be used again.

3.1 Current Status and Prospect for the Early Entry into Force of the CTBT

The CTBT has been signed by 171 states and ratified by 110 states as of 16 April 2004, but the Treaty has yet to enter into force. Although the number of the signatories of the Treaty reaches close to the universality, the unique clause of its Article 14, paragraph 1 makes it difficult for the CTBT to enter into force. It says, “This Treaty shall enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex 2 to this Treaty,....” Forty-four States are listed in Annex 2 (so-called Annex 2 States) and among which 32 states have ratified the CTBT so far. Ratification by remaining 12 states, namely, China, Colombia, North Korea, Congo, Egypt, India, Indonesia, Iran, Israel, Pakistan, the United States, and Vietnam are waited. Among them, only India, Pakistan, and North Korea have not even signed it yet. Following is a brief overview of current status of these 12 countries for signature and ratification of the CTBT.

For Colombia, Congo, Indonesia, and Vietnam, it is largely assumed that domestic procedural matters are of their primary blocks for the ratification. It is therefore estimated that their ratification would be a matter of time.

With regard to the three Middle Eastern states, Israel, Egypt and Iran, the bottleneck is Israel’s ratification. Egypt is said to be following Israel’s suit. For Israel, Iraqi and

Iranian nuclear weapons has constituted the major threats to the country, but the Iraqi nuclear threat was reduced substantially due to the Iraq War and the end of Saddam Hussein's regime. As for Iran, although some ambiguities still remain pertaining its nuclear ambition, it signed the IAEA Additional Protocol and unprecedented attention are being paid, which makes it difficult for Iran to produce nuclear weapons clandestinely. Taking those into account, hurdle of the ratification for Israel has been lowered than before.

As for China, it declared moratorium on nuclear weapon test explosions and has been supporting the early entry into force of the CTBT. In 1999, the Chinese Government presented the CTBT to the National People's Congress (NPC), China's top legislature. It is performing its due ratification formalities in accordance with the relevant constitutional procedure. The Chinese Government explains that it has been making efforts to have the ratification procedure completed by the NPC at an early date. Such efforts by Beijing are welcomed and further encouraged.

Regarding North Korea, Japan is deeply concerned about North Korea's declaration of their intention to withdraw from the NPT. This issue has been discussed at six-party talks to reach comprehensive political settlement. Japan welcomes the convening of the talks and sincerely hopes that the problem will be solved through dialogue.

The current biggest stumbling block for the entry into force of the CTBT is obviously the United States. Due to the policy of the Bush administration, its ratification could not be expected in the near future, but it is hoped that the change of the policy would take place in the coming years. We should continue to pressure the U.S. towards that direction.

As for India and Pakistan, ratification of the CTBT by the two countries has been considered as one of the hardest block to tackle in the whole picture of non-ratified

Annex 2 states since the time of the negotiation of the Treaty.

Anticipating this kind of situation, negotiators of the CTBT, therefore, did not forget to include a provision regarding a mechanism to facilitate the entry into force of the Treaty,. Article 14 paragraph 2 stipulates that a conference to facilitate early entry into force of the Treaty shall be convened if the Treaty has not entered into force three years after the date of the anniversary of its opening for signature. In conformity with this provision, Conferences on Facilitating the Entry into Force of the CTBT have been held three times, in 1999, 2001, and 2003. In addition to 102 countries who attended the 2003 Conference, the following five countries which have not signed the Treaty, Afghanistan, Cuba, Saint Kitts and Nevis, Pakistan, and Saudi Arabia also attended the Conference,³ which lead to Afghanistan's ratification of the Treaty and Saint Kitts and Nevis' signature of it. Among those five countries, Pakistan was the only Annex 2 state.

3.2 On-going activities at the CTBTO

The CTBT bans all nuclear explosions and also calls for a verification regime, which consists of an International Monitoring System (IMS), a Consultation and Clarification (C&C) process, an On-site Inspection (OSI), and Confidence-Building Measures (CBMs). Upon entering into force of the Treaty, the verification regime shall be fully operational. Therefore, even though the CTBT has not enter into force, the Preparatory Commission for the CTBT Organization was established to set up the verification regime.

The IMS is a global monitoring network, which consists of 321 certified stations for

³ CTBTO, "Conference on Facilitating the Entry Into Force of the Comprehensive Nuclear-Test-Ban Treaty; Report of the Conference," CTBT-Art. XIV/2003/5, 11 September 2003, <
http://www.ctbto.org/reference/article_xiv/2003/afc2003_report_conference.pdf>.

seismological, radionuclide, hydroacoustic and infrasound monitoring, and 16 certified laboratories, located in some 90 countries. The IMS will be capable of detecting, locating and identifying explosions of at least one kiloton detonated in any environment, utilizing the most modern technology available. Data from stations are authenticated and sent to the International Data Centre (IDC) in Vienna, which supports the verification responsibilities of the State Parties by providing raw data and objective products and services necessary for effective global monitoring.

The Preparatory Commission consisting of the State Signatories is now establishing the global monitoring network. The Treaty designates two IMS stations in Pakistan to be established on the Commission's cost, a seismological station in Pari and an infrasound station in Rahimyar Khan as key stations to cover the South Asian region. Although Pakistan has not yet signed the Treaty, the preparatory work of the two stations could be started. In this context, Pakistan as well as Saudi Arabia has an accredited observer status, which allows it to attend the meetings of the Preparatory Commission's Working Groups and the subsidiary bodies related to the IMS and the IDC. In fact, Pakistan has attended the Working Group B, which deals with the examination of verification issues. It would be important and welcomed by international community for Pakistan to host the monitoring stations in near future. In addition to such international concerns, the state hosting IMS facilities could have many benefits. The primary purpose of the IMS network is to monitor nuclear detonations effectively. In this regard, the state could monitor events originated from the neighboring country. However, the verification technologies of the IMS and the data, technologies and products of the IDC also have the potential to offer, a range of useful civil and scientific applications that could contribute to sustainable development and human welfare. For example, rapid acquisition and dissemination of data on potentially damaging

earthquakes would be useful for disaster management and response efforts, and infrasound sensors would detect a range of man-made and natural explosions in the earth's atmosphere including meteors and severe storm systems. The state also has opportunities to participate in training and capacity-building activities, including technical workshops and information visits, offered by the Provisional Technical Secretariat (PTS). Through the various training programs provided, the states could train experts in various verification-related disciplines, leading to an enhanced national capacity.

4. India and Pakistan's Stances on the CTBT

The provision of Article 14, paragraph 1 stipulates strict requirement for the entry into force of the CTBT. It means that if Pakistan and India, two of the Annex 2 states, continue to insist on not signing and ratifying the Treaty, they would have “*de facto* vetoes” against the entry into force. In this sense, their political decisions will have a significant meaning for the international community, including Japan, which strongly supports the CTBT and aspires for its early entry into force.

Due to the fact that India and Pakistan are non-signatories of the NPT and North Korea's ambiguous status under that, rejection of the CTBT by these three countries have been considered as one of the major stumbling blocks to its entry into force.

India

As for India, it opposed the CTBT. This view is linked with its traditional political stance on disarmament and non-proliferation. India has been committing itself in working towards the total elimination of nuclear weapons by 2010 and blaming negligence of nuclear-weapon states in their efforts towards nuclear disarmament. India views that the issue of nuclear disarmament and non-proliferation should be recognized

as a global issue, not be dealt within the context of regional matter. Thus, India views that horizontal and vertical proliferation has to be dealt with simultaneously. Therefore, India places importance in equity in nuclear disarmament and nonproliferation, and sees the global elimination of nuclear weapons as the only fair and effective way to arrest the proliferation of nuclear weapons. For such an India, the CTBT which does not effectively prohibit nuclear tests less than one kiloton yield, is seen insufficient to prevent nuclear-weapon states from improving their nuclear arsenal. India clearly stated that it would not block the CTBT entering into force⁴. Due to this Indian stance, there is little hope that India will sign the CTBT in the near future.

Meanwhile, India demonstrates its commitment in nuclear disarmament and non-proliferation with unilateral moratorium on nuclear testing, its intent on participating in negotiations on a Fissile Material Cut-Off Treaty, and enforcement of strict export control measures on missiles and WMD related technologies.

Pakistan

Pakistan does not oppose the CTBT in principle. It supported a CTBT at the Conference on Disarmament and voted in favor of the Treaty in the United Nations General Assembly in September 1996. Yet, it maintains that it will not sign it unless India does. Pakistan has always tied its stance on nuclear arms control and non-proliferation treaties to that of India and left the onus of the first move to India. Pakistan declared a unilateral moratorium on nuclear testing after India did.

On the other hand, Pakistan went very close to signing the CTBT in March 2001 due to Japan's earnest persuasion⁵, but the Indian ballistic missile tests of *Prithvi* ruined the

⁴ Alex Wagner, "India Reaffirms Its CTBT Policy, Pakistan Follows," *Arms Control Today*, October 2000.

⁵ "Pakistan Talks Up CTBT," *Disarmament Diplomacy*, The Acronym Institute, No. 56, April 2001.

chance. Even after that event, Pakistan continues to show its interest in the CTBT and has attended some meetings on occasions, such as Preparatory Commission meetings and Conferences on Facilitating Entry into Force of the Treaty, so called Article 14 Conference. Pakistan attended all of these Conferences so far as an observer. I would like to interpret Pakistan's attendance to the Article 14 Conferences as the proof of its interests in the CTBT and its attempts to do the groundwork for joining the Treaty.

5. Prospect for Pakistan's Signature and Ratification of the CTBT

As is said above, Pakistan was very close to signing the CTBT in March 2001.⁶ At that time, the *Pakistan Observer* reported that Pakistan's Army Corps commanders had given their approval to sign the Treaty because it has achieved a certain level of nuclear deterrence⁷. However, such a mood was disturbed by the Indian missile tests. This probes that Pakistan did not have any technical or legal problems to sign the CTBT. Political distrust and military tension caused by the Indian missile tests at that time impaired Pakistan's domestic consensus to do so.

Based on this past experience, would not it be reasonable to expect that the recent thaw started in February 2004 between India and Pakistan is providing political atmosphere for Pakistan to put itself back to March 2001 when the decision was made to sign the CTBT.

Now, it is said that lack of domestic consensus has been one of the major stumbling blocks for the Pakistani government to sign the CTBT. In order to overcome it, the government has been clarifying that national obligations under the Treaty are limited to restrictions on nuclear testing and it does not affect either its possession of nuclear

⁶ "Pakistan Talks Up CTBT," *Disarmament Diplomacy*, The Acronym Institute, No. 56, April 2001.

⁷ *Ibid.*

weapons or the production of more nuclear fissile materials. This is a correct direction to lead the public. In addition, Islamabad should think further about the positive impact of its signature and ratification for the entry into force of the CTBT.

Pakistan's signature and ratification of the CTBT would create positive momentum for the entry into force of the Treaty. Such momentum includes; pushing Annex 2 states who have not ratified it yet; exponentially increasing international pressure on India, as well as North Korea to follow the suit.

Further, Pakistan's initiative would accelerate current development in the improvement of the relationship between India and Pakistan. It would work as confidence-building measures in nuclear sphere, which would also contribute to stabilizing the security situation in the South Asian region.

There is another context that Pakistan would be better off by signing the CTBT, thereby improving its profile in nuclear disarmament and non-proliferation. That is the bilateral relationship with the United States in the long run. Due to Pakistan's strategic and geopolitical importance, the U.S. has been in good terms with Pakistan since 9.11 terrorist attacks. Despite international community's harsh criticism against Pakistan's nuclear black market and the fact that the U.S. is the most sensitive and has least tolerance for the proliferation of nuclear weapons related materials and technologies, Washington did not blame Islamabad but Dr. Abdul Khan, the individual. However, as Pakistan itself experienced in the aftermath of the Soviet invasion of Afghanistan, there is no guarantee that the U.S. will continue to be favorable to Pakistan forever. Taking this into account, it would be better for Pakistan to demonstrate that it is willing to improve its nuclear non-proliferation posture, regardless of the U.S. political stance on the CTBT at the moment.

In the context of the Pakistani-Japanese political relations, Pakistan's signature of the

CTBT will definitely contribute to further amicable bilateral relationship because, as it is mentioned earlier, an early entry into force of the CTBT is Japan's top priority in its diplomatic agendas. As for the economic aspect of the relationship, Pakistan's joining the CTBT would provide favorable environment for Japan's financial aid to Pakistan. Although Japan suspended economic sanctions against Pakistan which was imposed due to Pakistan's nuclear tests, it is very difficult for the Japanese government to provide official development aid (ODA) to the country which engages in arms build-up and proliferation of WMDs. In fact, one of the principles of the Japanese ODA says, "Full attention should be paid to trends in recipient countries' military expenditures, their development and production of mass destruction weapons and missiles, their export and import of arms...." As the Japanese public is very much concerned about WMD proliferation, including nuclear weapons, the government's decision would largely depend on the Japanese people's general agreement to do so.

6. Conclusion

Pakistan's policies regarding nuclear weapons, as well as disarmament and non-proliferation seem to have been shaped looking at India. Pakistan proclaims that every move Pakistan made in those areas was and continues to be reaction to India, thus India is the instigator, thus should be blamed and responsible for. This way of thinking does not take Pakistan to anywhere.

Signing and ratifying the CTBT by de-linking its decision from India's stance seems to be one of the least harmful ways to increase Pakistan's national interest. There seems to be no way for Pakistan to defeat India militarily. The best defense strategy of Pakistan vis-à-vis India is not to fight. This shows that it is also of no Pakistan's interest to participate in the arms race between India and China. If so, what Pakistan had better

to do is maintaining the current nuclear balance with India and prevent India from improving its nuclear capability. One of the ways to achieve this objective is to sign the CTBT. Pakistan's signature of the CTBT will inevitably increase the international political pressure on India to follow the suit. If India does not do so, at least, it will be politically harder for India to conduct nuclear tests.

Pakistan is facing a critical turning point whether it can fly "another sky" with peace and economic prosperity in the international community, or it would stick to the sky containing itself in the context of India and Pakistan. Policies formulated only looking at India would impair Pakistan's national interest which would be gained from the globalized world. By signing and ratifying the CTBT, Pakistan will become a leader of strengthening the non-proliferation regime not only in South Asia but also in the world, and it will eventually lead to join a world economic system that Pakistan can benefit enormously.

Reassessment of Pakistan's national interest in light of the recent thaw with India would move Pakistan towards the conclusion that it has little to lose and much to gain by signing the CTBT prior to India. Expert level talks on Nuclear CBMs slated in the latter half of May this year may be an appropriate opportunity for Pakistan to consider joining the CTBT.