



The Nuclear Debate in Pakistan Post Indo-US Deal

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The Nuclear Suppliers Group reversed a 34 years old nuclear trade ban on India by approving the Indo-US nuclear agreement. This nuclear deal has managed to end an era of nuclear trade restrictions and has opened the door for regulated proliferation. Also, the international non-proliferation system has accommodated a non-NPT state into the NPT regime. This is unprecedented and has resulted in a structural change in the international system.

It is interesting to see how this deal is being viewed in Pakistan, and how the general debate on various nuclear treaties is unfolding in Pakistan. With Indian influence increasing in US policy circles, it should not be taken for granted that since Pakistan is a US ally in its war on terrorism, the latter will ignore the increasing Indian noise about the "instability" factor in the region and implicating Pakistan. Arguing that "Indian safety and success are strategic assets for the US" (Tellis 2005), India has carved out a strategic space for itself in the region, confirmed and sealed by this agreement.

I INDO-US NUCLEAR DEAL: PAKISTAN'S PERCEPTIONS

For Pakistan, the fundamental political question is how long will the US continue strategic cooperation with Pakistan? India could ensnare the US by tempting them with strategic bases, a matching ideology, and a democratic polity where US forces would be popularly welcomed, in contrast to "jihadism" that only taunts US soldiers and diplomats. Besides, a strong, well-equipped military force, capable of carrying out the US strategic objectives in the region in its absence, would complete the temptation scenario.

At the strategic level, the majority of Pakistani analysts have stated various concerns which can be divided into two categories. Firstly, the Indo-US nuclear deal represents a de-linking between India and Pakistan, isolating Pakistan's strategic

interests from those of India, thereby justifying different and unequal attention from major powers like the US. The categories that are constructed are mutually exclusive, labeling Pakistan as an 'irresponsible' nuclear state having 'bad non-proliferation' credentials with the AQ Khan bogeyman haunting the entire international community, as opposed to the 'good non-proliferation' record of India, with no AQ Khan in their closet, thus qualifying it as a 'responsible' nuclear state. Also, the Indo-US nuclear deal discriminates in favor of India because it faces an acute energy shortage and Pakistan does not have such comparable needs.

Secondly, the Indo-US nuclear deal accentuates the military asymmetry between India and Pakistan thus augmenting the latter's security dilemma. This in turn has a massive potential to destabilize the South Asian region where three nuclear powers (Pakistan, India and China) share common borders with one another, further compounded by presence of the US as an extra-regional force.

For some analysts the spinoffs of the Indo-US deal will help India develop sophisticated weapon systems forcing Pakistan to review its force disparity, demanding a recalculation of its force structures (Yusuf 2007). It is also speculated that India will increase its production of nuclear weapons once the imported fuel supplies meant for civilian nuclear program frees up its uranium reserves for non-peaceful purposes.

The nuclear deal also has a resonance with power politics at two levels. One, it recognizes India's status as an emerging power and two, the US helps India to protect the vested interests of the West by consolidating India's rise to power (Haider 2008). The damage to the nuclear nonproliferation regime is an important area where many Pakistani scholars have voiced their objections. The very fact that the deal recognizes India as a de facto nuclear weapons state and having energy needs that can be fulfilled by the US and its allies by sharing nuclear technology is a debate by itself (Mazari 2009). Nuclear non-proliferation and

nuclear disarmament arrangements negotiated till now have been severely undermined since the NPT is the single most important tool which is now compromised. The violation of Articles I & II of NPT aside, the spirit of the NPT has been undermined by the US conceding nuclear weapons status on a non-signatory to the NPT with the same privileges, whereas non-nuclear weapon states and signatories to the NPT gave up their rights to pursue nuclear weapons (The Friday Times, 2008).

II NUCLEAR AGREEMENTS

Pakistan and the NPT

In a special session of the Conference of Disarmament (CD) convened right after the South Asian nuclear tests on 2 June 1998, Pakistan's Ambassador to the UN, Munir Akram, made the following statement on Pakistan's stand on the NPT, CTBT and FMCT, which highlighted Pakistan's official position on nuclear non-proliferation agreements after becoming a nuclear weapon state (NWS). He said that

"Is the demand for India and Pakistan's signature of the NPT realistic now - after the tests - knowing that India refused to sign the Treaty for the past 30 years? These are relevant questions for Pakistan. In evaluating our position on the CTBT, it will be important to know whether India will continue to conduct further nuclear tests; whether it will be accommodated in the CTBT as a Nuclear Weapon State, a NNWS or something else. Similarly, as regards the FMCT, for Pakistan this issue is now dependent on India's nuclear status, its degree of weaponization and size and quality of its fissile material stockpiles. Pakistan cannot afford to allow India to once again destabilize the balance of deterrence in future through asymmetry in the level of stockpiles" (Ambassador Akram 1998).

Although this very important and significant statement was made in 1998, ten years later with both Pakistan and India becoming mature nuclear powers and their military disparities remaining in the post Indo-US nuclear deal period, Pakistan's concerns remain more or less the same.

The de facto nuclear weapons status accorded to India by the US isolates Pakistan from the 5+2 approach regarding the NPT. Since the delinking has been legalized through signing of the Indo-US nuclear deal, it has become very difficult for Pakistan to pursue a tit for tat policy available.

Constant references have been made in the sessions of the CD in Geneva, NPT Preparatory Committees and NPT Review Conferences on engaging the three non-NPT states into signing the NPT over the last decade. But, in particular, the pressure on Pakistan has been immense to undertake its obligations as a responsible nuclear weapon state by signing the NPT, especially after the confessions made by AQ Khan about his illegal transfer of nuclear technology to Libya, Iran and North Korea. Libya and Iran are signatories to the NPT, but North Korea opted out of the NPT in 2003 by exercising its right to withdraw from the treaty under Article X. Pakistan had then and later given three basic arguments for its reasons to stay out of the NPT. For years Pakistan had maintained the position that it will sign the NPT if India does so, which continues after India conducted its nuclear tests in 1998 forcing Pakistan to follow suit.

Second, Pakistan maintains that the NPT is a discriminatory regime where the P-5 were not fulfilling their end of the bargain on eventual disarmament. As late as three years ago Pakistan believed that the emerging trends were discouraging the NPT non-nuclear weapon states to refrain from exercising their rights under Article IV of the treaty, "It is important to normalize the relationship of the three non-NPT States with the non-proliferation regime and secure their support for a re-vitalized regime. Reality and legality should be reconciled. Again, such normalization cannot be achieved by multiplying discrimination and double standards" (Ambassador Akram 2007). However, three years later, this still remains an objective standpoint, which is further reinforced by the signing of the Indo-US nuclear deal.

The third argument revolves around Pakistan's unwillingness to become part of the multilateral arrangements of the non-proliferation regime 'unconditionally'.

The de facto nuclear weapons status accorded to India by the US isolates Pakistan from the 5+2 approach it had been seeking over the years where the NPT is concerned. Since the delinking has been legalized through signing of the Indo-US nuclear deal, it has become very difficult for Pakistan to pursue a tit for tat policy. It will now have to evolve an independent approach to demonstrate its non-proliferation credentials and international obligations. And the third option mentioned above seems the only option that Pakistan should pursue rigorously in the CD at Geneva and other UN forums.

Pakistan and the CTBT

Pakistan has been an ardent supporter of the CTBT, having endorsed it 22 times at the UN General Assembly. However, after the South Asian nuclearization in 1998, the P-5 strongly condemned nuclear testing by both India and Pakistan and urged both states to immediately sign the CTBT. In an initial reaction to the pressures generated on

Pakistan to sign the CTBT after the 1998 tests, Pakistan's Foreign Secretary, Shamshad Ahmed, was quoted as saying that Pakistan "would not be coerced into signing CTBT in disregard to its vital security interests" (Siddiqui 1998). It is interesting to note that by November 1999, the official position of Pakistan had transformed from the line of 'not signing the CTBT' to indicating its agreement to "sign the Comprehensive Test Ban Treaty (CTBT) on the scaling down of nuclear weapons if India did too" (Xinhua News Agency 1999).

Thereafter, there was an extensive domestic debate in Pakistan on the CTBT, which constrained the government from taking any further steps towards signing the Treaty due to a clear lack of consensus on the issue. Pakistan has always maintained a consistent stance on the CTBT over the years. Ambassador Shahbaz in a statement made at the Conference on the CTBT stated, "Despite being a non-signatory we are not opposed to the objectives and purposes of the treaty. We have stated that we will not be the first to resume nuclear testing. Pakistan stands by this commitment" (Ambassador Shahbaz 2007).

The dynamics in South Asia today are different from those of a decade earlier. With the signing of the Indo-US nuclear deal and India's continuous reiteration of the fact that it wants to retain the option of nuclear testing, there is no room for further speculation on the available choices for Pakistan. The Indo-US nuclear deal has made it clear to Pakistan that it should not compromise on its right to nuclear testing under pressure generated by the international community. The noises in India about nuclear testing being its 'sovereign' (Hindustan Times 2007) right would prevent Pakistan to think in any other way. The statement made by Indian PM, Manmohan Singh, that "New Delhi would not sign the CTBT even it was ratified by other countries" (The Peninsula Online 2008) shifts the onus on India for making any progress on the CTBT.

Pakistan and FMCT

While the push for NPT and CTBT is benign, the FMCT is drawing significant attention at the Conference on Disarmament (CD) in Geneva given the aggressiveness with which the nuclear disarmament agenda is being pursued by the new US administration. Any negotiations on the FMCT will shape the future course of direction for the failing non-proliferation regime. Pakistan's future strategic choices are being shaped by the prevailing environment in South Asia. The operationalization of the Indo-US nuclear deal now dictates much of what Pakistan's strategic decisions will be on the various non-proliferation agreements in future.

Following the landmark Indo-US nuclear deal proposal in 2005, the US sought India's help to achieve its non-proliferation objectives in South Asia.

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The Bush administration urged India to take a leading role in the region in regard to a fissile material freeze. "We would like to see, obviously, in the regional sense in the relationship between India and Pakistan and others, a look at regional moratorium on fissile material production" (The Indian Express 2006).

Pakistan's position regarding a FMCT has always remained India specific as is evident through the various policy statements made by Pakistan then and later. In an immediate response to the US push for a South Asian moratorium on fissile material production in 2006, Pakistan's Foreign Office Spokesperson, Ms. Tasneem Aslam, expressed Pakistan's willingness and openness to initiating a bilateral freeze of fissile material production, provided India was willing to do the same.

It is important to understand Pakistan's objections to the FMCT in the CD debate before one can analyze its policy shift post the Indo-US nuclear deal. Ambassador Masood Khan in his statement to the CD in the third and final session of 2007 discussed the L.1/PDD document stating that Pakistan was ready to table its amendments to the L.1 document and referred to the August 02, 2007 statement made by Pakistan's National Command Authority (NCA) on FMCT. He quoted from the NCA press release: "The NCA reviewed the current status of negotiations on disarmament issues in the Conference on Disarmament Geneva, regarding the proposed FMCT. The NCA reiterated Pakistan's position in favor of a non-discriminatory, multilateral and internationally and effectively verifiable treaty, taking into account the security concerns of all the states" (Khan 2007).

Since the PDD/L1 could not be adopted by the CD in 2007 due to lack of agreement amongst member states to start work on substantive issues, an almost identical PDD-CD/1840 was yet again proposed which contained the programme of work for 2008 and called for negotiations only on FMCT and substantive discussions on PAROS, NSAs and nuclear disarmament. CD/1840 appointed coordinators to lead substantive discussions on four core issues in the CD: negotiations on a fissile material treaty, discussions on nuclear disarmament and the prevention of nuclear war, substantive discussions on the prevention of an arms race in outer space, and substantive discussions on negative security assurances (Reaching Critical Will 2008).

It is to be noted that all this was going on while the Indo-US nuclear deal was being negotiated and Pakistan was fully aware of Indian willingness to work with the US on negotiating a FMCT. In the September 2009 session on the FMCT in the CD, Pakistan once again reiterated that substantive discussions should take place on all the four core issues of nuclear disarmament, PAROS, negative security assurances and fissile material treaty for the CD session in 2010 (Khokhar 2009). Pakistan's position on highlighting the issue of existing and future stockpiles has become more critical especially after the Indo-US nuclear deal since Pakistan will no longer tolerate disparity and discrimination.

III CONCLUSIONS

Pakistan's position on the three major arrangements in the nuclear non-proliferation sphere i.e. the NPT, CTBT and the FMCT has been unambiguous. Pakistan does not want to be a party to any treaty or arrangement which is discriminatory and not universal in appeal. The debate on the Indo-US agreement raises a plethora of issues on the non-proliferation regime under a criteria-based approach. Israel circulated a paper to NSG member states advocating its credentials as a responsible state to be considered for this criteria-based approach. Pakistan also lobbied for the same. Given that 'non-proliferation' is 'politics', a non-proliferation treaty-like arrangement for the non-NPT nuclear weapon states would boost international non-proliferation efforts by addressing the security concerns of Pakistan, India and Israel.

The strategic dynamics in South Asia have changed with the signing of the Indo-US nuclear agreement on October 10, 2008. It has also marked the death of the debate on a criteria-based approach as opposed to country-specific approach on sharing of nuclear technology. Such developments in the region, directly affect Pakistan's destiny, while making it difficult for it to join any legally binding arrangements unilaterally. The negotiations on negative security assurances by the P-5 - something which is essential for any decision on CTBT - are still not on the horizon. Moreover, the US itself has failed to ratify the CTBT, while official Indian statements on reserving its sovereign rights to test allows Pakistan to be rightly skeptical about the intent with which international non-proliferation goals are being pursued. The renewed call for disarmament of nuclear weapons and the drive to achieve a nuclear weapons-free world would not pressurize Pakistan since the lead for global nuclear disarmament has to arise from the P-5. Pakistan also cannot afford a fissban because it still needs to reach a respectable level to ensure the credibility of its deterrent vis-à-vis India and emerging threats to it following India's 123 Agreement with the US. Furthermore, the credible minimum deterrence posture maintained by Pakistan is also threatened by the acquisition of a ballistic

missile defense system by India. For that matter, in order to credibly sustain its deterrent against India, Pakistan needs to continuously build up its fissile stockpiles. This has become even more critical after the signing of the nuclear deal.

An overall analysis suggests that, since the evolving strategic environment is destabilizing and raises strategic concerns for Pakistan, therefore, a defensive deterrence posture should allow space for exploring new levels of deterrence beyond the current minimum. A FMCT would be dangerous for Pakistan, especially when asymmetries exist between Pakistani and Indian stockpiles. Given Pakistan's current and emerging security threats resulting from the Indo-US nuclear deal, Pakistan's stand on not joining the NPT, CTBT or FMCT would be the wisest course of action for which Pakistan need not be apologetic before the international community and world at large.

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