

ISAS Working Paper

No. 94 – Date: 21 October 2009

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Non-Proliferation versus Disarmament: A Destabilising Dichotomy

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Executive Summary

The paper argues that the perceived dichotomy between non-proliferation and disarmament in the nuclear-weapons debate that has stalled progress on both fronts is a ‘destabilising’ one. In order for a breakthrough to occur after years of inaction, both must be addressed simultaneously and in various fora recognised and accepted by both the nuclear ‘haves’, who emphasise the former, and the ‘have-nots’, who underscore the latter. These fora are the United Nations, the Conference on Disarmament and the Comprehensive Test-Ban Treaty (CTBT) Organisation.

In that sense, re-centring the debate in these bodies as is happening now, rather than the pursuit of unilateral action by key players is a positive development. However, both bilateral and multilateral frameworks would need to work in a coordinated and calibrated fashion for progress to take place. The recent United Nations Security Council calls on ‘all’ states, including India and Pakistan, to join the Non-Proliferation Treaty (NPT). This poses a problem for both these South Asian states who see themselves as ‘nuclear powers’ and cannot join the NPT as ‘non-nuclear weapon’ states as they must if the treaty remains in the current form.

As such, the summit called by United States President Barack Obama in April 2010 and the next NPT Review Conference immediately following it in May 2010 would be required to evolve a methodology whereby adjustment could be made in the treaty to accommodate the current realities on the ground. This would include factoring in the growing arsenals of China and India. The year 2010 will, therefore, be critical for nuclear non-proliferation, arms control and disarmament.

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Introduction

The following dilemma has marked the debate on limiting nuclear weapons since the beginning – should we focus on non-proliferation, that is, preventing the further spread of this deadly capability or on disarmament that is reduction in our arsenals? This dichotomy, a false and destabilising one as this paper will demonstrate, has tended to preclude progress towards the goals of either, and resultantly rendered our planet an increasingly dangerous place. President Obama sought to close the gap when he chaired the United Nations Security Council debate on the subject on 24 September 2009 that was described as a ‘Summit on Nuclear Non-Proliferation *and* Nuclear Disarmament’ and indicated a balanced emphasis on both. However, as we shall see, this is easier said than done.

Indeed, in his presidential remarks, President Obama said that the agenda was built on a consensus that “all nations have the right to peaceful nuclear energy; that nations with nuclear weapons have the responsibility to move towards disarmament; and those without them have the responsibility to forsake them”. He was seeking a balanced approach to all the main divisive elements of the entire debate. Can he pull it off eventually? Much will depend on the kind of leadership he and the United States will be able to provide at the Summit on the subject that Washington will host in April 2010 and at the next Non-Proliferation Treaty Review Conference that is scheduled for May 2010.

The Non-Proliferation Treaty

The NPT was a product of the Cold War. The Cuban Missile Crisis in 1962 showed how easily mankind can bring down Armageddon upon itself. Tensions in Europe and elsewhere were also assuming threatening postures. Leaders and politicians began to think of how an outbreak of a disaster of gargantuan proportions would be avoided. Consequently, the United Nations General assembly adopted ‘Resolution 2028’ in 1965 containing guidelines for the negotiations of a treaty on the non-proliferation of nuclear weapons. The details were worked out by an Eighteen Nation Disarmament Committee, which submitted a draft treaty to the general assembly in June 1968. The NPT, with recommendations for both non-proliferation and disarmament, was opened for signature on 1 July in the same year.

The NPT rested on three main pillars. First, the five nuclear weapon powers – the then-Union of Soviet Socialist Republics [USSR] (now Russia), the United States, China, the United Kingdom and France, the official nuclear-weapon states (NWS) – agreed not to transfer nuclear weapons to non-nuclear weapons states (NNWS) nor to assist them in developing nuclear weapons; they agreed not to seek to acquire nuclear weapons; and to allow the International Atomic Energy Agency (IAEA) to inspect and oversee all their nuclear facilities. Second, the five nuclear weapons states agreed to pursue in good faith negotiations on nuclear disarmament. And third, they recognised the inalienable right of sovereign states to develop and use nuclear energy for peaceful purposes, as long as the right was exercised in conformity with non-proliferation obligations.

The NPT is basically a framework agreement. It is supplemented and buttressed by other institutions and arrangements. It is reviewed every five years. The last was the seventh review held in May 2005 in New York which ended in shambles. We will examine the reasons why. The next is due in May 2010. A key element in the implementation of the NPT was the negotiation of a detailed safeguarding or verification system, administered by the IAEA to monitor all fissile material declared by individual NNWS. However, the discovery of an Iraqi

clandestine programme in 1991 brought some major weaknesses of the system to the fore. Consequently, an additional protocol was developed to strengthen the IAEA's capabilities to audit undeclared materials. As of now, 123 states have signed the Additional Protocol, though it is in force in only 91 of them.

Failure of the 2005 Review Conference

To explain the causes of its failure, some theoretical background to the issues involved would be helpful. During the early phases of the Cold War, the concept of 'Mutually Assured Destruction' (MAD) provided the deterrence between the major nuclear power protagonists. It meant the fear of total annihilation of one by the other kept the peace. During this period, the powers were quite happy to keep one another informed with regards to their capabilities. Indeed, through the so-called 'national means of verification' a kind of espionage was encouraged, the idea being that if the parties were aware of the destructive retaliatory potentials of the adversary, these dreadful weapons would never be used. So, for the West (North Atlantic Treaty Organization) under American leadership and the East (the Warsaw Pact) under Soviet leadership, nuclear weapons became the means to deter one another and were never meant to be actually used.

While this situation between the major powers persisted, the NPT in 1968 was an understanding between such nuclear 'haves' and a large number of the 'have-nots'. The 'have-nots' undertook not to acquire the capability in return for technical assistance in peaceful use of nuclear energy. It is important to note that three important states were not a party to the NPT – India, Pakistan and Israel. Also, North Korea in 2003 unilaterally declared that it was withdrawing from the treaty under a provision that allowed such withdrawal if the party decided that certain "extraordinary events" had "jeopardised the supreme interests of the country". The 'haves' also promised to agree on "a treaty on general and complete disarmament under strict and effective international control", in return for the 'have-nots' abjuring 'horizontal', that is, country to country, proliferation. Unfortunately, such idealism became a quick victim to real politic.

In response to perceived security needs, the 'haves' began to improve their weapons, making them smaller and more precise, thereby engaging in 'vertical' proliferation, that is, modernisation of arsenals. These weapons could now be targeted in a way so as to reduce collateral damage, so that an overwhelming response would be discouraged.² In other words, the weapons were being rendered 'usable', and according to some analysts and policy makers, were beginning to view nuclear war as 'fightable' and even 'winnable'. Then-United States Secretary of Defence, James Schlesinger, was a proponent of this policy, which he announced in 1974 and named the 'Schlesinger Doctrine' after him.³

Once nuclear war began to be seen as 'fightable' and 'winnable', the two superpowers revved up the arms race, each wanting to be 'one-up' on the other. Thus, rather than disarm, the

² Accuracy of nuclear weapons is measured in terms of 'Circular Error Probability' (CEP). If the CEP is less than 1,000 feet, it means 50 percent of the ordinance would land within that distance from the target. Some current tactical nuclear weapons are said to have CEP of less than 500 feet.

³ The 'Schlesinger Doctrine' outlined a broad series of options against a wide variety of enemy or Soviet actions. It entailed a change from the earlier 'Single Integrated Operational Plan' of the MAD era. The idea was limited nuclear strikes against solely against enemy military targets, made possible now by more precise weapons. This would imply a 'limited nuclear war', in theory by keeping an opening for negotiated settlement. The problem was that the enemy might not be so obliging as to keeping it 'limited' and might resort to an all-out retaliatory offensive, rendering the theory vacuously academic.

United States and the Soviet Union began acquiring more sophisticated arsenals. The enhanced precision of the weaponry, at least in theory, also increased the propensity to use and collateral damage could now also be controlled. The new generations of weapons were designed to be effective against ‘counterforce’ targets (hard targets such as military installations) rather than ‘counter-value’ ones (soft targets such as cities and civilian installations). It is true that, bilaterally, the United States and the Soviet Union entered into some agreements that will be discussed later in the essay, but these were aimed at putting a cap on quantum rather than disarming. Indeed, technology began to focus on small ‘tactical’ rather than long-range ‘strategic’ warheads, also known as ‘battlefield’ or ‘theatre’ weapons.⁴

In addition, assistance for the peaceful use of nuclear ‘have-nots’, as urged upon by the NPT, trailed off, as it was seen that such support could bring them closer to nuclear weapons acquisition. By mid-2009, North Korean tests amply demonstrated that it had acquired the capability, and in the context of the current debate over Iran, that country is seen by some as merely a policy-decision and a screw-driver’s turn away from nuclearisation. India and Pakistan joined the club of nuclear ‘haves’ in May 1998 and indeed began to argue that their nuclearisation strengthened regional deterrence.⁵ Some of the new ‘haves’ may now believe, from a simple reading of contemporary relations between states, that the acquisition of such capabilities would buttress their defences against unilateral, pre-emptive or preventive action by nuclear ‘haves’ *a la* Iraq, a calculation that appears to be in consonance with logic. After all, no nuclear-weapon state has ever been invaded, a lesson not lost on them.⁶

All these destabilising developments rendered the last NPT review that took place in New York in May 2005 critical. At that event, while the ‘have-nots’ (represented by the Non-Aligned Movement [NAM]) stressed disarmament, the ‘haves’ focused on non-proliferation, not only wary of North Korea and Iran, but also for fear of possible acquisition by ‘non-state’ actors and terrorists, the dreaded Al-Qaeda among them. The United States, under the Bush Administration, which had mostly ignored the United Nations, and indeed all multilateral diplomacy, paid so little heed to the conference that it did not bother to send the Secretary of State, Condoleezza Rice, to attend. Three quarters of the time was taken up by procedural wrangling. On substance, the differences between the ‘haves’ and the ‘have-nots’ were so great that the Chairman, Sergio Duarte of Brazil, thought it fruitless to offer any reason for the failure. Both sides seemed to reason that a bad conclusion would be worse than no conclusion at all.⁷ Suddenly, it seemed that it was in no one’s interest to obtain results. Thus, when the conference finally died, no tears were shed by any of the key actors. There was no final document.

⁴ There are well over 1,300 of such weapons today, nearly 500 of which are in a state of advanced deployment in Europe. Hundreds of such weapons in the former Soviet Union may now be dangerously untrackable.

⁵ See Iftexhar Ahmed Chowdhury, ‘The South Asian Nuclear Genie: Out of the Bottle, it can be Useful’, ISAS Brief No. 102, 13 April 2009 (accessed at <http://www.isasnus.org/events/backgroundbriefs/103.pdf>).

⁶ ‘Vertical’ proliferation with regard to the new ‘haves’ may be an inevitability. For them, it would be important in the future to develop ‘second-strike’ capability, that is, the capacity to absorb a ‘first’ strike and then retaliate. India and Pakistan, for instance, may see this as the next logical step. ‘Second strike’ weapons are seen as stabilising because they reduce the probability of a ‘first strike’. Submarines come under this category because, due to their mobility, they cannot be targeted easily. Furthermore, the more silent of such platforms leave very little sound signature, thus evading sonar detection. Indeed, in July 2009, India launched its first nuclear-powered submarine, to which it gave the somewhat fearsome name of Arihant, meaning ‘Destroyer of Enemies’, something that is unlikely to calm anxious nerves in Pakistan.

⁷ It was also thought that a ‘bad’ conclusion could jeopardise the meagre achievements of the past such as the “13 Steps to Disarmament” agreed upon at the 2000 Review Conference.

Comprehensive Test-Ban Treaty

Since progress on the disarmament front was virtually halted, many states began to look to other means to restrain NWS. One way was to limit the testing of weapons. This resulted in the CTBT, an agreement to ban all nuclear explosions, of any yield, in all places, for all time. It was opened for signature in 1996. To date, it has been signed by 181 states and ratified by 148. It has not, however, been entered into force as yet. This is because the 44 nuclear-capable states listed in Annex II of the treaty need to ratify it and nine have not yet done so.⁸ It was believed that the universal banning of explosions would constrain the refinement and development of nuclear weapons, and would, thus, have positive ramifications for nuclear non-proliferation. Moreover, it was seen as a 'green' measure, preventing further harm to the environment. It is noteworthy, though, that the ban did not extend to simulated laboratory or computer tests and, therefore, less inhibitory to higher technology.⁹

Analysts have seen the CTBT as both an 'arms control' and 'non-proliferation' measure. The former because it constrains the 'haves', the NWS, from testing new and old types of weapons, and stops the development of new big thermonuclear as well as smaller 'battle-field' weapons. The latter was because it constrains the 'have-nots', the NNWS, by "raising an almost universally-adopted barrier to stop nuclear testing and support the fundamental security regime around the NPT".¹⁰

The United States signed the CTBT in 1996. It was brought before the Senate for ratification in 1999 and was voted down by 51 to 48. So wary were the Senators that, far from the two-thirds majority needed for ratification, it did not even obtain a simple majority. The senators obviously responded to an intense argument among the experts. However, the latest North Korean test on 25 May 2009 has imparted a distinctly positive element to this debate. In his speech at the United Nations Security Council on 24 September 2009, President Obama unequivocally declared that, "We will move forward with the ratification of the CTBT and open the door to deeper cuts in our own arsenal", thus also underscoring a commitment to disarmament as well. The resolution the United Nations Security Council adopted that day under his presidency called upon "all states to refrain from conducting nuclear explosion and to join the CTBT, thereby bringing the treaty into force". This urging has particular relevance for the nine 'nuclear-capable' states which have not yet ratified the treaty and these include the United States, India and Pakistan.

It is worthwhile noting that it was mainly two fears that prevented the United States' Senate from ratifying the treaty at that time. First, there were doubts about the United States' ability to maintain its nuclear stockpile without testing and the second was questions about its capability to detect 'cheating' by others. However, these apprehensions can now be laid to

⁸ These states are China, North Korea, Egypt, India, Indonesia, Iran, Israel, Pakistan and the United States. It appears that ratification by the United States could be followed by similar action on the part of China and Indonesia. The two South Asian recalcitrants, India and Pakistan are obviously hard cases and Egypt has said it would not ratify until there was peace in the Middle East, which pretty much rules it and Israel out anytime in the near future.

⁹ Hundreds of tests have already been conducted, which had already given the conducting states valuable experience and data. States with the number of tests recorded against them are the United States (1,039), USSR/Russia (718), France (198), China (45), the United Kingdom (45), India (6), Pakistan (6) and North Korea (at least 2).

¹⁰ Thomas Graham, Jr. and David Hafemeister, 'Nuclear testing and Proliferation- an Inextricable Connection, *Disarmament Diplomacy* Issue No. 91, Summer 2009. <http://www.acronym.org.uk/dd/dd91/91tgdh.htm> (accessed on 5 October 2009).

rest due to improved technology. The ‘Stockpile Stewardship’¹¹ programme has matured and the CTBT Organisation’s monitoring system has improved.¹² Daryl Kimball, Executive Director of the Arms Control Association in the United States, has, therefore, argued that “the United States loses nothing and gains much” by ratifying the treaty.¹³ The renewed interest in the CTBT will obviously call for a greater leadership role on the part of the organisation handling the treaty, the Vienna-based CTBT Organisation.¹⁴

Proliferation Security Initiative

The Bush Administration was remarkably non-dependent on the United Nations on the issue and often pursued its goals in this respect unilaterally or in conjunction with like-minded countries. The ‘Proliferation Security Initiative’ (PSI) was an example of the latter. It was announced by President Bush in Poland on 31 May 2003 and entailed a United States-led multinational initiative involving the interdiction of vessels on the high seas suspected of carrying nuclear materials. It was thought to have been fashioned by John Bolton, then Under Secretary of State for Arms Control and International Security and later Ambassador to the United Nations. He reportedly developed the concept after 15 Scud missiles found on board a North Korean freighter had to be released when it appeared that they could not be confiscated under international law. United States authorities believe that it was one such interception of a ship bound for Tripoli in October 2003 that led Libya to disavow the nuclear option.

Though about 90 countries signed up, it did not find much favour among the NAM nations. It was opposed by China, Iran and North Korea, which argued that it was in violation of international law guaranteeing the freedom of the seas, in particular of Article 23 of the United Nations Law of the Sea Convention which allows the right of innocent passage through territorial seas of ships “carrying nuclear or other inherently dangerous or noxious substances”. Regional countries held disparate views. Among the countries of the Association of Southeast Asian Nations (ASEAN), it was supported by Brunei and Singapore. In fact, Singapore hosted a maritime interdiction exercise in August 2005 code-named ‘Exercise Deep Sabre’, launched at the Changi base and conducted in the South China Sea, involving 13 countries. It was opposed by Malaysia and Indonesia, and the Indonesian Foreign Minister Hasan Wirajuda remarked that the PSI was “not initiated through a multilateral process but

¹¹ It refers to the programme of reliability testing and maintenance of the arsenal without nuclear testing. This is usually done through simulations, using non-nuclear explosive tests and supercomputers, as well as scientific knowledge about physics and chemistry. The Bush Administration expanded upon it by introducing a method called ‘Reliable Replacement Warhead’. Indeed, each year the United States government has certified that it is “confident that the stockpile is safe and reliable, and there is no requirement at this time for nuclear tests”.

¹² Hugh Gusterson, ‘The CTBT Debate Begins Again’, *Bulletin of the Atomic Scientists*, 1 June 2009. <http://www.thebulletin.org/web-edition/columnists/hugh-gusterson/the-ctbt-debate-begins> (accessed on 6 October 2009).

¹³ *Ibid.*, p. 3.

¹⁴ I was then Bangladesh’s Ambassador accredited to the United Nations Offices in Vienna and was a member of the first ever Bureau of the CTBT Organisation in 1997, as its Vice Chairman from the Middle East and South Asia (MESA) Group. The Bureau took time to be formed because Israel’s inclusion in the MESA Group was opposed by the Arabs and Iran, and, unless the composition of the Group was finalised, the CTBT Organisation could not be installed. I was tasked by peers to initiate intense negotiations following which the Arab countries and Iran relented. I was, thereafter, elected to represent MESA as Vice Chairman in a historic election in which he was nominated by Iran and seconded by Israel.

only (by) a group of nations that have a common goal to conduct certain initiatives”.¹⁵ It also had serious critics in the United States, an expert describing it as “a challenge too narrow”.¹⁶

Now that President Obama is turning increasingly to the United Nations and trying to build consensus around non-proliferation and disarmament initiatives where earlier divergences existed, it is unclear as to how he will deal with the PSI. He made a reference to it in his now-famous address in Prague on 5 April this year, in which he laid out his vision of ‘a world without nuclear weapons’.¹⁷ He stated his commitment to turn efforts such as the PSI into “international institutions”, implying of the need to take it a step higher than the multinational initiative that it is today, and hinted that it may be on the agenda of the Global Summit on Security planned in 2010. President Obama will, thus, try and broaden its base, which might require some reformulation of principles in order to ensure wider and more non-controversial acceptance.

Refocus on the Non-Proliferation Treaty

When President Obama chaired the Security Council debate on Nuclear Non-Proliferation and Disarmament on 24 September this year at the United Nations Security Council, he made it abundantly clear that there would now be for the United States and, hopefully, for others too, a return to NPT or at any rate to multilateral diplomacy in this regard.

The resolution adopted by the United Nations Security Council under his stewardship that day “(underlined) that the NPT remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament and for the peaceful uses of nuclear energy, and (called) upon all states parties to the NPT to cooperate so that the 2010 NPT Review Conference can successfully strengthen the treaty and set realistic and achievable targets in all the treaty’s three pillars: non-proliferation, the peaceful uses of nuclear energy and disarmament”. This is a clear recognition on the part of all members of the United Nations Security Council, including the United States, of the importance of according similar treatment to all the pillars of the NPT.

The resolution further called upon “states that are not parties to the Treaty...to join the Treaty so as to achieve its universality at an early date, and in any case, to adhere to its terms”. In order to bridge the divide in the debate between disarmament and proliferation, the resolution also called upon NPT parties “pursuant to Article VI of the Treaty, to undertake to pursue negotiations in good faith on effective measures relating to nuclear arms reduction and disarmament, and on a treaty on general and complete disarmament under strict and effective international control...”. By this it sought to respond to the complaints of the nuclear ‘have-nots’, that the ‘haves’ are only interested in preventing others from acquiring nuclear weapon capability without in any way eroding theirs.

Interestingly, the resolution sought to re-energise the sole global negotiating forum on the subject, the Geneva-based Conference on Disarmament (CD). For years, the body had been moribund, with major powers conducting negotiations outside its framework and paying only

¹⁵ Xinhua News Agency, 17 March 2006.

¹⁶ Col. Dan Smith (Ret), ‘The Proliferation Security Initiative: A Challenge too Narrow’, *Foreign Policy in Focus Policy Report*, October 2003. http://www.fpif.org/papers/prolif2003_body.html (accessed on 6 October 2009).

¹⁷ President Obama’s speech on Nuclear Proliferation *RealClearPolitics*. http://www.realclearpolitics.com/articles/2009/obama_nuclear_proliferation.html (accessed on 6 October 2009).

lip service to its agenda. However, it was now required to negotiate the ban on the production of fissile material that the bigger powers were seeking. So the United Nations Security Council “called upon the CD to negotiate a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices as soon as possible” and “welcomed the CD’s adoption by consensus of its programme of work in 2009”, a rare achievement in that body. In veiled criticism of North Korea and Iran, seen by the United States and its allies as nuclear ‘spoilers’, it “deplored in particular the current major challenges to the non-proliferation regime that the United Nations Security Council has determined to be threats to international peace and security, and (demanded) that the parties concerned comply fully with their obligations under the relevant Security council resolutions”.

Bilateral United States-Russia Agreements

Re-centring the non-proliferation debate in the United Nations, the CTBT and the CD does not mean that the significance of bilateral negotiations between the two principal protagonists, the United States and Russia, should in any way be reduced. Disarmament advocates were, therefore, heartened by President Obama’s assurances in Prague in April that the United States would seek a new strategic treaty with the Russians by the end of the year that would be “binding and sufficiently bold”.¹⁸ In the past, several bilateral treaties between the two had been reached with positive results.

These had been as follow: First, the 1972 Anti-Ballistic Missile Treaty which banned the deployment of nationwide defences against strategic ballistic missiles, but which became defunct after the United States withdrawal in 2002; second, the framework for the 1979 Strategic Arms Limitations Talks Agreement; third, the 1991 Treaty on the Reduction and Limitation of Strategic Offensive Arms (START I) which barred both countries from deploying more than 6,000 nuclear warheads on a total of 1,600 launchers; fourth, the 1993 START II which banned the use of multiple independently targetable re-entry vehicles (MIRV) on intercontinental ballistic missiles (ICBM); fifth, the 1997 START III aimed at reducing stockpiles to 2,000-2,500 warheads; and sixth, the 2002 Strategic Offensive Reduction Treaty, due to expire in 2012, limiting arsenals of both states to 1,700-2,200 warheads each. Indeed, on 6 July 2009, following bilateral talks between President Obama and the Russian President, Dmitry Medvedev, an outline agreement for a new treaty was agreed on, aiming at cutting stockpiles to below 1,700 warheads.

There was some quick follow-up action when Secretary of State Hillary Clinton travelled to Moscow in mid-October 2009 to hold talks with her Russian counterpart Sergei Lavrov. President Obama is obviously a man in a hurry. The earlier agreement on the outlines between him and Medvedev left the negotiators on both sides facing a host of technical problems in ‘resetting’ the United States-Russia relations. The Clinton-Lavrov parleys focussed on some of these problems, and at the end declared “progress on talks towards a new strategic nuclear treaty, due by the end of this year”.¹⁹

In his United Nations Security Council speech on 24 September 2009, President Obama repeated his promise made in Prague to pursue a new agreement with Russia to substantially reduce the number of strategic warheads and launchers. Since these remarks were made at a key United Nations Forum, and in the presence of the leaders of all key global players

¹⁸ Ibid.

¹⁹ Charles Clover and James Blitz, ‘US hails progress in nuclear talks with China’, *Financial Times*, 14 October 2009.

including the Russians, it is possible that the United States, along with Russia, will endeavour to weave their future agreements into an international framework rather than act purely bilaterally as in the past in order that these may have a wider demonstrative effect. Many see the recent award of the 2009 Nobel Peace Prize to Obama as a pressure for him to succeed.

The Dragon's Nuclear Teeth

The recent Chinese parade on 1 October 2009 was watched by experts for a variety of reasons. One was, of course, the efficiency and precision with which it was carried out. The second is the Chinese political statement that progress was a continuum since Mao's days. In 1949, Mao had said that the Chinese people have "stood up", and 60 years down the line Hu Jintao, clad in a Maoist suit, in itself a significant message, in a similar vein, declared that they were now "standing erect". However, what the world watched with greatest interest was the show of Chinese military, in particular, nuclear might, in other words, 'the dragon's nuclear teeth'. On spotlight display was the medium-range ballistic missile called 'Dongfeng-21' (East Wind), a two-stage solid-fuelled medium-range ballistic missile which can carry a single 500kt warhead with a range up to 1,800 kilometres. Its anti-ship version (the anti-ship ballistic missile), when operational, will be able block the United States naval vessels from entering the Taiwan Straits, which will be a "game changer", forming a part of China's "anti-access strategy".²⁰

The Chinese have other even more sophisticated weaponry up their sleeves. One of them is the newest generation of strategic missiles 'Dongfeng-31', a solid-fuelled, three-stage mobile missile with a range of 8,000 kilometres carrying a 700 kilogramme, one-megaton warhead. It will give China a major strike capability that will be difficult to counter-attack from pre-flight to terminal flight phases at any stage of its operation. The other is the even more advanced – 'Dongfeng-41' which is also a solid-fuelled ICBM with an estimated operational range of more than 15,000 kilometres and has the capability of MIRV of up to 10 warheads. It can cover any target anywhere in the planet of any potential adversary to the Chinese.²¹

It is now evident that China has secured for itself a place at the high-table of nuclear negotiations. The Chinese capabilities will most certainly need to be put on the agenda of the structured 'partnership talks' between the United States and China. India will also need to take note of the development of the strategic capabilities of China in formulating its own positions vis-à-vis global negotiations on non-proliferation and disarmament, the breakdown of which will not be in India's interests.

The Elephant's Nuclear Tusks

Although India's nuclear armoury is not at the same level in terms of power and capability as the Chinese, it is also expanding. Earlier, former President Dr Abdul Kalam Azad, led the Integrated Guided Missile Development Programme for a comprehensive range of missiles that are capable of hitting near, distant and varied targets. India is looking to becoming a 'triad' country, with nuclear capability on land, air and sea. Its 'blue water naval' aspirations received a fillip this July 2009 when it launched its first nuclear submarine.

²⁰ William Choong, 'Long Term Fear over medium-range missiles,' *Straits Times*, 2 October 2009.

²¹ China Nuclear Forces. <http://www.fas.org/nuke/guide/china/icbm/df-31.htm> (accessed on 14 October 2009).

Meanwhile, India started the process of beefing up its 'second strike' capability in real earnest. For instance, in November 2008, it tested a new generation ballistic missile, 'Shaurya', a 600-kilometre range sub-surface weapon which can be easily concealed from detection. Another acquisition was 'BrahMo', the product of a joint venture with Russia. It is the world's fastest cruise missile and can also be launched from submarines. There is an ongoing project called the Advanced Technology Vessel, costing US\$3 billion, which aims to build, for the future, five nuclear-capable submarines. It also has plans for the K-15 ballistic missiles which can be nuclear-tipped and submarine-launched. India has launched successful space rockets. If India perfects its long range guidance system, its space rocket can become an ICBM capable of reaching any part of the globe.²² India, therefore, also sees itself as deserving a place at the high-table of nuclear weapons negotiations.

Safety of Arsenals

Another worry, which was always there at the back of concerned minds, is beginning to resurface in a real way. This relates to the safety of nuclear arsenals, particularly in the new nuclear-capable state of Pakistan. It is said to have 60 to 100 nuclear warheads, and an array of missiles. Pakistani policymakers have always been asserting that there are 'layers and layers' of protection against the possible pilferage of nuclear weapons by 'irresponsible non-state actors' or terrorists, even though Islamabad reportedly turned down a United States' offer of 'Permissive Action Links', a system to further control detonation. Former National Security Advisor General Mahmud Ali Durrani made this point at a seminar at the Institute of South Asian Studies in Singapore on 19 March 2009.²³

This view was generally backed by western policymakers. The then-United States Deputy Secretary of State John Negroponte said in a testimony to the United States Congress on 7 November 2007 that he believed that Pakistan's nuclear weapons were "under effective technical control" and, thereafter, the United Kingdom Foreign Secretary David Miliband, on a television show on 15 December 2008, stated that Islamabad's nuclear weapons were "under close lock and key".²⁴

However, worries resurfaced with the audacious attack on the heart of the Pakistani military establishment, the Government Headquarters in Rawalpindi, by militants in October 2009 in what was an extremely sophisticated asymmetric guerrilla tactic, killing dozens. It again raised fears of an insurgent attack on the country's nuclear installations, said to be protected by storing warheads, detonators and missiles separately in facilities patrolled by elite troops.²⁵

The confidence was not shared by Professor Shaun Gregory of Britain's Bradford University, an expert on Pakistan's nuclear weapons. He said that, "the only thing that stands between Al-Qaeda and nuclear weapons in Pakistan is the army; it is an incredible shock that terrorists

²² 'India's Missiles: Threat and Capability' The Wisconsin Project on Nuclear Arms Control, *The Risk Report* Vol 1 No. 1 (January-February 1995) pp. 3-5. <http://www.wisconsinproject.org/countries/india/missiles.html> Accessed on 14 October 2009.

²³ Seminar by General Mahmud Ali Durrani, Former Advisor to the Prime Minister of Pakistan on National Security, on "Pakistan's War on Terror", 19 March 2009.

²⁴ Paul K. Kerr and Mary Beth Nikitin, 'Pakistan's Nuclear Weapons: Proliferation and security Issues', *Congressional Research Service*, 30 July 2009, pp. 10-11.

²⁵ Chris Brummitt and Pamela Hess, 'Attack on Pakistan's army headquarters raises fears about security of its nuclear weapons', *The Examiner*, 12 October 2009. [www.printthis.clickability.com/pt/cpt?action=cpt&title=Attack+on+Pakistan%27s+](http://www.printthis.clickability.com/pt/cpt?action=cpt&title=Attack+on+Pakistan%27s+(accessed+on+14+October+2009)) (accessed on 14 October 2009).

can strike at the heart of the general headquarters...Terrorists can mount this sort of assault against Pakistan's nuclear installations".²⁶ It is clear that safety issues must also feature in future non-proliferation and disarmament talks, for obviously there will be the need to assuage concerns.

Future Challenges

The perceived imbalance on the part of most NWS between addressing issues of non-proliferation and disarmament, that is, while emphasising the former, they have largely ignored the latter, then has been at the root of preventing progress on either front. This dichotomy, which presents a 'chicken and egg' dilemma, needs to be eliminated from the mindset of the key stakeholders. The current approach of the major players seems to point to that positive direction. There appears now to be an intellectual acceptance of the fact that there is a symbiotic relationship between the two, and there can be no forward movement on one without the other. The biggest challenge would be how to ensure that calibration in planned future discussions. It is simple logic that if some states have such weapons, thereby ensuring their ultimate security, others will also want them. Moreover, if the driver of the policy of acquisition is the quest for security, then the latter aspiration would have to be satisfied in other ways.

This brings us to the question or principle of negative security assurances (NSAs) to the NNWS. In order to encourage non-weapon states to join the NPT, the United Nations Security Council on 19 June 1968 adopted Resolution 255, pledging to act immediately in response to actual or threats of aggression with nuclear weapons against non-nuclear weapons state parties to the NPT and to provide assistance and support. Thereafter, in 1995, the language was broadened by the adoption of Resolution 984 whereby the United Nations Security Council expressed its conviction that everything must be done to avoid nuclear war, prevent the spread of such weapons, and implement Article VI of the NPT relating to disarmament. The United Nations Security Council also took formal note on that occasion of the fact that all five NWS made statements providing security assurances to NNWS members of the NPT, guaranteeing the non-use of, and non-threatening to, use nuclear weapons.

The problem today, however, is that there are states such as India and Pakistan who possess nuclear weapons, and as we have seen some very sophisticated ones (particularly India), and, more covertly, Israel and North Korea, who are themselves not members of the NPT and who have also provided no such NSAs to other countries. It is more likely that the next set of states which may be tempted to acquire nuclear weapon capabilities are those who see themselves as potential adversaries of these states (Iran vis-à-vis Israel). Thus, the challenge would also be to find a methodology to bring all concerned, within and outside the NPT, within the ambit of the NSA regime. The United Nations Security Council may be the appropriate forum to focus on this now, but eventually this will need to be formally codified in a treaty form, in a way that the temptations to nuclearise by others would be defused. There is also the problem of safeguarding the more vulnerable arsenals and the possibility of international cooperation in that regard.

The forum for discussions must be broadened. This is not to denigrate the importance of the United States-Russia bilaterals or the United Nations Security Council, which, while being

²⁶ Cited in Saeed Shah, 'If militants can hit Pakistan's military HQ, what next?', *The Globe and Mail*, 12 October 2009. <http://www.theglobeandmail.com/news/if-militants-can-hit-pakistans-military-hq-whats-n> (accessed on 14 October 2009).

able to debate and adopt mandatory and binding resolutions, still has limited membership. The burgeoning Chinese capabilities described earlier must also be entered into the calculations. The First Committee of the United Nations General Assembly in New York, which is the principal body of the United Nations mandated to discuss these issues is unable to negotiate and this can only be done by the 65-nation CD in Geneva. All testings can be capped by agreements reached at the CTBT Organisation in Vienna, working in close collaboration with the IAEA. All these bodies need to be re-activated to take calibrated action. The Department of Disarmament Affairs at the United Nations headquarters will require greater coordinating powers. Unless these steps are taken, the initiative taken at the highest levels in the United Nations Security Council will be rendered a 'one-shot event' and the impetus generated would be sadly lost. The United States leadership in the conferences planned next year to work alongside the multilateral institutions would be critical.

Ramifications for South Asia

Another big challenge for the Obama Administration and other supporters of the United Nations Security Council Resolution of 24 September 2009 would be bringing India and Pakistan in South Asia (and Israel in the Middle East) into the fold. India did not join the NPT in the past, viewing it as a "discriminatory vehicle" to promote only disarmament and has always felt that "*all* countries must give up *all* their nuclear weapons to usher in a nuclear free world".²⁷

The official reaction to the Obama initiative was swift and immediate. In a strongly-worded letter to the United States as Council President, India said it would not comply with the non-proliferation obligations to which it has not provided its sovereign consent. Additionally, it noted that India was a NWS and there was no question of joining the NPT as a NNWS. The Indian Ambassador to the United Nations said in the letter that, "India cannot accept externally-prescribed norms" that "would be contrary to India's national interests or infringe on its sovereignty".²⁸

India's Prime Minister Manmohan Singh, however, was more conciliatory. He said that, "We have been assured that the Security Council resolution is not directed at India and the United States' commitment to carry out its obligations under the Civil Nuclear Agreement that we have signed with the United States remains undiluted".²⁹ Prime Minister Singh is expected to be the first head of government to pay a state visit to the United States in November this year. Naturally he would not want the matter to adversely impact upon the visit's outcome. On the one hand, he cannot make any substantive changes to India's traditionally-stated position on the issue. On the other hand, he cannot afford a diminution of United States interest on the Civil Nuclear Agreement, on which he had invested so much of political capital. As such, both President Obama and he would have their work cut out for them with regards to the November summit. India must also keep an eye on China's rapid advance, almost unrestrained it seems, in the acquisition of more sophisticated nuclear capabilities.

Unsurprisingly, Pakistan takes a similar position. The Pakistani media, citing key sources, reported that "Islamabad's entering into the international treaty on the non-proliferation of nuclear weapons as a non-nuclear state is out of the question", echoing New Delhi's sentiments, adding, however, that Pakistan may consider signing if the world community

²⁷ *The Hindu*, 5 October 2009.

²⁸ 'India spurns Obama's NPT call', *Indian Express.com*, 8 October 2009.

²⁹ Michael Wilner, 'India Missing the Days of Bush', *Straits Times*, 4 October 2009.

recognises Islamabad as the “*fifth member*” of the atomic club (implying that Pakistan should be recognised as such, and *ahead* of India).³⁰ As yet, the government at the highest levels has not spoken about the issue.³¹

However, just as the other nuclear powers have organised a structure of bilateral deliberations to establish sets of ‘confidence building measures’ among themselves, including steps to prevent accidental-warfare, India and Pakistan will need to do the same, within or outside international frameworks. Such understandings may be underwritten by mutual friends. This would be especially important in the case of India and Pakistan, as given their geographical proximity, the warning or striking time would be very short.

Conclusion

Clearly innovative methods would have to be found to accommodate South Asia in a future non-proliferation and disarmament regime. It might very well be that the NPT crafted over four decades ago would need to be re-adjusted to respond to the realities of contemporary times where neither costs nor technology are adequate impediments.

There will also be the need to address China’s fast growing arsenal, the already-demonstrated powers of North Korea, the relevant technical advances of Iran and the sudden new-found interest in the oil-rich Gulf countries in ‘peaceful nuclear energy’.

These should be on the agenda of the summit that the United States is planning on the subject in April 2010. For this reason, the summit would require adequate preparations by the ‘sherpas’ at official levels, and should be as inclusive as possible. There the leaders could initiate action either to reformulate the NPT, or begin the work towards a new agreement for the new nuclear age, one that will accord each nation state, big or small, strong or weak, the necessary sense of security to obviate the need to acquire such deadly capabilities to protect themselves, as well as to cooperate to prevent any rogue non-state actor from such an acquisition. It would be in the interest of all to make the world a less dangerous place to live in for this and future generations yet unborn.

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³⁰ *Global Security.org*. <http://www.globalsecurity.org/wmd/library/news/pakistan/2004/pakistan-040213-irna02.htm> (accessed on 8 October 2009).

³¹ Israel had a similar position, with a senior Foreign Ministry official saying that “it is difficult to understand why there should be insistence on a treaty that has proven its inefficiency”, particularly referring to its perceived failure to curb Iranian potentials. <http://www.ynetnews.com/articles/0,7340,L-3711628,00.html> (accessed on 8 October 2009).