Non-Proliferation Regimes &
Their Implications for Pakistan
(Post Seminar Report)
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Tel : +92-51-2008125285
Fax: +92-51-9260663
Email: ddpurnres@ndu.edu.pk
Website: http://www.ndu.edu.pk
POST SEMINAR REPORT
NON-PROLIFERATION REGIMES & THEIR
IMPLICATIONS FOR PAKISTAN

General

A day long Seminar titled “Non-proliferation Regimes & their Implications for Pakistan” was held on February 9, 2012. The Seminar was organized in two sessions. During the first session, the presenters focused on “Status of Nuclear Non-Proliferation Treaty, CTBT and Informal Arrangements/Initiatives”. This session was chaired by Dr. Samar Mubarakmand. During the second session which was chaired by Dr. Moeed Pirzada, the presenters were asked to speak on, “Implications of the Non-proliferation Regimes and the International Discriminations on Deterrence Stability in South Asia”.

The Seminar was attended by over seventy scholars and practitioners from various backgrounds including Rawalpindi/Islamabad based universities, Strategic Plans Division, GHQ and faculty members of the National Defence University. Dr. Samar Mubarakmand was the Chief Guest for the occasion. The outline of the programme is attached as Annexure A.

Brief Account of the Proceedings

Inaugural Session

The proceedings of the Seminar were opened with the recitation from Holy Quran, followed by the welcome address by Lt General Agha Muhammad Umer Farooq, President
National Defence University (NDU). In his welcome address, the President NDU highlighted the importance of the year 2012, because the Conference on Disarmament (CD) is likely to move forward towards achieving some of the objectives on its agenda though with a stubborn disregard for Pakistan’s security concerns. The international community led by the US and Russia continues to focus on arms control only, using various forums including the CD; conveniently sidelining the four core disarmament issues which are: One, proposed Fissile Material Cut-off Treaty (FMCT); two, Preventing an Arms Race in Outer Space (PAROS); three, Negative Security Assurances (NSA) and General and Complete Disarmament, thus ultimately treating CD as a redundant forum.

Since the early 1970s, many ‘technology denial and control’ cartels including Nuclear Suppliers Group (NSG), Zangger Committee, Wassenaar Arrangement (WA) and Australia Group (AG), were introduced to control nuclear weapons technology. These regimes use their power selectively and often target dual use items that have legitimate applications even in civilian industry, besides a number of other mostly country specific checks and balance.

President NDU said that despite India’s blatant refusal to sign the NPT, CTBT and the FMCT, the US as a leader stands out to enter into a nuclear deal with India and facilitating NSG to open its nuclear market to her thus, helping India to modernize its nuclear as well as conventional forces. Provision of support by the US and its allies in the form of space and
Anti Ballistic Missile technologies also places India at the highest stature at the global level. India is also being helped in its bid to get UN Security Council seat which has regional as well as international implications.

Contrarily, Pakistan supported the initial drafts of the CTBT and NPT, suggested a series of regional security proposals like Nuclear Weapons Free Zone (NWFZ) in South Asia and also proposed bilateral test ban treaty to India, endorsed a US proposal for a regional five-power conference to consider non-proliferation in South Asia and also proposed Strategic Restraint Regime to freeze and reduce the nuclear and conventional weapons. On the other hand, it was India that opposed the NPT and voted against the CTBT in UN General Assembly as well. Even then we are being ostracized internationally while India is being facilitated on all fronts. However, most of this can be attributed to the dismal state of Pakistan’s economy which needs to be improved.

In his keynote speech, Dr. Samar Mubarakmand also expressed similar views and criticized the West including the US for their discriminatory approach towards Pakistan. He also emphasized that the NPT nuclear weapons states (NWS) are only interested in containing others while the ‘zero nuclear weapon’ as propagated by Obama Administration would take decades to be realized. He also highlighted the implications of the Indo-US nuclear deal and warned that close collaboration between India and the US and its allies would force Pakistan to continue improving quality and quantity of its nuclear
arsenals so as to maintain “credible minimum nuclear deterrence”. Thus, to achieve its strategic objective, Pakistan is being forced to stick to its stated position on the issues like the NPT, CTBT and the proposed FMCT. The international and the regional security environments warrant that Pakistan should continue to pursue and refine its nuclear weapons program in order to strengthen its deterrence capability because a credible option should never be surrendered.

However, Dr. Mubarakmand emphasized that even with the pursuance of the fundamental goal of protection of supreme national interests, Pakistan has a strong commitment to disarmament and non-proliferation of Weapons of Mass destruction (WMD) shown by its unilateral moratorium on nuclear testing, its nationally instituted comprehensive legislative, administrative and security measures to strengthen its export control system and safety and security mechanism. Pakistan is also informally/formally cooperating in many of the US initiatives like the Container Security Initiative (CSI) etc. Still, its nuclear program is being regularly targeted for a perceived lack of safety and security by the Western media with a barrage of baseless criticisms. An important point to note is that since 1998-1999, Iran, Libya and Pakistan are being blamed specifically for proliferating but even though twenty years have elapsed, both of the alleged recipients have not become nuclear states. The allegation of supporting North Korea is also fabricated because North
Korea uses Plutonium while Pakistan uses Uranium for enrichment.

First Session

The subject for the first session was ‘Status of Nuclear Non-Proliferation Treaty, CTBT and Informal Arrangements/ Initiatives’. This session was chaired by Dr. Samar Mubarakmand.

During the session, Air Cdre (Retd) Ghulam Mujadid was asked to speak on the historical perspective of “the NPT, the CTBT and Informal Regimes/Arrangements”. His brief presentation has been covered in succeeding paragraphs:

Pakistan is an established nuclear power and is de-facto member of global non-proliferation regime. It is incumbent upon Pakistan to increase its awareness of and participation in global non-proliferation regime confidently as a NWS. In this context, the presenter briefly covered the status of some of the most fundamental treaties, initiatives and arrangements of the non-proliferation regimes including the NPT and the CTBT.

Birth of nuclear non-proliferation regime/treaty is thought to have occurred in 1946 when the US proposed Baruch Plan, which intended to achieve supervised abolition of nuclear weapons, together with international control of nuclear research and production for peaceful purposes. On 17 October 1961, Ireland proposed first resolution at the UN forum to outlaw “further dissemination of nuclear weapons.” On 4 December 1961, the UN General Assembly unanimously approved Resolution 1665, based on Irish draft resolution and
called for negotiations to prevent the spread of nuclear weapons.

The 1962 Cuban Missile Crisis brought out apocalyptic risks and thus, in the late ’1960s negotiations started at the Eighteen Nation Disarmament Committee (forerunner of the CD). Resultantly, NPT was adopted by the UN General Assembly on 12 June 1968. The treaty entered into force on 5 March 1970 and today NPT has 190 member states; this makes it a near-universal treaty as four nuclear powers India, Israel, Pakistan and North Korea are not its members.

Some scholars consider the NPT – a treaty between ‘haves’ and ‘haves not’. The treaty imposes differentiated rights and obligations on the member states which are divided into: nuclear weapon states (NWS) and non-nuclear weapon states (NNWS). The presenter briefly explained the NPT clauses which fix responsibilities/obligations and also accords right to the member states. According to the NPT, NWS (China, France, the Russian Federation, the UK, and the US) may retain their nuclear arsenals; may not transfer nuclear weapons to any one; may not assist any NNWS to acquire, manufacture or control nuclear weapons; and commit to pursuing negotiations in good faith towards ending the nuclear arms race and achieving nuclear disarmament.

On the other hand, NNWS (defined as those states that had not detonated a nuclear device prior to January 1, 1967) must not build, acquire or possess nuclear weapons; may research, produce, and use nuclear energy for peaceful
purposes; and must accept safeguards (audits and intrusive on-site monitoring) on all of their nuclear activities and materials to verify that it is not being used for nuclear weapons. Article VI, which is considered as nuclear disarmament pillar, asks all parties "to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." This is one of the most challenging clauses of NPT. NNWS and civil society exert pressure on NWS to halt vertical proliferation. Non-adherence to this clause erodes moral, legal and normative basis of NPT.

According to the treaty, nuclear weapons deployed by US in Europe are a violation of Article I and nuclear weapons’ sharing by NATO’s European member states is a violation of Article II. Most developing countries are dissatisfied with the implementation of these clauses. Iran’s argument and rationale for its nuclear program is based on these clauses that deprive developing nations from nuclear technology is a violation of the treaty.

There is a linkage between NPT and International Atomic Energy Agency (IAEA) through Article III. IAEA establishes and administers safeguards designed to ensure that the use of nuclear energy is not for military purposes. The agency applies safeguards to relevant activities at the request of member states and applies mandatory comprehensive safeguards in
NNWS to the NPT and other international treaties. The NPT also provides some negative and positive security assurances. The positive security assurance is Resolution 255 which says that nuclear aggression against any NNWS parties would require immediate action by UN Security Council. Contrary to the positive assurance, there is a long list of negative security assurances but the same have yet not been formalized.

The other informal NPT implementing tools include the Zangger Committee, NSG, Missile Technology Control Regime (MTCR), Wassenaar Arrangement, Australia Group (AG), Proliferation Security Initiative (PSI), Global Initiative to Combat Nuclear Terrorism (GICNT) and Cooperative Threat Reduction Program (CTR). The gap in the NPT with regards to preventing non-state actors from acquiring nuclear material or technology has been filled instead, by international conventions like the convention on physical protection of nuclear material (CPPNM), UNSC Resolutions and other informal initiatives including nuclear security summit. These initiatives are called as the ‘fourth pillar’ and form the basis of global nuclear security architecture. There is yet another treaty which bans any nuclear weapon tests or any other nuclear explosions, known as the CTBT which establishes a Comprehensive Nuclear-Test-Ban-Treaty Organization (CTBTO), an implementing body of the treaty.

Besides having many formal and informal arrangements, there are serious challenges with regard to the future of nuclear non-proliferation. The NPT is open to selective,
exceptional and unilateral use and interpretation. The issue of nuclear fuel cycle has divided NPT regime between those who want limits placed on nuclear fuel cycle and those who believe curbs should be placed on ‘states of concern’ rather than on technologies. The US-India nuclear deal, which grants India special rights and privileges that many states of good standing under NPT do not enjoy, has irked many NNWS. As a Brazilian diplomat put it, “we have done everything right, the Indians, have not, but they got the better result. We are not taking on any more obligations.”

For strengthening non-proliferation, dealing with cases of suspected or proved noncompliance (like Iran), the parties to the treaty must rely on the IAEA and the Security Council. Unilateralism must be avoided. Practically every speech emphasizes importance of early entry into force of the CTBT and effective progress in implementing the “13 Steps” plan of action – but the actual progress is slow. Further, the NPT lacks nuclear security aspect. Instead creating awareness of terrorist threats, the focus is on safety and security of nuclear weapons, materials, technologies and facilities. While measures such as CTR initiatives, PSI and UNSC Resolutions 1540 and 1887 go some way to address gaps in NPT, politically motivated responses could prove dangerous.

For Pakistan, nuclear non-proliferation and nuclear disarmament are not the main issues. The peaceful use and development of nuclear technology is the real area, and Pakistan should concentrate on it. For this purpose, Pakistan
Atomic Energy Commission (PAEC) and Pakistan Nuclear Regulatory Authority (PNRA) need to be strengthened. Current status of the NPT and other arrangements is such that Pakistan, with advance nuclear technological capability, would have to be accepted in NSG. Pakistan could take stances on the CTBT and the proposed FMCT as per its national interest.

During this session, the second presenter was Dr. Zafar Nawaz Jaspal who spoke on, “CD Proceedings with Special Reference to the FMCT”. Brief summary of his presentation is explained in succeeding paragraphs:

The CD is the sole multilateral forum for disarmament negotiations. It has been in a state of deadlock for 15 years which questions the very raison d'être of this body. In 2012, the conference adopted the following agenda, which remains unchanged from previous years and contains following eight items: Cessation of the nuclear arms race and nuclear disarmament, prevention of nuclear war, including all related matters, prevention of an arms race in outer space (PAROS), effective international arrangements to assure NNWS against the use or threat of use of nuclear weapons, new types of weapons of mass destruction (WMD) and new systems of such weapons; radiological weapons, comprehensive program of disarmament, transparency in armaments, consideration and adoption of the annual report and any other report, as deemed appropriate, to the General Assembly of the United Nations.
The arms control and disarmament initiatives are the product of the regional and international strategic environment. Moreover, in the prevailing anarchical international system, sovereign states have to rely on their own self-help strategies for their survival. Therefore, an arms control and disarmament agreement/treaty, which undermines their defensive fence, is bound to be straightforwardly rejected. Moreover, in the realm of high-politics, national interest defined in terms of commercial and military context is a deterministic variable rather than an idealistic non-proliferation norm. The international treaties’ or agreements’ formation is very much based on two principles, i.e. reciprocity between sacrifices and benefits; and on principle of universality. Finally, the conventional arms control and disarmament is a prerequisite for nuclear arms control and disarmament between/among the regional and global strategic competitors.

Pakistan’s logic of its opposition to the FMCT was that the South Asian strategic environment has not been properly taken into account in the CD deliberations. Pakistan could not underplay the regional strategic environment in its nuclear non-proliferation outlook. It considers FMCT as an arms control arrangement. Philosophically speaking, arms control arrangements preserve the persisting status quo which is always in the interest of the advantaged nations in the global politics.
The presenter emphasized that currently, we are witnessing a phenomenon of space weaponization replacing the phenomenon of space militarization. The CD agenda on the other hand in 2011 has been a victim of real politick and gradual erosion of international non-proliferation regime's norms in the global politics. One fails to understand that why the stalled progress on one subject—FMCT—is viewed as detrimental for the very existence or usefulness of the CD. The 65-nations body should focus on those issues on which the members have consensus, such as nuclear disarmament. However, the principles of universality, significance of prevailing regional and international security trends should be the guiding principles in developing consensus on the CD agenda in 2012. Indeed the favoured-state-criterion or bulldozing tactics should not be opted to engineer a consensus in the CD.

**Interactive Session**

A very knowledgeable debate covering the whole scope of the nuclear non-proliferation regimes ensued in the interactive session. An argument was floated that our narrative should shift from jingoism to consensus and we should adopt a cooperative-cum-competitive approach. However, it was the idea adapted from international economy and it is difficult to be applied in nuclear politics. Still, as our potential is weak; it would lead to further isolation.
A very important question was floated as to whether any cut-off time exists to get assured self-sufficiency in nuclear domain and what about the internal threats raising questions if Pakistan was able to control its nuclear weapons. However, it was difficult to project the timeline as to when Pakistan would be ready to achieve a commensurate nuclear capability against Indian ballistic missile initiative. During the discussion it was also brought out that Pakistan’s nuclear deterrence is not because Pakistan is belligerent rather it is being maintained because of Pakistan’s security perceptions in a volatile security environment. There was also a consensus that Pakistan needs to be strong economically, to make it indispensable for NSG.

**Second Session**

The subject for the second session was “Implications of the Non-proliferation Regimes and the International Discriminations on Deterrence Stability in South Asia”. This session was chaired by Dr. Moeed Pirzada.

During the session, Air Cdre Khalid Banuri was asked to speak on “Implications of the Non-proliferation Regimes on Deterrence Stability in South Asia”. His brief presentation has been covered in succeeding paragraphs:

The different perceptions regarding non-proliferation make this Seminar very important as people are still talking of the debate on capability versus intent. The ‘standard setting arrangements’ in this connection are generally informal and not outlined in any treaty. Thus, the challenges to the non-
proliferation regime lie both within and without the regime. Pakistan needs not to give attention to the NPT because it is not legally binding in any way on us and Pakistan should see if it suits its needs before contemplating the idea to sign it.

Even in the context of the Global Initiative, Pakistan only participates in some of its activities and that too, very selectively. On the other hand, both qualitative and quantitative vertical proliferation by industrialized nations must be looked into with curiosity because of a rising trend to acquire nuclear power in the Middle East. As far as the CTBT is concerned, India is reluctant to give any bilateral assurances to Pakistan while the FMCT is by all means Pakistan-specific. Thus, if India launches its missile defence shield, Pakistan will be left with no choice but to raise its level of ‘credible minimum nuclear deterrence’. If India is allowed to join the NSG, Pakistan’s entry into this group will be jeopardized forever. The US must realize its responsibility and should not disturb or destabilize the regional balance. Unfortunately, Pakistan is being subjected to a sort of nuclear apartheid as India is being supported by at least ten countries to enter into NSG. As for Pakistan, the FMCT and CD cannot be ignored but these are not predicted to pose any serious problem against it. So we should keep our options open. We need to look towards East, however, we should not count on it. Instead, we need to strengthen our own economy and address international perceptions against us politically and diplomatically.
The presenter opined that the NWS are unwilling to disarm. There is a qualitative improvement all around. We also have challenges from non-state actors. The initiatives like PSI, CSI, NSG, and Mega Port Initiative (MPI) which lack legal aspects and are also used selectively. Additionally, like Israel and Pakistan, India does not qualify for nuclear cooperation but instead it is being given special treatment. The FMCT is Pakistan specific and a step towards nuclear non-proliferation measures. The presenter suggested that the CD should look for security of all states rather than looking at the strategic level. He also proposed that the CD must also evolve a balanced program of work taking all issues on board. He then suggested that the NSG should adopt criteria-based rather than a country-specific approach. The presenter proposed that Pakistan should remain engaged and keep its options open. Pakistan has the potential to rise economically, but for this, cheap energy is important for sustainable economic growth. At the end, the speaker suggested that it is naïve to compromise on the proposed FMCT in good faith only.

Dr. Maria Sultan was the last presenter to speak on “Indo-US Nuclear Deal – its Influence on NSG Impacting Deterrence Stability in South Asia”. Brief summary of her speech is covered in succeeding paragraphs:

India’s stated objectives about the deal are to increase the production of nuclear power generation from its present capacity of 4,000 MWe to 20,000 MWe in the next decade, to
expand and fuel its civilian nuclear power generation capacity from its current output of about 4GWe to a power output of 20GWe by 2020. She tracked the record of Indo-US nuclear deal then which was signed on 10 October, 2008.

The presenter opined that the possible rationale behind the deal could be: that the US expects that the deal would bring in $150 billion in the next decade, in which the US wants a share. Moreover, the US wishes to increase strategic ties with India and to see a viable counter-weight to the growing influence of China. The US-India nuclear deal would have implications on strategic stability as it would enable India to produce significant quantities of fissile material and nuclear weapons from un-safeguarded nuclear reactors. The deal has indirect ramifications on deterrence stability in South Asia. It would allow a significant and rapid expansion in India’s nuclear arsenals. India would be able to reprocess the spent fuel from the imported nuclear reactors and would convert it into fuel for its fast breeder reactors, which would not come under the IAEA safeguards. In addition, the NSG waiver to India has opened up the gates for nuclear market in India.

Moreover, it is discriminatory in the sense that it has bestowed India with all the benefits of a NWS without imposition of any restraining obligations. Further, IAEA safeguards would not be able to stop the flow of valuable scientific, technical information and expertise from civilian nuclear facilities to military facilities, but only the nuclear
material. It is believed that India may shift trained personnel from civilian nuclear facilities to military facilities which would result in the production of more qualitative and sophisticated nuclear warheads and delivery systems.

She also highlighted the emerging trends in South Asia where India is being promoted as a balancing power to China by the West. The West led by the US has disregarded the regional realities and also violated the international non-proliferation regime. As a result of the deal, India would make strategic reserve of its nuclear fuel because of the assured supply of fuel to the reactors, used for energy generation. The Indo-US nuclear deal and the subsequent leverage given by the NSG would definitely have negative impact on deterrence stability in South Asia.

The presenter recommended the following way forward: One, India should make some legally binding non-proliferation commitment, two, NSG should take principled stance on technology enabled states to make foundation for Global Export Control, three, gap between legality and reality have to be reduced, four, decentralization, de-emphasis on deterrence credibility by Triad development, five, regional Arms Control Agreement in South Asia, and six, energy cooperation between Nuclear Supplier States need New Gold Standard and finally, Pakistan should remain engaged with regional and individual countries.
Interactive Session

Like the first session, there was a heated discussion at the end of second session as well. It was concluded that Clausewitz’s theory would remain relevant in future as well. It was also concluded that external pressure on Pakistan has impact on its economic growth. During the course of discussion, it was concluded that Pakistan should work on nuclear fuel cycle and participate as nuclear fuel contributor. On a similar note, consensus was also achieved amongst the participants on the point that Pakistan should adopt a proactive strategy and the development of tactical nuclear weapons by Pakistan is a step in the right direction. At the end, it was concluded that good governance is important both for domestic stability as well as for dealing with the international community.

Brief Analysis

The Seminar provided an opportunity to understand the pulse of the eminent scholars and the general public with regards to the issue of International Non-proliferation Regimes and their implications on Pakistan. The entire debate remained focused on two important aspects: Concerns related to discriminatory treatment given to Pakistan vis-à-vis India; and Pakistan’s economic fragility that may have serious long term implications especially in the context of internal stability of Pakistan.

While majority of the participants were very vocal and suggested a proactive strategy to deal with the ongoing
challenges especially in the context of the proposed FMCT however, there were voices against the proposed strategy as well. The opposite opinion makers were of the view that Pakistan should remain engaged and should not become a target at the CD forum. It should take a position within the CD and protect its national interests during the course of proceedings. This group was of the view that Pakistan’s economy does not allow it to take a stand alone position; it may isolate Pakistan at other forums especially on the economic forums.

During the debate, it was concluded that Pakistan being a responsible NWS should continue to support the objectives of non-proliferation and should continue to contribute to the strengthening and further development of the international non-proliferation regime, based on the principles of non-discrimination, equal and undiminished security for all states, and equal access to peaceful uses of nuclear energy.

Nonetheless, it was highly satisfying to note that the nation seems united at least on one agenda. The participants of the Seminar expressed full support for Pakistan’s position at multilateral disarmament fora and for its principled position in the CD which must be maintained. Therefore, Pakistan’s policy makers especially those dealing with nuclear matters will have no pressure at any forum even if they are isolated. We need not to prove to be the ‘good guy’ for the world peace. We should not be the only contributor towards non-
proliferation. Instead we should let others take lead only to be followed by us in return.

Conclusions and Recommendations

- Sustainable economic growth is vital for Pakistan’s domestic as well as external security.
- Pakistan’s nuclear program is a vital element of its national security therefore; Pakistan will have to stick to its stated position on the issues like the NPT, the CTBT, and the proposed FMCT.
- Pakistan should continue to pursue and refine its nuclear weapon program in order to strengthen its deterrence capability because a credible option should never be surrendered.
- Pakistan must concentrate on peaceful use and development of nuclear technology which is very important for its socio-economic development. In order to achieve the broad objective of energy security, PAEC and PNRA must be strengthened.
- Because of its experience and expertise, Pakistan is well placed for international partnership in the peaceful uses of nuclear energy as a part of nuclear fuel supplier group. In this regard, Pakistan should explore avenues of cooperation with other countries having safeguarded civil nuclear programs.
- Some critical international perceptions are politically motivated while others are due to misperception. Therefore, Pakistan should remain internationally
engaged to correct these perceptions while keeping its options open.

- The NSG should adopt a “Criteria-Based” rather than a country-specific approach.
- For strengthening non-proliferation, unilateralism must be avoided and the parties to the treaty must rely on the IAEA and the Security Council.
- The principle of universality, significance of prevailing regional and international security trends should be the guiding principles in developing consensus on the CD agenda of 2012.
- The CD must evolve a balanced program of work taking all core issues on board.
- The CD must remain relevant being the most suited forum to deal with nuclear and other security related issues.
- Conventional arms control and disarmament is a pre-requisite for nuclear arms control and disarmament between and among the regional and global strategic competitors.
- India should make some legally binding non-proliferation commitment.
- NSG should take principled stance on technology enabled states to make foundation for the Global Export Control.
- Gaps between legality and reality have to be reduced.
Regional Arms Control Agreement in South Asia and finally, energy cooperation between Nuclear Supplier States need a new gold standard.
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**Annexure A**

**PROGRAMME**

**NONPROLIFERATION REGIMES AND THEIR IMPLICATIONS FOR PAKISTAN**

(9th February, 2012)
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