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PROGRAMME FOR PROMOTING NUCLEAR NON-PROLIFERATION [PPNN]**SOUTH ASIA, NUCLEAR ENERGY AND NUCLEAR NON-PROLIFERATION**

A PPNN International Workshop, Tourmaline/Topaz Hotel, Kandy, Sri Lanka,
November 5-7 1993

RAPPORTEUR'S SUBSTANTIVE REPORT**Introduction**

The following ideas have been distilled from two days of discussions in Kandy around three main themes: the evolving global context within which the South Asian nuclear issue is now situated; the nature and challenges to stability and security within the region; and the nature of the evolving global non-proliferation regime, the impact of developments in South Asia upon this regime and the impact of developments in the global regime upon South Asia. What follows is not intended to be a verbatim record or report of the meeting: rather it seeks to highlight the significant issues that in the judgement of the rapporteur were raised by some of the discussions.

South Asia: The Evolving Context.

The end of the Cold War has removed the main driving force from the process of nuclear arming, and is leading most, if not all, the nuclear weapon states to question the role that nuclear weapons can play in the new world. Questions which previously were not asked, as the answer seemed self-evident, are now becoming legitimate subjects for discussion. For the Cold War provided a certain logic and rationale to the possession of nuclear weapons. But has their perceived military utility now been reduced to close to zero? Is the only possible role a political one? Should there now be movement towards de-legitimation of nuclear weapons, linked to the creation of a residual nuclear capability provided collectively by the five nuclear weapon states through the UN as a hedge against nuclear break-out? How would such an initiative be implemented? And would it prove impractical because of the difficulties of taking collective decisions?

Although intentions change, capabilities remain. The motivation a state may have for first acquiring a nuclear weapon capability may over a period of decades become irrelevant, but for domestic and other reasons dismantling its arsenal may only be feasible if perceptions exist of significant and time-limited economic and security benefits. The key to encouraging movement in both overt nuclear weapon states and those with nuclear programmes not subject to full-scope IAEA safeguards may lie in identifying possible differences between these two points, and accepting openly, that weapons were acquired because of the situation prevailing at a certain point in history: a situation that may now have ended. For nuclear weapons and nuclear deterrence are not ends in themselves, however, but means to the end of enhancing state security. The same applies to non-proliferation and disarmament policies.

The structure of the post-Cold War world is open to two different characterizations. While there is general agreement that the end of the Cold War has ushered out the bipolar world, views differ as to whether the present situation should be characterized as unipolar or multipolar. It can be argued that if the US itself is not actively seeking to be the 'unipole', and is not acting in such a manner, the world cannot be unipolar. However, concerns that it can now use its position to exert overwhelming leverage over individual states, and is the dominant influence on UN action, tend to make other states act as though the world is structured in this manner. In contrast to this view, the end of the Cold War also appears to have released a flood of internal instabilities, ethnic tensions and border disputes which the United States has little ability or will to influence or control. These have been perceived to usher in an era of multipolarity; have reduced predictability in international affairs; and (through inadequate response) risked reducing confidence in existing collective security mechanisms. However, all is not negative: there are areas where the post-Cold War era has produced clear progress towards more stable arrangements has been made.

Differing views exist on whether the end of the Cold War has had a significant effect on non-proliferation in South Asia. On the one hand, it can be argued that since the US and former USSR had for some time been acting to dampen nuclear competition in South Asia, the end of the Cold War did not fundamentally change its external environment. On the other hand, the loosening of USSR-India and US-Pakistan ties has deprived India and Pakistan of their well-established conduits for conventional military assistance and capabilities, and

arguably may have opened them to greater international pressures not to proliferate. It may even have pushed them towards embarking on the CBMs that both have discussed and implemented, although alternatively these may be a local response to increasing nuclearization.

Divergent views appear to exist over whether there has been an improvement in the internal dynamics of the security situation in South Asia, which might lead to a reduction in the need to retain any type of nuclear weapon option. One view appears to be that post-Cold War pressures have not touched South Asia, and a regional 'arms race' still continues. Another, more persuasive and optimistic, view cites reductions in military budgets and confidence building measures between India and China and between India and Pakistan (no attack on nuclear facilities, hotline, warning on troop movements in border areas) as evidence of improvement in relations. When the fact that India and Pakistan have not fought a war for over two decades (despite tensions in Kashmir), plus an alleged wider questioning in the region of the utility of war and the costs of maintaining existing capabilities, is also taken into account, it may well be argued that the security situation in the region is becoming more stable, and the risks of major war are lessening. Indeed, exaggerated pessimism by outsiders might be self-fulfilling.

The existence of regional initiatives to defuse security concerns raises the issue of whether global policies to combat nuclear proliferation have any relevance to, or impact upon, South Asia. Yet through the existence of a series of interlocking groups of geographically-related states, South Asian problems are inextricably linked in a structural manner to issues beyond the region. A perception that India's conventional capability threatens it leads Pakistan to see nuclear capabilities as necessary for its security and to push for South Asian solutions to its overall security problems. India's disinclination to view its conventional or nuclear capabilities as threatening Pakistan, while seeing its own capacity as a response to China's nuclear weapons, leaves India insisting on more global approaches to the regional situation. If China's refusal to see its weapons as having a deterrent role, and thus as neither relevant to nor threatening India, is blended into this situation, the scope for a regional solution appears limited unless China chooses to implement measures of nuclear disarmament. Such measures might involve its participation in nuclear-weapon free zones (NWFZ) covering some of its territory, or in a multilateral disarmament process involving all five nuclear weapon states. But while regional 'solutions' may need to be legitimized by the involvement and endorsement of extra-regional states, approaches that provide a solution for a region can never be imposed from outside. In addition, they must be tailored to respond to the specific security concerns of the countries involved if they are to have any chance of lasting success.

In such a situation, the most effective strategy for enhancing security and stability in South Asia remains unclear. In particular, it is uncertain whether the best approach may be to deal with security issues first on a bilateral basis and then on a multilateral regional one, and/or whether what should be aimed at is a stabilisation of the situation through methods such as 'constructive ambiguity', in the hope that this might provide a platform from which solutions might eventually emerge.

Challenges to Security and Stability within South Asia

The states of South Asia are engaged in a process of state-building, and their principal security concerns often involve ethnic and minority conflicts, rather than interstate disputes. This raises the immediate question of whether the nuclear situation is intimately related to these issues of state building or has acquired a dynamic of its own and is increasingly divorced from these more central matters. If the latter is true, then the nuclear programmes of India and Pakistan should increasingly be subject to self-regulation as resources are diverted to more immediately relevant tasks. Failing this, what appears to be necessary is a process of confidence building, which will transform the enmity generated by inter-state war into co-operative development of economic resources. Such CBMs will initially have to concentrate on preventing the outbreak of hostilities, but then might move on to more positive tasks.

Several proposals have been made over the last decade for the creation and implementation of CBMs within

the region, and particularly between India and Pakistan. Among those developed and implemented have been hot lines and border liaison arrangements. Further CBMs, proposed but not implemented, have included:

- * exchanges of relevant information on a regional basis, including measures to enhance transparency of nuclear programmes, such as reciprocal visits to nuclear facilities;
- * collaboration on methods of detecting nuclear explosions; and,
- * co-operation in the peaceful uses of nuclear energy and the exploitation of nuclear energy sources.

Many of the proposals advanced have also provided a method of partial recognition of the nuclear weapon potential and status of India and Pakistan, and on these grounds have been viewed unfavourably by states outside the region. Such proposals have included commitments not to use their nuclear [weapon] "capability" against a variety of hypothetical targets, in order to neutralise a perceived situation of non-weaponised deterrence.

Several proposals have also been made, but few implemented, to enhance confidence between China and India. One suggestion has been that China might reinforce its assumption that it poses no nuclear threat to its Southern neighbours the two states declaring areas adjacent to their common borders free of nuclear and other weapons. Another CBM might be for China to supply LEU for India's Tarapur power station, and to engage in collaboration with India in the development of light-water reactors. One key issue in both pairs of bi-lateral relationships appears to be whether functional CBMs should precede political agreements, or whether the process should start with high level agreements and work down to practical arrangements, i.e. whether the process should be bottom-up or top-down.

Global measures to address the problem of nuclear weaponry may also have a significant impact on the South Asian situation. The two most obvious measures in this category are a Comprehensive Test Ban Treaty (CTBT) and a fissile material cut-off. All the indications are that India, Pakistan and China will sign and ratify a CTBT once it has been negotiated. In part, this is because the current international norm against nuclear proliferation has become so strong that it is unthinkable for any non-nuclear weapon state to explode a nuclear device and not suffer significant negative consequences. There is clearly pressure for defining a nuclear explosion in such a treaty in a manner which would cover other aspects of nuclear weapon development. But since these would not be easily detectable such a move might be unwise. One important aspect of a CTBT is that it would be a step in de-legitimizing nuclear weapons, as well as destroying one possible path by which a non-nuclear weapon state could undermine the whole basis of the NPT.

A fissionable material cut-off implies that all material not allocated to military use in all states party to the agreement would be placed under IAEA safeguards. It would also involve the closing down of all dedicated fissile material production plants in the nuclear weapon states, thus leaving all remaining nuclear facilities in those states and in all others open to safeguarding by the IAEA. All plutonium and high enriched uranium manufactured subsequent to the cut-off would then be covered by IAEA safeguards. Such a cut-off might also be considered as a step towards accounting for, and disposing of, the existing stocks of fissile materials that are allocated to weapons use. This would be particularly significant as a means of bringing under IAEA safeguards materials from weapons dismantled in the US and Russia.

South Asia and Nuclear Proliferation: Options for Reinforcement of the Global Non-Proliferation Regime

South Asia presents significant problems for the nuclear non-proliferation regime. On the one hand, the fact that India and Pakistan are not parties to the NPT, and have fissile materials and nuclear production facilities

not covered by IAEA safeguards, threatens the universalisation of the regime. In addition, should they declare themselves to be nuclear-weapon states, they would create a category of states outside those envisaged in the NPT. At the same time, agreement among the Nuclear Suppliers Group (NSG) on Full Scope Safeguards (FSS) as a condition of supply has placed these states at a significant disadvantage if they are seeking to develop further their nuclear power-generating capacity.

The nuclear non-proliferation regime is now multi-faceted and is very different from the one which existed in 1970 when the NPT entered into force. The Treaty has over 160 parties, and is thus near universal, but a decision has to be taken in 1995 on its further duration.

Several measures have in the past been negotiated to reinforce the nuclear non-proliferation regime. One has been the creation of NWFZs. These remain important non-proliferation measures. What are the prospects and problems of implementing one or more NWFZs in a region such as South Asia? Complications arise from the need to define the region for which the NWFZ is to be negotiated. Can a method be found to overcome this problem, or should all attempts at implementing NWFZ's in the region be abandoned?

Another reinforcement measure would be the provision of strengthened security assurances to non-nuclear weapon states. These have been conceived in the past as two separate commitments, negative and positive security assurances. In the aftermath of the Cold War, it should be possible to consider greatly enhancing both types of security assurance. Alternatively, should the two types of security assurance be combined into one, to be implemented through the UN Security Council? But if there is a move in 1995 to expand the UN Security Council, would the new members wish to be associated with the language of such an enhanced role for the Council, and presumably be prepared to use conventional weaponry to assist in the implementation of these security assurances? Above all, what are the significance of such assurances to the states of the region other than China? (During the negotiation of UN Security Council Resolution 255, in 1968, only 10 members voted in favour) And would any type of additional assurance persuade India and Pakistan to abandon their positions of nuclear ambiguity?

The NPT regime has also been under pressure from attempts to ensure the compliance of its non-nuclear weapon state parties with IAEA/NPT safeguards. Attempts have so far failed to obtain the necessary compliance in respect of North Korea's obligations under IAEA INFCIRC/153 safeguards. In March 1993, North Korea stated its intention to withdraw from the NPT, but in June that withdrawal was suspended and it remains so. What options remain to ensure that North Korea's obligations are upheld?

The most propitious avenue may be dialogue with North Korea to ensure that it rescinds the decision to withdraw from the Treaty. Is there a key role to be played by certain states such as China, South Korea, Japan or the United States to facilitate such a dialogue? Or is there a need to utilise an independent mechanism to search for a solution? For example, might the good offices of the UN Secretary-General be used? And if diplomacy ultimately fails, what other options are available? Should the IAEA suspend North Korea from the IAEA under Article 19 (b) of the IAEA Statute? Should sanctions or even more stringent methods to enforce compliance be contemplated?

Apparent acquiescence with the DPRK's intransigence raises a number of serious questions concerning the future credibility of the non-proliferation regime. How important is it that North Korea remains in the NPT? Should the entire edifice of the regime be compromised by making concessions to a party that threatens to withdraw? What measures are available should North Korea hold its withdrawal in abeyance indefinitely? And to what extent will the NPT be weakened if it remains non-compliant over IAEA safeguards yet remains party to the Treaty, in the absence of any mechanism to suspend or expel it?

Nuclear export controls have served a useful function in slowing the acquisition of nuclear weapon capabilities and are recognized as an essential component of a robust non-proliferation regime. However, there is a concern that Article IV has not been fully implemented and that export controls are being used

as technology denial strategies in the North-South context. What measures might be undertaken to reduce concerns of perceived technology denial? How can suppliers and recipients of technology achieve a consensus on supply issues? As both the Committee on Assurances of Supply (CAS) and the UN Conference on the Peaceful Uses of Nuclear Energy (PUNE) are now moribund, is there a need and would it be productive to establish a new informal 'supplier-recipient' forum so that a dialogue on relevant export control guidelines can occur, along the lines of recent initiatives in COCOM? Alternatively, might recipient countries internalize the existing supplier guidelines into their own domestic legislation?

One issue of particular relevance to the South Asian region is the need to establish an early dialogue between parties and non-parties to the NPT, beginning with the next PrepCom meeting for the 1995 NPT Conference in January 1994. This will be required to take a decision on whether non-parties should be invited as observers to the full range of discussions over NPT extension. Early indications are that such a dialogue may prove unrewarding, however, unless a solid foundation for a fair and equitable exchange of ideas can be agreed.

The 1995 NPT conference has the task of deciding on the further duration of the Treaty. Three options for extension exist: indefinite; fixed period; fixed periods. There are presently two alternative options which are gaining acceptance: indefinite extension; and extension for a limited period in the first instance. But if there is a need to maintain leverage over the NWS, should the preferred option be extension for a further 25 years with Review Conferences every 5 years and a further extension conference at the end of the period, even though this option is not explicitly stated in the Treaty language? If a consensus among the parties emerged on this option, could such a decision be taken? One major substantive issue is the minimal conditions to ensure a lengthy extension of the Treaty? For example, what would be the requirement relating to a CTBT: signature by 1995, or would intent to negotiate a Treaty by 1996 be sufficient?

It is now generally accepted that amendment or revision of the NPT in 1995 is impossible. The open question is whether any replacement treaty would offer advantages over the existing one and have the same degree of universal support? Another such question is whether it would be more or less possible to move towards de-legitimation of nuclear weapons with or without the existence of a robust NPT. The view that such de-legitimation would be easier without an NPT underestimates the successes of the Treaty in preventing the spread of nuclear weapons. It also ignores the positive pressures other than those emanating from the need to extend the Treaty in 1995, such as economic constraints, that are moving states towards such de-legitimation. The collapse of the Treaty would almost certainly move nuclear weapon states in the opposite direction.

Is there a need for a new Nuclear Weapons Convention (NWC) to establish a Comprehensive Non-Proliferation regime in the light of the perceived failures of the NPT? Or should the current strategy of negotiating collateral measures supportive of the NPT be pursued instead? Steps that might be taken to achieve such a goal, using either strategy, would probably have to include:

- Elimination of non-strategic nuclear weapons
- Elimination of nuclear weapons at sea
- Elimination of long-range delivery systems to achieve Zero Ballistic Missiles
- An Agreement to limit the capabilities of Strike aircraft
- A Universal Fissile Material Cut-Off
- A CTBT
- A No-First-Use Agreement
- An Agreement on non-use of nuclear weapons
- Enhancing strategic stability by reducing offensive conventional forces and adopting a doctrine of non-offensive defence
- An International Plutonium Management scheme to deal with the increasing stockpiles of fissile materials

In addition, the following regional measures might enhance South Asian security.

- Negotiation of a joint declaration of intent not to make or acquire nuclear weapons
- Implementation of an open skies proposal.

Conclusions

In April 1993, at the PPNN meeting in Harare, the main impression left upon those from outside Africa attending its regional conference on Africa and Nuclear Non-Proliferation was of the profound changes taking place within the Southern African regional political and security scene. The momentous step by decision-makers in South Africa to end Apartheid had radically altered both the political and economic context in Southern Africa, leading their neighbours to adjust rapidly to the changed situation. One significant impetus for the change in South Africa had been the ending of the Cold War and the realisation that military and economic support would no longer be forthcoming for states in the region from external sources. Military intervention in the region by the global superpowers, the US and former USSR, was increasingly unthinkable, and economic assistance from these states was equally unlikely. Analysts and officials from the region perceived a need to respond positively and on a regionally collaborative basis to the radically transformed international environment, as the alternative was to stand alone in both economically and in security terms. More fundamentally perhaps, South Africa had concluded that the nuclear devices it had constructed in the 1980s as a result of a perceived superpower threat were irrelevant to its security needs, and had decided to dismantle them.

By the autumn of 1993, the impact of the end of the East-West conflict, and thus the support that regional states could draw from it, had even become apparent in the Middle East, with the PLO and Israel starting the first uneasy steps towards regional accommodation.

By contrast, the predominant impression left by the Workshop in South Asia was not the extent of regional change, but the speed at which the security capabilities and thinking of the former East-West adversaries are evolving. This East-West revolution contrasts markedly with the static positions which have been sustained over security questions by the principal states of the South Asian region. It confronts the observer logically with three questions:

- * at what stage will the states of the region be forced to modify their positions, in response to the rapid change in security thinking of the existing nuclear weapon-states and their allies?
- * to what extent may lack of change in thinking, and even adverse developments in the South Asian region, affect the evolution of the post-Cold War global security system, especially one moving in the direction of the de-legitimization of nuclear weapons?
- * what are the possibilities that the leaders of India and Pakistan will make the type of courageous political leap made in Southern Africa and the Middle East and by their example reinforce, and actively participate in, the global revolution in security thinking and actions?

The apparent failure of the key states of the region to adjust their nuclear and security policies in response to external changes raises significant questions about the origins of the development of the unsafeguarded elements of their nuclear energy programmes. It rather suggests that the prime motivation for sustaining these positions is no longer the existence of a covert nuclear arms race, or core concerns over conventional and nuclear security, but may be related more to psychological factors, political prestige - and an age-old situation of bureaucratic and political inertia.

Further complicating matters is the existence of an often contradictory series of inter-linked sets of relationships both within and outside of the area. In particular, the regional nuclear situation appears to be significantly affected by the bilateral Indo/Pakistan relationship, a bilateral India/China or trilateral India/China/Pakistan relationship and by the global nuclear non-proliferation regime. In these circumstances,

three types of activity could offer possible channels to change the situation:

- * unilateral action by the states involved;
- * regional arrangements; and
- * global regime building.

The inability to adapt to a radically changed international environment may be a product of the many contradictory forces creating an impasse. In particular, those states which have invested heavily in ambiguous nuclear capabilities appear to be seeking some recognition of their nuclear status before contemplating relinquishing, as well as positive economic and other benefits. By contrast, the global nuclear non-proliferation regime is likely to be undermined by recognising such a status and by apparently rewarding those who have gained from it, and thus its adherents and supporters are not likely to be forthcoming in this matter.

Given that nuclear non-proliferation has now become a prime security concern within the post-Cold War international system, it appears that it will only be a matter of time before increasing pressure is brought to bear upon the states of South Asia to follow a similar path to South Africa. The problem appears to be how to allow these states to do this without generating domestic hostility and loss of influence, and to encourage them along this path by a series of sticks and carrots in the security and economic fields, while still refusing to recognise their ambiguous nuclear status in any formal manner. The problems that such recognition would cause for the existing non-proliferation regime are profound and unacceptable, as has been highlighted by the attempts of Ukraine to create for itself a formal "temporary" nuclear-weapon status.

What may be necessary in these circumstances is an initiative which **will be perceived by states with ambiguous nuclear programmes**, but not necessarily others, to possess three key attributes:

- * offer some recognition of their special nuclear situation;
- * provide for collective involvement with the nuclear-weapon states and others in tackling problems of common concern, such as nuclear weaponry, security and economic development; and,
- * furnish a means of overcoming the problem of how to define the South Asian region.

One possible option would be to contemplate convening a multi-power nuclear security conference or commission as a sub-group of an enlarged Conference on Disarmament. Such a conference or commission could address in both the global and regional contexts such questions as the de-legitimation of nuclear weapons, security assurances, fissile material cut-offs, open skies proposals and co-operation in nuclear energy production. In this manner the ambiguous nuclear weapon states could be given a new, exclusive political forum which would offer them the ability to participate constructively in the creation of new collaborative institutions, while at the same time the initiative would not threaten the basis of the existing nuclear non-proliferation regime.

John Simpson

22 December 1993