

# Comparative Analysis of India-Pakistan Proliferation Contours

Dr. Zafar Nawaz Jaspal<sup>□</sup>

## Abstract

*India and Pakistan are not party to the NPT, but they are acting in accordance with its norms/principles. They have refrained from exporting equipment, materials or technology that could be used in the manufacturing of nuclear weapons. Currently, they are observing a moratorium on nuclear weapons tests, but have conveyed unwillingness to join CTBT and FMCT negotiations at the CD. Since 2016, they have been struggling for the full membership of the NSG. Islamabad was the advocator of creating NWFZ and currently supports the nuclear restraint regime in South Asia. India has been adopting apathetic attitude towards Pakistan's restraint proposals.*

**Keywords:** Nuclear Non-Proliferation Treaty, Nuclear Supplier Group, Conference on Disarmament, India, Pakistan, South Asia, Technology.

## Introduction

India and Pakistan have been receiving immense attention in the current international nuclear discourse. Although they are not members of the Nuclear Non-Proliferation Treaty (NPT) and Nuclear Supplier Group (NSG), yet New Delhi and Islamabad officially proclaim that they act in accordance with the norms/principles of nuclear non-proliferation regime. Moreover, both states have actively been participating in the Conference on Disarmament (CD) sessions in Geneva, Switzerland. The participation in the processes of CD manifests India and Pakistan's realization about the significance of arms control, disarmament and nuclear proliferation for the international security. However, both states'

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<sup>□</sup> The writer is Associate Professor at the School of Politics and International Relations, Quaid-i-Azam University Islamabad, Pakistan.

policies are not in conformity with the CD agenda. Pakistan continues to deny consensus on start of FMCT negotiations; and India has laid down linkage to nuclear disarmament with regard to start of any negotiations; and in May 1996 India denied consensus on the adoption of the Comprehensive Test Ban Treaty.

Since the establishment of International Atomic Energy Agency (IAEA), both India and Pakistan have been members of the Agency. They have been profiting from its objective to promote peaceful use of nuclear technology. Both India and Pakistan adhere to the IAEA's facility specific safeguards. The Agency's record verifies Islamabad's claim that it has not violated the IAEA's safeguards system. New Delhi, however, sporadically deviated from its commitments with the IAEA. "It was first employed to reprocess Canadian-Indian Reactor US (CIRUS) spent fuel and from 1982-1986 it reprocessed safeguarded fuel from the Rajasthan Atomic Power Station."<sup>1</sup> It indicates that it had transferred the spent fuel of the safeguarded reactor to the military facility for manufacturing of weapon grade plutonium. India's 1974 test explosion "demonstrated that peaceful nuclear technology transferred for peaceful purposes could be misused."<sup>2</sup>

Ironically, the Indian and Western analysts malign Pakistan in the international media by publicizing that it is involved in nuclear weapons proliferation.<sup>3</sup> Admittedly, one of Pakistan's leading nuclear scientists,

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<sup>1</sup> Mansoor Ahmed, "India's Nuclear Exceptionalism," *Discussion Paper* (Cambridge, MA: Project on Managing the Atom, Belfer Center for Science and International Affairs, Harvard Kennedy School, May 2017), p. 29

<sup>2</sup> Quoted in Daryl G. Kimball, "NSG Membership Proposal Would Undermine Nonproliferation," *Arms Control Association*, December 21, 2016. <https://www.armscontrol.org/blog/ArmsControlNow/2016-12-21/NSG-Membership-Proposal-Would-Undermine-Nonproliferation>, accessed on October 20, 2017.

<sup>3</sup> "India seeks probe into nuclear proliferation links between Pakistan, North Korea," *The Hindu*, September 19, 2017. <http://www.thehindu.com/news/international/india-seeks-probe-into-nuclear-proliferation-links-between-pakistan-north-korea/article19713804.ece>, see also Con Coughlin, "The Saudis are ready to go nuclear," *The Telegraph*, June 8, 2015. <http://www.telegraph.co.uk/news/worldnews/middleeast/saudi-arabia/11658338/The-Saudis-are-ready-to-go-nuclear.html>, accessed on October 29, 2017.

Dr. Abdul Qadeer Khan was accused of being associated with the transnational underworld nuclear network. It was involved in nuclear technology and material trafficking. As soon as this network was unearthed; the government of Pakistan publically reprimanded Dr. Khan for his illegal connection with the network. He was punished and put under house arrest. C. Collins, D. Frantz pointed out: “Khan was pardoned by the Pakistani government and remains outside the reach of the International Atomic Energy Agency and other interested parties. Similarly, prosecutions of others suspected of involvement in the network in Germany, Malaysia, South Africa and elsewhere were hampered by competing national interests and disputes between governments. Finally, the attempt by Switzerland to prosecute three of its citizens accused of helping Khan has been undermined by the destruction of evidence in response to what a Swiss parliamentary commission identified as pressure from the United States.”<sup>4</sup> Instead of appreciating Pakistan’s quick and strict action against Dr. Khan, the Western analysts unleashed propaganda against the country.

Importantly, many analysts miscalculated India’s nuclear intentions from the outset. Stephen P. Cohen wrote: “Nehru was strongly opposed to an Indian nuclear weapons program, although he did not foreclose the possibility of the ‘option’ strategy. His closest confidant and advisor, V.K. Krishna Menon, was even more anti-bomb.”<sup>5</sup> They were misled by Indian official statements, which advocated and supported nuclear disarmament. On October 28, 2016, D.B. Venkatesh Varma stated: “India attaches the highest priority to nuclear disarmament and shares with the co-sponsors the widely felt frustration that the international community

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<sup>4</sup> C. Collins, D. Frantz, “Fallout from the AQ Khan Network and the Clash of National Interests,”

<https://www.iaea.org/safeguards/symposium/2010/Documents/PapersRepository/2012749789382198030766.pdf>, accessed on May 02, 2018

<sup>5</sup> Stephen P. Cohen, “Nuclear Weapons and Conflict in South Asia,” Article, Brookings, November 23, 1998. <https://www.brookings.edu/articles/nuclear-weapons-and-conflict-in-south-asia/>, accessed on October 29, 2017.

has not been able to take forward multilateral nuclear disarmament negotiations.”<sup>6</sup> At the international forums, New Delhi gives impression the in the aftermath of its nuclear weapon tests in May 1998, that it has revamped its nuclear policy and became adherent of arms control. For instance, “India’s resolutions in this very forum [CD] reflect this concern and the need to take effective legal measures to prohibit the use of nuclear weapons as well as other measures to reduce the salience of nuclear weapons.”<sup>7</sup> The critical review of India’s nuclear history reveals that it was neither in favor of nuclear disarmament nor supporter of nuclear arms control. Precisely, the nuclear analysts failed to judge accurately the hypocritical policy statements of the shrewd Indian ruling elite.

The critics fail to realize that Pakistan was a reluctant nuclear weapon state. It had sincerely advocated for the establishment of a Nuclear Weapon Free Zone (NWFZ) in South Asia. However, India’s nuclear explosion on May 18, 1974, transformed the regional strategic environment. Despite India’s advanced nuclear weapons program, Islamabad recommended many times various options for restraining nuclear proliferation in the region. Nevertheless, India’s nuclear arsenal advances obliged Pakistan to revamp its nuclear policy to produce fissile material for nuclear weapons and manufacture indigenous nuclear capable ballistic and cruise missiles. Importantly, despite the shift in its nuclear policy, it did not violate any of its commitments with the nuclear nonproliferation regime.

The erroneous understanding of New Delhi and Islamabad’s proliferation record; the discriminatory approach of American-led Western countries towards Pakistan’s civilian nuclear program; and

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<sup>6</sup> Statement delivered by Ambassador D.B. VenkateshVarma, Permanent Representative of India to the CD, October 28, 2016. <https://pminewyork.org/adminpart/uploadpdf/11897Eov%20on%20L.41.pdf>, accessed on October 29, 2017.

<sup>7</sup>Ibid.

above all the preferential treatment to India by evading the NPT's article IV and NSG's guidelines, since 2008, compels for a comparative analysis on track *record* of India and Pakistan in the area of *proliferation*.

This study aims at critically examining the Indo-Pakistan nuclear behavior to answer three interlinked questions. How do India and Pakistan behave distinctly toward the nuclear non-proliferation regime? How Pakistan's non-proliferation record seems better and than that of India's? What is these states policy towards arms control and disarmament? The study contains five sections. The first section contains Pakistani and Indian approach towards IAEA's safeguards. It is followed by the second part that discusses engagement of both Islamabad and New Delhi with the technological cartels. The third section contains discussion on arms control and disarmaments treaties and stances of India and Pakistan. The fourth section discusses the fate of nuclear restraint regime proposal in South Asia. The fifth section debates Pakistan and India nuclear safety and security related policies.

### **International Atomic Energy Agency**

The United States legislation of Atomic Energy Act of 1954 had allowed the transfer of nuclear technology and material for peaceful purposes. The probability of nuclear weapons proliferation as a by-product of nuclear cooperation for the promotion of peaceful use of nuclear technology under bilateral as well as multilateral arrangements resulted in the establishment of IAEA in 1957. The Agency promotes the peaceful use of atomic energy and also ensures the nuclear recipient states should not misuse the nuclear energy assistance for their military purposes. IAEA is an important international institution, which facilitates the peaceful use of nuclear technology and concurrently implements safeguards to prevent the diversion of nuclear materials and technology for military purposes.

NPT's entry into force, in March 1970, further increased the responsibility of the IAEA's safeguards mechanism. It was entrusted to ensure that non-nuclear weapon states members of NPT should not use their nuclear programs for military purposes. It introduced a monitoring mechanism—safeguards on the recipient states' nuclear facilities—to avoid the diversion of nuclear material from peaceful use of nuclear facility to military facility. This process was further strengthened with the establishment of NSG in 1975, which introduced the comprehensive IAEA's safeguards system for the Non-Nuclear Weapon States (NNWS) that desire to receive nuclear technology and material for peaceful use.

Pakistan has always acted as a responsible member of the IAEA. It has refrained from misusing its nuclear facilities, which have been operating under the safeguards of the Agency. Conversely, New Delhi openly violated its commitment with the IAEA in 1974 by diverting nuclear spent fuel from its CIRUS reactor to manufacture nuclear devices. The international community has ignored New Delhi's defiance of the IAEA's safeguards. Presently, the developed states, including Japan, Russian Federation etc. are cooperating with India, which implicitly boosts its nuclear weapons capability. But these States severely object to Pakistan's pursuit for peaceful use of nuclear energy, and also China's assistance to Pakistan in the construction of nuclear power plants and transfer of nuclear reactors under the IAEA's safeguards at Chasma and Karachi for power generation. This discriminatory approach not only undermines Pakistan's interest but is also detrimental for the credibility of the nuclear non-proliferation regime.

### **Technological Cartels**

The multilateral export control cartels play a significant role in preventing the nuclear proliferation. However, the lack of legal legitimacy undermines their performance. In reality, they are mere technological cartels because they do not hold legal legitimacy and formal structure like

the institutional stature of the IAEA and NPT. Moreover, these cartels adopt discriminatory policies towards recipient states. For instance, the NSG's comprehensive IAEA safeguards apparatus was dented in 2008 due to its parties' consensual ratification of India specific amendment clause on the behest of United States.<sup>8</sup> On September 6, 2008, the 45 members of NSG agreed in Vienna to exempt NPT holdout India from its guidelines that required comprehensive IAEA's safeguards as a condition of nuclear trade. NSG waiver would not only facilitate several foreign firms to supply sophisticated nuclear technology to India having declared eight unsupervised thermal power reactors,<sup>9</sup> but had also rolled back three decades of nuclear trade restrictions on India. Nuclear analysts have concluded that the Indo-US nuclear deal would improve Indian nuclear infrastructure, which will have positive impact on the Indian nuclear weapons program. Daryl G. Kimball opined that "nuclear fuel sales to India for Indian power reactors may marginally help increase India's energy output, but at the same time it will free up India's limited domestic uranium supplies to be used exclusively for bomb-making."<sup>10</sup> Thus, New Delhi continues to produce fissile material and expand its nuclear arsenal. Moreover, India's immunity sets a precedent that opens a door to facilitate nuclear trade between nuclear suppliers and recipient

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<sup>8</sup> According to the original/previous NSG nuclear trade guidelines, to be eligible for importing Part I items from an NSG member the recipient state must have comprehensive IAEA safeguards covering all its nuclear activities and facilities. The IAEA safeguards measures, such as inspections and remote monitoring, are supposed to deter and detect misuses of civilian nuclear facilities and materials to build nuclear weapons. In the case of Part II goods, IAEA safeguards are only required for the specific nuclear activity or facility that the imported material is destined for.

<sup>9</sup> The NSG statement (released in September 2008) Article 2, Clause 1& 2 accepted the New Delhi's safeguards agreement agreed with IAEA on August 1, 2008. Agreement between the Government of India and the IAEA for the Application of Safeguards to Civilian Nuclear Facilities reveals that India would separate civilian nuclear facilities in a phased manner and to file a declaration regarding its civilian nuclear facilities with the IAEA, in accordance with its Separation Plan (circulated as INFCIRC/731).

<sup>10</sup> Daryl G. Kimball, "Text, Analysis, and Response to NSG: Statement on Civil Nuclear Cooperation with India," (September 6, 2008) <http://www.armscontrol.org/node/3340>.

states without paying serious attention towards the IAEA's comprehensive safeguards mechanism.

India and Pakistan formally initiated the bid for the full membership of the NSG in May 2016. Even after extensive deliberation, the members of the NSG could not achieve consensus on the application of both the states in its plenary meeting held at Seoul, South Korea, in June 2016.<sup>11</sup> The denial of membership to both states confirmed that the NSG members did not behold either India or Pakistan as responsible nuclear weapon states (NWS) for global nuclear trade. Ironically, a few members of the NSG, including United States<sup>12</sup>, demonstrated a biased approach towards Pakistan. It was reported, "The United States has said India meets missile technology control regime requirements and is ready for entry into the exclusive club."<sup>13</sup> They were keen to endorse India's bid for full membership of NSG despite the fact that New Delhi disregarded the IAEA's safeguards. On May 18, 1974, India conducted nuclear explosion, for which it diverted nuclear fuel from Canadian research reactor, supplied for peaceful purposes. Thus, India is the first country to divert peaceful nuclear resources for manufacturing nuclear devices.

Ironically, the United States and likeminded members of the NSG have been ignoring the basis of the creation of this Group. The Indian nuclear explosion on May 18, 1974, was the reason for the creation of NSG to reinforce the nuclear export control mechanism. Since then, the NSG has played an important role in preventing horizontal nuclear weapons proliferation. Nevertheless, it lost its credibility in September 2008, when its members introduced an India specific amendment clause

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<sup>11</sup>Zafar Nawaz Jaspal, "India-Pakistan Candidacy for NSG," *Journal of Security and Strategic Analyses*, Vol. 2, No. 1, Summer 2016.

<sup>12</sup>Daryl G. Kimball, "NSG Membership Proposal Would Undermine Nonproliferation".

<sup>13</sup>"U.S. overrides objections of Pakistan and China, says India ready for NSG membership," *The Hindu*, May 14, 2016. <http://www.thehindu.com/news/international/U.S.-overrides-objections-of-Pakistan-and-China-says-India-ready-for-NSG-membership/article14319309.ece>, accessed on October 29, 2017.



in the NSG guidelines on the behest of United States. By virtue of this amendment, the NSG opened up global trade with India in nuclear technology and material, without demanding or ensuring comprehensive IAEA's safeguards on the Indian nuclear facilities. This selective approach has weakened the case of nuclear abolitionists or those who were lobbying that India, Pakistan and Israel should become party to the NPT as non-nuclear weapon states like South Africa, Ukraine, Belarus and Kazakhstan.

India's missile program has evolved after many years of clandestine research and development. Indian scientists acquired specialized missile know-how from dual-use space technology, under the pretext of its peaceful application. The available literature on the subject reveals that thousands of Indian scientists remained engaged in fusing the foreign and domestic research and components for the development of strategic and tactical missiles in India. Consequently, today, Indian scientists are developing and conducting successful test of their ballistic and cruise missiles. Despite the claims of the Indian scientific bureaucracy that they are manufacturing missiles indigenously, many analysts believe that the Indian missiles program is very much dependent on the equipment supplied by France, Germany, Russian Federation, United Kingdom and United States.

India secured the full membership of the Missile Technology Control Regime (MTCR) in 2016.<sup>14</sup> The MTCR is a west-dominated cartel of 34 countries, which controls trade in missile and space technology.<sup>15</sup> The cartel was established in 1987. Since then, the members of the MTCR have been maintaining a firm control over trade in missile and rocket

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<sup>14</sup> "India joins Missile Technology Control Regime as a full member," *Hindustan Times*, June 27, 2016. <http://www.hindustantimes.com/india-news/india-joins-missile-technology-control-regime-as-a-full-member/story-MW7ZbbyxaoJtw9zCQCO9sM.html>, accessed on October 9, 2017.

<sup>15</sup> "The Missile Technology Control Regime at a Glance," *Arms Control Today*, July 2017. <https://www.armscontrol.org/factsheets/mtrc>, accessed on October 8, 2017.

components. Hence, the membership of the MTCR would be having a productive effect on India's space and missile programs. It is because, being a member of missile club, New Delhi is having access to sophisticated missile technology. Moreover, MTCR membership allows India to export its own space and missile technology to countries that comply with the regime.<sup>16</sup>

India and Israel announced the development of medium range surface-to-air missile (MR-SAM) system for the Indian Army. The missile has a range of 50-70 km. The missile is designed to defend against any type of airborne threat including aircraft, helicopters, anti-ship missiles, and UAVs as well as cruise missiles and combat jets within the range of 50-70 km. On February 22, 2017, India's Cabinet Committee on Security, a government body headed by Indian Prime Minister Narendra Modi and responsible for military procurements, approved 17,000-crore (\$ 2.5 billion) MR-SAM deal with Israel.<sup>17</sup>

### **Arms Control & Disarmament Treaties**

NPT, Comprehensive Nuclear Test Ban Treaty (CTBT) and Fissile Material Cutoff Treaty (FMCT) are important initiatives of the nuclear non-proliferation propagators. Since its entry into force, the NPT had successfully prevented horizontal proliferation of nuclear weapons, but failed to prevent the vertical proliferation. The Treaty has failed to accomplish its disarmament objective due to its non-specific executing language of Article-VI. Secondly, the steady advances of nuclear weapon states arsenals and the vitality of nuclear deterrence capability in the making of defense strategy of the Great Powers not only obstruct the implementation of Article-VI of the NPT, but also encourage the security

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<sup>16</sup> Dr. Zafar Nawaz Jaspal, "Indo-Israel Missile Deal," *Pakistan Observer*, March 2, 2017.

<sup>17</sup> "India clears Rs 17,000 cr missile deal with Israel," *The Hindu-Business Line*, February 24, 2017. <http://www.thehindubusinessline.com/economy/policy/india-clears-rs-17000-cr-missile-deal-with-israel/article9559107.ece>. Accessed on October 8, 2017.

conscious states either to develop their indigenous nuclear weapons or secure the positive security guarantees from the nuclear weapon states.

NPT has failed to attract India and Pakistan for different reasons, although both states participated in the negotiations of NPT draft discussions. Since the entry into force of the NPT, both states have maintained different policies on the Treaty. India declared the Treaty as discriminatory that divides the world into nuclear ‘haves’ and ‘have-nots’. Although, Pakistan refrained from joining the NPT, yet it did not reject the Treaty in totality. For instance, it proposed India simultaneous adherence to the NPT and acceptance of the IAEA’s full scope safeguards. “In 1978 it proposed to India a joint Indo-Pakistan declaration renouncing the acquisition and manufacture of nuclear weapons and in the same year also proposed mutual inspections by India and Pakistan of nuclear facilities, simultaneous acceptance of full-scope IAEA safeguards.”<sup>18</sup> India simply rejected all these proposals. If India had accepted these proposals of Pakistan, certainly South Asia could be free from nuclear weapons.

In response to India and Pakistan nuclear weapons tests, the UN Security Council unanimously passed resolution 1172 on June 6, 1998, to “condemn their nuclear tests,”<sup>19</sup> and called on Pakistan and India to cease further production of fissile material for nuclear weapons and urged other states not to supply technology or material that could assist them to develop nuclear weapons. It specifically called for India and Pakistan:

Immediately, to stop their nuclear weapon development programs, to refrain from weaponization or from the

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<sup>18</sup> Rizwana Abbasi, “Why the NPT needs a makeover,” *Dawn, Sunday Magazine*, June 14, 2015.

<sup>19</sup> UN Security Council, ‘Resolution 1172’, adopted on 6 June 1998; the text of the resolution is available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N98/158/60/PDF/N9815860.pdf?OpenElement>, accessed on September 9, 2017.

deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons, to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them and to undertake appropriate commitments in that regard.<sup>20</sup>

Pakistan and India, while maintaining that they would not be party to the NPT as a non-nuclear weapon state, have partially complied with the UNSC Resolution 1172. Both states refrained from exporting equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them. Despite respecting the norms of NPT on the nuclear weapons and peaceful use of nuclear technology prescribed in Article, I, III, IV, Islamabad maintains that Pakistan shall not sign the Treaty.

India and Pakistan are members of the Partial Test Ban Treaty (PTBT). They have, however, espoused different positions on the CTBT. India, despite being one of the original originators of the struggle for the constitution of CTBT,<sup>21</sup> refused to sign the Treaty in September 1996. New Delhi had earlier enthusiastically participated in the negotiations for writing the CTBT draft from 1994 to 1996. Pakistan took part in the CTBT negotiations and made useful contributions in drafting the Treaty.<sup>22</sup> It has maintained a very positive approach towards the CTBT, especially after the nuclear weapon tests in May 1998. Prime Minister Nawaz Sharif, while addressing the 53rd session of the United Nations General

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<sup>20</sup> Ibid.

<sup>21</sup> On July 12, 1956, New Delhi placed a proposal before the UN Disarmament Commission for "Cessation of All Explosions of Nuclear and Other Weapons of Mass Destruction."

<sup>22</sup> Muhammad Sadiq, "International Non-Proliferation Regime: Pakistan and Indian perspective," *IPRI Journal XIII*, no. 1 (Winter 2013): 13-36, 24.

Assembly on September 23, 1998, stated that, “Pakistan has consistently supported the conclusion of a CTBT for over 30 years...in a nuclearized South Asia; CTBT would have relevance if Pakistan and India are both parties to the Treaty. However, Pakistan's adherence to the Treaty will take place only in conditions free from coercion or pressure.”<sup>23</sup> Currently, Islamabad maintains a clear position on the Treaty. It is supporting the CTBT-related resolutions in the United Nations General Assembly, and also maintains that it ‘will not be the first in its region to resume nuclear testing.’<sup>24</sup>

The Indian nuclear bureaucracy signaled about the probability of thermonuclear test in the near future. In August 2009, the Indian scientist K. Santhanam, who was director of test site preparations for India’s 1998 nuclear tests, claimed that ‘one of the tests—on a hydrogen bomb—had not worked, and that India would have to carry out more tests for a credible nuclear deterrent’.<sup>25</sup> P.K. Iyengar, former head of India’s Atomic Energy Commission, also confirmed the fizzling-out problem with the thermonuclear test. On 28 August 2009, Iyengar stated that he had made it clear in 2002 that India’s nuclear tests were ‘inconclusive and ambiguous’. Perhaps, the nuclear scientists are the only individuals qualified to judge and declare that a nuclear device test is up to the mark. If scientists dispute or question the validity of a weapon test, it becomes essential to conduct subsequent perfecting tests of the weapon’s ammunition and design.<sup>26</sup>

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<sup>23</sup> Rabia Akhtar, “Should Pakistan Sign the CTBT?” *IPCS*, August 24, 2009. <http://www.ipcs.org/article/pakistan/should-pakistan-sign-the-ctbt-2955.html>.

<sup>24</sup> “Pakistan and United States Discuss Security, Strategic Stability, and Nonproliferation Issues,” June 3, 2015. <http://mofa.gov.pk/pr-details.php?mm=Mjg0OA>, accessed on September 11, 2017.

<sup>25</sup> Sanjoy Majumder, “India nuclear test ‘‘did not work’’”, *BBC News*, Delhi, 27 August 2009, available at: <http://news.bbc.co.uk/2/hi/8225540.stm>. Accessed on August 7, 2011.

<sup>26</sup> Zafar Nawaz Jaspal, “Towards Nuclear Zero in South Asia: Realistic Narrative.” *Irish Studies in International Affairs*, Vol. 22, 2011, pp. 75-97.

India did not confer a legally binding commitment to pursue nuclear disarmament in reciprocity to the waiver of the NSG. Though, New Delhi made promises to respect and honor the principles of nuclear nonproliferation regime, yet it remains averse to signing CTBT and is also distancing from itself FMCT negotiations at the CD. India's history of violating its peaceful nuclear use agreements to build nuclear weapons provide little confidence in India's promises regarding the nuclear arms control, especially if the consequences of non-compliance are not made clear by India's potential nuclear supplier states.

Pakistan has participated in the FMCT negotiations despite its reservations with regard to fair play, non-discrimination and a comprehensive approach. Nevertheless, it has adopted a firm stance on the constitution of FMCT at the CD. Islamabad 'underlined its preference for a broader Fissile Material Treaty (FMT) that addresses the asymmetries in existing stocks and highlighted that Pakistan's position on FMT will be determined by its national security interests and the objectives of strategic stability in South Asia'.<sup>27</sup>

The critical review of the US nonproliferation policy reveals that the double standards and discriminatory approaches of the United States and its likeminded states has hardened Pakistan's stance on the FMCT at the CD, which is viewed by many analysts as a perilous act of Islamabad for nuclear arms control and disarmament. Islamabad has resented Washington's endeavors to make India a party to the multilateral export control regimes. On August 4, 2011, Ambassador Zamir Akram, while presenting Pakistan's official stance on FMCT, pointed out that his country was not living in a vacuum. It, therefore, had not to take into account its strategic environment while entering into the negotiations of a treaty at the international forum. He stated, "from Pakistan's

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<sup>27</sup> "Pakistan and United States Discuss Security, Strategic Stability, and Nonproliferation Issues," June 3, 2015. <http://mofa.gov.pk/pr-details.php?mm=Mjg0OA>, accessed on September 11, 2017.

perspective, the discriminatory policies relating to nuclear cooperation pursued by major powers was creating insecurity and imbalances and Pakistan had been compelled to take a stand against nuclear exceptionalism, selectivity and discrimination.”<sup>28</sup> Islamabad has been maintaining a logical stance on the FMCT at the CD.

### **Nuclear Restraint in South Asia**

Since 1972, Pakistan has been endeavoring to prevent South Asia from nuclear cataclysm. In the beginning, it was an ardent supporter of establishing Nuclear Weapon Free Zone (NWFZ) in South Asia. In response to India’s so-called peaceful nuclear explosion on May 18, 1974, Pakistan tabled a resolution in the United Nations General Assembly calling for the establishment of a NWFZ in South Asia in December 1974. India, however, opposed the proposal. Despite India’s denial approach towards regional non-proliferation initiatives, Pakistan had proposed many proposals to prevent the nuclearization of South Asia. For instance, in 1987, Islamabad proposed to New Delhi a bilateral or regional nuclear test ban treaty. The former also proposed a South Asia Zero-Missile Zone in 1994.<sup>29</sup> Nevertheless, India vetoed these proposals because they obstruct India’s “Great Power” quests.<sup>30</sup>

India’s nuclear weapons tests on May 11 and 13, 1998 brought a shift in Pakistan’s nuclear policy. It conducted nuclear weapons tests on May 28 and 30, 1998 to restore the strategic equilibrium with its adversary.

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<sup>28</sup> “Main points of Ambassador’s statement at the CD Plenary,” August 4, 2011. <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/media/F5B92FD08F291108C12578E80038C7D2/file/1231Pakistan.pdf>, accessed on October 29, 2017.

<sup>29</sup> Feroz Hassan Khan, “Pakistan’s Perspective on the Global Elimination of the Nuclear Weapons,” in Barry Blechman, *Pakistan and Israel* (Washington DC: The Henry L. Stimson Center, 2009), 25-26.

<sup>30</sup> Muhammad Sadiq, “International Non-Proliferation Regime: Pakistan and Indian perspective,”

Secondly, it replaced its NWFZ in South Asia demand with Nuclear Restraint Regime in South Asia.

On September 26, 2009, the Pakistan Foreign Office spokesman restated:

Islamabad had a comprehensive approach to restraint regime based on three points: nuclear restraint in the light of the Pakistan-India situation, conventional imbalances should be corrected, and disputes, including that on Kashmir, should be resolved so that the risk of an arms race could be minimized.<sup>31</sup>

### **Assessing Nuclear Safety and Security Record of India and Pakistan**

India and Pakistan's advanced nuclear programs necessitate the establishment of a robust safety and security national apparatuses to prevent nuclear and radiological terrorism. Pakistan assigned great importance to the safety and security of nuclear materials, nuclear facilities and nuclear weapons. Islamabad has not only indigenously institutionalized safety and security system but also has continuously been upgrading it with the assistance of neutral international institutions. In March 2016, Islamabad ratified an important nuclear security accord—a 2005 amendment to the Convention on Physical Protection of Nuclear Material (CPPNM). It requires states party to it to provide appropriate physical protection of nuclear materials on their own territory. Today, its export controls are consistent with those being implemented by the NSG, MTCR, and the Australia Group. Moreover, the international community has acclaimed its Export Control Act of 2004.

Islamabad had actively participated in the four Nuclear Security Summits (NSS) with a sense of objectivity. During the first three NSS, the Prime Ministers of Pakistan led their delegations in the Summit. Premier

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<sup>31</sup>“Resolution on nuclear disarmament welcomed”, *Dawn*, 27 September 27, 2009.



Nawaz Sharif announced to lead Pakistani delegation to participate in the fourth NSS.<sup>32</sup> Unfortunately, due to terrorist attacks in Lahore on March 27, 2016, he cancelled his planned visit to the United States to attend the Nuclear Security Summit. Consequently, Tariq Fatemi, Special Assistant to the Prime Minister of Pakistan led the delegation to the fourth Nuclear Security Summit. Importantly, Pakistan's engagement with the NSS process was guided by four key principles: first, the NSS should not lead to new or parallel mechanisms; rather, it should help strengthen the existing arrangements. Second, the NSS should not put any additional obligations on the participating countries. Third, the NSS should maintain focus on the civil-nuclear fuel cycle, without venturing into weapons programs, which remain the sovereign prerogative of all nuclear weapon states. Fourth, NSS-related commitments, as agreed by participating states in the form of communiqués and other outcome documents, would remain voluntary in nature and be guided by the states' domestic and international obligations.

The fourth and final Nuclear Security Summit was held in Washington D.C. on March 31 and April 1, 2016. Nuclear Security Summit 2016 communiqué stated: "The threat of nuclear and radiological terrorism remains one of the greatest challenges to international security, and the threat is constantly evolving."<sup>33</sup> Although the issues discussed in the fourth NSS were broad based and not country specific, yet Pakistan received proportionately greater attention in the international media. The encouraging fact was that many international organizations, including IAEA, and reputed American think tanks, in their published

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<sup>32</sup> The Obama Administration had a series of Nuclear Security Summits that began in Washington in 2010 and concluded, again in Washington, in 2016. The second and third Nuclear Security Summits held in Seoul and The Hague respectively.

<sup>33</sup> "Nuclear Security Summit 2016 Communiqué," *The White House, Office of the Press Secretary*, April 1, 2016. <https://obamawhitehouse.archives.gov/the-press-office/2016/04/01/nuclear-security-summit-2016-communicu%C3%A9>, accessed on October 29, 2017.

reports during the preceding weeks of 2016 NSS acknowledged the practical efforts of Pakistan to ensure the safety and security of its nuclear material and facilities.<sup>34</sup> During the 2016 NSS, Islamabad effectively highlighted its credible nuclear material and facility safety and security record and demanded for the end of the discriminatory NSG restraints on nuclear equipment and technology transfers to Pakistan. Tariq Fatemi stated in the NSS that “Pakistan has strong credentials to become a member of the Nuclear Suppliers Group and other multilateral export control regimes, on non-discriminatory basis.”<sup>35</sup> It is because of the fact that Pakistan maintains a comprehensive, safe, secure and effective nuclear program.

Islamabad regularly participates in the international forums to cooperate with the international community to impede the threat of nuclear and radiological terrorism. Consequently, Pakistan’s nuclear installations are very much secure. It was reported that the IAEA has recorded 2,734 nuclear incidents worldwide, including five in India, but “not a single accident or breach happened in Pakistan.”<sup>36</sup> Similarly, the Harvard Kennedy School Report released on March 21, 2016, revealed that: “US officials have reportedly ranked Indian nuclear security measures as weaker than those of Pakistan and Russia.”<sup>37</sup> The report concluded that Pakistan’s nuclear security arrangements were stronger than India.

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<sup>34</sup> NTI’s 2016 Nuclear Security Index Report. See also “India ranks below Pakistan in n-security index,” *The Hindu*, November 12, 2016. <http://www.thehindu.com/news/national/India-ranks-below-Pakistan-in-n-security-index/article11491126.ece>, assessed on May 03, 2018.

<sup>35</sup> “Have strong credentials to become NSG member: Pak,” *The Tribune*, April 3, 2016. <http://www.tribuneindia.com/news/world/have-strong-credentials-to-become-nsg-member-pak/217132.html>, accessed on October 9, 2017.

<sup>36</sup> Anwar Iqbal, “Pakistan’s nukes no cause of concern: official,” *Dawn*, April 1, 2016.

<sup>37</sup> Matthew Bunn, Martin B. Malin, Nickolas Roth, and William H. Tobey, *Preventing Nuclear Terrorism: Continuous Improvement or Dangerous Decline?* (Cambridge, MA: Project on Managing the Atom, Belfer Center for Science and International Affairs, Harvard Kennedy School, March 2016), p. 50.

Pakistan maintains that international security is a shared responsibility and thereby a global consensus is imperative for an effective enforceable system for securing nuclear materials to protect the world from the dangers of nuclear and radiological terrorism. The participants rightly pronounced in the NSS 2016 Communiqué that “Countering nuclear and radiological terrorism demands international cooperation, including sharing of information in accordance with States’ national laws and procedures. International cooperation can contribute to a more inclusive, coordinated, sustainable, and robust global nuclear security architecture for the common benefit and security of all.”<sup>38</sup> Unlike New Delhi, Islamabad always advocates that instead of “discriminatory approach” in the nuclear realm, “universal approach” shall be adopted in engaging the sovereign nations to ensure the safety and security of nuclear material and facilities.

Pakistan endorsed and is a party to three important contemporary conventions and agreements that reflect basic requirements of safe, secure, and socially responsible peaceful nuclear energy programs of the state. They are:

1. The Convention on Nuclear Safety (as amended);
2. The Convention on the Physical Protection of Nuclear Material (as amended); and
3. The conventions on early notification of nuclear incidents and mutual assistance in such cases.

## **Conclusion**

The preceding discussion manifests that India and Pakistan have failed to negotiate and execute a bilateral arms control agreement or treaty, which would prevent a nuclear arms race and decrease the mistrust between them. In South Asia, arms control propagators have been

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<sup>38</sup>“Nuclear Security Summit 2016 Communiqué”.

frustrated due to India's rejection of Pakistan's Nuclear Restraint Regime proposal. Both states have been continuously producing fissile materials for weapons, increasing their nuclear weapons stockpiles and augmenting their weapons production facilities, as well as increasing their dual capable delivery vehicles—steps that enable both quantitative and qualitative improvements in their nuclear arsenals.

India has done serious harm to the nuclear non-proliferation regime by introducing nuclear weapons in South Asia and by setting a precedent in violating IAEA's safeguards agreement. Moreover, it did not fulfill its commitments, which it agreed to secure the NSG waiver in 2008. Conversely, Pakistan has not violated its agreements with the IAEA. Despite, the discriminatory behavior of NSG members, Islamabad has refrained from the transfer of nuclear technology and material to other states. To conclude, India's role in the realm of proliferation is pessimistic and perilous, whereas Pakistan has done its best to act responsibly and maintain cooperative and constructive proliferation policy.