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Essay:

Towards a Nuclear Free Zone in South Asia

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I. Introduction

> "Trying to revert to the status quo ante in South Asia is about as realistic as demanding an immediate timetabled framework for the elimination of all nuclear weapons. Just as weapons that have been invented cannot be 'disinvented', so too that which has been tested may be detested, but cannot be de-tested."[1]

Referring to this quotation, it has to be realised that nuclear weapons can not be de-tested. But theoretically, they could be destroyed. Ramesh Thakur, Vice Rector (Peace and Governance) of the United Nations University, Tokyo, declares any proposed timetable about the elimination of nuclear weapons in South Asia as unrealistic.

There is definitely a big amount of truth in Mr. Thakur's opinion. But simply relying on this statement would be the end of every vision about a Nuclear Free World. In the same essay, Mr. Thakur claims that once the USA would work towards nuclear disarmament, a chain reaction would occur. First, Russia would join, later China, continued by Nations like Britain, France, and last but not least, India and Pakistan.[2]

This paper turns around Mr. Thakur's thesis. A possible establishment of a NWFZ in South Asia will be discussed, which not only enhances security in South Asia, but also will positively influence other nuclear powers. The main thesis is that a NWFZ in South Asia is not as unlikely as the general opinion assumes. At least, it is more realistic than a multilateral agreement on global nuclear abolition. Thus, concrete steps for bilateral nuclear disarmament will be suggested in order to achieve the nuclear free status of South Asia.

After giving a short overview about the dilemma India and Pakistan were heading towards while demonstrating their nuclear capability, the nuclear policies and the nuclear stockpiles of the two nations will be analysed in order to gather data. In the next step, the existing START I and II Treaties between the USA and Russia will be reviewed. These are the first treaties on the reduction of nuclear arms between two nuclear weapon states. Finally, ideas for a similar treaty between India and Pakistan will be outlined. And in the *Appendix 2*, these ideas are formulated in the form and language of international treaties.

Analysing newspaper articles is the most important method used here, because the dynamic of the conflict accelerates permanently. In addition, primary documents as well as secondary literature will be considered in order to provide a credible proposal for nuclear disarmament in the "World's most dangerous region".[3]

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[1] Thakur (2000), p. 28.
[2] See Thakur (2000), pp. 34-36.
[3] Bill Clinton allocated South Asia this status before his trip to India, Pakistan and Bangladesh in March 2000.

II. A short survey of the nuclear danger in South Asia

By reviewing a book on NWFZs in the 21st century, published by the UNIDIP in 1997[4], one important question should be taken notice of. This book consists of twenty essays on existing and foreseeable NWFZs. It seems that every region is represented, so that the book could be perceived as the presentation of a Nuclear Free World. But taking a closer look reveals the missing of some regions. One of these missing regions is of particular interest, namely South Asia.

In his speech at this year's annual meeting of the UNGA, Kofi Annan, Secretary General of the United Nations, referred to four regions in the world which are a severe threat to the world security at present. Last, but not least, he recalls South Asia by saying:

> "And finally, in South Asia the world has recently come closer than for many years past to a direct conflict between two countries with nuclear capability. The situation may now have calmed a little, but it remains perilous.[5]

The reason that South Asia is so important to discuss about is that there still is a danger of a nuclear war between India and Pakistan and thus a serious threat to world security, since a nuclear war would be exploding the limits of the previous conflict. Before the nuclear tests were conducted on the Indian Subcontinent in 1998, there was hardly any interest for the India-Pakistan conflict. Only few agendas within the frame of International Organisations consisted of it. But the nuclear tests finally made the conflict to be a major issue, since the security in South Asia worsened dramatically.[6] Especially during the Kargil crisis in 1999, the entire world community noticed with great concern that the first direct face off between two nuclear powers after the Cuba crisis 1962 had arisen.[7] Although in the opinion of many authors a nuclear show down will not occur due to the foreseeable disaster,[8] it is uncertain whether leaders of India and Pakistan will refrain from a future war, which could definitely be of nuclear quality[9]. Negotiations regarding the "India-Pakistan question", as called by the UN, were declined, while the language between the two nuclear powers becomes more and more acrimonious. Several statements show the danger evolved due to

[4] Gasparini and Cipollone (1997).
[5] Annan (2002).
[6] A good overview of the „open nuclearisation", as it is called in some literature, is in Kreft (2000), pp. 14 and Ahmed (1999), pp. 192.
[7] See Synnott (2000), p. 39.
[8] See Mantzke (2000), p. 105 and Joeck (1997), p. 44.
[9] In fact, the Indian Prime Minister Vajpayee did not rule out a nuclear war in his speech in front of the UNGA at this year's annual meeting. His words are quite alarming: "In our South Asian region, nuclear blackmail has emerged over the last few months as a new arrow in the quiver of State-sponsored terrorism. Dark threats were held out that actions by India to stamp out cross-border terrorism could provoke a nuclear war." The entire document can be accessed through the webpage of the Indian Embassy in Washington D.C., USA: http://www.indianembassy.org/pm/pm_sept_13_2002.htm [27.09.2002].

nuclear armament. For instance, Mr. Gul, the former head of Pakistan's secret service ISI, said: "India has two alternatives. To either negotiate Kashmir or to risk a nuclear war"[10]. This statement does not need to be commented any further.

At present, there are series of bomb attacks and violence in both countries, committed by suspected religious extremists. Both country leaders blame the other government to be involved in these attacks. Since there has not been any contact between higher officials of both sides after the Indian Parliament was attacked on 13th December 2001, the final answer to the India-Pakistan question from each side could be an attack on the territory of the other, regardless of the supposed following chain reaction. This scenario illustrates the urgent need for negotiations between India and Pakistan on nuclear disarmament in order to prevent any use of nuclear weapons.

Several efforts have been undertaken in recent years for a solution of the conflict between India and Pakistan without achieving any crucial success. Bilaterally, leaders of India and Pakistan met in either of the countries or at international conferences. Some examples should be given here. In 1999, the Indian Prime Minister Atal Behari Vajpayee proceeded within the occasion of the inauguration of the first bus service between India and Pakistan to Lahore and held direct talks with Nawaz Sharif, at that time Pakistan's elected Prime Minister. But at the same time, Pakistan's soldiers were intruding into Kargil[11] and supported a proxy war against India. Two years later, Pakistan's Military Ruler Musharraf visited Agra, India in order to work towards a settlement of the Kashmir conflict[12], the heart core of India-Pakistan disputes. At the annual meeting of the SAARC in Nepal in the beginning of this year, Musharraf, who had in between become Pakistan's President, and Indian Prime Minister Vajpayee shook hands in the limelight of the Media, although no direct talks were held. Both leaders now avoid any direct contact, as they also did at the annual UNGA this year, which in fact could be an appropriate opportunity to resume talks.

As said before, the situation is seriously deteriorating after the Indian Parliament was attacked by suspected Muslim extremists. Along the India-Pakistan border, troops of both armies were heavily increased to a total number of more than one million, causing new mistrust between India and Pakistan and making clear the immense danger of this conflict.

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[10] Gul (2001), p. 14.

[11] The Pakistani side denies any involvement of their regular soldiers during the Kargil crisis. But some evidence is found in an interview with Pervez Musharraf, at that time head of Pakistan's Army. He said: „That took them [Pakistani troops] across [the Line of Control] to make sure that we had our eyes and ears open before any Indian action takes place on the Line of Control." See Kazmin, (1999). The Line of Control divides the Indian and Pakistani part of Kashmir. It is not the official border, although some voices appear and recommend to turn the Line of Control to the official border and solve the Kashmir conflict.

[12] It is not the goal of this paper to further discuss the Kashmir conflict. For a very elaborated overview about Kashmir History, see Schofield (2000).

"Now, that the nuclear genie has escaped the bottle in South Asia, an arms control regime […] may offer the best hope of containing the genie's reach"[13]. This statement shows the need for a mutual strategic arms control between the two "enemy brother states"[14] India and Pakistan, especially by reassessing the dimension the India-Pakistan conflict has reached after partition in 1947. Pakistan, remaining an instable country and not capable of keeping command of its own nuclear weapons, is hard to be trusted upon any nuclear arms control. That's why it is assumed that the USA committed pressure on Pakistan in terms of nuclear arms control.[15]

And even in India, voices appear to use nuclear weapons against the arch enemy Pakistan. India always claims to have control on its nuclear weapons, but what happens once Vajpayee is ousted and the hard-liners of the ruling BJP seek power? The best prevention against the use of nuclear weapons is to get rid of them. So, there is no alternative to nuclear disarmament.

There were some efforts to establish mutual transparency on each others nuclear facilities. The PAANIF agreement[16], which came into force in 1991, is a bilateral accord not to attack each other's nuclear facilities. Although Art. 2 of the PAANIF Agreement schedules an annual exchange of information on their respective nuclear facilities to the other side, there is no information about the capacity of the nuclear weapons existing in each country. None of the countries has established any information transparency in their nuclear weapon arsenal. Any wrong action can cause a nuclear war, which will affect the world beyond South-Asia.

[13] Ganguly (1999), p. 177.
[14] Wieck (2000), p. 44.
[15] Pakistan seems to have already handed over the control of its nuclear stockpile to the USA, who unofficially is very engaged in Pakistani arms control in order to prevent nuclear proliferation. India seems to be informed about this, as the Indian Defence Minister Fernandes admitted in an Interview. Ramindar Singh has written an essay on this question. Refer to Singh (2002). This essay is available in an online version: http://www.prospect.org/print/V13/1/singh-r.html [22.10.2002].
[16] The entire document can be accessed through the webpage of the Indian Embassy in Washington D.C., USA: http://www.indianembassy.org/South_Asia/Pakistan/Prohibition_Attack_Nuclear_Dec_31_1988.html [27.09.2002].

III. Nuclear Policy in South Asia

1. India

a.) Nuclear doctrine

The core of India's nuclear policy is the renunciation of a nuclear weapons use.[17] Only in two cases, a use is intended. (1) If a country seriously menaces the Indian security with a nuclear attack, a provisional nuclear strike, a first use, will be considered in order to counter the attack.[18] (2) A retaliation attack, a second use of nuclear weapons, will be carried out once a country has assailed India with nuclear weapons, in order to punish the aggressor.[19]

Nevertheless, India designed its nuclear weapons first and foremost for the purpose of deterrence. [20] Deterrence infers that nuclear weapons are not supposed to be used, they simply have the role to prevent any attack on its own territory.[21] To sum it up it is implied that India only possesses nuclear weapons (1) in order to eschew any nuclear attack on its own territory and (2) to strike back if it is hit by nuclear bombs.

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[17] Art. 2.3 INuclD. The entire document can be accessed through the webpage of the Indian Ministry of External Affairs: http://meadev.nic.in/govt/indnucld.htm [27.09.2002].

[18] Art. 2.3 (a) INuclD. India takes reference to the right of self-defence in Art. 51 UNCH. Indeed, a discussion about the interpretation of this article has just begun. While one opinion says Art. 51 UNCH can only be referred to when there has been a previous attack on the own territory, another opinion suggests that even a pre-emptive strike is an act of self-defence of Art. 51 UNCH, in order to counter an approaching attack . The United States started this controverse recently while the Iraq issue is being discussed. See PTI (2002a), and India supports this view due to the present threat of suspected Pakistani supported militants. Former foreign minister Jaswant Singh refers to this ongoing discussion by saying, that every country has this right to pre-emptive strikes, obviously talking towards Pakistan, although it is not explicitly mentioned (see PTI (2002b)). Continuing this strain of thought, the French President supports India's view. He says, that India indeed has the right to inaugurate pre-emptive attacks on Pakistan. See Imhalsy (2002). The US denies this interpretation by pointing out that the situation with Iraq differs from the India-Pakistan conflict. See PTI (2002e).

[19] Art. 2.3 (b) INuclD. The term "retaliation only" appears in Art. 2.3 INuclD.

[20] Art. 2.1 and 2.3 INuclD. While the theory of nuclear deterrence was very effective during the cold war, it is questionable whether this effect can be transferred to the India-Pakistan conflict. Dietmar Rothermund, one very acknowledged researcher on South Asia, disagrees to an analogy. In his newest essay, he develops different scenarios in which a nuclear war between India and Pakistan could occur. See Rothermund (2002), p. 42.

[21] The policy of deterrence should avoid any nuclear war, while the policy of second strike enables the use of nuclear weapons as a measurement of defence, if an attack on Indian territory has occurred before. Unluckily, both these contradictory terms appear in the INuclD. For further discussion on these terms, refer to Ganguly (1999), p. 175f. This essay was written previous to an INuclD, which only was presented to the Public on August 17, 1999. Šumit Ganguly criticises in this essay, that the nuclear tests were undertaken before a strategic position towards nuclear weapons was expressed: "Unfortunately, few scholars or security analysts have devoted thought to the development of a strategic doctrine for India". Ganguly (1999), p. 175.

b.) Discussing India's nuclear doctrine

Since the world community, especially N5[22] were unable to agree on global nuclear disarmament[23], India claims it has the right to develop, test and possess nuclear weapons on its own, especially due to national security reasons.[24]

Compared to India's previous security policy, this means a complete turn back. In the past, India promoted efforts towards a Nuclear Free World. Although China, one of India's main enemies since the Indian-Sino war in 1962, demonstrated its nuclear capability in 1967, India did not plan to acquire nuclear bombs and solely tried to seek security guarantees from the Soviet Union and the US, but failed to get them granted. Finally in 1974, India exploded one nuclear device and confirmed its ability to build nuclear weapons. India's efforts towards a Nuclear Free World continued, but it always felt discriminated that the N5 – among these is China, India's next door enemy – were endorsed to retain and even improve their nuclear arsenal legally with the help of the NPT of 1968. The NPT was reviewed and extended in 1995, without adapting it to the new situation which had arisen, especially the end of the Cold War, which the N5 used in order to justify their nuclearisation. "Nuclear apartheid" [25] was permitted by International Law with the NPT. Thus, security in South Asia would not be guaranteed, since China, not following any no first use policy, could threat India with their legitimate nuclear weapons.[26]

India's interest in developing and maintaining nuclear weapons mainly derives from the fragile security situation along almost all its borders, not only along the India-Pakistan border. Pakistan is neither explicitly mentioned in the official press release regarding the nuclear tests nor in a statement of Brajesh Mishra, the security adviser of the Indian Prime

[22] The N5 are the United States, the Russian Federation, Great Britain, France and China. These countries possess a permanent seat in the UN Security Council with the right to veto in the decision process. They are the officially acknowledged nuclear powers who are permitted to retain nuclear weapons according to the NPT, even though disarmament efforts are undertaken.

[23] Art. 1.1. INuclD. Although some efforts were undertaken towards global disarmament, no concrete compulsory steps for the five superpowers were announced to decrease and eliminate their nuclear arsenal. The NPT does not contain any information how the acknowledged nuclear powers once should become nuclear free. In fact, Art. I and Art. IX (3) NPT enables the nuclear powers to retain their status. In the entire treaty, there is no agenda towards the prohibition of nuclear weapons to be found. And the failure of ratifying the CTBT by some countries, i.g. the denial of the US congress to ratify it can be interpreted as the incapability of convincing the nuclear weapon states towards nuclear disarmament. Nuclear powers remain legitimate, as claimed in Art. 1.1 INuclD.

[24] Art. 2.3 INuclD. India explicitly takes reference to the right of self defence of Art. 51 UNCH.

[25] The expression „Nuclear Apartheid" is very often cited in the literature. Jaswant Singh, former Indian foreign minister and at present Finance Minister, developed this proverb in an essay criticising the past and present nuclear policies of the N5. See Singh (1998).

[26] To have an overview about the Indian point of argument, refer to Michael Foot's book. He, being the former head of Britain's Labour Party, elaborately studied about the Indian stand on nuclear weapons from the past to today. See Foot (1999).

Minister. In fact, during the presentation of India's nuclear doctrine, he said, that the nuclear weapons are not directed towards any specific country. The main objective is to provide regional deterrence and thus stability.[27] Further, in the official press release it is said that "the Government is deeply concerned […] about the nuclear environment in India's neighbourhood"[28]. With this statement, the Indian Government is obviously referring to China, also the main supplier of Pakistan's nuclear weapon programme. The Indian Defence Minister George Fernandes made the headlines a few days before India committed its nuclear tests in 1998, as he declared to the public that China is India's enemy number one.[29] These statements explain India's position of a possible fear of a nuclear attack and the intended need for nuclear deterrence.[30] India's "increased perception of threat from China and Pakistan since the end of the Cold War"[31] thus is the main objective, which has lead to the Indian doctrine of minimal, but credible nuclear deterrence.[32] This nuclear doctrine was established more than a year after the tests were conducted in order to justify the acquisition of nuclear weapons.[33] It is on the one side a command of restraint[34], but on the other side also keeps every option open for India's leadership to take necessary steps against its enemies, which could be a nuclear attack, if it is interpreted differently. Thus, it is questionable if India's nuclear doctrine can cause restraint, once India faces a serious threat, although literally it is simply a doctrine of minimal and credibly deterrence and retaliation only.

[27] Mishra (1999), .. The entire document can be accessed through the webpage of the Indian Ministry of External Affairs: http://meadev.nic.in/govt/opstm-indnucld.htm [21.10.2002]. Remarkably, the INuclD was only completed more than a year after the tests were conducted. Obviously, the consequences of the nuclear tests were not taken into consideration enough. See Footnote 21 and Ganguly (1999), pp. 175 and Maaß (2001), pp. 189. The latter author comments very elaborated India's tactic of testing nuclear bombs in conjunction with the INuclD.

[28] The Press Release of the Indian Government on the nuclear tests can be accessed through the webpage of the Indian Ministry of External Affairs: http://meadev.nic.in/news/official/19980511/official.htm [27.09.2002].

[29] India will never forget the attack of Sino soldiers at the Indian-Chinese border in Kashmir in 1962. Further, India is noting with deep regret that China aids Pakistan with its ballistic and nuclear missile programme. Especially on the Indian point of view in terms of the Indian-Sino relations, the feature published in India Today gives an appropriate overview. See Joshi (1998). For further reading on the Indian rhetoric before the nuclear tests, see Siegfried (2002), p. 59.

[30] Art. 1.4 INuclD explicitly underlines the need for security as a precondition for further development.

[31] Ganguly (1999), p. 149.

[32] Mishra (1999).

[33] See Maaß (2001), pp. 189.

[34] In fact, Jaswant Singh described the Indian nuclear weapons as „not really usable". See Singh (1999), p. 336. Further, the Indian defence minister Fernandes admitted that Indian nuclear weapons were designed for strategic defence, not for tactical use. See Besi (1998). It seems questionable whether "not really usable" nuclear weapons provide deterrence. Indeed, why did the Kargil crisis in 1999 occur? At that time, the intended deterrence failed.

2. Pakistan

a.) Nuclear policy

Unlike India, Pakistan does not have any official nuclear doctrine. Many efforts were made to find a similar document like the Indian one, but no success could be accomplished. In fact, Hillary Synnott brings it to the point: "In the wake of the tests, Pakistan's statements concentrated on criticising India rather than elaborating a doctrine"[35]. That's why in this chapter, the nuclear policy of Pakistan will be analysed through speeches, statements and secondary literature. *In III. 2. b.)*, a draft doctrine suggested by Mr. Ismat, one of Pakistan's Retd. Brigades will be discussed.

It is indubitable that Pakistan's nuclear tests were a reaction to the Indian ones. They were committed only 17 days after India undertook its series of nuclear explosions. Taking a closer look at the statements of Pakistan's government underlines this obvious assumption.

In the first speech of Nawaz Sharif on Pakistan's nuclear tests[36], the reason why the tests were committed is very clearly expressed. The strategic balance of South Asia was negatively affected through India's tests. He criticises India being a threat to Pakistan after having exploded the nuclear devices. Thus, Pakistan had to respond appropriately in order to reinstall the strategic balance within the region. India's conventional forces are much stronger and larger in quantity, admits SFS Lodhi, (Retd.) Patron Ltd. General of Pakistan's Army. He says:

> "Unfortunately in South Asia a balance of power cannot be maintained by conventional means alone. Owing primarily to India's sheet size and ample resources. India is larger than all her neighbours combined, in South Asia by a wide margin."[37]

Catching up with India's nuclear forces, Pakistan gets hope that their Army could keep up with India's Army despite the big gap in terms of conventional forces.[38]

Pakistan's former foreign minister Aziz conveyed a statement to the UNCD in 2000, where he reiterates this position.[39] First of all, he distinguishes between India's and Pakistan's

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[35] Synnott (2000), p. 59.

[36] Unluckily, the press releases on the nuclear tests are not more available on the webpage of the Pakistani government. So, refer to Nawaz Sharif(1998): Statement on the Pakistani Nuclear Tests. In: Dokumentation zum Nuklearkonflikt zwischen Indien und Pakistan. Internationale Politik(8), pp.101.

[37] Lodhi (1999). The Pakistan Defence Journal has a well maintained internet edition: http://www.defencejournal.com [04.10.2002].

[38] See *Appendix I* for a graphical display of the change of the Security Situation after the Nuclear to understand Pakistan's reaction to India's nuclear tests .

[39] UNCD document Nr. CD/1615 (25th May 2000). The entire document can be accessed through the webpage of the UNCD at the UNOG: http://www.unog.ch/disarm/curdoc/1615.htm [04.10.2002].

nuclear tests. While India's nuclear tests caused instability to South Asian security, Pakistan's equalised this instability. This opinion is supported by Mr. Lodhi:

> "It is the considered opinion of defence analysts at home and abroad that when only one side possesses nuclear devices, it is a weapon of mass destruction, and is likely to be used. But on the other hand when both sides have acquired nuclear devices, it becomes a deterrent that could avoid an armed conflict and the enormous destruction that would follow."[40]

Secondly, Aziz underlines that Pakistan's nuclear policy is mainly designed in order to deter any aggression against Pakistan. Last but not least, one aspect needs to be focused, which definitely ought to be noted with regret. Due to the lower number of conventional forces of Pakistan's Army compared to India's Army[41], Pakistan reserves itself the right to counter any Indian attack with nuclear weapons, which unofficially is a first-strike policy. Again referring to Mr. Lodhi, he clearly utters what Pakistan could do if it was attacked by India:

> "During any future Indo-Pak armed conflict India's numerical superiority in men and conventional arms is likely to exert pressure beyond endurance. In a deteriorating military situation when an Indian conventional attack is likely to break through our defences or has already breached the main defence line causing a major set-back to the defences, which cannot be restored by conventional means at our disposal, the government would be left with no other option except to use Nuclear Weapons to stabilize the situation. India's superiority in conventional arms and manpower would have to be offset by nuclear weapons. The political will to use nuclear weapons is essential to prevent a conventional armed conflict, which would later on escalate into a nuclear war […] **Pakistan's Nuclear Doctrine would therefore essentially revolve around the first-strike option. In other words we will use nuclear weapons if attacked by India even if the attack is with conventional weapons**."[42] [Highlighted by Subin Nijhawan].

From this statement, it can be inferred that Pakistan, unlike India, does not adhere to any no-first-strike policy. In fact, Pakistan denies to sign any no-first-use agreement, offered by India immediately after Pakistan's nuclear tests, because

> India's offer of a treaty to be signed by the two countries, agreeing not to be the first to use nuclear weapons against each other is one-sided and would benefit India only, as it has a superior conventional force.[43]

Thus a nuclear weapons use would seriously be taken into consideration by Pakistan's leadership in case there be any attack from India.[44]

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[40] Lodhi (1999).
[41] Numbers and kinds of weapons and forces will be elaborately discussed in *IV*.
[42] Lodhi (1999). In this passage of his essay, he draws up several scenarios how a Pakistani first strike could look like.
[43] Lodhi (1999).
[44] For further reading on this issue, see Synnott (2000), p. 63f.

b.) Concept of a nuclear doctrine

As mentioned before, Pakistan has not established any nuclear doctrine yet, but some analysts have already sketched their ideas. One of the concepts was outlined by Brig. (Retd.) Saeed Ismat and should be discussed here. He suggests the following doctrine[45]:

a. Pakistan shall not resort to first use of any strategic nuclear weapons.

b. If nuclear deterrent fails and the aggressor seizes the initiative to launch the First Strike, we shall hit back with our Second Strike ability.

c. In case the deterrent fails by the enemy launching a meaningful conventional offensive, our forces shall resiliently defend their homeland.

d. Any time in our perception when the defences are seriously endangered and a collapse is imminent, we shall be obliged to raise the scope and nature of our response. We shall now employ tactical nuclear weapons against the invading military forces.

e. This is essentially a defensive strategy backed up by a series of controlled escalations.

f. Our response shall be directly proportionate to the actions of enemy provocation and threat posed to our security.

This proposal for a nuclear doctrine definitely describes Pakistan's nuclear policy. Although, in Art. (a.) any first use of nuclear weapons is rejected and Art. (b.) declares similar to India's doctrine a second strike policy, Art. (c.) reveals the purpose of Pakistan's nuclear weapons. Referring to the statements cited earlier, the "enemy launching a meaningful conventional offensive" is definitely India. Going further to Art. (d.), it is visible that nuclear weapons will be used in a first strike once a defeat of the own forces is likely. Art. (e.) and (f.) justify a possible first use.

Here, it has been made evident that Pakistan seriously considers a first use of nuclear weapons. Before, it was shown that in India, a war against Pakistan is being taken into account. This leads to the assumption an eventual war between India and Pakistan could certainly be a nuclear one. Hence, the necessity for a NWFZ in South Asia as the first step is a **must,** otherwise the would face great irreversible consequences.

As long as the ongoing India-Pakistan dispute is not settled, a NWFZ in South Asia seems implausible, since Pakistan is likely to be defeated in a conventional war and thus it is retaining its nuclear weapons for deterrence and for an eventual first use. However, a modest chance to gain stability is still at hand, what the following passage will provide evidence for.

[45] Ismat (2000).

IV. The Armies of South Asia's Nuclear Powers

In order to proceed with the proposal for concrete steps towards a NWFZ in South Asia, a closer look at the nuclear stockpiles and the armies of India and Pakistan will be taken. This is rather complicated, since defence policy in these countries is generally kept secret from the public, because they, unlike the acknowledged nuclear powers, face each other as enemies. Experts disagree about the quantity of warheads and weapons in these both countries.[46] But this should not harm, since the main idea of disarmament should be fostered independently from the quantity. Reference will be taken to figures provided in a handbook of the IISS. [47]

It has to be clarified that the launching missiles like the SSMs, MRBMs and perhaps the ICBMs are an integral part of India's and Pakistan's nuclear weapon programme, that is why reference on those will be taken. Unfortunately, this handbook does not define the range from which a rocket is considered as a SSM, MRBM or a ICBM. Looking into different books and browsing through the internet revealed different definitions. For the India-Pakistan dispute, the following definitions should be relevant[48]:

SSM: Any missile with a range of up to 1.000 KM[49]
MRBM: Any missile with a range from 1.000 KM up to 3.000 KM.
ICBM: Any missile with a range above 3.000 KM.

1. India

a.) Nuclear ordnance depot

As said before, India possessed an indeterminate number of nuclear warheads. In conjunction to these warheads, a number of SSMs and MRBMs[50], enabling to carry nuclear

[46] Some examples should be given: Joachim Krause estimates India being capable of constructing up to 70 nuclear warheads and Pakistan between 25-50 (Krause (1998), p. 49), but other figures suggest that India might be able to build up to 500 warheads, while Pakistan is said to have to potential for up to 100 nuclear bombs. See Lennox (2002) (also accessible in a short version through the webpage of the Janes' Defence Magazine: http://www.janes.com/security/international_security/news/jsws/jsws020530_1_n.shtml [07.10.2002]).
[47] The International Institute for Strategic Studies (2001 / 2002).
[48] The same definition was later found coincidentally on the webpage of the Nevada Division of Energy Management (http://dem.state.nv.us/glossary.htm [12.10.2002]).
[49] If it is adhered to this definition, the recently tested Pakistani missile *Shaheen*, officially declared as an MRBM (AFP (2002)) would be considered as an SSM.
[50] Due to India's active space research programme, it is believed that it is only a matter of time until India launches its first ICBM, able to target every point of China and much far beyond. The *Surya* with a range of

weapons to the enemy's soil without utilisation of a military aircraft is continuously being developed.[51]

Main interest in terms of the India-Pakistan conflict is India's SSM programme. SSMs could reach Pakistan, unlike the MRBMs, within estimated less than a minute.[52] The MRBMs were obviously designed to deter any aggression from China, since they can reach major Chinese cities like Shanghai and probably the capital Beijing, too.[53] In order to reach Pakistan, the SSMs are sufficient and the MRBMs not really required.

The most modern generation of BMs are the domestic designed *Prithvi* series and the *Agni* series. Both are capable of being deployed with nuclear warheads. The *Prithvi* missile, available in several types, is the SSM which is placed next to the border between India and Pakistan and has a range of minimum 150 KM.[54] Other versions of the *Prithvi* can be launched from the navy[55] and the airforce, making its operational range flexible. India has a minimum of 300 *Prithvis*, mostly located in Punjab, at the India-Pakistan border, but some are also located in Jammu & Kashmir and Gujarat in order to target other cities of Pakistan.

The *Agni*, being a MRBM and mainly directed toward deterring any aggression from China, is also available in different versions, namely the *Agni I, II* and *III*. These names depend on the range. The *Agni III*, India's latest invention, has a minimum range of 2.500 KM[56]. So, it can be installed at sites further away from Pakistan. Some of them are installed at Orissa in East India, which on one hand makes it capable of reaching Pakistan and on the other hand also lets it be a threat towards China. India has a minimum of 5 *Agnis*, but the integration of the *Agni* into India's arms depot only took place in 2000, thus many more are likely to have already been added to the Indian stockpile.

5.000 KM is already listed in the table of The International Institute for Strategic Studies (2001 / 2002), p. 158, but neither is there a delivery date mentioned nor has it ever been test-fired.

[51] Although these rockets itself are not nuclear weapons, the combination with a nuclear warhead can make it a nuclear weapon. Hence, they are considered as nuclear weapons in this paper.

[52] This estimate had to be made by me, since no concrete timings could be found. It is said that MRBMs can reach the other country already within only four minutes of time (see http://www.cnn.com/2002/WORLD/asiapcf/south/10/08/pakistan.missile/index.html [22.10.2002]), so that I assume that SSMs, which are launched much closer to the enemies border only take a fraction of this time.

[53] This assumption is supported by Voll (2000), p 9. Nevertheless, the MRBMs are of course also directed towards Pakistan.

[54] The *Prithvi* was test-fired very often, so that other versions with a range above 150 KM do exist.

[55] This version of *Prithvi* is also called *Danush.* This SEAL is the latest invention from Indian scientists. It can be launched from Indian warships, which could be located behind the 12 sea miles zone before Pakistani waters. Cities like Pakistan's economic capital Karachi could be targeted. Thus, *Danush* further enhances India's missile programme. Also see PTI (2002d).

[56] Other figures claim it to have a range up to 4.000 KM, thus being an ICBM.

Further, the *Akash*[57] and the *Trishul* missile should be mentioned. Unlike the *Prithvi* and the *Agni* missiles, these two are SAMs, developed in order to be included into a NMD shield against aircraft and missiles of the enemy[58]. These two missiles are merely defensive[59].

Several other missiles are available for India's Army, such as ATGWs, AAMs etc., which elevate the India's Army to have one of the most sophisticated ordnance depot. But it will be refrained from further details.

One additional issue to take notice of is the fact that most of the Indian weapon systems were developed domestically.

b.) Armed forces

In 2002, India has 1.263.000 active soldiers, making it the fourth largest army of the world. Some 535.000 reserves exist.

From these 1.263.000 armed forces (87 %), 1.1 million belong to the army, while the navy consists of 53.000 soldiers (4 %) and the air force of 111.000 (9 %).

2. Pakistan

a.) Nuclear ordnance depot

The presentation of Pakistan's nuclear weapon depot is also very difficult. Similar to the Indian programme, Pakistan has a variety of SSMs and MRBMs in order to launch nuclear warheads on the rival's soil. In Pakistan's case, the MRBMs are more interesting than the SSMs[60], since they can enter deep into India's territory and additionally target metropolis like Mumbai, Chennai and Kolkata[61], while the SSMs can at the best only threaten Delhi. Thus, the MRBMs enhance the flexibility of Pakistan's missile programme. Unfortunately, there is

[57] The Akash missile was only recently tested. See Reuters (2002a).
[58] These missiles could also be called ABM's, since they could target enemies' missiles and aircraft which are invading the Indian territory.
[59] The purpose of these missiles can be compared with the NMD shield the USA is considering to develop against the protest of the international community, because the ABM treaty from 1973 will be disregarded. Indeed, the USA has offered India assistance in developing a defence shield.
[60] Neil Joeck claims the SSMs to be "the most pressing concern" (Joeck (1997), p. 67), but reconsidering the arguments in the paper I do not agree. The MRBMs of Pakistan can destroy cities the SSM would not reach.
[61] These cities, formerly known as Bombay, Madras and Calcutta were renamed by the Indian Government only in the last years.

no information about the quantity of weapons given in the handbook of the IISS. In fact, very little is known about Pakistan's nuclear policy.[62]

As already mentioned, Pakistan recently made the headlines with a series of new missile tests. The main components are the missiles *Ghauri*[63], *Shaheen* and *Hatf,* whereby the names of the missiles are rather confusing. For instance, the *Ghauri 2* is also known as the *Hatf 6, Shaheen 1* as *Hatf 4* as so on. Most of these weapons construction is based on Chinese prototypes, as the *M-9* and the *M-11*, which makes it clear that the know-how was acquired with Chinese (and North Korea's)[64] assistance.

The SSM *Shaheen 1* and *2*, similar to *Hatf* 4 and 7, only lately tested and thus equipped with the latest technology, has an estimated range of 600 to 800 KM, thus able to reach important cities like the Indian capital Delhi and the economic capital Mumbai, India's most important cities. Other figures support the conjecture that *Shaheen 2* could reach targets up to 2.500 KM distance.[65], thus classifying it as an MRBM. In addition to the SSM *Shaheen,* its forerunner *Hatf 2* and *3* is available in Pakistan's ordnance depot.

The core of Pakistan's BM programme are the *Ghauri 1, 2* and *3*, since they have a more extensive range. *Ghauri 3* can reach an estimated 2.500 KM up to 3000 KM, perhaps even further, thus able to hit any part of India with nuclear weapons.

Considering that Pakistan's nuclear weapons have actually always been under the control of the military[66] there exists the risk that they could be used arbitrarily, only with the objective to slap India's face regardless of possible consequences. Now, on October 11, the Islamic fundamentalists had a major victory in the elections of the Pakistani Parliament, so there is no certainty about the future of Pakistan's nukes.[67]

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[62] See Ahmed (1999), p. 178.

[63] Calling its major missile *Ghauri* is evidence that the Pakistani arms programme is reactive to the Indian one. Ghauri is the name of a Moslem conquer who invaded India in the 14th century and beat the Indian Prince *Prithvi*. See Krause (1998), 52.

[64] Not, that North Korea revealed its nuclear weapon programme, it is alleged that there probably was a trade of horses between Pakistan and North Korea: North Korea aiding Pakistan with the BMs, and Pakistan providing the know how for the nuke. See Reuters (2002b). Pakistan is denying this allegation.

[65] This displays the problem in discussing the missile programmes of countries like India and Pakistan, who keep it away from the public. In AFP (2002), the range of *Shaheen 2* is defined with up to 800 KM, while in The International Institute for Strategic Studies (2001 / 2002), the range is estimated up to 2.500 KM.

[66] See Ahmed (1999), p. 189.

[67] This victory seems more symbolic than practical, since most of the power is gathered in the National Security Council, with President Pervez Musharraf at its head.

b.) Armed forces

As already mentioned, Pakistan's existing armed forces are far behind India's Army. The number is given as 620.000, about half the Indian Army. From these 620.000 forces, 550.000 (89 %) serve the army, 25.000 the navy (4 %) and 45.000 the air force (7 %). 513.000 reservists are available.

3. Comparing India's and Pakistan's Army

The figures provided confirm the assumption that the Indian Army could sweep any aggression from Pakistan, if committed with conventional forces. Pakistan's Army, about half of the Indian one, can not stand any conventional war if India is willing to invade Pakistan and conquer some of its territory. This theory is supported by major Army officials of Pakistan.[68]

Unlike the Indian programme, focused on SSMs, Pakistan fostered its development on the MRBMs. Hence if once one side acquires a rocket, the other one will try to acquire a similar plus an additional one in order to keep balance and have the advanced position, consequently leading to the arms race on the Indian Subcontinent.

But the overt nuclearisation of both the countries finally lead to equalise this difference.[69] Existing nuclear weapons have the capability to destroy almost the entire country of each other. Assuming that 75 nuclear bombs were dropped on Pakistan and 50 nuclear bombs on India, there would be no winner, since wide parts of the countries would be destroyed and contaminated.[70] This displays the cataclysm India and Pakistan were moving towards while acquiring nuclear weapons. Only a NWFZ in South Asia could seriously prevent any nuclear war. The barely credible nuclear doctrine of India[71] and a possible similar one of Pakistan would not be enough to keep nuclear weapons in check.

[68] As mentioned on pp. 8-10, refer to Lodhi (1999) and Ismat (2000).
[69] See *Appendix I.*
[70] Some Indian leaders believe that it would be rational to provoke a nuclear war with Pakistan, because Pakistan would entirely be destroyed while India would still survive with severe damages. This is a strange theory. This scenario is being supported, but morally discarded in Walker (2000), p. 181.
[71] A strict adherence to the INuclD is dubious, especially by keeping in mind India's reaction to the attack on the Indian Parliament. India did not rule out using the nuclear option against Pakistan that time in order to solve the India-Pakistan problem once and forever. See Siegfried (2002), p. 62. This is evidence that the INuclD is not that credible, especially with the Hindu nationalists being in power.

V. Road towards a Nuclear Free Zone in South Asia

So far, it has been shown that the situation in South Asia has reached a level, at which serious thoughts ought to be made how to put the nuclear genie back into the bottle, seal it tightly and thus de-escalate the tension in the world's most dangerous region. The best solution would be a settlement of the Kashmir conflict, keeping the both countries as enemies for 55 years. Since a solution of the Kashmir conflict is very unlikely, the focus in this chapter will be put on the possibility of a START Treaty, independently from the ongoing conflict. So called "regional peace packages"[72] are an important step not only towards regional security, but also towards global disarmament.

First of all, the existing START Treaties between the USA and the Russian Federation will briefly be analysed in order to see whether an analogue treaty between India and Pakistan is possible, proposing concrete steps for India and Pakistan.

1. The START I and II Treaties between the USA and the Russian Federation

The START I and II Treaties between the USA and the Russian Federation have set milestones in the history of disarmament. It is the first time that two countries agreed on an upper limit for strategic nuclear weapons and that concrete steps towards a partial abolishment are legally determined.[73]

Although the START I and II Treaties do not provide the goal of a complete destruction of nuclear weapons, it definitely is an important step for partly abolition and effective arms control. Hence, it could once provide an effort for complete nuclear disarmament of the world's two largest armies.

Concrete steps on the reduction of weapons of mass destruction are formulated in the START II Treaty. In a first step, Russia will demolish a part of its nuclear arsenal, while the US will do the same in the second phase of the treaty. Arms inspectors of each side enter the ordnance depots in order to verify whether the steps of the treaty are met. Transparency, such as the exchange of the data is a major point of this treaty. Said in a few words, the treaty postulates an equilibrium of nuclear weapons on a lower level in order to achieve stability[74] and end the nuclear arms race.

[72] Walker (2000), p. 183.
[73] See Bundesministerium der Verteidigung (1991), p. 132 and Buchbender, Bühl et al. (1992), p. 8.
[74] See Bundesministerium der Verteidigung (1991), p. 8.

Both nations, each possessing more than 10.000 nuclear warheads before the START II Treaty was reached, agreed to reduce them to less than 4.250 by 2003.[75] One very interesting point should be taken notice of: The ICBM launchers, which actually are a precondition in order to fire an ICBM[76] should be eliminated.[77] Thus, the usage of ICBMs is much more unlikely and complicated, because the utilisation of military bombers is required to convey the warheads. Nevertheless it has to be noted with regret that the SLBM launchers will not entirely be eliminated. A strength of 1.750 for each side is determined.[78]

The START I and II Treaties are often

> "criticised by many for not having gone far enough, and critics suggest the START treaty risks becoming irrelevant as the result of being overtaken by ever more sophisticated technologies and by the increasingly rapid pace of world events."[79]

There is definitely a modicum of truth in this statement. However, it is amazing what kind of progress it actually means. Considering that the negotiations began in 1982, a time where the relation between the USA and the USSR could have hardly been worse[80], both sides were able to realise the necessity for a reduction of arms of mass destruction which indicates the willingness of the two parties to reduce the possibility of a nuclear show down. The significance of the START II Treaty gets clear as it is linked to Art. 102 UNCH, abandoning it being solely a bilateral decision and making it a matter of the international community.[81]

Beginning now to think about the India-Pakistan conflict, this gives the hope that even the arch enemies India and Pakistan could reach a similar agreement.

[75] Art. I 1. START II. Also see Buchbender, Bühl et al. (1992), p. 133. The START II is available in a printed edition. See US Arms Control and Disarmament Agency (1995).
[76] In the case of the USA and the former USSR, either an ICBM or a SLBM was necessary to hit each other's territory. But as the conflict progressed, the MRBMs were inducted for tactical use. First, the USSR tried to install them in Cuba (Cuba Crisis 1962), and in the 80's, they were stationed in Germany by the USA to deter or aggress the USSR (NATO dual track decision). The short ranged SSMs did not play any deciding role in the Cold War.
[77] Art. I 4 (b) and (c) START II.
[78] Art. I 4 (a) START II.
[79] Kartchner (1992), p. 19.
[80] Just recalling the NATO dual-track decision to deploy MCBMs in Germany in order to directly threat the USSR.
[81] Art. VIII START II.

2. A START Treaty for India and Pakistan?[82]

Most of the authors say that any approach between India and Pakistan is rather unrealistic. They express their doubts about the ongoing conflict.[83] I do not share these opinions, especially recalling *V. 1.*, which is an evidence that confidence building measures between two enemies are possible, no matter what quality a conflict has achieved. But it is unlikely that India would agree to any treaty that excluded China.[84] However this should not be of interest here.

A START Treaty between India and Pakistan would have to be composed differently than the one between the USA and the Russian Federation, since one has to cope with different preconditions. First of all, the idea of establishing a START Treaty between India and Pakistan should be partly abandoned, keeping in mind that the START I and II Treaties between the USA and the Russian Federation only suggest partial disarmament. And we have to keep in mind that "The longer we postpone nuclear disarmament, the more we risk nuclear disaster" [85]. Thus, a **STAAT**[86] Treaty will be suggested. This is the only solution to settle the danger of a nuclear war between India and Pakistan.

Some treaties like the NPT or the CTBT have already been established under the auspices of the UN. These efforts, no matter whether perceived as serious efforts or as treaties designed in order to maintain the status quo of the N5, will be discussed in the following passage with the objective of integrating them into the proposal. An effective nuclear arms control agenda has three main principles, namely non-proliferation, arms control and disarmament. [87] All these three points will be discussed, but the focus should be on the last.

[82] A summary of this chapter is in the *Appendix I1*. I have formulated my proposal in the form legal draft, which could be a draft for a Arms Reduction Treaty between India and Pakistan.
[83] For instance, see Bidwai and Vanaik (2000), p. 258, Walker (1998), p. 528; Weede (2000), p. 44 and Siegfried (2002), p. 63. The first writer is very strongly engaged in the MIND. The MIND in an Indian NGO which promotes the nuclear disarmament on the Indian Subcontinent and cooperates with similar Pakistani organisations, hence an example for India-Pakistan cooperation. I had the opportunity to talk personally to Mr. Bidwai and was truly impressed about his engagement and ideas towards nuclear disarmament and reducing tensions between the enemy brother states India and Pakistan.
[84] See Ahmed (1999), p. 186.
[85] Bidwai and Vanaik (2000), p. 245.
[86] To underline this strain of thought, it should be clarified that this is the idea of me. In the following passage, a possible treaty between India and Pakistan will only be named STAAT, whereas START refers to the existing treaties between the USA and the Russian Federation.
[87] See Thakur (2000), p. 26.

a.) Non-proliferation

Non-proliferation is a step towards containment of the nuclear genie and not worsening the situation. Non-proliferation should also ban the further development of nuclear weapons in other terms.

(1) The NPT

The NPT was established in 1968 for a limited time of 25 years. After being routinely reviewed after that period, it was extended in 1995, without adapting it to major changes in world history.[88] Nevertheless, it would be a great symbolic achievement, if India and Pakistan signed the NPT as a contribution to global efforts towards nuclear disarmament. But it should be underlined that under such conditions, India and Pakistan can never sign the NPT before some modifications are made.

First of all, according to the NPT, it is strange that only a country is recognised as nuclear power if a nuclear devise has been exploded prior to 1st January 1967.[89] This has very weird consequences. Let's imagine France decides in favour of complete nuclear abolishment. According to the NPT, it would still be defined as a nuclear power, whereas India and Pakistan, who conducted their tests after the date of 1st January 1967 are de-facto nuclear powers, but can never be nuclear powers per definition.[90] But with their test series, India and Pakistan declined their policy of ambiguity and adopted the overt nuclearisation.[91] What has previously been known was officially declared, namely their nuclear power status.[92] The N5 have to accept that India and Pakistan (and Israel and, as just recently announced, North Korea) are de facto nuclear powers and take this note through an amendment in the NPT.[93] The sanctions imposed on both in the post-era of the nuclear tests are not an appropriate measurement to cope with the new reality. Thus, once the date in Art. IX (3) NPT is cancelled or modified, India and Pakistan should sign the NPT, but pursue that the entire treaty needs to

[88] Art. X (2) NPT. Also see Thakur (2000), p. 37.
[89] Art. IX (3) NPT.
[90] This consequence was expressed in Thakur (2000), p. 29.
[91] See Ahmed (1999), p. 192. It was well known that India and Pakistan were capable of building nuclear weapons and have done so. Evidence is the first Indian nuclear test in 1974 and US intelligence reports about China aiding Pakistan to build nuclear weapons in the 80's. See Ahmed (1999), pp. 178, 185-188. This is admitted by Pakistan's Army: "China is a steadfast friend and supporter" (Lodhi (1999)).
[92] Nawaz Sharif said: "No matter we are recognized as a nuclear power or not, we are a nuclear power." Quoted in Ahmed (1999), p. 178.
[93] Art. VIII (2) NPT makes changes through amendements possible. Accepting both India and Pakistan as de facto nuclear is proposed by the India's ambassador at the UNCD (see http://meadev.nic.in/govt/stm-undc.htm [14.10.2002]. But it has to be admitted that there is a big problem with this point of the proposal. Other nations, like Israel, Brazil or South Africa could be motivated to explode nuclear devices in order to be acknowledged nuclear powers.

be reviewed in order to adapt it to the changes the world has undergone in the post Cold War era.[94] Unfortunately, Art. VI NPT is only an expression of goodwill. This article actually has to be placed in the centre of interest.

(2) The CTBT

Unlike the NPT, the CTBT is an example for a non-discriminatory treaty, because "all its proscriptive and verification clauses apply equally to every country"[95]. Nevertheless, India and Pakistan have always denied to sign the CTBT. This is actually ridiculous, since each of them have announced an unilateral memorandum that no further nuclear tests need to be undertaken. Signing the CTBT and joining the International Community would not contradict their demands. The announcement of the US-Congress not to ratify the CTBT only encourages India and Pakistan not to join global efforts of disarmament and is one of the biggest setbacks of human sanity.

b.) Arms control

> "Consequently, one of the principal priorities of the proponents of nuclear nonproliferation should be the development of measures to ensure arms race stability. To this end, India and Pakistan need to discuss missile production and deployment issues and move toward the creation of an arms control regime."[96]

As Šumit Ganguly says, there is a severe need of a mutual arms control regime. Actually, it should be the ultimate goal to induct a multilateral one. But since a multilateral one is absolutely unrealistic at the moment, a bilateral arms control regime would be the prior step for a multilateral one.[97] Hence, bilateral confidence building measurements will be discussed here.

First of all, India and Pakistan should exchange the data about their nuclear stockpiles and nuclear sites to gain transparency. As a second step, a commission like in the START I Treaty between the USA and the Russian Federation should be called into office which should monitor whether the steps of *V 2. c)* are verified (named CND in the following passage). The CND must be independent from the governments, otherwise these could affect it negatively. NGOs could play a leading role in terms of the selection of the experts. It should be

[94] See Thakur (2000), p. 29.
[95] Thakur (2000), p. 31.
[96] Ganguly (1999), p. 176.
[97] See Bidwai and Vanaik (2000), p. 258.

constituted of an equal number of experts of each side and have a head office in both of the countries, while one is responsible for India's and the other for Pakistan's sites. The office at the Indian side will further be responsible to supervise India's SLBMs in order to create a balance, since Pakistan did not develop these kind of missiles (at least not officially). The head offices have to maintain contact with each other and with the CND incessantly and exchange the collected data. In each head office, half the experts should be Indian and the other half Pakistani citizens. Besides the head office, suboffices need to be established, which should be located at each nuclear site. They should actually undertake the execution of disarmament process of *V 2.c).*

Unconditional access to each part of nuclear facilities must be allocated. An annual inspection whether the treaty is adhered to should be undertaken, additionally they should have the authority to enter the nuclear arsenals without prior announcement for random controls and in case it is suspected that the treaty is not followed. The CND also decides upon sanctions which will be implemented if the treaty is not followed.

All of the steps which were undertaken by the inspectors should be reported to each head office and the CND in order to attain transparency. The CND will keep the governments of India and Pakistan up to date.

c.) Disarmament

This is the most difficult part of the proposal, since the lack of reliable figures has already been mentioned.

The disarmament process suggested in the START II Treaty between the USA and the Russian Federation should not be overtaken for the STAAT between India and Pakistan. First of all, it is too slow, second no nuclear abolition is proposed in the START II Treaty and third the conventional forces of the former resemble while the Indian forces are double the size of Pakistan's forces.

In order to attain strategic balance, the countries first need to destroy its ICBMs, so far they possess any. If this works out as scheduled, it is India who has to take the next step in the STAAT, since it obviously possesses more nuclear weapons than Pakistan. After the data about the nuclear capability has been exchanged, India should reduce its nuclear warheads and BMs to the size of Pakistan's, so there will be nuclear balance.[98] Parallel, a complete

[98] It was the former Indian Prime Minister I.K. Gujral who realised India's responsibility and reiterated the importance of going toward Pakistan in order to solve the long lasting dispute, postulated in the Gujral Doctrine.

elimination of India's SLBMs should be fostered, otherwise India would have an advantage against Pakistan apparently having no SLBMs.[99]

Once a nuclear balance between India and Pakistan is obtained, both ordnance depots need to be disarmed with equal speed. First, the capability of striking should be disabled. This can be reached while separating nuclear warheads from the launching and delivery vehicles systems.[100] In a next step, the nuclear warheads should be reduced to a number of zero. Then the disarmament of the SSMs and the MRBMs will have to begin, whereas beginning with the SSMs would probably be more convenient, since more of them are existent in the depots of India and Pakistan. And if they began with the disarmament of the MRBMs, India would still be able to hit each part of Pakistan, whereas the reverse would not be possible. The SSMs and MRBMs will be reduced stepwise in order to have the ability of noticing any violation of contract more easily. Additionally, both countries need to agree on the freezing of any research on nuclear weapons. Once the steps were successfully put into operation, India and Pakistan should withdraw from their claim being nuclear powers and declare South Asia as a NWFZ.

The biggest problem for these last steps compared to the START II Treaty is the fact that the conventional forces of India and Pakistan differ in strength, while the ones of the USA and the Russian Federation were comparable. Pakistan would never agree on a STAAT without further concessions of India, because it can never compete with the overwhelming Indian Army.[101] So, to enable the sketched ideas, there has to be a no-war-pact signed between India and Pakistan, where India guarantees not to make use of its conventional advantage to suppress Pakistan. The opinion of Mr. Lodhi needs to be seriously taken into consideration, supporting the idea of this paper:

> "India's offer of a treaty to be signed by the two countries, agreeing not to be the first to use nuclear weapons against each other is one-sided and would benefit India only, as it has a superior conventional force. It may be more appropriate for both countries to sign a mutual test ban treaty to start with, followed by a no-war pact."[102]

See Walker (1998), p. 516. Said in a few words, the Gujral doctrine suggests that once stronger India goes towards Pakistan, both would benefit from the progress which could be mutually reached. India, being the world's largest democracy, is allocated to take the leading role towards nuclear disarmament, especially due to Pakistan's lack of democracy. See Walker (1998), p. 528, Kreft (2000), p. 8 and Wieck (2000), p. 46.

[99] In fact, while talking about nuclear disarmament, thinking about the international waters in this terms ought not to be neglected, since they could be a loophole. For further reading on this, refer to Bidwai and Vanaik (2000), pp. 251.

[100] See Bidwai and Vanaik (2000), pp. 256. This is a fabulous idea of Praful Bidwai, calling it the concept of de-alerting. The only way to deploy nuclear weapons on the enemies soil this would be through military aircraft, which is very inconvenient. The same process was postulated in Art. I. 4 (b) and (c) START II (see *V. 1.*).

[101] See *Appendix I*.

[102] Lodhi (1999).

Well, in this paper it was suggested to join the CTBT than signing a mutual test ban treaty. The outcome is the same, but India and Pakistan would prove its willingness to adhere to international conventions.

Pakistan needs to ensure its serious compliance not to fight a proxy war against India, meaning that infiltration of terrorists from Pakistan's territory on Indian soil has to be prevented. A proxy war, which has already led to a conventional war during the Kargil crises, could be a factor for the worst scenario, a nuclear war. It would be appropriate to express in a STAAT that India and Pakistan actually have the same enemy, namely the groups who try to encourage and carry out terrorism.[103] The induction of a mutual border police, suggested by India and denied by Pakistan could help to prevent mistrust.[104] The hot wire line between the two heads of government, the Indian Prime Minister and Pakistan's President, needs to be maintained and further extended.[105] In addition to this, there needs to be at least one annual meeting between them in order to evaluate the peace process.

These steps do not guarantee any final solution for the India-Pakistan dispute, but at least they are a basis for India and Pakistan to improve relations and hold bilateral talks, without having the danger of a nuclear war rising above the talks. In the case of India and Pakistan, the intended deterrence did not only deter any war but also prevented any commitment towards becoming co-operative neighbours, what most of their citizens wish for.

[103] This was never officially realised by Indian and Pakistan leaders. The number of attacks by suspected religious extremists in both countries is evidence for this conclusion. China, carefully observing the development in South Asia expressed the need for India and Pakistan to mutually combat terrorism: Wang Yi, Chinese Vice Minister for foreign affairs: "Some terrorist organisations are targeting both India and Pakistan. "Why can't the two countries get together to contain them?" (Quoted in: Padgaonkar (2002)). Well, it has to be admitted that China does a great role of expressing goodwill, but at the same time is one of the main factors why security in South Asia is permanently deteriorating.

[104] India permanently accuses Pakistan of not combating cross-border-terrorism. If the stronger Indian Army can not avoid any infiltration, how can Pakistan's Army do? India can not blame Pakistan for every terrorist who crossed the border, keeping in mind that the border, partly dividing the Himalaya between India and Pakistan is complicated to monitor, because at large parts the terrain is quite inaccessible.

[105] This is in effect since many years, but was not consciously made use of. When India and Pakistan conducted their nuclear tests, there was no prior notification. See Synnott (2000), p. 75. This ought not to happen again. To have an overview about existing and discussed agreements, see Synnott (2000), pp. 75-77.

VI. Conclusion

In this paper, first a study of the India-Pakistan dispute in terms of the nuclear danger was undertaken. India's and Pakistan's nuclear policy was analysed and contrasted. The strength of both armies and their supply was compared. With the collected data, a proposal for nuclear disarmament was established in order "to stop the India – Pakistan competition in insanity"[106] and enabling prosperous relations in future. It was showed that the mushroom shaped nuclear cloud rises above the India-Pakistan relations disabling these two countries to improve their relations. Thus, an abolition of a nuclear stockpile as confidence building measurement is the first crucial step which can lower tensions and be the foundation for fruitful further talks and relations. Since the USA and Russian Federation were able to discuss about START I, why should India and Pakistan not be able to reach a STAAT? So, STAAT is much more palpable than world opinion thinks it to be.

The steps discussed are of bilateral quality. A multilateral agreement as a commitment towards a Nuclear Free World would have been appreciated, but more voices and more opinions are rather destructive towards this. Thus the effort was limited towards sketching the idea for a regional NWFZ, which seems more plausible. No time is to be wasted now, taking into account the potential a nuclear war between India and Pakistan bares. It was proposed India to take the first step, recalling India's moral responsibility and the Gujral-Doctrine. Considering that in Pakistan fundamentalists could attain power, this suggestion can only be underlined again. Because if this happened, a nuclear show down would become more realistic.[107] Ronald Walker emphasises that "the regional component is urgently needed: the subcontinental estranged brothers are the two nations closest to nuclear war".[108]

A regional NWFZ is only the beginning of further efforts. In order to reach a multilateral conference for disarmament, it should be suggested that once the treaty is put into action and the steps were successfully undertaken, the SAARC should overtake the supervision of the security situation in South Asia, like the ASEAN does it in South East Asia. This could happen by cancelling Art. 102 of the SAARC Charter and enabling the

[106] Foot (1999), p. 149. Also see the remarkable novel of Arundhati Roy on the foolishness India and Pakistan have entered with the conduction of the nuclear tests. See Roy (1998).
[107] See Bidwai and Vanaik (2000), p. 254. In fact, a study by the National Defence University of the United States of America supposes India could attack Pakistan if nuclear weapons fall in the hands of Islamists. See PTI (2002c). Now, that North Korea revealed its nuclear weapons programme with suspected proliferation of Pakistan, the nuclear genie is spreading beyond South Asia. See Footnote 64.
[108] Walker (2000), p. 183.

SAARC to be the forum where joint foreign and security policy would be discussed.[109] This extension of the SAARC's authority may result in the creation of a South Asian Union, compared to the European Union, meaning that borders would be opened and cooperation between the Nations would increase to a higher extent. The creation of a South Asian Union, dealing with all problems occurring in South Asia would make the SAARC needless and should be the goal for which India, Pakistan and other South Asian Nations should go for. There would only be winners, if this happened.[110]

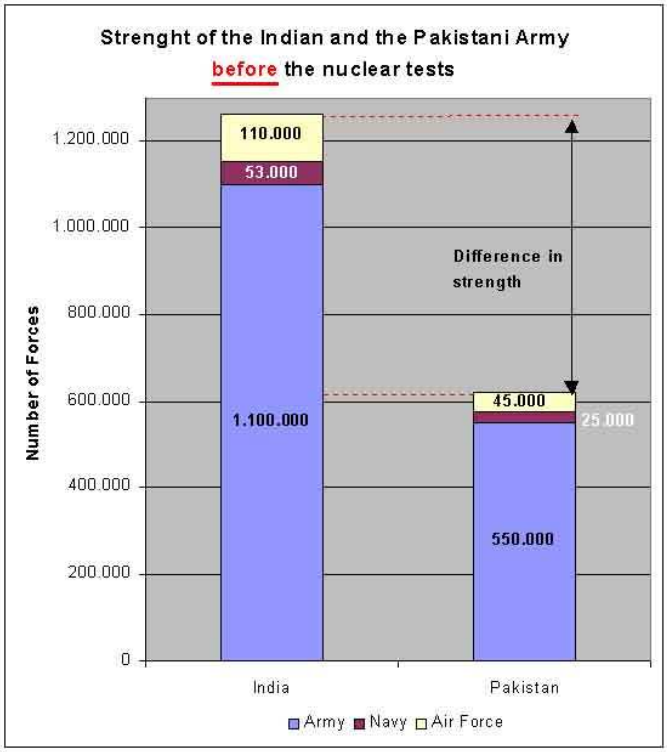
Once this is implemented, other zones could follow like an avalanche. The European nations Britain and France would have fewer reasons to justify their ridiculous holdings of nuclear weapons. And the START II Treaty between the USA and the Russian Federation could be extended into a STAAT Treaty like the one between India and Pakistan proposed in this paper. A good signal from India and Pakistan definitely would display that sensible agreements between arch rivals are possible, consequently motivating other nations to follow that example.[111] Once this has happened, multilateral arms control could be transferred under the auspices of the UN. The slow match wick of peace only needs to be enlightened, before it spreads "like a teabag through the world".[112]

I admit that my ideas are very idealistic. The fact that India and Pakistan deny to any talks about their dispute is very discouraging. But at the same time it should be underlined that having ambitious goals is better than having no goals.

[109] Basting (2002), pp. 46, 51. Art. 102 SAARC Charter suggests security matters not to be discussed at the annual SAARC meetings. There actually could be no more suitable conference to discuss mutual security issues.
[110] See Nair (2001). This essay mainly discusses the idea of a South Asian Union in terms of Economic perspectives.
[111] See *Appendix II*, where a draft agreement is suggested.
[112] This metaphor from Arundhati Roy is here used to display a positive spread. In her best-seller, is was used to show negative influence of Christianity in India. See Roy (1997), p. 8.

Appendix 1: Strength of the Indian and Pakistani Army

These two graphs visually display the strength of the Indian and Pakistani Army before and after the nuclear tests.



In *Diagram 1*, it is displayed that India has stronger conventional forces which could sweep the Pakistani Army. This graph refers to the momentum before the tests.

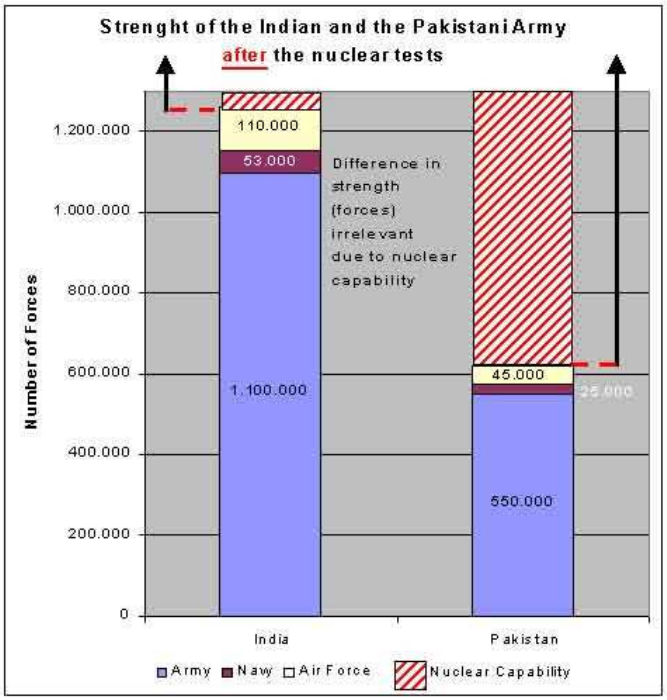


Diagram 2 shows the impact of the nuclearisation of India and Pakistan. Although there was no change in the quantity of army forces, the armies' strength has equalised. The nuclear potential can not be quantitatively measured, because the potential is too big. The arrows display that the destruction capability of the armies is very big and thus comparable.

Source: The International Institute for Strategic Studies (2001 / 2002. Graphs: Subin Nijhawan

Appendix 2: Proposal on a STAAT Treaty between India and Pakistan

Introduction by the author:

The following proposal was composed by the author of this paper in order to summarise his ideas in form of a legal treaty and provide a draft, which eventually could be approved by India and Pakistan. Once this draft is approved, India and Pakistan would be a positive example for the N5 and other nuclear powers. No dates and figures will be given, instead parts of the treaty to be completed will be marked with ***.

This treaty is composed very idealistically, in the hope that this points out the urgent need for a similar treaty. Memorandums mentioned in this treaty are not attached, because solely the idea of a treaty should be displayed. Giving too many details has been avoided. Footnotes are not official part of the treaty, they only comment some articles for better understanding.

Proposal on a

Strategic Arms Abolition Treaty between The Republic of India and The Islamic Republic of Pakistan (STAAT)[113]

Preamble

India and Pakistan, hereinafter referred to as the Parties –

Being aware of the severe danger of a nuclear war and the fact that nuclear wars only have victims and no winners,

Keeping in mind their responsibility for the present and future generations,

Accepting that previous wars only caused victims,

Realising that both Parties are not enemies but brother states sharing the same enemy, namely extremists and terrorists trying to deteriorate the relation between each other against the will of the People,

Realising the mutual heritage and culture and the mutual struggle against colonialism,

Desiring never again to threat each other with a possible attack and abandoning war to be any legal political action in international politics,

Reaffirming to accomplish prosperous relations in future and to overcome mutual problems of the struggle against poverty,

Willing to work mutually towards a Nuclear Free Zone in South Asia,

Noting with deepest regret the unwillingness of the nuclear powers USA, The Russian Federation, Great Britain, France and China (N5) to commit disarmament enhances the danger of a nuclear war,

Condemning the N5 for trying to seek legal status as nuclear powers with the Non-Proliferation Treaty (NPT) and calling for an immediate modification of Art. IX (3) NPT,

Promoting an international commission in order to put Art. VI NPT legally into action,

Recalling the latest United Nations General Assembly's resolutions A/Res/56/24 and A/Res/55/33 on disarmament,

Urging the United Nations to take concrete actions on this resolutions,

[113] This Preface of the resolution would definitely be taken serious by the N5 due to the clear language condemning their stand on nuclear policy. Some of these introductory clauses are very moral, but they display the serious need for the goals mentioned.

Motivating the world community to excess pressure on nations unwilling towards nuclear disarmament,

Taking into account the already existing Nuclear Free Zones

Encouraging the N5 and other potential nuclear powers to follow this example of a milestone in terms of nuclear disarmament

Noting with appreciation the Strategic Arms Reduction Treaties I and II between the United States of America and the Russian Federation and calling upon a further extension of these Treaties towards complete nuclear disarmament,

Calling on the nations of the South Asian Association of Regional Cooperation (SAARC) to critically evaluate Art. 102 of the SAARC Charter and herewith purposing the extension of the SAARC to a forum for South Asian Security,

Further recommending to develop a common foreign and security policy of South Asian Nations under the auspices of the SAARC and establishing a South Asian Union,

Suggesting an international body monitoring arms control,

Welcoming the engagement of Non Governmental Organisations (NGO) to help verifying the disarmament process,

Calling for the establishment of a Nuclear Free World under the auspices of international institutions and authorities,

Herewith agreed as follows:

Article I – Arms Control

1. The Parties shall exchange their data about the number of nuclear warheads and all their nuclear weapon systems including the Inter Continental Ballistic Missiles (ICMB), Medium Range Ballistic Missiles (MRBM), Surface to Surface Missiles (SSM) and the launching facilities. The disarmament process in Art. II of this treaty will be based upon the gathered data.

2. The Parties shall initiate a Commission on Nuclear Disarmament (CND), which is the main authority to verify the steps agreed to in Art. II of this treaty. All details of the CND will be regulated in a memorandum to this Treaty. This commission will consist of a total number of ******* experts, while each Party will send the same amount of delegates. In order to ensure the independence of the delegates, NGO's of each country being engaged in the disarmament process are called upon to recommend nuclear experts.

3. The commission will establish a Head Office (HO) in each of the Parties country. In each of the HOs, ******* members of the commission multiplied with the number of nuclear sites will be sent, while half the members of the HOs will be citizens of each party.

4. Each head offices establishes as many Sub Offices (SO) as nuclear sites are existent in the country.

5. The SOs have unconditional access to every nuclear site. Inspections will take place

    a. annually

    b. randomly without prior announcement,

    c. when it is suspected that the compliance of Art. II of this treaty is not granted.

6. The SOs will inform the the HOs and the CND about the execution of this treaty in order to maintain transparency and to ensure that neither of the Parties feels unequally treated.

7. The CND informs the Governments of the Parties at least once in six months about their work.

Article II – Disarmament[114]

1. In case other BMs than the ones explicitly mentioned in Article I 1. of this treaty belong to the nuclear ordnance depot, the Parties shall unconditionally take steps towards their complete abolition immediately after the treaty comes into effect.

2. No later than *******, each Party undertakes to have eliminated its ICBMs and the ICBM launchers.[115]

3. No later than *****,** each Party undertakes to have separated the striking vehicles and launching facilities from the nuclear weapons. Within *****,** the striking vehicles need to be completely destroyed.

4. No later than *******, each Party takes the necessary steps to achieve strategic balance.

    a. All nuclear warheads will have to be abolished.

    b. The number of nuclear warheads and BMs explicitly mentioned in Article I 1. of this Treaty will have to be equalised.[116] This will be verified by the SOs, which report the execution process to the HOs and the CND.

5. After having achieved the strategic of Article II 4., each party undertakes to abolish their SSMs. No later than *******, 50 out of 100 of the SSMs must be abolished. [117] After verification of this process by the CND, the remaining SSMs should be abolished within *******.

[114] This is a chronological schedule, meaning that Point 1. is the first step, point 2 the second and so on.
[115] Some of the points were literally taken from the START II Treaty.
[116] This leads to strategic balance.
[117] Meaning 50 %. Due to the lack of credible figures, no absolute but relative numbers for the disarmament process were given.

6. After the measurements of Article II 5. have been verified, each party undertakes to abolish their MRBMs. Within *******,[118] 4 out of 100 of the MRBMs must be abolished. After verification of this process by the CND, another 4 out of 100 of the MRBMs will be abolished within *******. After verification of this process by the CND, another 4 out of 100 of the MRBMs will be abolished within *******.[119] After verification of this process by the CND, the remaining MRBMs will be abolished within *******.[120]

7. After the CND has announced the fulfilment of Article II 1.-6., the Parties should withdraw their declaration being nuclear powers proclaim South Asia a Nuclear Free Zone.

8. The CND will remain in effect and monitor that no research on nuclear weapons is being undertaken by the Parties and nuclear power is solely used for peaceful purposes.[121]

9. The CND has the authority to decide on legal sanctions if the treaty is not followed by each of the Parties.

Article III – International Treaties

1. Both Parties shall sign the CTBT immediately after this treaty has come into effect.

2. Both Parties shall pursue negotiations about a new NPT between the nations of the international community for global security and disarmament.

3. Both Parties shall mutually recommend the SAARC Nations to cancel Art. 102 of the SAARC Charter and integrate security matters of South Asia on the SAARC Agenda and transferring defence matters to the SAARC and thus implementing a mutual foreign and security policy. The Parties should work towards a South Asian Union.

Article IV – Other Agreements

1. Both Parties agree to never fight a war against each other again. A war in the context of this treaty is defined as any confrontation between the soldiers of the countries with use of weapons lasting longer than 24 hours in a row and as any attack on the enemies soil with the use of weapon systems.[122]

2. Each confrontation between soldiers needs to be reported immediately to the governments and the CND so that the necessary steps can be decided upon.

3. Both Parties agree to establish a joint border police in order to monitor the mutual border. The constitution of the border police will be determined in a memorandum.

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[118] Since these are the last BMs to be eliminated, the process will have to be verified more carefully, thus the disarmament here, unlike Art. II 5. is proposed in steps of 25 %.
[119] This amount of time needs to be lesser than the one of the first two Steps in Art. II 6.
[120] Again, this amount of time is lesser than the former.
[121] Ideally, the denunciation of any use nuclear power would have been mentioned, because the material needed for nuclear weapons is produced in the power plants. But here, it was refrained from.
[122] This definition of war in the context of the treaty might be questionable, but here it is applicable. The earlier awar would be determined, the more the CND would try to prevent that it actually break out.

4. Both Heads of the Government[123] will increasingly use the hot wire in order to exchange concerns and opinions.

5. Both Parties agree on holding talks

    a. At least annually between the Head of the Governments,

    b. At least every six months on Foreign Secretary levels,

    c. Frequently on other levels, especially in terms of economic and cultural matters.

Article V – Entry into force, Duration and Withdrawal

1. This treaty, including its Memorandum on the CND and the joint Border Police, which are integral parts thereof, shall be subject to ratification in accordance with the constitutional procedures of each Party. The Treaty shall enter into force on the date of the exchange of instruments of ratification.

2. This treaty is of unlimited duration.

3. Each State Party shall, in exercising its national sovereignty of Article 2 1. UNCH, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardised its supreme interests. Withdrawal shall be effected by giving notice one year in advance to each other. Notice of withdrawal shall include a statement of the extraordinary event or events which the withdrawing Party regards as jeopardising its supreme interests.[124]

Article VI – Amendments

Each Party may propose amendments to this treaty. Agreed amendments shall enter into force in accordance with the procedures governing entry into force of this treaty.[125]

Article VII – Registration

This Treaty shall be registered pursuant to Article 102 UNCH in order to promote other Nations to follow this example.

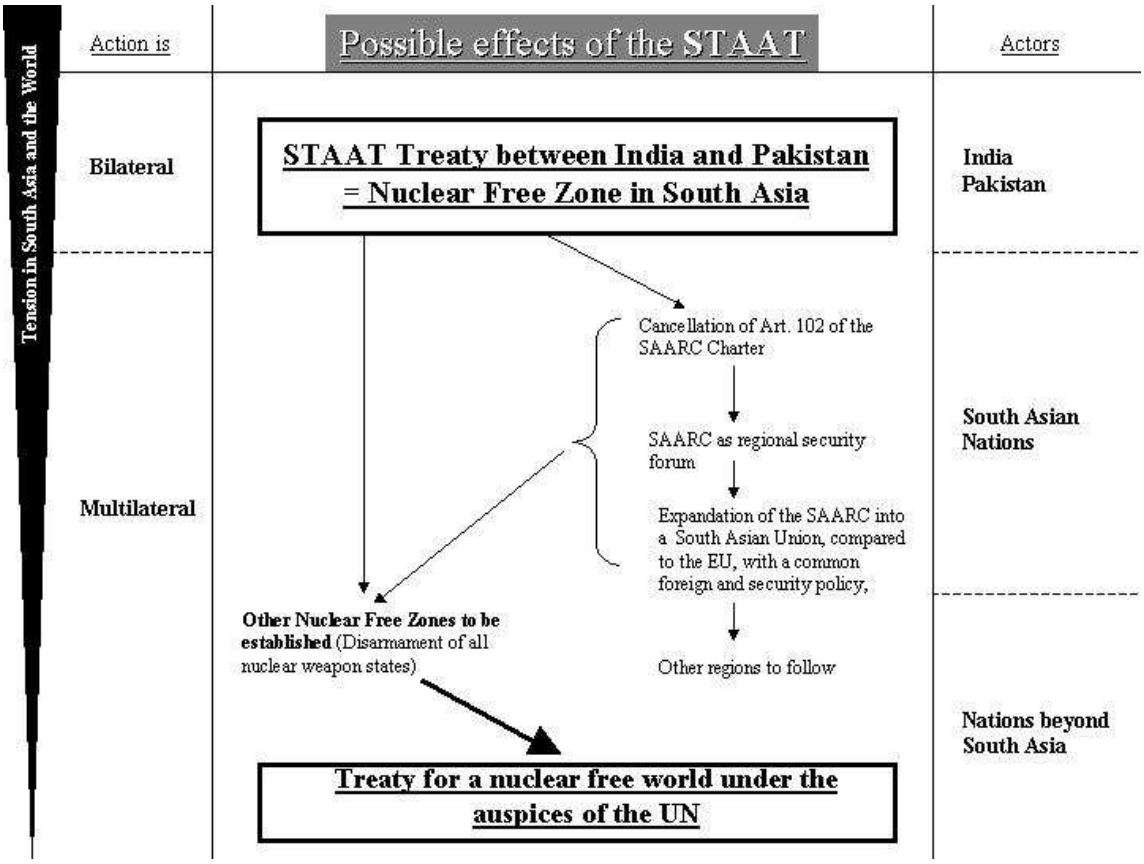
DONE at ******* on *******, in three copies, each in the English, Hindi and Urdu languages, all texts being equally authentic. In case of misinterpretation the English version will be relevant.

FOR THE ISLAMIC REPUBLIC OF PAKISTAN

FOR THE REPUBLIC OF INDIA

[123] The term Prime Minister has been avoided, since in Pakistan the head of the State is the President after General Musharrafs military coup.
[124] This article would ideally have been refrained from. But to keep accordance with Art. 2.4 UNCH, it was mentioned.
[125] Literally taken from the START II Treaty.

Appendix 3: Possible impact of a Nuclear Free Zone in South Asia



This model shows the possible impact of a South Asian Nuclear Free Zone.

The middle column shows the progress in nuclear disarmament and the impact on international relations. Further cooperation within the frame of the SAARC would be possible and maybe ending in a South Asian Union. Other regions of the world can be influenced. The ultimate aim would be a treaty for nuclear free world under the auspices of the UN.

The right column displays the involved actors.

The left column shows the quality of the agreements and indicates the tension. A fall of tension occurs when the confidence building measurements of the middle column are undertaken.

Appendix 4: Abbreviations

AAM	Air to Air Missile
ABM	Anti Ballistic Missile
ASEAN	Association of South East Asian Nations
ATGW	Anti Tank Guided Weapon
BJP	Bharatiya Jantana Party
CND	Commission on Nuclear Disarmament
CTBT	Comprehensive Nuclear Test Ban Treaty
IAEA	International Atomic Energy Commission
ICBM	Inter Continental Ballistic Missile
IISS	The International Institute for Strategic Studies
INuclD	Indian Nuclear Doctrine
ISI	Inter Service Intelligence Agency (of Pakistan)
MIND	Movement in India for Nuclear Disarmament
MRBM	Medium Range Ballistic Missile
N5	The five recognised nuclear powers USA, Russia, Great Britain, France and China
NATO	North Atlantic Treaty Organisation
NGO	Non Govermental Organisation
NMD	Nuclear (Ballistic) Missile Defence System
NPT	Non Proliferation Treaty
NWFZ	Nuclear Weapon Free Zone
PAANIF	Agreement between India & Pakistan on Prohibition of Attack Against Nuclear Installations and Facilities
PTI	Press Trust of India
SAARC	South Asian Association for Regional Cooperation
SAM	Surface to Air Missile
SEAL	Sea Air Land Missile
SLBM	Submarine Launched Ballistic Missile
SSM	Surface to Surface Missile (Short Range)
STAAT	Strategic Arms Abolition Treaty
START	Strategic Arms Reduction Talks
UN	United Nations
UNCD	United Nations Conference on Disarmament Geneva
UNCH	United Nations Charter
UNCH	Charter of the United Nations
UNGA	United Nations General Assembly
UNIDIR	United Nations Institute for Disarmament Research
UNOG	United Nations Geneva
UNSC	United Nations Security Council

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