



**COMMONWEALTH OF AUSTRALIA**

# **JOINT STANDING COMMITTEE ON TREATIES**

**Reference: Treaties tabled on 12 and 13 May 1998**

**CANBERRA**

**Tuesday, 2 June 1998**

**OFFICIAL HANSARD REPORT**

**CANBERRA**

## JOINT STANDING COMMITTEE ON TREATIES

### Members:

Mr Taylor (Chairman)

Mr McClelland (Deputy Chairman)

Senator Abetz  
Senator Bourne  
Senator Coonan  
Senator Cooney  
Senator Murphy  
Senator O'Chee  
Senator Reynolds

Mr Adams  
Mr Bartlett  
Mr Laurie Ferguson  
Mr Hardgrave  
Mr Halvorsen  
Ms Jeanes  
Mr McClelland  
Mr McGauran

For inquiry into and report on:

Treaties tabled on 12 and 13 May 1998.

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# JOINT STANDING COMMITTEE ON TREATIES

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## CANBERRA

Tuesday, 2 June 1998

Present

Mr Taylor (Chairman)

Senator Abetz

Senator Reynolds

Mr Adams

Mr Bartlett

Mr Laurie Ferguson

Mr McClelland

Committee met at 8.13 a.m.

Mr Taylor took the chair.

**BERRY, Mr Kenneth Bruce, Assistant Secretary, Arms Control and Disarmament Branch, Department of Foreign Affairs and Trade, R.G. Casey Building, McEwen Circuit, Barton, Australian Capital Territory**

**FAULKNER, Ms Andrea, Comprehensive Test Ban Treaty Desk Officer, Department of Foreign Affairs and Trade, R.G. Casey Building, Barton, Australian Capital Territory**

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**HUTCHESSON, Mr Bryce, Director, India and Indian Ocean Section, South and South East Asia Division, Department of Foreign Affairs and Trade, R.G. Casey Building, Barton, Australian Capital Territory**

**LADE, Mr Graeme Freear, Director, South Asia and Regional Issues Section, Department of Foreign Affairs and Trade, R.G. Casey Building, Barton, Australian Capital Territory**

**SPILIOPOULOS, Dr Spilio, Research Scientist, Australian Geological Survey Organisation, GPO Box 378, Canberra, Australian Capital Territory 2601**

**CHAIRMAN**—I declare this private briefing open and welcome Mr Berry, Ms Faulkner and Mr Griffin from the Department of Foreign Affairs and Trade. We have decided to reconvene this hearing in the light of what has happened just in the last week regarding India and Pakistan and the nuclear tests. We have also done that because, as you may recall, on Monday of last week we also dealt with an investment protection agreement—a bilateral—between Australia and Pakistan, and we obviously need to reconsider that in light of the testing and in light of the government actions in terms of both India and Pakistan. So there are two elements. There is the broader subject of nuclear testing and India and Pakistan, and the second one of course is the IPPA with Pakistan.

I also should point out, for those of you who are not aware of it, that the debate on the CTBT bill has started in the House. It is still to be completed, but it commenced last evening. Whilst the foreign minister has not spoken yet, he was in the House towards the end of last night's debate where there were some very worthwhile comments.

In answer to a question from me yesterday in the House in relation to the overall testing situation, Mr Downer made the point, or reinforced a point that he had made

earlier and which was addressed in his speech, as I recall, to the conference on disarmament in Geneva early in February where he said that Australia's tactical approach in the CD this year would be in terms, firstly, of the antipersonnel landmine ban and, secondly, the fissile material cut-off treaty. So there are a number of issues that we would like to explore with you this morning before we finalise our report, both in terms of CTBT and, more specifically, in terms of that bilateral or proposed bilateral with Pakistan.

Did you want to make a short opening comment, or do you want to just go straight into questions?

**Mr Berry**—I think get straight into questions.

**CHAIRMAN**—Alright. First of all, let us get on the record what the formal response has been from the Australian government to the testing, both by India and Pakistan.

**Mr Berry**—I think that is a question for Mr Lade.

**Mr Lade**—I can address the case of Pakistan and Bryce Hutchesson can address what we have done in relation to India, although basically, we have sought to adopt parallel responses to the testing by both countries. In the case of Pakistan, we have recalled our High Commissioner from Islamabad for consultations and he, in fact, arrived back in Canberra on Sunday evening, and will be in Canberra for consultations this week.

We have suspended all defence contacts with Pakistan and are recalling our defence adviser as part of that measure. We have also excluded Pakistan from non-humanitarian aid. At the present time, our entire aid program with Pakistan is humanitarian. This precludes Pakistan from non-humanitarian aid in the future.

Thirdly, we have suspended ministerial and senior official visits, and that parallels the measures we took with India. In addition, as you may be aware, the Minister for Foreign Affairs announced last week, before Pakistan had proceeded with testing and as an incentive to try to encourage restraint, that we would double our aid to Pakistan. That offer of doubling aid to Pakistan has now been cancelled.

The other thing that has happened is that we had a Pakistan parliamentary delegation in Australia at the time the Pakistanis conducted their first test, and the presiding officers, I understand, in consultation with Mr Downer, thought that it was inappropriate for that visit to continue. I understand that the delegation themselves were keen to return to Pakistan and accordingly, they departed Australia last Friday, when originally they were scheduled to return on Sunday.

**CHAIRMAN**—And on India?

**Mr Hutchesson**—As Mr Lade said, the actions taken in relation to Pakistan reflected very much the actions we took against India. Representations were made to the Indian High Commissioner here by Mr Downer and at senior officials level and similarly our High Commissioner in New Delhi, Rob Laurie, made high level representations to the Indians in Delhi before he left Delhi on his temporary recall here.

The Australian High Commissioner spent approximately a week back in Australia. He has now been back in Delhi for about a week and a half.

We have suspended bilateral defence ties. As part of that, we have recalled our defence adviser. We have cancelled plans for ship visits. We have suspended staff college exchanges and all other defence related visits in the pipeline. We have suspended non-humanitarian aid to India and again, as with Pakistan, we have suspended ministerial and senior officials' visits to and from India.

**CHAIRMAN**—Were there Pakistani defence force people in Australia?

**Mr Lade**—Yes, as I understand it there was one Pakistani defence official on a training course in Australia. I think he, if he has not already left, is in the process of leaving.

**CHAIRMAN**—What would be DFAT's view in terms of the proposed IPPA which we discussed last week, in the light of this?

**Mr Lade**—As is the case with India, the measures we have taken have sought to quarantine our normal trade and economic relations with both India and Pakistan and I think the potential damage to Australian companies is much greater than the other way around for the most part. That certainly is the case in relation to the investment protection agreement where it is Australian investors who stand to gain the most out of the agreement. I had a chance to talk briefly with our High Commissioner about this last evening and I might point out that the Pakistan government, fearing the worst, I guess, in terms of sanctions and its ability to cope economically, is envisaging a very tight economic situation and is encouraging all sorts of measures to scrimp and scrape. As a result of that, at this stage while there are no indications that they may seek to interfere with or impact on what foreign companies and businesses are doing in Pakistan, there is a possibility that, given this new tight environment, they may seek to resile from commitments entered into. We certainly saw one initial reaction where they froze foreign currency accounts. That has now been set straight and non-residents are readily able to access their foreign currency accounts again. This is just an indication of the current sort of mood and I think, given that climate, it makes it perhaps all the more imperative that we have this agreement in place to protect the Australian investment interests already in Pakistan.

**CHAIRMAN**—Do you take the view that we should press ahead and ratify?

**Mr Lade**—We believe that we should press ahead and ratify. In terms of the presentation of timing and so on, I appreciate that in the normal course of events I think we would be in a position for the agreement to enter into force in early July and perhaps, presentationally—and this is perhaps something we can consider—it may be advisable to delay it for a couple of weeks; but generally we think we should be pressing ahead to ratify.

**Mr McCLELLAND**—I read somewhere where there were plans or discussions in the international community to revise the nuclear non-proliferation treaty in the year 2000: have there been any moves in other areas with respect to the process of nuclear disarmament?

**Mr Berry**—In the general sense the conference on the non-proliferation treaty was always due to review its overall effect in the year 2000. That is not a new thing. It was not actually designed necessarily to look at a specific review of the treaty, just to look at whether the treaty needed to be reviewed. The treaty has, in fact, been working quite well. There are only five states, I think it is, that have not actually signed or become party to the treaty, and one of the states is in the process of doing so. The states that have not actually become party to the non-proliferation treaty are India, Pakistan, Israel, Cuba and Brazil, and Brazil is the country that is in the process of acceding to the treaty.

**Mr McCLELLAND**—What about the Middle East nations?

**Mr Berry**—They are all parties to it. It is one of the most successful treaty regimes on the table.

**Mr McCLELLAND**—If they were to breach their obligations—when I say they, I mean the Middle East countries—under the non-proliferation treaty, are there any international mechanisms of enforcement available?

**Mr Griffin**—In case of breach of the treaty or non-compliance, the treaty provides for recourse at the various stages, actions by the states parties, but ultimately recourse to the Security Council which is the only international body empowered to impose legally binding sanctions on UN member states.

I should add that in terms of the review, it is actually a review of the operation of the treaty to see how it might operate more effectively. There is no proposal on the table to actually review and change the text of the treaty. Amending the treaty is an extremely complex process—the number of ratifications required. Basically the view that is accepted is that if you tried to amend the treaty, you would unravel it completely. So that is not on the agenda at the review conference.

**Mr McCLELLAND**—We have seen very extensive powers of investigation and inspection in respect of chemical and biological weapons. Do those same powers exist in



respect of nuclear weapons?

**Mr Griffin**—Yes. One of the outcomes of the Iraqi invasion of Kuwait was the revelation of a clandestine nuclear program. One of the beneficial outcomes of the washup of that exercise was a look at the safeguards and inspection activities of the International Atomic Energy Agency. It is strictly the prerogative of another branch in DFAT, but basically it moved—and we were quite active in promoting this—the safeguards process from a strict accounting exercise—atoms in, atoms out—to a more proactive investigative mode precisely to detect the possibility of diverted or clandestine programs. Australia was the first country to accept the modified safeguards protocols.

**Mr McCLELLAND**—So could the same scenario you have seen in respect to the international community's reaction against chemical and biological weapons apply in respect to any country that is a signature to the non-proliferation treaty developing nuclear weapons in a clandestine way?

**Mr Griffin**—Yes, it is very proactive and very intrusive. It is different in the sense that both the CWC and the BWC are disarmament instruments therefore any chemical or biological weapons activity is forbidden, whereas peaceful nuclear activities are allowed. Therefore, it is a different type of investigation. But certainly, post the Iraqi invasion of Kuwait it is a much more proactive, investigative type of safeguards inspection designed to detect clandestine or unauthorised activities.

**Senator ABETZ**—What reasons have been offered by India and Pakistan for the tests? We read of them in the paper, but do we accept them as being the actual reasons, or do we believe there is some underlying agenda?

**Mr Hutchesson**—There are probably three main reasons which could account for India's decision to test. The precise weight attached to each of those reasons, I think, is still in the realm of speculation to some extent. I think it would be reasonable to say that the domestic angle weighed very heavily on the Indian government's mind in taking the decision to test. They have a relatively new government; it has been in office for barely two months now. It is a large coalition comprising something like 18 constituent elements with lots of internal divisions and every prospect of a lot of coalition infighting.

Having taken the decision to test, without any doubt there has been a very strong and united national response, at the popular level at least. At the grass roots level, there has been a lot of support for the government's decision to test. This may well have been in the BJP's mind in trying to consolidate the coalition and gain a lot of electoral support.

Of course, the BJP did not make any mention of the domestic angle in its decision to test. What it did emphasise is the security dimension and particularly the so-called China threat. There was a letter written by the Indian Prime Minister to a range of international leaders—G8 leaders—which cited particularly the threat posed to India by

China. The Indians say that the Pakistani capability really was not in their mind.

The third angle, which I think is a very important angle, is tied up with India's sense of its own place in the international community. The BJP-led government, particularly the BJP, is a very strongly nationalist government. Not just the BJP but other elements of Indian society believe that India has a place in the world perhaps at a higher level than it has hitherto occupied. India sees itself as engaging ideally on equal terms with the great powers of the world. It has aspirations to join the Security Council, for instance. There is certainly a strong element in Indian thinking which sees that having demonstrated this capability, it is declaring to the world that it is a major player that needs to be taken notice of. So, it is a mix of all of those factors, but certainly the domestic angle would have weighed heavily.

**CHAIRMAN**—I made the comment in the debate in the House last night that it was based on rampant nationalism and political instability, and of course, as a result of that with Pakistan it was tit for tat—would you agree with that?

**Mr Hutchesson**—Certainly the domestic angle and a strong sense of nationalism were very strong factors we would think in leading to India's decision to test—perhaps not the only factors, but very strong factors. On the Pakistan angle, Mr Lade might like to comment.

**Mr Lade**—In the case of Pakistan I think tit for tat is perhaps a slight oversimplification. I think they were under intense pressure domestically. I think they have very genuine national security interests and I think it was in appreciation of the difficult position in which Pakistan was placed following the Indian tests that we, and other members of the international community, tried very hard to urge restraint from Pakistan. At the end of the day I think the Pakistan government was under such intense pressure, both domestically and because it felt that its national security interests were not being adequately met by the response that the international community was providing, that they felt compelled to respond.

We would probably debate the perceptions on the international community response, but I think we certainly were very aware that from a Pakistani perception they felt that the international community response was not strong enough.

**CHAIRMAN**—Just on India's place in the world, would you agree with the comment that India, for quite a long time and in recent weeks has reiterated this, used their strategic and tactical capability in terms of their defence mechanisms as an avenue of power projection?

**Mr Hutchesson**—Perhaps some of my colleagues might have some views on that. Certainly India's desire to project a military capability is something that we and others have noted for some time now. Over a decade ago there was some focus on India's

aspirations, for instance, for a blue water naval capability, so I think it would be fair to say that this development in India seeking to project itself forward and gain a seat at the main table, through a variety of means, is not a new development as such. What is a new development is the very destructive step it has taken to seek to elbow its way into that club as it were—that high table.

**Senator ABETZ**—Have we made any analysis as to the actual costs these tests would have incurred to the Indian government and to the Pakistani government? What sort of costs would have been involved?

**Mr Hutchesson**—In terms of the costs of their nuclear program or the cost of sanctions?

**Senator ABETZ**—The actual testing that took place.

**Mr Griffin**—Obviously their program is a closely held secret. As to the details of it and the actual cost of mounting the test, I have not seen any analysis of that or any attempt to quantify it.

**Senator ABETZ**—Right. We are told that non-humanitarian assistance to India had been stopped or halted or deferred—

**Mr Hutchesson**—That is right, yes. It has been suspended—humanitarian aid continues.

**Senator ABETZ**—What sort of dollar terms are we talking about and what sort of projects?

**Mr Hutchesson**—Obviously my AusAID counterparts would be in a better position to provide a detailed response to that, but my understanding is that we are talking about something like \$3½ million dollars. We are talking about a range of projects in a number of the states of India ranging from coal safety projects to highway development projects—things of that sort. I am sorry I do not have those details.

**Senator ABETZ**—What about the humanitarian aid to India, how much are we talking about?

**Mr Hutchesson**—That runs to about \$16½ million.

**Senator ABETZ**—I have one final question on the China reason or the China excuse. What is our assessment of that? Is it realistic, is it valid, do we dismiss it out of hand? What do we say about it?

**Mr Hutchesson**—We have not said a lot at this point. I think China is a declared

nuclear weapons state. That is a fact that India has been living with for some time. India has expressed concerns. The Indian defence minister has been very vocal, in fact, in the lead up to the tests, pointing to a number of concerns India had about China's activities, including on the Tibetan Plateau, including in conjunction with Burma in the Andaman Sea, including very importantly the assistance it has supposedly been providing to Pakistan to develop Pakistan's nuclear weapons capability.

It is, I think, a valid consideration for India to have in mind, but to use that as a justification for the steps that it has taken in conducting nuclear tests I think is a different matter again.

**CHAIRMAN**—Overnight we have heard reports of a 15 per cent increase in the defence expenditure in India. Do you have any analysis of what those increases mean? One report I heard was that it was principally in relation to pay rates for defence personnel. Do you have any further feel for that?

**Mr Hutchesson**—I think you are probably ahead of me on that. I have heard of those reports. I have not had a chance to see any reporting in overnight from our mission in Delhi but I understand that the reports you have heard would seem to fit with the way things are.

**CHAIRMAN**—Could you take that on notice and get something to us as soon as you can, within the classification levels, just something quickly within the next 24 hours. I would imagine you would have a cable in, probably this morning.

**Mr Hutchesson**—Yes.

**Senator REYNOLDS**—Mr Lade, you have mentioned sanctions in the context of Australia, but I wonder if you could just give us a brief run-down of DFAT's view of the likelihood of sanctions, both trade and sporting, affecting both India and Pakistan.

**Mr Lade**—Are you seeking those internationally or from Australia's point of view?

**Senator REYNOLDS**—No, internationally. You made clear Australia's position, as has the minister, but I am just wondering if you have information about the likelihood of sanctions, from which countries and at what pace they may be introduced.

**Mr Lade**—Bryce Hutchesson will be able to offer some comments here too, but basically by conducting these tests both Pakistan and India have triggered President Clinton to enforce the provisions of the Glenn amendment, which empowers or requires him to impose economic sanctions against non-declared nuclear weapons states conducting a nuclear weapons test, so that applies automatically in the case of both India and Pakistan. The actual impact of those sanctions and how they will be implemented is

something that I think the United States is still itself assessing, so it is probably premature, really, to comment in detail because we have seen some quite widely varying estimates on the actual economic impact of them.

**Senator REYNOLDS**—What sort of estimates of economic impact?

**Mr Lade**—I think probably the lower end I have seen has probably been about the \$600 million to \$700 million range, but it has gone up to, I think the highest I have seen is probably closer to \$7 billion.

**Senator REYNOLDS**—That is just from a US perspective, is it?

**Mr Lade**—This relates, because of flow-on effects in terms of US attitudes, to international financial institutions. Certainly the higher end figure would include that.

**Mr McCLELLAND**—Has the rest of the community failed to back up the United States, do you think?

**Mr Lade**—I think in terms of what each country considers an appropriate response, they decide for themselves. In our case, we have decided that the measures we have taken were taken in a timely way and were appropriate, given the nature of our relationship with both countries and the message we wanted to make of condemnation of the actions they had taken.

In the case of other countries the sorts of measures they have taken have varied. To some extent it depends on the nature of their relationship. Certainly some of the Nordic countries do not have substantial economic or aid relationships and so that has affected their response. The Japanese have been seriously looking at restrictions on aid and, certainly in the case of Pakistan where they provide 50 per cent of the economic assistance that Pakistan receives, the measures they take will have a substantial impact. The Japanese are still reviewing exactly how they will implement that so we again do not know the precise impact at this stage.

**Senator REYNOLDS**—And sporting sanctions—has that been considered?

**Mr Lade**—Sporting and cultural sanctions are something that we have not considered and I do not think anybody else has. On that score I might note there have been press reports referring to the forthcoming Australian cricket tour to Pakistan and the Australian Cricket Board has in fact been in touch with us informally, and we have told them that the measures we have taken do not have any impact on sporting contacts. However, were the security situation in Pakistan as a result of these developments to deteriorate in the next few months then, for different reasons, we may advise them otherwise. But at this stage, as far as we are concerned there is no reason why that tour should not go ahead.

**CHAIRMAN**—Could I just come back to sanctions and the CTBT bill before the House. You are not suggesting, for example, that there should be automatic sanctions imposed for those outside non-declared countries in terms of that bill are you?

**Mr Lade**—According to US legislation there are automatic sanctions.

**CHAIRMAN**—Yes I know, but I am talking about the Australian situation with the CTBT bill. You are not suggesting that Australia would go down that route are you?

**Mr Griffin**—On the contrary. I think an element for consideration in the question relating to the rest of the world following the US lead, in terms of economic sanctions, is that the US has no choice. It is a question of legislation and in a way that blunts the political instrument—you do not get to choose the sanctions you might want to choose to send the best message to a particular country. It is generally accepted, I think, that Pakistan is much more vulnerable to international economic sanctions than India, and to have a country forced into economic and financial free-fall through global economic sanctions when that country has nuclear weapons is obviously a scenario that you do not undertake lightly. So there are all sorts of considerations which mean that such a decision should remain the prerogative of individual governments rather than part of an international regime.

**Mr McCLELLAND**—I note, however, that the Pakistani Prime Minister, whether it is justified or not, used as one of the reasons for the Pakistan tests what he perceived as the inadequate response of the international community to India's tests. Is there an argument that the CTBT should be amended or upgraded to require signatories to impose automatic sanctions as per the United States legislation? In other words, any country that committed a test would know automatically that the signatories were required to each impose economic sanctions?

**Mr Griffin**—I am not a lawyer but I think it would probably be a legal path down which we would not want to go. To suggest that a country's sovereign—in fact it is one of the complaints that India had with the entry into force formula of the CTBT—right to sign or not sign a treaty does not remain absolute, and for the parties to a treaty to presume to sanction the countries that decide to remain outside a treaty, once you establish that principle in international law, I think that would be a very double-edged sword to be playing with.

**Mr LAURIE FERGUSON**—You referred to the situation in Pakistan: carrying the whole of the Afghan refugee problem and basically probably spending a fair bit of money interfering in Afghanistan over the last few years, last week their Prime Minister said they were in a chronic financial position. They were actually going to crack down on tax evasion et cetera. Where do you see them going? The Indians are increasing their defence budget and the Pakistanis are in a very difficult financial position. Firstly, is there going to be any kind of interest by the rest of the Islamic world in their predicament and, secondly, where do you see them going diplomatically in their situation? They cannot compete long

term, so where do you see it going from their point of view?

**Mr Lade**—I think the issues you flag are real ones. At this stage, we have not undertaken a full analysis of the sort of impact but clearly, as John Griffin alluded to earlier, I think the sanctions that the United States is imposing will certainly affect Pakistan to a much greater extent than India. Its economy was a fairly troubled one already, and it was very much dependent on IMF support packages. So I think without, as I said, having undertaken a detailed analysis, a sort of off- the-cuff reaction is the prospects look pretty dire.

In terms of the question of Islamic support, this is something that, again, we are still trying to get a handle on. The reactions have been a little bit mixed to date. I think there certainly have been some indications. For example, we were aware of some reports in Cairo of people cheering and jubilant because an Islamic country had carried out a nuclear test. We have seen some reports this morning that the Iranian foreign minister is currently in Islamabad and, while basically the line he has taken is that he understands Pakistan's national security interests and the reasons why they have gone this step, he has again urged that there not be an arms race in South Asia. In terms of other Islamic reactions, though, I think there is a very real concern that the concept of an Islamic bomb may prompt Israel to move ahead, and that is acting as a restraining factor. But, again, we have not got a very full readout as yet on the reactions of all the Islamic countries.

**Mr Griffin**—I should say, though, that some initial reactions to the Indian tests have been strong. Malaysia, for instance, was very strong in its statement of opposition.

**Mr LAURIE FERGUSON**—Was it very strong after Pakistan?

**Mr Lade**—They issued an identical statement after that.

**CHAIRMAN**—In terms of the Middle East, as you would know, there is a parliamentary delegation leaving this weekend. In fact, without getting into the detail, I have written to the Speaker on that in relation to CTBT and what has happened in the Indian subcontinent. Perhaps they might explore that while they are there. It will be interesting to see what they get.

**Mr ADAMS**—On the cost of the nuclear programs in both countries: is there not a line in their budget or something that gives us some clue on what is being spent? Doesn't someone analyse the budget?

**Mr Griffin**—Maybe Mr Hutchesson has seen the relevant budget papers. I would be very surprised if it was identified as such. I think it is a genuinely covert program.

**Mr ADAMS**—What, even in the defence budget?

**Mr Hutchesson**—It would be buried somewhere in the budget. We will be looking very closely at this particular budget that was announced yesterday. I would not expect to see a lot of detail on their nuclear and related activities.

**Mr ADAMS**—Will we start to put a figure on it if they will not own up? There must be some analysis done on what it costs to have those sorts of tests, and I think people would be very interested to know how much money is being spent on those tests.

**Mr Lade**—In the case of Pakistan, it has been a hidden figure in their budget. Pakistan spends a very large amount on its defence program. It also has allocations for scientific programs and we presume that the atomic funding is probably hidden somewhere in those sorts of areas. I guess we can try to get some sort of analysis of the cost, but there will be limitations given the hidden nature of it.

**Mr ADAMS**—Can we do that?

**CHAIRMAN**—Well yes, if we could have a note or something on that to give us a little more detail if you can. Can I just come back to the minister's comment about fissile material cut-off and the proposed treaty within the CD—are you able to talk about that in a little more detail as to what Australia is proposing and what implications it has for the Indian-Pakistani situation?

**Mr Berry**—Well in some ways of course it is aimed directly at the Indian-Pakistan situation prior to and now even more so subsequent to the tests. Today in Geneva for instance, as Mr Downer announced on Sunday, Australia and New Zealand have led the field in calling for a special session of the conference on disarmament which will take place later today in Geneva, starting about 6 o'clock Australian time this evening.

Apart from the condemnation aspects of the Indian and Pakistani tests, one of Australia's main aims in this particular special session of the conference on disarmament will be to highlight our call for India and Pakistan not only to sign on to the CTBT but to begin negotiations of a fissile material cut off treaty.

India has been making a lot of statements subsequent to its tests that it would be willing to negotiate a fissile material cut-off treaty, which we of course welcome. However, it has also been making a lot of conditional noises linking the idea of a cut-off treaty to the stance of the declared nuclear weapons states to a convention or negotiation in future within a particular time frame of a treaty to ban nuclear weapons full stop. That has been an Indian position for quite some time.

The Pakistanis, before the Pakistani tests, were quite critical of the idea of a fissile material cut-off treaty. Their position really was a more voluble expression of what they had been doing before in the CD—in the Conference on Disarmament—in particular on cut off, but their ambassador in Geneva was very critical saying that after the Indian tests



and before the Pakistani tests that it just demonstrated that it was a rather futile exercise.

We have been trying to engage the Pakistanis since their tests on whether they would be willing now, subsequent to the tests, to enter into negotiations and we will be continuing to make strenuous efforts in Geneva to engage the Indians and Pakistanis in that exercise.

About two or three weeks ago there was a preparatory committee of the conference to review the nuclear non-proliferation treaty held in Geneva, and the overall outcome of that particular meeting was not particularly forthcoming, the only really positive result in fact, from Australia's point of view—and I should add of course that India and Pakistan, not being parties, were not present at that particular meeting—was a decision by that preparatory committee to de-link—and this included all of the non-aligned countries—the question of the development of a fissile material cut-off treaty from the essentially Indian and Pakistani line that it should be linked to a time bound commitment—a commitment by the nuclear weapons states—to negotiate a treaty to abolish nuclear weapons within a particular time frame. And our major challenge over the coming weeks and months will be to translate that result from the non-proliferation treaty into the conference on disarmament. I do not know whether John has any more particular comments on that.

**Mr Griffin**—No, I think that pretty well sums it up, except perhaps that part of the challenge in this post Pakistan and Indian nuclear testing period is to see the extent to which the bulk of the non-aligned countries have been jolted free of their fairly rigid adherence to non-aligned orthodoxy and ideology on nuclear disarmament; that the shock effect of what India and Pakistan have done may have made them more inclined to go to a middle ground consensus on what can practically be done in the conference on disarmament.

**CHAIRMAN**—Just in relation to the special CD session starting today. As I recall, Alexander Downer in his address to the CD in January made that point. Clinton's address to the CD at the same time, which was delivered by their ambassador, also made the same point, that they were pushing towards this fissile material cut-off treaty. What has happened between January and June insofar as John Campbell is concerned? Have there been formal sessions within the CD or has he just been working the network in terms of what was put in January?

**Mr Berry**—Essentially, principally because of India and Pakistan's activities to link FMCT with time bound nuclear disarmament, we were not successful in the sessions of the CD that have taken place since January this year in getting cut-off put on the formal negotiating agenda, so we have been working in the corridors or behind the scenes to reverse that.

We have been conducting ongoing negotiations with a group of like-minded countries in Geneva, and Austria is also working to set up a contact group of countries to

work behind the scenes to get cut-off put on the agenda. But of course now, as John just suggested, with the Indian and Pakistani tests, there has been a complete sea change reflected in the outcome of the non-proliferation preparatory committee to de-link in the minds of the great bulk of the non-aligned movement in particular, which were the ones just basically backing India and Pakistan because of solidarity reasons more than being convinced of the argument. We believe that the situation has changed sufficiently that with a bit more effort we can probably have a pretty good go at getting cut-off put on the formal agenda. There are a number of countries that see it as a priority but we have, in the past, foundered on that non-aligned linkage question.

**CHAIRMAN**—When I was there in January, I think we were working quite closely with the Canadians and the New Zealanders on it. I had lunch with both their ambassadors and, with the Austrians, I guess there are links through the CTBTO in Vienna and Lance Joseph, so there is that interplay between Vienna and Geneva as well.

**Mr Berry**—That is right.

**CHAIRMAN**—Okay, is there anything further? The final one that I have is that yesterday—and you probably cannot answer my question, but I am going to ask it anyhow—Alexander Downer, in responding to my question about CTBT, about India, Pakistan and CTBT and other initiatives, referred to these ‘other initiatives’ in the next few weeks. Can you give us an inkling of what those might be, or is that sub judice at this stage?

**Mr Berry**—Not in any detail, but we are looking very closely at an initiative through the Secretary-General of the United Nations to talk in more detail to India and Pakistan to gauge what they might be willing to contemplate as a multilateral effort. We are also looking at other initiatives, for instance the possibility of Commonwealth involvement, but we have not worked out details of that.

We are also, I think, as you heard in the last session of this committee, working in the CTBT in any case to convoke a review conference on the entry into force of the CTBT next week in the International Atomic Energy Agency. The board of governors will be also taking action to get a declaratory statement condemning, regretting et cetera the Indian and Pakistani actions. Those are the sorts of general—

**CHAIRMAN**—And that is being done in Vienna?

**Mr Berry**—Yes, that will be in Vienna, that is right.

**Mr Griffin**—I think in general, part of the government’s response to what has happened is to open up as many fronts as possible in international fora on this question. Once again, it is a question of targeting our response in a way which is most appropriate. If India thinks that it is able to, in some sort of anachronistic way which is resonant of the

1950s, shoot their way into the top club, then to make it clear by condemnatory action in a range of fora that far from having shot their way into the boardroom, they are in fact being condemned in as many boardrooms as possible. It is that sort of thing, rather than just punishing India for the sake of punishing India, sending the message that they have not achieved in terms of international stature what they set out to achieve: to the contrary.

**CHAIRMAN**—My very final question, and I cannot let the scientist there sit quietly: in terms of the international monitoring under the CTBT bill, with the enhanced monitoring stations in Australia, would those stations be in a better position to pick up the sorts of tests that have been carried out in South Asia over the last few weeks?

**Dr Spiliopoulos**—In terms of enhancing our seismic monitoring capability, what we are going to do is not really going to affect our ability to pick up those tests. Apart from the two small Indian tests on Wednesday 13th, we picked up all the other tests quite clearly, so our capability is quite good in Australia at this moment for that region.

**CHAIRMAN**—We are well ready.

**Ms Faulkner**—I would just like to add that, seismically, it is worthwhile remembering that the global monitoring system for the CTBT is actually designed for the detection of clandestine nuclear explosions, as well as identifying beyond any doubt those which have been announced, as has been the case with India and Pakistan.

**CHAIRMAN**—Just a very final question, what is the score at the moment? Is it Pakistan seven and India six?

**Mr Berry**—On the claimed explosions, yes.

**Mr McCLELLAND**—That is if you include 1974.

**Mr Lade**—Pakistan claimed only one on the official announcement so it is five and six.

**CHAIRMAN**—I see. It depends who you listen to.

**Dr Spiliopoulos**—Was that caused by the nuclear explosions?

**CHAIRMAN**—Does anyone have any further comments? In that case, thank you very much. That has been very helpful to just top off what we heard last week and we thank you for that. Thank you *Hansard*.

**Committee adjourned at 9.01 a.m.**