

EXECUTIVE SUMMARY

On 11 and 13 May 1998, the Indian Government announced that it had detonated nuclear devices in the Pokhran Range. On 28 and 30 May, the Pakistani Government announced that it had followed suit by conducting its own series of nuclear tests at Nilore.

India had refrained from nuclear testing since 1974. Although it had been on the brink of conducting nuclear tests in recent years, the timing of the Indian 1998 tests appears to have been determined largely by domestic political considerations. Although considerable international pressure was put on Pakistan not to follow India's lead, the Pakistani Government eventually succumbed to domestic political and security considerations.

The international community condemned the tests and urged both India and Pakistan to forsake the nuclear path and join the global nuclear non-proliferation regime. Many countries, including Australia, imposed a range of sanctions on both India and Pakistan.

Australia adopted a bipartisan approach to the South Asian nuclear tests, denouncing the tests in forceful terms. A range of sanctions was imposed on India and Pakistan, including a suspension of high-level bilateral dialogue, non-humanitarian aid and various defence relationships. At a hearing on 4 December 1998, the Department of Foreign Affairs and Trade told the Committee that the Government had resumed high-level bilateral dialogue with India and Pakistan but had not reinstated other measures.

The Committee received considerable evidence supporting the reinstatement of the defence advisers appointed to India and Pakistan and the bilateral defence educational and training programs, which had been suspended by the tests. The Committee recommends the reinstatement of these programs but not other defence-related measures.

The Indian nuclear program was established as a result of a perceived threat from China following a border war between the two countries in 1962 and China's detonation of a nuclear device in 1964. Until recently, relations between the India and China had been improving, notwithstanding Indian perceptions of a Chinese encirclement of India and of Chinese assistance with Pakistan's nuclear, missile and conventional weapon programs. The Indian Defence Minister's anti-Chinese rhetoric prior to the tests and the tests themselves have not provoked any particular reaction from China. The state of the bilateral relationship does not therefore give rise to any particular concerns about possible armed conflict between them.

On the other hand, relations between India and Pakistan have remained tense ever since Partition in 1947. This tension has resulted in three wars between the two states. Two were fought over Kashmir. In the third, India helped East Pakistan to separate from West Pakistan to become Bangladesh.

The enmity and deep divisions that characterise relations between India and Pakistan are not going to be resolved in the short term. The bitterness and political and social differences are too entrenched for that to happen. That is not to say, however, that some amelioration in the relationship cannot be achieved, provided that both sides are prepared to work towards that end. Kashmir is by no means the extent of the differences between the two states but it is a key issue.

Unfortunately, India and Pakistan cannot even agree on the modalities for negotiating a settlement of the Kashmir problem. India maintains that the dispute is a bilateral issue and has refused to accept any attempt at mediation by third parties, including the United Nations. Pakistan, on the other hand, has sought United Nations involvement in the negotiations. This basic disagreement epitomises the difficulties of reconciling differences between the two sides, especially when both territorial and religious issues are involved.

The hardened attitudes on both sides should not deter the international community from at least encouraging them to begin taking steps that might reduce tensions. A settlement was finally achieved in Northern Ireland in 1998 after decades of violence and bitterness.

Australia has played significant roles in multilateral economic and security matters over the last decade, and it should use that experience in discussions with India and Pakistan to try to achieve some reduction in tensions in South Asia and avert a security crisis.

Australia and the international community should also continue to urge India and Pakistan to sign and ratify the Comprehensive Test Ban Treaty. The treaty cannot enter into force until 44 specified states, including India and Pakistan, have ratified it. Both countries have indicated that they support the CTBT in principle.

When tensions run high, there is always the possibility of an incident occurring that might lead to an accidental, inadvertent or miscalculated use of nuclear weapons. The lessening of tensions is therefore a key objective for the international community. High tensions combined with relatively unsophisticated command and control systems, vulnerable nuclear capabilities and short distances to potential targets do not provide any margin for error. Until the political climate between the two sides improves, it is important for measures to be taken to avoid the possibility of inadvertent use.

In discussions with the Indian and Pakistani Governments, Australia and the international community should stress the importance of keeping their nuclear weapons in a non-alert state and not have them deployed. Nuclear warheads should also be kept separate from delivery vehicles. These measures should go along way to minimise the accidental or inadvertent use of nuclear weapons.

In addition to the above measures, both India and Pakistan should re-assert commitments not to strike at each other's nuclear facilities.

At the time the NPT was negotiated, five states had declared their nuclear weapon capability but many others were nuclear weapon capable, threshold states or interested in acquiring nuclear weapons. There was a widespread view that proliferation would increase the risk of accidental, inadvertent or miscalculated use of nuclear weapons as well as the risk of such weapons or fissile material getting into the hands of terrorists or rogue states. The NPT was designed to reduce those risks by stemming proliferation of nuclear weapons.

The non-nuclear weapon states agreed to waive their rights to acquire nuclear weapons on the basis that the nuclear weapon states undertook in good faith to move towards disarmament. Under Article VI of the NPT, the nuclear weapon states are already legally obliged to eliminate their nuclear weapons. The text of Article VI provides that:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

No serious moves towards disarmament were expected during the Cold War, but once those constraints were removed, it was expected that the nuclear weapon states would keep faith with their commitments under the NPT. Although some movement towards disarmament has been recorded since the end of the Cold War, it has not been enough to satisfy many non-nuclear weapon states. This disenchantment with the performance of the nuclear weapon states has coalesced into the New Agenda Coalition.

In view of its arms control and disarmament credentials and as an ally of the United States, the Committee believes Australia is well placed to play a creative role in nuclear weapon disarmament. It could play, for example, an innovative brokering type of role between the nuclear weapon states and the New Agenda Coalition as it did in negotiations for the Chemical Weapons Convention and the CTBT. The growing dissatisfaction with the recent lack of progress cannot be ignored. Unless the nuclear weapon states continue to move discernibly towards nuclear disarmament to placate the many dissatisfied non-nuclear weapon states, the NPT itself may come under pressure.

The Committee believes that the Canberra Commission on the Elimination of Nuclear Weapons made such a valuable contribution to the debate on nuclear non-proliferation and disarmament that its report warrants further consideration. The lack of a timetable is the key point in the Report as it does not provide an unrealistic and unachievable commitment, which the nuclear weapon states could legitimately use as a basis for not supporting it.

While the nuclear weapon states are perceived by many non-nuclear weapon states as not acting in good faith towards nuclear disarmament, India and Pakistan are given an excuse for not disbanding their nuclear weapon programs. Notwithstanding the renunciation by most states of nuclear weapons for their security, insistence on the

part of the five nuclear weapon states that nuclear weapons are still necessary for their security enables India and Pakistan to mount a similar case.

The Canberra Commission Report provides a framework for universal nuclear disarmament, including possessors of nuclear weapons that are not NPT nuclear weapon states. As all members of the NPT have made a commitment to universal nuclear disarmament, the formal adoption of the recommendations of the Canberra Commission by the United Nations General Assembly and the Conference on Disarmament is in line with that commitment. It would send a clear signal to all possessors of nuclear weapons that the international community wants all of them to dismantle their arsenals.

The Committee therefore recommends that the Australian Government seek formal adoption of the recommendations of the Canberra Commission through appropriate resolutions of the United Nations General Assembly and the Conference on Disarmament.