

CHAPTER 8

THE WAY AHEAD

The Genie is Out of the Bottle

8.1 By conducting nuclear tests, India and Pakistan have removed any remaining vestige of ambiguity about their possessing nuclear weapon capabilities.

8.2 The international community reacted to the tests, rightly, with concern and indignation and called on India and Pakistan to accept the nuclear arms control norms of the international community. In response, India and Pakistan have refused to meet the terms of the international community.

8.3 As India has remained apart from the international community in relation to nuclear weapons for more than 20 years, it is unlikely now to succumb to international pressure to eliminate its nuclear weapon program and accede to the NPT as a non-nuclear weapon state. Pakistan's nuclear program is more recent but it too has taken a stance similar to that of India. Their recent nuclear tests received overwhelming popular support in their countries. Given the role of domestic politics in the Indian and Pakistani decision-making processes for the tests, any policy reversal is unlikely in the foreseeable future unless the security concerns underpinning the nuclear programs of both countries are addressed to their satisfaction. Even the recent downfall of the BJP coalition Government is unlikely to alter in any meaningful way public support for India's nuclear weapon capability.

8.4 If India and Pakistan do not relent in the face of international pressure and continue their longstanding positions, the international community has to manage these changed strategic circumstances.

8.5 Since the end of the Cold War, there has been a global move towards the elimination of weapons of mass destruction. The Chemical Weapons Convention, with its stringent verification regime, is now in force. Negotiations have been progressing to give the Biological Weapons Convention a similarly stringent verification regime to ensure compliance with the provisions of that treaty. Some moves have also been made to give effect to Article VI of the NPT.

8.6 All states, except India, Pakistan, Israel, Cuba and some island states, are members of the NPT. Brazil and Argentina, which were moving towards acquiring a nuclear capability, decided to disband their programs and sign the Treaty of Tlatelolco. Both are now non-nuclear weapon states under the NPT. All members, except for the five designated nuclear weapon states, have agreed, by becoming members of the treaty, not to possess nuclear weapons. Even the five nuclear weapon states have agreed, under Article VI, to move towards disarmament. In other words, most states do not rely on nuclear weapons for their security. For those states that are

ostensibly covered by the American nuclear umbrella, this umbrella only applies to defence against a nuclear attack.

8.7 Opinion on the value of nuclear weapons from the point of view of national security is still divided. Possession of nuclear weapons still has strong adherents. But the contrary view, that nuclear deterrence is vastly over-rated, is growing. The latter position was enhanced by the Canberra Commission, which made a persuasive case for eliminating nuclear weapons and set out a framework for achieving that aim.

8.8 It is unfortunate that India and Pakistan believe that nuclear weapons are necessary for their security when most states, including Australia, take a contrary view and have demonstrated their commitment to this view by joining the NPT as non-nuclear weapon states.

Progress on Non-proliferation and Disarmament in the Conference on Disarmament

8.9 The nuclear tests came at a time when progress on nuclear non-proliferation and disarmament was at low ebb.

8.10 Since the United Nations General Assembly adopted the CTBT in 1996, further progress on nuclear weapon arms control and disarmament in the Conference on Disarmament had, until recently, stalled. This had been due partly to dissension within the Conference on Disarmament about nuclear weapon priorities - whether to proceed with a Fissile Materials Cut-off Treaty (FMCT) or a nuclear disarmament convention - and partly to interest in non-nuclear arms control issues, such as landmines.

8.11 Although the Conference on Disarmament had reached consensus on a mandate to establish an ad hoc committee to negotiate an FMCT as early as 23 March 1995, its failure to resolve differences among members on competing priorities had brought the process to a standstill. A number of member states, including India, wanted to negotiate a nuclear disarmament convention rather than approach nuclear disarmament on an incremental basis, an FMCT being one step in this process. On the other hand, the nuclear weapon states have opposed a mandate for negotiations towards a nuclear disarmament convention.

8.12 While the Conference on Disarmament remained racked with disunity, nuclear weapon disarmament faded as a topical issue in the public arena. Other arms control issues, such as landmines and a verification regime for the Biological Weapons Convention, took centre stage. However, the nuclear tests conducted by India and Pakistan stirred the world from its complacency. Once again, nuclear weapons were brought back to the forefront of international attention.

8.13 Indubitably, the nuclear tests have created a headache for the international community. But amongst the gloom, there are bright spots. India and Pakistan dropped their opposition to an FMCT in the Conference on Disarmament and this

breakthrough enabled an ad hoc committee to be established on 11 August 1998 to begin negotiations towards a treaty. The two states have also agreed in principle to support the CTBT. They still have to ratify the treaty, as do many other states, but the announcement is a welcome step towards the CTBT's entry into force. The new conciliatory approach by India and Pakistan to multilateral arms control and disarmament is a breath of fresh air. There is renewed hope that further progress can now be made towards global nuclear disarmament.

8.14 How then should the international community respond to these changed circumstances and what should be Australia's role?

No Rewards for Tests

8.15 DFAT/Defence made it clear in their submission that:

there should be no question of re-negotiating treaties and re-designing institutions (particularly the NPT and the Security Council) to give the appearance of recognition or reward for India[n] and Pakistani tests. Nor, in the view of Australia, should there be any premature 'deals' with India and Pakistan in the nuclear field until the pressure of international opprobrium elicits from them a significant gesture of rapprochement towards the nuclear non-proliferation regime. It is unlikely, however, that India with its long-standing major power ambitions and its greater resilience to sanctions, will be prepared to make compromises in the short to medium term. Inevitably, Pakistan's actions in this area will be conditioned by what India does.¹

8.16 Mr Griffin (DFAT) told the Committee:

It is very clear, from the soundings it is taking with a range of international governments, that India is feeling a little isolated and is looking for ways to regularise its situation vis-a-vis the international community. I think that is clear. It is important not to do premature deals, if you like, not to bring India in from the cold in such a way that you undermine the very institutions that you are committed to protecting. Basically, what India has to offer is what will be acceptable to the rest of the world in terms of regularisation of their status vis-a-vis the regime, and that is the stage of the game we are at at the moment.²

8.17 India and Pakistan have always criticised the NPT for being an inequitable two-tiered institution, which conferred special advantages on the five nuclear weapon states. On the basis of their long-standing and resolute opposition to membership of the NPT, it appears unlikely that either would accede to the NPT as a non-nuclear weapon state in the foreseeable future. It would be contrary to their long-term

1 DFAT/Department of Defence, Submission no. 33, vol. 3, p. 14.

2 *Committee Hansard*, 21 July 1998, p. 95.

rhetoric, which has always been advocacy for nuclear disarmament, not horizontal non-proliferation.

8.18 As the NPT restricts the number of nuclear weapon states to five, Indian and Pakistani accession to the treaty as nuclear weapon states would require revision of the terms of the treaty. Any attempt to increase the number of nuclear weapon states would not only put the treaty into a position where it might unravel but, more importantly, would send the wrong signals about nuclear non-proliferation. After all, the NPT was designed to prevent proliferation of nuclear weapons and, ultimately, provide for nuclear disarmament. If the number of nuclear weapon states under the NPT were increased to accommodate India and Pakistan, it might also encourage other states to develop a nuclear weapon capability, which would defeat the purpose of the treaty.

8.19 Dr Roderic Pitty stressed that the only way to get a solution to the increasing threat posed by nuclear weapons proliferation in South Asia is to undertake a multilateral approach. - the problems are fundamentally ones of international security at a broad multilateral level. He underlined this point:

‘the only solutions are multilateral or at an international level. It is because of the status of nuclear weapons internationally that the Indian and Pakistani governments were able to derive the domestic political benefit. If the weapons did not have some legitimacy internationally there would have been no such domestic political benefit.’³

8.20 Mr Hamish McDonald suggested that an immediate step would be to begin to break down the notion that greatness in world affairs is connected with possession of nuclear weapons. He suggested that one initiative could be to have countries, such as Japan or Germany, as members of the Security Council.⁴

8.21 Dr Samuel Makinda proposed that all efforts should be directed toward discrediting the belief that possession of nuclear weapons, great nation power status and a permanent seat on the Security Council go together.⁵

8.22 If India and Pakistan believe that a declaration of possession of nuclear weapons confers additional status on the possessor, they should be disabused of the idea. The fact that the five nuclear weapon states happen to be the five members of the United Nations Security Council is an accident of history. In the contemporary world, economic strength and the contribution made to the international community are more important factors than possession of nuclear weapons in determining the status of a state. Germany is no less important in Europe than is France or the United Kingdom and Japan is no less influential than China. Germany and Japan are often

3 *Committee Hansard*, 22 July 1998, p. 262.

4 *Committee Hansard*, 20 July 1998, p. 81.

5 *Committee Hansard*, 22 July 1998, p. 198.

touted as future permanent members of the United Nations Security Council because of their leadership roles in the global economy. Neither depends on nuclear weapons for their positions of influence. On the other hand, Indian aspirations of permanent membership would have evaporated with the tests. The Committee sees value, however, in attempting to channel India's and Pakistan's energies toward economic integration as a means of protecting and promoting their security interests and of earning international recognition.

8.23 A number of submitters mentioned India's failure to obtain membership of APEC as contributing to India's feeling of international isolation and therefore becoming a possible factor in the decision to conduct the nuclear tests. Nevertheless, the question of India's future membership of APEC is a matter for APEC itself and should not become a bargaining point in the future of the Indian and Pakistani nuclear weapon programs. The Committee comments on the question of India's membership of APEC in more detail in its report on APEC.

Reduction in Tensions between India and Pakistan

8.24 Mr Griffin told the Committee that, because of the danger of inadvertent or accidental use of nuclear weapons, the most challenging short-term task is to try to lower bilateral tensions and to remove the flash-point between the two countries. He said that transparency between the two sides needs to be improved because 'the enemy of stability in these circumstances is uncertainty about what the other side can do and what you need to do to match and outstrip it. So confidence building measures, lowering of the temperature, is an urgent task'.⁶

8.25 The United States State Department spokesman, Mr Jamie Rubin, while supporting the imposition of sanctions, said that the question now was how to work with India and Pakistan to bring them back into the mainstream of the international community. He said:

The goals are very clear - how can we and the international community work with India and Pakistan to bring them back into the international non-proliferation consensus, to reduce tensions between them and address their security concerns at the same time.⁷

8.26 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.

8.27 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

6 *Committee Hansard*, 21 July 1998, p. 97.

7 USIA Department of State Daily Briefing, 20 July 1998.

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.

Kashmir

8.28 Apart from a direct security threat between the two countries, Kashmir is a festering sore. Pakistan's support for the Muslim insurgency in Kashmir has served to keep tensions high and to make it difficult to develop trust between the two sides. This has been accentuated over the last decade with continual armed conflict between the two sides along the Line of Control on the Siachen Glacier. In late May and June 1999, heavily armed Muslim insurgents took up positions on the Indian side of the Line of Control leading to heavy fighting with Indian defence forces. High-level diplomatic efforts to end the fighting broke down without achieving anything. Such incursions only worsen relations between the two states and make a settlement more difficult to achieve.

8.29 Until the long-term and seemingly intractable dispute over the future of Kashmir is resolved and relations between the two sides achieves some measure of normalcy, Pakistan is unlikely to feel secure enough to dispense with its nuclear force.

8.30 Unfortunately, India and Pakistan cannot even agree on the modalities for negotiating a settlement. 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 BJP's advocacy of Hindu nationalism, which is a departure from the secular approach taken by previous Indian Governments, has created a climate in India that makes a settlement over the largely Muslim populated Kashmir more difficult to achieve. Although the BJP government fell recently, it will be some time before a new government is elected and its policies towards Kashmir are known.

8.31 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.

8.32 An Independent Task Force, which was co-sponsored by the Brookings Institution and the Council on Foreign Relations in the United States, considered this long-running dispute and reported:

Kashmir remains the most dangerous point of contention between India and Pakistan. It is the issue with the greatest potential to trigger a conventional or even nuclear war. That said, the dispute is not ripe for final resolution. It is not even ripe for mediation by the United States or anyone else.

Consistent with these realities, diplomacy aimed at now resolving the permanent political status of Kashmir is bound to fail.

Instead, using public and private diplomacy, the United States should work to encourage India and Pakistan to:

- refrain from provocative public rhetoric;
- convene bilateral talks (as well as three-way talks involving Delhi, Islamabad, and those representatives of the inhabitants of Kashmir who are willing to eschew violence) devoted to discussing ways of calming the situation in Kashmir;
- accept an increase in the number of international observers on both sides of the Line of Control to monitor troop dispositions and to discourage any armed support for militants; and
- accept a thinning of Indian and Pakistani forces along the Line of Control.

In addition, India should be urged to:

- grant increased political and economic autonomy to the inhabitants of Kashmir;
- reduce the size of its forces stationed in Kashmir that carry out policing functions: and
- accept an increase in the number of international observers monitoring human rights conditions within Kashmir.

At the same time, Pakistan should be urged to:

- eschew any use of military force in or near Kashmir;
- provide no material support to insurgents operating in Kashmir; and
- deny safe haven to any Kashmiri insurgent group. Pakistan's willingness to forswear any and all support for armed resistance against India is likely to be a condition for India's taking the steps suggested above.⁸

8.33 The BJP's Hindu nationalist rhetoric, the conduct of the nuclear tests and the popular support for those tests do not provide a climate conducive to resolving such an emotional issue, especially one which has been the bone of contention between the two states ever since Partition more than 50 years ago. The inflammation of popular

8 Richard N. Haass and Morton H. Halperin, Co-Chairs, Report of the Independent Task Force, co-sponsored by the Brookings Institution and the Council on Foreign Relations, *After the Tests: U.S. Policy Toward India and Pakistan*, 1998, p. 9.
Internet site: <http://www.foreignrelations.org/studies/transcripts/after.html> (22 October 1998)

sentiments on both sides of the divide in 1998–99 has made it even more difficult to effect a short-term improvement in the situation let alone long-term solutions.

8.34 Although foreign minister talks between the two states were resumed in October 1998 on this issue, there is yet no indication of India and Pakistan coming to terms over Kashmir. Public utterances since the meeting offer no expectation of an early breakthrough in the widely divergent positions taken by the two sides. Talks in June 1999 between the two sides on the incursion by Muslim insurgents in Indian Kashmir broke down.

8.35 The proposals put forward by the Independent Task Force are sensible measures that could lessen tension both in Kashmir and more widely between the two states. Some of these measures could be adopted in the short term but others would take time to garner sufficient domestic support for their adoption. In any event, trust and confidence take time to be established, especially after more than 50 years of enmity. The international community must give both sides every encouragement to negotiate first a ceasefire and then a long-term settlement of their disputes, particularly over Kashmir. Indian rejection of mediation should not deter the international community from continuing to offer their good offices to help bring normalcy to the region. Although it is a bilateral dispute, any major conflict, especially if nuclear weapons were used, would have a detrimental effect on surrounding countries as well as on India and Pakistan themselves. Those other countries have, therefore, an interest in the amelioration in relations between India and Pakistan and a lessening of the risks of use of nuclear weapons.

8.36 Mr Christopher Snedden argued that the Kashmiri conflict must be resolved and that ‘Australia has a significant opportunity to take an initiative which positively encourages India and Pakistan to resolve the Kashmir issue in a way that is acceptable to the peoples of Kashmir’.⁹

8.37 The Australian Council for Overseas Aid urged the Australian Government to take steps to assist India and Pakistan to settle the conflict over Kashmir and to build confidence between India and China.¹⁰

8.38 DFAT pointed out that one of the most challenging immediate tasks is to lower the bilateral tensions between the two countries. It stressed the importance for India and Pakistan to establish a substantial meaningful bilateral dialogue.¹¹

8.39 Mr Gareth Evans submitted that:

Former chief of the Indian Navy, Admiral Ramdas, succinctly identified the real interests of India and Pakistan at stake in all of this when he said

9 Submission no.19, vol. 1, p.191 and *Committee Hansard*, 7 August 1998, p.300.

10 Submission no. 22, vol. 1, p. 219.

11 *Committee Hansard*, 21 July 1998, p.97

recently: 'It should be possible to recognise that we are not each other's enemies, but that poverty, hunger, illiteracy and disease of the millions of our peoples is the real enemy. We must agree to cut down our respective defence budgets to enable us to divert funds for urgently needed developmental activities.'¹²

8.40 Australia should continue to urge India and Pakistan to at least arrange a ceasefire along the Line of control and in Kashmir and then to begin negotiations on a long-term settlement of this long-running simmering dispute that has twice resulted in war between the two countries.

8.41 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.

Lessening the risk of inadvertent use

8.42 There are both immediate and longer-term measures that can be taken to minimise the risk of accidental or inadvertent use of nuclear weapons. These issues were addressed at some length at a Dialogue on Security and Disarmament in the Asia Pacific organised by the National Centre for South Asian Studies and the Monash Asia Institute in Melbourne in late August 1998, which included attendance by high-level academic advisers from South Asian countries. A communique was issued at the end of the Dialogue which, in part, stated:

Our conclusions have stressed the urgency to encourage those processes which will lead us towards minimising the risks of nuclear, conventional and other forms of conflict in the coming decades. We call on all governments and the policy making communities to commit themselves to the ultimate elimination of all nuclear weapons. Specifically we urge that the following steps be taken to minimise the risk of nuclear accidents and confrontations:

- treat all nuclear weapon states, including India and Pakistan, equally so that effective arms control measures can be introduced more quickly;
- take nuclear forces off alert;
- remove warheads from delivery vehicles;

12 Gareth Evans, QC MP, Submission no. 46.

- appeal to all countries, including India and Pakistan, to sign and ratify the CTBT;
- support the decision by the Conference on Disarmament in Geneva to commence negotiations on a ‘cut-off’ treaty to ban the production of fissile material for nuclear weapons purposes;
- give serious and urgent consideration to ways of curbing missile development, transfers and use;
- consider the Report of the Canberra Commission on the Elimination of Nuclear Weapons;
- undertake a range of confidence-building measures, dialogues and restraint to prevent crises and conflict and encourage the resolution of disputes and the alleviations of tensions;
- take concrete steps to safeguard the security of non-nuclear weapon states;

8.43 In discussions with the Indian and Pakistani Governments, 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 would go along way to minimise the accidental or inadvertent use of nuclear weapons.

8.44 In addition to the above measures, both India and Pakistan should re-assert commitments not to strike at each other’s nuclear facilities. During the period of tests, the Pakistani armed forces were put on alert putatively in response to intelligence reports indicating an Indian threat against their nuclear facilities. The threat was denied by the Indian Government but lack of confidence and transparency between the two sides made it difficult to determine the credibility of the threat. The fact that this incident happened indicates the lack of trust between the two sides and the difficulty ahead of them in easing tension and building confidence and trust.

8.45 The Indian Government has offered a no first strike agreement between the two sides but the Pakistani Government has not reciprocated. Pakistan’s nuclear weapon program was established not only to deter an Indian nuclear attack but also an invasion of Pakistani territory by Indian conventional forces, which have always been stronger than the Pakistani armed forces. Pakistan’s reluctance to agree to a no first strike is consistent with a weaker state seeking not to give away its ultimate deterrent against a stronger adversary.¹³

13 *Committee Hansard* (Dr Maley), 21 July 1998, p. 166; and see also *Committee Hansard* (Dr Yasmeen), 22 July 1998, p. 192.

8.46 Dr Hanson held out some hope ‘that a no first use pledge is worth pursuing and that that is something that will take some of the pressure off the very volatile situation that we see in the subcontinent at the moment’.¹⁴

8.47 Although a no first strike agreement between India and Pakistan is a desirable goal, the Committee is not sanguine that Pakistan would agree to enter into such an arrangement. A no first strike agreement, which includes both nuclear and conventional forces, might eventually be more acceptable to Pakistan. With all negative assurances, which are based on both sides acting honourably, there has to be mutual confidence in the assurances given. That will obviously take some time to achieve. The international community should encourage India and Pakistan to move towards a political climate conducive to the development of a no first strike agreement for both nuclear and conventional forces.

8.48 As part of the international community, Australia should press India and Pakistan to take measures that will reduce the likelihood of accidental, inadvertent or miscalculated use of nuclear weapons.

Role of China

8.49 Although India’s nuclear weapon program was instigated as a result of perceived threats from China following their 1962 border war and the 1964 Chinese nuclear tests, relations between the world’s two most populous nations are far less tense than those between India and Pakistan. 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.

8.50 DFAT/Defence noted that given India’s desire to rival China and the strength of China’s traditional ties with Pakistan, China is a critical factor in assisting in the reduction of tensions in South Asia. As two-way trade between India and China was estimated at US\$ 1.8 billion in 1996-97, ‘there is no fundamental economic imperative to set aside political difficulties’. The two departments went on to say that:

Recent statements by Indian Prime Minister Vajpayee expressing a wish for a return to the previously positive trend in Sino-Indian relations are encouraging. China, for its part, appears to be waiting for further, more significant steps from India before it would be willing to resume more positive engagement.¹⁵

14 *Committee Hansard*, 20 July 1998, p. 72.

15 DFAT/ Defence, Submission no. 33, vol. 3, pp. 11-12.

8.51 Dr Malik argued that the UN Security Council and G-8 resolutions calling for an end to India and Pakistan's nuclear weapons programs will lead nowhere because they do not address the underlying cause of nuclear proliferation - the China-India rivalry. He argued that Pakistan's fear of India and India's security concerns regarding China coupled with its desire to be ranked strategically with China, make it unlikely that either will ever renounce its nuclear weapons.¹⁶ He told the Committee:

If a non-proliferation regime does not enhance security, if it undermines security, then it is very difficult to get nation states to comply with the non-proliferation regime.¹⁷

8.52 The South Asian nuclear weapon problem is, after all, a tripartite affair. China is inextricably linked in the South Asian nuclear equation. Although the Indian-Pakistani relationship is the more volatile and provides the higher risk of a nuclear exchange, any long-term resolution of the problem would have to include China.

8.53 India established its nuclear weapon program because it believed that possession of a nuclear weapon capability would enhance its security and deter any future Chinese aggression. Although it could not match the size and sophistication of the Chinese nuclear weapon capability, India considered that by just having a nuclear weapon capability would be a sufficient deterrent.

8.54 India believes it has as much right as China to possess nuclear weapons. It argues that if China needs nuclear weapons for its security, India should not be denied the same capacity to defend itself. India is not a party to the NPT and is therefore not bound by the terms of the treaty. Although it has arguably a moral responsibility to join the international community in its non-proliferation and disarmament efforts under the NPT, it is not obliged by any international law to rid itself of its nuclear weapon capability.

8.55 The nub of the problem is that while India continues to perceive China as a threat, it is unlikely to forego its nuclear weapon program. Pakistan has adopted the same position in relation to India. Hence the need to take into account the security needs of all three countries in resolving the nuclear issue in South Asia.

8.56 Mr Gareth Evans submitted that India and Pakistan should be engaged in dialogue with China and other major security players:

At the wider regional level, a serious effort now needs to be made to engage India and Pakistan in a dialogue – especially with China, but desirably with all the major security players in Asia – so that underlying strategic anxieties can begin to be seriously addressed. New frameworks could be created for this purpose, for example the US-initiated mechanism proposed by Senator Joe Biden, the ranking Democrat on the Senate Foreign Relations

16 Submission no. 24, vol. 2, p. 18.

17 *Committee Hansard*, 20 July 1998, p. 45, see also p. 55.

Committee, whereby India would be invited to sit at a table with China, Japan, Russia and the US. But a ready-made option also exists with the ASEAN Regional Forum, the security dialogue forum embracing all the significant Asia Pacific security players: India, albeit not yet Pakistan, recently became a full member of ARF. India in particular has been notoriously reluctant – primarily because of its preoccupation with Kashmir – to multilateralise any security issue in which it has had an interest, but it needs to start thinking of dialogue processes of this kind as opportunities rather than constraints.¹⁸

Australia's Role

8.57 The Australian Government has, as have many other governments, registered displeasure at the actions of the two South Asian governments through a variety of diplomatic and other measures. The point has been well made. However, it is now time for serious discussions to be held on the future of the Indian and Pakistani nuclear programs and the political and military tensions which continue to sour relations in South Asia and place in jeopardy the security of the region.

8.58 Australia's relationships with India and Pakistan have been cordial but not particularly close, with most emphasis placed on trade and investment. Business and trade links have increased in recent years, supported by the Australian Government's New Horizons trade promotion in India in 1996 and the 1997 Year of South Asia promotion.

8.59 Economic ties have been more productive than have political relations between the two countries. India was displeased, to say the least, with Australia's resourceful bypassing of the Indian veto in the Conference on Disarmament to enable the United Nations General Assembly to endorse the CTBT and its lack of support for India's application for membership of APEC. Nevertheless, 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 may not necessarily exert much influence over India and Pakistan in relation to the future of their nuclear weapon programs but that is not a valid reason for not trying to achieve these goals.

8.60 Reflecting on Australia's past relations with India, Professor Kenneth McPherson argued that without a full understanding of the Indian position, particularly in Australia, 'we are less able to deal with the consequences and to perhaps change future developments'. He argued that Australia must incorporate India and Pakistan in its pattern of dialogue much more effectively; that it has been too

18 The Hon Gareth Evans, QC MP, Submission no. 46.

intermittent and inconsistent. 'I think at the moment we are in a position where our ability to dialogue with both Pakistan and India has been severely curtailed.'¹⁹

8.61 It is in the interests of both Australia and India and Pakistan to develop a rapport as Indian Ocean littoral partners and as countries that share many similar interests. Lack of a prime ministerial visit by either side since Prime Minister Hawke visited India reflects the state of relations between Australia and South Asia. Once relations between Australia and India and Pakistan have returned to normal, consideration should be given to a Head of Government visit, which could give greater impetus to the development of relations between Australia and South Asia.

8.62 Australia should also continue to liaise with other states, which have more influence with India and Pakistan, to try to persuade the two countries to take measures to reduce tensions between them and to avoid the possible accidental or inadvertent use of nuclear weapons.

8.63 Australia and the international community should continue to urge India and Pakistan to sign and ratify the CTBT. 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 but the treaty cannot become operational until they and the other requisite states ratify it. Although the treaty does not ban all experiments relating to nuclear weapons, its entry into force would be another step towards the ultimate goal of nuclear disarmament.

Indian isolation

8.64 Any feeling of isolation on the part of India before the nuclear tests must be attributed, at least partly, to India itself. Until recent years, the Indian Government restricted foreign investment in its economy, thereby minimising business links between India and the rest of the world. For many years, it was an ally of the USSR, thereby putting itself at arms length from the West. The demise and disintegration of the Soviet Union left India more exposed. Greater integration with the international community through expansion of trade and business and through greater people to people contact will help India and Pakistan to feel less isolated and exposed.

Indian Ocean Rim Association for Regional Co-operation

8.65 The Indian Ocean Rim Association for Regional Co-operation (IOR-ARC) seeks to 'build and expand understanding and mutually beneficial cooperation through a consensus-based evolutionary and non-intrusive approach'. Although a fledgling organisation, it offers potential for greater economic and commercial cooperation for its members including India. It also provides an ideal forum for India and Australia, as well as other Indian Ocean rim countries, such as South Africa, to work towards

19 *Committee Hansard*, 22 July 1998, pp. 212, 215.

improving relations and to build a peaceful and constructive environment in which all members can enjoy economic prosperity.

8.66 Mr Brent Davis of the Australian Chamber of Commerce and Industry (ACCI) told the Committee that Australia has spent a lot of effort with India building up the Indian Ocean regional equivalent to APEC.²⁰ The ACCI submitted that:

successive Australian Governments and the ACCI have been working patiently to develop a greater sense of regional co-operation and integration in the Indian Ocean. This effort has come to fruition with the formation of the Indian Ocean Rim Association for Regional Co-operation and Development (IORARC).

The IORARC brings together a good number of countries from around the Indian Ocean (including Australia and India, and prospectively Pakistan) to examine means for closer working relations across a range of activities of interest to business and government.²¹

8.67 The Department of Foreign Affairs and Trade agreed that the IOR-ARC provides a very useful vehicle for Australia-India co-operation.²² The IOR-ARC is restricted to enhancement of economic interaction and co-operation and is not a forum for pursuing security issues. However, development of economic co-operation would strengthen the bilateral relationship, which would facilitate bilateral security discussions in other fora.

Recommendation

As a means to help India become part of a community seeking to build an environment conducive to economic prosperity, the Committee recommends that the Australian Government take a more active role to invigorate the Indian Ocean Rim Association for Regional Co-operation and Development.

Lack of sound understanding of South Asia

8.68 If Australia were to develop closer relations with South Asian countries, it needs to have a pool of people who have knowledge and expertise in South Asian languages, culture, economic affairs and, particularly, foreign affairs and security issues.

8.69 Associate Professor Vicziany, Director of the National Centre for South Asian Studies, Monash University, pointed out that Australia's understanding of Indian needs and sensitivities has been poor because:

20 *Committee Hansard*, 21 July 1998, p. 127.

21 ACCI, Submission no. 7, vol. 1, pp. 35-6.

22 DFAT to Committee, letter dated 9 February 1999.

- We have too few experts who properly understand the logic behind India's defence and foreign policies;
- Australian governments, companies and journalists are reasonably well informed about matters of Indian trade, economy and society but there is little understanding of the security issues in South Asia;
- Australian foreign policy concerns have focussed on the East Asian region and little attention has been paid to South Asia - moreover, the exclusion of India from regional forums such as APEC have meant that at the highest levels of government, there has been little opportunity for Australia to come to an understanding of how India herself views East Asian countries such as China and Korea.²³

8.70 Australia has focussed its attention on East Asia to a much greater extent than South Asia in relation to business and trade, security issues, tourism, education and in most other areas. Following an inquiry by this Committee in 1989, the Australian Government did set up the Australia–India Council and increased business and official contacts with India. Australian commercial interests in India have grown since India lifted strict rules against foreign investment but is still very low compared with Australian trade and investment in East Asia. This lack of focus has meant that few people in government, academia or in the business world have developed expertise in South Asian affairs. It has, in turn, also meant that less contact takes place between Australia and South Asia, keeping the profile of that region low in Australia and the profile of Australia low in South Asia, except, of course, in relation to cricket.

Recommendation

The Committee recommends that resources be allocated to increasing the pool of people in Australia with knowledge and expertise in South Asian culture, economic affairs and, particularly, foreign affairs and security issues.

Funding of research centres

8.71 In a related area, Dr Cohen criticised the meagre resources directed toward peace studies in Australia. He noted that it 'is extraordinary in an advanced, relatively wealthy and civilised country that we can spend \$10 billion dollars or more a year on so-called defence and that we can spend so little, an infinitesimal amount of money, on peace studies. One of the first acts that this current government did...was to shut down the defence peace research institute in Canberra...or certainly to downsize it.'²⁴

8.72 The Department of Foreign Affairs and Trade submitted that:

23 Submission no. 28, vol. 2, pp. 62–3.

24 *Committee Hansard*, 22 July 1998, p. 237.

The decision to reduce funding to the Peace Research Centre at the Australian National University was not an indication of any change in the priority the Government accords to arms control issues. These remain a central component of the Government's foreign policy objectives. DFAT funding of the Peace Research Centre was always intended as seed funding and it had made clear to the Centre and the University that the Government expected them to secure alternative longer-term funding arrangements.

Consistent with this approach and in the interests of helping to reduce the national budget deficit, DFAT funding for the Centre was reduced from July 1997, and was designed to cover the salary of the Director until termination of his contract with the University on 30 June 2002. This arrangement was superseded, and the Centre closed by the University, when the then Director resigned in early 1998 to take another job.²⁵

8.73 Australia has been in the forefront of international moves aimed at global disarmament of weapons of mass destruction, arguing that it is in our own interests for all such weapons to be eliminated. A lot of time, effort and expense has been devoted to fulfilling this goal. Yet, intellectual studies in academia on these issues have been made more difficult because of the closure of the Peace Research Centre at the Australian National University through departmental funding cuts. The Committee believes this is a short-sighted view given the importance attached to elimination of weapons of mass destruction by the Government in the interests of Australia's security.

Recommendation

The Committee recommends that consideration should be given to the establishment of a Peace Research Centre to rebuild Australia's academic expertise in regional security, peace and disarmament.

South Asian naivety about nuclear weapons

8.74 Mr Christopher Snedden and Dr Samina Yasmeen also raised the problem of naivety within India and Pakistan about the meaning of nuclear weapons.²⁶ Dr Yasmeen told the Committee that:

people in Pakistan and India have very little knowledge of what nuclear weapons really mean. They have this romantic idea that it is good to go nuclear but little concept of the realities of going nuclear and what it involves in terms of having a strategic doctrine and command and control systems and the effect of a nuclear war not being known. Because of that the antinuclear movement has been slightly stronger in India, but basically

25 DFAT, letter dated 9 February 1999 to Committee.

26 *Committee Hansard*, 22 July 1998, p. 175 and 7 August 1998, p. 305.

weak when you compare the movement in India and Pakistan with the rest of the international antinuclear movements.²⁷

8.75 Dr Yasmeen suggested that the Australian Government, the people, academics and other groups establish an information inflow into South Asia on the horror and destructiveness of a nuclear conflict.²⁸

Global Nuclear Disarmament

8.76 As mentioned earlier, India has remained outside of the framework of the NPT for more than 20 years and Pakistan for a lesser but still significant period of time. India has made it clear that it will not renounce its nuclear weapon program while China maintains its nuclear arsenal. Pakistan has adopted the same position in relation to India. They are unlikely to 'come in from the cold' unilaterally to support a treaty which they have regarded as insupportable in its current inequitable form. The slowness with which nuclear weapon disarmament is happening has provided India and Pakistan with a cogent argument for staying outside of the NPT.

8.77 Some see the Indian and Pakistani tests as 'a symptom of the failure of the international community to commit itself fully to control the spread of nuclear weapons - and to work toward substantial reductions in the numbers of these weapons. No nuclear state is moving significantly toward nuclear disarmament'.²⁹

8.78 Mr McDonald pointed out that the Comprehensive Test Ban Treaty does not preclude what are known as sub-critical tests, which he believes 'contradicts the whole thrust of nuclear non-proliferation and gives rise to justifiable charges of hypocrisy by the nuclear threshold states.'³⁰ Mr Doherty also argued that the United States is 'the powerhouse pushing the development of nuclear weapons. It is not in any way pushing disarmament or non-proliferation. It has broken the spirit of the Non-Proliferation Treaty by sub-critical testing and cyber-testing'.³¹

8.79 Dr Hanson told the Committee that there exists 'a widespread and growing view that the existing nuclear weapon states are not moving towards serious nuclear disarmament and appear unlikely to relinquish their own nuclear capacities. This is despite pledges from these states to reduce and eliminate their own arsenals'³². She pointed out that China, France and Britain have indicated that if the two major nuclear powers move towards serious reduction, they will follow suit. She stressed that the

27 *Committee Hansard*, 22 July 1998, p. 175.

28 *ibid.*, pp. 175-76, 190.

29 Press Release: 'Nine Minutes to Midnight', *Bulletin of the Atomic Scientists*, 11 June 1998.

30 *Committee Hansard*, 20 July 1998, p. 76.

31 *ibid.*, p. 35.

32 *ibid.*, p.61.

initiative has to come from the United States and Russia; that they are ‘the circuit breakers’.³³

8.80 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.

8.81 Australia delayed acceding to the NPT for two years, as it wanted to keep its nuclear options open. But, in the end, it decided to throw its support behind the NPT and, later, other non-proliferation measures as a means of providing national and regional security. It has pursued vigorously the non-proliferation approach, often taking the lead in non-proliferation treaty negotiations and in measures to restrict the development of weapons of mass destruction. This policy has been largely successful, with only three nuclear capable states now outside the NPT.

8.82 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.

8.83 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 perceived recalcitrance on the part of the nuclear weapon states has given rise to irritation and frustration, especially as the arsenals of the United States and Russia are considerably larger than that which are needed for their security purposes under any circumstances. There is also a growing concern about the security of Russia’s nuclear weapons and fissile material.

8.84 Some states believe that at least some of the nuclear weapon states are still upgrading their nuclear weapons rather than eliminating them. None of the nuclear weapon state governments has indicated that nuclear weapons will not remain an integral part of their defence force structures for the foreseeable future and nor has any

33 *ibid.*, p. 70.

made any effort to prepare the public for complete elimination of their nuclear arsenals.

8.85 Many authorities and commentators were concerned about the effect that either the North Korean threat to withdraw from the NPT or the recent Indian and Pakistani nuclear tests would have on the future of the NPT. The more negative commentators forecast the degradation or even demise of the NPT. In the end, North Korea was persuaded not to leave the NPT and the recent nuclear tests have not undermined in any measurable way the effectiveness of the NPT.

8.86 DFAT/Defence submitted that:

Although there are no current indications of its happening, the tests by India and Pakistan have the potential to tempt some non-nuclear weapon states party to the NPT towards nuclear 'breakout' – or, in the case of the five nuclear weapon states, to re-think their commitment to the CTBT. Additionally, a weakening of the nuclear non-proliferation regime could complicate efforts to maintain and strengthen the other weapons of mass destruction...control regimes and arrangements.³⁴

8.87 It is possible that the tests could weaken the NPT. The Committee believes, however, that the greatest danger to the NPT is not from these incidents but from the perceived unwillingness of the nuclear weapon states to fulfil their obligations under Article VI. The indefinite extension of the NPT was not a foregone conclusion at the NPTREC in 1975. There was significant opposition to indefinite extension from non-nuclear weapon states, which were unhappy with progress made by the nuclear weapon states towards adherence to Article VI. In simple terms, they questioned why should five states continue to possess nuclear weapons contrary to their undertakings and obligations under the NPT while all the remaining states were not allowed to acquire them. They also questioned why it was necessary for those five states to depend on nuclear weapons for their security when other states were denied that option.

8.88 The Committee understands that Article VI adherence has been a significant and divisive issue in the annual meetings of the Preparatory Commission for the 2000 NPT Review Conference. It will almost certainly be a key issue in that Conference. The Indian and Pakistani tests have also played their part in putting the spotlight on this issue.

8.89 The danger is that perceived lack of progress by the nuclear weapon states to continue the process of disarmament may lead to some questioning about the future of the Treaty. The non-nuclear weapon states that negotiated the Treaty accepted the two-tier system on the basis that the five nuclear weapon states would honour their commitment enshrined in Article VI to eliminate their nuclear weapons.

34 Submission no. 33, vol. 3, p. 14.

United States and Russian disarmament

8.90 The United States and Russia did begin staged reductions of their nuclear arsenals with the negotiation and ratification of START I (Strategic Arms Reduction Treaty) but START II, although concluded, has not been ratified by the Russian Duma. The Duma has, for a long time, refused to support this treaty. Negotiations towards START III are awaiting ratification of START II.

8.91 The stalled ratification process in the Russian Duma points to another complexity in the nuclear disarmament debate, as in other areas of arms control and disarmament. Even if the United States Administration and the Russian Government are convinced that a disarmament process is in the interests of both countries, there is no guarantee that their legislatures support it. Both governments face hostile legislatures, which are ideologically opposed to many of the views of their governments. Since the end of the Cold War and the emergence of the United States as the sole superpower, Russia has been having second thoughts about nuclear disarmament in view of the superiority of NATO conventional forces. In the United States, public opinion is still supportive of the nuclear deterrent as a fundamental element of their security. This view is also reflected in the Republican-dominated Congress. Until the people and legislatures in the United States and Russia change their views about the role of nuclear weapons, there will be difficulty in securing ratification of disarmament measures that might be supported by their governments. The road to nuclear disarmament is strewn with obstacles and progress along it will be made only with determination. But the process must continue, otherwise the patience of the non-nuclear weapon states will wear thin, putting at risk 28 years of effort to prevent proliferation of nuclear weapons.

8.92 At Helsinki in March 1997, President Clinton and President Yeltsin issued a Joint Statement on Parameters on Future Reductions in Nuclear Forces. They 'underscored the importance of prompt ratification of the START II Treaty by the State Duma of the Russian Federation and reached an understanding to begin negotiations on START III immediately once START II enters into force'. They went on to say they had:

also reached an understanding that START III will establish by December 31, 2007 a ceiling of 2,000-2,500 strategic nuclear weapons for each of the parties, representing a 30-45 percent reduction in the number of total deployed strategic warheads permitted under START II and more than a 65 percent reduction in the number of total deployed strategic warheads permitted under START I.

8.93 Despite the agreement reached by the two presidents, and their acknowledgement of the need to ratify START II as soon as possible, the Russian Duma has still not ratified the treaty, now six years since its signing in 1993. A number of factors have contributed to this delay. Some are domestic, relating to the hostility between the Russian Government and the communist and nationalist dominated Duma. Others include the acknowledged inferiority of Russian conventional forces compared with those of the West and the enlargement of NATO,

both of which are perceived as threats to Russian security. The Russians objected to missile attacks against Iraq and proposed unspecified changes to the Anti-Ballistic Missile Treaty. The NATO bombing of the Bosnian Serbs and, more recently Serbia, against the strong objections of Russia, has served to provide another excuse for the Duma to withhold ratification of the treaty. So, too, have anomalies within the START II Treaty, which are disadvantageous to Russia. On the other hand, there is the incentive of reducing the heavy cost of maintaining the large nuclear arsenal, once the total holding is reduced in line with the treaty. However, the prospect of ratification will diminish the closer it gets to the 2000 presidential and parliamentary elections, when the attention of the Duma will inevitably become more distracted by domestic political matters.

8.94 The United States is awaiting entry into force of START II before proceeding with negotiations towards START III. If the Duma continues to defer ratification of START II, an option for the United States would be to commence negotiations with the Russian Government on START III, notwithstanding inaction on START II. These negotiations might include a revision of the anomalies in START II, thereby removing an obstacle in the ratification of that treaty. In fact, it has been suggested that START II and III be considered together by the Duma.

8.95 In a statement to the Preparatory Commission for the NPT Review Conference on 8 April 1997, the nuclear weapon states expressed their 'determination to continue to implement fully all the provisions of the Treaty, including those of Article VI'. They drew attention to recent steps taken along the road to disarmament including the conclusion of the CTBT, proposals for an FMCT, nuclear free zones and the Joint Statement issued by President Clinton and President Yeltsin in Helsinki.

8.96 The CTBT, once it enters into force, will make it difficult for non-nuclear weapon states to develop a nuclear weapon capability. It will also restrict but not ban testing by the nuclear weapon states as it allows computer simulations and sub-critical tests. Data from earlier tests will enable the nuclear weapon states to take advantage of these experimental techniques to develop their nuclear weapon capability as well as ensure the safety of their stockpiles. Although the CTBT might restrict nuclear experimentation, its passage does not result in a reduction in nuclear weapons held by the nuclear weapon states.

8.97 The FMCT is similar to the CTBT in that it, too, is basically a non-proliferation rather than a disarmament measure. The nuclear weapon states do not need more fissile material because they already possess nuclear weapons and any enlargement of an existing arsenal would be in blatant disregard of the NPT. The main purpose of an FMCT is, therefore, to prevent non-nuclear weapon states from acquiring fissile material to build nuclear weapons. A ban on production of fissile material for nuclear weapons is a beneficial step in stemming horizontal nuclear proliferation but it should not be regarded as a disarmament measure. Its entry into force would not result in any reduction in existing nuclear arsenals.

8.98 Both an FMCT and a CTBT would, however, be integral elements of an eventual global nuclear disarmament agreement, which would provide for a zero nuclear weapon world.

8.99 The United States, Russia, the United Kingdom and France have all reduced their stockpiles to various degrees in recent years. Under START I, the United States reduced its strategic forces nuclear warheads from 10,563 in September 1990 to 7,958 in January 1999 and Russia reduced its warheads from 10,271 to 6,578 over the same period.³⁵ The START process has been stalled for some time and the United Kingdom and France are expected to maintain their arsenals at current levels for the time being. China has stated that it will not begin eliminating its arsenal until the United States and Russia reduce their arsenals to China's level.

In all of this the basic underlying reality is that we are not seeing any real fear on the part of these governments, or their republics, that any kind of nuclear catastrophe is remotely imminent. We are not seeing any sense at all that unless urgent and sustained remedial steps are taken, and the occurrence of such a catastrophe is only a matter of time. In the West there is still almost a prevailing view that the Cold War balance of terror was no bad thing, and that maybe some ultimate nuclear deterrent capability is needed to guarantee security. And in India and Pakistan the unhappy reality appears to be that going nuclear has generated more exultation than anxiety.

But there *are* many grounds for real and genuine fear, by everyone in the world, so long as any nuclear weapons remain in existence. It's simply a matter of recognising three basic points, made repeatedly and with stunning simplicity in the Canberra Commission report:

- So long as any state has nuclear weapons, others will want them.
- The proposition that nuclear weapons can be retained in perpetuity by any state and never used – accidentally or by decision – defies credibility.
- Any use of nuclear weapons would be catastrophic.³⁶

8.100 With little movement on the part of the nuclear weapon states to eliminate their arsenals in the foreseeable future, it is understandable that many non-nuclear weapon states have become more frustrated with the nuclear weapon states with regard to compliance with Article VI.

8.101 Much of this frustration has been channelled into proposals for the development of a nuclear disarmament treaty. Attempts to establish an ad hoc committee in the Conference on Disarmament have been stymied by the nuclear

35 *Arms Control Today*, March 1999.
Internet site: <http://www.armscontrol.org/ACT/march99/famr99.htm> (16 June 1999)

36 The Hon Gareth Evans, QC MP, Submission no. 46.

weapon states. There have also been other moves outside the Conference on Disarmament to develop such a treaty. Proposals have included both fixed and open-ended periods for the elimination of all nuclear weapons.

8.102 It appears highly unlikely that United States and Russian Governments would begin negotiations towards, let alone support, either a protocol to the NPT or a separate treaty to give effect to nuclear disarmament based on a fixed timetable. It would take time for each state to develop sufficient confidence in the other and win enough public support for the complete abolition of nuclear weapons before both were in a position to countenance a zero nuclear weapons option. Therefore, any attempt to impose a timetable on the nuclear weapon states would be doomed to almost certain failure, a point highlighted in the Canberra Commission report.

8.103 It is also unlikely that, in the foreseeable future, the nuclear weapon states would even countenance a nuclear disarmament treaty which is open-ended. None has shown any inclination to go beyond the current NPT regime.

8.104 Eventually, a nuclear disarmament treaty will have to be negotiated to provide for zero nuclear weapons globally and a verification system to ensure full compliance by all states. Negotiations towards such a treaty are provided for in Article VI, which reads in part, 'and on a treaty on general and complete disarmament under strict and effective international control'. However, the timing for such negotiations is the crucial question. The nuclear weapon states obviously want to defer any negotiations towards such a treaty while many of the non-nuclear weapon states prefer early negotiation, presumably to put pressure on the nuclear weapon states to adhere more faithfully to Article VI.

8.105 There is, of course, a precedent for the negotiation of an arms control treaty outside of the Conference on Disarmament. When supporters of a global ban on landmines were unsuccessful in achieving consensus in the Conference on Disarmament to establish an ad hoc committee to negotiate a treaty to ban landmines, they convened a convention in Ottawa to negotiate an agreement to give effect to their aims. Many countries, including Australia, which initially opposed the proposal (arguing instead that the matter should be negotiated in the Conference on Disarmament) were eventually drawn into the process in Ottawa and committed themselves to the global ban agreed at the conference.

8.106 As Ms Stokes pointed out on 9 June 1999, the ban on landmines does not have universal membership: 'a number of key countries are outside of the Ottawa Convention and it is unlikely in the foreseeable future that they will join'.³⁷ However, the circumventing of the United Nations framework enabled progress to be made on the issue, which probably would not have occurred if it had remained in the Conference on Disarmament.

37 *Legislation Committee Hansard* (proof), 9 June 1999, p. 361.

8.107 The dependence of the Conference on Disarmament on consensus among its members allows one or a few states to frustrate the work of the overwhelming majority. India, alone, prevented the Conference from approving the CTBT and, if it were not for a procedural move, which enabled it to bypass the Conference and be put directly to the United Nations General Assembly, it would probably still be languishing in the Conference on Disarmament.

8.108 The nuclear weapon states would need to be involved in the preparation of any nuclear disarmament treaty as the text and verification regime would have to be acceptable to them.

8.109 The Department of Foreign Affairs and Trade argued against negotiations towards a nuclear disarmament treaty. During an estimates hearing of the Senate Foreign Affairs, Defence and Trade Legislation Committee on 9 June 1999, Ms Stokes said:

We do not share the assessment of the new agenda advocates that nuclear disarmament has not been proceeding fast enough. It is important to recognise that US and Russia, the largest nuclear weapons states, have more than halved their holdings of strategic nuclear weapons in the current decade. It is a significant step forward, and that bilateral process is the key. We believe that seeking to introduce some kind of multilateral nuclear disarmament process will not help that endeavour at all.³⁸

8.110 At the 1995 NPT Review and Extension Conference, indefinite extension of the treaty was by no means a foregone conclusion in the face of significant criticism from non-nuclear weapon states, which were unhappy with the pace of disarmament by the nuclear weapon states. Since then, the annual meetings of the Preparatory Commission for the 2000 Review Conference have been racked with disunity over this issue. The frustration of many non-nuclear weapon states has given rise to the New Agenda Coalition seeking to negotiate a nuclear disarmament treaty. The issue has not yet reached a point of crisis but the frustration appears to be deepening.

8.111 Support for the New Agenda Coalition has been growing. Mr Gareth Evans submitted that the Coalition:

produced an important UN resolution, passed through the First Committee on 13 November 1998, the centrepiece of which was a call upon the Nuclear-Weapon States to 'pursue in good faith and bring to a conclusion negotiations leading to the elimination of' nuclear weapons. the most interesting feature of the vote - 97 in favour to 19 against, with 32 abstentions - was that the abstentions included, very much against the will of the US, Germany and eleven other NATO partners.³⁹

38 *ibid.*

39 The Hon Gareth Evans QC MP, Submission no. 46.

8.112 Despite difficulties with their respective legislatures, the United States and Russia still hold the key to progress on nuclear weapon disarmament. Both sides need to reduce their arsenals for reasons of maintenance and cost. The security of Russian nuclear weapons, fissile material and nuclear technology is also a matter of concern. Both governments should give serious consideration to next moves in their progress towards disarmament.

8.113 A number of witnesses during the inquiry remarked on Australia's credentials in the field of arms control and disarmament. For example, Dr Hanson submitted:

Australia has consistently indicated its favourable view of arms control and disarmament and has explicitly signalled that it is not prepared to leave these issues to the major military powers alone. Australia has made its voice heard in major international forums, notably at the United Nations' General Assembly and the Conference on Disarmament in Geneva, has appointed an Ambassador for Disarmament, has dedicated technical capabilities to the seismic monitoring of underground nuclear tests and has participated in specific international programs to prevent and detect the spread of weapons of mass destruction. One of Australia's major objectives has been the conclusion of the Comprehensive Test Ban Treaty; since 1972 it had co-sponsored (with New Zealand) an annual resolution in the UN General Assembly supporting a comprehensive ban on the testing of nuclear weapons. While remaining a loyal supporter of its nuclear US ally, Australia has also been a firm advocate of arms control and disarmament through respected multilateral forums, thereby acquiring a considerable degree of respect from the non-nuclear states also.⁴⁰

8.114 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.

Report of the Canberra Commission on the Elimination of Nuclear Weapons (August 1996)

8.115 Mr Alan Oxley, Dr Samuel Makinda and Dr Roderic Pitty commended the work of the Canberra Commission on the Elimination of Nuclear Weapons in evidence to the Committee. Although Australia presented the Commission's report to the United Nations General Assembly, neither Australia nor any other country moved to have the recommendations adopted. Dr Makinda thought the Australian

40 Submission no. 20, vol. 1, p. 197.

Government should have sold more vigorously the Canberra Commission recommendations than it has done.⁴¹

8.116 In relation to the Canberra Commission Report, Dr Hanson suggested that it was being received better in mid 1998 than it was in 1996. She stated:

Indeed for most of the organisations involved in the arms control debate, the Canberra Commission report has come to be the chief, and possibly the best, reference point. It is seen as comprehensive and credible.⁴²

8.117 In light of the valuable contribution made by the Commission, Dr Hanson recommended that the Australian Government reconvene the Canberra Commission.⁴³ Alternatively, she suggested that the Australian Government seek to have the Commission Report adopted by the UN General Assembly or the report taken to the Conference on Disarmament for adoption. In this way she suggested it could be discussed and used as a basis for an elimination process.⁴⁴ In addition to reconsidering the Canberra Commission Report she also made the following recommendations:

- The Australian delegation to the Non Proliferation Treaty Review Conference in 2000 explore a position which places emphasis on nuclear disarmament by the existing nuclear powers;
- Australia's delegation to the Conference on Disarmament continues to pursue a Cut-Off Convention as well as a No-First Use Treaty.⁴⁵

8.118 A number of submitters have endorsed Dr Hanson's recommendation that Australia should build on its record of active involvement in nuclear non-proliferation and disarmament. Several have recommended that the Australian Government should take a second serious look at the Canberra Commission Report.⁴⁶ The Australian Council for Overseas Aid pointed out that Australia's role in establishing the Canberra Commission gives it solid credibility in this area, and it should now join other middle level powers to push for the implementation of the Canberra Commission's recommendations. It considered that the spread of nuclear weapons would be halted only by a global response.⁴⁷

8.119 In addressing the matter of the Canberra Commission, Mr Griffin acknowledged that no action was taken to have the report officially endorsed in the

41 *Committee Hansard*, 22 July 1998, p. 202.

42 *Committee Hansard*, 20 July 1998, p. 63; see also comments by Dr Yasmeen, *Committee Hansard*, 22 July 1998, p. 191; comments by Dr Samuel Makinda, *Committee Hansard*, 22 July 1998, pp. 197–98; Dr Roderic Pitty, *Committee Hansard*, 22 July 1998, p. 264.

43 Submission no. 20, vol. 1, p. 201.

44 *Committee Hansard*, 20 July 1998, p. 64.

45 Submission no. 20, vol. 1, p. 202.

46 Dr Bhattacharya, *Committee Hansard*, 20 July 1998, p. 12.

47 Submission no. 22, vol. 1, p. 219.

United Nations. He surmised that this was because people might have regarded further action as ‘counterproductive since most of the recommendations, all but one in fact, relate to actions to be taken by the nuclear weapon states in detargeting and strategic escrow for nuclear weapons’. Mr Griffin added that it was a question of whether positive moves toward nuclear disarmament by the nuclear weapon states would be best achieved by pressuring them publicly or by dialogue and simply maintaining the debate.⁴⁸

8.120 Ms Stokes pointed out that the Report did recommend that negotiations proceed expeditiously on a fissile material cut-off treaty and that the Australian Government was actively pursuing this initiative.⁴⁹ Dr Peter Howarth, Director, Nuclear Non-Proliferation Section, DFAT said that a cut-off treaty was a principal priority for Australia and that Australia was engaged in activities to try to get an agreement in the Conference on Disarmament to activate a mandate, agreed to in 1995, for the negotiation of a cut off treaty.⁵⁰

8.121 In response to a suggestion that the Canberra Commission be invigorated and its findings adopted by the UN, Mr Griffin stated that since the report was not adopted at the time of its presentation ‘it would conceivably send the wrong signal to India and Pakistan’s defiance of the international regime for the international community now to say the established nuclear weapons states must take the following steps’.⁵¹ Rather, he added that attention should be centred now on what India and Pakistan need to do to normalise and regularise their situation in accord with international norms. He noted:

Nuclear disarmament remains an important goal but for the focus now to be on what nuclear weapon states need to do, as though they have done something wrong, would seem to be misguided.⁵²

Mr Griffin agreed that the Canberra Commission report ‘has certainly nourished ongoing debate on the way forward on nuclear disarmament’.⁵³

8.122 The Committee appreciates the view that any action taken by the international community should not be seen as a reward to India and Pakistan. Even so, the Committee believes that the Canberra Commission 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.

48 *Committee Hansard*, 21 July 1998, p. 87.

49 *ibid.*, p. 88; see also p. 111.

50 *ibid.*, p. 111.

51 *ibid.*, pp. 90–91.

52 *ibid.*, p. 91.

53 *ibid.*, p. 87.

8.123 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. Moreover, the five nuclear weapon states are under a legal obligation to move towards nuclear disarmament but the obligations of India and Pakistan are only moral, not legal.

8.124 The Committee believes that the Australian Government should resubmit the Report of the Canberra Commission to the United Nations General Assembly for adoption. The 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 resubmitting of the Report for adoption 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.

Recommendation

The Committee 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.

John Hogg
Chairman