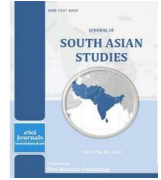




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## THE FUTURE OF FMCT IN SOUTH ASIA: CHALLENGES AND PROSPECTS

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### ABSTRACT

Nuclear weapons have always been considered by the international community as a grave threat to global peace and security. The possible use of nuclear weapons will leave unpredictable destructive consequences for whole humanity. The continued production of Fissile Materials is a major cause of concern for the international community. In order to control the production of such materials a treaty (FMCT) was introduced which is highly controversial in nature. There is lack of consensus among the states due to their own security interests. In this regard South Asian region is a case in point. South Asia is highly volatile region due to the enduring rivalry between India and Pakistan. Both are self-proclaimed nuclear states. India and Pakistan have different point of views regarding this treaty which is mainly because of their own security concerns. Keeping in view the enmity of India and Pakistan any move on the part of both states regarding this treaty would be a cumbersome step as no one compromise on its national security.

**Keywords:** Nuclear Weapons, Conference on Disarmament, FMCT, IAEA, NPT

### INTRODUCTION

The issue of nuclear proliferation has a crucial importance in contemporary international politics. Nuclear weapons have always been considered by the international community as a grave threat to global peace and security. The possible use of nuclear weapons will leave unpredictable destructive consequences for whole humanity. Since the inception of nuclear weapons, several steps have been taken by the international community to prevent this menace from the earth and to avoid the nuclear war, such as Atom for Peace program, establishment of International Atomic Energy Agency (IAEA) and the most important is the introduction of the Non-Proliferation Treaty (NPT).

Security issues are a nascent topic of scholarly attention in recent times. According to the realist school of thought international system is anarchic in nature where might is right and power determines the position of states within it (Burchill, 1996). In such an environment states are accustomed to look at other states as their competitors where the gain of one is considered lose of the other. In order to survive in such an anarchic

environment a state can even go to the extreme of taking actions to pursue its national interest. International political system is very sensitive in nature in which there is no place for even a minor mistake. For this purpose every state formulates its own foreign policy in a way to maximize its power and to best serve its national security interests.

This theory gives us an insight into the underlying reason for the unending conflict between India and Pakistan and the deadlock on Fissile Material Cut-Off Treaty (FMCT) in South Asian region. South Asia as a region consists of seven countries, namely, India, Pakistan, SriLanka, Maldives, Bhutan, Nepal and Bangladesh. Whenever we talk about South Asia, our attention goes to the largest countries in the region, which are India and Pakistan. Both the countries, in essence represent all that is good and bad in South Asia. Both India and Pakistan are busy in an unending arm race and are spending a huge amount of their annual budgets on weapons purchasing and construction. Both have tested their nuclear weapons and are self-proclaimed nuclear states. India's policy has been to maintain a slight edge in its defense area and security arrangements vis-à-vis Pakistan. With the acquisition of nuclear weapons, Pakistan believes that it has obtained a

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great equalizer at strategic level and has maintained the balance of power in South Asian region. Pakistan's main goal has always been to reduce the power asymmetry with India and to increase its capabilities vis-à-vis India. This paper is an attempt to shed some light on South Asian region in the context of challenges to FMCT. The study endeavors to explore the major FMCT issues, India and Pakistan response to this treaty and challenges to FMCT in South Asian region. Finally, some policy propositions with regard to this treaty will be made.

#### **WHAT IS FMCT?**

Since the entry into force of the nuclear Non-proliferation Treaty (NPT), a significant issue for the disarmament and arms control community has been the continued production of fissile materials - the key ingredients for producing nuclear weapons. In order to stop the further production of such materials a separate treaty was needed that would primarily deal with the production of fissile material for weapons, which came into force in the shape of Fissile Material Cut-off Treaty (FMCT).

The history of FMCT can be traced back to 1979, when the United Nations General Assembly approved the first resolution with the aim to control fissionable materials. In December 1993, the United Nations General Assembly adopted a resolution (48/75L) recommending the negotiation of a non-discriminatory, multilateral and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices ("Fissile Material Cut-off Treaty", 2007). This treaty is commonly known as a Fissile Material Cut-Off Treaty (FMCT). In this regard, the Conference on Disarmament established an ad hoc committee to negotiate a fissile material treaty, which failed to reach a consensus on the scope of the treaty. Since then the issue of addressing the existing stocks of fissile materials did not reach to any negotiating momentum and seems as an imperative step in the complex political and technical process of nuclear disarmament.

#### **MAJOR FMCT ISSUES**

Since its inception of the treaty a number of negotiations have been conducted but that bore no fruits for the future course of action. There are three major issues regarding FMCT, that are, definition of the term "fissile material"; the "scope" of the treaty with respect to future production and existing stocks; and verification of the treaty.

Fissile Materials are defined as material, which can sustain an explosive fission chain reaction, notably plutonium of almost any isotopic composition and highly enriched uranium. These are the ingredients used to make nuclear weapons: highly enriched uranium and plutonium ("Guide to the Conference on Disarmament", 2011).

The problem here is that mostly the current debate is about the Plutonium and Uranium but it did not cover other elements such as tritium, which is used to amplify the explosive power of nuclear weapons. Other materials, such as depleted uranium, neptunium, natural uranium, plutonium 240 and 242, americium, curium and californium, though not fissile, are also used in nuclear weapons programs. These elements should be taken into consideration while talking about fissile material production for weapon purposes because they can be used as alternative option of plutonium and uranium ("Fissile Material Cut-off Treaty", 2007).

With regard to the scope of the treaty there are two camps with competing interests. One camp favours banning only the future production of fissile materials which includes p-5 states (United States, United Kingdom, France, Russia, China - referred to as the P-5) while the other camp including Pakistan, Brazil, South Africa talks about future cut off as well as pre existing stockpiles. The issue of existing stockpiles is of great importance if this issue would not be addressed it may have serious repercussions for regional security as well as global security. Another major challenge to FMCT is verification of the treaty. In Shannon Mandate the task of verification is described as an "effectively verifiable treaty" (Vishwanathan, 2009). To achieve this end it is imperative that the verification mechanism be non-discriminatory, universal, and credible.

To ensure the principles of the treaty it is necessary that it must apply equally to all the member states. Important question related to FMCT is who will verify this treaty and what kind of mechanisms should be taken for its verification? Whether there should be international bodies which verify this treaty like IAEA or UN or a separate body should be made for its verification. If member states ask to verify it by their own then the issue of transparency and accountancy will come. If it is so then this mechanism will affect the credibility of international arms control and disarmament community.

### **FMCT AND SOUTH ASIAN REGION**

South Asia is a highly conflict prone region and in the presence of nuclear weapons it is the most dangerous place due to traditional rivalry between India and Pakistan. Being the major powers the whole region stability and security depends upon the relations between India and Pakistan. Since the independence of India and Pakistan both states have a history of disputes which several times led them to war. This history of conflicts and other security compulsions along with some strategic objectives have forced them to go for nuclear weapons. This issue started when in 1974 India first time exploded the nuclear test by declaring it for peaceful purposes. At that time, this Indian act forced Pakistan to think about nuclear weapons, as it was essential for Pakistan to ensure its security. India and Pakistan joined the nuclear club in May 1998, by successfully testing their nuclear weapons. The potential implications of this event for regional and international security have brought fresh impetus to the non-proliferation debate. Palpability of situation, emanating from mutual distrust and induction of weapon of mass destruction, has possibly made this region as the most volatile, tension ridden and insecure. Keeping in view the hostility and antagonism between the two major powers, Indian subcontinent has been variedly described as “the most dangerous place on Earth” (Varughese, 2002).

### **PAKISTAN AND FMCT**

The issue of FMCT has very much importance for both India and Pakistan and any move on FMCT can result into serious repercussions in respect of security and national interests. Deeply concerned about its own national security, decision for Pakistan regarding treaty like FMCT would be a difficult step. Pakistan wants a fissile material treaty but strongly disagrees on its projected scope. Pakistan has not been supportive of the treaty's name (FMCT) and argues that it does not agree to the treaty being called “Fissile Material Cut-off”, implying only a halt in future production. It should therefore be called Fissile Material Treaty (FMT) (Abbasi, 2010). Merely a halt in future production will freeze its stocks asymmetries with India. Zamir Akram, Pakistan's ambassador to the Conference on Disarmament (CD) reiterated in a January, 25 statement that Pakistan opposes opening negotiations on FMCT in the CD because of a 2008 agreement by the world's key nuclear technology suppliers to lift long-standing

restrictions on nuclear trade with India. This action, he said, “will further accentuate the asymmetry in fissile materials stockpiles in the region, to the detriment of Pakistan's security interests” (“Fissile Material Cut-off Treaty”, 2007). Islamabad has maintained that a fissile material ban must cover existing stocks of fissile material instead of simply halting future production, a position backed by several other CD members, primarily from the developing world.

### **INDIA AND FMCT**

On the other hand India continues to stand by its position that it will accept anything which is “universal and non-discriminatory” in nature. This comes in response to Pakistan's announcement that it will not allow any forward movement on FMCT negotiations till its concerns over “asymmetries” in possession of fissile material by various states are addressed (Parashar, 2010). India also blame that Islamabad has steadfastly blocked any progress in the 65-member CD by not allowing the conference to carry out negotiations for FMCT, which seeks to ban all future production of fissile material. It is to be noted that India agrees that a FMCT should be a simple cut-off, and not deal with existing stockpiles of fissile materials for weapons purposes.

Keeping in view the differences between Pakistan and Indian positions and concerns the future of FMCT seems a little bit dim with no positive progress. Before any move and negotiations on treaty like FMCT, it is important to know about the ground realities and to shed some light on the major issues in South Asian region with special regard to Pakistan and India.

### **WHY INDIA AND PAKISTAN WILL NOT DISARM?**

Being the two powerful states, the complete peace, security and stability of the region depend on the status of relations between both India and Pakistan. Their hostile relationship has immensely affected the security environment in the region. The question that comes into mind is whether India and Pakistan will go to disarmament and if not then what is the rational behind it?

Unfortunately, since their independence, India and Pakistan have rarely experience a happy phase in their relations. Mutual distrust, tensions and antagonism have marked the relations between the two countries. They have fought five wars (1947-48, 1965, 1971 and 1999 Kargil limited war), and on some occasions they were at the brink of a major armed conflict. The motive which impelled both India and Pakistan towards acrimony and

rivalry "are embedded in history and politics of the subcontinent" (Paul, 2005). India and Pakistan have followed a "swing" model of relations whereby the pendulum of the relationship swings from one end to the other – from conflict to peace and from peace to conflict ("Cost of Conflict between India and Pakistan 2004", 2007).

The India-Pakistan power relationship is characterized by a distinct form of power asymmetry. The inability of either state to impose a settlement or convince the other to make significant concessions is because of the peculiar power asymmetry that has existed between the two states. According to a rough estimate, India is over seven times larger than Pakistan in population and size of natural economy, and four times in territorial size. However, Pakistan has been able to balance India through externally procured military capabilities and alignment with outside powers. Much of the Pakistani elite believe that India and Pakistan ought to be coequals geopolitically and it sees relative parity in military and diplomatic terms as a goal worth striving for, even at a high cost to society. Pakistan fears that Indian hegemony in the subcontinent will adversely affect its security and power position. Since independence, Pakistan has consistently pursued a policy of obtaining parity with India, often through military and diplomatic means. Alignment with outside powers and the acquisition of qualitatively superior weaponry have been two key planks of this strategy (Paul, 2005).

The nuclear arms race between the two states has been another basis for the parity notion. India and Pakistan are busy in military muscle building and are spending billions on military defense, a race that has no turning back. India and Pakistan joined the nuclear club in May 1998, by successfully testing their nuclear weapons. India heightened regional tension with five nuclear weapon tests as a result within days Pakistan responded with similar test program by testing its own nuclear weapons. The potential implications of this event for regional and international security have brought fresh impetus to the non-proliferation debate as will as for both states.

Indo-Pakistan competition is defined by the twin motifs of dominance and resistance. The Indian desire for eminence engenders unintended consequences where Islamabad is concerned. From Islamabad's point of view, the eminence that guarantees India permanent security is highly menacing and could represent the end of

Pakistan as an autonomous political entity. Consequently, it is naturally inclined to resist Indian political dominance, by diplomacy when possible but by force if necessary. Political and strategic circumstances thus have casted Pakistan as the anti-status-quo state in the Indian subcontinent. Consequently, at the most of the time Pakistan's foreign policy towards India has been reactive (Nazir, 2004).

In case of South Asia, United States (US) policies played a dynamic role in shaping regional political scenario. In the past the compromising US policy towards South Asia provided opportunities and helped both India and Pakistan to develop their nuclear weapon program. Now the US has two prone policies towards nuclear South Asia. At one side it considers India as a responsible nuclear weapon state and signs the bilateral strategic partnership that includes co-operation in India's nuclear program. On the other hand, it seems very much worried about Pakistan's nuclear program, as it fears that it may fell into wrong hands. This discriminatory US policy has not only undermined non-proliferation regime but it has also the potential to disturb the strategic stability in South Asia. Pakistan considers India a threat to its security and in order to ensure its security, it is left with no option and has chosen the path of nuclear weapons to maintain minimum credible deterrence. The classic example of this discriminatory approach is the Indo-US nuclear deal in 2005. The US-Indian deal, through strengthening India, has affected Pakistan's role of as a balancer in South Asia. The agreement ignores the "maintenance of strategic balance in South Asia" (Inayat, 2006). As part of the deal India is free to carry out nuclear trade, including import of uranium for its civil program, with the cartel of Nuclear Suppliers' Group (NSG). This will enable India to use the domestic supply of uranium to produce up to 200 KG of weapons' grade plutonium, enough for 40 weapons per year, in un-safeguarded heavy water reactors allowed by the deal. The deal also allows India to choose whether any future reactor it builds will be declared as military or civilian (Iftikhar, 2010).

The increase in high-technology defense and space trade between India and the United States, Russia, and others has improved the quality of India's nuclear systems. While Pakistan continues to face significant trade barriers and is subjected to export denial regimes. India is no longer held back by these constraints and is using market access to improve its nuclear delivery vehicles.

India's growing conventional military superiority, coupled with its Cold Start military doctrine of fast mobilization and rapid strike capability, poses a new level of threat. In November 2010, the US supported India's candidature for membership of the NSG, the Missile Technology Control Regime (MTCR), the Australia Group and the Wassenaar Arrangement (Nayan, 2011).

Referring to South Asia's strategic environment and to a non-NPT member, Pakistan while keeping in view its own security concerns cannot agree to negotiations on a FMCT in the CD owing to the discriminatory waiver provided by the NSG to India for nuclear cooperation by several major powers, as this arrangement will further accentuate the asymmetry in fissile materials stockpiles in the region, to the detriment of Pakistan's security interests.

Keeping in view Indian plans and capabilities on the one hand - and the extra privileges given by others, specially US, Pakistan is left with no option but to rely more on nuclear weapons and less on conventional military capability to balance Indian force. Pakistan cannot afford any arm race and do not intend for such things in the region but as for its security is concerned, the country will not compromise on it and will achieve it by all means and costs.

The successful completion of a FMCT would be an important step towards the ultimate goal of eventual elimination of nuclear weapons. The FMCT will affect individual states differently due to the variance in their nuclear fuel cycles and pre-existing inventories of fissile material. It is this difference which has led to divergent opinions among experts as to what the ultimate aim of the FMCT should be and how it fits into the broader arms control, disarmament and non-proliferation processes.

#### **WHAT DOES THE FUTURE HOLD FOR FMCT IN SOUTH ASIA?**

As regards the FMCT, the issue of existing and future stocks has assumed greater significance for India and Pakistan. In the light of the above-mentioned issues in the region, treaty like FMCT seems to be big challenge. The argument that the FMCT is a global disarmament imperative seems to have no currency in Islamabad. Pakistan's position, as described by Pakistani counterparts is shaped exclusively by its own regional concerns. In fact, the balance of conventional forces is in favor of India, and Pakistan counters it by nuclear

deterrence. In the present scenario, the delicate balance power existed in South Asia. If Pakistan limits its fissile material production by signing the FMCT, the existing balance between both neighbors will be disturbed, because of the existence of unequal stockpiles of fissile material between India and Pakistan. Given India's current capacity to produce a nuclear arsenal seven times as large as Pakistan, it is no surprise that Pakistan resists the negotiations. Pakistan will not sign any treaty like NPT and FMCT, unilaterally and continue to link these with India.

Pakistan's nuclear capability has served the security interest of the country quite well and the country must protect her nuclear capability for the sake of security purposes. Unless the equilibrium is re-established the fashioning of an appropriate FMCT appears to be a difficult challenge, said in a statement by Pakistan's permanent representative to the UN ambassador Zamir Akram. Islamabad has further indicated that it is not for a treaty that legalises the national moratoria of nuclear weapons states and leaves existing stockpiles as they are (Ganapathy, 2009).

The possible options to adopt a regional approach where the present stocks could be reduced asymmetrically are also at hand but India is not likely to accept this option as it will place Pakistan at a level of parity with India and assure a degree of mutual defense. Negotiations on FMCT have delayed because of Pakistan's stance that a time bound nuclear disarmament as ordained in Article VI of NPT be negotiated as a package, since all issues are inter connected. Pakistan must endeavor to delay enforcement of this treaty as much as possible in order to gain time to further enhance our existing stockpiles.

As there are differences between India and Pakistan positions, reservations and both states link the treaty to each other so the future of FMCT will swing and no final negotiating momentum is ahead within a short span of time.

#### **RECOMMENDATIONS:**

- If there is a commitment to destroy all existing stocks of fissile material and promise not to produce them in future, the international community would be talking of disarmament.
- A complete elimination is ideal to attain the UN's long-standing universal disarmament agenda. A complete and verifiable stocktaking of all fissile materials and halting future production are another option.

- Instead of putting pressure on any member state, international community should focus on the main problems and issues that are creating hurdles in the way of treaty like FMCT.
- There is a need to propose such a draft/treaty, which is acceptable for all members' states without any discrimination.
- With regard to India and Pakistan the world community should make efforts to resolve the main issues between the two states.
- To bring Pakistan on board the U.S. needs to focus on addressing Pakistan strategic concerns and the slow degradation of deterrence vis-à-vis India.

### CONCLUSION

Since its inception of FMCT, the issue of addressing the existing stocks of fissile materials did not reach to any negotiating momentum. The conclusion of FMCT has been a venerable goal of the international community but the competing interests of the member states and differences over the scope of the treaty (FMCT) have halted progress towards its conclusion. Before any move and negotiations on treaty like FMCT the divergence among the member states cannot be ignored. How can a member state enter into a treaty, which turned against its own security and national interests?

One such test for FMCT is South Asian region. Keeping in view the ground realities in South Asian region especially in the context of India and Pakistan relations, treaty like FMCT is undesirable as well as unacceptable. Pakistan has played an active diplomatic role in the FMCT process and is agree to negotiate on fissile material talks but only on the basis of Shannon Mandate. If Pakistan enter into such a treaty in its current projected scope, it will result into sever security threats for her in the long term vis-à-vis India. In response to Pakistan's position India seems to be strong proponent of the treaty which will deal with future production of fissile material and not with the existing stockpiles. Such security concerns and differences in both India and Pakistan position has resulted into a deadlock on FMCT in South Asian region.

There is a need to evolve a new consensus to achieve disarmament and non-proliferation among all members. Multilateral collaboration can serve global and national interest alike. Any unilateral step can result into serious reservations among the member states. As far as FMCT is concerned the concerns of various countries over the existing stockpiles need to be addressed in the most

suitable manner. Any treaty which is discriminatory in nature is undesirable as it will result into an environment of insecurity and uncertainty instead of bringing peace and security.

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