

# FACTS AND FICTION

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## CTBT — Facts and Fiction

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The government's de-linking the signing of CTBT from India at this particular juncture of Pakistan's history would be a blunder. There is no question of Pakistan's signing the treaty before India does so. This is a writ-large consensus of the nation. But since the treaty is a dangerous trap, walking into which [even after India] could be suicidal, the discussion of linking or de-linking it with India falls short of meeting the country's objectives. The argument that follows shall thus be slightly more than India-specific.

There are three viewpoints that emerge from all that has been said while analyzing the CTBT. A small minority of the country opposes the very concept of nuclear deterrence right from the time the program was launched. On economic grounds, they contend that nuclear option is too costly an affair for a poverty-struck country like Pakistan. Another group of the same minority says that Pakistan should not have gone nuclear. One may not agree with this school of thought, as I do not, but for the sake of argument it may be said that this position is understandable under certain conditions. The real debate is presently between those who do not disagree on the need for a credible nuclear deterrent, yet claim that signing CTBT would not effect it. Chief executive Pervez Musharraf, foreign minister Abdul Sattar and many government spokesmen and functionaries seem to have this view. Some have expressed their claim loudly while others have made meek murmurs. They are of the view that as far as nuclear deterrence is concerned, it is needed, but maintain at- the same time that entering into CTBT is not a perceivable threat. There are others who challenge this position and assert that CTBT would ultimately drive us willy nilly to the fag end of nuclear incapacity.

### NPT - The Hidden Agenda:

Our position is very clear. The ultimate purpose of CTBT is not merely stopping the tests; it is more than that: the perpetuation of nuclear hegemony of the five nuclear weapon states and permanent incapacitation of others. For that let's analyze the most dangerous game that Western countries playing since long under the misnomer 'global n doctrine.'

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\*The article is adaptation of Prof. Khurshid Ahmad's presentation that he delivered as chairman of the seminar Pakistan and CTBT. Jan. 26, 2000.

In the mid-20th century, America, after acquiring the nuclear technology by an exhaustive clandestine research, immediately displayed its potential of an unrivaled super power by dropping atomic bombs devastating Japan. In the face of scathing world criticism, USA took pride in being the only country, which has amassed nuclear weapons for mass destruction and actually used them in World War II. To keep world leadership in its hands, America made all efforts to monopolize the atomic technology. It tried to keep nuclear technology away from Russia - its likely rival in global supremacy. Winston Churchill is on record to have said around 1948 that the US-UK should settle their score with Russia before it becomes a nuclear power. US and Europe realized that Russia had developed the weapon which spared the world of a nuclear holocaust and the era of cold war began. Yet the allied countries under US leadership started planning the ways to ensure that the other world nations do not possess nuclear technology. These efforts by America, UK and France continued unabated despite Britain's testing its nuclear weapons. But once China entered the field. Russia and America both accelerated their efforts for global non-proliferation and nuclear disarmament. As a result, nuclear Non-Proliferation Treaty (NPT) came into being. Not going into any more details, and keeping only this much of the continental history in view, it is a known fact and all agree that NPT is a discriminatory treaty. If that is so, how can CTBT, FMCT, CWC - parts of disarmament process in line with NPT - be non-discriminatory? It is a question that is always overlooked. In fact, NPT is the foundation on which the whole nuclear disarmament doctrine is built and limited non-proliferation is only in the context of preservation of the hegemony of the nuclear states. The US Fact Sheet for the Senate clearly states the objectives of the US:

"The Nuclear Test Ban Treaty would constrain nuclear weapons development and also help prevent nuclear technologies from spreading to other countries. Keeping America strong requires that we not only support our troops and modernize our weapons, but that we also reduce the threats we face, including the threats of nuclear proliferation and war. The Nuclear Test Ban Treaty is a means of doing that ... We have developed means of making sure our nuclear weapons work by complex tests and computer simulations, rather than by tests with nuclear reactions, and we spend \$4.5 billion a year to ensure that our nuclear weapons program has been in place, for four years with impressive results, and the Joint Chiefs of Staff weapons lab directors and" numerous scientists, are confident we can maintain our strong nuclear arsenal with nuclear testing."<sup>1</sup>

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1. <http://www.whitehouse.gov/wh/new/html/CTBT/factsheet.html>

## Coercive Elements within CTBT:

Coercive Elements within CTBT Taking the CTBT as such, it is largely a confusing and an alarming document. Preceded by a limited test ban treaty— (LTBT), it has been named Comprehensive Test Ban Treaty. But, quite amazingly, nowhere in the treaty the words comprehensive or test have been defined. A view could be that this was done deliberately. The term comprehensive has not been used in the main text, where instead the terms nuclear test and other nuclear explosions have randomly been employed. The purpose of the treaty has not been defined as well. And according to the principles of interpretation of statutes, purpose of a law can be found out by analysis of the preamble and the operational part of the treaty. Significantly, only at one place in the treaty, Article VIII "Review of the Treaty," a very subtle and casual reference to the real purpose is made:

"Unless otherwise decided by a majority of the States Parties, ten years after the entry into force of this Treaty, a Conference of the States Parties shall be held to review the operation and effectiveness of this Treaty, with view to assuring itself that the objectives and purposes in the Preamble and the provisions of the Treaty are being realized...."

It is not made the part of Article I, where nuclear explosion tests and other test explosions are made the objective of the treaty. The real objective of the treaty is expressed in the preamble. And for five times in the preamble, the words nuclear disarmament and non- proliferation have been repeatedly used to identify the two as the objectives.<sup>2</sup> The ultimate goal' being elimination of weapons and 'complete disarmament under strict and effective international control.' Test ban is a means to 'constraining the development and qualitative improvement of nuclear weapons." In other words, the purpose is not merely, checking tests, but any activity that leads to enhancement of nuclear capability i.e., the possession, development, upgrading, weaponization. miniaturization and the research in all these areas. This is a dimension which unfortunately those who are responsible for Pakistan's policy tried to hide. It has not been discussed openly.

## The Monopolistic Posture:

Another point is that the treaty is skillfully crafted to monopolize knowledge and research; to ensure that no country is able to develop an independent nuclear deterrent openly or surreptitiously. If anyone does, it has to be penalized or crushed. That is the objective of the treaty.

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2. See Annexure: Comprehensive Test Ban Treaty – The Preamble; page 121.

It is very clear if one goes through the operational part of the treaty which deals with three types of mechanisms, viz.: One: monitoring the knowledge, via international monitoring agencies and intelligence data base; two: the on-site inspection process, and; three: the punishment for violation.

The objective to be fulfilled by monitoring is that minutest information about development in nuclear field should no longer remain the property of a state it should become the property of the treaty organization. While setting up of 300 monitoring stations is the tentative plan, 120 have already been operationalized even though ratification is yet to come.

The second important tool is on-site inspection. It is a sorry state of affairs that the spokesmen of Pakistan's foreign office have, in a vain effort to win favor by misinforming, said that on-site inspection would effect a few miles, and that the process would be non-intrusive. The treaty openly says that 1000 sq. kms would be the area for on-site inspection; 50 kms in linear strength. The treaty prescribes 60-days continued operation (extendable to 70 days) that would start within seven days of any report. Not only have the inspection team members the right to inspect but also intrusion is built into the treaty. Added to this, the way the team members inspect cannot be challenged. In case of a dispute or obligation, the Executive Committee shall be the deciding authority. In respect of the implementation of the treaty, it is not merely confined to 'agreement' but also 'arrangements' which clearly mean that two third majority of the executive can go to any extent to impose inspections.<sup>3</sup> This is the kind of control mechanism the treaty wants to impose on the world to strangulate prospects of research and development in the nuclear field.

The third operational part of the treaty relates to reprimand to would-be violators. Sanctions would be imposed on whosoever violates the provisions of the treaty. While Pakistan has the first hand experience of sanctions and can fully grasp to what extent they can go, Iraq's case is open for all to see what an inspection process connotes.

In the debate on the US Senate some of these issues also came up as reasons against ratification. The observations of a leading US defense analyst, Kathleen C. Baily deserve to be noted:

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3. See Article II-C. 38 h.

"One of the most extraordinary powers of the Executive Council is its charter to conclude and supervise implementation of agreements or arrangements with states that are parties, other states, and international organizations. The council may unilaterally conclude agreements or arrangements that relate to verification; all others must be made with the prior approval of the Conference of All the States Parties.

Although two words are used - 'agreements' and 'arrangements' - the Clinton administration has stated that the functionality of the two words is the same. Both words are used because 'agreements' are legally binding conclusions that, in the case of the United States, might very well need congressional approval. An 'arrangement' would probably not be submitted for approval, but under this treaty, the United States would still be bound by it. The danger exists that the Executive Council may use its power to conclude arrangements that have significant political or economic repercussions, or both, and that would legally bind the United States - all without the approval of the US Congress. Providing such power to an international organization is unprecedented. Another potentially controversial power given by the CTBT to the Executive Council is the responsibility to recommend proposals for 'promoting the object and purpose of this treaty. Most nations that have signed the treaty and some officials within the US government as well; believe that the object and purpose of the CTBT is to help achieve total nuclear disarmament. Their view is bolstered by several sentences in the CTBT preamble stating that the goal of a test ban is nuclear disarmament. Therefore, it is possible that the Executive Council will use its authority to pursue additional steps toward disarmament, including measures unrelated to nuclear testing. By funding the CTBT organization, the United States would be financing an international bureaucracy with a charter that includes responsibility for pressuring the United States to give up its nuclear deterrent."

**Kathleen Baily further says:**

If a majority of the Executive Council undertakes to 'negotiate' additional nuclear disarmament measures, it will be assisted in its efforts by a third extraordinary power granted the council by the CTBT: the power to order all treaty parties to convene. Thus, the Executive Council can call conferences, for example, to consider resolutions or actions in support of nuclear disarmament. Only a two-

thirds majority of the treaty parties present and voting would be required to act on the Executive Council's proposals.

In summary, the CTBT is more than a simple ban on nuclear testing. Its bureaucracy and charter create the option for continuing pressure and action on behalf of the goal of nuclear disarmament. Yet nuclear disarmament is not a goal that the American public supports." <sup>4</sup>

As to what would be the effects of future research and the need for upgrading if such a need arises, Kathleen Baily is very explicit:

"The CTBT will constrain nuclear weapons modernization, which will very likely have a negative effect on US national security. Inability to modernize warheads will greatly complicate the task of designing and building more modern delivery systems, despite the fact that such upgrades may be necessitated by advancements in other nations' countermeasures. Lack of modernization may also prevent the United States from using nuclear weapons for new missions for which they could be the most effective and appropriate option. Evolution in technologies for safety, nuclear delivery systems, and enemy defenses may render the now-modern US nuclear arsenal technologically obsolete or less safe." <sup>5</sup>

We have quoted s6 extensively to make the Pakistani nation and its policy-makers realize the dangers inherent in the treaty. If these are the apprehensions of the US policy analysts, a country that can defy the world with impunity: what is the locus standii of Pakistan? If these are the traps, why step into them.

### The Exit Clause:

Another piece of misinformation that Ts constantly being harped upon by the pro-signing lobby is that the treaty retains the state party's right to renounce it. This is absurd in Pakistan's case. Even when it is not a signatory. Pakistan is being pressurized to be one. How can it renounce the treaty after becoming a party to it? In the later case, even the legal position changes. While a nation is about to sign a treaty, this is implicit that morally and legally, it is maintaining its discretion. Once signed, under the international law. it becomes a party to the treaty. And the treaty mentions that state parties shall be obliged to sign provisions so given and without reservation, i.e. conditions.

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4. Source: Policy Analysis. No.330 Jan 15,1999

5. Ibid.

In fact, the exit clause in the treaty is not for little flies like Pakistan: it is there for the US and the nuclear league. Even in this provision, there are many problems. For example, the aspirant has to give six months notice for renouncing the treaty. Once a country gives such a notice, it exposes itself to vulnerability i.e., the implied meaning of giving a notice is that the country's nuclear deterrent is not effective enough and needs improvements to maintain its effectiveness and as such it has to conduct tests. That's where the aspiring state shall find itself stuck-up and exposed to aggression from the adversaries. Exposure to weakness is always an invitation to aggression.

In this context, world has witnessed the most recent cases of Iraq and North Korea. North Korea, a signatory of NPT, wanted to opt out, when US marines started moving towards its shores. Similarly, Iraq wanted an exit - as per clause which was there in the treaty - but it was denied this right. So how can Pakistan assume an exit after signing? Once Pakistan has entered into the treaty, it shall be entrapped for eternity. In a Jan 12, 2000 statement President Clinton is on record to have said;

"In South Asia, we seek to persuade Pakistan to refrain from weaponization or development of nuclear weapons, testing or delivering nuclear weapons and further production of material for nuclear use and to adhere fully to non-proliferation status standard and ratify CTBT."

Also relevant are resolutions of the P-5 of the Security Council and the G-8 after May 1998 tests, demanding not merely signing CTBT but also NPT and FMCT plus non-weaponization and deployment; essential elements to deterrence.

So, CTBT signing is not merely signing the treaty, it is about renouncing the whole nuclear program.

### The Non-Preferential Stand:

It has also been claimed that CTBT is non-discriminatory. Unlike the NPT, it applies as much to America as to other countries. But the basic premise on which the whole edifice of nuclear non-proliferation regime is based, must not be lost sight of i.e., CTBT is based on NPT. Secondly, it is based on the concept of non-proliferation of nuclear deterrent for all non-nuclear states while US and other nuclear weapon states maintain and upgrade their nuclear deterrence. That is nothing else except perpetuation of discrimination. The US position is so eloquent on the issue that only those who do not want to perceive shall miss. The remark made by President Clinton<sup>6</sup> on CTBT<sup>6</sup> speaks volumes:

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6. Oct. 6.1999.



"I think we start with the fact that the best way to constrain the danger of nuclear proliferation and, God forbid the use of nuclear weapon, is to stop other countries from testing nuclear weapons. That's what this test ban treaty will do ... We have seen the end of the Cold War making possible agreements to cut US and Russian nuclear arsenals by more than 60 per cent. We have offered the Russians the opportunity of further cuts if they will ratify START II. But we know the nuclear peril persists, and that there's growing danger that these weapons could spread in the Middle East, in the Persian Gulf, in Asia, to areas where our troops are deployed.

We know that they can be present in areas where there are intense rivalries and, unlike at least the latter years of the Cold War, still very much the possibility of misunderstanding between countries with this capacity. Now let me say the reason I say that I think other countries will -be looking at this, one of the concerns that I have had all along is that the countries we need to get involved in this India.

Pakistan, all the other countries will say, well, gosh, when we all get in this Comprehensive Test Ban Treaty, the Americans have a big advantage because they're spending \$4.5 billion maintaining the integrity of their nuclear stockpile. And I always thought that, too. And I think that's good thing because people around the world know we're not going to abuse this responsibility we have."<sup>7</sup>

Madeleine Albright in her statement before the Senate does not mince words. She says:

"To me, it is an open shut case that outlawing nuclear tests by others will result in a more favorable security climate for America than would otherwise exist. But the second question we must consider is whether accepting a legal ban on our own tests will undermine our nuclear deterrent.

That deterrent includes our ability to put a nuclear weapon on a bomber or missile and deliver that weapon with a high degree of accuracy. The knowledge that we can do this will stop any rational government from attacking us and the CTBT would not affect that. Because the Treaty does not cover delivery systems, we can continue to test and modernize them.

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7. <http://www.whitehouse.gov/wh/New/html/CTBT/remarks.html>

There can be no doubt that our deterrent is effective. After all, we have already conducted more than 1,000 tests - hundreds more than anyone else. Our knowledge base and technology are superb.

However, many Senators opposed the CTBT because of their concern that, without testing, weapons in our arsenal might become either unsafe or unreliable.

Obviously, this is very serious concern, which we have taken seriously. Our nation's most experienced nuclear weapons scientists have examined very carefully the possibility that our weapons will degrade without testing. They have recommended steps that will enable us to retain confidence in the safety and reliability of our arsenal under CTBT, including a robust program of Stockpile Stewardship. These steps were incorporated in a package of understandings that accompanied the Treaty when it was submitted to the Senate. We simply do not need to test nuclear weapons to protect our security. On the other hand, would-be proliferators and modernizers must test if they are to develop the kind of advanced nuclear designs that are most threatening. Thus, the CTBT would go far to lock in a technological status-quo that is highly favorable to us."<sup>8</sup>

The cat is out of the bag. The basic idea is to perpetuate the nuclear status quo and that is discriminatory. CTBT ensures continuity of this discrimination.

### Position of Pakistan:

A few words to reflect the changing position of Pakistan. The constraints under which foreign minister Abdul Sattar worked remain anybody's guess. But one thing that the Pakistani nation must never forget is that though threats to Pakistan come from India, they are not confined to India. Pakistan is part of Islamic Ummah and as such possesses a vision. Ummah of tomorrow should be capable enough ideologically, politically, economically, militarily and technologically to attain its full stature. The right of Muslims to have access to technology has unfortunately been deprived to them in the earlier periods. Indian linkage in matters of strategic importance has been a part of Pakistan's policy in the beginning. Even in the recent past, former caretaker Prime Minister Moeen Koreshi emphasized Kashmir linkage to CTBT. But unfortunately, the governments of Benazir Bhutto and Nawaz Sharif in the last decade of 20th century summarily tried to de-link the policy without any

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8. <http://secretary.state.gov/www/statements/1999/001110a.html>

national debate or authority. They even ignored the Kashmir issue and came up with a new linkage - the coercive environment" [lifting of coercive environment]. But is the coercive environment new?

Pakistan has been living through the- whole period since its creation in such coercive situation. It would be wrong to attribute the so-called coercive environment to the May 28 1998 nuclear explosions and the subsequent imposition \_of\_ economic sanctions. Symington and Pressler amendments had been the permanent coercive apparatus of US foreign policy especially designed for Pakistan. Worst still is the fact that the present government is even ready to relax that as well. i.e., it is hoped that once Pakistan signs the CTBT situations would change. It is like throwing your cards without a quid pro quo.

The present government shall commit a blunder if it de-links the signing of CTBT with three dimensions explained earlier. Despite economic pressures Pakistan must not sign the CTBT. It should stand firm on its principled position. The real creative powers of the nation are released only in moments of crisis. What the successive Pakistani leaderships had been doing is seeking one bailout after another. The nation shall continue to live in this ignoble situation if not prepared to have a clear-conscious vision. The government must trust the nation and share with it all the facts. The available scientific knowledge point to the fact that upgrading, weaponizations, miniaturization, delivery system and matching between weapon and delivery system all of these need testing. And testing is not a kind of threat: rather it is a way to improve and strengthen our defenses.

Without tests, use of nuclear weapons is more disastrous for mankind and the environment. Through the process of tests, and particularly by miniaturization, the fallout of nuclear debris have been minimized, and the targetization made point blank, i.e., to target specific military installations exactly and avoid civilian populations. Moreover Pakistan is at the early stage of development. If US need testing its devices even after 1045 tests, should Pakistan stop after six? USA has been conducting sub-strategic and computer tests even after signing the CTBT. But Pakistan does not have the computer and other technologies that could enable our scientists to make high-grade tests: cold or simulated. India is trying to get a seat in the Security Council, access to latest technology and economic and financial inflows even without finally committing to CTBT. Why are we rushing into terrors where even angels fear to tread?

With this as background Pakistan should be very clear while making any move to sign the CTBT. Pakistan's national security, its dignity and honor and in fact that of the Muslim Ummah, depends upon staying out of the treaty and not walking into it. There is only one way Pakistan may de-link its policy with India's signing of the treaty: even if India signs Pakistan should refrain.

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