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Preventing Catastrophe

US Policy Options
for Management of
Nuclear Weapons
in South Asia



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Maxwell Paper No. 25

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US Policy Options for Management of
Nuclear Weapons in South Asia

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Foreword

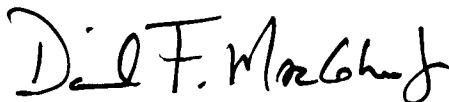
In *Preventing Catastrophe: US Policy Options for Management of Nuclear Weapons in South Asia*, Lt Col Martin J. "Marty" Wojtysiak, USAF, proposes a response to the dangerous proliferation of nuclear weapons in India and Pakistan. This paper highlights the threat in "The Nuclear Catastrophe of 2005," a gripping projection of the worst-case scenario on the current realities of the Indian sub-continent. Written a year after the "catastrophe," it vividly describes the events leading up to the disaster as well as the grim aftermath of a South Asian nuclear war. The remainder of the paper looks at US regional objectives and suggests how they might be achieved. The author proposes a regional proliferation regime that realistically addresses the threat and moves the United States to a pragmatic approach to manage and limit the ongoing proliferation in South Asia.

At present, India and Pakistan possess only marginal strategic delivery capabilities, and the tensions between them remain at the "simmering" stage. The United States is pursuing closer relations with India with tangible success, but its relations with Pakistan have soured over the last 10 years and reached a low point following the military coup of October 1999. The author believes this imbalance contributes to regional instability and leaves disturbing questions on the horizon. Can the United States help prevent the deployment of nuclear weapon systems in India and Pakistan? How does the United States help prevent the spread of nuclear weapons technology to less friendly, perhaps even hostile, countries? Can Washington prevent either India or Pakistan, or both, from turning hostile to the United States?

Colonel Wojtysiak's research was supported by the USAF Counterproliferation Center at Maxwell Air Force Base, Alabama. The author's unique background allowed him to conduct a series of interviews with Indian and Pakistani embassy officers; US government officials from the Department of Defense, the Department of State, and Capitol Hill; and other regional experts. He found a consensus that current US nuclear nonproliferation policy is failing to adequately address the danger in South Asia and that a new policy is needed. His suggested approach—a regional nonproliferation regime between India and Pakistan

with US participation in a third party or mediating role—if directly supported by the leadership of all three countries—could counter the long-term threat and hold the near-term threat at manageable levels.

This is the twenty-fifth Air War College Maxwell Paper. The series began in 1996. As with all Maxwell Papers, we encourage discussion and debate on Colonel Wojtysiak's important proposals to head off a nuclear catastrophe in South Asia.

A handwritten signature in black ink, reading "D. F. MacGhee, Jr." in a cursive style.

DAVID F. MacGHEE, JR.
Major General, USAF
Commandant, Air War College

About the Author

Lt Col Martin J. "Marty" Wojtysiak is currently the chief of Tanker Training and Operations on the Air Mobility Command staff at Scott Air Force Base, Illinois. His 19-year Air Force career includes tours as a KC-10 squadron commander and operations officer, KC-10 instructor/evaluator pilot, and T-38 instructor/evaluator pilot. His combat experience includes tours in Saudi Arabia during the Persian Gulf War and in Germany as an expeditionary squadron commander during Operation Allied Force. Colonel Wojtysiak is uniquely qualified to write on the topic of nuclear weapons in South Asia due to his three years as the assistant air attaché in Islamabad, Pakistan. While in Pakistan, he served as "point-man" for the US ambassador and Sen. George Hanks "Hank" Brown (R-Colo.) during the writing and passage of the Brown Amendment to the US Foreign Relations Act. Another paper by Colonel Wojtysiak, also on South Asian nuclear issues, was recognized as part of the top 5 percent of the research sponsored by the USAF Institute for Strategic Studies in 1997. He has master's degrees from Auburn University in political science and from the Air War College (AWC) in national security studies. He is a graduate of the AWC Class of 2001.

Present Reality

Nuclear Weapons in South Asia

Whether the United States likes it or not, India and Pakistan have nuclear weapons. Despite the international successes of the Treaty for the Nonproliferation of Nuclear Weapons, commonly referred to as the Nonproliferation Treaty (NPT), in other parts of the world, South Asia's principal antagonists have joined the nuclear club. The region is unstable—in recent years the common animus shared by India and Pakistan has deepened through a series of worrying developments. The danger is real, and potentially disastrous, as the two nations contain one quarter of the world's population. Will the United States continue its myopic adherence to hard-line NPT standards and risk catastrophe, or will it address South Asia's proliferation in a manner that decreases bitterness and controls risks? This paper takes a critical look at US regional objectives and suggests how they might be achieved.

If current US nuclear nonproliferation policy is failing to adequately address the danger in South Asia, perhaps a new policy line is warranted. One approach—a “regional nonproliferation regime” between India and Pakistan with US participation in a third party or mediating role—could be acceptable to all sides. Indian and Pakistani embassy officers; US government officials from the Department of Defense, Department of State, and Capitol Hill; and other regional experts considered the notion of a regional regime during a number of author-conducted interviews in December 2000. Their consensus was that this approach, if directly supported by the executive leadership from all three countries, could counter the long-term threat and hold the near-term threat at a manageable level.

This paper highlights the threat via a fictitious report describing events that could happen in the future. This “report” is firmly based on the current realities of the sub-continent. Written a year after the “catastrophe,” it narrates the findings of Office of the Secretary of Defense (OSD) desk officers concerning the events leading up to the disaster as well as the grim aftermath of the South Asian Armageddon.

The balance of this paper outlines a new nuclear non-proliferation policy that realistically addresses the threat on the subcontinent. The new policy is an attempt to move the United States from its present course of trying to prevent something that has already occurred to a more pragmatic approach that attempts to manage and limit the ongoing proliferation in South Asia.

This paper largely and purposefully avoids two subjects: economic considerations and US policy toward Israel. This is not to say that these concerns are not applicable to the subject at hand, but they are secondary considerations when compared to nuclear security and their inclusion in the main body here would excessively broaden the discussion. Financial concerns are linked to some of the US assistance suggested in the regional nonproliferation regime, and the cost of such assistance could be countered by significant windfalls for US businesses in South Asian power generation, minerals, and consumer products sectors. Moreover, recent precedent suggests US policy makers believe that nuclear nonproliferation success is worth some economic cost. The 1995 US nuclear nonproliferation agreement with North Korea is a pertinent example of this precedent.

Turning to the issue of US policy toward Israel, although the Israeli nuclear weapons program is similar to the programs in India and Pakistan, comparisons between South Asian countries and Israel are not appropriate in the realm of US foreign policy. Many significant domestic political considerations with respect to US policy towards Israel obviously do not apply to South Asia.

Nevertheless, South Asia is becoming increasingly important in its own right. But the massive economic opportunities associated with a developing region of more than a billion people are overshadowed by the nuclear threat. Additionally, important US concerns about such issues as democracy, regional peace, human rights, and terrorism are held hostage to a backward-looking nonproliferation policy. All the countries of South Asia, as well as the United States, believe there will be no lasting stability on the subcontinent until Pakistan and India settle their differences and allay the nuclear danger. Most regional experts agree the United States can play an important role in resolving these differences. Strong US leadership, especially at the presidential level, could bring

India and Pakistan to the table. The author hopes the George W. Bush administration will view the geostrategic environment of South Asia as important and worth the investment of the considerable political-strategic capital that could prevent catastrophe.

"The Nuclear Catastrophe of 2005"

(Extracted from OSD document no. 06-4165, cowritten by India and Pakistan desk officers, 20 March 2006)

In April 2005 India and Pakistan launched nuclear weapons against each other, and estimates of the death, damage, and injury still increase daily. Pakistan no longer exists as a viable state. The humanitarian emergency within the former cities of Islamabad, Rawalpindi, and Karachi is beyond historical comparison. The former country is wrecked with terror and dysfunction. Legions of roving tribesmen loot and murder their way through the territory with indiscriminate savagery. Scores of Western aid workers have been slaughtered; their bounty plundered and sent to black marketers. India remains in a state of economic collapse, the effects of which tarnish the world's financial order. The absorption of Lahore was less problematic than expected, but scores of thousands of doomed refugees wait to die in filthy encampments along the former international border. Sectarian terrorists and insurgents continue to spread violence in various Indian cities. New prime minister Sonia Gandhi, elected after the assassination of Atal Behari Vajpayee, faces the unenviable task of restoring order to her cacophonous nation. India lives in the wake of the world's most brutal human tragedy—a calamity that many argue might have been prevented.

This report discusses the events that preceded the war, emphasizing the warning signs and key moments where disaster may have been averted. The authors conclude that this catastrophe could have been avoided had the world, particularly the United States, acted sooner. Indian and Pakistani nuclear capabilities were never adequately nor realistically addressed, and when tensions spiraled on the subcontinent, belated US attempts to influence events in the region were

too little, too late. The tragic consequences of the failed non-proliferation efforts, only a nightmare a year ago, illustrate the lesson of the South Asian disaster.

Summary of Events

The "peaceful nuclear explosion" of an Indian device in 1974 was a watershed event that called upon the United States to focus its nonproliferation policy in South Asia. During the mid-1980s, Pakistan developed a nuclear capability as well. Successive US administrations attempted to address the worrisome proliferation on the subcontinent with virtually no success, as exemplified in May 1998 when both countries engaged in a chilling series of nuclear tests. As the situation worsened, the US goals, according to the year 2001 OSD document entitled *Proliferation: Threat and Response*, focused on diplomatic efforts to convince India and Pakistan to cease nuclear testing, stop the production of fissile material, and restrain from the development and deployment of nuclear weapons.¹ These goals were admirable, but they were somewhat unrealistic under the circumstances and ultimately were unsuccessful.

The signs that South Asia was a potential nuclear flash point were evident. As early as 1994, Ambassador Robert L. Gallucci wrote, "If a nuclear weapon is to be detonated in anger . . . the most likely place would be South Asia."² The 1996 version of *Proliferation: Threat and Response* accurately predicted the danger posed by a nuclear South Asia. "The consequences of a nuclear war between India and Pakistan would be catastrophic, both in terms of the loss of life and for potentially lowering the threshold for nuclear use in other parts of the world."³ Countless others warned of the potential for disaster, but US leadership, due to a "lack of vital interests" in South Asia, never aggressively addressed these concerns, and South Asian nuclear proliferation proceeded virtually unabated for 30 years.

Meanwhile the relations between India and Pakistan ran hot and cold, as did their respective relations with the United States. The spring of 2000 was a significant turning point for these relationships when William J. "Bill" Clinton became the first American president to visit the region in 25 years. Months before the visit, Pakistan experi-

enced a military coup in which Gen Pervez Musharraf, chief of the army staff, bloodlessly seized control of the government. As a result, President Clinton elected to cut short the Pakistan portion of his visit. Clinton spent five high-profile days in India strengthening economic and political ties, followed by six terse hours in Pakistan conveying a stern message about the necessity of an expedient return to democracy. Later that year, at the festive fiftieth anniversary celebration of the United Nations (UN), India's prime minister Atal Behari Vajpayee visited the United States in high-profile splendor, meeting with Clinton and addressing a joint session of Congress. Meanwhile, Pakistan's Musharraf was rebuffed in his quest for a meeting with the president. Former National Security Advisor Robert McFarlane termed the rebuff the beginning of the "vilification of Pakistan." McFarlane believed the United States should be seen as "a firm and objective friend to both countries" and cautioned the administration that "sanctions and shrill rhetoric will get us nowhere."⁴

Pakistan viewed the events of 2000 as part of the pattern of souring relations with the United States that began in 1989 when the Soviets lost the war in Afghanistan. These events also validated the Pakistani perception that relations with the United States amounted to a zero sum game between themselves and the Indians. These feelings of isolation left the Pakistanis hungry for a strong ally and more committed to the pursuit of a strong nuclear deterrent. As in the past, they found their ally in the Chinese, and the United States lost another opportunity to influence the Pakistani half of the nuclear arms race.

Closer ties between India and the United States provided a minor economic boost for both countries, but little else. India bought conventional weapons from the Russians and increased its destabilizing imbalance over Pakistan. The United States pursued every opportunity to engage the Indians toward nonproliferation progress, but they never budged. India pressed the United States to support its quest for a seat on the UN Security Council, but the Americans sidestepped the issue. It took a grave situation involving South Asian nuclear brinkmanship to change the equation.

In early 2004 Pakistan test-fired two Ghauri II missiles, with nuclear weapons-equivalent payloads, into the Indian Ocean. Islamabad claimed the tests were simply the next step in its deterrent force modernization, but India felt compelled to respond and the situation looked as if it might spiral out of control. US Secretary of State Colin Powell quickly dispatched his South Asian Bureau chief, Ambassador George Hanks "Hank" Brown, to New Delhi in the hope of defusing the danger. Brown not only persuaded India to back away from further immediate action but also secured India's promise to sign the Comprehensive Test Ban Treaty (CTBT) and a commitment to cease fissile material production. In exchange for the surprising Indian restraint, Brown was authorized to promise "qualified" US support for India's UN Security Council seat. It was the most measurable success of American nonproliferation policy on the subcontinent, but it was an even bigger win for India.

The Pakistanis believed they had lost again. The country that had always seemed to think of itself as a doomed state now had more reason than ever to be afraid. After the agreement was announced, the streets of Islamabad immediately filled with strong and violent anti-American and anti-Indian protests. The violence spread to the diplomatic enclave where the mob stormed the Indian High Commission, killing 11 Indian security personnel and diplomats and injuring another 26. In addition, American business interests were vandalized and the US Embassy became a rallying point for anti-American activities. Fearing another Tehran, the US ambassador ordered the evacuation of all nonessential Americans and appealed to Pakistan's military government for protection. US officials dispatched to Islamabad were able to calm Pakistani nerves in the short term, but the damage was done.

The reaction to the agreement in Pakistan's Sindh province, however, was markedly different. Since the Military coup, the government had not enjoyed much support in Pakistan's largest city and only major seaport, Karachi. The majority of the population in Karachi was Mohajir—descendents of Muslims who fled India during the 1947 partition. Most Mohajirs belonged to Sindh's predominant political party, the Mohajir Quami Movement (MQM), which had been excluded from the political process after

its leader, Altaf Hussain, was charged with treason in late 2000. From his self-imposed exile in London, Hussain had discredited the basis upon which Pakistan was created, calling the two-nation theory a farce that further divided the Muslims of the subcontinent and left many of them worse off than they were before partition.⁵ By 2004 the MQM's threat to "undo the partition of the subcontinent" had gained the support of those tired of the combination of military dictatorships and scandalous democratically elected leaders who siphoned the countries livelihood and isolated Pakistan from much of the world.

In the wake of the United States-India agreement, Hussain announced his intent to return to Karachi and "lead the Mohajirs back into the fold of civilized nations." This announcement led to a division between those supporting the military government, who vowed to arrest Hussain upon arrival, and the MQM, who intended to grant him a hero's return.

The MQM organized demonstrations on the streets of Karachi, but these demonstrations were limited by a combination of curfews and troops deployed in the city. Two weeks before Hussain's scheduled arrival, the MQM changed its tactics and called for a series of strikes intended to shut down the city. The strikes, supported by threats of violence, brought Karachi to a standstill. The threats became reality after MQM gunmen, confronted with minimal army resistance, attacked army headquarters and assassinated the corps commander and his staff. Karachi was in chaos.

The situation became an international crisis when the Indians moved troops to the border, the minister of defence telling a newspaper that New Delhi would not "stand by and allow the Pakistani Civil War to harm our interests." The minister even suggested Indian "mediation" between Hussain and the military government. This talk infuriated General Musharraf—who recalled 1971 and the last time India offered to mediate, which resulted in East Pakistan becoming Bangladesh. Faced with an already hostile Sindh province, Musharraf knew he could not stop the Indians if they elected to cross the border, so he looked north to Kashmir and the city of Kargil.

The Pakistani tactic of diverting Indian attention in Kargil had succeeded previously. Even during relatively peaceful

times, Pakistan and India regularly exchanged fire along Kashmir's line of control (LOC). Most of these skirmishes included gunfire or terrorist acts that resulted in small but equal numbers of fatalities on both sides. Twice in the late-1990s, the Pakistanis initiated scuffles in Kargil in response to Indian shelling of the Neelum Valley. In both cases, Pakistani advances were halted, but India's shelling in Neelum also stopped. During the 1999 encounter, the Pakistanis launched an invasion force of more than 1,000 soldiers and brought the nations to the brink of war. Hundreds died on both sides, but the Pakistanis later claimed that it was all part of the "domination of heights" contest and insisted that the Indians had blown it out of proportion.⁶

Indian prime minister Vajpayee addressed his nation in the early days of the 1999 Kargil conflict, confirming his surprise and stating that in the months leading up to the conflict relations with Pakistan had been improving rapidly. Vajpayee said, "Most important, people-to-people contacts and exchanges had opened up as never before in 50 years—there had been an outpouring of goodwill on both sides."⁷ Surprised or not, the Indian response was swift, and it destroyed some of Pakistan's artillery and drove the rest back into garrison. In the end, the attack gained nothing for the aggressor, destroyed the personal goodwill between Vajpayee and Pakistani prime minister Nawaz Sharif, and sunk bilateral relations to their lowest level in nearly 30 years.

The first hint of problems along Kashmir's LOC in early 2005 began with another problem in Kargil. In February the Americans and British evacuated their embassies in Islamabad after satellite photos confirmed two Pakistani army corps were taking offensive positions west of the LOC. It seemed only a matter of time before South Asia would erupt in war.

With little diplomatic influence left in Islamabad, the United States tested its fledgling friendship with India in one last attempt at a peaceful resolution. Secretary of State Powell traveled to New Delhi with the goal of preventing war and buying time to get the two nations to discuss a peaceful solution. Powell asked the Indians to exercise restraint along the Sindh border, use their influence to delay Hussain's return to Karachi, and offer the Pakistanis a permanent settle-

ment in Kashmir by proposing the LOC as a permanent international border. Although India had never publicly agreed to the LOC-border concept, the move was long considered the most likely settlement and the most favorable to India. New Delhi seemed interested in Powell's suggestions, and although it claimed it had no influence on Hussain, the MQM leader announced he was rescheduling his arrival for 15 March to provide a cooling off period.

Powell also contacted Russian president Vladimir Putin and requested Putin to approach the Pakistanis. Russia had amicable relations and arms agreements with both countries, and the US Embassy in Moscow had reported President Putin's interest in brokering a settlement. However, Putin's subsequent trip to Islamabad was less successful than hoped. Musharraf was pleased with the attention, as Pakistan had long sought to internationalize its conflict with India, but he insisted that India could not be trusted and that he would not look for diplomatic solutions as long as Pakistan was threatened. The general cited Hussain's postponement as proof that he was under India's control. Despite the frantic efforts to save the peace, the two-week cooling off period only served to heighten tensions. The only question was who would move first—the Indians in the south or the Pakistanis in the north.

On 14 March 2005, Pakistani units staged a bloody assault on Indian positions in Kargil that was bigger and bolder than the 1999 attack. The Indians responded with an aggressive air assault on Pakistani artillery units that left over 100 dead. The war that the world feared began the next day when the two powerful Pakistani corps crossed the LOC and struck deep into Indian territory.

During the first 24 years of their existence, Pakistan and India had fought three wars. In each case, the Pakistanis started the fight and experienced short-term success due to the tenacity of their army as compared to the relative dysfunction of the Indian ground forces. However, the Pakistanis were never able to sustain their forces once the Indians cut their supply lines. In the 1971 war over East Pakistan, this sequence resulted in more than 90,000 Pakistani prisoners of war. Unfortunately for Pakistan, such lessons were never fully incorporated in its military strategy.

By the first week of April 2005, the Pakistanis were in a familiar and troublesome situation. Early successes allowed the army deeper penetration than expected, but the Indian air force pounded away at Pakistani forward positions and supply lines, leaving them surrounded and cut off. Pakistani air force F-16s attempted to impede the Indians, but Indian MiG-29s, Su-30s, and Mirage 2000s far out-numbered the Pakistani aircraft and were equipped with more modern weapons. Years of neglect had placed Pakistan's air force in a position where it could not blunt the Indian bombing or prevent the Indians from gaining air superiority.

Facing the possible capture of two corps, the Pakistanis offered a full withdrawal. "Not *this* time," was the response. India was determined to punish Pakistan for 50 years of trouble, and now that it had human leverage, it would dictate a permanent solution. The Indian defence minister, in a reckless and provoking breach of responsible statesmanship, publicly threatened to "finish the job" India had begun in 1971. These comments led to the evacuations of the remaining embassies in Islamabad and New Delhi. The international community, which had used every opportunity to plead for restraint, now feared the worst as the tense situation grew eerily quiet.

On 3 April 2005, Pakistan fired two Ghauri II missiles with nuclear payloads into India's Rajasthan province. The first missile apparently missed its intended target and detonated over an unpopulated area in the Thar Desert south of Jaipur Air Base. The second missile, with a 10 kilo-ton (KT) fission yield (the Hiroshima device was 13 KT), exploded over India's largest air force base at Jodhpur. The missile completely destroyed the base and much of Rajasthan's second largest city, killing over 110,000 and injuring another 200,000.⁸ Apparently, the Pakistanis believed the only way to stop the Indian air attacks was to vaporize the MiG and Mirage squadrons dispersed to Jodhpur and Jaipur. However, in keeping with the historical pattern, the Pakistanis lost much more than they could have hoped to gain through these strikes.

Six hours after these attacks, four nuclear bombs exploded over Pakistan. Mirage 2000s delivered two, which detonated over the sister cities of Islamabad and

Rawalpindi, and Prithvi missiles carried the others to Karachi. All four hit their intended targets with an average yield of 25 KT. The best estimates are that more than two million people were killed in the initial blasts with another five million injured.⁹ Most of the injured were severely burned. There was no hope of medical care, since there were less than 3,000 burn beds in the entire country, and half of them had been damaged and were unusable. Government offices in Islamabad and the military headquarters in Rawalpindi were destroyed, but there was no one to return to them anyway. With the exception of the corps commanders left in the field, Pakistan's leadership was dead. India had finally disposed of its mortal enemy in one brutal blow. India had some explaining to do.

After the Pakistani Ghauri strikes, New Delhi sent Foreign Minister Jaswant Singh to Beijing. He was in discussions at the Chinese foreign ministry when the Indians launched their response. His mission was to convince the Chinese that the Indian strike was provoked and necessary, and to persuade Beijing to remain on the sidelines. The Beijing government informed Singh that China was "utterly disappointed" in India's decision to use nuclear weapons, but would not expand the war by responding to an attack on foreign soil. Singh received the message he had hoped for. The war was over.

Conclusion

US leaders did not appreciate, nor did their policy actions appropriately address, the nuclear danger on the subcontinent. After the nuclear tests of 1998, US policy makers scrambled to respond through sanctions and curt diplomatic exchanges. Unfortunately, these efforts upset regional stability and exacerbated the risk.

Prior to 2005, conventional wisdom predicted a conflict in Kashmir could lead to nuclear catastrophe between India and Pakistan. Few predicted a sectarian clash in Sindh province would be the catalyst for war. But such conflicts had plagued the subcontinent for centuries, and it was a sectarian conflict that led to the British partition of 1947. Both India and Pakistan had lived with the threat

of national disintegration since independence. Kashmir was the major symptom, but it was not the disease.

At different points along the way, the United States could have broken the chain of events that preceded the South Asian nuclear catastrophe. During the 30 years nuclear weapons were present on the subcontinent, the United States pursued a strategy of achieving nonproliferation through such global treaties as the NPT and the follow-on pursuits to ban testing and fissile material production. This approach not only did not achieve success in nonproliferation but also, and more significantly, it did not reduce the tensions between India and Pakistan.

The reasons for proliferation must be addressed before nations can consider alternate means of defending themselves. The regional context must be considered. As early as 1993, Robin Lynn Raphel, the US assistant secretary of state for South Asia affairs, understood this concept. Raphel stated that the control of nuclear weapons was the administration's highest regional priority, but he also said, "Ultimately the solution to the problem is not simply limiting capabilities to produce and deliver weapons of mass destruction. The tensions that underlie conflicts also have to be addressed."¹⁰

South Asian proliferation should have been approached on a regional basis. A regional approach might have ensured that tensions were addressed along with the weapons themselves. The United States should have begun the process by developing realistic assumptions and objectives and then should have translated them into a set of nonproliferation goals. Small, confidence-building steps might have led to success in larger areas.

Another failure of US policy was the isolation of Pakistan. By not engaging Pakistan, the United States made a bad situation worse and contributed to the instability. Pakistan had long depended on foreign assistance for economic and psychological stability. The departure of American support, beginning with the Pressler Amendment*

* The Pressler Amendment requires the president to certify that Pakistan does not possess a nuclear weapon before it can receive US economic or military assistance. The sanction is sometimes referred to as the Pressler Veto.

sanctions in 1991 and deteriorating into the diplomatic diffidence surrounding President Clinton's visit in 2000, was especially damaging to Pakistan's national ethos. A stable Pakistan with nuclear weapons was dangerous enough, but an unstable nuclear Pakistan was a recipe for disaster.

US policy also failed in its reliance upon sanctions to address nuclear proliferation in India and Pakistan. Negative approaches to foreign policy, such as sanctions and threats of isolation, are one-sided. Once the sanctions are imposed or the threat is realized, the policy is essentially useless in terms of threatening the targeted country. The country being isolated has already determined that its actions outweighed the penalty. Such approaches often lead to stalemate, as was the case with India, or a decline in relations, as developed with Pakistan.

A regional regime to manage nuclear proliferation in the South Asian subcontinent might have prevented catastrophe. This approach could have begun outside the auspices of, but parallel to, the NPT. Perhaps the regional regime could have led both countries toward the NPT framework, as the Treaty of Tlatelolco did for Argentina and Brazil. An even-handed policy toward both South Asian countries might have granted the United States the bona fides to serve as an effective interlocutor when they stumbled toward war. Such efforts might have prevented the nuclear holocaust that Pakistan endured.

Current US Nuclear Nonproliferation Policy

Much of the current US nuclear nonproliferation policy for South Asia stems from the goals of such global regimes as the NPT—the 1968 global agreement that attempted to limit horizontal proliferation by creating permanent groups of nuclear weapons states (NWS) and nonnuclear weapons states (NNWS). Those who support the global regimes, such as Joseph Cirincione of the Carnegie Endowment, refer to the NPT's successes in much of the world, particularly in countries that opted to back away from the brink of nuclear weaponization. Cirincione believes, "Historically, the nonproliferation regime has one great factor in

its favor: It works."¹¹ He cites the abandoned programs in South Africa, Brazil, and Argentina, which all eventually signed the NPT as nonnuclear weapons states, as NPT successes. His contention may be correct in the broadest sense, but closer scrutinizing reveals that domestic changes in the South African regime changed the perception of the region from hostile to friendly. Furthermore, in the cases of Brazil and Argentina, the nonproliferation success was achieved only after a regional agreement, the Treaty of Tlatelolco, was put in place.

There are three general reasons that current US nuclear nonproliferation policy is not effective in South Asia. First are the obstacles to negotiation that prevent the United States from addressing nonproliferation in a joint Indo-Pak forum dealing with proliferation and the underlying tensions that cause it. Second is the lack of policy evolution, which means the current policy has not matured with developments in India and Pakistan. Thus the United States is focused on preventing something that already exists. Third is the US political and diplomatic gridlock that juxtaposes executive and congressional approaches to nuclear nonproliferation policy in South Asia. This policy gridlock excludes new thinking and prevents the current stagnated policy from evolving.

Obstacles to Negotiation

India and Pakistan share the same land mass and a common history. They are roughly similar in ethnic make-up and economic production per capita, although India enjoys the advantage in terms of military capability. Arguably, they are of similar geostrategic importance to the United States. In fact, they are tied to the same paragraph of the Clinton administration's national security strategy document.

The United States has engaged India and Pakistan in seeking agreement on steps to cap, reduce, and ultimately eliminate their capabilities for weapons of mass destruction and ballistic missiles. Regional stability and improved bilateral ties are also important for America's interest in a region that contains a quarter of the world's population and one of its most important emerging markets.¹²

This passage provides an illuminating look at the overall policy toward South Asia. It demonstrates the similarity of US objectives with regard to both countries, with nonproliferation as the primary interest. Equally illuminating is the relative length and scope of the excerpt since it constitutes the only allusion to the South Asian subcontinent within the document. One could easily conclude that US interests in the region are limited and that the priorities placed on addressing these interests are relatively low.

Similarity of US objectives related to the two countries has not translated into similar policy approaches. One reason is that it has been virtually impossible to deal with India and Pakistan together. Mutual distrust and hatred lingers from three major wars and numerous smaller skirmishes. There have been no productive talks between them in over a decade. Limited to engaging the nations separately, the United States has few successes, and its ability to reduce tensions has been nearly nonexistent.

Aggravating the separate approaches problem is the shared Indian and Pakistani belief that their separate relations with the United States amount to a "zero sum game"—the idea that US actions with respect to one country have significant and reverberating consequences with the other. Indeed, the failures of the administrations of George H. W. Bush and Bill Clinton to realize the triangular nature of the relationship damaged the effectiveness of their policies. Secretary of Defense William Perry experienced this problem first hand during 1995 visits to Pakistan and India. Perry later spoke about the zero sum game: "One of the toughest aspects of this trip was convincing each country that America's relations on the subcontinent are not—I say, not—a zero sum game. During the Cold War that is exactly the way they were perceived. If our relations with one country warmed, they automatically had to cool with the other. That is the way it happened during the Cold War. It does not have to be that way anymore."¹³

Failure to Evolve

Perhaps US nuclear nonproliferation efforts in South Asia have failed because they have not evolved. Many be-

lieve that an evolutionary approach is essential on the global scale. Former Reagan administration official Lewis Dunn divides nonproliferation strategy into three phases: the first is prevention of the spread of nuclear weapons to a region, the second is containment of such weapons within a region, and the third is management of the strategic consequences of proliferation.¹⁴

Most US policy efforts in South Asia remain embedded in Dunn's prevention phase, which often leads to disparities between approaches and responses. An example is the 1995 case in which the United States lobbied both India and Pakistan to sign the indefinite NPT extension. Both countries rejected it, as they had rejected the original NPT, and there was an underlying futility to the entire idea. Knowing the value both nations place on their nuclear deterrents, did the United States expect them to sign as NNWSs? If not, could the United States have successfully renegotiated the NPT among 174 other nations with India and Pakistan as nuclear weapon states? The answer is clearly "no" on both accounts.

Either US nuclear nonproliferation policy efforts are guilty of failing to evolve with reality, or they are recklessly discriminatory toward third world countries as the Indians and Pakistanis allege. After the 1998 nuclear tests, India's foreign minister Jaswant Singh referred to the NPT's global approach as "nuclear apartheid."¹⁵ Singh also called the Comprehensive Test Ban Treaty, "Neither comprehensive nor related to disarmament but rather devoted to ratifying the nuclear status quo."¹⁶ Not only does the global regime fail in South Asia but also it apparently insults in the process.

Diplomatic Gridlock

Congress is increasingly forming US nuclear nonproliferation policy. In fact, Congress has assumed a dominant role since 1976 and has focused a great deal of effort on the South Asian region, especially Pakistan through the Pressler Amendment—the only country-specific nonproliferation legislation. This is somewhat ironic since the catalyst for congressional involvement in nonproliferation policy was 1974's "peaceful nuclear explosion" in India. The

official US response to the Indian nuclear test was decidedly mild, as was that of the other NWSs.¹⁷ Yet, in retrospect, it was the Indian test, more than any other event, that generated the demand in Congress for closing NPT loopholes by strengthening US nonproliferation policy.

One notable example of the maze of legislation designed to limit the transfer of nuclear materials and avert the deployment of weapons is the Glenn Amendment, which imposes sanctions on NNWSs that detonate nuclear devices. Glenn sanctions were imposed upon India and Pakistan after the 1998 tests, but the effects were disproportionate because Pakistan is more heavily dependent on foreign assistance than India, which was only mildly affected. The Clinton administration later determined the sanctions were not working and lifted them within months of their implementation.

Neither the failure of the threatened sanctions to prevent the proliferation nor their uneven effects dissuaded Capitol Hill from believing sanctions to be an important complement to US nonproliferation policy. Senate aides Daniel Morrow and Michael Carriere later wrote: "The experience of the sanctions against India and Pakistan suggests that under some but not all circumstances, sanctions such as those required by the Glenn Amendment can impose economic costs on the target nations. These costs might range from mild—as in the case of India—to very severe—as happened to Pakistan. In many cases, these costs are likely to be serious enough to enter into the complex calculus of a state that contemplates going nuclear."¹⁸

Richard Haass led a Council on Foreign Relations task force that criticized the utility of sanctions and broad-based legislative mandates. Its 1998 study of US policy toward India and Pakistan following the South Asian nuclear tests described such measures as "obstacles to effective diplomacy," noting that sanctions "can work against US interests, including the goal of promoting regional stability."¹⁹ The task force called upon Congress "to provide broad waiver authority to the president so that sanctions and incentives can be used to support rather than thwart US diplomacy."²⁰ In most cases, the legislative requirements have already been overtaken by events. Presidential waiver authority would allow policy makers the ability to design an alternative policy that

could help stabilize the Indo-Pak nuclear competition and promote other US interests.

In the case of the Pressler Amendment, overall US foreign policy toward Pakistan is held hostage to a single issue. But not only the US-Pakistan relationship is adversely affected by Pressler. The reverberating effect of the "Pressler Veto" in India is damaging as it encourages New Delhi to reject any approaches that might alter the status quo. As long as it knows that the current set-up disproportionately punishes Pakistan, India will not accept any broader approaches to nonproliferation. The United States must balance the scales with both countries before it can effectively negotiate reforms to current behavior.

Updating Nonproliferation Goals

The preceding section discussed three major problems with current US nuclear nonproliferation policy in South Asia. Taking these problems into account, the remainder of the paper develops a new approach to US nonproliferation concerns in South Asia. The following discussion establishes the basis for the approach by forming sets of assumptions and US objectives.

Assumptions

There are at least four assumptions on which the United States can base its nonproliferation policy in South Asia. First is the idea that nuclear weapons are a permanent presence in South Asia. Permanent presence means that India and Pakistan possess nuclear arsenals, and they will continue to maintain them as long as other nations possess similar weapons. There is little dispute in terms of this physical reality. The 1998 test explosions in both countries are proof that they have constructed at least a handful of weapons.

Nuclear weapons constitute a permanent presence in India and Pakistan for several reasons. Although both countries express the desire to eliminate weapons, they tie these desires to unrealistic expectations. Pakistan claims it will eliminate its nuclear weapons capacity as soon as India does. India claims it will eliminate its capacity as

soon as the rest of the world, especially China, eliminates such weapons. No one would dispute the notion that China's nuclear program is permanent; therefore, by their own projections, India's and Pakistan's programs will continue. Additionally, the prestige that both countries draw from their programs, especially Pakistan—the only Islamic country to possess such capability—is another reason the programs will continue. Deterrence against enemies with conventional military advantages is the final reason. For example, even if India offered to eliminate nuclear weapons contingent upon Pakistan doing the same, Pakistan would be loathe to accommodate because to do so would be to give up its deterrent to India's conventional advantage.

The second assumption—nuclear weapons can be a stabilizing influence in South Asia—is extremely difficult for the “zero-tolerance” nonproliferation stalwarts to accept. Nevertheless, it is realistic and based on historical experience. In their first 24 years of existence, India and Pakistan fought three wars against each other. Yet in the last three decades, with nuclear weapons present for the vast majority of the period, they have not gone to war. Some argue that other reasons, including economic and political considerations, kept the countries from war. But economic conditions have remained relatively constant in that neither country has ever been financially ready for war. Additionally, the chief reason for at least two of the wars, the dispute over Kashmir, remains as menacing as ever. The only major change to the geostrategic equation has been the addition of nuclear weapons.

The Kargil conflict of 1999 is an example of how close the countries have come to conventional war without exchanging nuclear threats. However, Kargil also may illustrate the “stability-instability” paradox that nuclear weapons have introduced to the equation.²¹ The stability argument is based on the reasonable conclusion that the Kargil crisis did not escalate beyond a limited conventional engagement due to the threat of nuclear war. The instability argument points to the belief that Pakistan is emboldened by its nuclear deterrent and can undertake such confrontations without risking severe Indian punishment. The relative peace since the Kargil episode may begin to disprove the latter theory.

Whether or not Kargil demonstrates the stabilizing influence of nuclear weapons, the lack of prospects for victory has never seemed to deter Pakistan. Pakistan initiated the three wars; all of which resulted in clear and quick Indian victories. The only difference in the Kargil crisis was the prospect of nuclear Armageddon on the subcontinent. The crisis ended when Pakistani prime minister Nawaz Sharif "recommended" that the "freedom fighters" withdraw after the US president pledged his active interest in resolving the Kashmir dispute. One of the reasons for his sudden trip to Washington, Sharif told the press, "was his fear that India was getting ready to launch a full-scale military operation against Pakistan," which could lead to a nuclear clash.²² These events seem to support the argument that the weapons served as deterrents to a greater war.

The third assumption is the idea that India and Pakistan are not nuclear outlaws. Neither India nor Pakistan has used, or specifically threatened to use, a nuclear weapon in anger. Moreover, there is no evidence of "nuclear security lapses" in which either allowed the technology to leak beyond its borders.²³ Finally, both countries have publicly declared moratoriums on further nuclear tests and "caps" on their fissile material production programs. One observer argues that this is responsible behavior which is in stark contrast to US-Soviet nuclear actions, including "deployment of tens of thousands of nuclear warheads, bombers flying on 24-hour alert status, and the nuclear safety lapses that characterized the superpower arms race."²⁴

The fourth and final assumption is that global approaches to nuclear nonproliferation do not succeed in South Asia. The evidence here is clear and indisputable. Neither country signed the original NPT in 1971 nor did they support the NPT extension signed by 174 other countries in 1995. Both considered participation in the recent CTBT, but in the end did not. Finally, though both countries declared the previously mentioned unilateral caps on nuclear fuels, they have indicated they will refuse the upcoming Fissile Material Cut-Off Treaty (FMCT).

Their consistently negative reactions to global approaches have led to suggestions for multilateral regional

approaches that also have failed. Pakistan's long-standing proposal of "Five-Power" regional negotiations (to include China, Russia, and the United States) has been flatly refused by India. The only progress, albeit minimal, has occurred in bilateral discussions. India and Pakistan have agreed not to attack each other's nuclear facilities and have also agreed to some loose, if somewhat hollow, confidence-building measures (CBM). If further progress can be made, its chances appear best in this bilateral framework, perhaps with the United States acting as a third party.

US Regional Objectives

Given the assumptions just discussed, it follows that the current US policy of reversing the nuclear weaponization of South Asia has been overcome by events. To refresh its policy, the United States must first update its objectives in the region. Relatively minor revisions in these objectives would greatly affect the utility of the resultant policy.

The United States must accept the status quo that nuclear weapons exist in South Asia. This does not mean it must embrace these nuclear programs. Consider the tacit acceptance of the Israeli nuclear weapons program. Although Israel is classified as a NNWS under the NPT, the United States does not elect to jeopardize the overall relationship over this single issue. Rather than confronting the Israelis over something that is at least temporarily outside of its influence, the United States chooses to engage them on such issues of mutual interest as the Mideast peace process. A similar acceptance of the status quo in South Asia would allow the United States to gain considerable influence.

Following recognition of the status quo, there are three objectives toward which the United States should aim its policy. These objectives are simple and consistent with current US policy ends. They include preventing the use, to include further testing or deployment, of nuclear weapons in South Asia; preventing any spread of nuclear technology outside India and Pakistan; and building strategic stability in the region.

Obviously, there are other meaningful American regional objectives outside the nuclear nonproliferation

issue. Promoting economic reform, dealing with human rights issues, providing assistance with population control, and limiting nonnuclear weapons of mass destruction in South Asia are long-standing subjects for US policy makers. These important topics fall outside of the reach of this paper; however, progress on the nuclear problem might pave the way for progress on nonnuclear issues.

Regional Nonproliferation Regime

As noted in the finding of a Council on Foreign Relations task force: "The time has come to rethink the US approach to the Indo-Pakistani nuclear rivalry. Instead of continuing the current policy of trying to roll back India's and Pakistan's de facto nuclear capabilities, the United States should work with both countries to pursue more limited but potentially achievable objectives, such as to discourage nuclear testing, nuclear weapons deployment, and the export of nuclear weapon or missile-related material and technology."²⁵

Clearly there is a need for a new US nonproliferation strategy for South Asia and for a framework to support that strategy. While many approaches may satisfy the need, this paper favors a regional regime achieved by the two countries with US participation as a third party.²⁶ Under the regime, India and Pakistan would agree to a series of procedures and future courses of action that would curtail the risk of nuclear confrontation and reduce the underlying tensions on the subcontinent. Meanwhile, American participation would constitute the catalyst for such an agreement as well as providing assistance to add stability and credibility to the arrangement.

The new approach departs from the current US posture of total nonproliferation in favor of an adaptive version of managed proliferation. The United States would shift from a policy of prevention to a sober combination of containment and management. This evolution does not require the United States to step back from the NPT or any other global nonproliferation agreement. On the contrary, the regional regime is proposed as a confidence-building first step toward resolving the South Asian aversion to global agreements.

Framework

A potential vehicle for the regional regime is the Indo-Pak Joint Commission. Originally established in 1982, the purpose of the joint commission was to provide ongoing bilateral discussions at the foreign minister (US secretary of state equivalent) level. Early successes for the commission included a bilateral agreement to refrain from attacking each other's nuclear facilities as well as the development of some minor CBMs. The commission initially gained credibility despite growing tensions over the Kashmir insurgency, but in 1989 it degenerated into foreign secretary level discussions (one level below foreign minister). That same year saw a summit meeting between the two prime ministers, Rajiv Gandhi of India and Benazir Bhutto of Pakistan. Designed as a beginning and not expected to be productive, the meeting did not result in any significant reduction in tensions. A second summit did not take place, as ethnic Tamil separatists assassinated Gandhi and Bhutto's government fell.

Within five years the remnants of the joint commission disintegrated altogether. The foreign secretary talks weathered the significant increase in tensions of 1990 and nearly produced a settlement of the long-standing Siachen Glacier dispute in 1992. The latter episode was viewed as a failure, rather than a near success, and resulted in a loss of credibility. The talks finally collapsed in 1994.

US involvement in the rebirth of any framework for Indo-Pak negotiations would be beneficial for several reasons. It could jump-start the process by encouraging both sides to reestablish the joint commission and position the United States so it could provide help as required. A reactivated joint commission could provide the foundation for higher-level contacts, establish an important dialogue, and reduce the tension that blocks the settlement of major issues.

The next step would directly address US nuclear non-proliferation goals in South Asia through a regional approach. With US participation as a third party, the Indo-Pak Joint Commission could produce a regional solution to the nonproliferation stalemate. If such a covenant, or preferably a formal regime, were created, there are several potential points of agreement between the countries.

Indian and Pakistani Bilateral Agreements

This section offers six points of potential bilateral agreement for building a regional nonproliferation pact and discusses the value of each. The author canvassed the Indian and Pakistani Embassies in Washington, D.C., to find these potential ingredients of a settlement.²⁷ Both embassies' representatives indicated that these six items, combined with US commitments to be discussed later, were realistic and worthy of further attention.

No Nuclear-attack Policy. With relative ease, India and Pakistan could agree to a mutual no nuclear-attack policy on major population centers, such environmentally critical targets as water sources, and such culturally sensitive targets as religious shrines. This agreement would merely expand the no-attack policy on nuclear facilities agreed to in 1991 by Prime Ministers Bhutto and Gandhi—an agreement considered a “measure of mutual deterrence” by nonproliferation experts.²⁸ This policy could be a step toward an overall no first-use policy, which at present neither country believes is in its interest. However, a marked improvement in relations sparked by a nonproliferation arrangement, combined with the realization that any nuclear weapons use would be devastating for both countries, might lead to such a commitment.

Formal No-transfer Pledges. Another simple agreement for India and Pakistan, but one that is extremely important to US objectives, is a formal pledge not to transfer nuclear weapons technology to third countries. Both countries have informally pledged to this effect, and because both countries value the increased “status” that such programs award them, it is clearly in their interests to keep the technology away from potential suitors. As one observer writes, “While there is no evidence that either country has suffered nuclear security lapses, there is no guarantee that this record will stand indefinitely.”²⁹ Therefore, while both countries have solid records of keeping the technology close-hold, formal pledges in the framework of a nonproliferation regime would be valuable for each other, the United States, and the rest of the world.

Development of Functional Confidence-building Measures. As with the previous two, the third point of

agreement for the countries is an extension of previous pacts or policies. The development of truly functional CBMs should be an integral and noncontroversial ingredient for any regional regime.

The current system of CBMs includes a hot line between the countries' director generals of military operations designed to keep both sides informed of troop movements and exercises. However, instead of using the hot line as intended, both sides have misused it for intimidation, misinformation, and threats. This behavior is counterproductive to building mutual confidence and suggests that, to ensure more statesmanlike usage, the hot line should be moved up to the chief of army staff level or to the chief executive (prime minister) level.

An additional step, consistent with confidence building but much more controversial within both countries, would be acceptance of full-scope International Atomic Energy Agency (IAEA) safeguards on all nuclear facilities in both India and Pakistan. Such acceptance, with its associated safety benefits, would build transparency into both programs and improve the mutual confidence level.

Nuclear Overt-ness. Transparency is at the center of the fourth component of the regional regime: "overt-ness" for each side's nuclear weapons programs. Currently, both countries profess nuclear weapons *capability* but deny the existence of actual arsenals. Some believe that this "opaque" nuclear posturing results in deterrent security.³⁰ By contrast, "overt-ness" would mean accepting responsibility for the arsenals and placing them under predictable and reliable command and control systems. Contentious political factors between South Asia and the United States, predominately those stemming from legal restrictions within the NPT framework, make "overt-ness" a difficult issue.

South Asian scholar Steven Cohen of the Brookings Institution refers to the NPT as a "legal straightjacket," which was further complicated by the Clinton administration's "almost puritanical approach" (sticking to the letter of the law on every issue) to proliferation.³¹ Cohen believes sufficient flexibility exists within the NPT to allow for a policy of managed proliferation in South Asia, and he opines that a large segment of the US State Department is ready to ac-

cept nuclear weapons on the subcontinent. NPT stalwart Joseph Cirincione agrees that the United States might find "wiggle room" within the provisions of Article 1 to allow some recognition of India's and Pakistan's programs, but he is concerned about the global reaction to this controversial step.³² Cirincione questions whether Japan and the European nations would encourage the US efforts or would feel violated as fellow NPT signatories.

It is also doubtful whether Congress would support any agreement that included open identification of India and Pakistan as nuclear weapons states. Nevertheless, no forward-looking agreement should ignore reality. Capitol Hill veteran staff member Robert Hathaway suggests that "strong presidential leadership would be the deciding factor" for congressional support on any changes to US non-proliferation policy.³³ This issue can be made palatable for all sides if the South Asian countries accept safeguards, and new American policy statements do not embrace South Asian weapons capabilities but merely recognize that they exist. A policy stipulation steering the countries to "decrease and eventually eliminate" such capabilities might also increase political feasibility.

Capping Fissile Material Production. This fifth point of agreement could provoke debate within India and Pakistan although both claim similar self-imposed limits are already in place. Both countries fall short of supporting the FMCT, a global treaty based on the same premise. So while they may see the value in capping production, they refuse to formalize the matter. Without such caps it is doubtful whether the United States would see much value in the regional regime as a nonproliferation tool. Therefore, both India and Pakistan must be convinced that the overall arrangement is in their interests to induce agreement. US incentives, discussed later, could be critical in this issue.

Commitment to Continuing Talks. The final, and arguably most important, component of a regional nonproliferation regime is the development of a continuing framework of dialogue to reduce tensions. Without it, the staying power of any bilateral nonproliferation agreement is questionable. India and Pakistan must come to terms with the hostility that has impeded their ability to interact as peaceful neighbors. They must take a long-term view of their

economic and political possibilities once hostile feelings are replaced with trust. The United States also would reap significant long-term benefits from partnerships in this economically fertile and geostrategically important region if it can facilitate reconciliation.

US Assurances

Distinct from the bilateral components of the nonproliferation regime, American involvement, in an active or arbitrating role, is important for two general reasons. First, it adds the credibility of the world's foremost power to the covenant. Second, and more important, the United States controls key incentives that could help India and Pakistan accept some of the more contentious issues. This section describes potential US assurances that would work in concert with the bilateral agreements to strengthen the regime and make it more attractive to the participants. Since many of these incentives involve technical assistance and information sharing related to nuclear technology (military and commercial), it might appear that the author's intention is to provide India and Pakistan with American nuclear weapons technology. On the contrary, this paper merely advocates technical assistance that is in line with US nonproliferation objectives and based on South Asian nuclear assurity. The United States should provide technical assistance that will secure and contain the weapons while lessening the chance they will be used. Prudent safety assistance in the commercial nuclear sector should also be granted.

There are relevant legal considerations regarding treaty commitments in the NPT to be considered here. Article 1 mandates each nuclear weapons state that is party to the treaty may not "in any way assist, encourage, or induce any state without nuclear weapons to manufacture or otherwise acquire these weapons or other nuclear explosive devices or to obtain control over such weapons or devices." But, as already noted, experts agree that ambiguities within the NPT might allow for US flexibility. Leonard Weiss, staff director of the Senate Committee on Governmental Affairs, writes that, among many other ambiguities, Article 1 does not clarify what "assist," "encourage," or

"induce" means, nor does it specify what constitutes "manufacture" of a nuclear device.³⁴ Other scholars, including Cohen and Cirincione, believe that differing NPT interpretations may provide the loophole for US actions if it elects to provide some level of nuclear assurity to India and Pakistan.³⁵

Secure Nuclear Arsenals. Technical assistance to both countries regarding the protection of their nuclear arsenals would ensure they remain credible deterrents. Secure arsenals provide balance and stability. Contrarily, if a country can tamper with or disable an enemy's nuclear arsenal, an unstable situation exists. Thus, if the true purpose of these arsenals in India and Pakistan is deterrence, it is clearly in everyone's interest to protect them.

Security of nuclear arsenals also refers to preventing the unauthorized use of the weapons through such procedures as permissive action links (PAL). There is precedent for sharing US PAL technology to reduce the threat of unauthorized weapons use. In the aftermath of the Cuban missile crisis, the United States opted to assist the Soviets in improving the security of their nuclear weapons. In a 1987 article, Dan Caldwell discusses this germane example of an adaptive foreign policy stance.

Curiously, despite the seriousness of the [Cuban missile] crisis, the Soviet Union failed to order a full alert of its missile forces. The Kennedy administration felt that one reason for the Soviet Union's failure to order a full alert was due to Soviet decision makers' lack of confidence in their command and control procedures. Consequently, President Kennedy and Secretary of Defense McNamara decided to make the Soviet leadership aware of the US permissive-action link system, and on 19 December 1962, at an international arms-control symposium at the University of Michigan, one of McNamara's assistants, John McNaughton, delivered a speech in which he described, in general terms, the American PAL system. According to reports, US scientists, also with the blessings of the Kennedy administration, explained the American PAL system to Soviet scientists, who attended the 1963 Pugwash meeting in Dubrovnik, Yugoslavia. Apparently, members of the Kennedy administration believed centralized control over Soviet weapons by civilian authorities of the Soviet government was in the interest of both the Soviet Union and the United States.³⁶

If the United States could hand nuclear command and control secrets to its chief rival during the height of the Cold War, it is not unreasonable to think that similar tech-

nology could be shared in the interest of South Asian safety.

Secure Nuclear Weapons Technology. Another important inducement is technical assistance to aid in the security of nuclear technology, which directly addresses the objective of stopping the spread of nuclear arms. It may be too late to stop the technology from spreading to India and Pakistan, but that should not prevent the United States from taking an active role to prevent further spread. Helping both countries formalize their security practices can contain the internal and external spread of these highly sought capabilities.

Confidence-building Measures. Fostering the development of CBMs between these estranged neighbors is a noncontroversial step that directly addresses the objective of preventing nuclear weapons use on the subcontinent. The United States has 40 years of Cold War experience that reinforces the importance of CBMs. The main issue regarding them is that the countries must be willing to accept the CBMs and use them properly. This must be taken into account before implementing such measures on the subcontinent.

The United States might consider supplying satellite imagery, along with instructions on how to interpret it, to both countries as a CBM. The imagery assistance could be on an as needed basis, such as during major exercises or times of heightened tensions, or it could be routinely provided through defense attachés in Islamabad and New Delhi. There is precedent for such assistance. The United States has opted to share satellite photography with both India and Pakistan during times of crisis. For example, during the Zarb-i-Momin near-nuclear crisis of 1990, Deputy National Security Advisor Robert Gates personally delivered the imagery along with stern words of caution. Although Gates later indicated that his mission averted a nuclear crisis, the threat has been downplayed by almost everyone else involved in the crisis, including the State Department, US ambassadors to India and Pakistan, the military attachés posted there, and Indians and Pakistanis who were in a position to either convey or receive this threat.³⁷

Nuclear Weapons Command and Control. The fourth incentive, providing technical assistance regarding nuclear weapons command and control, may be highly controversial. Nevertheless, this assurance fits the stated objective of preventing nuclear weapons use. Both countries keep their nuclear programs tightly shrouded; their command and control arrangements are unknown. Who has the authority to use the weapons? What safeguards are in place to prevent their unintended use? What are their basic nuclear doctrines? While India and Pakistan, for obvious intelligence reasons, need not provide specific answers to these questions, it would reassure the international community to know that they have been addressed. If they have not, the United States could provide unclassified assistance to provide the answers.

Neither country has provided encouraging assurances that reliable and complete command and control systems are in place. India established its National Security Advisory Board (NSAB) in the wake of the 1998 nuclear tests and charged it with drafting India's nuclear doctrine. The NSAB report, published on 17 August 1999, provides some clues about weaponization in India, but it is very short on details. Moreover, the Indian government has not officially endorsed the NSAB product and merely considers it a partial list of options for nuclear force structure and command and control.³⁸ Similarly, the present government in Pakistan has not released its official nuclear policies in writing, although it has briefed US diplomats on basic doctrine.

Safety in Commercial Nuclear Power. India and Pakistan would value US technical assistance regarding safety in the commercial nuclear sector. Both have large nuclear power generation programs, yet neither allows full-scope IAEA safeguards. As a result, the safety of these programs is unregulated and highly suspect. Francis Vaz of the Indian Embassy in Washington, D.C., agreed that India would consider safety assistance an incentive to a greater nonproliferation package and stated, "We need, and are presently seeking, US assistance with the safety of our commercial power reactors."³⁹ Former congressional staff member Hathaway, who served with Rep. Lee Hamilton (D-Ind.) for 13 years and is a South Asia expert, was not hopeful, however. Hathaway said the prospects for providing

any US nuclear assistance, even safety-oriented, would be a "tough sell" in Congress.⁴⁰ Nevertheless, Hathaway predicted that a regional regime, and provisions for US assistance, could gain congressional approval "if the administration took the lead" on the issue.⁴¹

Additional Considerations. The United States should consider banning offensive arms sales in the region and sharing basic early warning and missile defense technology. These actions would not directly support US nonproliferation objectives, but they do not conflict with them. Instead, these actions would make the regime more palatable to the South Asian countries, especially India. They should not be automatically included in a first draft of a regional regime, but should be regarded as inducements and used as necessary. The ban on offensive arms sales should address Indian fears that, absent the Pressler Amendment, the US to Pakistan arms floodgate would reopen, thereby creating a potentially destabilizing situation. The early warning and missile defense assistance could be added to the CBMs, but it also addresses Indian security concerns with respect to China.

Finally, congressional approval of any regional regime is critical since the regime would take the place of the legislation that constitutes most of the current US policy. While the administration could direct its approach from the White House and State Department, the halls of Congress would be the true battleground for any change in US nonproliferation policy. Nonproliferation stalwarts will contest any change from the status quo, as will Indian activists who value the present Pressler Veto.

Conclusion

This paper proposes a solution to an extremely important question: What can the United States do to stop South Asia from becoming the next nuclear flash point? After examining the current threat and present US policy, identifying problems and assumptions, matching pragmatic objectives to the realities in the region, and detailing a framework (including potential points of bilateral agreements and inducements the United States could offer), the

paper recommends a regional regime for managing nuclear proliferation in South Asia. Before closing, the author offers some further thoughts on the importance of acting upon these ideas in the near term.

Currently, there is a positive potential for high-level meetings between India and Pakistan. As recently as 1999, despite regular exchanges of arms fire along the Kashmir line of control, the prime ministers met and signed the Lahore Declaration. The declaration's first provision read, "The two Foreign Ministers will meet periodically to discuss all issues of mutual concern, including nuclear related issues."⁴² Both countries remain committed to the provisions of the Lahore Declaration, though the momentum was shattered by the Kargil crisis that erupted only months after the signing and by the removal, also in 1999, of Pakistan's civilian government.⁴³ If the foreign ministers could reestablish formal contact, it could be the first step toward reactivating the Indo-Pak Joint Commission. With US support and encouragement, this commission could be the vehicle for negotiating a regional nonproliferation regime.

The United States must seize the moment and transcend the zero sum dynamic while regional relationships are healthy. Additionally, the United States should act while Indian and Pakistani nuclear fuel reserves are still small. The Institute for Science and International Security's *Plutonium Watch* recently estimated that India has enough weapons-grade plutonium for 40 to 90 weapons while Pakistan possesses enough highly enriched uranium to manufacture 22 to 43 weapons.⁴⁴ Capping both programs at existing levels would end the Indo-Pak arms race and make the future less dangerous for the entire subcontinent.

The catalyst to ignite the momentum for such an ambitious regime must be action by the new Bush administration. There is real potential for foreign policy success in South Asia as Steven Cohen opined, "A Nobel Peace Prize is waiting for the Indian and Pakistani prime ministers after they have sorted out the Kashmir dispute and inaugurated an era of peaceful coexistence and economic progress."⁴⁵ A forward-looking president wishing to advance US regional goals, and perhaps garner a portion of a Nobel Prize, could make the difference. The first step must be to reengage the government of Pakistan.

The Bush administration seems an appropriate fit for movement toward a nonproliferation regime in South Asia, especially if it acts to unilaterally cut US nuclear weapons as pledged during the presidential campaign. US nuclear reductions would provide instant credibility on the issue and help induce Indian participation. A further inducement could be US support in India's quest for a permanent seat on the UN Security Council.⁴⁶ The personal attention of the president would also add the credibility required to achieve congressional support. Additional support could be obtained by announcing the regime during a high-profile visit to the region after the State Department and South Asian foreign ministries coordinated the groundwork. The true purpose of the president's visit would be to generate popular support in all three countries for ratification of the process.

It is time for the United States to take a proactive role in forwarding its nonproliferation interests in South Asia. A policy based on total nonproliferation is unrealistic and discriminatory, and in the cases of India and Pakistan, it is obsolete. Regarding such cases, nonproliferation expert and former Assistant Secretary of Defense Joseph Nye wrote, "Policies for post proliferation will have to be tailored to the specific circumstances of interests and instruments in each region, while at the same time the effect on the global regime will have to be considered."⁴⁷ With precisely this intent, this paper has developed a policy for the South Asian region that should have global implications. Indeed, if the regional regime's objectives are later determined to be in the global interest, the arrangement could eventually be incorporated into the NPT framework at future NPT review conferences.

Notes

1. Office of the Secretary of Defense, *Proliferation: Threat and Response* (Washington, D.C.: Government Printing Office [GPO], 2001), 21-22.
2. Robert L. Gallucci, "Non-proliferation and National Security," *Arms Control Today*, April 1994, 14.
3. Office of the Secretary of Defense, *Proliferation: Threat and Response* (Washington, D.C.: GPO, 1996), 34.

4. Robert McFarlane, "Vilifying Pakistan," *The Washington Post*, 18 September 2000, 19.

5. Kamal Siddiqi, "MQM Leader to be Charged with High Treason," *The Indian Express*, 28 October 2000, 1.

6. Brig Syed Mujtaba, defense attaché, and Gp Capt Saeed Anwar, air attaché, interviewed by author at the Pakistan Embassy, Washington, D.C., December 2000. The Pakistanis admitted that the Kargil invasion was "a miscalculation." They insisted that the Indian "overreaction" was a surprise to them, and it was more related to the upcoming elections than it was to the actual situation on the ground.

7. Atal Behari Vajpayee, "Transcript of Prime Minister's Address to the Nation," *Embassy of India*, 7 June 1999.

8. Death and injury statistics are interpolated from blast damage and thermal damage charts located in chapters 13 and 14 of Paul P. Craig and John A. Jungerman, *Nuclear Arms Race: Technology and Society* (New York: London: McGraw-Hill Book Co., 1986). The charts were then compared to the population of the attacked city.

9. *Ibid.*

10. Text of Raphel speech taken from *Bridging the Nonproliferation Divide*, edited by Francine R. Frankel (Lanham, Md.: University Press of America, 1995), 8.

11. Joseph Cirincione, ed., *Repairing the Regime: Preventing the Spread of Weapons of Mass Destruction* (New York: Routledge, 2000), 4.

12. The White House, *A National Security Strategy of Engagement and Enlargement* (Washington, D.C.: GPO, 1996), 43.

13. William J. Perry, "Establishing Strong Security Ties with India and Pakistan," *Defense Issues* 10, no. 10 (1995): 3.

14. Steven P. Cohen, *Nuclear Proliferation in South Asia: The Prospects for Arms Control* (Boulder, Colo.: Westview Press, 1991), 15-16. This three-stage approach was developed by Lewis Dunn. Dunn's approach has been lauded in government, where he served as a Reagan appointee in the State Department, and academic circles alike. M. J. Rossant wrote in the forward to Dunn's *Controlling the Bomb: Nuclear Proliferation in the 1980s* (New Haven: Yale University Press, 1982), "Dunn finds that the United States cannot hope to maintain the relatively limited proliferation that had characterized the first generation of nuclear arms, but he does not merely wring his hands or bury his head in the sand at this dangerous new prospect. Instead, he engages in a careful search for the most effective ways to keep proliferation, which appears bound to increase, from getting out of control."

15. Jaswant Singh, "Against Nuclear Apartheid," *Foreign Affairs* 77, no. 5 (September/October 1998): 48.

16. *Ibid.*, 41.

17. Robert L. Beckman, *Nuclear Non-Proliferation: Congress and the Control of Peaceful Nuclear Activities* (Boulder, Colo.: Westview Press, 1985), 217-18.

18. Daniel Morrow and Michael Carriere, "The Economic Impacts of the Glenn Amendment: Lessons from India and Pakistan," *Repairing the Regime* (New York: Routledge, 2000), 167.

19. Richard N. Haass and Morton H. Halperin, *After the Tests: US Policy toward India and Pakistan* (New York: Council on Foreign Relations, September 1998), 10.

20. *Ibid.*, 11.

21. For background on the stability-instability paradox and new nuclear states, see Peter R. Lavoy, "The Strategic Consequences of Nuclear Proliferation," *Security Studies* 4, no. 4 (Summer 1995): 739–40.

22. "US Involvement Essential: PM," *Dawn Weekly Wire Service*, 10 July 1999.

23. Devin T. Hagerty, "South Asia's Nuclear Balance," *Current History* 95, no. 600 (April 1996): 167.

24. *Ibid.*, 169.

25. Richard N. Haass and Gideon Rose, *A New US Policy toward India and Pakistan: Report of an Independent Task Force* (New York: Council on Foreign Relations, 1997), 5.

26. In this context, *regime* is defined as a formal and binding covenant that is mutually agreed to and signed by the participating countries.

27. Author interviews with Pakistan's deputy chief of mission and India's political counselor confirmed that all six of the points of agreement are realistic. Overall, their reactions to the proposed framework were very positive, and they indicated interest in the forwarding of these ideas.

28. William C. Martel and William T. Pendley, *Nuclear Coexistence: Rethinking US Policy to Promote Stability in an Era of Proliferation* (Washington, D.C.: GPO, 1994), 73.

29. Hagerty, 167.

30. *Ibid.*, 165.

31. Steven P. Cohen interviewed by author, Washington, D.C., December 2000.

32. Joseph Cirincione interviewed by author, Washington, D.C., December 2000.

33. Robert Hathaway interviewed by author, Washington, D.C., December 2000.

34. Leonard Weiss, "The Nuclear Nonproliferation Treaty: Strengths and Gaps," in *Fighting Proliferation: New Concerns for the Nineties*, ed. Henry Sokolski (Maxwell Air Force Base, Ala.: Air University Press, September 1996), 32–33.

35. Cohen and Cirincione interviews.

36. Dan Caldwell, "Permissive Action Links: A Description and Proposal," *Survival*, May/June 1987, 229–30.

37. Seymour M. Hersh, "On the Nuclear Edge," *New Yorker*, 29 March 1993, 56–73.

38. Francis Vaz, Indian political counselor, interviewed by author, Washington, D.C., December 2000.

39. *Ibid.*

40. Hathaway interview.

41. *Ibid.*

42. Contents of the Lahore Declaration supplied courtesy of the Indian Embassy in Washington, D.C. For more information, consult www.indianembassy.org.

43. During interviews conducted by the author at the Indian and Pakistani Embassies, Washington, D.C., December 2000, both countries emphasized their ongoing commitment to the provisions of the Lahore Declaration.

44. David Albright, *Regime*, 149.

45. M. B. Naqvi, "A Breakthrough on Kashmir?" *Dawn, The Internet Edition*, 16 March 1997.

46. Surprisingly, many of the experts interviewed during the research for this paper believed that the United States could support an Indian Security Council seat provided it made tangible progress on nuclear non-proliferation issues (such as signing the CTBT and refraining from actual weapons deployment and further fissile material production). However, they also believed that China would block India's inclusion. Similarly, the United States has supported the inclusion of both Japan and Germany for over 10 years.

47. Joseph S. Nye Jr., "New Approaches to Nuclear Proliferation," *Science*, 29 May 1992, 1297.