

Comparative Study of Japan and New Zealand's Response to the Nuclear Proliferation in South Asia⁽¹⁾

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'The message of (South Asia's) tests is that we can have a world in which many countries have nuclear weapons or a world in which no countries have nuclear weapons, but we will not have a world in which only five permanent members of the UN Security Council (UNSC) plus Israel retain nuclear weapons in perpetuity'⁽²⁾.

Introduction

As nuclear threshold states, India and Pakistan had been evoking apprehension and anxiety in the international community for a long time, until their final decision to declare nuclear capability in May

(1) Authors express their gratitude and appreciation to the Japan Society for Promotion of Science (JSPS) for the generous financial support in completing this research project.

(2) David Krieger, *India's Nuclear Testing is a Wake-Up Call to the World*, Nuclear Age Peace Foundation, www.wagingpeace@napf.org.

1998. Nuclear tests of India and Pakistan justified the suspicion and concern of the international community since the tests further endangered the global security environment and weakened the nonproliferation regime. Although India and Pakistan have not been included as official members of the nuclear weapons states (NWS), their basic qualification to be full members of the nuclear club cannot be denied. Therefore, the tests have shown that there are alternative ways to become nuclear weapons states giving a wrong message to those who aspire to do so. Furthermore, the South Asian nuclear tests were the first (official) incident of nuclear weapons spreading to the Third World. Ending the monopoly of nuclear weapons capability in the advanced western states and the world superpowers, South Asian case has been an open invitation for Third World nations to become nuclear states.

Sept 11 has added new dimensions and tensions to the South Asian nuclear confrontation. While startling evidence is emerging about the links between terrorism and nuclear proliferation, rise of terrorism has further destabilized the nuclearized South Asia. War against terrorism has deteriorated the Indo-Pakistani relations and intensified the dispute over Kashmir, the most pivotal element of the conflict between the two countries. Ironically, the combat against terrorism that both India and Pakistan have vowed to carry out could not appease South Asian archrivals. Pakistan, the main ally of the US in the war against terrorism, itself has been accused to be promoting terrorism. Combat of terrorism has escalated Islamic fundamentalism in the region, especially in Pakistan which is likely to impact on the Indo-Pakistani relations further increasing risk of war between the two countries. In fact, two countries came close to a full-scale war

following the attack on the Indian parliament in December 2001 and several skirmishes by Islamic militants in which India accused Pakistani involvement. Even at the moment of writing, there have nearly a million of troops deployed along the border risking a war in which both India and Pakistan deny the possibility of use of nuclear weapons.⁽³⁾

The Cold War nuclear confrontation was based on the concept of deterrence within which two camps of ideological adversaries could develop several arms control regimes and strategies for nuclear weapons disarmament. In the hindsight, it seems that the Cold War arms control regimes had been substantially effective and they successfully managed to avoid a war involving nuclear weapons. However, it is a widespread belief that the argument of deterrence in South Asian case is extremely weak and ineffective.⁽⁴⁾ It is argued that the historical circumstances of the conflict between India and Pakistan, its parochial underpinning, territorial proximity, and the socio-economic instability have made deterrent theory weak in South Asia.⁽⁵⁾ As a result, it has been extremely difficult for two countries to

(3) 'India plans response to parliament attack, war risk rises', *New Zealand Herald*, 14 December 2001. 'Pakistan readied its nuclear arms in '99', *Washington Post*, May 16, 2002; 'Nuclear-armed India threatens to use all its military might', *New Zealand Herald*, 03 January 2002.

(4) Scott D. Sagan, 'The Perils of Proliferation in South Asia', *Asian Survey*, vol. 41, no. 6, November-December 2001, pp. 1064-1086. Sumit Ganguly and Kent L Biringer, 'Nuclear Crisis Stability in South Asia', *Asian Survey*, vol. 41, no. 6, November-December 2001, pp. 907-925; Clayton P Bowen and Daniel Wolven, 'Command and Control challenges in South Asia', *The Nonproliferation Review*, Spring-Summer 1999, pp. 25-35.

(5) See Mario E. Carranzo, 'An impossible game: Stable nuclear

develop any effective arms control strategies to prevent possible risk of nuclear war.

Furthermore, Pakistan's allegedly close links with some radical Islamic regimes and organizations have lent particular urgency to the issue of nuclear technology transfer, especially with regards to the manufacture of what has come popularly to be known as the 'Islamic bomb'⁽⁶⁾. Sept 11 events in New York and Washington have heightened fears of a coordinated 'Islamic attack' against Western targets. There are reports that some transnational Muslim groups with bases in Pakistan may have acquired weapons of mass destruction, including nuclear weapons⁽⁷⁾. In recent times, the possibility of terrorist groups gaining access to Pakistan's nuclear weapons technology has raised serious concerns about the safety of Pakistan's nuclear installations and its stock of nuclear warheads. Despite Pakistan's alliance with the United States in war against terrorism, it is believed that the Taliban sympathizers and the pro-Islamic zealots have penetrated into the top military echelons of the Pakistani army making fight against terrorism extremely difficult⁽⁸⁾.

deterrence after the Indian and Pakistani tests', *The Nonproliferation Review*, Spring-Summer 1999, pp. 11-24; Michael Quinlan, 'How robust is India-Pakistan Deterrence?', *Survival*, vol. 42, no. 4, Winter 2000-01, pp. 141-54.

(6) D. K. Palit and P. K. S. Namboodiri, *'Pakistan's Islamic Bomb'*, New Delhi, Vikas Publishing House, 1981.

(7) Pakistan signed nuclear cooperation agreement with Iran in 1987. As a result Iranian nuclear scientists received training in Pakistan. Khaled Ahmed, 'The Nuclear non-proliferation treaty and Pakistan', in Zia Main (ed.), *'Pakistan's atomic bomb and the search for security'*, Lahore, Gautam Publishers, 1995, p. 113.

(8) See for a discussion Brain Cloughley, *'A History of the Pakistan*

Comparative Study of Japan and New Zealand's Responses……

A study involving Japan and New Zealand in relation to the South Asian nuclear proliferation has a particular relevance. Both Japan and New Zealand are anti-nuclear weapons states. Anti-nuclear weapons sentiments have played an influential role at both governmental as well as at civic level that impacted on state policies and change of public opinion on the nuclear weapons in the two countries. However, despite of these similarities, anti-nuclear policies of Japan and New Zealand have significant differences that make a comparison interesting and useful. Having being the only victim of an atomic bomb attack, Japan has a strong abhorrence to the nuclear weapons. But meanwhile Japan seeks protection from the US nuclear shield being party to the US-Japan Treaty. In contrast to that, New Zealand has refused to accept the nuclear aspects of the ANZUS (Australia, New Zealand and the United States Security) treaty, a treaty that provided protection from the US nuclear umbrella. Instead, New Zealand determinedly pursued nuclear free status that has given it a unique place in the global disarmament movement.

Compared to the Cold War era, Japan and New Zealand's activities in the field of arms control and nuclear disarmament have increased drastically in the post Cold War period. The main reason for this change must be the emergence of a new hope for disarmament with the disappearance of the Cold War ideological confrontation. The best example for the revived enthusiasm can be Japan and New Zealand's reaction to the May 1998 nuclear tests of India and Pakistan. Response of Japan and New Zealand to the tests showed an unprecedented enthusiasm, sharpness and speed. This is not to be

army', Karachi, Oxford University Press, 1999.

said that other countries did not react to the South Asian nuclear tests. However, among members of the international community, response of these two countries, especially Japan's, seemed stand out by its scale and severity.

It is needless to say that the nuclear test of India and Pakistan in 1998 was a devastating blow to the global nuclear nonproliferation process. Decision to go nuclear by South Asian neighbors evaporated the euphoric hope for nuclear disarmament appeared at the dawn of the new era. Meanwhile, tests seriously paralyzed the existing nonproliferation regime. In short it is fair to say that South Asian nuclear tests led the global disarmament process into a deep crisis while endangering regional and global security. Therefore analyzing Japan and New Zealand's response to South Asian nuclear proliferation, this paper seeks 1) to examine the current crisis state of the nonproliferation regime, 2) to reappraise the challenges posed by the tests and 3) to explore the avenues for revival.

As noted above, the international community responded to the Indian and Pakistani nuclear tests sharply. It is noteworthy that although it seemed paradoxical, there was a significant reaction from the NWS too. World community condemning the nuclear tests demanded India and Pakistan to reverse their nuclear program entering immediately into the Nuclear Nonproliferation Treaty (NPT). Regardless the severity of international response, neither India, nor Pakistan has changed their nuclear posture. Therefore, in the hindsight, it seems that Japan and New Zealand's response, (as of the rest of the world) had little or no impact in achieving their objectives. If Japan and New Zealand (and other members of the international community) reacted to India or Pakistan tests to gain certain

nonproliferation concessions from the two countries, that goal has not been achieved. Therefore it is fair to conclude that the objective of Japan and New Zealand's response to the South Asian nuclear proliferation has failed.

Primarily the study would seek to find answers to questions such as: why Japan and New Zealand's reaction (like the rest of the international community) to the South Asian nuclear proliferation failed? What should be done in order to reduce the tension arisen in South Asia as a result of the overt nuclearisation? In which ways international community (particularly Japan and New Zealand) can encourage India and Pakistan to become party to the global process of arms control and disarmament that envisions total abolition of nuclear weapons?

First, the study will examine the nuclear policies of Japan and New Zealand drawing parallels between their stances in relation to nuclear weapons issue. Following a brief note on the Indo-Pakistan relations and their motivations for developing nuclear weapons, the study then examines the reaction of Japan and New Zealand to the South Asia's nuclear proliferation with particular emphasis on the response to the May 1998 nuclear tests. Following part will be an assessment of the two countries' response to the Subcontinent's nuclear proliferation exploring the causes and factors leading to a failure. Finally, the paper will conclude with several recommendations for reforming approach of the international community in general and Japan and New Zealand in particular towards the Indian and Pakistani nuclear issue with the goal to include them in global nuclear disarmament process.

Similarities and Differences of Japan and New Zealand's Non-nuclear Weapons Policy

Anti-Nuclear Sentiment as a National Feeling

Japan's Nuclear Allergy (No More Hiroshimas)

Since the World War II, Japan has emerged as a strong anti-nuclear nation in the international community and has earned worldwide reputation to be an important player in the global nuclear disarmament campaign. Undoubtedly, the most compelling reason for Japan's abhorrence to nuclear weapons has been its experience of 1945 nuclear attack in Hiroshima and Nagasaki. Nuclear attack on Hiroshima and Nagasaki was a national tragedy. Japan has been the only country to experience the horror of an atomic bomb attack. Victims of the nuclear attack, popularly known as Hibakusha, are a continuing reminder for Japanese people of the devastating power of nuclear weapons.

Although atomic bomb attack generated a strong anti-nuclear feeling, it was not until the mid 1950s that Japan's anti-nuclear sentiment consolidated in the national consciousness. This slow reaction can be explained by the postwar economic hardship and social and political instability during the period of reconstruction. Nevertheless, in 1954 there could be seen a sudden resurgence of anti-nuclear sentiments within Japanese society. Primary reason for the sudden rise of anti-nuclear feeling was due to the so-called 'Lucky Dragon incident'. Several Japanese crewmen of fishing vessel 'Lucky Dragon' were exposed to radiation fallout (shinohai) as a result of the US hydrogen bomb testing in Bikini Island. With this event being a catalyst, in mid 1950s a new tide of anti-nuclear peace activities began resulting

a collection of some 30 million signatures across the country calling
prohibition of nuclear weapons.⁽⁹⁾

In September 1955, first significant nationwide peace organization, the Japan Council for the Prohibition of Atomic and Hydrogen Bombs (Gensui baku kinshi Nihon Kyogikai, commonly known as Gensuikyō) was formed and the same year they held the first conference in Hiroshima.⁽¹⁰⁾ Gensuikyō advocated banning the test and use of nuclear detonation unconditionally. Thereafter national movement for prohibition of atomic and hydrogen bombs expanded. However, as nuclear competition between the US and the Soviet Union increased, the national movement also divided in connection with domestic party politics. In 1961 the Democratic Socialist Party (DSP) and the Liberal Democratic Party (LDP) formed the National Council for Peace and against Nuclear Weapons (Kakuheiki Kinshi Heiwa Kensetsu Kokumin Kaigi or Kakukin Kaigi). In 1965 the Japan Socialist Party (JSP) formed the Japan Congress against Atomic and Hydrogen Bombs (Gensuibaku Kinshi Nihon Kokumin Kaigi, or Gensuikin.).⁽¹¹⁾

Hiroshima and Nagasaki have become the epicenters of anti-nuclear movement in Japan. Even today, the annual memorial ceremonies of atomic bomb attack attract millions of people from differ-

(9) *JAPAN, An Illustrated Encyclopedia, Kodansha*, 1993, p. 79.

(10) Hiroshima Heiwa Bunka Center (ed.), *'Shintei Heiwa Jiten'* (The Peace Dictionary, newly revised edition), Keiso Shobo 1991, pp. 68-69.

(11) The formation of different peace organizations sponsored by main political parties has a direct link to their ideological differences that reflected on the nuclear issues as well. In fact this disunity distanced the peace groups and caused a serious damaged to their primary goal of disarmament. *'Shintei Heiwa Jiten'*, *ibid.* pp. 68-69.

ent parts of Japan to Hiroshima and Nagasaki. These ceremonies serve as a reminder of the devastating consequences of nuclear attack and thereby consolidate the solidarity in Japanese society against nuclear weapons.⁽¹²⁾ Okinawa is another center of strong peace movements. Understandably, this is due to Okinawa's specific place in Japan's modern history and continuing existence of the US military bases there. For example in February 1968 when it became public that B52s stationed in Okinawa were taking part in the war in Vietnam, a strong protest broke out both in the islands and in the mainland leading Sato government to order US army to withdraw them. Similarly in recent times, in Okinawa there is a strong opposition to the proposed emergency bill indicating the sensitivity of Okinawa peace movement to Japan's defense issues.⁽¹³⁾

Japan's public has always shown a strong opposition to the nuclear weapons.⁽¹⁴⁾ Japanese society regards that nuclear weapons are immoral and not permissible to possess for military forces. Therefore Japanese public demonstrates a clear support for total elimination of nuclear weapons.

(12) See J. W. M. Chapman, R. Drifte, I. T. M. Gow, *Japan's quest for comprehensive security*, London, Frances Printer, 1983, p. 127.

(13) See 'End of battle of Okinawa remembered 57 years later', *The Japan Times*, 24 June 2002. This reported that Okinawans were protesting against the proposed bill during the ceremonies.

(14) A public opinion survey conducted in mid 1991 showed that 81% of the respondents supported the three non-nuclear principles that deny Japan's rights to possess nuclear weapons. Also public opinion has been overwhelmingly negative in Japan developing nuclear weapons. <http://ropercenter.uconn.edu/jpoll/home.html>.

Anti-Nuclear Sentiment in New Zealand: Kiwi Disease

New Zealand has also earned a reputation to be a strong anti-nuclear state. In contrast to Japan's case, New Zealand's anti-nuclear campaign began to gather momentum in the 1970s. Most significant reason for the intensified concern of nuclear weapons was the nuclear tests conducted by France in the Pacific in the 1970s. Despite strenuous efforts, the NWS could not hide the severe damage to human health and the environment caused by the nuclear tests. New Zealanders took a variety of actions to protest the nuclear tests, including sailing ships to the nuclear test sites in opposition to the French declared no-go-zone. In 1973, the New Zealand Labor government sent a warship to the zone to protest, and, along with Australia and Fiji, took a case against France into the International Court of Justice (ICJ) insisting to suspend the atmospheric nuclear tests.

After 1975, nuclear issues took a renewed intensity as Muldoon's National Government changed its stance to the nuclear-ship visits and nuclear power generation. The government invited the UK and the US to resume visits of nuclear armed and powered warships, which had not occurred during the previous Labor government. Furthermore, following the 1973 oil crisis, new government was considering the introduction of nuclear energy as an alternative energy source for New Zealand. These two issues reinforced the concerns of anti-nuclear groups provoking them to a vigorous protest. In March 1976, over 20 anti-nuclear and environmental groups met in Wellington and formed the Campaign for Non-Nuclear Futures (CNNF) and launched 'Campaign Half Million' in June. With this revived anti-nuclear sentiment, New Zealand society reacted 'with well organized opposition, including picketing, marches, harbor protests, a wide

range of educational activities and an extensive campaign aimed at persuading municipal authorities to declare their areas nuclear free zones.⁽¹⁵⁾ Effect of this campaign was such that by mid 1980s over 90 per cent of municipal authorities, covering two thirds of the population had declared themselves nuclear free.⁽¹⁶⁾

New Zealanders transformed their individual anti-nuclear sentiment to a national feeling by organizing, initially as neighborhood groups, and subsequently spreading their activities nationwide. New Zealand anti-nuclear movement managed to lobby citizen groups, political parties and activists, educate children at school level generating a nationwide protest against nuclear weapons which was known to the world as 'Kiwi disease'.

The role that played by the peace movements in this endeavors is extremely important. What is particularly striking is the number of peace groups. For a country with three and a half million people, New Zealand has over 300 peace groups.⁽¹⁷⁾ Having had nationwide networks, New Zealand peace groups work so effectively mobilizing all possible energies to achieve their targets. Also the New Zealand's peace groups have close affiliation with various political parties. Thus the peace groups in New Zealand are not solitary public organizations that fight in isolation. On the contrary, peace movements and the leading political parties have intimate links which effective-

(15) Joseph A. Camilleri, *'ANZUS: Australia's Predicaments in the Nuclear Age'*, MacMillan, Melbourne, 1987, p. 132.

(16) Toni Stephens, 'New Zealand Peace Activities', *Social Alternatives*, Vol. 1, No. 6/7, June 1980, pp. 122-123.

(17) Katie Boanas, *'Towards a Truly Nuclear-free and Independent Aotearoa, in beyond New Zealand II'*, Longman Paul, Auckland, 1991, p. 95.

ly bring the nuclear issues into the political agenda.

Peace groups in New Zealand are comprised of educated, professionals who are well informed and dedicated to their cause. Since early 1980s, these peace groups have been the driving force of anti-nuclear movement in New Zealand who draw public attention to the nuclear related issues within and from outside the country.

'During the 1980s peace groups such as Peace Movement Aotearoa, Just Defense, LIMIT, Nuclear Free Peacemaking Association, Pacific People's Anti-Nuclear Action Committee, and others succeeded in translating defense and security jargon into language which was accessible to all. This has created one the most 'security literate' populations in the world.'⁽¹⁸⁾

Comments made by a peace activist, Nicky Hager about the action that peace movements took during the time of government's plans to accept a nuclear warship (the Buchanan) on 22 January 1984 shows the way how New Zealand peace movements operated.

'We moved into intense activity mobilizing public action. With only two days warning, a very large march organized in Auckland in the week of the decision to reject the Buchanan had as its main slogan, 'If in doubt, keep it out'. About 15,000 people were involved. The public campaign was well focused in the key issue of certainty that the officials were trying to fudge. ...we alerted networks all over the country to the risk of a backdown

(18) Ibid, p. 95.

and urged people to send telegrams to Lange⁽¹⁹⁾.

The strength of these groups is evidenced by the fact that the public is invited to make submissions on nuclear-free legislation and major Defense Review. Public input to the 1986 Defense Review showed the influence of the public on the government's decision making. By 1987 majority of New Zealanders expected the government to consolidate, promote and develop a more independent foreign and defense policy. Public pressure has resulted in some significant attempts to create structures that enabled the public to have significant input in policy making. The setting up of the Labor Policy/Consultative Committees, the Public Advisory Committee on Disarmament and Arms Control (PACDAC) and public participation in the Annual Defense Assessment are intended to provide greater accountability.

The activities of New Zealand's peace groups during the French nuclear tests in Pacific in mid 1990s made headlines around the world. Indeed activities of those groups made a tremendous impact on the decisions consequently taken by the French government. Recent events such as protest actions against French testing in the Pacific and Peace Squadron attempts to block the entry of nuclear armed and powered warships in the New Zealand harbors can also be good examples.

In fact it can be said that while New Zealand government's security and defense policy was formulated under intense public pressures,

(19) Nicky Hager's statement quoted in Robert E. White, *'Nuclear Free New Zealand: 1984-New Zealand becomes Nuclear Free'*, Centre for Peace Studies, Auckland, p. 40.

non-offensive civilian based defense, with major focus on disarmament, peacekeeping, conflict resolution, and international mediation has been a clear result of the decade long effort of the peace groups.

It is also argued that the anti-nuclear movement in New Zealand was strongly influenced by the indigenous people's attitude and independent movements in the Pacific at large. For indigenous Maori and people from Pacific region anti-nuclear movement is a closely related issue with their anti-colonial struggle. Thus the perception towards military bases in their territories, visits by nuclear warships, nuclear tests sites, uranium mining and nuclear waste dumping are reminder of the Western colonization that they fought against in the recent past. Therefore it is fair to say that peace movement in New Zealand has been fortified by the support of Maori and Pacific Island peoples.⁽²⁰⁾

Non-Nuclear Stance as a National Policy

Japan's Non-Nuclear Weapons Stance as a Kokuze

It is often argued that Japan's Peace Constitution has been one of the most important guarantors for sustaining Japanese non-nuclear stance.⁽²¹⁾ Article 9 of Japan's postwar Constitution of 1947 posits,

(20) Kevin Clement, *Back from the Brink: the creation of a nuclear-free New Zealand*, Allen and Unwin, Sydney, 1988, pp. 88-122.

(21) For a detailed discussion see Tsuchiyama Jitsuo, 'Ironies in Japanese Defense and Disarmament Policy', in Inoguchi Takashi and Purnendra Jain (eds.), *Japanese Foreign Policy Today*, Palgrave 2002; Anthony DiFilippo, 'Can Japan Craft an International Nuclear Disarmament Policy?' *Asian Survey*, vol. XL, no. 4, July/August 2000, pp. 571-598.

‘Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. In order to accomplish the aim of the preceding paragraph, land, sea, and air force, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized’.

While renouncing belligerency and aggression, Article 9 of the Peace Constitution denies the right of Japan to maintain armed forces. Direct connotation of this clause implies that Japan refuses maintaining an army and possessing arms that can be used in a war or an aggression. According to this interpretation, Japan denies to maintain nuclear weapons along with other weapons that can be used for mass killing. Therefore, it is commonly believed that Article 9 of the Constitution is an effective barrier from nuclearising Japan.

Rationale of the Supreme Commander for the Allied Powers (SCAP) that drafted and promulgated the new Constitution after the War was to keep Japan demilitarized. Nonetheless, addressing subsequent security and strategic needs, the SCAP reinterpreted the Constitution, encouraging Japan to establish its own armed-force for self defense. As a result, maintaining a minimum level of arms for self-defense was permitted and formed the Self Defense Forces (SDF).

Although Japan’s postwar Constitution has been a strong guardian for demilitarized Japan, its credibility has been continuously questioned throughout the past 5 decades. Primarily, there is no specific notion of minimum level of self-defense which bar Japan from possessing particular kinds of arms, such as nuclear weapons. In fact, on

several occasions, influential political leaders have challenged that Japan can even possess its own nuclear arms for self-defense.⁽²²⁾

Three non-nuclear principles introduced by Prime Minister Eisaku Sato in 1967 and subsequently approved by the National Diet are considered as a strong element of Japan's non-nuclear policy. Three self-imposed principles preclude Japan from manufacturing, possessing and permitting entry of nuclear weapons into the country. Although these principles have no legal weight, over the years they have assumed a status resembled to national principles (Kokuze). Public reaction to any sign of jeopardy of three non-nuclear principles has always been vigorous and strong. Also political leaders have always been cautious to make remarks on these principles knowing that damage on three nuclear principles can be politically suicidal.⁽²³⁾ Therefore, Japanese government has repeatedly affirmed the ad-

(22) For example Prime Minister Kishi in March 1959 made a statement that '(T)he Government intends to maintain no nuclear weapons, but speaking in terms of legal interpretation of the Constitution there is nothing to prevent the maintaining of the minimum amount of nuclear weapons for self-defense' James E. Auer, 'Article Nine of Japan's Constitution: From Renunciation of Armed Force 'forever' to the Third Largest Defense Budget in the World', *Law and Contemporary Problems*, vol. 53, no. 2, Spring 1990, p. 178.

(23) On several occasions political leaders had to leave their offices because of their verbal violation of these principles. Recent comments by Cabinet Minister Fukuda on Japan's need for nuclear weapons for self-defense instigated a severe criticism from the opposition parties. Prime Minister Koizumi immediately came to defense and reassured the government's commitment to adhere to the 3 non-nuclear principles. It is believed that Fukuda's comments were one of the main reasons for Koizumi government failed to push through the suggested emergency law. *Asahi Shimibun*, 11 June 2002.

herence to these three principles.

However, three non-nuclear principles also have often been under severe criticism. Particularly the third principle that advocates the prohibition the entry of nuclear weapons to the territory of Japan has been a point of controversy. As far as nuclear weapons on the US military vessels are concerned, Washington has stuck to its traditional policy of ‘neither confirm nor deny’ (NCND). But it is believed that the US military has periodically brought nuclear weapons into the Japanese territory. From Tokyo’s perspective, the US government’s NCND policy has been satisfactory, although issue has been contrary to Japan’s outspoken three non-nuclear principles. In fact, one critic recently suggested that Japan should drop the principle number 3, to avoid embarrassment.⁽²⁴⁾

The Article 2 of the Basic Atomic Energy Law of 1956 can also be considered as an important legal clause that defines Japan’s non-nuclear policy. This law limits research, development and utilization of nuclear power for peaceful purposes prohibiting the use of atomic power for weapon build-up.⁽²⁵⁾

Also Japan’s export control regimes reflect the government’s attitude towards nuclear weapons. In April 1967, Prime Minister Eisaku Sato introduced a policy known as ‘three principles for restricting arms exports’. These guidelines restrict Japanese government exporting arms or technology to countries that may build weapons of mass destruction. Being a leading industrial country, this self-imposed restriction on export of arms and militarily sensitive technologies is

(24) ‘Flaws in Japan’s nuclear arms debates’, *The Japan Times*, 18 June 2002.

(25) *‘Defense of Japan 2000’*, Defense Agency Japan, 2000, p. 65.

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indicative of Japan's non-nuclear policy.

Although not a legal principle, Japanese government's pledge to restrict its defense budget to a one per cent of GDP can be considered as an important measure reflective on its nuclear policy. In 1976 Prime Minister Miki Takeo passed a cabinet approval for restricting defense expenditures of Japan to a fixed percentage.

The Official Development Assistance (ODA), one of the Japan's strongest diplomatic instruments in the international affairs also shed reflection on non-nuclear policy. According to the ODA Charter adopted in 1992, Japanese government would pay 'full attention to trends in recipient countries' military expenditures, their development and production of weapons of mass destruction and missiles and their export and import of arms'.⁽²⁷⁾

Finally, the signing of the Non Proliferation Treaty and the Comprehensive Test Ban Treaty (CTBT) in 1970 and 1996 respectively can be regarded as Japan's international promise to nuclear non-proliferation.

(26) Takehiro Yamamoto, 'Nonproliferation export Controls: A Japanese perspective', *The Monitor*, vol. 6, No. 2, Spring 2000, pp. 26-27; Bates Gill, Kensuke Ebata, and Matthew Stephenson, 'Japan's export control initiatives: Meeting new nonproliferation challenges', *The Nonproliferation Review*, Fall 1996. PP. 30-42.

(27) The ODA Charter, The Ministry of Foreign Affairs of Japan. p. 1. Japan retained its status as the world's largest single aid donor over the past nine years, until lost that status to the US in 2001 as a result of significant reduction of ODA due to domestic economic problems. Japan's ODA aid sums as \$10 billion annually. Japanese ODA consists of low-interest yen loans, grants-in-aid and technical cooperation to the Third World states.

New Zealand's Non Nuclear Stance as a Law

Process of establishing non-nuclear stance as a national policy in New Zealand began to gather its momentum in the early 1970s when the Labor governments of Kirk and Rowling demonstrated sensitivity to the public concern over nuclear testing of western states in the Pacific. Apart from the varieties of protest and demonstrations, at that time, New Zealand initiated a proposal for the establishment of a South Pacific nuclear free zone.

With the public concern shifting from French testing in the Pacific to nuclear ship visits, well organized opposition including picketing, marches, harbor protests, a wide range of educational activities and extensive campaign began in New Zealand to declare their areas nuclear free zones. By 1984 over 90 per cent of municipal authorities covering two-thirds of the population had declared themselves nuclear free.⁽²⁸⁾

Domestic anti-nuclear sentiment was fueled further by the 1985 French bombing of the peace boat Rainbow Warrior in Auckland harbor, and the 1986 Chernobyl nuclear power plant disaster. By 1986, public opinion polls showed that 92% of New Zealanders supported the government's nuclear free policy.⁽²⁹⁾ Simultaneously a strong Pacific wide anti-nuclear movement had moved governments to negotiate and adopt the South Pacific Nuclear Free Zone Treaty in 1986.

However the most important element in terms of New Zealand non-nuclear policy came with the enactment of the Nuclear Free Legislation enforced by the Disarmament and Arms Control Act on

(28) Camilleri, *op. cit.*, p. 132.

(29) Stephen Levine, Paul Spoonley and Peter Aimer, *Waging Peace Towards 2000*, Auckland, 1995, p. 32-33.

8th June 1987. Opposition Labor Party leader David Lange promised in his pre-election campaign in 1984 to exclude all nuclear weapons systems from New Zealand and its territorial waters, and to work towards a conference under the auspices of the United Nations to promote a nuclear weapons free zone in the South Pacific.⁽³⁰⁾

The legislation, enacted soon after assuming the office prohibits the emplacement or transport of nuclear weapons on land or internal waters, including harbors, in New Zealand.⁽³¹⁾ It also prohibits; entry into internal waters of nuclear powered ships, any agents of the crown from aiding in the manufacture or possession of nuclear weapons anywhere in the world, manufacture or possession of biological weapons. The Act gives the Prime Minister the authority to disallow entry of any ship into New Zealand internal waters or landing of any aircraft if there is reason to believe the vehicle may be carrying nuclear weapons. The Act also established a Public Advisory Committee on Disarmament and Arms Control (PACDAC), to advise the Prime Minister and Foreign Minister on implementation of any disarmament matters. The PACDAC is also a strong legal body within Ministry of Internal Affairs to channel public opinion on government's actions in nuclear related matters.⁽³²⁾

(30) 'Defense Committee of Enquiry, Public Opinion Poll on defense and Security: What New Zealanders Want', Annex, pp. 105-106, Clements, Back from the Brink, pp. 160-181.

(31) See for a detailed discussion Stuart McMillan, *Neither Confirm Nor Deny, The nuclear ships dispute between New Zealand and the United States*, Allen and Unwin, Wellington, 1987. Also Robert E. White, *Nuclear Free New Zealand: 1984-New Zealand becomes nuclear free*, Center for Peace Studies University of Auckland, 1997.

(32) Paul Harris and Stephen Levine (eds.), *The New Zealand Politics Source Book*, Dunmore Publications, Palmersten North, 1994, pp. 423-

In July 2000, the Green Party of Aotearoa-New Zealand introduced into parliament the New Zealand Nuclear Free Zone Extension Bill. The bill extends the nuclear free zone to include the 200mile exclusive economic zone, extends the prohibition on nuclear weapons and nuclear powered ships from land and internal waters to the Exclusive Economic Zone (EEZ), prohibits the passage in the EEZ of nuclear waste destined for nuclear fuel reprocessing.

Another landmark event of New Zealand's continuing nuclear disarmament effort is the request that New Zealand made to the International Court of Justice (ICJ) for an advisory opinion in 1995 after French nuclear tests resumption. The Court, in its historic decision rendered in 1996, concluded that "The threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law." The ICJ declared that the threat or use of nuclear weapons is generally illegal, and that there is an obligation to pursue and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects.⁽³³⁾ In recognition of the contribution of New Zealand's World Court project, it was awarded with Honorable Mention Award of the UNESCO in 1998.

New Zealand confirmed its commitment to non-proliferation by signing and ratifying of the NPT and the CTBT at early stages. Also New Zealand plays an active role in international forums to influence the Nuclear Weapons States to arms reduction and nuclear weapons abolition.

In stark contrast to Japan, New Zealand's non-nuclear policy has

426.

(33) Alley, p. 47.

been consistent and contradiction-free. By enacting Nuclear Free Legislation, New Zealand has translated its anti-nuclear feeling into an effective legal barrier that restricts existence of nuclear weapons in all forms. In fact, New Zealand has renounced even the use of nuclear energy which demonstrates the consistency of its policy. While advocating total nuclear weapons elimination, New Zealand has shown the efficient way to achieve that goal by its own example. New Zealand has totally eliminated nuclear weapons in its own territory.

The US Alliance and Non Nuclear Policy

Japan: Non-Nuclear Activist within US Alliance

It is often mentioned that the continuing US-Japan security alliance has been a source of contradiction to Japan's non-nuclear policy.⁽³⁴⁾ The US-Japan security treaty that was concluded in 1951 stipulates Washington's commitment to defend Japan in a case of foreign aggression, while Tokyo allows the access of Japanese bases for the US military personnel and facilities.⁽³⁵⁾ As far as nuclear weapons are concerned, the United States' commitments extend to the extents that the US is obliged to protect Japan against a nuclear attack. Within the framework of the security alliance, Japan effectively falls under the US nuclear umbrella.⁽³⁶⁾

(34) See for example DeFilippo, *op. cit.*

(35) See for a detailed discussion Michael J. Green and Partick M. Cronin (eds.), *The US-Japan Alliance: Past, Present and Future*, Council on Foreign Relations Press, New York, 1999.

(36) It is not clear when Japan exactly entered into the US nuclear protection. However, it has become a common sense today that Japan is under US nuclear shield. *'Shuichiro Iwata, Kakusenryaku to kakugum-*

Today Japan has one of the most sophisticated armies in the world and it can counter a conventional attack by its own means.⁽³⁷⁾ Therefore, it is believed that the bilateral security treaty is to serve as a guarantee from a nuclear attack regardless of the argument that the US-Japan security treaty has been capping the Japan's military expenditure.⁽³⁸⁾ In fact, Japanese policy makers have not been ambiguous about the rationale of the US-Japan security alliance. Japan's Defense Agency policy document 'Defense of Japan 2000' pointed out that, 'against the threat of nuclear weapons, Japan will rely on the US nuclear deterrent, while working actively on international efforts for realistic and steady nuclear disarmament aiming at a world free from nuclear weapons'.⁽³⁹⁾ Thus, although Japan does not possess its own nuclear weapons, Japan has effectively used the bilateral treaty to be protected by nuclear weapons. Japan's policy contradiction emanates from the fact that Japan, while abhorring nuclear weapons and articulating their total elimination, seeks protection from the US nuclear shield.

DiFilippo pointed out the implications of this policy contradiction for the nuclear disarmament: 'The problem Tokyo faces is that, while it publicly abhors the existence of nuclear weapons, it still

bikanri: Nihon no hikaku seisaku no kadai, (Nuclear strategy and nuclear arms control: Problems of Japan's non-nuclear policy), Nihon Kokusai Mondai Kenkyusho, Tokyo, 2000, pp. 139.

(37) See for a good discussion Ron Matthews and Keisuke Matsuyama (Eds.), *'Japan's Military Renaissance'?*

(38) Personal communication with Dr Marie Yoshioka Izuyama, Senior Research Fellow, the National Institute for Defense Studies, Tokyo, May 2001.

(39) *Ibid*, p. 70.

accepts the deterrence argument.⁽⁴⁰⁾ The fact that Japan relies on US nuclear shield indicates that Japan accepts the concept of nuclear deterrence what is the prime argument for nuclear weapons build-up and their continuing existence.

The US-Japan security treaty was an outcome of the Cold War confrontation. Primary rationale of the treaty at that time was to counter the threats stemming from the Soviet Union and communist China.⁽⁴¹⁾ Nevertheless, Japan has reiterated the value and relevance of the security alliance in the Post Cold War era.

'Security relationship between two countries, founded in the Japan/US Security Treaty, would remain the cornerstone of the maintenance of a stable and prosperous environment for the Asia-Pacific region into the 21 st century, andthe US deterrent under the Japan/US Security Treaty remains the foundation of Japan's security'.⁽⁴²⁾

Japan's continuing reliance on the security treaty after the Cold War, particularly with its nuclear aspects, further weakens Japan non-nuclear posture.

The Article 6 of the US-Japan security treaty stipulates that 'the US forces are granted the use of facilities and areas in Japan for the purpose of contributing to Japan's security'. This clause has a seri-

(40) DeFilippo, *op. cit.*, p. 586.

(41) Sheila A. Smith, The Evolution of Military Cooperation in the US-Japan Alliance, in Michael J. Green and Partick M. Cronin (eds.), *The US-Japan Alliance: Past, Present and Future*, Council on Foreign Relations Press, New York, 1999, pp. 69-93.

(42) *'Defense of Japan: 2000'*, *op. cit.*, p. 67.

ous implication to Japan's non-nuclear policy. Although Japan has pledged by its three non-nuclear principles 'not to allow nuclear weapons into the Japanese territory', with US military bases in Japan and the continuous US military ships visiting Japanese ports, it is hardly possible for Japan to adhere to this principle. Japan has so far not challenged Washington's policy of "neither confirm nor deny". Moreover, recently declassified documents revealed that there had been a secret pact between Japanese government and the US administration to reserve US rights to bring nuclear weapons in the US bases in Japan.⁽⁴³⁾

With the continuing adherence to the US-Japan security treaty, Japan's non-nuclear posture has today driven into a serious dilemma. On the one hand, Japan is an anti-nuclear country which vigorously pursues the goal of nuclear weapons free world. On the other hand, Japan has strong obligations as a party to the US-Japan security treaty, which does not give Japan full freedom to act as an anti-nuclear country.⁽⁴⁴⁾

New Zealand: From Nuclear Ally to Non-Nuclear State

New Zealand concluded a tripartite security treaty with the US

(43) 'Wakaizumi Kei, *Tasaku nakarishi o shinzemu to hossu*' (I want to believe we had no alternative) Tokyo, Bungei Shunju, 1994, p. 447. During the discussions on Okinawa's reversion to Japan, the US government has made sure to retain its rights to hold nuclear weapons on their bases. Although formally Washington agreed to keep US bases in Japan nuclear free, the US government obtained this assurance from the Japanese government through back-channel negotiations.

(44) Iwata in his book excellently elaborates the Japan's dilemma between nuclear protection under US nuclear umbrella and the non-nuclear principles. Iwata, *op. cit.*, pp. 139-42.

and Australia in 1951. The security Alliance, commonly known as the ANZUS was a guarantee against fear of resumption of Japanese militarism. Apart from that later treaty may also had considerations in the existing Cold War realities where the US aspired a strategic balance in the South Pacific with the Soviet Union. The ANZUS provided New Zealand a guarantee for the military assistance, intelligence sharing and the most importantly, protection of the US nuclear shield.⁽⁴⁵⁾

However, with rapidly growing anti-nuclear sentiments from 1970s, New Zealanders openly began to question the credibility and relevance of the ANZUS treaty. Not only the NGOs and civil anti-nuclear groups, but also various political parties (specially the Labor Party) regarded the ANZUS as a serious obstacle for New Zealand to make decisions independently for nuclear disarmament and arms control.⁽⁴⁶⁾

As a result, since 1975 New Zealanders vigorously protested the US nuclear ships visits that were routine occurrence as an ANZUS partner. The opposition labor party launched a campaign to make New Zealand nuclear free by banning nuclear ships visits. Assuming the office, Lange government declared New Zealand nuclear free by enacting a historic legislation and imposed the ban on the US nuclear ships visits declaring that the America's traditional policy of 'neither confirm, nor deny' was no longer satisfactory.⁽⁴⁷⁾

(45) See for a discussion Joseph A. Camilleri, op. cit.; Thomas-Durrell Young, *'New Zealand: in security and defense: Pacific and global perspective'*, Allen and Unwin, Wellington, 1990, pp. 365-66.

(46) Robert White, 'Nuclear Free New Zealand', op. cit.,

(47) For a good account on New Zealand's dispute with the US over nuclear weapons see Stuart McMillan, *'Neither Confirm Nor Deny'*:

It is clear that the Lange government had realized the serious consequences of the enactment of nuclear free legislation. The decision to make New Zealand nuclear free was contradictory to the existing security alliance. New Zealand, a predominantly Anglo-Saxon society traditionally had close relations with the West and the United States. New Zealand was close to the Western allies not only by the ideology, political system and security, but also with its tight economic relations. Therefore it was difficult for any government to take a decision that may seriously strains those relations. In fact, there had been a considerable opposition, particularly from the conservative National Party for 'needlessly jeopardizing the country's national interests and sacrificing its ANZUS alliance relationship with the United States'⁽⁴⁸⁾.

This anxiety and vulnerability could be seen in Lange's desperate attempts to renegotiate the ANZUS, separating the treaty from the nuclear issue.⁽⁴⁹⁾ New Zealand strived to continue the alliance with the US at a different level reaching a compromise. However, New Zea-

The Nuclear Ships Dispute between New Zealand and the United States, Wellington: Allen and Unwin/Port Nicholson Press, 1987; Jacob Bercovitch, (ed.) *'ANZUS in Crisis. Alliance Management in International Affairs'*, Christchurch, University of Canterbury/Macmillian Press, 1988; Michael C. Pugh, *'The ANZUS Crisis, Nuclear Visiting and Deterrence'*, Cambridge: Cambridge University Press, 1989; Kevin Clements, *'Back from the Brink: The creation of a nuclear free New Zealand'*, Wellington, Allen and Unwin, 1988; David Lange, *'Nuclear Free-The New Zealand Way'*, Penguin Books, Sydney, 1990.

(48) Wade Huntley, 'The Kiwi that roared: Nuclear-Free New Zealand in a Nuclear-Armed World'. *The Nonproliferation Review*, Fall, 1996, p. 1.

(49) Robert E. White, *op. cit.*, pp. 41-43.

land government was uncompromising with one issue: that was the nuclear weapons. As one commentator noted:

'The Lange government had strenuously sought to engage the Americans in negotiations in the hope of overcoming their objections, but it was clearly unwilling to compromise on what it considered to be the keynote of its anti-nuclear policy: exclusion of nuclear armed vessels from New Zealand ports.'⁽⁵⁰⁾

However, the US government's firm rejection to renegotiate the treaty made it clear for New Zealand that central issue of the treaty was nuclear deterrence. David Lange later wrote: 'the ANZUS had been unequivocally revealed in the last three years to be a defense arrangement underpinned by a global strategy of nuclear deterrence'⁽⁵¹⁾.

While New Zealand strongly rejected to accept the US nuclear ships visits, the US government put enormous pressure on Wellington to dissuade using all possible diplomatic instruments. The United States even threatened economic sanctions and prosecute New Zealand government for breaking treaty obligations. Having failed all efforts, the United States finally suspended its commitments to New Zealand as a member of the ANZUS.

Implications of the ANZUS suspension were significant for New Zealand. Country lost a membership of a prestigious military and security club, access to intelligence and security information from the allies. As a result New Zealand had to increase its own military budg-

(50) Camilleri, *op. cit.*, p. 140.

(51) David Lange, *'Nuclear Free-The New Zealand Way'*, Penguin, Auckland, 1990, p. 181.

et to reinforce security. At the same time, New Zealand strengthened defense cooperation with Australia.⁽⁵²⁾

Although the majority of New Zealanders supported the ANZUS, they were not prepared to compromise with the nuclear aspects attached to the treaty. As one commentator stated, 'It seemed impossible to have both a non-nuclear policy and continued membership of the ANZUS, but at the time it appeared that that was what New Zealand public wanted'.⁽⁵³⁾

Actually, the Labor party was not the only party that took a stance against the nuclear weapons and promoted the idea of nuclear free New Zealand. The Social Credit Party declared their policy against the nuclear weapons and advocated the idea of New Zealand's withdrawal from ANZUS treaty. Similarly the Values Party pursued a policy banning nuclear weapons in the territory of New Zealand. What is even more important is that the conservative National Party that vigorously protested Labor decision in the 1970s and 1980s gradually changed their stance. The National Party declared its support for the nuclear free policy and war ship ban in March 1990.⁽⁵⁴⁾

Anti-nuclear sentiment of New Zealanders gave a unique perspective to the concept of national interest. With overwhelming support for making New Zealand a nuclear free state, people were prepared

(52) Yujiro Iwamoto, '*Australia no kokuboseisaku to ANZUS no yukue*' (Australian defense policy and the future of ANZUS), *Economisto*, Mainichi Shimbun, 27 May 1986, pp. 47-50.

(53) Margaret Wilson, '*Labour Government 1984-1987*', Allen and Unwin, Wellington, 1989, p. 60.

(54) Press Release Statement by Hon. Jim B. Bolger, Leader of the Opposition, New Zealand House of Representatives, Wellington, March 8, 1990.

to compromise the economic benefits and security alliance. In fact, some analysts argue that the very idea to declare New Zealand a nuclear free state is derived from national interests. New Zealanders regarded that the most serious security threat to their national interests stems from nuclear weapons. Thus, 'Given that New Zealand perceived the threat of global nuclear war as the country's primary security concern, realist theory would then expect New Zealand's foreign and security policies to attempt to reduce or counteract this threat'.⁽⁵⁵⁾

From the New Zealand's perspective, it is the very existence of nuclear weapons that endangers their national interests. The answer to the question is not to seek the protection from a nuclear attack by another nuclear shield, but to eliminate nuclear weapons all together. As Kennaway pointed out,

'this changed perception of threat had major implications for many other aspects of New Zealand foreign policy. Clearly conflict prevention could no longer be achieved by armed deterrence through the alliance system, but rather by disarmament negotiations at the regional and global level (however small New Zealand's influence might be in the latter) and by techniques of peaceful persuasion.'⁽⁵⁶⁾

(55) Wade Huntley, 'The Kiwi that roared: Nuclear-Free New Zealand in a Nuclear-Armed World'. *The Nonproliferation Review*, Fall, 1996, p. 4.

(56) Richard Kennaway, 'Foreign Policy in a Vacuum', *NZIR*, Nov./Dec 2000, vol. XXV, no. 6, p. 3.

As a matter of fact, with the decision to abandon the treaty, New Zealand freed itself from the nuclear obligations to the alliance. By challenging the treaty, New Zealand eliminated a serious obstacle to act with consistency as an anti-nuclear state. In fact, this dilemma-free status gives New Zealand's voice in the global nuclear disarmament campaign a high credibility.

New Zealand's decision to make itself nuclear free was both realist and symbolic. On the one hand, by enacting nuclear free legislation, New Zealand became a country, free of nuclear weapons. On the other hand, pledging to act as an anti-nuclear activist, New Zealand gave a unique precedent calling other countries to do the same. In fact, in the 1980s there had been a considerable fear in the nuclear weapons states that the 'kiwi disease' would spread across the world.

Quite contrast to the Japan's non-nuclear policy, New Zealand has effectively removed barriers and obstacles to make itself a genuine non-nuclear state. Not having contradictions in the adopted policy, New Zealand is well placed to act as an anti-nuclear state in the global nuclear disarmament campaign.

Paradoxically, the end of the Cold War has not ended the tensions that generated nuclear arms race. On the contrary, there is a tendency for a proliferation of such tensions. Spread of nuclear weapons to the Third World is one of such sources. South Asia's nuclear rivalry has added new dimension to the global nuclear arms race and posed new challenges to the disarmament. Therefore the role of Japan and New Zealand as prime anti-nuclear actors with different national non-nuclear policies is vital in the South Asian scenario.

India and Pakistan: Nuclear Proliferation in South Asia

International community had serious concerns about nuclear weapons development in the South Asia long before India and Pakistan decided for overt nuclearisation. India's nuclear tests on 11 and 13 May 1998 ended nuclear ambiguity leading it from a nuclear threshold state to a country with nuclear weapons. Pakistan followed suit and exploded nuclear devices on 28 and 30 May. It is commonly believed that India and Pakistan's longstanding rivalry is the main reason for the nuclearisation in South Asia. However, underlined reasons for the abandonment of nuclear ambiguity declaring their nuclear weapons capability in May 1998 are more complex and complicated.

Causes for South Asian Nuclear Proliferation

Widely pronounced motive for both India and Pakistan to develop nuclear capability is the longstanding security concerns derived from each other. Pakistan declared that its decision to go nuclear was aiming 'to readjust the strategic balance shifted by India's nuclear tests'. However Indian motivations to add nuclear arsenals to its military capacity are more complex than of Pakistan's.

Some believe that Pakistan has a 'marginal relevance' for India's decision to develop nuclear weapons, while principle reason has been China. Ambitions and desires of India and China-two Asian giants⁽⁵⁷⁾ have not always allowed them to coexist peacefully. Historically, both India and China have been claiming a dominant role in the re-

(57) Hilary Synnott, 'The Causes and Consequences of South Asia's Nuclear Tests', *Adelphi Paper* 332, p. 14.

gional and global affairs, often making them competitors rather than allies.

Although, relations between New Delhi and Beijing have considerably improved in the recent years, there had been serious reasons for India to be cautious about China. India's humiliating defeat in 1962 in the war with China was a serious blow to Indian pride. In New Delhi's point of view, nuclear tests of China in 1964 placed India in a strategically disadvantage position. Both India and China have territorial claims to each other while relations between two neighbors have embroiled with protracted conflicts in Kashmir and Tibet. China has strongly resisted to Indian support to Tibet's independent struggle as assistance to separatism. Similarly China sympathizes to the Pakistani claims in Kashmir enraging India. China's role in the Indo-Pakistan equation further complicates with Chinese assistance to Pakistan in its effort to develop nuclear weapons.⁽⁵⁸⁾

Furthermore, China's rapid elevation in the international arena as a prominent actor and China's acceptance by the western democracies, particularly by the US in the 1990s was a strong irritation for India. There had been a belief within the Indian policy makers that China's increasing recognition as a global superpower has a direct link with its nuclear weapons capabilities. Thus India was determined to balance the Chinese dominance in the regional scene while striving to exalt itself leveling China in the global arena.⁽⁵⁹⁾ Also India's

(58) US continuously accused China for being the main supplier and assistant for Pakistan to develop weapons of mass destruction and their delivery systems. See for a discussion Shirley A. Kan, 'Chinese Proliferation of Weapons of Mass Destruction: Current Policy Issues', *CRS Issues Brief* 92056, Washington DC, CRS, March 1999 p. 3-4.

(59) Hilary Synnott, *op. cit.*, p. 21.

ambition to play a larger role in the international community has been evident by its bid for a permanent seat in the UN Security Council. Some believe that India's decision to cross the nuclear threshold has relations with this ambition.⁽⁶⁰⁾

However, as far as Indo-Pakistan rivalry is concerned, it is the dispute over Kashmir, an unfinished business of partition, has been one of the principle causes of tension between the two states. For both India and Pakistan, Kashmir is the core issue in the conflict. From Indian point of view, Kashmir is an integral part of their territory while Pakistan claims Kashmir with Muslim majority population should have been joined Pakistan after the independence from Britain.⁽⁶¹⁾
⁽⁶²⁾

India and Pakistan fought three wars from the time of the independence. Despite the involvement of various parties, including the UN, no permanent settlement has been found so far.⁽⁶³⁾ Both India and Pakistan have shown little flexibility in their positions to find a ne-

(60) Summit Ganguly, 'India's pathway to Pokhran II. The Prospect and sources of New Delhi's Nuclear weapons program', *International Security*, vol. 23, no. 4, Spring, 1999, pp. 148-177.

(61) Jaspal Zafar Nawaz, 'Kashmir: A Nuclear Flash Point?' in Rouben Azizian, (ed.), *Nuclear Developments in South Asia and the future of global arms control*. Center for Strategic Studies, Wellington, 2001, pp. 3-25.

(62) S.M. Burk and Lawrence Ziring, *Pakistan's Foreign Policy-An Historical Analysis*, Second Edition, Oxford University Press, Karachi, 1990, pp. 16-17.

(63) The Simla Agreement on Bilateral Relations between India and Pakistan, entered into force, August 4 1972. Following the Simla Agreement in 1972 defining a Line of Control (LOC) in Kashmir, India claimed that the mandate of the United Nations Military Observer Group in India and Pakistan (UNMOGIP) had lapsed.

gotiated solution.⁽⁶⁴⁾ India has been accusing Pakistan for continuing cross border terrorism while Pakistan justifies its position as a support for the freedom struggle of Kashmir people. Also Pakistan points out Indian army's human rights abuses as an issue for Islamabad's concern.⁽⁶⁵⁾ As for finding a permanent solution to the conflict, Pakistan insists on third party mediation. But India outright rejects any third party intervention in the conflict emphasizing that a solution must come through bilateral dialogue.

In addition to Kashmiri territorial dimension, Indo-Pakistan conflict has an ethnic underpinning. Foundation of Pakistan as a result of the post independent partition was based on the notion of religious statehood. Therefore, in essence Pakistan portrays its struggle as a fight for survival of an Islamic state against in Hindu dominating India. Pakistan has deep apprehensions about Indian domination and considers that Indian hegemony is a primary threat to its survival. India's overt involvement in the division of Pakistan in 1971 further deepened Pakistan's hatred.⁽⁶⁶⁾

For both India and Pakistan, domestic pressure has been a key factor for making decision to go nuclear. Under enormous pressure from the coalition parties, it was vital for Hindu Nationalist Bharathiya Janatha Party (BJP) to declare overt nuclearisation for political survival. From Pakistani perspective, Nawaz Sharif government had

(64) '1947-1997, The Kashmir Dispute at Fifty-Charting Paths to Peace', Report, The Kashmir Study Group (US: 1997), p. 6.

(65) Summit Ganguly, "Explaining the Kashmir Insurgency-Political mobilization and Institutional Democracy", *International Security*, vol. 21, no. 2, Fall 1996, pp. 76-107.

(66) In 1971 Pakistan was divided into Bangladesh and western Pakistan.

unique opportunity to refuse to follow India and renounce the nuclearisation. In fact, by so doing, Pakistan may have had a better chance to establish a reputation in the international community. Pakistan could also benefit from international funding, investments and support for such a bold step. Nevertheless, Pakistan gave in to the pressure coming from its influential anti-Indian sectors, pro-nuclear scientific community and popular tendency.⁽⁶⁷⁾

India and Pakistan's Nuclear Deterrent Theory

Basic argument of the both India and Pakistan to develop nuclear weapons and declare their nuclear weapons capabilities has based on the concept of nuclear deterrence. Both countries have reiterated the need of nuclear weapons for their national security and self-defense. From New Delhi's point of view, Indian nuclear deterrence refers to as 'minimum credible nuclear deterrence', would deter a nuclear threat from China and Pakistan.⁽⁶⁸⁾ It means that India strives to assure second strike nuclear capability vis-a-vis china without seeking to match China's nuclear arsenal in quantitative terms.⁽⁶⁹⁾ As Vajpai de-

(67) See for a discussion Hilary Synnott, *op. cit.*, p. 18-19. BJP had failed to survive government in 1996. then coming to power forming a coalition government with another 13 parties, BJP was vulnerable. It needed to establish its weak position.

(68) Brahma Chellaney. 'After the tests: India's Options', *Survival* 40, Winter 1998/99, pp. 93-111.; Mishra Brajesh, 'Opening remarks by National Security Advisor Mr Brajesh Mishra at the release of draft Indian nuclear doctrine', New Delhi, 17 August 1999, <http://www.meadev.gov.in/govt/opstm-indnucl.d.htm>.

(69) Personal communication with Dr Ajay Darshan Behera, and Dr Rajesh Rajagopalan, research fellows at the Institute for Defense Studies and Analysis, New Delhi, India, Sept 2002.

clared in the aftermath of the test, 'India's nuclear policy is not predicated on war but its avoidance'⁽⁷⁰⁾. Further, India's nuclear doctrine says that it pledges that never to be the first party in a dispute to resort to nuclear attack.⁽⁷¹⁾

Pakistan's doctrine is more straightforward. As it clearly indicated, Pakistan's intention to resort to nuclear weapons is due to Indian threat.⁽⁷²⁾ Having disadvantage in conventional weapons, Pakistan rejects the idea of 'no first use' while emphasizing the importance of nuclear arsenal to deter an Indian aggression.⁽⁷³⁾ However, Pakistan occupying a middle position in the nuclear equation between India and China, it is prone to be sensitive to the Indian motives towards China. In other words, in a case of arms race between India and China, Pakistan will inevitably be dragged into it.

Nevertheless, the contention of nuclear deterrence of South Asian nuclear adversaries has been strongly questioned. It is believed that if the deterrent theory worked with substantial effectiveness in the Cold War era, due to specific nature of the Subcontinent's conflicts, historico-cultural aspects of the adversaries, and the geopolitical circumstances, nuclear deterrence is a weak argument in South Asian context.⁽⁷⁴⁾ Moreover, the argument that the nuclear weapons would

(70) Cooper Kenneth, J, 'India warns Pakistan over Kashmir', *International Herald Tribune*, 19 May 1998.

(71) India offers nuclear 'no first use'. *The Hindu*, 5 August 1998.

(72) Personal communication with Prof Nawaz Jaspal, Quid-I-Azam University, Islamabad, October 2002.

(73) Pakistan's nuclear future', in Samina Ahmend and David Cortright, (eds.), *'Pakistan and the Bomb'*, Notre Dame, IN, University of Notre Dame Press, 1998, pp. 70-71.

(74) Sagan, *op. cit.*; Higashi Ajia Senryaku Gaikan, *East Asian Strategic Review*, 1998-1999; India-Pakistan nuclear tests, Boeicho Boei Kenkyu

avoid another war between two countries has already been proven wrong.⁽⁷⁵⁾ The view that nuclear weapons had played an important role in deterring war between India and Pakistan in 1980s and were likely to do so again in the future, was undermined in May 1999 when, less than a year after conducting its nuclear tests two country engaged in a confrontation in the Himalayan region of Kargil and Dras. And then in the recent times there have been a massive build up of troops bringing two countries to an edge of the war.

Japan and New Zealand's Response to Nuclear Proliferation in South Asia

Japan's Reaction

Although South Asia has not always been in the top of Japan's diplomatic priority list, Japan's reaction to Subcontinent's nuclear confrontation has been unprecedented. Japan's actions to the May 1998 India and Pakistan's nuclear tests were quick, strong, independent and deliberate.⁽⁷⁶⁾ Analyzing Japan's response to the nuclear tests,

sho, The National Institute of defense studies, Tokyo, 1999. The Book argues that the South Asian nuclear crisis and weak nuclear deterrence provoked instability. pp. 39-42.

(75) Devin T. Hagerty, 'Nuclear Deterrence in South Asia: The 1990 Indo-Pakistani Crisis', *International Security* 20, Winter 1995/96, p. 112.

(76) In Japan foreign policy making process is not always very clear. But policy against South Asian nuclear tests was smooth and quick. Main reason for this is considered as the initiative of the foreign ministry. With foreign ministry's initiative Japan made NPT major policy purpose and also have example of economic sanctions against Chinese nuclear tests. The necessity of maintaining the adjustment of ODA rules was also due to foreign ministry's initiative. For a good discussion see Tsuneo Sugishita, Enjo teishi seisaku niokeru kettei yoin

one commentator noted that the Japan's response to nuclear tests 'were remarkable in their initiative and range and surpassed any of the efforts by the other G-8 or P-5 countries'⁽⁷⁷⁾. What made Japan's reaction even more impressive was that the swift reaction of Japan showed its desire to take a leadership in matters of global concern. By acting independently, Japan avoided itself from the customary accusation that Japan often follows the US footsteps.⁽⁷⁸⁾

Japan's nonproliferation and arms control interests and activities in South Asia began much earlier than the Subcontinent's nuclear tests. Japan's reaction to India's first 'peaceful' nuclear tests in 1974 was strong. The Lower House of the Diet passed a unanimous resolution condemning the Indian tests with support of the opposition parties.⁽⁷⁹⁾ Japanese government also imposed sanction on several aid programs.⁽⁸⁰⁾ Since then, Japan kept using its diplomatic pressure on both India and Pakistan to persuade to renounce their nuclear weapons programs. For example, Japan's Prime Minister Miyazawa Kiichi

('Domestic determinants of economic aid suspension policy: in the example of India Pakistan and Myanmar'), in (ed.), *Gaiko seisaku kettei yoin kenkyukai, Nihon no gaiko sesaku kettei yoin* (Domestic determinants of Japanese foreign policy), PHP, Tokyo, 1999. pp. 385-426.

(77) Satu P. Limaye, 'Tokyo's Dynamic Diplomacy: Japan and the Subcontinent's Nuclear Tests', *Contemporary Southeast Asia*, vol. 22, no. 2, August 2000, pp. 322-339.

(78) William J. Long, 'Nonproliferation as a goal of Japanese foreign assistance', *Asian Survey*, vol. XXXIX, no. 2, March/April 1999, pp. 329-347; Satu P. Limaye, *op. cit.*

(79) Frank Langdon, 'Japanese Reaction to India's Nuclear Explosion', *Pacific Affairs*, vol. 48, no. 2, Summer 1975, pp. 173-80.

(80) See John D. Endicott, *'Japan's Nuclear Option'*, NY: Praeger Publishers, 1975, p. 75.

made personal appeals to both Indian Prime Minister Narasimha Rao and Pakistani Prime Minister Nawaz Sharif in 1992 during their official visits to Tokyo, to sign the NPT and allow international inspection in the nuclear sites. In February 1993, Japan sent a delegation led by Donowaki Mitsuru, ambassador for arms control and disarmament, to India and Pakistan to continue dialogue on related matters.⁽⁸¹⁾

Japanese diplomats also continued their efforts to link ODA with the goal of disarmament in the Subcontinent. In 1992, for example, Japan postponed signing a yen-loan agreement during Prime Minister Nawaz Sharif's visit to Tokyo due to the comments made by Pakistani politicians about its nuclear capability.⁽⁸²⁾ Since both India and Pakistan are heavily dependent on Japanese ODA, those punitive sanctions made a significant impact on their economies. Japanese government repeatedly stressed that India and Pakistan's defiance to the NPT make it difficult for Tokyo to continue its aid policy.⁽⁸³⁾ Therefore Japanese government urged both India and Pakistan to accede to the NPT, demanded more transparency on export and import on nuclear technology, international inspection on the nuclear facilities, stockpiling etc.⁽⁸⁴⁾ Despite these efforts, Japan was unable to gain concrete concessions.

Japan reacted to India and Pakistan's nuclear tests of 1998 with unprecedented vigor and speed. Following India's nuclear tests, Prime

(81) 'Japan urges India to join NPT, Accept Inspections', *Kyodo News Service*, January 17, 1994.

(82) Dawn, 23 September 1998.

(83) Interviews with Japanese government officials, Tokyo, August 2001.

(84) Interviews with officials of Ministry of Foreign Affairs.

Minister Hashimoto immediately made a statement condemning the act as irresponsible and destructive. Prime Minister also emphasized on the government's intention to review its ODA policy towards India and warned Pakistan to restrain from following India to face similar consequences.⁽⁸⁵⁾

In his statement, the Chief Cabinet Secretary Kanezo Muraoka noted that 'it is extremely regrettable that India conducted such testing, resisting the global trend to ban nuclear testing, while the international community including Japan had repeatedly requested the new Government of India to exercise maximum self-restraint on nuclear policies. Japan strongly urges the Government of India to stop its development of nuclear weapons immediately. Further, Japan calls on the countries concerned in the region to exercise self-restraint in order not to let the Indian nuclear testing harm the stability of the region'.⁽⁸⁶⁾ Minister for Foreign Affairs Keizo Obuchi called in Indian Ambassador Siddharth Singh and conveyed Japan's concerns to the Indian government while Tokyo called Ambassador to India Mr. Hirabayashi return to Japan temporarily 'for consultation'.⁽⁸⁷⁾

India's second round of nuclear test on 13 May further outraged Japan. Calling a press conference Press Secretary Kanezo Muraoka reiterated that 'Japan takes this situation very seriously and strongly protests against India. Japan reiterates its strong demand that India stop its nuclear development and testing and, at the same time,

(85) Press conference by Japan's MOFA, 14 May 1998.

(86) Press conference by the Press Secretary, 12 May 1998, MOFA, Japan.

(87) *ibid*

appeals to the international community to unite in facing the threat to nuclear disarmament and nuclear non-proliferation⁽⁸⁸⁾.

Meanwhile Japan painstakingly worked in order to persuade Pakistan not to follow suit after India. Prime Minister Hashimoto personally phoned Pakistani Prime Minister Nawaz Sharif and called for restraint. Hashimoto sent Cabinet Councillors' Office on External Affairs Seiichiro Noburu as his special envoy to persuade Pakistan. During his visit, Noburu met with Prime Minister Nawaz Sharif and Foreign Minister Gohar Ayub Khan and explained Japan's position.⁽⁸⁹⁾

However, Pakistani's nuclear test of 28 and 30 May 1998 in defiance to international community's repeated plea outraged Japan. Press release of the Press Secretary noted that 'Japan would not tolerate the Pakistani nuclear testing, because it would exacerbate the crisis of nuclear disarmament and non-proliferation which was already been affected by the Indian nuclear tests, and greatly harm the stability of the region'⁽⁹⁰⁾. Condemnation to the tests came from all quarters of the government, opposition and civil society. There was unanimity of the condemnation in the opposition political parties.

Japan immediately took the actions to punish India and Pakistan with economic sanctions. Japan decided to freeze all grant assistance to India and Pakistan with the exception of those of an emergency or humanitarian nature and grassroots grant assistance and subsequently yen loans. Economic cost of Japan's sanctions was not insignificant.

(88) Press conference by the Press Secretary, 14 May 1998, MOFA, Japan.

(89) JEI Report, No 20, May 22, 1998, <http://www.jei.org/Archive/JEIR98/9820w2.html>.

(90) Press Conference, Press Secretary, 28 May 1998, MOFA, Japan.

nificant. Japan suspended \$26 million in grants and \$98.6 million in loans for India. These amounts represented 27.2% of all loans and 8.3% of all grants received by the Indian government in 1997 fiscal year. Japan also withdrew its offer to host the annual India Development Forum (IDF) which brings together several aid donors to India. Japan suspended \$41 million in grants and \$230 million for Pakistan. It was apparent that sanctions were more damaging for Pakistan with its fragile economy and Japan being the country's largest aid donor.

Following the final tests on 30 May, Japan proposed a resolution along with Sweden, Costa Rica and Slovenia to the UN Security Council condemning India and Pakistan's nuclear tests and insisting the need for maintaining the existing nonproliferation regime. Resolution adopted unanimously called 'on the international community to maintain and consolidate the international regime on the non-proliferation of nuclear weapons as well as to cope with the threat against the preservation of peace and security in South Asia and other regions'. The resolution, finally urged the two countries to begin dialogue to find solutions to underlying causes of the conflict, particularly dispute over Kashmir and called all UN members to refraining from transferring technologies that can be used in nuclear weapons build up to India and Pakistan.

(91) Masako Fukuda, 'Indian Blasts Fire Up Resistance to Nuclear Weapons in Japan', *Nikkei Weekly*, 18 May 1998.

(92) 'Japan condemns Pakistan's New Nuclear Tests', *Xinhua News Agency*, 31 May 1998.

(93) Satu P. Limaye, 'Tokyo's Dynamic Diplomacy: Japan and the Subcontinent's Nuclear Tests', *Contemporary Southeast Asia*, vol. 22, no. 2, Aug. 2000, p. 325.

Japan took the initiative to galvanize the international protest and by so doing, put pressure on the two countries. Japan's decision to take up the Kashmir issue and suggest itself as a mediator to bring about solution was a robust step. At the same time, Japan proposed to invite Pakistan to attend as a full forum member at ASEAN Regional Forum (ARF) meeting.⁽⁹⁴⁾

Japan's initiative to mobilize the protest from the international community and put pressure on India and Pakistan to accede to non-proliferation regime was remarkable. On June 12, 1998 Japan proposed to the foreign ministers of the G-8 countries to maintain and strengthen the nuclear nonproliferation regime and speed up nuclear disarmament.⁽⁹⁵⁾ Japanese Foreign Minister Keizo Obuchi sent a letter to foreign ministers of 30 non-nuclear states underscoring the gravity of Subcontinent's nuclear developments and need of strengthening the NPT and CTBT. At G-8 foreign ministers' conference, Tokyo proposed Task Force on Nuclear Tests by India and Pakistan comprising officials from G-8 countries, also China and some non-nuclear states. Task Force was to work on aspects regards to disarmament and reduce tension in the Subcontinent.⁽⁹⁶⁾ Japan also initiated the Emergency Action Forum on Nuclear Disarmament and Non-Prolif-

(94) Japan unofficially invited Pakistan to take part in ARF by which Japan intended to prepare the opportunity for ARF members to involve in the dialogue between India and Pakistan. But India which insists on bilateral dialogue as the only way reacted to Japan's proposal with an anger. Higashi Aja senryaku gaikan, *op. cit.*, p. 44.

(95) Masayuki Iida, 'Peace Diplomacy put to the Nuclear Test', *Daily Yomiuri*, 3 June 1998.

(96) Press Conference by Japan's MOFA, 3 July 1998. Task force was comprised of G 8 countries, Argentina, Australia, Brazil, China, Philippine and Ukraine.

eration which later come to know as Tokyo Forum. Then foreign minister Keizo Obuchi outlined his idea in a speech titled 'Japan's active role toward the future of Asia'. He mentioned that 'the Government of Japan will join forces with the Japan Institute of International Affairs and the Hiroshima Peace Institute to establish at the earliest possible date, an Emergency Action Forum on nuclear disarmament and non-proliferation in which around ten government and private sector experts from around the world will gather for approximately three meetings to be held in Japan with a view toward drafting concrete proposals within a year on ways to further promote nuclear disarmament and maintain and enhance the non-proliferation regime⁽⁹⁷⁾'.

Tokyo Forum came as a result of the persistent campaign of the Japanese government against the South Asia's nuclear tests and a revived enthusiasm in nonproliferation efforts. Organized at the initiative of then Prime Minister Hashimoto in August 1998, Forum met four times; August 1998 Tokyo, December 1998 Hiroshima, April 1999 New York and in July 1999 Tokyo. Forum gathered representatives from number of countries such as the US, UK, Germany, Canada, France, China and others. India and Pakistan also represented in the Forum though India refused to attend last 2 meetings due to differing views of the Forum. Also China abandoned the forum at the last meeting with dissenting views. At the last meeting, Tokyo Forum issued a set of suggestions for gradual reduction of the nuclear weapons with the view of total elimination in the future. The report tilted as 'facing nuclear dangers: An action plan for the 21 century' was

(97) Press conference by Japan's MOFA, 5 June 1998.

Comparative Study of Japan and New Zealand's Responses.....
submitted to the UN Secretary General.⁽⁹⁸⁾

New Zealand's Response

Both New Zealand government and the civil society reacted strongly to the India's nuclear tests of May 1998. Immediately after the Indian tests, then Prime Minister Jenny Shipley issued a statement saying that 'we condemn (India's) tests, just as we have condemned all nuclear testing in the past'. She indicated that South Asian tests shattered the hopes for the end of nuclear tests forever with the conclusion of the Comprehensive Test Ban Treaty. New Zealand's then Foreign Minister Don McKinnon called India's decision to conduct nuclear tests as a 'gross insult' to New Zealand and the rest of the world.⁽⁹⁹⁾

Following the India's nuclear tests, New Zealand parliament passed a resolution condemning the decision to explode nuclear devices with all opposition parties backing the government's motion.⁽¹⁰⁰⁾ Opposition Labor leader, Helen Clark noted India's action as 'utter insincerity' with regards to the test ban treaty and India's action as highly destabilizing the regional and global security. The Alliance and the ACT of New Zealand also joined in the opposition to the tests noting

(98) About 20 experts of nuclear disarmament and international politics participated in the Tokyo Forum from across the world. The report analyzed the crisis after India-Pakistan nuclear tests and showed the possible concrete proposal to respond it. Japan government will take action according to the reports recommendations thereafter. Mitsuru Kurosawa, *Kakugunshuku to kokusai heiwa*, (nuclear disarmament and international peace), Yuhikaku, Tokyo, 1999. pp. 160-162.

(99) 'India's N-test 'gross insult', *The Press*, Wellington, 13 May 1998.

(100) 'NZ envoy recalled from India', *The Dominion*, 13 May 1998.

that South Asian states which are members of the commonwealth have neglected their responsibility towards the international community.⁽¹⁰¹⁾ Furthermore, using one of the bluntest signals of diplomatic anger, New Zealand government summoned its High Commissioner to New Delhi, Adrian Simcock to Wellington for consultation.

The architect of New Zealand's nuclear free policy, David Lange was critical not only about Indian action, but also the nonproliferation regime that was discriminative in its nature and destructive in terms of nonproliferation. He criticized the CTBT negotiations designed to reserve the rights of the nuclear club who were able to continue to refine their weapons with sub-critical tests. Lange noted the consequences, 'This is an inevitable result as the second largest country in the world is sitting next to an armed member of the nuclear club (China) and Pakistan, which openly boasts a desire to be a member of the club and which has recently increased its missile capacity'.⁽¹⁰²⁾ Criticizing the NPT Lange stated that, 'the world international diplomacy is founded on hypocrisy and deeply rooted in deceit, and there are none better at practicing it than India and the US'.⁽¹⁰³⁾

It is important to note that the public anger over the South Asian tests was one of the most compelling factors for political parties to response to the nuclear tests. Vast number of reports and analyses appeared in the media covering various aspects of the South Asian nuclear tests, global non-proliferation process, etc. Numerous peace movements, NGOs, and anti-nuclear organizations took to streets

(101) 'India's N-test 'gross insult', The Press, Wellington, 13 May 1998.

(102) 'India's nuclear tests inevitable, says Lange', *The Evening Post*, 18 May 1998, p. 15.

(103) Ibid.

with picketing, parades and protest marches. One newspaper expressed the dismay of the people saying that 'this has to be the most cynical, self-centered and defiant action any Indian government has yet taken in the field of foreign affairs. For most of the country's 51 years of independence Indian leaders have claimed the high ground on most issues, and thought nothing of lecturing other countries on how they should behave'⁽¹⁰⁴⁾.

While condemning Indian blasts, New Zealand government made efforts to avoid Pakistan following suit. Conveying the message through the Pakistani diplomatic representative, New Zealand government repeatedly called for Pakistan's restraint. Pakistan's tit-for-tat tests outraged both New Zealand government and the public.⁽¹⁰⁵⁾ New Zealand expressed its utter condemnation and urged both India and Pakistan to stop the process of developing weapons of mass destruction acceding to global disarmament regimes.⁽¹⁰⁶⁾ Acting Foreign Minister Simson Upton warned that the Pakistani tests as a retaliation to India's testing is a beginning of a 'spiraling arms race in South Asia.'⁽¹⁰⁷⁾

As far as economic or trade sanctions are concerned, at the initial stage New Zealand government considered trade sanctions against both India and Pakistan. However, for understandable reasons, option of trade and economic sanctions did not follow up. With lim-

(104) 'India fails moral test. A tragic waste of resources: India loses high ground', *The Dominion*, Wellington, 14 May 1998. p. 12.

(105) 'Pakistan joins India in disgrace', *The Nelson Mail*, 30 May, p. 9.

(106) 'Ominous blast from Pakistan', *The Evening Standard*, Nelson Evening Mail Limited, 30 May 1998, Edition 2, p. 13.

(107) 'NZ fears arms race spiral in South Asia', *The Press*, Wellington, 30 May 1998.

ited economic interactions with South Asia, New Zealand's influence by sanction regimes would be ineffective. In fact, New Zealand has been conscious of this factor that frustrated it to a certain extent. One newspaper wrote: 'as with India, New Zealand cannot expect to influence the Pakistani government greatly through economic or aid sanctions. Our trade and aid links with Pakistan are insignificant. Other nations, notably the United States and Japan, can do much more in that way and have moved swiftly. New Zealand cannot even recall a senior diplomat; we don't have an embassy in Pakistan.'⁽¹⁰⁸⁾

Nevertheless, New Zealand was confident as a member of international community that had particular role to play. Editorial of Nelson Mail noted that 'But this country still has an important role to play. New Zealand's staunch non-nuclear and pro-disarmament stand has gained us an international reputation out of proportion to our size. The New Zealand voice on nuclear matters has some authority, and should be used as loudly as possible to condemn Pakistan and India for their inflammatory and highly dangerous actions and to guide them towards disarmament.'⁽¹⁰⁹⁾

New Zealand believed that the best effect of the response to South Asian nuclear test brings a result by multilateral approach. As one newspaper editorial noted 'the Indian elephant is not likely to be discomforted by a few pecks from the little kiwi, unless a good many others join in the pecking'.⁽¹¹⁰⁾ Therefore New Zealand sought for concerted actions with the other members of the international commu-

(108) Ibid.

(109) Ibid.

(110) 'India's nuclear defiance', *The Press*, 16 May 1998, Edition 2, Page 10, Taranaki, New Zealand.

nity to bring pressure on India and Pakistan. New Zealand Foreign Minister Don McKinnon elaborated the point, 'it has been some 2 years since testing ceased in the Pacific. That was very much as a result of world opinion voicing very strong concerns about the actions of the then Chirac government. We hope that similar voices around the world and other agencies will also bring about a change in the thinking of the (South Asian) governments'⁽¹¹¹⁾.

In Vienna, New Zealand and Australian ambassadors to the Conference of Disarmament called for a special meeting of parties to the CTBT, and for the International Atomic Energy Agency (IAEA) to include the Indian and Pakistani tests on its agenda. Furthermore,⁽¹¹²⁾ New Zealand joined another 47 countries that issued a condemnation of the tests at the Geneva Conference on the disarmament. The Statement read by the New Zealand ambassador Clive Pearson, blatantly condemned the tests saying that, 'The tests undertaken by India and Pakistan's decision to respond with its own tests blatantly undermine the international regime of non-proliferation of nuclear weapons. The actions of India and Pakistan threaten and undermine the process of disarmament and the goal of eliminating nuclear weapons altogether. The testing of nuclear weapons by India and Pakistan is totally irreconcilable with claims by both countries that they are committed to nuclear disarmament'.

New Zealand's continuing effort to consolidate international cooperation to curb South Asian nuclear proliferation emerged again in the NPT 2000 Review Conference. At the Review Conference, New

(111) Hansard, New Zealand Parliament Reports, 12 May 1998.

(112) 'Indian tests left Pakistan no choice, says defiant envoy', *The Dominion*, Waikato, New Zealand, 30 May 1998.

Zealand's representative Joan Mosley reiterated concerns about slow progress in the South Asian nuclear disarmament process.⁽¹¹³⁾

One of the most important landmark of nuclear disarmament in the post South Asian tests is the formation of New Agenda Coalition (NAC). Though Ireland and Sweden were instrumental in organizing New Agenda Coalition, New Zealand was an active member from the early stages of its establishment. Although the idea of NAC came about before the Indian and Pakistani tests, South Asian concern added a new thrust to the organization. Thus the NAC was a result of the realization that global nuclear disarmament needs a reaffirming of the existing disarmament institutional structure. The NAC was first gathered in June 1998. Eight countries are members of the organization. The members are Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa, and Sweden. NAC highlighted the current problems in nuclear disarmament, and asked for a number of specific steps to be taken by the five nuclear-weapon states and the three nuclear-weapon-capable states to bring about realistic nuclear disarmament process. In the resolution issued by the NAC noted that,

'We can no longer remain complacent at the reluctance of the nuclear states and the three nuclear weapons capable states to take that fundamental and requisite step: namely a clear commitment to the speedy, final and total elimination of their nuclear weapons and nuclear weapons capability. We urge them to take that step now'.⁽¹¹⁴⁾

(113) Statement to the NPT 2000 Review Conference by Joan Mosley, New Zealand, New York 26 April 2000.

The resolution submitted by the NAC to the UN was passed twice with overwhelming support of the membership of the General Assembly. Furthermore, in the 2000 NPT Review Conference, the New Agenda Coalition's resolution gathered an impressive 154 votes in favor, with only 3 against and 8 abstentions.⁽¹¹⁵⁾ The resolution endorsed existing nuclear arms control negotiating formula for an international ban on the production of fissile materials, additional nuclear weapons free zones, completion of the Strategic Arms Limitation process, and full adherence to NPT. The New Agenda states have been instrumental in bringing the nuclear weapons states to the table in non-proliferation and disarmament discussions in the Nuclear Non-Proliferation Treaty context. New Zealand plays an active role in the group and continues to contribute with its unique approach to the disarmament and reputation to be a nuclear free state.

The Middle Powers Initiative launched at Canadian leadership is another significant disarmament movement in the post-South Asian nuclear tests. This initiative sought to encourage nuclear weapons states 'to the immediate practical steps and negotiations required for the elimination of nuclear weapons'.⁽¹¹⁶⁾ It is noteworthy that New Zealand is in close contact with the key figures developing the Middle Powers Initiative.⁽¹¹⁷⁾

(114) UN General Assembly doc. A/53/138.

(115) The US, Britain, and France opposed to the resolution while Canada, Germany, Greece, Italy, Netherlands, Norway, Australia and Japan were among abstentions.

(116) Robert Green, *Fast Track to Zero Nuclear Weapons: The Middle Powers Initiative*, Cambridge Mass.: 1998, pp. 6-7.

(117) Roderic Alley, *The domestic politics of international relations*, p. 45.

South Asian Nuclear Confrontation and Crisis in Nonproliferation Regime

State of Global Disarmament Process before South Asian Tests

For the 30 odd years international community had been striving to strengthen the nonproliferation regime that resulted in a set of treaties, agreements and institutions centered around the NPT and the Vienna-based International Atomic Energy Agency (IAEA). The NPT of 1968 became the bedrock of the post war global non-proliferation regime. Having been born in the heights of the Cold War, the NPT contributed to stabilize the turbulent arms race between the two ideologically different camps, while serving as a prime treaty for disarmament. In fact, the NPT is the only legal-binding instrument committing the NWS to disarm. With 187 states party, this treaty is the most widely adhered to and the most successful multi-lateral arms control agreement in the history.⁽¹¹⁸⁾ Indefinite extension of the NPT in 1995 further strengthened the treaty inspiring hopes for gradual disarmament process of nuclear weapons.

Furthermore, the end of the Cold War brought a new hope for disarmament. Collapse of the Soviet Union concluding the decades long ideological confrontation which served as the primary prerequisite for the Cold War nuclear arms race gave birth to an euphoric optimism for global arms reduction aiming the total abolition of weapons of mass destruction. Not long after the end of the Cold War, five nuclear powers, especially the United States and Russia undertook to strengthen the nonproliferation regime and adopted a de facto

(118) Only India, Pakistan, Israel and Cuba are not party to the NPT.

'marginalization (of nuclear weapons) strategy'⁽¹¹⁹⁾. Among various measures agreed upon on this process involved arms reduction by the NWS, consolidation of the NPT, creation of nuclear weapons free zones (NWFZ), capping the Indian, Pakistani and Israeli weapons programs, and imposing trade controls on non-NPT countries.⁽¹²⁰⁾ Adding more positive signs to the process, China acceded to the NPT in 1992. Furthermore, newly independent Belarus, Kazakhstan and Ukraine renounced their nuclear programs and became party to the NPT in 1994. Surprise announcement of South Africa, Argentina and Brazil of abandoning their well-established nuclear programs further reinforced the confidence in the international community for steady and speedy reduction of the nuclear arsenals and stockpiles in a new global environment.⁽¹²¹⁾

Furthermore with the forwarding of the CTBT for signature in 1996, after nearly 50 years of debate and negotiations, world became more optimistic for prospective future of nuclear free world.⁽¹²²⁾

(119) William Walker, 'Nuclear order and disorder', *International Affairs*, 76: 4, Oct. 2001, pp. 710-11.

(120) See for example Guy Wilson-Roberts, 'The Southeast Asia Nuclear Weapons Free Zone and its role in regional arms control, Paper presented at conference Nuclear Proliferation and Conflict Escalation in South Asia: Implications for Global Arms Control and Regional Security, 24-25 March 2000, The University of Auckland, New Zealand.

(121) See Jorge Alvarez, 'Towards a Nuclear Weapons Free Southern Hemisphere', *New Zealand International Review*, vol. XXVII, no. 1, January/February 2002; 'Brazilian Ramification of CTBT and NPT', *Disarmament Diplomacy*, Issue No. 28.

(122) Today 155 states have signed including five NWS. Out of that number only 51 states have ratified. Of 44 states whose ratification was necessary for entry into force 41 have signed but not North Korea,

Within this framework, the international community took several significant measures towards India and Pakistan, then allegedly involved in developing nuclear capabilities. The US further strengthened its anti-proliferation measures on Pakistan that earlier imposed by several arms control charters.⁽¹²³⁾ In fact it is worth noting that Pakistan's decision to come up with a proposal to declare South Asia Nuclear Weapons Free Zones (NWFZ) in 1991 must be considered as a result of these measures.⁽¹²⁴⁾ Similarly, members of the international community, particularly the US took important steps to curb India's alleged nuclear weapons program.⁽¹²⁵⁾ Clinton administration reshaped the United States traditional approach towards South Asian nuclear weapons claimants, giving concessions for gradual reduction of their nuclear programs with long term prospect of total abandonment.⁽¹²⁶⁾

India, and Pakistan. The US senate decision to reject ratifying the treaty in October 1999 was major blow.

(123) The US imposed controls on importation of uranium enrichment technology to Pakistan in 1976 under Symington Amendment. Again in 1977 Glenn Amendment also required suspension of US aid to Pakistan, in 1985 Solarz Amendment further strengthened barring aid to Pakistan for illegally exporting nuclear commodities from the US, 1990 under Pressler Amendment US imposed most comprehensive set of sanctions on Pakistan. US imposed military sanctions against Pakistan under the terms of the Missile Technology Control Regime (MTCR) in 1993 to curb Pakistan's cooperation with China on missile technology.

(124) Farzana Shaikh, 'Pakistan's nuclear bomb', *International Affairs*, 78: 1, Jan 2002, 32-33.

(125) See Daniel Morrow and Michael Carriere, 'The economic impacts of the 1998 sanctions on India and Pakistan', *The Nonproliferation Review*, Fall 1999, 2-4.

(126) President's report to the Congress on progress towards regional non-proliferation in South Asia, Washington DC: US Government Printing Office, 1993.

Indeed, it would be an exaggeration to state that everything was perfect in the area of arms control and the nuclear disarmament in the early phase of the post Cold War. For example, the report of the UN Special Commission on Iraq (UNSCOM), on its program of weapons of mass destruction including nuclear weapons was a threatening revelation. Similarly reports of North Korea's nuclear program further darkened the earlier optimism. Amid hopes, the CTBT got caught up in a serious impasse as several countries opposed to the treaty while Strategic Arms Reduction Treaty (START) had already stalled.⁽¹²⁷⁾

Indo-Pakistan Nuclear Tests and Nonproliferation Regime

However, Indian and Pakistani nuclear tests of May 1998 were the most devastating blow to the existing nonproliferation regime that dampened the rising optimism for nuclear disarmament.⁽¹²⁸⁾ South Asian nuclear tests not only undermined the global disarmament regime, but also signaled a new wave of nuclear arms race. Primarily, the subcontinent's nuclear tests slashed the fundamental arrangement of the NPT to prevent horizontal proliferation (yokono kakusan) by⁽¹²⁹⁾

(127) Ron Smith, 'The Nuclear Disarmament Chimera', *New Zealand International Review*, vol. XXVII, no. 1, January/February 2002.

(128) See for a discussion Wade L. Huntley, 'Alternative futures after the South Asian nuclear tests: Pokhran as prelude', *Asian Survey*, 39: 3, May-June 1999, pp. 504-24; Andrew Koch, 'Nuclear Testing in South Asia and the CTBT', *The Nonproliferation Review*, Spring-Summer 1996, Deepa Ollapally, 'The Challenge of Nonproliferation and Possibilities for Cooperative Security in South Asia', Paper presented at Institute of Peace, Washington, May 1999; Wade Huntley, 'Nonproliferation prospects after the South Asian nuclear tests', *The Nonproliferation Review*, Fall 1998.

limiting nuclear weapons to only five states. Defiance of India to override this arrangement leading Pakistan to follow suit resulted the spread of nuclear weapons into two more states. Indeed, the NPT has refused to acknowledge India and Pakistan as nuclear weapons states. In spite of the NPT's denial to recognize India and Pakistan as official members of the NWS, the fact remains that the two countries are no longer nuclear threshold states, but states with nuclear weapons capability.

South Asian nuclear tests have also threatened in vertical proliferation⁽¹³¹⁾ (tateno kakusan). The US Natural Resources Defense Council (NRDC) estimated that India had enough material for up to 50 warheads.⁽¹³²⁾ However, it is believed that by reprocessing fuel from its nuclear reactors, India could theoretically have obtained enough plutonium for between 390 and 470 warheads.⁽¹³³⁾ According to Pakistani authorities stocks of fissile material may amount between 400kg to

(129) Horizontal proliferation implies the quantitative expansion of nuclear weapons and the regional proliferation.

(130) However, India confronts the notion that it has broken any international law or obligation since India has not been party to the NPT. Interviews with the research fellows at the Institute for Defense Studies and Analysis, New Delhi, September 2002.

(131) Vertical proliferation suggests the qualitative improvement of the weapons and their delivery systems often coupled with quantitative expansion.

(132) See Robert S Norris and William N Arkin, 'After the Tests: India and Pakistan Update', NRDC Nuclear Notebook, vol. 54, no. 5, September-October 1998.

(133) Waheguru Pal Singh Sindhu, 'Building a Nuclear Triad and Second Strike Capability', paper presented at the conference 'Nuclearisation of South Asia', Como, Italy, May 1999, www.ceip.org/programs/npp/sidhu3.htm.

600kg which could be sufficient for 20-30 nuclear warheads. Apart⁽¹³⁴⁾ from that both India and Pakistan have engaged in a competitive perfection of nuclear weapons delivery systems. India has tested medium range Prithvi and intermediate range Agni missiles while Pakistan has developed Ghauri and M-11. Both nuclear weapons and missile development systems in subcontinent are in an early stage of perfection. Therefore there is a possibility for two countries to get involved in a full-scale arms race which would endanger the NPT and Missile Technology Control Regime (MTCR)⁽¹³⁵⁾. Moreover, given susceptibilities of China with regards to South Asian nuclear confrontation, it is strongly believed that there are dangerous possibilities for new wave of nuclear proliferation between nuclear triangle in South Asia. As for the Fissile Material Cut Off Treaty (FMCT), Subcontinent's nuclear rivals engagement in massive stockpiling of fissile material would put enormous pressure on the treaty. Finally, India and Pakistan's continuous refusal to sign and ratify the CTBT has far reaching consequence for nuclear disarmament in South Asia and the world in general.⁽¹³⁶⁾ Therefore it is fair to

(134) Francois Heisbourg, 'The Prospects for Nuclear Stability between India and Pakistan', *Survival*, vol. 40, no. 4, Winter 1998-99, p. 79.

(135) It is suggested that both India and Pakistan would find some commercially attractive lucrative means in the field so they can sell dual use technology and missile technology to gain hard currency. Space launch business Devin T Hagerty, the South Asian tests...in Carl Ungerer, p. 109.

(136) The CTBT, which was adopted by the United Nations General Assembly in September 1996, required all states to sign and ratify the treaty before it came into force. India's veto of the CTBT and Pakistan's subsequent refusal to sign it, are the main obstacles to its enforcement. Of the five 'legal' NWS, only Britain, France and Russia

say that Subcontinent's decision for overt nuclearisation has severely affected on existing disarmament regimes and arms control arrangements.

Furthermore, South Asian tests signaled a spread of nuclear weapons in the Third World. With serious socio-economic and political problems, spread of nuclear weapons has further destabilized the Third World. Third World countries with numerous protracted ethno-national conflicts and territorial disputes would increase the risk of nuclear war. By detonating nuclear devices, India and Pakistan have also given a wrong message to the other members of the international community, especially those who have similar intentions. It is also widely believed that decision to go nuclear by the South Asian neighbors have increased the potential of falling nuclear weapons, related technology or nuclear material into the hands of the terrorist organizations or rogue states.⁽¹³⁷⁾ All these developments have negative implication on the global nuclear nonproliferation regime and the process of nuclear disarmament in particular.

Both New Delhi and Islamabad view that the NPT as deeply flawed.⁽¹³⁸⁾ In their opinion, the NPT has been discriminatory giving 5 states extraordinary rights to possess nuclear weapons. Furthermore, India and Pakistan have repeatedly blamed the NWS for not being fully committed to disarmament. Reasoning this, New Delhi and Islamabad have continued to refuse signing the NPT. However,

have ratified the treaty.

(137) Richard Falkenrath, Robert Newman and Bradley Thayer, *'America's Achilles' heel: Nuclear, biological and chemical terrorism and covert attack'*, MIT Press, Cambridge, 1998.

(138) Personal communication with the Indian and Pakistani diplomats in Tokyo, May 2001.

since the nuclear tests, the place of India and Pakistan within the NPT regime has been a serious question. The official UN formulation, as enunciated by the Department of Disarmament Affairs is that India and Pakistan are 'non-NPT States that have conducted tests of nuclear devices'. However, India challenges this position, as it is a declared possessor of nuclear weapons.⁽¹³⁹⁾ Some have suggested that India and Pakistan should be brought into the non-proliferation regime as 'nuclear capable' states. But this notion has also been not satisfactory for India and Pakistan as they claim the full membership of the nuclear club. However, Tokyo Forum suggested that India, Pakistan and Israel should accede to the NPT as 'non nuclear weapons states'.⁽¹⁴⁰⁾

Sept 11 and Global Nuclear Disarmament Process

Devastating terrorist attack in New York and Washington on Sept 11 has made tremendous impact on the South Asian security environment. Equally, the relevance of the Sept 11 to the South Asian nuclear proliferation cannot be ignored. Sept 11 put South Asia on the spotlight of international attention with the US led war against terrorism launched in Afghanistan. Pakistan became an indispensable ally for the US in its anti-terrorism campaign that drastically transformed Pakistan's position in the global community. The US rewarded Pakistan with massive economic aid package for its support for combating terrorism and war against Taliban regime in Afghanistan while removing remaining economic sanctions imposed for nuclear tests in 1998.⁽¹⁴¹⁾ Removal of economic sanctions that imme-

(139) Thakur, p. 17.

(140) Carl Ungerer, introduction, p. 5.

diately followed by Japan also benefited India as the US and Japan lifted all remaining financial aid restrictions they had imposed on New Delhi.

Furthermore, the post Sept 11 events had important implication on Indo-Pakistan relations which remain as one of the most significant factors of nuclear confrontation in South Asia and the issues of nuclear nonproliferation. Regardless both India and Pakistan claimed their loyalty to war against terrorism, anti-terrorism sentiment could not unite two archrivals. On the contrary, Kashmir centered tension between New Delhi and Islamabad rekindled after the Sept 11 bringing two neighbors to the brink of the war. India's accusation⁽¹⁴²⁾ of cross border terrorism sponsored by Pakistan government culminated with the attack on the Indian parliament in December 2001 for which India directly blamed Pakistan's involvement. Another terrorist attack in a military barrack in Kashmir where 11 civilians were killed further infuriated India after which two countries engaged in a massive build up troops along the borders.

Regardless of repeated claims that the war against terrorism is not a war against Islam, anti-terrorist campaign has invigorated Islamic fundamentalists. It is believed that there is a strong resistance from Islamic fundamentalist groups in Pakistan that may have serious influence on Kashmiri militants. Therefore the aggravation of Kashmiri question would definitely have negative impact on the

(141) 'US gives Pakistan the gift of no more sanctions', *International Herald Tribune*, 24 September 2001.

(142) 'Ready for war, Pakistan in missile test amid growing tension', *The Japan Times*, 26 May 2002; 'India, Pakistan show no sign of compromise', *The Island*, 6 May 2002; 'Crunch time in India-Pakistan face off', *International Herald Tribune*, 14 May 2002.

Indo-Pakistan relations with direct implications to the South Asian nuclear issue.

It is believed that the invigorated Islamic fundamentalist groups and the rogue states are the most serious security threat to the US and European states. There are evidence that both terrorist groups as well as rogue states have acquired access to nuclear material, and technology.⁽¹⁴³⁾ Since Sept 11, the US and European states have become seriously concerned about terror attacks on their territories. In January 2002, in his State of the Union address, George W Bush denounced Iraq, Iran and North Korea as 'axis of evil' pledging to fight against them with all means. There is an increasing belief that the cooperation of terror groups with rogue states may further dampen the international security. Therefore in essence, Sept 11 has given the US a new justification for strengthening the defense and security measures. In fact, Bush government's hasty decision to abrogate ABM treaty to clear the path for the National Missile Defense (NMD) program must be understood as a clear result of the Sept 11.⁽¹⁴⁴⁾

(143) Well researched analysis presented by Brahma Chellaney and Paul Leventhal explored the situation in late 1980s. 'Nuclear Terrorism: Threat, Perception and Response in South Asia', Paper presented at Institute for defense Studies and Analyses, New Delhi, 10 October 1988; Interview with Pervez Hoodbhoy: Nuclear technology could leak out from Pakistan', *Asahi Shimbun*, 29 March 2002.

(144) June 2002 the US officially withdrew from the Anti-Ballistic Missile Treaty (ABM) treaty major blow. The world entered a new, truly uncertain phase as the US pursues defensive systems to protect itself from the threat of nuclear weapons. ABM Treaty was signed in Moscow by US President Richard Nixon and Soviet leader Leonid Brezhnev on May 26 th 1972 and entered into force four months later. The treaty barred the two countries from deploying systems that could defend their entire territories from intercontinental ballistic

Bush emphasized that, 'As the events of Sept 11 made clear, we no longer live in the Cold War world for which the ABM Treaty was designed'. There is a widespread belief that abandon of ABM treaty will have far reaching consequences in relation to nuclear arms control and disarmament.⁽¹⁴⁵⁾

Rise of terrorism, fear of rogue states have thus led the US government to adopt new approach to its defense and security policy. Basic feature of this new approach has been the strengthening of defense and security by bolstering weapons capabilities. Bush administration has pledged to expand its defense budget substantially to proceed with the NMD program. In contrast to the past, since Sept 11 the US has demonstrated clearly a negative attitude towards disarmament and arms control.

What is even more threatening is that it is not only the US that is developing this negative attitude towards disarmament. With growing concern over terrorism, even countries such as Russia and China, that traditionally opposed US defense and security policies, have taken a soft attitude towards the US moves. Although Russia and

missiles. It also banned development of mobile land-based, sea-based, air-based or space-based anti-ballistic missile systems.

The treaty was the foundation of strategic stability during the Cold War. Basic argument of the concept of that absence of defensive systems meant that the two superpowers held each other hostage, any military conflict between two sides risked escalation to a nuclear exchange that would have resulted in horrific casualties, on both sides. The Logic that was called MAD- mutually assured destruction gave a guarantee of stability

(145) See for a discussion Robert E. White, *Preserving Space for Peaceful Use: A Case of a New Space Treaty*, Working Paper No. 10, Center for Peace Studies, Auckland, New Zealand, 2001.

China initially opposed to the abandoning of the ABM treaty, they later took a moderate stance, almost condoning the US decision. Meanwhile, India welcomed the US initiative to proceed with the NMD paving path to new defense cooperation between two countries. Given the gravity of abolition of a treaty like the ABM, and the development of NMD, change of stance by Russian, Chinese and India has signaled a dark disarmament prospects in the future.

Furthermore, the withdrawal of the US from ABM treaty can have a chain reaction. This may reflect on other treaties such as the NPT or the CTBT. The US decision to withdraw from the ABM treaty unilaterally may lead some other members of the international community to dishonor other existing treaties and agreements which may lead to a total collapse of the disarmament process. Also the United States' missile defense program, may unleash a massive wave of nuclear arms race since China and Russia may reconsider their position as time goes by.⁽¹⁴⁶⁾

Nonproliferation Today

It is fair to say that the South Asian nuclear tests in combination with the Sept 11 events have not only slowed the global nuclear disarmament process, but also push back it significantly. Subcontinent's nuclear tests and India and Pakistan's continuing refusal to sign global disarmament regimes such as the NPT and CTBT have virtually paralyzed the process while Sept 11 events have prompted a new wave of nuclear weapons build up. It seems that a new justification for deterrence theory has emerged as the NWS, particularly the

(146) 'China Warns of Possible Arms Race', *CNN. Com*, 2 May 2001.

United States have decided to strengthen their defense capabilities against the terrorist groups and rogue states.

Despite all hard work, the Conference of Disarmament (CD) has had no much progress in new arms control measures. There is a continuing impasse between Iraq and the United Nations with regards to weapons inspections in Iraq. As far as North Korea's clandestine nuclear program is concerned, yet again no much progress has been so far. There are serious concerns over the Iranian nuclear program that suspected to be developing a sophisticated weapons build up under cover.

The NPT is yet to be signed and ratified by 4 important members of the international community among whom 3 have developed nuclear weapons. The UN Undersecretary General for disarmament affairs expressed his concerns on the NPT's current status as follows:

'Unfortunately, the experience of the treaty's parties after 1995 has not given them the confidence that those commitments have been implemented. I fear that there may come a time in which we reach a threshold of tolerance on the part of treaty parties, and with the kind of problems that we see developing in various regions, there may be strong pressure for countries to move away from their commitments to the NPT. This is a situation we should never reach. We should try very hard to implement the treaty in all its aspects, not merely Article I and II.'

(147) Interview of Jayantha Dhanapala, UN undersecretary general disarmament affairs given to Arms Control Today, *The Island*, Colombo, June 18, 2002.

The situation of the CTBT is also quite grim as number of important members, including the US is resisting to ratify the treaty.

Fundamental problem related to the current nonproliferation process has been the continuing adherence of a limited number of states to the deterrence theory. According to their argument, the nuclear weapons are essential for their security. It also believed that discriminative nature of the NPT is continuing to be a serious obstacle to current disarmament process. The NPT creates nuclear haves and have nots which remains a continuing stimulus for new states to enter into the prestigious nuclear club. As one commentator said: 'the NPT creates two classes of states...Moreover, it imposes different expectations and responsibilities on those two classes of states'⁽¹⁴⁸⁾.

As far as nuclear weapons reduction is concerned, the strategic arms reduction negotiations have become captive to major power tensions, notwithstanding Russia ratifying START II. While both Vladimir Putin and George W. Bush have declared their preferences for more rapid strategic arms reductions, the START III proposal remains stalled.

Japan and New Zealand's Response: an Assessment

As mentioned before, Japan and New Zealand's response to South Asian nuclear proliferation, particularly to the May 1998 nuclear tests was proactive, quick and sharp. Both countries acted independently with a strong conviction that there was an urgent need to stop the South Asian nuclear confrontation by all possible means. Being ardent anti-nuclear weapons states, both Japan and New Zealand

(148) Carl Ungerer and Marianne Hanson, *Introduction, The politics of nuclear non-proliferation*, Allen and Unwin, NSW, Australia, 2001, p. 4.

viewed that the South Asian nuclear confrontation would unleash a new wave of nuclear arms race undermining current efforts of disarmament. Horizontal and vertical proliferation that both Japan and New Zealand had been striving to prevent while efforts were made on gradual total disarmament faced a serious challenge with the Subcontinents nuclear tests. Spread of nuclear weapons to the Third World seemed particularly threatening for Japan as Tokyo's constant concern over North Korea and its alleged links with Pakistan's nuclear weapons program. This could be another justification for Japan's unprecedented enthusiasm and initiative to take tough measures towards South Asian nuclear rivals.

Means of reaction by Japan and New Zealand towards South Asian nuclear proliferation can be classified as follows:

1. Persuasive diplomacy—Warning and condemnation
2. Economic sanctions—Suspension of bilateral and multilateral aid
3. International pressure through international, and regional organizations
4. Domestic legal measures (the US and Japan took measures to restrict export of nuclear material and other sensitive technology)

As far as Japan's response to the South Asia nuclear proliferation was concerned, Tokyo used all 4 means in order to express its outrage over India and Pakistan's defiance and to curtail further proliferation. As previously demonstrated, Japanese government began its diplomatic efforts to persuade New Delhi and Islamabad to stop their alleged nuclear program long before the May 1998 tests. However, Subcontinent's nuclear tests outraged Japan and Tokyo

expressed its anger and disappointment in the statements issued in the aftermath of the tests. Japan immediately stopped the ODA to India and Pakistan following their nuclear explosions and worked hard to gather international consensus on the issue in order to encourage regional and international organizations to do likewise. Tokyo also used its export control regulations for restricting nuclear weapons and missile related technologies to India and Pakistan as an effort to stop their nuclear weapons programs.

New Zealand reacted to the nuclear tests in South Asia by using its powerful persuasive diplomacy. As previously showed, Wellington strongly condemned the tests and urged South Asian neighbors to abide the global disarmament regime. New Zealand also made a significant contribution by consolidating international opposition to tests to persuade India and Pakistan to stop and reverse their nuclear programs. For obvious reasons, New Zealand could not use economic sanctions against the nuclear culprits, like Japan and US did. However, there was a debate in the New Zealand parliament whether to impose trade sanction against India and Pakistan over the nuclear tests.

In the hindsight, it is obvious that both Japanese and New Zealand reaction to South Asian nuclear tests and South Asian nuclear proliferation in general has made little or no success.⁽¹⁴⁹⁾ If the objective of the response was to bring India and Pakistan to global nonproliferation regime by urging them to sign the NPT, that has not been

(149) Both Indian and Pakistani experts agree that despite its severity, the response of Japan and New Zealand has not achieved the intended goal. Personal communication with Indian and Pakistani security experts and policy makers, September 2002.

successful. Reaction has not been able to persuade neither India nor Pakistan to committed to halt their nuclear weapons program, let alone total reversal. Since the nuclear tests, both India and Pakistan have launched a campaign to persuade international community that the nuclearisation has been vital for their national security. Today 4 years after the tests, no economic sanctions are remaining as both the United States and Japan who imposed severe economic sanctions against India and Pakistan have removed all of them.

There are number of reasons for the failure of international response, (Japan and New Zealand inclusive) in South Asian nuclear context. It can be speculated that before the nuclear tests, both India and Pakistan were aware of the scale and magnitude of the reaction that nuclear tests might evoke. Particularly in Pakistani case, international community strongly insisted Islamabad not to follow India, warning severe punishment. Nevertheless, both India and Pakistan had more powerful rationale to defy the strong international opinion that led them to nuclear tests.⁽¹⁵⁰⁾ In both India and Pakistan's view, nuclear tests were indispensable and unavoidable due to their national security needs.⁽¹⁵¹⁾ Therefore, South Asian neighbors were not ready to compromise national security interests regardless how much pressure would come from the international community. This position made reaction of world community, Japan and New Zealand's reaction in

(150) Not only the political and security community in both India and Pakistan, but also the general public are still convinced about their need to go nuclear. Personal communication with political and security experts, September 2002.

(151) Personal communication with Dr Rajesh Rajagopalan, The Institute of Defense Studies and Analysis, New Delhi, and Prof Nawaz Jaspal, Quid-I- Azam University, Islamabad, September 2002.

this particular case, weak and ineffective.

From Indian and Pakistani point of view, Japan and New Zealand's reaction was a result of their ignorance of the security needs and causes of conflicts in South Asia. It is widely believed that Japan has little understanding about the deep-rooted problems between South Asian neighbors.⁽¹⁵²⁾

Opinion on the effect of the economic sanctions is various. According to some analyses, the economic sanctions hit hard both countries.⁽¹⁵³⁾ However, it is the widespread opinion in Indian political and security community that the effect of the economic sanctions was minimal and marginal.⁽¹⁵⁴⁾ It is believed that Pakistan was seriously affected by the sanctions.⁽¹⁵⁵⁾

Yet again, no matter how severe the sanctions had been, they failed to extract any concession from India and Pakistan. Instead, both India and Pakistan were heavily critical about the decision to impose sanctions over them. India expressed anger over Japan's sanction as were severe than the sanctions that Tokyo imposed on China over nuclear tests. In India's view, Japan had been biased and discriminative in its punitive action. Meanwhile, Pakistan blamed Japan for imposing sanctions proportionally same to India as in

(152) Personal communication with Sujit Dutta, Senior Fellow, Institute of Defense Studies and Analysis, New Delhi, September 2002.

(153) See Daniel Morrow and Michael Carriere, 'The economic impact of the 1998 sanctions on India and Pakistan', *The Nonproliferation Review*, fall, 1999,

(154) Personal communication with Dr Rajesh Rajagopalan, Institute of Defense Studies and Analysis, New Delhi, September 2002.

(155) Prof Nawaz Jaspal, Quid-I-Azam University, Islamabad, Interview, October 2002.

Pakistani opinion, India was the initiator of the nuclear tests that triggered nuclear arms race in South Asia. In Pakistani view, Japanese sanctions were without thoughtfulness and equity.⁽¹⁵⁶⁾ There is a widespread opinion that Japan has no comprehensive policy or strong leverage on South Asian nuclear competitors, particularly on India.⁽¹⁵⁷⁾

Another criticism that emerged against Japanese response was related to Japan's nuclear policy. For India and Pakistan, Japan is in a comfortable position to promote nuclear disarmament, as it has the protection from the US nuclear umbrella. South Asian neighbors called Japanese attitude as clear hypocrisy since their quest for security was the same as Japan's.

Furthermore, Japan's initiative to take up a mediating role in Indo-Pakistan conflict outraged India as Indian position has always been that conflict must be resolved only by bilateral dialogue. Furthermore, Japan's suggestion to invite Pakistan as a permanent member to the ASEAN Regional Forum where India and Pakistan can hold discussion over Kashmir was heavily criticized by India as Japan being completely ignorant of South Asian politics.

Japan's removal of sanctions on India and Pakistan in October 2001 demonstrates another inconsistency of its reaction to South Asian nuclear proliferation. As mentioned before, the objective of Japan's sanction on India and Pakistan was to gain certain concessions from India and Pakistan with regards to nonproliferation

(156) Gen. K M Arif, 'Signing the CTBT with Care', *Dawn*, 25 Nov 1998.

(157) This view was expressed several Indian, Pakistani as well as Japanese experts on the subject. Personal communication.

and disarmament.⁽¹⁵⁸⁾ Nevertheless, sudden removal of sanctions by the Japanese government had little relevance to the prior objectives. Sole rationale of removal of economic sanctions on India and Pakistan by Japan was intimately related to the US led war against terrorism in Afghanistan.⁽¹⁵⁹⁾ The US removed remaining economic sanctions of Pakistan as a reward for its support in the fight against terrorism. The most reliable explanation for removal of sanctions by Japan is to follow the US action. India was a beneficiary of state of circumstances. Neither the US, nor Japan could only lift sanctions of Pakistan. Thus they removed sanctions from both countries.

It can be speculated that Japan had long realized that the sanctions regime imposed on India and Pakistan had no significant effect. Japan even may have been contemplating lifting sanctions. But Sept 11 events may have given Japan a good opportunity to justify the abandoning sanction and restoring economic assistance to India and

(158) For example, Fact Sheet 'India and Pakistan Sanctions' released by the United States Department of States indicated the goals of the sanctions: 1. Halt further nuclear testing, 2. Sign the CTBT immediately and without conditions, 3. Not deploy or test missiles or nuclear weapons, 4. cut off fissile material production for nuclear weapons, 5. Cooperate in Fissile Material Cut-off Treaty (FMCT), 6. Maintain and formalize restraints on sharing sensitive goods and technologies with other countries, 7. Reduce bilateral tensions, including Kashmir. Department of State, United States, June 18, 1998.

(159) 'For war contribution Japan lifts sanctions against India and Pakistan', *France Press*, World News, 26 October 2001. Japanese Foreign Minister stated that 'Japan highly values India and Pakistan's efforts to contribute to strengthening the international coalition against terrorism. It is vitally important that Pakistan remains stable and cooperative with the international society in this combat against terrorism'.

Pakistan.

There is no doubt that the sanctions had little positive effect and there was a need to reform the policy towards India and Pakistan by removing sanctions. However, the timing of lifting sanctions diluted the effect that Japan could achieve by doing so. The announcement of lifting sanctions that came immediately after the US decided to do so gave an impression that Japan's action has just a single rationale; to 'show the flag' to the US. It must be noted that there is a strong skepticism towards the United States' South Asia policy in the region. South Asian states regard that the US has an opportunistic, and selective foreign policy towards South Asia, as Washington has often involved in South Asian affairs for protecting self-interest.⁽¹⁶⁰⁾ Pakistan strongly believed that the lifting of sanctions by the US is a reward for being an ally of Washington. Although Japan's logic of lifting sanction was correct, by joining the US in doing so, Japan degraded the effect of the action. Japan should have presented the lifting sanctions as a change of its approach to the South Asian nuclear issue without changing the ultimate goal. By so doing, Japan could use the moment to reemphasize the need of determining actions from South Asian nuclear rivals in terms of nuclear arms control and disarmament.

Establishing a Stable Security Environment

It is imperative for both Japan and New Zealand as well as the rest of the international community to come to terms that India and Pakistan are no longer non-nuclear states or even nuclear threshold

(160) See for a good account Farzana Shaikh, 'Pakistan's nuclear bomb', *International Affairs*, pp. 34-35.

countries. The approach to the arms control and disarmament process must be based on the fact that India and Pakistan already have nuclear weapons capabilities and they have specific claims for justifying the possession of nuclear weapons. Even if the two countries are not to be included as the NWS, there must be a clear formulation for positioning them in the global nuclear nonproliferation regime.⁽¹⁶¹⁾

It is vital to understand the prevailing security environment centering India and Pakistan in South Asia, their historico-cultural differences that have generated protracted conflicts and serious problems in the region. Without proper understanding of the complexities of South Asia in general, and India and Pakistan in particular, finding a key to approach nonproliferation process in South Asia would be impossible. South Asian nuclear confrontation has strong connections with the longstanding ethno-nationalist conflict between India and Pakistan. It is not merely a territorial dispute that has brought two countries to an impasse in Kashmir conflict. Kashmir is much larger conflict than a territorial problem. Therefore, without proper solution to underlined causes of the conflict between India and Pakistan, it is extremely difficult to approach the nuclear issues related to South Asian neighbors.⁽¹⁶²⁾

(161) Some scholars have argued that it is too late to roll back the Indian and Pakistani nuclear weapons programs, and the best US non-proliferation strategy is to 'strike a deal' with India and Pakistan while encouraging them to agree on confidence building measures to diminish the risk of nuclear war. Francois Heisbourg, 'The Prospects for Nuclear Stability between India and Pakistan', *Survival* 40, Winter 1998-1999, p. 86.

(162) Both Indian and Pakistani experts and policy makers suggested

As noted before, China factor is a strong element in nuclear confrontation of South Asia. Geopolitical ambitions of two Asian giants, namely India and China are by no means to be underestimated. With China factor further complicated the South Asian nuclear confrontation.⁽¹⁶³⁾ Without proper reference to the complexities of the nuclear triangle in South Asia, there is no way to tackle the nuclear disarmament issue in the Subcontinent.

Indeed the considerations of the South Asian nuclear confrontation have to be closely linked with the awareness of terrorism. Since Sept 11, South Asian security environment has become more complicated and there can be traced closed links between nuclear issues with terrorism. Therefore, it is imperative not to isolate these two issues giving priorities to one, neglecting the other. In a world where terror groups are becoming prospective carriers and users of Weapons of Mass Destruction (WMD), it is essential to create a mechanism to address both nonproliferation/disarmament and the combat of terrorism in combination, but not in isolation.

Thus a primary need in approaching nuclear disarmament in South Asia is to promote a favorable security environment in the region. Improvement in security environment includes improved

that the international community's reaction to South Asian nuclear issue had been with little or no understanding of the core elements of the problems. In their view, this has been the main reason for the failure of the international efforts to address the South Asian nuclear confrontation. Personal communication with Indian and Pakistani security experts and policy makers, September- October 2002.

(163) Muttiah Alagappa, 'International response to Nuclear Tests in South Asia: The Need for a New Policy Framework', *Asia Pacific Issues*, No. 38, June 15, 1998, East West Center, Hawaii, pp. 6-8.

relations between India and Pakistan, better relation between India and China. Similarly improvement of the security situation in Afghanistan, Sri Lanka and other hotspots in the region is also essentially important in long-term establishment of a stable security environment.

There are significant differences between India and Pakistan in their stances in the conflict over Kashmir. However, with proper understanding and mature diplomacy, there is a substantial role that countries like Japan and New Zealand can play in order to improve relations between the two countries.

As recent history witnessed, promotion of democratization is the key to ensure non-nuclear world. South Africa, Argentina, and Brazil, all these countries renounced their nuclear weapons programs after they accepted the democratic path for development. Similarly, the independence from authoritarian Soviet Union paved the path for Belarus, Ukraine and Kazakhstan to embrace non-nuclear status. Contrary to that, Pakistan's military government has been a strong advocate of nuclear weapons. Also it is often questioned the status of world's largest democracy which has been plagued by nationalism, sectarianism and separatism. Therefore, stable democratic governance and improved economic situation would give more chance for South Asian neighbors to reconsider their nuclear option. In this task, countries like Japan and New Zealand can make a significant contribution. Particularly Japan with its strong economy can make an important impact at socio-economic as well as political level to advance India and Pakistan. Japanese aid must go not only to the government organizations. But also Japan should strengthen the NGO groups that are engaged in the development of communities.

By doing so, Japan can speed up the process of democratization that indirectly will influence nuclear disarmament.

Nevertheless, Japan must also use its ODA assistance to promote nonproliferation and disarmament. An important way to do that is to support local anti-nuclear groups, facilitate their cooperation with Japanese peace groups and so on. New Zealand being a country where strong anti-nuclear citizen groups have proven to be the most powerful force in encouraging their governments for actions can share their experience with peace groups in India and Pakistan. Expansion of network of peace groups, exchange of ideas among various groups would make South Asian peace groups a powerful force that can insist their governments to take substantive actions in arms control and disarmament.

There is a particular role for neighboring states to play in terms of South Asian nuclear nonproliferation. Neighboring countries, like Sri Lanka, Bangladesh, and Nepal must influence India and Pakistan to sign the NPT, the CTBT and other arms control regimes. Dialogue among neighboring states is a way to improve the security environment. In fact in this task, regional organizations have an important role to play. The South Asian Association of Regional Cooperation (SAARC) has not been enthusiastic in taking up the nuclear issue as an important issue in the groups so far.

In terms of multilateral approach to South Asian nuclear proliferation, Japan should take lead in organizing a group of middle power states, such as Australia, Canada with nonproliferation initiative. In nature Japan's position is quite similar to Australia and Canada. All of these nations are close allies of the United States. They also seek protection from the US nuclear umbrella. Coalition of these equal

minded states may help to bring new perspective to the nuclear disarmament campaign. Similar to NAC where New Zealand is playing a leading role, group of middle powers with Japanese leadership can make an important contribution to the global nuclear disarmament movement.

In fact, the US factor in the global disarmament movement cannot be underestimated. While United State is one of 5 members of the NWS, it claims to be a leading actor in the nuclear disarmament campaign. Nevertheless, there is ample evidence to question the US commitment to nonproliferation. So far there has been no international organization, or a group of states that could put pressure on the US in terms of seeking concessions in disarmament. It seems that a group of middle power states including Japan may be a powerful coalition to influence the US government. Meanwhile, this may also allow Japan to get away from following the footsteps of the US in disarmament actions.

As far as Japan's role in the global disarmament campaign is concerned, there is a serious accusation that Japan's nuclear stance clashes with its goal since Japan seeks protection from the US nuclear umbrella.⁽¹⁶⁴⁾ Furthermore, problems in domestic nuclear power generation system, Tokyo's inconsistent attitude towards subcritical nuclear tests, Japan's involvement in Theatre Missile Defense (TMD) with the US have often caused suspicion in Tokyo's genuine intention in disarmament.⁽¹⁶⁵⁾ Certainly the accusations are justifiable

(164) Japanese response to Indian nuclear tests were strongly criticized by New Delhi for the basic reason that Japan was under US nuclear umbrella. Interview with Rajesh Rajagopalan, The Institute of Defense Studies and Analysis, New Delhi, September 2002.

though there is an equally justifiable rationale on Japanese side. In this sense, New Zealand is in a better position since it has taken a radical decision to be free from nuclear shield. In that sense, New Zealand qualifies to be an ideal leader in the global disarmament campaign. However, it is imperative for Japan to find the ways to eliminate these contradictions if Tokyo is serious about playing a major role in the global disarmament movement.

There is a critical need for a strong leadership in the global disarmament movement. Experience of the past has clearly proven that the best leadership in arms control and disarmament movement can be provided by the United Nations. Therefore, the anti-nuclear states and non-governmental organizations must rally around the United Nation and make efforts to attract the NWS to abide the international conventions and disarmament regimes. The UN with its reputation to be an impartial forum is better equipped to lead such a movement. Furthermore, since the Sept 11 the UN has become aware of the serious threat that terrorism is posing in the world. The UN has adopted several critical anti terrorism conventions to face the challenges emerging from global rise of terrorism.⁽¹⁶⁶⁾

(165) See for a discussion Selig Harrison (ed.), *Japan's Nuclear Future: The plutonium debate and East Asian security*, Carnegie Endowment Press, Washington, 1996; Eiichi Katahara, 'Japan's Plutonium Policy: consequences for Nonproliferation', *The Nonproliferation Review*, Fall, 1997, pp. 53-54; DeFilippo, *op. cit.*, p. 581; Bates Gill, Kensuke Ebata, and Matthew Stephenson, 'Japan's export control initiatives: Meeting new nonproliferation challenges', *The Nonproliferation Review*, Fall 1996. pp. 30-42.

(166) 28 September 2001, Security Council adopted Resolution 1373, which aimed at targeting terrorists and those who harbor, aid or support them. Through this resolution, the Security Council also estab-

Therefore, the UN is a better organization to launch a combined campaign against terrorism and WMD. The war against terrorism must go hand in hand with the disarmament campaign.⁽¹⁶⁷⁾

lished a new subsidiary organ called the Counter-Terrorism Committee (CTC) which is working within international, regional and sub-regional organization to find way to expanding assistance to states on a host of financial, regulatory and legislative issues. Jayantha Dhana-pala, The impact of Sept 11 on multilateral arms control, *The Island*, June 15, 2002.

(167) Report on the Speech of Kofi Annan, General Assembly on measures to eliminate international terrorism, 1 October 2001.