

Moderating Pakistan's Nuclear Posture

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Mr. Chairman, members of the committee, I want to thank you for inviting me to testify today. You have asked me to address several questions that have arisen since *The Washington Post*¹ revealed early in October that the White House was considering offering Pakistan civilian nuclear assistance in exchange for Pakistan limiting its long-range nuclear-capable rockets, its short-range tactical nuclear weapons systems, and its nuclear weapons efforts more generally.

Today I want to emphasize three points:

First, while it is in America's interest to encourage Pakistani nuclear restraint, offering civilian nuclear incentives – whether it be a formal US nuclear 123 cooperative agreement, Nuclear Supplier Group (NSG) membership, or waivers on NSG-controlled nuclear goods -- is self-defeating. Incentives, if any, should be non-nuclear. Here, demanding that the Executive finally implement Title V of the Nuclear Nonproliferation Act of 1978, which calls for non-nuclear cooperation and energy assessments of developing states, would make more sense.

Second, while getting Pakistan to limit its development and deployment of short-range nuclear weapons is important, achieving such restraint will only be possible by engaging India, as well.

Third, no effort to moderate Pakistan's nuclear posture or the threat of an Indo-Pakistani nuclear war is likely to succeed unless U.S. officials

- a. get Pakistan and Indian officials to negotiate limits that are binding on both their countries;
- b. consider what, if anything, our government might limit with Pakistan or India regarding nuclear weapons. In this regard, getting Pakistan to forswear the stationing of nuclear weapons on any additional countries' soil in peace time is one idea worth pursuing and one our own government should consider joining in.

Pakistan Nuclear Rivalry with India: Why We Should Care

Given growing security challenges in the Middle East, Eastern Europe, and East Asia that directly threaten our closest security allies, it is not immediately clear why Washington should concern itself with the nuclear competition between India and Pakistan. It has been in play for nearly two decades; why worry now? The short answer is that this rivalry has recently escalated

1. See David Ignatius, "The U.S. Cannot Afford to Forget Afghanistan and Pakistan," *The Washington Post*, October 6, 2015, available at https://www.washingtonpost.com/opinions/the-dangers-that-still-lurk-in-south-asia/2015/10/06/e3adf016-6c73-11e5-b31c-d80d62b53e28_story.html . Also see David E. Sanger, "U.S. Exploring Deal to Limit Pakistan's Nuclear Arsenal," *The New York Times*, October 15, 2015, available at http://mobile.nytimes.com/2015/10/16/world/asia/us-exploring-deal-to-limit-pakistans-nuclear-arsenal.html?_r=1&referer= .

and reduced the margin of safety. Pakistan is now threatening to use tactical nuclear weapons against Indian conventional forces. India has threatened to strike Pakistan if Islamabad uses terrorist proxies against India. India, meanwhile, has threatened to retaliate massively against any Pakistani use of nuclear weapons even if those weapons are used against Indian forces on Pakistan territory. Yet, Pakistani officials doubt India would ever do this.

This imbalanced nuclear set of threats is all too likely to prompt the use of nuclear weapons, which could

- a. jeopardize American military operations in Afghanistan and the Gulf;
- b. further catalyze Chinese and Russian nuclear build ups to the detriment of US and allied security;
- c. accelerate harmful nuclear weapons proliferation near our key allies; and
- d. make nuclear use more likely internationally.

Andrew Marshall, the former director of the Pentagon's Office of Net Assessment and my former boss, has clear views on this last point. If any nuclear armed state were to use nuclear weapons in anger and profit militarily, he noted, a rapid proliferation of nuclear weapons and increased willingness to use them would be all but certain. With this would come the likely collapse of US and international security arrangements more generally.²

Where Pakistan and India Are Headed

What is it specifically about the nuclear competition between Pakistan and India that might prompt such events? Three things:

1. **An ever escalating set of nuclear war plans.** After the terrorist attacks against the Indian parliament in 2001, Pakistan announced its intention to use nuclear weapons early against India's superior conventional forces if India used these forces against Pakistan. Pakistan also announced it would use its nuclear weapons first against India if New Delhi tried to "strangle" Pakistan economically or otherwise "destabilized" Pakistan domestically.³ New Delhi followed by announcing its intent in 2004 to mobilize and deploy its conventional forces quickly from a "Cold Start" to seize Pakistani territory if Pakistan ever again used terrorist proxies against India. India has been perfecting this

2. See Andrew W. Marshall, Foreword, in Henry D. Sokolski, *Underestimated: Our Not So Peaceful Nuclear Future* (Arlington, VA: The Nonproliferation Policy Education Center, 2015), pp. xi-xii, available at http://www.npolicy.org/books/Underestimated/Full_Book.pdf.

3. See Peter Lavoy, "Islamabad's Nuclear Posture: It's Premises and Implementation," in Henry Sokolski, editor, *Pakistan's Nuclear Future: Worries Beyond War* (Carlisle, PA: Strategic Studies Institute, June 2008), p. 136, available at http://www.npolicy.org/books/Pakistans_Nuclear_Worries/Ch5_Lavoy.pdf.

plan ever since with the procurement of advanced conventional weaponry assuming it could execute this plan without provoking Pakistan to use its nuclear weapons. This assumption, however, is unsound. Pakistan most recently has been deploying and threatening to use short-range nuclear-armed missiles and has redoubled its weapons plutonium and uranium production. It now is poised to have the world's third largest nuclear arsenal within a decade. This has prompted India to augment its weapons fissile production capacity and to threaten Pakistan that if it uses any nuclear weapons against Indian forces (even if these forces are on Pakistani territory), India will respond with a massive nuclear attack against all of Pakistan. Most Pakistani officials doubt India will ever do this and so are not deterred.

2. **More and more hair-triggered nuclear-capable missiles.** Coincidental with this escalating set of war plans, both Pakistan and India have developed an array of road-mobile, solid-fueled, nuclear-capable missiles that can be launched on short notice. Since 2011, these have included short-range tactical missiles that can carry either conventional high explosives or nuclear warheads -- the Nasr (60 kilometers) for Pakistan and the Pragati (60-170 kilometers), Prahar (150-250 kilometers), and BrahMos-II (300 kilometers) for India. These systems can be launched in minutes and reach their intended targets in scant scores of seconds. Like the other tactical missile systems Pakistan and India have deployed -- including Pakistan's Hatf 1 (100 kilometers), Abdali-1 (150-180 kilometers), Ghaznavi (290 kilometers), and India's Shourya (700 kilometers) -- these systems all are road mobile. Whether effective command and control can be maintained over these quick-fire, mobile systems during a crisis is unclear. Also, because they are dual-capable, there is no way to know if they are armed with nuclear warheads until they strike their targets. Finally, in addition to these short-range systems, both countries are developing and deploying a growing array of medium and intercontinental-range ballistic sea and land-based missiles as well as long-range cruise missiles,⁴ producing enormous, new, nuclear uncertainties on the Subcontinent.
3. **India poised to modify its nuclear policies to match Pakistan's.** In response to Pakistan's recent announced willingness to use its tactical nuclear weapons against an Indian conventional incursion, several leading Indian military strategic experts, including India's former head Strategic Forces Command and India's former external affairs, defense and finance minister have recently called on India to drop its no first-use policy. These appeals coincided with Prime Minister Narendra Modi's Bharatiya Janata Party's (BJP's) 2014 promise to "revise and update" India's nuclear use doctrines. Modi almost immediately denied that any such review would be attempted. Yet, it is difficult to believe that India can credibly continue to threaten "massive retaliation" against Pakistan or entirely preclude the first use of its nuclear weapons under any and all

4. See Feroz Hassan Khan, "Going Tactical: Pakistan's Nuclear Posture and Implications for Stability," *Proliferation Papers* (Paris, France: Institut Francais des Relations Internationales, September 2015), available at <https://www.ifri.org/sites/default/files/atoms/files/pp53khan.pdf>

circumstances.⁵ Its recent acquisition of several short-range nuclear-capable tactical missile systems suggests that India is preserving its options to change its doctrine. It also is worrisome that Russia, one of India's main military suppliers and advisors, employs the world's most aggressive nuclear weapons first-use policies. In short, India's development of more offensive nuclear policies now seem more, not less likely. If India were to change its policy, it could impact Chinese thinking as well.

Civilian Nuclear Inducements: What Not to Offer

Washington has to try to moderate this rivalry. One idea several U.S. analysts have championed is to offer Pakistan civilian nuclear inducements similar to those it extended to India.⁶ The logic behind such bargaining is simple. Pakistan refuses to agree to limit its production of nuclear explosive materials, is fielding both long and short-range nuclear missiles, continues to present nuclear security issues, and is threatening nuclear first-use against India. Yet, Islamabad is eager to be recognized by the US and others as a normal nuclear weapons state like India, which also is not a member of the Nuclear Nonproliferation Treaty (NPT).

The U.S. could offer Pakistan a formal U.S. 123 nuclear cooperative agreement as it did for India in 2008. Alternatively, Washington might sponsor Pakistan's entry into the Nuclear Suppliers Group (NSG) as it now is trying to do with India. This would enable Islamabad to acquire NSG-controlled nuclear goods and secure it a portion of the "equal treatment" with India it seeks. Short of NSG membership, the US might push the NSG to waive restrictions on NSG-controlled exports to Pakistan, something the NSG has already done at Washington's urging for India. In exchange for any of these civilian nuclear inducements American experts believe Pakistan should be willing to moderate its nuclear weapons behavior.

This line of thinking, or something like it, appears to have been behind the Obama Administration's recent talks this fall with Pakistani officials. I understand that Administration officials briefed Congressional staff on these talks but that the staff could not get precise answers on what the U.S. might be offering in the way of civilian nuclear inducements. After press reports were published, however, administration officials made it clear that neither a formal US 123 nuclear cooperative agreement nor NSG membership were in the offing, leaving open the question of whether or not they may have offered Pakistani officials a waiver on NSG-controlled nuclear exports. In the end, no deal was cut.

5. See Shashank Joshi, "India's Nuclear Anxieties: The Debate Over Doctrine," *Arms Control Today*, May 2015, available at https://www.armscontrol.org/ACT/2015_05/Features/India-Nuclear-Anxieties-The-Debate-Over-Doctrine.

6. See, e.g., Stephen P. Cohen, *Shooting for a Century: The India-Pakistan Conundrum* (Washington, DC: Brookings Institution Press, 2013); Mark Fitzpatrick, *Overcoming Pakistani Nuclear Dangers* (London, UK: Adelphi Book 443, Routledge, 2014); and Toby Dalton and Michael Krepon, *A Normal Nuclear Pakistan* (Washington, DC: The Stimson Center and The Carnegie Endowment, August 2015), available at <http://carnegieendowment.org/2015/08/27/normal-nuclear-pakistan/iev0>.

This should not be surprising. Indeed, it ought to come as a relief for three reasons:

First, offering civilian nuclear incentives to moderate Pakistan's nuclear posture was guaranteed to produce more diplomatic harm than good. Offering these incentive riled India, and upset China and Pakistan as well. To be sure, Pakistan and China have long been unhappy about the U.S. pushing for India's membership in the NSG. But trying to address their concerns by offering Pakistan NSG membership or an NSG waiver still irritated Pakistan, which has always demanded that it be treated in an identical fashion as India. Meeting that demand, though, would require sealing a U.S. 123 nuclear cooperative agreement with Islamabad. This would upset India even more and would risk a backlash on the Hill. It also would set yet another precedent, one that likely to prompt Israel to ask for similar treatment, which, in turn, would complicate nuclear restraint efforts in the Middle East.

Second, it defeats the purpose of nuclear limits. The U.S. tried trading civilian nuclear incentives to secure nuclear restraints with a non-NPT state before, with India in 2008. So far, it has not gone well. The U.S. persuaded the NSG to allow India to import uranium for its civilian nuclear program but, as predicted, this has only allowed India to dedicate more of its meager domestic uranium production (which previously was tapped to fuel both military and civilian projects), to military purposes. India, in short, with the deal now can make more bombs. Even key officials who once supported the deal do no longer. Thus, Chairman Corker of the Senate Foreign Relations Committee recently noted that his vote in favor of the deal was a "mistake;" that although the deal was driven by commercial considerations, it had produced little for the US and has only served to undermine international nuclear restraint.⁷ If this true of the Indian deal, though, why would it not also be true of civilian nuclear incentives that might be offered to Pakistan, a nuclear arming state whose military nuclear efforts, like India's, could well benefit from securing free access internationally to advanced nuclear technology and goods? The answer is clear.

Third, it's poor form of energy assistance. It is a mistake to presume that more nuclear power is a cost effective way to provide Pakistan with clean electricity. In fact, U.S. AID, The World Bank, and The Asian Development Bank – institutions playing a significant role in upgrading Pakistan's energy system -- all have focused on nonnuclear projects. These include upgrading Pakistan's electrical grid and off grid distribution systems (only roughly half of Pakistanis are able to connect to the central grid); reforming the financial management of Pakistan's utilities (which continually fail to collect payment for electricity supplied); increasing energy efficiency (Pakistan's rating is among the world's worst); preventing electrical theft (which accounts for a disturbing percentage of the electricity consumed); increased utilization of natural gas, hydropower, solar and wind resources (of which Pakistan has considerable reserves); and

7. See Hearing of the Senate Foreign Relations Committee, "Reviewing the Civil Nuclear Agreement with South Korea," October 1, 2015, available at <http://www.foreign.senate.gov/hearings/reviewing-the-civil-nuclear-agreement-with-the-republic-of-korea-09302015> .

development of gas and oil pipelines.⁸ The reason why is simple: As several energy assessments of Pakistan's electricity requirements have made clear, nuclear power will only be able to supply a small fraction of Pakistan's electrical needs. Instead, natural gas and hydro will continue to be key and this portfolio, combined with renewables and other regulatory, grid, efficiency, and management reforms, are more cost effective investments to meet Pakistan's electricity needs.⁹

What Might Help

It took Pakistan and India roughly two decades to create the nuclear weapons mess they both now face. A problem this long in the making won't be quick to fix. That said, there are three things that could help.

First, stop offering nuclear carrots. Much of India's nuclear weapons program was a direct result of American nuclear largess under Eisenhower's Atoms for Peace Program. New Delhi's first bomb was made with plutonium that came from a Canadian reactor moderated with US-supplied heavy water and was reprocessed in a U.S.-designed plant. India promised to use the material strictly for "peaceful" uses. The rest is history. That was bad enough. In 2008, though, we compounded our original errors with the 2008 India nuclear deal. We need to stop pushing such nuclear deals. At a minimum, Congress should demand that the Executive finally implement Title V of the Nuclear Nonproliferation Act of 1978, which calls for non-nuclear cooperation and energy assessments with developing states. Much of this work is currently being done by the US AID but not under the Act. It calls for country-specific

8. See, e.g., The World Bank, Listing of electricity-related analyses for Pakistan, available at http://www.worldbank.org/en/country/pakistan/research/all?qterm=Energy+assessment+Pakistan+&x=23&y=29&lang_exact=English ; USAID, "Energy Sector Fact Sheet (Pakistan), November 24, 2015, available at <https://www.usaid.gov/news-information/fact-sheets/pakistan-energy-sector-fact-sheet> and USAID, U.S. Assistance to Pakistan (Energy), available at <https://www.usaid.gov/sites/default/files/documents/1871/Engery.pdf> ; and Asian Development Bank, "ADB \$800 Million to Help Pakistan Boost Power Supply and Reforms," November 26, 2015, available at <http://www.adb.org/news/adb-800-million-help-pakistan-boost-power-supply-and-reforms> ; and Asian Development Bank, "ABD \$1.4 Billion Financing to Help Pakistan Resolve Power Crisis," November 20, 2015, available at <http://www.adb.org/news/adb-14-billion-financing-help-pakistan-resolve-power-crisis> .

9. See e.g., Zia Mian and Abdul H. Nayyar, (Princeton, NJ, Princeton University Press, 2009), available at <http://www.princeton.edu/sgs/faculty-staff/zia-mian/Pakistan-Energy-Challenge.pdf> ; John Stephenson and Peter Tynan, *Is Nuclear Power Pakistan's Best Energy Investment?* (Washington, DC: Dalberg Global Development Advisors, 2009), available at http://www.npolicy.org/books/Pakistan_Nuclear_Future/Ch3_Stephenson-Tynan.pdf ; and Ravi Patel and Nelson Zhao, *Keeping the Lights on: Fixing Pakistan's Energy Crisis*, (Washington, DC: Federation of American Scientists, June 5, 2014) available at <http://fas.org/pir-pubs/keeping-lights-fixing-pakistans-energy-crisis/>

assessments, annual reports, and the creation of a nonnuclear energy Peace Corps, but has never been implemented. After 37 years and the recent events regarding Pakistan, Congress should hold a hearing to find out why.¹⁰

Second, the United States should focus on getting Pakistan and India to negotiate rather than cutting deals with one or the other. This is not easy but no real progress on nuclear weapons restraints in the Subcontinent will be possible without such talks. Towards this end, Washington should encourage negotiations between the two states on almost any topic, economic, political, or cultural. The most recent announcement that India and Pakistan will hold private talks about a variety of issues, including the status of Kashmir, is encouraging.¹¹

Third, consider nuclear weapons limits that might apply not just to Pakistan and India, but the U.S. Ultimately, the U.S. will have difficulty persuading either Pakistan or India to restrict their nuclear arms unless we are willing to join with both nations in agreeing to some nuclear weapons limits as well. One such idea would be an agreement not to deploy nuclear weapons on the soil of any additional states in peacetime. This could help address concerns that Pakistan might yet redeploy some of its nuclear arms on Saudi soil.¹² At one time, Pakistani officials here in Washington indicated that they would welcome such a proposal. Given what is at stake today, it would make sense to take them up on it.

10. See The Nuclear Nonproliferation Act of 1978, Public Law 95-242, 92 Stat. 120, March 10, 1978, Title V, Sections 501-503, available at <http://www.nrc.gov/about-nrc/governing-laws.html> .

11. See Praveen Swami, Sheela Bhatt, Shubhajit Roy, "India, Pakistan break the ice off camera in Bangkok," *The Indian Express*, December 7, 2015, available at <http://indianexpress.com/article/india/india-news-india/indo-pak-nsas-meet-in-bangkok-discuss-terrorism-jk/> .

12. See, e.g., Con Coughlin, "The Saudis are ready to go nuclear," *The Telegraph*, June 8 2015, available at <http://www.telegraph.co.uk/news/worldnews/middleeast/saudi-arabia/11658338/The-Saudis-are-ready-to-go-nuclear.html> and Judah Ari Groos, "Report: Saudis May Purchase Pakistani Bomb," *The Times of Israel*, May 17, 2015 , available at <http://www.timesofisrael.com/report-saudis-may-purchase-pakistani-atomic-bomb/> .