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弥补‘合法性差距’：巴基斯坦和《全面禁止核试验条约》

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Bridging The ‘Legitimacy Gap’: Pakistan And The CTBT

Abstract: Despite attempts to position itself within the global nuclear order, Pakistan suffers from a nuclear ‘legitimacy gap’ with India as a consequence of balancing behaviour intended to achieve strategic parity with its enduring rival. This paper argues that Pakistan can bridge its legitimacy gap with India by signing onto the Comprehensive Nuclear-Test-Ban Treaty (CTBT). This not only makes strategic sense in its competition with India but would also be an important step towards Pakistan’s international recognition as a responsible nuclear power. Finally, such a move would have significant domestic, regional, and international implications including a boon to global nuclear security.

Keywords: Pakistan, India, Legitimacy, Strategy, Nuclear Weapons, Comprehensive Nuclear-Test-Ban Treaty, CTBT

弥补‘合法性差距’：巴基斯坦和《全面禁止核试验条约》

摘要：尽管巴基斯坦试图寻找自己在全球核秩序之中的位置，但为了与老对手印度实现战略平衡，巴基斯坦一直面临着核‘合法性差距’的问题。本文认为，巴基斯坦可以通过签署《全面禁止核试验条约》（CTBT），来弥补这个与印度的合法性差距。这么做对巴基斯坦在与印度的竞争中不仅具有战略意义，而且也是巴方获得国际社会认可的成为负责任有核国家的重要一步。最后，此举将会产生重大的国内、地区和国际影响，为全球核安全做出贡献。

关键词：巴基斯坦，印度，合法性，战略，核武器，《全面禁止核试验条约》，CTBT
BRIDGING THE ‘LEGITIMACY GAP’: PAKISTAN AND THE CTBT

The ‘Legitimacy Gap’

Neorealist explanations of international relations suggest that states balance against their rivals in order to ensure their survival in an anarchic international system.1 Through balancing, states seek to reduce strategic gaps between themselves and their rivals, and if possible, bolster their relative capabilities. Though this is a necessary mechanism to ensure national security, this paper argues that states run the risk of creating a ‘legitimacy gap’ between themselves and their rival/s if their balancing strategies disproportionately affect their reputation within the international system. This can be especially costly in asymmetric rivalries. Pakistan, as a middle power, is more vulnerable to costs—in this case, its continued exclusion from the international nuclear mainstream—imposed by the international system than India, a rising great power.

Consequently, states should avoid excessive balancing policies if they have the countervailing effect of widening a legitimacy gap. Legitimacy, in this context, is defined as the general perception that a state has a rightful claim on a particular issue, based on its behavior. It is an external, albeit subjective, perception of the state constructed by other state and non-state actors that have a stake in the issue. An example may include membership within exclusive economic or geographic clubs. The value of considering the costs of a state’s balancing strategies in terms of legitimacy is the recognition that competition between states need not be restricted to the military realm. This may assist states in avoiding the problem of tunnel vision in their foreign policies, which may be too exclusively focused on hard power parity with their rival/s whilst ignoring the potential detriment to their international reputation.

A legitimacy gap can be reduced by undertaking a meaningful step that demonstrates the desire to be viewed as a responsible actor in the international system. It must be demonstrated that the intentions of the state are genuine—for example, proclamations of reformation from a state replete with human rights atrocities will achieve little in the absence of substantive actions and policies. Wheeler and Booth argue that ‘a state wanting to be seen as trustworthy should be prepared to take some risks in order to persuade the other that it is serious about cooperation.’2 Kydd calls this costly signaling—‘costly’ in that the step taken is of such significance that it indicates a serious intention.3 A state may therefore reduce a legitimacy gap with its rival by making a costly signal first. If the rival reciprocates, a positive security outcome may accompany the increase in legitimacy. If the rival does not reciprocate, the state might still win in terms of reducing a legitimacy gap because it is then perceived as having offered the olive branch without a commensurate response.

The Legitimacy Gap Between Pakistan and India

A legitimacy gap exists between Pakistan and India in the nuclear realm, as a consequence of the disproportionate balancing of the former against its much larger rival. Pakistan’s incentive to do so results from the material disparity between the two states. India is larger

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than Pakistan in every measure—this has resulted in perennial insecurity for Pakistan and led it to seek continuous strategic parity with its rival, with Pakistan’s current nuclear strategy being the primary focus of this paper. Size does not necessarily preclude the nuclear-weapons ambitions of a state, however states face the risk of costs being imposed on them if the legitimacy of their activity is questioned. These costs are particularly acute for small and middle powers. For Pakistan, one of these costs is higher barriers to entry into the global nuclear order and recognition as a responsible nuclear power.

The legitimacy gap between Pakistan and India exists despite Pakistan’s proposed measures to bolster nuclear security in the region. These include a 2016 proposal for a bilateral nuclear test ban arrangement. Past initiatives include a 1972 proposal to denuclearise South Asia, a 1978 proposal for an India-Pakistan joint declaration to renounce the acquisition and manufacturing of nuclear weapons, as well as a 1979 proposal for inspections of both states’ nuclear facilities, the proposed simultaneous signing of the Nuclear Non-Proliferation Treaty (NPT) with India, and acceptance of International Atomic Energy Agency (IAEA) safeguards. From 1984 to 1986, Pakistan also supported ten UN resolutions calling for a nuclear test ban treaty, alongside proposing a regional test ban treaty in 1987. Consequently, Pakistan may have a reasonable claim that suggestions of its nuclear illegitimacy relative to India are unfair. This paper, however, does not seek to address concerns over the claim. Instead, it argues that—fairly or unfairly—Pakistan does suffer from a problem of nuclear legitimacy. Pakistan’s international reputation as a nuclear power is still blighted years after its historical association with nuclear proliferation through the AQ Khan network. In addition, its reputation is harmed by its continued association—which Pakistan stringently denies—with the sponsorship of terrorist outfits operating in the region such as Lashkar-e-Taiba and the Haqqani Network.

On the other hand, India has become an increasingly vital cog in the international order. In 2015, it reportedly surpassed China in terms of annual economic growth. Furthermore, India’s military capabilities have modernised and consequently boosted its prominence in the security equation of the Indo-Pacific region. This is demonstrated by its potential role as a...

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8 Ibid.


balancer against China which makes it an increasingly important partner for the United States and its allies. India’s international reputation is also bolstered by its economic diplomacy efforts, including an agreement to develop port and rail links between Iran and Afghanistan, counteracting China’s own infrastructure projects focused on Pakistan. Furthermore, despite concerns over rising nationalist sentiment in India and amidst continued accusations of state-conducted atrocities in Indian-administered Kashmir, India’s democratic credentials and cultural exports provide it with significant soft power potential.

India’s enhanced nuclear legitimacy vis-à-vis Pakistan has resulted in the former signing nuclear cooperation deals for the transfer of civilian nuclear technology with a number of states including the United States, Australia, the United Kingdom, Canada, France, South Korea and Japan. India also maintains bilateral civil nuclear cooperation agreements and a waiver in the Nuclear Suppliers Group (NSG), which permits it to trade nuclear material with forty-eight member states that control global exports in nuclear technology. Furthermore, India was accepted into the Missile Technology Control Regime in June 2016, which enables it to purchase high-end missile technology with partner states. Nonetheless, even for India, the costs of suboptimal legitimacy were recently demonstrated by its unsuccessful application of membership of the NSG. In a special session held in Seoul in June 2016 to consider India’s bid for membership, at least seven-member states opposed India’s application to become a member—China, Brazil, Russia, Austria, New Zealand, Ireland and Turkey—with India’s status as a non-signatory to the NPT a crucial obstacle to membership. Such a position can be interpreted as India lacking the required level of legitimacy demonstrated through accession to a vital treaty in order to join the club. This further strengthens the case of why Pakistan signing the CTBT would be a smart move towards minimising its legitimacy gap vis-à-vis India.

The CTBT as a Legitimacy-Enhancing Instrument

Multilateral treaties often reflect widely accepted customs, values and norms of the international community. As such, treaties can provide an important source of legitimacy for states seeking membership within certain international clubs. The CTBT is one such

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treaty, reflecting a *de facto* norm against nuclear testing in all environments and for all purposes. Although India participated in the initial negotiations at the Conference of Disarmament in Geneva in 1994 and was in fact the first state to call for the CTBT, it expressed dissatisfaction with the final draft and did not vote in favour of the treaty at the United Nations General Assembly in September 1996.21 This backtracking on ‘legitimacy’ by India is seen in Pakistani security circles as damaging ‘the high moral ground that India achieved during [the] 1950s [which] could not be maintained later as it blocked consensus in the Conference on Disarmament (CD)’…22 Contrary to India’s position, Pakistan did vote for the CTBT during adoption; nonetheless despite its early advocacy, Pakistan re-linked its position to India over the next two decades. Pakistan’s official position is to consistently express support for the CTBT, but it is unable to sign it until its ‘regional security situation’ permits it to do so.23 It has also declared a unilateral moratorium on further testing and, as previously noted, it publicly stated in 2016 that it was prepared to upgrade this to a bilateral arrangement on non-testing with India.24

*The strategic rationale for Pakistan signing onto the CTBT*

Pakistan’s India-centric nuclear doctrine was forged in, and remains justifiably attuned to its complex security environment. However, an inflexible nuclear doctrine creates a double-edged sword—the more Pakistan attempts to maintain strategic parity with India through disproportionate measures, the more its actions isolate it from the international community. If Pakistan seriously desires to catch up with India in terms of nuclear legitimacy, it must take a significant step—a costly signal—that demonstrates its genuine commitment to integrating into the global nuclear mainstream. This costly signal would have to surpass mere proclamations and would instead need to constitute an action in itself, such as the unilateral signing of a treaty. By de-linking its position on the CTBT from India and signing it first, Pakistan can take a major step towards reducing its legitimacy gap with India.

Admittedly, a significant hurdle to Pakistan signing onto the CTBT would be the likely domestic political uproar amongst nationalists, religious parties, and hawks.25 Only the Pakistani army—which enjoys popular national support and maintains control over foreign policy and national security26—would be able to sanction any such move. Though it would no doubt be wary of the security implications of doing so, signing the CTBT actually makes strategic sense on four grounds. First, Pakistan has already achieved minimum credible nuclear deterrence against India. Nonetheless, it maintains the fastest growing nuclear weapons program in the world and is believed to possess 100 to 130 nuclear warheads in

comparison to India’s estimated 100 to 120 warheads. In March 2015, Pakistan affirmed its minimum credible threat deterrence had been upgraded to full-spectrum deterrence, which provides it with more possibilities when dealing with conventional threats by maintaining the option to employ tactical nuclear weapons. This upgrade, however, comes at the cost of damaging the prospects for Pakistan’s ‘desire for mainstreaming, as it would be contrary to non-proliferation norms.’ Given that India has greater legitimacy through economic, diplomatic and political leverage, it is in Pakistan’s strategic interests to explore opportunities of also competing with its rival in non-military domains.

Second, Pakistan can enjoy the benefits of a reduced legitimacy gap with India without diminishing its strategic parity with its rival. This is because the CTBT will not enter into force until all states party to the treaty have ratified it, including North Korea. Further, according to Article IX(2) of the CTBT, Pakistan would have the right to withdraw from the treaty if it determines that, in exercising its national sovereignty, extraordinary events exist which may compromise its security interests. Although this would not be desirable in terms of reducing the nuclear legitimacy gap, this would give the Pakistani leadership comfort in preserving its defence and foreign policy space vis-à-vis new threat perceptions of India.

Third, the first mover advantage that Pakistan would be granted by signing onto the CTBT would provide Pakistan with a useful tool in pressuring India about the legitimacy of its own claim as a responsible nuclear power. This is because signing it before India would shift the onus on its rival to reciprocate. Whether or not India does so, the legitimacy to Pakistan’s claim as a responsible nuclear power is likely to be improved for either being perceived as initiating a positive trend towards global nuclear security if India reciprocates, or alternatively, taking the moral high ground and calling its rival’s position into question if India does not reciprocate.

Finally, Pakistan is presented with a unique symbolic opportunity to promote to the international community that it is indeed a responsible nuclear power. Over twenty years after it opened for signature, the CTBT has not yet entered into force, despite being one of the most widely supported treaties, boasting 183 signatories and 164 ratifications. Article XIV of the treaty provides a special mechanism for entry into force. Under this provision, the forty-four Annex II states that formally participated in the 1996 session of the Conference on Disarmament and possessed nuclear power or research reactors at that time must all ratify the CTBT for it to enter into force. Today, there are only eight remaining Annex II, or hold-out, states, three of which are yet to sign and ratify the treaty—Pakistan, India, and North Korea.

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31 Ibid.
The longer the entry into force of the CTBT, the greater the risk of treaty fatigue. This therefore places Pakistan in a very influential position if it decides to sign the CTBT.

**Domestic, Regional, and International Implications**

In addition to the strategic rationale provided above, Pakistan stands to both gain domestically from such a move, and potentially contribute to improved regional and global security.

Domestically, by signing the CTBT, Pakistan improves its chances of attracting increased economic assistance, foreign investment, and potentially commercial civilian nuclear deals similar to the 2005 India-US agreement. Alongside this, Pakistan would improve its capacity-building *vis-à-vis* the CTBT’s verification regime which monitors compliance with the treaty. This includes receiving data from the International Monitoring System to verify global events, including the detection of nuclear tests as well as improved forecasting capabilities for natural disasters. Further, Pakistan would receive technical and financial assistance to establish and operate monitoring stations, alongside education, training, and information exchange opportunities. These shifts, in turn, may have flow-on effects for branding Pakistan as a legitimate member of the global nuclear order and may improve its chances to gain entry into international clubs such as the NSG. By de-coupling its position from India, Pakistan could assume a leadership role by demonstrating its political will to align its nuclear policy with international norms.

Regionally and internationally, signing the CTBT would be a welcome confidence-building measure that may spur a thaw in India-Pakistan relations if it is indeed perceived by India as a genuine move towards improved nuclear security. In addition, it would signal to the wider region that Pakistan does not intend on engaging in a nuclear arms race in South Asia. The most desirable potential outcome would be to set in motion a domino effect with the eight hold-out states lending support to the CTBT. Such political momentum could renew multilateral efforts for the CTBT’s entry into force. In response, China and other regional players, remaining committed to these global norms, might call on the United States to ratify the treaty, which many see as being the necessary catalyst for prompting entry into force. Finally, Pakistan’s position would reinforce the widely supported *de facto* global nuclear test moratorium. It would play a key role in promoting the norms of nuclear disarmament and non-proliferation, thereby contributing to international peace and security. In the words of the Executive Secretary of the CTBTO, Lassina Zerbo, ‘...acting on the CTBT can be ‘disruptive’ in only the positive sense of the word. It would transform bilateral and multilateral relationships, build confidence regionally and globally, and help unlock a range of pending issues in non-proliferation and disarmament.’

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35 Sean Dunlop and Jean du Preez, ‘The United States and the CTBT: Renewed Hope or Politics as Usual?’ [Nuclear Threat Initiative](http://www.nti.org/analysis/articles/united-states-and-ctbt/) (accessed September 1, 2016);
Conclusion

This paper has explored how Pakistan’s current balancing strategy has disproportionately affected its international reputation and consequently widened its legitimacy gap with India. As a middle power, the stakes for Pakistan are much higher than its larger neighbour. Pakistan should therefore reorient its nuclear security strategy to include its growing legitimacy gap with India. Novel thinking and policies are required for Pakistan to reframe itself as a positive member of the international community and a responsible nuclear power.

Consequently, this paper recommends that a prudent policy for Pakistan would be to sign the CTBT. This would act as a legitimacy-enhancing instrument, promoting Pakistan’s integration into the global nuclear order. Although the Pakistani army might hesitate to endorse such a decision, this paper contends that it actually makes strategic sense on four grounds. First, Pakistan has already achieved its desired nuclear deterrence capability. Second, Pakistan’s move to sign the CTBT would lift its damaged global reputation without harming its strategic parity with India. Third, such a move would place the onus on India to itself demonstrate the legitimacy of its claim to being a responsible nuclear power. Fourth, signing the CTBT presents a unique symbolic opportunity for Pakistan to generate international momentum for global nuclear non-proliferation and disarmament. Finally, this paper demonstrated how such a move would bring significant domestic benefits to Pakistan, and potentially contribute to improved regional and international nuclear security.