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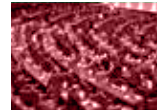
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PAKISTAN'S NUCLEAR TESTS: 20 TWENTY YEARS ON



Salman Bashir

Pakistan's nuclear tests on 28 and 30 May 1998 marked a watershed in the nation's quest for security. The devices tested conformed to weapon configuration capable of delivery. At one go, Pakistan had established strategic equilibrium in South Asia and neutralized India's conventional preponderance. Nuclear weapons together with an effective missile program were henceforth guarantors of the state's sovereignty and territorial integrity. Twenty years on, Pakistan's strategic weapons capability is robust. In these years, the doctrine of minimal credible deterrence has guided the development of Pakistan's strategic capabilities on land, air and sea, including second strike options.

Pakistan did not initiate the nuclearization of South Asia. For almost twenty- four

years Pakistan tabled resolutions in the UN General Assembly calling for establishing a nuclear weapon free zone in South Asia. India voted negative annually and opposed also the proposal for establishing a zero- missile zone in the region. The Indian nuclear tests on 11 May 1998 were a provocation. Pakistan had no other option but to respond. Subsequently, all Pakistani initiatives advocating strategic restraint in South Asia and numerous bilateral proposals in this regard were stone walled by India.

The root cause of the intensely adverse relationship between Pakistan and India is the latter's inability to accept the existence of Pakistan as an independent state and establish peaceful cooperative relations on terms of equality. The nature of this adversarial relations has not

changed. India has sought to reassert its conventional superiority by toying with dangerous concepts, such as the "cold start". Indian war machine has continued to contemplate conventional conflict under the nuclear over hang. Pakistan has frustrated these designs by developing battle field nuclear response. In the meanwhile, India has attempted to field nuclear weapons at sea obliging Pakistan to develop sea- based deterrence.

It is evident that proscription of war between Pakistan and India is the only rational option. Unfortunately, India has been blinded by its hegemonic ambitions. In the ensuing situation, asymmetrical warfare is being carried out across a broad range of domains. This includes fomenting subversion, insurgencies, terrorism and a hybrid fifth generation war with





propaganda and cyber components. The break down of ceasefire on the Line of Control in Kashmir is symptomatic of renewed Indian efforts to hurt Pakistan as it deals with the effects of the conflict in Afghanistan on its western border.

Alas the dream of durable peace continues to elude the peoples of Pakistan and India. The Pakistani state has no option but to continue to develop effective capabilities to deal with the cross- domain challenges to its security posed by India. On the other hand, it is evident that India remains tied to Pakistan in a strategic equation and thus unable to escape South Asia's gravitational pull thus blunting its ambition to be rated as a global power. It is unbelievable that a large and one of the most populous countries of the world would so willfully pursue policies that are

at total variance with the interests of its own teeming millions for socio-economic development and remain wedded to militaristic notions of power that are deleterious to stability and peace in South Asia.

Having ensured its security, Pakistan must now prioritize its economic development. Indeed, the logic of securing nuclear deterrence was that it will unfetter us from security anxieties and enable us to devote ourselves wholeheartedly to achieving prosperity. Twenty years after the nuclear tests, it is time now to bring about an internal transformation of character that is worthy of our status as a nuclear power. Pakistan's geo-strategic importance as a pivot for peaceful commerce among all of its adjoining resource rich regions beckons us to follow enlightened

“ Indian war machine has continued to contemplate conventional conflict under the nuclear over hang. Pakistan has frustrated these designs by developing battle field nuclear response. In the meanwhile, India has attempted to field nuclear weapons at sea obliging Pakistan to develop sea- based deterrence. ”

forward-looking policies to extend the arc of economic cooperation for win-win partnerships thus radiating stability and peace premised on development and prosperity.

*Ambassador **Salman Bashir** is a former Foreign Secretary of Pakistan and Ambassador to China, India and Denmark*

Strategic Stability

Challenges in South Asia



Syed Rifaat Hussain

Stability is a contested intellectual construct with no consensus on its precise meaning. As noted by Patrick A. McCarthy, “it is overly simplistic and, more than that, inaccurate to label a changing system unstable or to label an unchanging system stable.”

What is stability in the nuclear context? In broad terms nuclear stability refers to all those factors or conditions that work to ensure against the breakdown of nuclear deterrence. Henry A. Kissinger has defined strategic stability as a condition “that requires maintaining strategic forces of sufficient size and composition that a first strike cannot reduce retaliation to a level acceptable to the aggressor... We need a sufficient number of weapons to pose a threat to what potential aggressors value under every conceivable circumstance. We should avoid strategic analysis by mirror-imaging.”

Deterrence stability is crucial to war prevention between nuclear adversaries. As pointed out by Thomas Schelling and Morton Halperin, “A balance of deterrence – a situation in which the incentives on both sides to initiate war are outweighed by the disincentives – is stable when it is reasonably secure against shocks, alarms and perturbations. That is, it is stable when political events, internal or external to the countries involved, technological change, accidents,

false alarms, misunderstandings, crises, limited wars, or changes in the intelligence available to both sides, are unlikely to disturb the incentives sufficiently to make deterrence fail.”

South Asia’s passage to overt nuclearization in 1998 has led to the formation of “two camps of deterrence theorists...over whether a nuclearized subcontinent will prevent a major conflict and foster escalation.” These two camps might be called deterrence optimists and deterrence pessimists. Deterrence optimists maintain that nuclear weapons by making war catastrophically costly generate incentives for war avoidance between nuclear rivals and therefore create stability between them. Deterrence optimists have put forth the nuclear peace thesis which states that wars between nuclear-armed nation-states will be unlikely to start, and, if they do, the conflicts are likely to be limited because the belligerents will stop fighting short of the intensity needed to bring about the resort to nuclear weapons.

Deterrence pessimists argue that notwithstanding their enormous destructive potential, nuclear weapons fail to produce stability because of a range of political, technical and organizational factors. Some of the specific problems that trump stability between nuclear states include risk acceptant or irrational leaders, command-and-control difficulties, and preemption incentives for small arsenals.

“

Simultaneously, India has been working on the theory of full-spectrum dominance. India is now developing conventional war-fighting options to dominate all rungs of the escalation ladder including limited nuclear use options.”



Source: AFP

Scott Sagan has argued that “India and Pakistan face a dangerous nuclear future.... imperfect human inside imperfect organizations...will someday fail to produce secure nuclear deterrence.” Concurring with Sagan, P.R. Chari states that South Asian proliferation undermines a “widely held, a priori belief...that nuclear weapons states do not go to war against each other.” In the same vein, Michael Krepon, a self-proclaimed deterrence pessimist, has identified a number of “conditions” that tend to undermine processes of escalation control and stability of



nuclear deterrence between India and Pakistan. These destabilizing factors include: “uncertainties associated with the nuclear equation” between India and Pakistan, “India’s vulnerability associated with command and control”, Pakistan’s “nightmare scenario of preemption” due to India’s “move toward a ready arsenal”, the shifting of the “conventional military balance in India’s favor,” “the absence of nuclear risk reduction measures on the subcontinent”, the tendency by both governments to “resort to brinkmanship over Kashmir,” “the juxtaposition of India’s nuclear doctrine of massive retaliation

with a conventional war-fighting doctrine focusing on limited war”.

Michael Ryan Kraig has highlighted the following drivers of nuclear instability between India and Pakistan:

- The dangers created by geographical proximity between India and Pakistan, in contrast to the Cold War, in which the US and Soviets had political-strategic but not territorial proximity to each other;
- The lack of stable boundaries, or at

least of stable, tacit agreements on defacto boundaries where disputes about territory still exist;

- The presence of ethno-religious cleavages which are integral to the two state’s founding national identities, in contrast to the more abstract Cold War divisions that were based upon broad political-economic philosophies;
- The existence of violent internal exigencies, which are connected to the above three situational factors

and which are also persistently linked to the overarching state-level strategic threats between the two countries;

- The persistent lack of feasible and reliable early warning sensors (due in part to technological barriers and in part to geographic proximity;
- The lack of reliable nuclear safety and warhead access devices (such as Permissive Action Links that ensure only authorized personnel can arm or launch weapons and environmental sensors that will allow detonation only when the warhead is actually at its target); and
- The relative absence of dedicated command and control architectures that allow reliable civilian control during heightened tensions (an absence that is connected to the

above factors of nuclear access devices and early warning systems)."

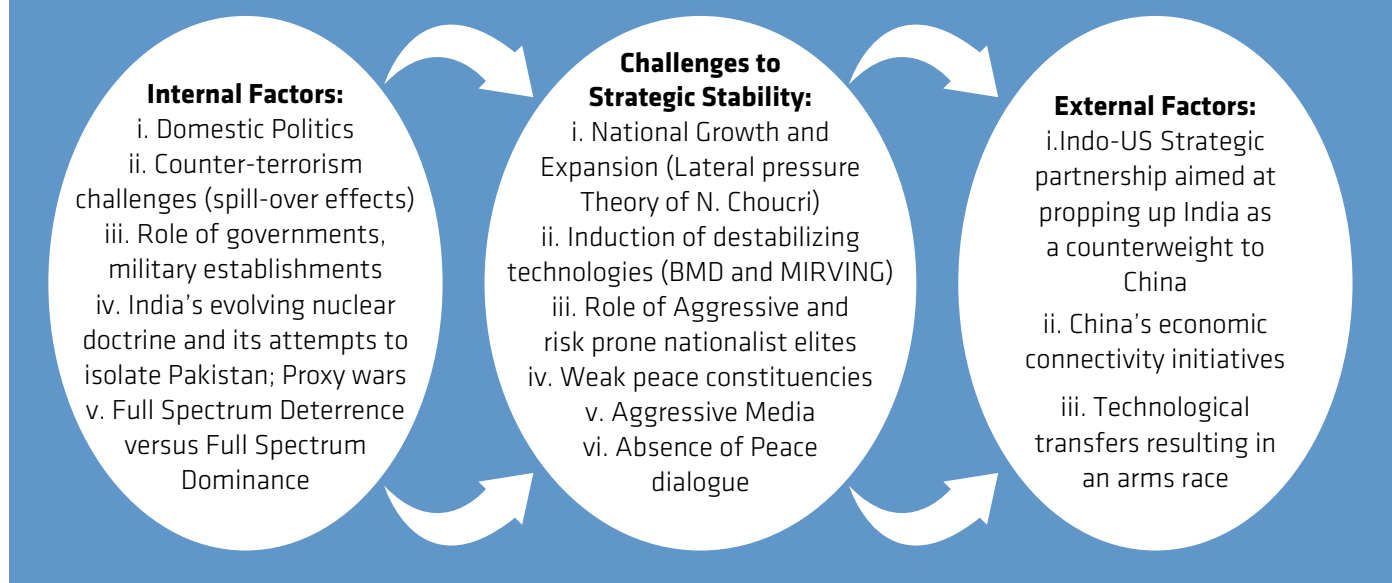
After comparing the East-West Cold War model of deterrence stability with India-Pakistan deterrent relationship, Michael Quinlin concludes that "Overall, the underpinnings of war-preventing stability seems less solid than they had become in at least the later years of East-West confrontation.... the "risks look higher than in the East-West confrontation, both in the political dimension (above all because of Kashmir) and in the military one, because of close proximity and the long-time scale and heavy costs, if operational deployment does go ahead, of reaching the standards of control, invulnerability and safety eventually reached – after much learning and expense – during the Cold War."

He goes on to observe that "unless one side or other grossly neglects prudent defensive

dispositions, neither temptations nor 'use-or-lose' fears need be plausible." To ensure crisis-stability, Michael Quinlin, recommends "if deployment is to proceed at all, neither country should stop at a very low level (for example in single figures) because of risks to crisis stability and confidence if there are perceptions of severe vulnerability and so of pre-emptive danger or opportunity. In addition, an armoury so small as plainly to offer only a single strike option may be bad both for credibility and for proper focus upon war termination, if grave conflict does break out."

As the foregoing discussion of different views of scholarly opinion suggests that India-Pakistan nuclear deterrence equation, while seemingly stable, is liable to experience severe jolts on account of their enduring rivalry, changing patterns of regional alignments and changing interests of extra-regional powers. A mix

Risks to strategic stability in South Asia - Leading Causes



of global, regional and domestic trends in domestic politics of each of the two nuclear armed states that would negatively impact on South Asian strategic stability is presented in the following table.

A cursory glance at the above table would reveal that South Asia is undergoing a remarkable structural change that would ultimately lead to a power shift in favor of India as a dominant power.

Ever since the advent to power of the Modi government in India in 2014, India's domestic environment has undergone a radical rightward shift. As part of its aggressive pursuit of Hindutva, Modi government has consciously cultivated forces of Hindu extremism and has provided them the space to carry out their violent campaigns against minorities including Muslims, Christians and

others. As a consequence, civic space has drastically shrunk and India today has become the most intolerant society. The 2017 World Press Freedom Index of Reporters without Borders (RSF), "ranked India 136th out of 180 countries, and it "placed below Afghanistan, Palestine, and Myanmar".

The ADRN in its March 2018 on Civic Space in Asia concluded:

“In recent years...there has been pushback against the progress made in terms civic engagement...the authorities have used repressive laws to curb freedom of expression and silence critics. Human right defenders and organizations continue to face harassment and intimidation, and vigilante cow protection groups have carried out several attacks. Thousands have protested again discrimination and violence faced by minorities.”

This domestic trend toward violent extremism has been accompanied by state-sanctioned “hate” campaigns against Pakistan in which Islamabad has been painted as the “poster child” of “Jihadi terrorist” violence in India.

To punish Pakistan, India claimed in 2016 that it had successfully waged “surgical strikes” along Line of Control in the disputed territory of Kashmir. These outlandish Indian claims have been met with disbelief by rational circles in India and have been vehemently denied by Pakistan.

Simultaneously, India has been working on the theory of full-spectrum dominance. India is now developing conventional war-fighting options to dominate all rungs of the escalation ladder including limited nuclear use options. This evolving Indian strategy is fraught with dangerous consequences. As noted by Montgomery and Edelman:

“...a competition for escalation dominance is now taking place in South Asia. This has at least two worrisome implications. First, the likelihood of a regional nuclear conflict could increase sharply. India, for example, might conclude that it can invade Pakistan without inciting nuclear retaliation, while Pakistan might believe that it can use nuclear weapons without triggering a nuclear exchange...”

Second, this competition could be the catalyst for a major expansion of India’s nuclear weapon program, including the development of its own limited nuclear use options.

In this attempt for escalation dominance vis-à-vis Pakistan, India is relying on its strategic partnership with Washington, which is worried about the rise of China. In the post-September 11 world, drastic modifications were made in the framework of Indo-US engagement: “a number of sanctions imposed earlier were removed; the door for high-tech cooperation was opened; political support was granted to India’s own war on terrorism; the Kashmir issue was reconsidered with a positive tilt towards India.” In 2005 a 10-year Defence Pact was signed followed by an Indo-US nuclear agreement, described by Aston Carter as openly acknowledging India as a “legitimate nuclear power.” Since then India and US have broadened and deepened the scope of their defence cooperation. At present, India is among the top-10 military spending countries in the world. During 2006-2010, it accounted for 9 per cent of all global arms imports, making it the world’s largest weapon importer. New Delhi’s strategic modernization drive and its huge arms-build up is widening the gap in conventional military capabilities between India and Pakistan and forcing Islamabad to rely more and more on its nuclear option to offset India’s conventional force advantage.

The current high economic growth of 7% or more displayed by India should be a source of concern to its entire neighborhood because a significant portion of new Indian wealth is being spent on Indian defense and not on social needs of the people. As suggested by Nazli Choucri and Robert C. North in their seminal study, *Nations in Conflict: National Growth And International Violence* (1975), “Growth can be a lethal process.... a growing state tends to expand its activities and interests outward – colliding with the sphere of interest with other states – and find itself embroiled in international conflict, crises, and wars that, at least initially, may not have

been sought or even contemplated. The more a state grows, and thus the greater its capabilities, the more likely it is to follow such as tendency.” They posit that economic growth and expansion lead to conflict of interest which lead to higher demand for military capabilities and alliances as a means to augment a nation’s military capabilities which ultimately results in “violent action directed toward all other nations.”

Washington under Trump has enthusiastically accepted India as its strategic partner and both are working closely to contain China. Both Washington and New Delhi are opposed to China’s advocacy of its Belt and Road Initiative (BRI) that they see as offering Beijing a historic opportunity to win “hundred years marathon race” against them. As a declining hegemonic power, USA is desperately searching for regional allies to shore up its crumbling empire.

New Delhi is playing a smart game of maintaining economic and trade links with Beijing while tapping into technological resources of the U.S through its strategic partnership with Washington. Because of its strategic geography, its important demography and its strategic alliance with China, Islamabad cannot easily be outsmarted by India, however. Ultimately India and Pakistan, as nuclear armed neighbors, would have to revert to a process of dialogue between them to sort out their difficulties. This is necessary to not let the violent non-state actors hold the reconciliation process hostage to the pursuit of their private agendas. A good starting point would be the revival of the stalled India-Pakistan peace dialogue with a focus on resolving the core Kashmir dispute.

Dr. Rifaat Hussain is a Professor of Government and Public Policy at the National University of Science and Technology, Islamabad.

ONE DOOR CLOSES, ANOTHER OPENS

**PAKISTAN
SHOULD
SILENTLY
CELEBRATE
TRUMP'S
PULLOUT
FROM THE
IRANIAN
DEAL**

Trump's withdrawal from the Iranian nuclear deal actually plays to Pakistan's strategic advantage and should be silently celebrated by its decision makers.

The whole world is wondering what will happen next after Trump pulled the US out of the Iranian nuclear deal, but while there is a lot of fear mongering in the press about what to expect and plenty of condemnation over what just happened, the reality is that this is a fortuitous move for Pakistan that should be silently celebrated by its decision makers for the following reasons:



Andrew Korybko

TRUMP'S ATTEMPTS TO WEAKEN IRAN MIGHT ACTUALLY STRENGTHEN IT

Provided that Iran understands what just happened in the manner that will be described below and more or less adheres to the following scenario forecast, then the Islamic Republic might actually be strengthened by what Trump just did and not weakened, even if the mainstream media misleadingly portrays it otherwise in its attempts to manufacture a false perception among the global masses.

THE US HAS PROVEN ITSELF TO BE UNTRUSTWORTHY

Unlike it may have been in times past, there is now irrefutable evidence that the US cannot be trusted to honor even public agreements that it helped negotiate, to say nothing of secret ones behind closed doors, which should give pause to any Pakistani representatives the next time that the US approaches them about a so-called "deal".

PAKISTAN'S RAPPROCHEMENT WITH RUSSIA IS VALIDATED

Now that the US has proven itself to be utterly untrustworthy, Pakistan's rapprochement with Russia is validated because everyone can now see the wisdom in Islamabad choosing to balance its erstwhile close relationship with Washington through a comprehensive diversification of relations with Moscow.

INDIAN-IRANIAN RELATIONS MIGHT SOON SUFFER

The US' re-sanctioning of Iran and threat to do so against any companies that continue to conduct certain types of business with the Islamic Republic might hit Indian infrastructure projects in Chabahar and pertaining to the North-South Transport Corridor (NSTC) especially hard, and New Delhi can no longer be counted on as a reliable long-term purchaser of Tehran's energy resources.

IRAN NOW KNOWS WHO ITS REAL FRIENDS ARE, AND PAKISTAN IS ONE OF THEM

After the US expectedly scrapped the nuclear deal and the high probability exists that India might limit its hitherto strategic

relations with Iran under pressure from its newfound Washington ally, Tehran finally knows who its real friends are, and this revelation can lead to a renaissance of Iranian-Pakistani relations that prevents third-party provocateurs from sabotaging their relations like they did in the past.

IRAN MIGHT PIVOT FROM WEST ASIA TO CENTRAL-SOUTH ASIA

Faced with a worsening of full-spectrum pressure against it on the western flank, Iran might seek a "pressure valve" through intensifying its cooperation with Central Asia and Pakistan, particularly as it relates to potentially pairing Chabahar with Gwadar and establishing the tangible infrastructural foundation of CPEC's western branch, or W-CPEC+.

PAKISTAN COULD PROSPECTIVELY PLAY THE CENTRAL ROLE IN FACILITATING IRANIAN-CHINESE TRADE

With China's reported high-speed Silk Road railway plans for Central Asia yet to break ground and CPEC already being open for business, there's a very real chance that Pakistan can prospectively play the central role in facilitating Iranian-Chinese trade through W-CPEC+ and accordingly boost its Eurasian geostrategic significance in response.

IF INDIA DOWNSCALES ITS COOPERATION WITH IRAN, PAKISTAN COULD REPLACE THE NSTC WITH THE RPEC

It remains to be seen, but provided that India downscales its cooperation with Iran in the face of American pressure just like it did in pulling out of the Fifth-Generation Fighter Aircraft agreement with Russia recently, then Pakistan could replace the NSTC with a Russia-Pakistan Economic Corridor (RPEC) that becomes part of the northern vector of CPEC, or N-CPEC+.

THE POST-DEAL DEEPENING OF IRAN'S TIES WITH PAKISTAN-CHINA-RUSSIA WOULD STRENGTHEN EURASIA

Iran's unprecedented strategic reliance on neighboring Russia following Trump's withdrawal from the nuclear deal and the Islamic Republic's projected pivot towards Pakistan and China could form the integrational basis for the so-called



"Golden Ring" of multipolar Great Powers that might naturally extend to include each party's close Turkish partner as well.

MULTIPOLAR SUPPORT FOR IRAN WOULD WEAKEN THE US' UNIPOLAR HEGEMONY

The collective support that the aforementioned four Great Powers could provide to Iran during this crucial time would symbolically represent the emergence of a Multipolar world order that's prepared to counter the US' unipolar hegemony in areas of shared concern, with this possibly being a test run for more sustained cooperation in dealing with other crises such as the long-running one in Afghanistan.

PAKISTAN IS SLATED TO PLAY A PIVOTAL ROLE IN THESE WORLD-CHANGING PROCESSES

Pakistan's geostrategic position as the Zipper of Eurasia makes it poised to play the pivotal role in these world-changing processes of supercontinental integration and multipolarity, though the next step must be that its leadership reaches out to Iran and makes it aware of this grand vision in order to probe the pace at which Tehran wants to proceed.

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Andrew Korybko is a Moscow-based journalist and geopolitical analyst.

The 20th Anniversary Overt Nuclear



Najmuddin A. Shaikh

The month of May this year marked the completion of two decades since India and Pakistan carried out nuclear tests and made the South Asian sub-continent publicly acknowledged as a region with nuclear weapon powers. The 1998 India and Pakistan tests—15 days apart—followed on what India had termed a peaceful nuclear explosion at Pokhran in 1974 and a campaign started in the same year by Pakistan in the United Nations to secure agreement on making South Asia a Nuclear Weapon Free Zone.

It is of course no secret that since the early eighties, the security calculus of both countries was that both had nuclear weapon capability even while there was less clarity about the number of such weapons each side had. Internationally however the 1998 tests led to South Asia being termed a “nuclear flash point”. The existence of this capability was paradoxically also recognized both regionally and internationally as a key element in preventing a repeat of the sort of large scale conflicts between the two countries that had happened in 1948, 1965 and 1971.

Where do the two countries stand now? Both are committed to “minimum deterrence”. This in India’s case has meant creating the triad of weapons ensuring second strike capability, increasing expenditures and research on anti missile defence, a revised nuclear doctrine that permits the use of nuclear weapons

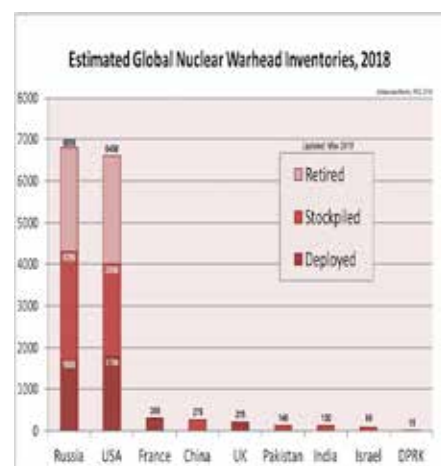
if nuclear weapons are used against Indian forces even if these forces are not on Indian soil. The former National Security Adviser, Shivshankar Menon has postulated a disarming counter force strike against Pakistan’s nuclear arsenal which would not violate India’s stated “No First Use” posture.

In Pakistan’s case there is no declared nuclear doctrine. My own rather simplistic view is that the posture of “credible deterrence” now means that Pakistan must maintain a counter value capability which would ensure no Indian Commander in Chief can walk into his Prime Minister’s office and seek approval for a “Cold Start” or other major conventional offensive against Pakistan while offering the assurance that no Pakistani missile would land on the many population centres that are presumably designated targets for Pakistan’s weapons. One element of my thinking on this subject is that, given the short distances involved, today and perhaps for the foreseeable future no technology exists that can enable anti missile defence against missile or cruise missile launches from Pakistan.

Neither Pakistan nor India have ever disclosed the number of nuclear weapons they hold at their dispersal. American analysts and others suggest that both are growing their arsenals and currently hold between 110 and 130 such weapons (SIPRI estimate of 2014 gives India 90-110 and Pakistan 100-120 while the Arms Control association in the USA suggests that in 2018 Pakistan had 215 such weapons. The recent estimates of the Federation of American Scientists,



Pakistan possesses 140 nuclear warheads; the table is appended below.



y of South Asia's risation



Source: AFP

What at this stage is the international climate with regard to nuclear weapons and their proliferation? Understandably, it could be argued that one must focus on the prospects for JCPOA surviving American renunciation of the agreement and Iran getting sufficient benefits from the other signatories to be persuaded to continue to adhere to the Agreement. Equally one must focus on the prospects for the off again and on again of the proposal for the denuclearization of the Korean Peninsula. Both are extremely important and both hold the potential for disrupting what little order there is in a disrupted world.

There are however other developments of which we must take note. This year also marks the 50th anniversary of the signing of the Non-Proliferation Treaty, a treaty that was put together by the major powers with the specific aim of preventing India from going nuclear. This widely supported treaty, signed by 191 states, codified a 'grand bargain' in which the nonnuclear-weapons states promised never to obtain nuclear weapons, the five existing nuclear-weapons states committed to work towards the elimination of their nuclear arsenals, and all NPT signatories pledged to cooperate on the peaceful uses of nuclear energy.

Not only did this treaty fail to prevent the development of nuclear weapon capability by India it also failed to secure the reduction and elimination of nuclear weapons by the five recognized Nuclear Weapon States. Will the frustration of the Non Nuclear Weapon States with the 2020 review of the treaty mean its unraveling?

On 7 July 2017, 122 states adopted the text of a legally binding international treaty that provides for a comprehensive ban on nuclear weapons. The treaty was opened for signature on 20 September 2017, and so far 56 states have signed and five have ratified. The nuclear-weapon states and

“**The former National Security Adviser, Shivshankar Menon has postulated a disarming counter force strike against Pakistan’s nuclear arsenal which would not violate India’s stated “No First Use” posture.**”

the NATO member states (excepting the Netherlands) boycotted the multilateral negotiations that produced the ban treaty, something that had never been seen before with respect to a negotiation authorised by the UN General Assembly.

There seem to be no prospects that this brave effort to secure a world free of Nuclear weapons will be any more successful than past efforts that have won Nobel Prize for Peace for such organisations as International Physicians for the Prevention of Nuclear War (1985), Pugwash (1995), International Atomic Energy Agency and Mohamed ElBaradei (2005), Organization for the Prohibition of Chemical Weapons (2013), International Campaign to Abolish Nuclear Weapons (2017).

The Nuclear Posture Review (NPR) put out by the United States and Putin’s speech on 1st March, 2018 both make it clear that far from reducing their nuclear weapons or negotiating new arms reduction agreements, the two most heavily armed nuclear powers are intent on introducing new weapon systems along side modernising existing systems. Both have also introduced language which suggests that the trigger for nuclear attack has been liberalised so that as the NPR says nuclear strikes may occur “in response to conventional arms attacks and even to a cyber-threat.” Putin has reiterated the Russian doctrine “the right to use nuclear weapons solely in response to a nuclear attack, or an attack with other weapons of mass destruction against the country or its allies, or an act of aggression against us

with the use of conventional weapons that threaten the very existence of the state.”

The new weapons will be both sea based and land based. The American review “affirms the modernization programs initiated during the previous Administration to replace our nuclear ballistic missile submarines, strategic bombers, nuclear air-launched cruise missiles, ICBMs, and associated nuclear command and control”....The United States will maintain the range of flexible nuclear capabilities needed to ensure that nuclear or non-nuclear aggression against the United States, allies, and partners will fail to achieve its objectives and carry with it the credible risk of intolerable consequences for potential adversaries now and in the future.

While the NPR gives many figures to support the contention that the modernization and induction of new weapons is affordable there is no doubt that the defence budget at \$716 billion is 130% more than the \$295 billion budget that Bush and Gore debated about in the 2000 presidential debate. Many have said that this is being driven by the Military-Industrial-Nuclear Scientific Complex. One observer has described it as “a gigantic bureaucratic complex left over from the Cold War that includes thousands of nuclear scientists in the Los Alamos National Lab, Lawrence Livermore National Laboratory and Sandia National Laboratories that on a permanent basis try to stay busy in developing, maintaining and building nuclear weapons.... However, most happy are the defence firms that may build the toys. General Dynamics, for instance is estimated to receive \$130-270 billion for the construction of the new Columbia-class nuclear submarines. That is a lot of money that will make many people, including politicians, smile.

It is noteworthy that Putin’s proposal in his March 2018 speech, after describing the various new weapon systems that Russia had developed said “let us sit down at the negotiating table and devise together a new and relevant system of international security and sustainable

development for human civilisation. We have been saying this all along. All these proposals are still valid. Russia is ready for this.” This received short shrift in commentaries as did the fact that Russian defence budget had been reduced by 20% leaving it in fourth place internationally on defence spending.

Returning to South Asia, one has to see how the global developments recounted above will impact on the region and the nuclear posture of the two countries. There is no doubt that India will continue to claim that its security concerns lie beyond South Asia and will refuse to discuss Pakistan’s proposals for a conventional and strategic arms restraint agreement even if the current impasse ends and a comprehensive dialogue resumes.

How should Pakistan react? Should it be drawn into trying to maintain some sort of balance or should it decide that its ‘full spectrum strategic deterrence’ can be achieved given South Asia’s geography independently of what India does. I believe the latter is the more sensible course to follow.

This will enable us to focus more directly on our battle against terrorism and extremism and on fixing the myriad internal problems that are crying out for more high level attention from all centres of power in Pakistan. An added benefit would be to make us less of a focus of international attention and less inclined to be classified as a country that negotiates by putting a gun to its head.

Ambassador Najmuddin A. Shaikh is former Foreign Secretary of Pakistan and Ambassador to USA, Canada, Germany and Iran.



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REVISITING PAKISTAN'S Nuclear Restraint



Mansoor Ahmed

State behavior is largely a product of rational decision-making based on a careful cost-benefit analysis. Countries pursuing crash covert nuclear weapon programs are less likely to remain sensitive to the opportunity cost on the potential spin offs offered by a parallel atomic energy program for peaceful purposes. Yet the Atoms for Peace spirit has been kept alive in South Asia where India and Pakistan developed nuclear weapons capability on the heels of peaceful energy programs. Supply side constraints notwithstanding, Pakistan's strategic enclave—comprising technocrats, scientists and engineers heading key national institutions responsible for the nuclear program, and civilian and military policy makers together made conscious choices to honor international agreements, commitments and obligations. On the twentieth anniversary of the Indian and Pakistani nuclear tests, it will be useful to look back at Pakistan's track record in terms of restraint and responsibility as a state actor.

The first test of the country's commitment to responsible behavior presented itself when in December 1976, Canada decided to impose penalties on Pakistan for India's 1974 nuclear test. Canada not only unilaterally cut off supplies of nuclear fuel, heavy water and spare parts for the CANDU type Karachi Nuclear Power Plant (KANUPP) but demanded that Pakistan sign the nuclear nonproliferation treaty or accept full scope safeguards for its entire nuclear program.

Pakistani engineers took up the challenge and within two years the Chairman of PAEC presented the first fuel element for KANUPP to the President of Pakistan. An indigenous fuel fabrication plant was completed and within four years of the cut off, locally manufactured nuclear fuel began fueling the country's only power reactor. KANUPP was under the safeguards of the International Atomic Energy Agency and although Pakistan began using its own nuclear fuel, it voluntarily opted to indefinitely keep it under safeguards—even as it was a ready source of plutonium when Pakistan was developing fuel cycle facilities outside safeguards for its weapons program and had yet to produce the first significant quantity of fissile material. Pakistan also only commissioned its New Labs pilot reprocessing plant, which had been completed by the early 1980s, until after it began to produce safeguards-free spent fuel from the heavy water Khushab reactor.

From a nonproliferation standpoint, it was in stark contrast with India that diverted spent fuel from the Canadian supplied CIRUS research reactor to produce plutonium for its 1974 test for which heavy water had been supplied by the United States. While Pakistan was struggling to keep the Karachi power reactor alive despite formidable challenges due to abrupt cut off of critical vendor support, its nuclear energy program became the victim of the nonproliferation policies of the Ford and Carter Administrations. In March 1976, the IAEA approved the safeguards for the Franco-Pakistan contract for construction of a commercial-scale reprocessing plant to be built at Chashma. This was intended

to service a complex of six Light Water Reactors (totaling 4000 MWe) to be built at the same site as per a long-term nuclear energy plan duly endorsed by the IAEA in 1973. All these plants were to be under IAEA safeguards.

However, France unilaterally cancelled the agreement in 1978 in the wake of a sustained US effort to deny European supplies of sensitive fuel cycle technologies to Pakistan, Brazil and South Korea. Pakistan for its part had agreed to unprecedented and comprehensive safeguards and restrictions to address French nonproliferation concerns to show its commitment to strictly employ the plant in its peaceful nuclear energy program—particularly when it did not require such a large facility for its weapons program in the presence of an indigenous plant outside safeguards. Tied to this was the potential sale of a 600 MWe French power reactor to Pakistan which was approved by ECNEC in March 1976 which also failed to materialize. It took a decade of fruitless efforts before Pakistan and China signed a comprehensive civil nuclear cooperation agreement in September 1986 which paved the way for four power reactors to be built at Chashma—all under IAEA safeguards.

The 1986 Sino-Pakistan civil nuclear deal also effectively broke an international power reactor embargo on Pakistan as it was known to be pursuing the nuclear option. Despite completing indigenous fuel cycle facilities by the early 1980s and cold test of a working nuclear device in March 1983, Pakistan did not conduct a hot nuclear test until after it had to restore the regional strategic balance following India's May 1998 tests. The United States

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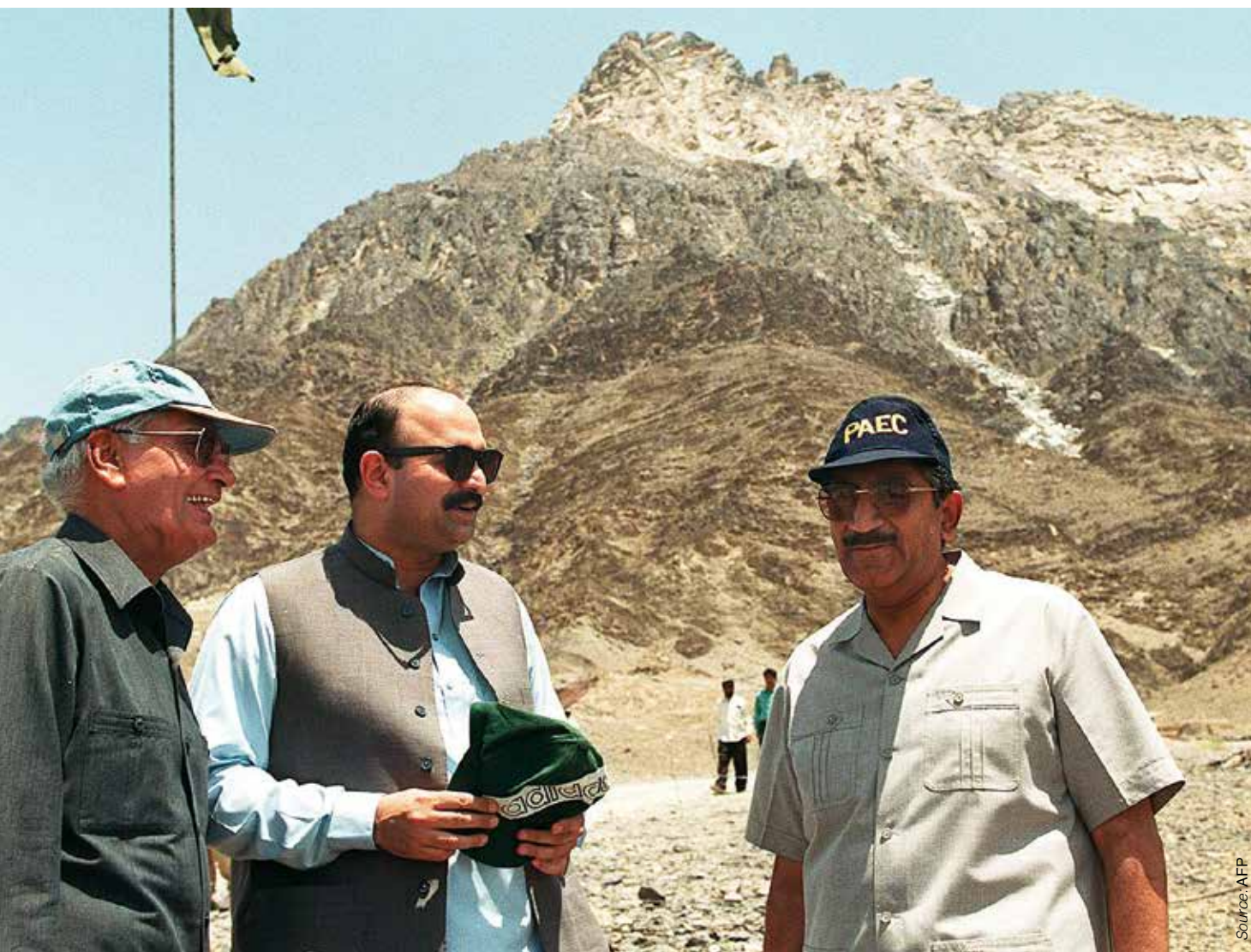
While Pakistan was struggling to keep the Karachi power reactor alive despite formidable challenges due to abrupt cut off of critical vendor support, its nuclear energy program became the victim of the nonproliferation policies of the Ford and Carter Administrations.”

had asked Pakistan to cap the level of uranium enriched to below 5% as a pre-condition for continuing economic and military assistance. The civil-military and scientific leadership together decided to do just that in 1989 and the freeze was voluntarily retained for several

years—even after the Pressler Amendment was invoked in October 1990. This is comparable to the Joint Comprehensive Plan of Action reached between Iran and the United States which allowed Iran some sanctions relief in exchange of capping its enrichment program. Previously Pakistan was rewarded with the Pressler sanctions in exchange of self-restraint without reaping any commensurate economic, political or military benefits. Looking back, a familiar pattern is clearly evident in the way Pakistani leaders have been unable or unwilling to bargain for dividends in lieu of unilateral concessions. Although the Pressler Amendment had no impact on Pakistan's nuclear development and by the time it was enforced, Pakistan had already achieved nuclear capability. It did however adversely impact the operational preparedness of the Pakistan Air Force and the country's conventional defense posture for a long time by preventing further sales of F-16s and other US-origin platforms for the Navy.

During this time, Pakistan continued to produce low enriched uranium—which can be quickly upgraded to weapon-grade levels. Meanwhile as soon as safeguards-free spent fuel began to be produced in its indigenous





Source: AFP

plutonium production reactor at Khushab—which was commissioned in early 1998—Pakistan began reprocessing at New Labs that was kept dormant since 1981, primarily for diplomatic and political reasons. Pakistan was therefore theoretically and technically in possession of a breakout capacity to produce plutonium in the early 1980s—although only if it had followed India's pathway of diverting fuel from a peaceful facility—and in doing so would have violated its own pledge to retain safeguards on fuel which it was producing on its own. Equally significant is the fact that it has kept a clear, verifiable and distinct separation of its civil and military nuclear plants and facilities wherein all foreign supplied power reactors are under IAEA safeguards without any overlaps between civilian and military programs or projects.

Since then, Pakistan—as a state party—has comprehensively plugged loopholes in its export controls. It has refrained from pursuing force goals or military programs for power projection beyond its immediate neighborhood. This includes a thermonuclear weapons development effort, nuclear submarines or aircraft carriers, ICBM-range ballistic missiles, or military space programs. While one might argue that this is partly imposed by resource or technological constraints, yet some of these capabilities—such as thermonuclear weapons or long-range missiles are well within the technical competence of Pakistan's scientists and engineers. Pakistan had proposed to make South Asia a nuclear weapon free zone, before and after India's 1974 test, and has recently offered India a bilateral moratorium on nuclear testing—which has also been rejected. The

growing asymmetry in national power, conventional and strategic capabilities with India will ensure that Pakistan is only able and willing to pursue force goals consistent with maintaining a semblance of a strategic balance in South Asia.

Given that Pakistan's deterrence posture emphasizes the primacy of a credible deterrent, nevertheless elements of minimalism and dynamism are driven by a rational calculation of the country's choices and needs and the balance between pursuing economic development, developing conventional deterrence and harnessing the peaceful uses of the atom.

Dr. Mansoor Ahmed is a Research Fellow at the Belfer Center, Kennedy School, Harvard University.

The Illogic of REGIME CHANGE



Cheryl Rofer

As the United States withdraws from the Iran nuclear deal (Joint Comprehensive Plan of Action, JCPOA) and John Bolton takes his place as Donald Trump's National Security Advisor, it is fair to ask whether the US administration is looking at regime change.

The three syllables roll easily off the tongue. They crisply convey that their speaker is a serious person. It sounds bloodless, bureaucratic, like replacing tires on your car. It feels like something that can be done in a reasonable way.

"Regime" is pejorative. Citizens of most countries do not speak of their own government as a regime, except in irony or condemnation. Nor do people use that word of the governments of friendly countries. It connotes illegitimacy, the first step toward its companion word.

Replacing a government is difficult. Whether a government is democratic or dictatorial, it is a part of its citizens' lives and has support from at least some of those citizens. Those in power want to remain in power, which means that force will be necessary. Regime change implies a new government, which must be constructed on the ruins of the old.

From the viewpoint of a powerful adversarial state, regime change may look attractive. Anyone but those folks who are so difficult to deal with, who may be engaging in human rights violations.

Colonialism depended on coopting local governments or replacing them



Source: AFP

“ Since it became obvious that President Donald Trump would exit the agreement, Saudi Arabia has actively sought an agreement that would allow it to enrich uranium, and its foreign minister has said that Saudi Arabia will begin a nuclear weapons program if Iran restarts its program. ”

with the colonizers. Toward the end of World War II, the Soviet Union emplaced sympathetic governments in the eastern European countries it occupied. The US's CIA replaced Iran's government with the more sympathetic Shah.

After World War II, the United States was uniquely powerful. It had avoided the devastation of the war, and the war helped to restart its economy after the Great Depression. The Soviet Union rapidly rebuilt and developed nuclear weapons to balance the United States in the Cold War. Both countries competed for influence in Latin America and Africa, sometimes rising to the level of regime change.

The phrase “regime change” was not used for those actions. According to Google Ngram, the phrase came into use during the early 1970s and rose sharply in the year 2000. Part of the reason for that nonuse is that regime change conflicts with the principle of sovereignty, which has been an essential part of international relations since the Treaty of Westphalia in 1648.

When the Soviet Union collapsed in 1991, its balancing force against the United States disappeared. In that unipolar world, The Project for the New American Century (PNAC) was established in 1997 to advocate American military

domination of the world. Although it ceased operations in 2006, some of its original members are now in the Trump administration, most notably John Bolton.

Dick Cheney, Donald Rumsfeld, Paul Wolfowitz, and Bolton, original members of the PNAC, advocated for regime change in Iraq via the 2003 war. The United States removed Saddam Hussein by force but did not have a plan for emplacing a stable government. The regime was changed from dictatorship to anarchy. Schools, hospitals, and museums were looted. Police and army personnel removed from their jobs joined militias that eventually became ISIS. Iraq is not fully stabilized 15 years after that regime change, and the 2003 war reverberates in the ongoing war in Syria.

But the difficulty in establishing a stable government in Iraq in the wake of regime change has not dampened John Bolton's enthusiasm. In April 2015, as the JCPOA was being negotiated with Iran, Bolton advocated a military attack instead. An agreement, he argued, would motivate nuclear proliferation in other countries. Time has shown that to be upside down. Since it became obvious that President Donald Trump would exit the agreement, Saudi Arabia has actively sought an agreement that would allow it to enrich

uranium, and its foreign minister has said that Saudi Arabia will begin a nuclear weapons program if Iran restarts its program.

Bolton is associated with the Mujahideen-e Khalq, a group opposed to Iran's current government, perhaps the group he would favor for a new government but which has little support within Iran. Bolton supported Trump's withdrawal from the Iran agreement in an op-ed but refrained from using the phrase “regime change.” In an interview with VOA, he said that regime change in Iran is “not the objective of the administration.” Secretary of State Mike Pompeo says he assured Kim that regime change is not in US plans.

Others, some associated with Bolton, are calling for regime change in Iran. Mark Dubowitz, CEO of the Foundation for Defense of Democracies, has pushed for regime change in Iran. His organization strongly opposed the JCPOA. They have supplied the administration with a memo advocating strong application of secondary sanctions to Europe in the service of breaking Iran's economy. The White House is said to be examining a plan from the Security Studies Group on supporting opposition groups in Iran to bring about regime change.

In the past, both Bolton and Pompeo have advocated regime change in Iran and North Korea. The Sunday morning talk shows on May 13 and Trump's tweets provided a confusing mixture of statements, possibly indicating splits within the administration.

Administration's expectations for new sanctions to break Iran's economy and bring it back to the negotiating table seem inflated, as do expectations for North Korea. The greatest danger seems to be that disappointment of those inflated expectations will reignite desires within the administration for regime change in one or both of those countries.

Cheryl Rofer is a chemist, retired from Los Alamos National Laboratory after 35 years of service.

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HOW PAKISTAN WENT NUCLEAR



Samson Simon Sharaf

1996-97 was a politically unstable time for India. BJP despite emerging as the single largest party could not muster a majority in thirteen days. A consensus candidate from the United Front supported by Congress lasted only eleven months. The next government formed by IK Gujral was dismissed in Dec 1998 for lack of majority. BJP had posed serious challenges to the INC coalition on charges of corruption and was poised to electioneer on issues that were most endearing to the philosophy of BHARAT VERSHA. Opinion polls indicated that BJP was most likely to emerge as the single largest party, a dark horse in the run up to

elections in 1998. Their election campaign reflected the jingoist anti Pakistan Hindu Right. This made Pakistan suspicious of Indian nuclear intentions. Pakistan's only option was to have a closer look. The most challenging question for Pakistan's security planners was: would BJP follow its rhetoric of nuclear testing if it came to power? The task fell on my shoulders.

In November 1997, I was assigned by the then COAS General Jehanghir Karamat to determine if India would go nuclear. The study had to be completed by March 1998. This was a challenging assignment meaning that if BJP was to win the election, it would not be before March 1998 that it could come to power. Therefore, the research had to be primarily based on assumptions. BJP's rhetoric in the run up to the elections was providing some clues but then it could be dismissed as an electioneering gobbledygook.

Because no physical preparations were underway, we had to get into the mind of Sang Parivar and make suitable hypotheses. Information was available on India's technical advancements and lack of experimentation due to the nuclear moratorium since 1974. A generation had gone by which meant that many of the original scientist would not be around. With these technical gaps determined, the study began as an in depth appraisal of known Indian nuclear capabilities and developmental gaps. The first step in the study was to pin point the deficiencies in India's technical nuclear capabilities and what was India most likely to address if and when it went nuclear. The following critical issues were determined for analysis:

- We determined that the 1974 explosion was a conventional 1950 design not fit for weaponisation. More testing was needed to confirm designs of warheads.

“By early February, diplomatic chatter intensified and there were reports that India was contemplating going nuclear. The argument by some members of the BJP particularly the prime minister in waiting, Mr. Atal Bihari Vajpayee was that explosions by India would provoke Pakistan into testing.”

- We determined that based on decay rates, India needed further data not only to confirm its previous testing but also to calculate the life of the warheads and miniaturized designs.
- We determined that India was following the plutonium route, something that had not been test fired in the past. Series of tests on plutonium were needed to design smaller and sleeker warheads.
- We determined that India was already at an advanced stage of producing delivery systems. War head designs had to fit these systems, be sufficiently compact so as not to alter the payload and avionics designs of delivery systems.
- Tests for boosted weapons crucial to miniaturisation were an absolute necessity.
- The thought process in Sang Parivar and BJP rhetoric indicated that Bharat Versha would be incomplete without boasting thermo nuclear devices. Hence a fusion test could not be ruled out.

The study was being conducted on an assumption of 'if BJP came to power'. Whatever India would do, would be in a hurry, therefore Pakistan too must be ready to respond. Correct focus on technical issues was important.

Most information on India's nuclear programme was of journalistic and academic nature. Indian scientists and governments had been tight lipped. Apart from plutonium production reactors, there was no information available on Inertial Confinement Fusion Tests (cold testing). Therefore it was decided to study the Israeli nuclear developments to get clues about how a country could have nuclear weapons without testing. We suspected that India and Israel were sharing technical data.

The information gathered from the libraries in Rawalpindi and Islamabad was not enough. So my quest for latest books and journals led me to Aameena Saiyid of Oxford University Press. With the help of Dr. Zafar Iqbal Cheema, I was able to short list a few. But Aameena had a surprise. She took me to the basement where there was a complete shelf on Nuclear Strategy. It was a trove and just what the doctor ordered. By mid-December 1997, we had gone through all the books and had a fairly good idea how India would proceed if it decided to go nuclear.

Due to India's limited capability in enriching uranium and relying on plutonium, we had reached the conclusion that India will conduct the following explosions.

- A repeat of 1974 Fission design for confirmation.
- A boosted weapon system based on a plutonium design.
- A two stage thermo nuclear testing with the first stage based on a conventional design or a boosted weapon to produce the heat necessary for fusion.

- Cognisant of depleting fissile material stockpiles, India would not carry out more than three tests but at the same time test warhead designs without the fissile material for collection of technical data.

- Lastly Indian testing would be provocative and if Pakistan followed, international sanctions against Pakistan could be tightened.

By early February, diplomatic chatter intensified and there were reports that India was contemplating going nuclear. The argument by some members of the BJP particularly the prime minister in waiting, Mr. Atal Bihari Vajpayee was that explosions by India would provoke Pakistan into testing. Reports on Indian nuclear test sites at Pokhran were not conclusive. Though our analysis was reaching its conclusions, we needed evidence to substantiate our hypotheses and formulate options for Pakistan.

A special high speed broad band internet connection was secured to monitor all nuclear information on India. A breakthrough came in satellite photography that focused on Pokhran every 24 hours. Initially there was no activity but by end February 1998, we began noticing track marks covered by fresh earth. Areas in vicinity showed vehicles and heavy equipment. By mid-March 1998, superimposition of images began revealing a typical pattern. These movements had begun even before BJP came into power. 15 March 1998 onwards activities accelerated. We estimated two months before India could resume nuclear testing.

We continued receiving inputs from the Ministry of Foreign Affairs, diplomatic chatter and the intelligence agencies of Pakistan. These bits and pieces were accurately fitting into our hypotheses fast becoming a reality. By end March, final analysis was ready and subjected to an in house discussion, followed by

presentation to the COAS, General Jehanghir Karamat. Be prepared mission was issued to our scientists. Pakistan was ready to respond if India went nuclear.

On 11 May 1998, India went nuclear. We worked continuously for next 48 hours on deliberating Pakistan's response which was ready and had to be fine-tuned with logistics and operation orders.

On 13th May 1998, we received a document from Mohatrama Benazir Bhutto's emissary. She was in a self-exile and had made statements in USA that Pakistan should not go nuclear. The letter was double enveloped. I was the first to open it and read it aloud for everyone in the planning room. Written in her hand in turquoise ink on five cards, it was her recommendation that Pakistan must go nuclear. The technical details in the letter reflected her deep knowledge on nuclear strategy; in fact it was almost identical to our plan. She made suggestions only a deeply patriotic Pakistani could. That day, she won her spurs.

In the next two days, the accuracy of our study was proved to the minutest detail. The graphs of our monitoring stations indicated three major bangs, the last one flattening out. The first was a fission reaction of considerable yield. The second indicated a smaller yield confirming it was plutonium based boosted weapon. But the flattening out of the third explosion indicated that the second phase of the thermo nuclear device had fizzled out. India had failed to go thermo nuclear. The other tests that India claimed were tests without fissile materials.

International pressure on Pakistan was intense. There was a real threat of joint Indo-Israel strikes on our nuclear installations. Pakistan's air defence and ground forces went on high alert. Preparations went into full swing.

For my team, it was a moment of extreme satisfaction, pride and humility. Based on technical research, conclusions drawn through empiricism, intelligence gathering and trove of information revealed by satellite photography, we

had ensured that Pakistan was ahead of time and not caught napping. We had also prepared Pakistan's response that went exactly as suggested. As a result, our scientists and logisticians had enough lead time to prepare and conduct a series of nuclear testing as a credible and befitting response demonstrated with better technical capability than India. This would never have been possible without the confidence reposed in us by the COAS General Jehanghir Karamat, CGS Lt General Ali Kuli Khan and DGMO Major General Tauqeer Zia. Credit also goes to my team comprising Major General Ausaf Ali and Brigadier Wajahat Nazir.

Three factors kept us on course: guidance by Dr. Zafar Iqbal Cheema, the Chairman of the Department of Defence and Strategic Studies, Qaid-i-Azam University Islamabad, excellent books delivered by Ameena Saiyid and the French satellite imagery confirming our hypotheses to reality. Indian tests were a facsimile of our assessments.

With technical issues left to our scientists, engineers and logisticians, we refocused on in depth appraisal of the international reaction and budgetary consequences for Pakistan. It was also time to lay the foundations of a Nuclear Policy and Doctrine that would ensure durable peace in the region and foresee a negotiated settlement of all disputes with India. The central idea of the policy was Defensive Deterrence in other words a right to 'first use' under aggression. Cognisant of the nuclear strategy in the European theatre, Pakistan's policy was designed to be dynamic, credible and fail-safe.

One of the most important conclusions of our study was that the post nuclear Pakistan had to be more responsible and self-reliant. Conventional forces had to get leaner with more firepower and mobility. The conventional forward defensive posture had to be supported with a network of lateral communications and electronic surveillance. Economically, Pakistan had to put its house in order. An imaginative and practical plan for the role of armed forces in national development

was made. It included irrigation, building of dams, reclaiming waste lands, education, health, technical training schools and energy. These plans would see Pakistan through if more sanctions were imposed.

In a joint study with the finance advisor, we concluded that Pakistan would run a deficit of 5 Billion US\$ for the first year. Aggravated by more sanctions, this deficit could have an exponential effect. One view was that the high state of morale in the country could be boosted by the government to stimulate growth and ride out the crises. The contrarian view was that there would be run on the banks, particularly foreign currency accounts.

With Gen. Musharraf as the new COAS, Pakistan soon changed course. Some plans to give a stimulus to the economy were implemented. The growth was positive. In hindsight, Kargil was a manifestation of the fact that two nuclear powers could fight a limited conflict. It laid the groundwork for Indian violations across the Line of Control and generated ideas like the Cold Start about limited conflict under a nuclear shadow. 9/11 further plunged Pakistan into its deepest crises. Pakistan's brief economic recovery from 2000 to 2004 was converted into a windfall and wasted.

I am still of the view that Pakistan's national power potential on a time continuum is realisable determined by the sole factors of national resolve and political will. Inherently Pakistan is blessed by mineral resources, rivers, skilled manpower and a national character of rising to the occasion. It needs a very short period to make Pakistan self-reliant and economically stable.

*Brigadier Samson Sharaf SI (M) (Retired)
is a political economist and a geostrategic analyst.*



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Zamir Akram

As I drove to work at the Pakistan Embassy in Washington DC, where I was posted as Deputy Chief of Mission, early on the morning of 11 May 1998, there was a news flash on the car radio that India had conducted 3 nuclear tests. (Two days later on 15 May it conducted 2 more tests). My first reaction was not of surprise or alarm but of satisfaction. That was for good reason.

Since my arrival in Washington four years earlier, Pakistan had been repeatedly targeted by the US administration, Congress, media and think-tanks for its nuclear programme. We had been in American cross-hairs for allegedly acquiring maraging steel, ring magnets and M-11 missiles from China. We were also accused of preparing our nuclear test sites for a detonation. Though the Brown amendment had removed barriers to economic assistance a few years earlier, the military aspects of the all encompassing Pressler sanctions continued, denying Pakistan F-16 aircraft and other military equipment for which Pakistan had already paid.

While continuing with this singular pre-occupation with Pakistan on the nuclear issue, the US chose to be blind-sided by the developments taking place in India. Earlier in 1998, the BJP under Atal Behari Vajpayee had formed a coalition government and immediately reiterated its intentions of making India a nuclear power. I vividly recall a think tank event in which the newly appointed US ambassador to India, Frank Wisner, waxed eloquent about the growing opportunities for the “World’s two largest democracies” to become friends and allies. Wisner was even excited that the newly installed McDonald’s franchise in India had come up with the “Maharaja Burger” as a precursor of other Indian bounties for Corporate America. Wisner only mentioned Vajpayee’s position on the nuclear issue in response to my question and his answer was that the Indians know the cost of nuclear testing and would not

risk antagonizing the US. As Ambassador to India, Wisner was obviously out of his depth.

The Clinton administration was clearly being misled by the likes of Wisner and other Indophiles in the US system. No wonder then that the State Department dismissed as Pakistani paranoia the letter sent by then Prime Minister Nawaz Sharif to Clinton (as also to other P-5 leaders), conveying our concerns about Indian preparations for nuclear tests. Our assessment was based on credible intelligence – unusual activity near the Pokhran test site, change in railway schedules in Rajasthan where Pokhran is located; movement of military vehicles and personnel among other developments taking place in plain sight. But American intelligence, even their satellites missed all this. Perhaps they were not even interested in looking.

So the initial Indian tests caught the Americans by surprise. According to

an American diplomat, Secretary of State Albright was holding a meeting on President Clinton’s forthcoming “celebratory visit” to India, when she was informed of the tests. Reportedly she was rendered speech-less. Despite the resultant fulminations and pleadings from their American friends, the Indians carried out additional two nuclear tests on 13 May – a slap in the face of the Clinton administration.

The Indian tests dramatically changed Pakistan’s security paradigm. The emergent dangers were being articulated by Indian leaders on a daily basis, threatening dire consequences for Pakistan. But, true to form, the American focus quickly shifted to prevent Pakistan from testing. In the same breath that Clinton criticized India for its tests, he asked Pakistan “not to follow suit”. A high powered delegation was also sent to Islamabad where they received a well deserved earful. Without Congressional or even Presidential authority to make

GOING NUCLEAR

A Personal Recollection



any meaningful offer of support in return for Pakistan's pledge not to test, Deputy Secretary Talbott returned from Islamabad just as he had gone there-empty-handed.

Meanwhile in Washington, I was summoned by acting National Security Advisor James Stienberg (Ambassador Khokhar was in Islamabad for consultations), whose long winded pitch essentially offered release of Pakistan's F-16 aircraft and other withheld military equipment in return for Pakistan's commitment not to test. While I undertook to convey this offer, I expressed my personal opinion that the US was trying to bribe us with what already belonged to us. State Department officials, instead of recognizing Pakistan's security concerns or acknowledging their failure to prevent the Indian tests, gave us read-outs of the dire consequences that would confront Pakistan due to American nuclear sanctions if we tested. We told them that there could be no price for Pakistan's security.

American think tank heads also pitched in – Stimson Center's Michael Krepon suggested that the US could ask China to enter into a defence pact with Pakistan while Gary Milholin of the Wisconsin Arms Control Project, proposed a US facilitated "Cold Test". To the former my answer was that Pakistan did not need America's help to sign a defence pact with

“ While continuing with this singular pre-occupation with Pakistan on the nuclear issue, the US chose to be blind-sided by the developments taking place in India. ”

China if we wanted one; to the latter that only a real test would be a demonstration of our technical and strategic capabilities.

Within days there were also reports that Israeli war planes were in India to jointly attack Pakistan's nuclear facilities. The Americans vehemently denied these reports after talking to the Israelis. Whatever the truth, the fact remains that

for Pakistan, Israeli hostility to its nuclear programme could not be ignored.

After through and protracted deliberations, taking account of all the pros and cons of testing, including the impact of sanctions, Pakistan conducted its six nuclear tests on 28 and 30 May. The over-riding rationale was and remains maintaining a credible deterrence against India. Nothing less than our tests could have ensured this.

From our perspective in Washington, all promises of support in return for not testing, were fickle and unreliable. Also, as subsequent years have demonstrated, it would be only a matter of time before the Americans reverted back to their policy of courting India as a counter-weight to China and to benefit from economic opportunities in India. As such, we recommended that Pakistan should not forgo the opportunity of becoming a nuclear power in the larger and long term security interests of the country. In retrospect, as we observe the twentieth anniversary of Pakistan's nuclear tests, the country's unanimous decision has proved to be correct.

*Ambassador **Zamir Akram** (Retired) has served as the Pakistan Ambassador and Permanent Representative to the United Nations and other International Organizations.*

BROKERING PEACE IN NUCLEAR ENVIRONMENTS

U.S Crisis Management in South Asia

By Moeed Yusuf



Syed Ali Zia Jaffery

South Asia has been prone to crises ever since the inception of India and Pakistan. This volatile theatre has been vitiated as both countries have gone to war, embroiled in skirmishes and after the nuclearization, resorted to brinkmanship. By this virtue, crisis diplomacy by the conflicting and third parties has been practiced time and again. South Asian crises after the overt nuclearization of the region have merited a great deal of scholarship that has primarily focused on bilateral nuclear deterrence, nuclear signaling and how the international community worried about the prospects of a nuclear exchange.

However, there was a lot more to the post-1998 crises between India and Pakistan especially with regard to their management and termination. Moeed Yusuf's new book entitled "Brokering Peace in Nuclear Environments: U.S. Crisis Management in South Asia" sees recent Indo-Pak crises not through classical bilateral deterrence but through brokered bargaining: a trilateral process where the conflicting parties (Delhi and Islamabad) and the unipole (Washington) signal, exercise resolve and show prudence in order to influence each other and their crises behaviors.

While not denouncing nuclear deterrence, the three-cornered brokered

bargaining model brings to the fore the trilateral engagement between Islamabad, Delhi and Washington and its effects on the outcome of crises. According to Yusuf, conflicting parties are beset with trade off vis-à-vis third parties. They have to show the resolve bilaterally and act prudently in order to eke out the support of the third party. The third party for its part has to navigate between its carrot and stick approach.

Yusuf looks at the three major crises after both countries went nuclear. The Kargil conflict of 1999; the Twin Peak Crisis of 2001/02 and the Mumbai Crisis of 2008. Yusuf's evidence-laden research on Kargil shows that the operation was primarily carried out to evoke third-party attention. Quite rightly, Yusuf asserts that the US played an important role in diffusing the crisis out of its fears of inadvertent escalation ; its signaling to Pakistan was direct and so were its threats and inducements. What underlies Yusuf's analysis on Kargil is that the US played a robust and assiduous role in de-escalating and terminating the crisis. Also, both Delhi and Islamabad pandered to the preference of the unipole. However, it is perhaps also important to enunciate that the dynamics on the battlefield in Kargil would have eventually outlawed more fighting and the laws of deterrence would have eventually stopped escalation. However, despite highlighting the deft American diplomacy, Yusuf's analysis entails a great deal of cognizance about the fog of war. Third-party mediation

could have indeed resulted in crisis instability due to mistrust and creeping misperception about Washington's moves during the crisis could have been discomforting for both India and Pakistan.

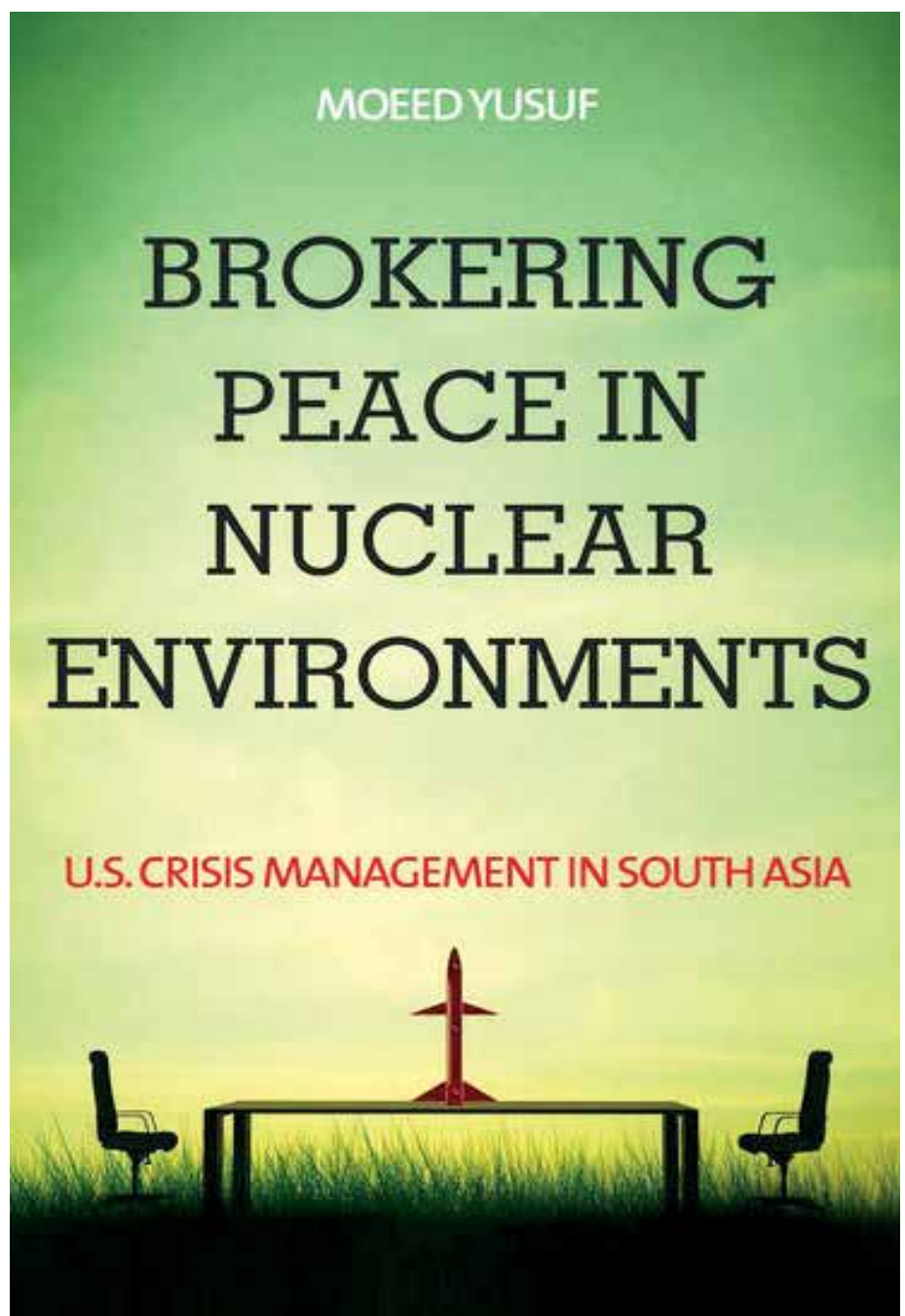
The Twin Peak Crisis of 2001/002 saw an intense trilateral interaction between Islamabad, Delhi and Washington as elaborately explained by the author. Crisis termination overrode US' foreign policy goals in the region to include its war efforts in Afghanistan. While the US played down the middle, its role in fizzling out the crisis can hardly be understated. Indeed, while showing a great deal of resolve to ward-off Indian threats, Pakistan's rapidity of clamping down on anti-India elements, showed the country's prudence in heeding to US' pressure. However, many can attribute

“ What underlies Yusuf's analysis on Kargil is that the US played a robust and assiduous role in de-escalating and terminating the crisis. Also, both Delhi and Islamabad pandered to the preference of the unipole. ”

it to India's show of force and other kinetic means of compellence. Apart from vigorous crisis diplomacy, classical deterrence was being played out to good effect. General Kidwai's interview during the first peak was an archetypical signal from Pakistan ostensibly aimed at only its eastern neighbor. Yusuf's chapter on the Twin Peak Crisis amplifies one thing: US' diplomacy was instrumental in averting a war between the two arch rivals. That said, in spite of succumbing to US' preferences, both India and Pakistan vociferously engaged in saber-rattling and nuclear-use signaling. Perhaps it would be prudent to argue that absent nuclear deterrents in South Asia, Operation Parakram would have been carried out, in spite of US' crisis diplomacy. However, Yusuf has adroitly used evidence to establish the centrality of brokered bargaining in the termination of the 10-month long military standoff.

A mixture of brokered bargaining and an in-tact bilateral deterrence prevented an escalation of the Mumbai crisis in 2008. However, the crisis had escalatory potential, something that could have come to limelight had a conflicting party (Pakistan) perceived the US to be inclined toward India or if India would have been emboldened to act tough after receiving sympathies from the international community.

Yusuf goes further and analyzes brokered bargaining. While third-party intervention has helped manage crises in the past, it is potentially destabilizing in the future. As of today, the trust-deficit between Islamabad and Washington is increasing. Islamabad feels that Washington is courting Delhi at its expense. Washington has, in the New South Asia Policy and the National Security Strategy, not only dished out laudatory references to India but also called upon it to play a greater role in the region. This situation can adversely affect crisis stability in a future Indo-Pak crisis. The US will jump-in early on in the crisis. The interaction of India and US' quest to compel Pakistan will be destabilizing to say the least. Pakistan, a country that is already paranoid with the Indo-US nexus will take serious exceptions to



crisis diplomacy that is seen to be in favor of India. Delhi is more likely to borrow courage from the US and commit a reckless act or conversely, Pakistan can do so out of the sheer need for pre-emption.

Moeed Yusuf's riveting insights on the subject could not have come at a better time for practitioners and scholars. It gives a much-needed glance into the US playbook and how it is likely to be used in future crises in the South Asian theater. It is a rich addition to scholarship because it analyzes South Asian crises beyond the deterrence framework and concludes that crises behavior will be

influenced by many other factors than nuclear and conventional deterrence. Most importantly, the US' clout and its interests will determine the outcomes of crises in South Asia. Yusuf's model also applies to the impending nuclear rivalries in the Middle East and the simmering one in the Korean peninsula. However, in the case of DPRK, the US is a conflicting party instead of a third one as in the case of South Asia.

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SECURITY PREDICATED
ON SUICIDE:

TWO DECADES IN ARMAGEDDON'S SHADOW



Ilhan Niaz

The first episode of the 1980s BBC comedy *Yes Prime Minister* (“The Grand Design”), sees James Hacker, having manipulated his way to the premiership, wrestle with the contradictions of nuclear deterrence and the immense personal responsibility

that is now his as the man invested with nuclear command authority. Taken on a tour to inspect the proverbial nuclear “button” (which isn’t actually a button but a communications link) the premier learns that he is expected to hit send within 12 hours of war between the Warsaw Pact



Source: AFP

and NATO. An increasingly overwhelmed Hacker wonders what would happen if he miscalculates and authorizes use of the deterrent to which the general conducting his tour assures him that it wouldn't matter because no one would be left alive to find out about the mistake.

The prime minister is sufficiently shaken and unable to focus on anything else that his earnest and relatively trustworthy private secretary (Bernard Wooley) suggests he meet with the scientific adviser, but only at home after working hours. This precaution is necessary

because the adviser has a German accent and the ever-scheming Cabinet Secretary, Sir Humphrey Appleby, doesn't think he can be trusted. Later, in the evening, the scientific adviser drops by for a chat with the PM and the two discuss various scenarios in which Hacker would be asked or required to push the button. It is then that the evident absurdity of actually committing collective suicide in order to ensure security sinks in. Hacker decides to cancel the purchase of Trident (the missiles, not the chewing gum) and spend the money on conventional forces and introduce compulsory military service as faced with even the daunting prospect of the Red Army on the English Channel he wouldn't actually push the button and consign his people to oblivion.

In the Pakistani context, it is perhaps no surprise that a country that has pursued suicidal policies in terms of demography, environment, human resource development, and religion in politics, would be unusually predisposed to predating its security on the demonstrable resolve to commit suicide though use of its nuclear deterrent if pushed beyond a point by its equally benighted Indian neighbor. Should a nuclear exchange occur in South Asia it would leave in its wake a shattered civilization, ecological collapse, and leave over a billion exposed to starvation and sickness, and those who survive will envy those fortunate enough to die in the initial attack. The redeeming virtue in the logic of Pakistan's case for nuclear weapons is that Indian military intervention ensured the secession of East Pakistan in 1971, while the Indian nuclear test of 1974 (and multiple tests in 1998) compelled Pakistan to get serious about acquiring and eventually demonstrating its own deterrent. Given that the West has no inclination to assuage Pakistan's genuine security concerns vis-à-vis India, help resolve the Kashmir dispute, or even adopt a position of neutrality by refusing to sell India conventional weapons (which has the effect of lowering the nuclear threshold) indicates that Pakistan's reliance on its nuclear deterrent with likely increase in the long-term.

“ Thus, at the risk of apocalyptic escalation, nuclear weapons can, and do, deter adversaries from some types of behavior, but they cannot compensate for serious inherent weaknesses and might actually allow state elites to become complacent in face of non-military challenges. ”

This brings us to a historical problem in that the mere possession of nuclear weapons does not insulate a state from internal collapse. It also does nothing to deter adversaries from exacerbating domestic fault lines, engaging in asymmetric or hybrid warfare. The Soviet Union's socio-economic stagnation and increasingly dysfunctional internal governance sapped it of vitality for an entire generation before attempts at reform ended up killing the patient. Thus, at the risk of apocalyptic escalation, nuclear weapons can, and do, deter adversaries from some types of behavior, but they cannot compensate for serious inherent weaknesses and might actually allow state elites to become complacent in face of non-military challenges.

Two decades ago Pakistan became a declared nuclear weapons state. The decision was celebrated at the time and, since then, Pakistan's nuclear arsenal has grown in numerical strength and sophistication with the old policy of a credible minimum deterrent now turning into one that seeks full-spectrum

deterrence. Since 1998, Pakistan has experienced a military coup (1999), the fall of a military regime (2008), and shaky civilian governments that measure their success primarily by their ability to ride out the five-year term limit imposed by the Constitution (2008-Present). Pakistan has courted default in 1998, 2000, 2008, 2013, and may well return to the IMF's intensive care unit in 2019 (having spent all but a handful of the past 35 years there). Between 2001 and 2016, according to the Supreme Court of Pakistan's Quetta Commission, the war on terror cost Pakistan 60,000 lives and at least \$120 billion in economic losses. Although violence has declined over the past several years and the economy is experiencing consumption-driven growth, external balances are in the deep red, Pakistan is set to run out of water by 2025, and the literacy rate, notwithstanding increases in budget allocations for education, remains at 58% with no change over the past five years and issues pertaining to the quality of education nowhere on the radar. One can add to this mix the population explosion, with growth momentum likely

to ensure that even if the growth rate were to drop to 1% per year tomorrow and stabilize at that level, Pakistan would still be adding 2-2.5 million people a year for the remainder of the century (that's 160 million + 208 million, or 368 million by 2100). Relative to peer economies, Pakistan's productivity continues to tank, with ballooning power sector debt threatening a return to acute electricity shortages. And, in terms of the psycho-social environment, an increasingly cowed media, the growth of Sunni Barelvi radicalism, tribal Pashtun estrangement, and the persistence of Baloch separatism, pose serious risks to the sustainability of the constitutional political order.

Pakistan's nuclear weapons do protect the country from being invaded or attacked by India and are therefore necessary. This said, to borrow a few of Toynbee's categories, Pakistan's creative minority (to the extent it can be said to have one) is so committed to the pursuit of 'salvation by the sword' that it's unable to address the 'schism in the soul' and devise rational, effective, solutions to the wider set of challenges that imperil national survival and competitiveness. While being appreciative of the clout their nuclear arsenal confers on their country and acknowledging the professionalism of those entrusted with the management of the weapons, Pakistanis need to realize that it is time to move Pakistan's security paradigm out of an Indo-centric binary and try to comprehend major challenges in a holistic and integrated manner.

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OF SANCTIONS AND DEFIANCE



Rabia Akhtar

The U.S. non-proliferation policy utilizes economic, political and military sanctions enshrined in non-proliferation legislation to deter proliferation behavior in countries around the globe. Three laws -- the Symington and the Glenn amendments to the Foreign Assistance Act of 1961 enacted in 1976 and 1977 respectively, the Nuclear Non-proliferation Act of 1978 (NNPA) and the Nuclear Proliferation Prevention Act 1994 (NPPA) -- taken together, form the basis of U.S. nuclear sanctions regime.

There is no consensus in sanctions literature in international relations scholarship on their 'efficacy' in either deterring or changing a state's behavior or even whether multilateral sanctions, as tools of coercive diplomacy, are more effective than unilateral sanctions in achieving their desired objectives.

In the context of Pakistan, the U.S. non-proliferation policy portfolio reveals a mixed bag of aid and sanctions as resources used by the U.S. to constrain Pakistan's nuclear activities. Each administration from Ford to Clinton, chose a particular action, for example, the promise of aid to Pakistan in lieu of assurances of non-possession and non-development of nuclear weapons or the threat of sanctions and aid cut-off to Pakistan in the absence of such assurances. However, each time the goalposts on U.S. tolerance for proliferation were moved to

accommodate Pakistan for one foreign policy objective or the other, a cost was inherited.

From 1974 to 2001, the U.S economic and military assistance to Pakistan was linked to non-proliferation assurances from Pakistan and not only in periods of high U.S. credibility and high dependency on U.S. aid by Pakistan. The U.S. not only undermined its threat credibility, it consistently compromised on its non-proliferation norms under all five administrations from Ford to Clinton to achieve other foreign policy objectives. Thus, the cost for U.S. shifting its non-proliferation redlines -- lifting sanctions to enlist Pakistan's support during the Cold War -- came in the shape of a nuclear Pakistan.

The Symington-Glenn Amendments

The literature on U.S. non-proliferation legislation confuses the rationale and objective of the Symington and Glenn amendments. Mitchell Reiss in his book *Bridled Ambition* (1995) clarifies that confusion as follows

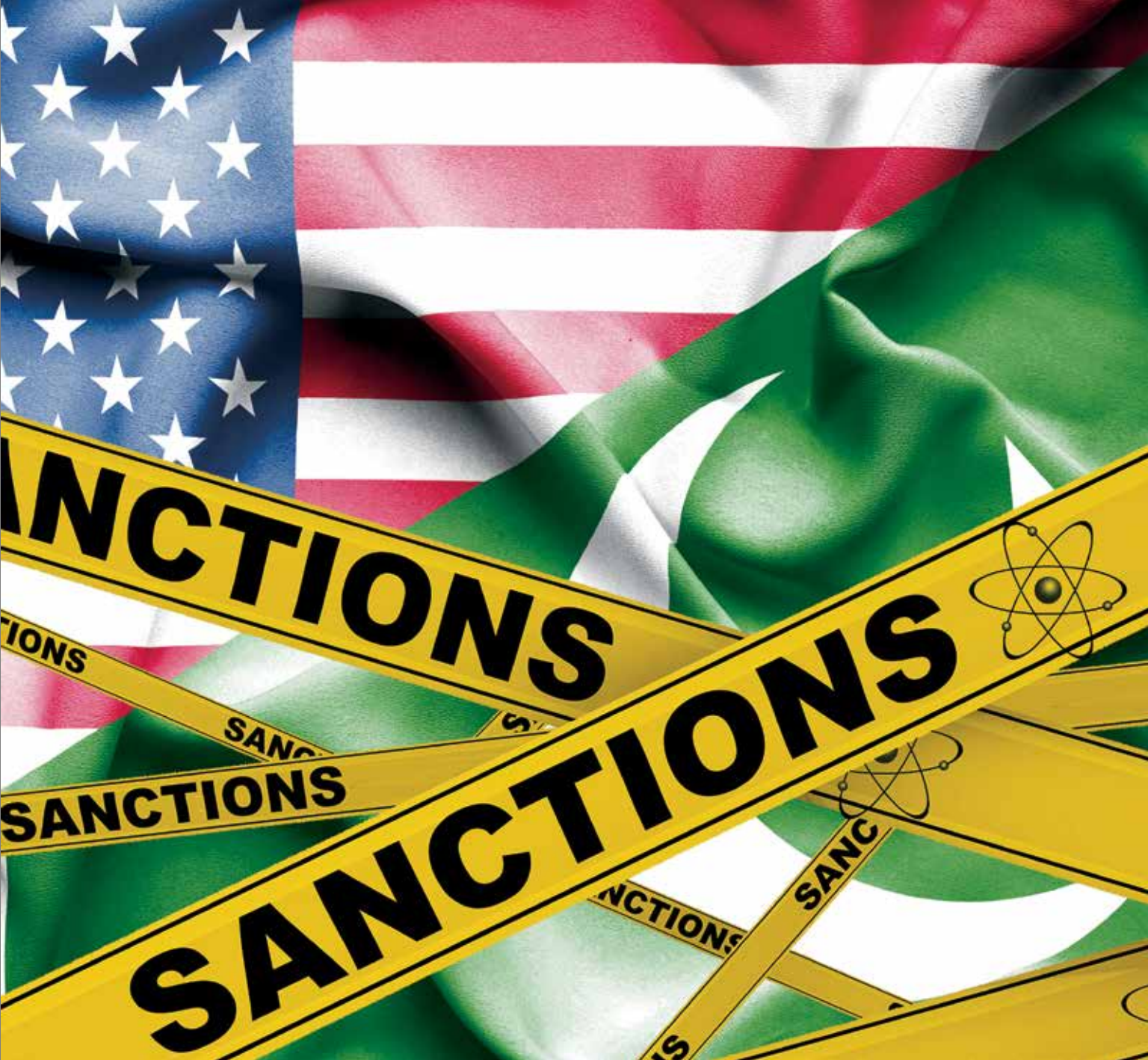
"The Symington amendment amended the Foreign Assistance Act of 1961 by adding Section 669, which concerned nuclear transfers of both uranium enrichment and reprocessing equipment, materials, and technology. The Glenn amendment eliminated this section 669 and added (1) a new section 669 dealing only with uranium enrichment transfers, and (2) a new section 670 dealing with reprocessing transfers. The Symington amendment is generally invoked when discussing uranium enrichment

“ The U.S. not only undermined its threat credibility, it consistently compromised on its non-proliferation norms under all five administrations from Ford to Clinton to achieve other foreign policy objectives. Thus, the cost for U.S. shifting its non-proliferation redlines -- lifting sanctions to enlist Pakistan's support during the Cold War -- came in the shape of a nuclear Pakistan. ”

transfers and the Glenn amendment when discussing reprocessing transfers, although technically the Glenn amendment is the appropriate citation for either type of transfer. As a compromise, and further complicating matters, the entire legislative package is sometimes referred to as the Glenn-Symington or Symington-Glenn amendment.”

Pakistan's nuclear weapons program in 1977 was still in embryonic stages and there was no device ready for nuclear testing even though work on developing the test sites was underway at that time, as Feroz Khan details in his book *Eating Grass* (2012). The only other country that had a nuclear weapon and was in a position to conduct a nuclear explosion in 1977 was South Africa. As Or Rabinowitz details in her book *Bargaining on Nuclear Tests* (2014), by mid 1977, there were indications of nuclear-test site preparations by South Africa in the Kalahari Desert although Pretoria denied any intentions to test nuclear weapons. Therefore, it can be ascertained that Pakistan could not have been on the minds of the architects of the Glenn amendment when they specified aid cut off after a nuclear explosion.

The other component of the Glenn amendment referred to the sale of



reprocessing plants. According to Leonard Weiss, John Glenn's most influential staffer and the brain behind the amendment, "the Glenn amendment was not targeted specifically at Pakistan. The concern that prompted the amendment was our perception that reprocessing was so dangerous for non-proliferation that trade in such technology should be discouraged even if accompanied by international safeguards. Pakistan was not uppermost in our minds when the amendment was conceived." It was Pakistan's reprocessing plant agreement with France that became the focus after the amendment was passed. Carter

used the Glenn amendment in the same manner Ford had used the Symington amendment, to pressure Pakistan to forego the French reprocessing deal.

Threat of Glenn Sanctions and the Cancellation of the French Reprocessing Plant

An August 10, 1977 statement by a spokesman of Pakistan's ministry of foreign affairs revealed details of a secret visit by Joseph Nye, deputy to the under-secretary for security, science and technology affairs on 29-31 July 1977 to discuss the contentious issue of plutonium reprocessing plant.

According to the statement "Pakistan side reiterated the determination of the interim Government to implement the agreement with France and made it clear that Pakistan would not countenance delays of any kind in the execution of the various steps envisaged for going ahead with the project." The purpose of Nye's visit was not only to threaten the cutoff of economic assistance as per the Glenn amendment -- as documented by Dennis Kux in his book *Disenchanted Allies*, but also to persuade Gen. Zia to participate in Carter's International Nuclear Fuel Cycle Evaluation (INFCEP) program. And it was through Pakistan's participation in



INFCE that the problems associated with U.S. non-proliferation legislations were to be relieved. The idea was to tell Zia that if he agreed, his deferral on receiving French technology transfers would be placed in a “global context as the Pakistani contribution to the INFCE.”

In his meeting on July 30, 1977 with Agha Shahi, interim foreign affairs adviser to Gen. Zia, Nye pointed out that “reprocessing may become obsolescent after INFCEP and that recycle is of questionable value even for the U.S. with a large number of reactors.” Shahi nevertheless replied by stating that the reprocessing issue for the interim military regime was “political dynamite” and the interim government had no choice. In reply to Nye’s question of what would the interim government prefer -- “two month de facto delay or foreclose various options for cooperation, including economic aid and perhaps military sales with the United States,” Shahi replied, “Zia knows he would be politically discredited if he touched this issue.” Munir Ahmed

Khan, Chairman PAEC also attended the meeting and when Nye inquired about the status of ‘transfer of technology from France,’ Munir Khan confirmed that “all important technology for the plant had been transferred by July 1974.”

Shahi was correct in his observations -- Zia was relentless on the issue of reprocessing. On the question of pressure from the United States on the reprocessing issue during a press conference on September 1, 1977, General Zia once again reaffirmed his commitment

“We stand in a much better position than we were on the fifth of July 1977. The reprocessing plant is no longer either a political or a national issue. The previous Government had initiated the deal, and I have said that I will abide by it. The leaders of the previous Opposition have all said, one by one, that they want it. And knowing what I do of France, I have no doubt that the French will stand by their commitment. They are honourable people.”

The reprocessing issue overshadowed Pak-U.S. diplomatic relations under Zia from mid-1977 onwards and resulted in brief U.S. development aid suspension for Pakistan in September 1977, which was resumed after a year. The French decision to cancel the reprocessing plant agreement with Pakistan was privately taken in 1977 and officially announced in 1978.

In their interview with Leonard Weiss, Douglas Frantz and Catherine Collins in their book *The Nuclear Jihadist* (2007) document Weiss’s meeting with Bertrand Goldschmidt, one of the directors of the French nuclear agency, in the spring of 1977 before the Glenn amendment became a law. Weiss had flown to Paris “to meet with senior officials to relay John Glenn’s opposition to the pending sale of the reprocessing plant to Pakistan.” According to the authors, “even before Weiss finished laying out Glenn’s concerns, Goldschmidt said the French had decided to stop the transaction.” But Goldschmidt

also told Weiss that “unfortunately the French company involved in the deal had already sold Pakistan the blueprints for the plant.” Although one critical device known as ‘chopper’ used to ‘slice the highly radioactive spent fuel rods into pieces as a part of producing plutonium’ was still not provided to Pakistan by the French.

While this provided some relief to Weiss, it also made him think out of the box. According to Frantz and Collins, Weiss thought, “What if the reprocessing plant was not the true focus of the Pakistani nuclear plans? What if the plutonium route was a ruse? What if, while the United States spent precious diplomatic capital and intelligence resources trying to stop the French deal, Pakistan had another option for developing a weapon?” Weiss knew of Pakistan’s uranium enrichment program and thought perhaps, “enrichment was the real way the Pakistanis planned to produce fissile material.”

Weiss was right. General Zia did not cause a ruckus over the loss of French reprocessing deal not because he did not feel as strongly as Bhutto about reprocessing but because he was confident about achieving nuclear capability through an alternate route.

On his way home from visiting New Delhi in January 1978, Carter stopped in Paris to meet the French President Valéry Giscard d’Estaing to discuss the Franco-Pakistan deal. Although it was privately confirmed that the French had taken the decision to cancel the deal, Giscard “agreed to make the decision official, but he insisted on waiting long enough to make it seem as if France was not submitting to American pressure. Six months later, the French Council on Nuclear Policy declared the contract with Pakistan null and void.”

With the cancellation of the French agreement, there was no longer any need to sanction Pakistan under the Glenn amendment. The cancellation of the French reprocessing plant only delayed Pakistan’s plutonium route to the bomb and efforts to acquire the bomb through

uranium enrichment continued covertly under Zia’s regime.

The 1979 Symington Sanctions

A U.S. intelligence report in 1978 examined Pakistan’s nuclear and non-nuclear options after the Indian nuclear test in 1974. According to the report, Pakistan’s decision to acquire nuclear weapons capability was influenced by its earlier failed attempts to pursue non-nuclear options which included: Pakistan’s proposal for a ‘South Asian Nuclear Weapons Free Zone’ in 1974 passed by UNGA but never implemented and Pakistan’s unsuccessful attempts to seek nuclear guarantees from great powers and assurances from nuclear weapon states for non-use of nuclear weapons against non-nuclear states.

Pakistan contemplated reliance on an extensive military procurement program from major arms supplier states including China, U.S., U.K and France to match Indian conventional superiority and also considered exercising its right to ‘peaceful nuclear explosion’ in order to balance the equation with India and alert international community to arrest further Indian nuclear developments.

The report safely estimated that “Pakistan could not develop a nuclear warhead suitable for delivery by a ballistic missile in less than five years from the date of a demonstration device.”

A month after the cancellation of the French reprocessing plant agreement, US Secretary of State Cyrus Vance approached Agha Shahi with an offer of resumption of the suspended development aid with a consideration for military sales. But Shahi was warned that if Pakistan developed an indigenous nuclear explosive capability or attempt to acquire reprocessing technology from any other country then the non-proliferation legislation (reference Glenn-Symington amendments) would automatically be triggered resulting in the suspension of U.S. military and economic assistance to Pakistan.

The Carter administration terminated all military and economic assistance

to Pakistan invoking the Symington Amendment on 6 April 1979 after an intelligence report confirmed the construction of the uranium enrichment plant at Kahuta. Richard Burt reported in The New York Times on August 12, 1979 that the Carter administration in an all-out effort to stop Pakistan’s enrichment program had set up an interagency taskforce under the leadership of Gerard C. Smith who was the Ambassador at Large, U.S. special representative for non-proliferation matters. Though the taskforce remained inconclusive, it had prepared three options to slow Pakistan’s march towards the bomb: one, offer conventional arms to Pakistan to modernize its military (may be offer F-5 or F-16 advanced aircrafts) as an incentive to forego the nuclear option; two, use stringent economic sanctions to cripple Pakistan’s economy and; third, “use paramilitary forces to disable the Pakistani uranium enrichment facility” to retard Pakistan’s nuclear progress. Pakistan’s program continued despite Symington sanctions and the cancellation of other foreign supplies by Pakistan’s European partners.

The Soviet invasion of Afghanistan in December 1979 and the loss of listening posts in Iran elevated Pakistan’s geostrategic status, aligning it with the American strategic priorities in the region. The U.S. Congress waived aid conditions under the Symington amendment in 1980 and in 1981 approved a \$3.2 billion multi-year aid package for military and economic aid to Pakistan in return for its assistance to train Afghan mujahedeen’s to fight the Soviets. Pakistan used its new geostrategic importance for the United States at the height of the Cold War to its advantage, limiting U.S. policy options towards restraining Pakistan’s nuclear developments.

Dr. Rabia Akhtar is Director of the Center for Security, Strategy and Policy Research, University of Lahore. This article is excerpted from her forthcoming book titled ‘The Blind Eye: US Non-proliferation Policy Towards Pakistan from Ford to Clinton’ (University of Lahore Press, 2018).

Scrapping of Iran Nuclear Deal and North Korean Denuclearization: Implications for the Non-proliferation regime



Nazir Hussain

The global non-proliferation regime is under severe stress and strain due to unprecedented happenings around the world – unilateral US scrapping of the Iranian nuclear deal, the supposed denuclearization by North Korea, the Saudi Arabian desire for nuclear weapons, and the US and Russian plans for nuclear modernization. The delicate Non-proliferation regime is burdened with the ‘Haves’ and ‘Have Nots’ controversy and the contradictory policies of the great powers vis-à-vis proliferation.

The Joint Comprehensive Plan of Action (JCPOA) popularly known as the Iran Nuclear Deal was intensely negotiated and finally agreed upon in July 2015 by the five permanent members of the UN Security Council and Germany (P5+1) with Iran to halt its nuclear activities for fifteen years. It was unanimously adopted by the UNSC through its Resolution 2231 to be formally endorsed. It was the hallmark of President Barak Obama’s presidency, which many hailed as the ‘win-win situation’ for all the parties

concerned. However, President Donald Trump was severely opposed to the deal and eventually he unilaterally withdrew from the deal in May 2018, opening the Pandora’s box of uncertainties unleashing chaos in the global security environment. For what it is worth, the IAEA declared last month that Iran is still abiding by the deal. This unilateral pull out from the agreement by the US has undermined its credibility as the global power-broker. It has also increased the friction between the US and its European allies, and is severely undermining the international dialogue for global non-proliferation. US withdrawal from the Deal legitimizes the Israeli nuclear monopoly in the Middle East at the cost of possible withdrawal of Iran from the NPT under Article X. The US-Israel-KSA nexus to curtail the Iranian role in the Middle East may in fact do the opposite: boost Iran’s regional role being supported by Russia, China and Turkey. The US desire for ‘regime change’ and possible attack against Iran has however received a major blow since the US Congress has barred President Donald Trump from declaring war on Iran without the Congressional approval.

On the Korean front, US coercive diplomacy against North Korea has received a major blow by the two Koreas

coming closer. The Summit meeting between the two Korean leaders led to the announcement of ‘denuclearization’ of the Korean Peninsula and eventual dismantling of the North Korean nuclear infrastructure. However, all hopes for appeasement and goodwill generated through the meeting of the two Korean leaders came crashing down with President Trump calling off his meeting with Kim Jong-un last month. Even though North Korea has started dismantling its nuclear infrastructure, given the US withdrawal from the multilateral Iran Nuclear Deal, past experience by North Korea of US betrayal in 2002 with US withdrawal from the 1994 Agreed Framework between the two countries, and the continued presence of US troops in the Korean Peninsula, may make Pyongyang rethink any appeasement strategy that it might be contemplating with US at the center. If this happens due to the impetuosity of the current US administration, then it would be a severe blow to the non-proliferation regime and global efforts to bring North Korea in the loop again.

More worrisome and yet another possible blow to the non-proliferation regime is likely to come from new nuclear aspirants, especially KSA, where Muhammad Bin Salman has vowed to go



Source: AFP

nuclear if Iran attains nuclear status of which there might be a serious possibility with Iran further pushed to the wall if the other multilateral parties to the deal also pull out. Iranian nuclearization will put KSA and some other Arab/Gulf States on the path of nuclear proliferation. Prospective lucrative multi-million dollar deals for nuclear power plants in many aspirant states are encouraged given their economic benefits at the cost of generating insecurity, chaos and undermining the non-proliferation efforts in the Middle Eastern security milieu.

To add to the already volatile and fragile international security environment, the decision by President Donald Trump as enunciated in the Nuclear Posture Review 2018 to modernize and upgrade the US nuclear arsenal followed by a similar announcement by Russia reminds one of the familiar Cold War pattern of vertical proliferation. According to the

Arms Control Association, the US is likely to spend \$500 billion to modernize its SLBMs, ICBMs and to create a new strategic bomber fleet. The NPR 2018 cites Russia, China, Iran and North Korea as possible threats to the US national security interests meriting massive US nuclear modernization in response. According to the Brookings Institute, Russia is on the path of force modernization since 2004, when it gained financial stability and Vladimir Putin's desire to regain the past glory of Russian dominance in the global affairs. It has started upgrading its aging SS missile series, SLBMs, ICBMs and nuclear submarine fleet. President Putin unveiled Russia's 'invincible' nuclear weapons in his state of the union address in March 2018, after the announcement of US NPR in February 2018. Like a page from a familiar book, the arms race between the two major nuclear weapon states is once again at the heart of the eroding global non-proliferation regime.

“ Even though North Korea has started dismantling its nuclear infrastructure, given the US withdrawal from the multilateral Iran Nuclear Deal, past experience by North Korea of US betrayal in 2002 with US withdrawal from the 1994 Agreed Framework between the two countries, and the continued presence of US troops in the Korean Peninsula, may make Pyongyang rethink any appeasement strategy that it might be contemplating with US at the center. ”

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PAKISTAN'S NUCLEAR ODYSSEY

1998 TO 2018



Adil Sultan

May 28, 2018, Pakistan celebrates the 20th anniversary of its nuclear weapons tests that were conducted in response to India's decision to become overt nuclear weapon state in 1998. The nuclearization of the region has helped Pakistan to restore strategic balance and prevent major wars in the region, besides ensuring sovereignty and territorial integrity in the face of growing challenges in an increasingly unstable regional and international security environment.

Pakistan embarked on its nuclear weapons journey as a security compulsion and as a result of India's first nuclear weapon test of 1974. During this long and arduous journey, Pakistan had to pay heavy political and economic costs, but this is the cost worth paying in view of the growing turmoil in international security environment and with increasing salience of nuclear weapons in national security strategies of all nuclear states.

Pakistan started its nuclear quest as part of the US sponsored Atoms for Peace program launched by President Eisenhower in 1954. The nuclear program had purely peaceful orientation till 1971, once Pakistan had to face dismemberment at the hands of its Eastern neighbour. India's nuclear test of 1974 further complicated Pakistan's security dilemma and strengthened the leadership resolve that if Pakistan has to survive with honour and dignity, it must build its own nuclear

weapons. A nuclear program that was originally started for peaceful purposes shifted its orientation to the weapons development and the acquisition of nuclear weapons became a national priority.

Pakistan has indigenously developed both civil and military applications of nuclear technology. On the civilian side, Pakistan is working to meet the target of producing 8,800 MWe of electricity by 2030, to help meet its energy shortages. It is operating five nuclear power plants and two 1000 MWe size plants are under construction near Karachi. All of the power plants are under IAEA safeguards and highest standards of safety and security measures are put in place, which have been lauded most recently by the DG IAEA during his visit to Pakistan in March 2018.

Nuclear technology in Pakistan is also used for health and agriculture purposes. Pakistan Atomic Energy Commission (PAEC) is operating 18 oncology medical centres that are providing free or subsidized cancer treatment to the patients. There



are four agriculture research centres that are operating under the PAEC that have helped make qualitative and quantitative improvement in country's crop production.

On the military side, the nuclear capability has helped restore strategic balance in the region. Unlike, the pre-1998 phase during which Pakistan and India engaged in wars and experienced several military crises; the post-1998 phase has been a period of relative peace. Despite major incidents, both countries remained deterred from escalating the crises that could have otherwise led to an all-out war with the possibility of a nuclear exchange.

The existence of nuclear weapons in the region has made war an unthinkable option. This realization led to the start of a peace process in 1999, which was interrupted due to Kargil conflict, but later resumed in 2004 in the form of a Composite Dialogue process. In their Joint Statement of 2004, both countries agreed that the nuclear capability of each other constitute a factor of stability in the region.

This relatively short-lived period of stability came under stress once India decided to introduce its new war fighting doctrine of Cold Start, also known as Pro Active

Operations strategy with an objective of fighting a limited war under a nuclear environment. In response and to ensure the credibility of its nuclear deterrence, Pakistan introduced its short range ballistic missiles - also known as Tactical Nuclear Weapons (TNWs), which are part of its Full Spectrum Deterrence (FSD) posture. The FSD is not a quantitative shift but a qualitative response to address new challenge posed by India's CSD.

Besides these developments, India is also in the process of operationalizing its submarine based second strike capability and is developing ballistic missile defense system. This has forced Pakistan to develop its own version of the second strike capability, besides testing its MIRVed (multiple independently targetable re-entry vehicles) missile system that could neutralize India's missile defense system, to ensure the credibility of its deterrence posture.

To manage the civilian and military prongs of the nuclear program, Pakistan has put in place institutionalized nuclear management system, known as the National Command Authority (NCA). Headed by the Prime Minister, the NCA is responsible for all nuclear related decisions including the development, deployment and employment of nuclear weapons, besides looking after the civilian applications of peaceful uses of nuclear technology.

“ On the military side, the nuclear capability has helped restore strategic balance in the region. Unlike, the pre-1998 phase during which Pakistan and India engaged in wars and experienced several military crises; the post-1998 phase has been a period of relative peace. ”

The NCA ensures centralized control of all nuclear weapon systems, including the TNWs. There are separate strategic forces from all the three services, whose operational control rests with the NCA, which is unlike India's strategic forces which come under the Chairman Chiefs of Staff Committee (CoSC), who is also responsible for the conventional forces, thus blurring the lines between conventional and strategic forces chain of command.

The achievements made by Pakistan over the past two decades in the nuclear field is a matter of satisfaction and national pride. Despite having limited resources and relative conventional disadvantage, nuclear weapons have helped retain balance of power in the region thus ensuring Pakistan's territorial integrity and sovereignty in an increasingly uncertain regional and global security environment.

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FULL SPECTRUM D CAPABILITY



ETERRENCE: AND CREDIBILITY



Zafar Nawaz Jaspal

The enduring enmity, strategic competition, and arms race dynamics have gradually advanced India and Pakistan nuclear arsenals. The former's sophisticated military hardware shopping spree from militarily technologically advanced nations, Ballistic Missile Defense program, and Cold Start Doctrine have increased the latter's reliance on its indigenous nuclear weapons capability and forced it to modernize its nuclear-capable delivery vehicles. It also obliged Islamabad to transform its 'Minimum Nuclear Deterrence Posture' into 'Full Spectrum Deterrence Posture' and the institutionalization of nuclear-triad to deter the coercive military strategy of New Delhi.

For the past two decades, the strategic balance between India and Pakistan has restrained belligerent neighbors from catastrophic total war. Though the strategic equilibrium prevented lethal interstate conflict, yet it has failed to mitigate differences between them. The confidence-building measures and frequent Track-II diplomacy ventures have not culminated in the constitution of arms control agreement between India and Pakistan. Moreover, the apathetic approach of New Delhi towards Islamabad's nuclear restraint regime proposal and its prospective Ballistic Missile Defense (BMD) program has propelled the modernization of Pakistan's nuclear capable-delivery vehicles.

Pakistan's struggle to solidify its defensive fence to prevent its arch-rival's military aggression resulted in the evolution

of Full Spectrum Deterrence and also the completion of the nuclear triad. Simultaneously, these developments have generated interest in the characteristics and nature of both posture and the nuclear triad of the country. Admittedly, the Strategic Plans Division, the Secretariat of Pakistan's National Command Authority maintains strict secrecy about its nuclear weapons potential, yet spelling out the likely nature of its nuclear posture and addition of new weaponry in the nuclear arsenal is discernible.

Indian strategic pundits conclude that India's modernized military machine would enable New Delhi to successfully pursue its political objectives through a limited conventional war doctrine – Cold Start – without permitting it to escalate to a total war with Pakistan. They are skeptical about the efficacy of Pakistan's minimum nuclear deterrence posture aimed at deterring Indian aggression through the employment of deterrence by punishment. Given that this minimum nuclear deterrence posture has limitations, Pakistan has modified its nuclear posture based on the transformations in Pakistan's strategic environment. On September 5, 2013, Pakistan's National Command Authority (NCA), announced: "Pakistan would continue to adhere to the policy of Credible Minimum Deterrence, without entering into an arms race with any other country. Pakistan, however, would not remain oblivious to the evolving security dynamics in South Asia and would maintain a 'full spectrum deterrence' capability to deter all forms of aggression." Full Spectrum Deterrence simply put, relies on the interplay of conventional, strategic and tactical/battlefield forces.

Pakistan's full spectrum deterrence policy was further enunciated by the former DG SPD Lt. Gen. Khalid Kidwai (Retd) on December 6, 2017 when he pointed out that full spectrum deterrence policy guides the development of Pakistan's nuclear capability, which brings every Indian target in Pakistan's striking range. Consequently, Pakistan is developing a "full spectrum of nuclear weapons in all three categories – strategic, operational and tactical – with full range coverage



Source: AFP



of the large Indian land mass and its outlying territories” including Nicobar and Andaman Islands. Importantly, India has been raising a command at these Islands, which immensely affect the strategic environment of the Indian Ocean. Secondly, Pakistan is manufacturing “appropriate weapons yield coverage and the numbers to deter the adversary’s pronounced policy of massive retaliation.” Third, Islamabad wants to have the “liberty of choosing from a full spectrum of targets, notwithstanding the Ballistic Missile Defence, to include counter-value, counter-force, and battlefield” targets. Importantly, despite the development of battlefield weapons, there is no pre-delegation of command that is in place. Thus, the operational control of the deployed battlefield weapons remains centralized.

New Delhi’s Cold Start doctrine and the possibility of a re-think on the NFU policy obliges Islamabad to move towards credible second strike capability. Nuclear deterrence can only have teeth if the state has a fully operational nuclear triad that includes the ability to deliver nuclear warheads to the target from ground, aerial and submarine-based platforms. Pakistan completed the last leg of its nuclear triad with the development of Babur-III cruise missile. It is a submarine-launched cruise missile (SLCM) having a range of 450 kilometers and the ability to deliver various types of payloads including nuclear warheads. On March

29, 2018, Babur-III was tested from a submerged platform off Pakistan’s coast in the Arabian Sea. It used underwater controlled propulsion. According to the ISPR: “The missile incorporates advanced aerodynamics and avionics that can strike targets both at land and sea with high accuracy.” Pakistan Navy currently does not own nuclear-powered submarine. It, however, has five French-built Agosta 90B-class submarines that are powered

“ New Delhi’s Cold Start doctrine and the possibility of a re-think on the NFU policy obliges Islamabad to move towards credible second strike capability. ”

by diesel-electric engines. Pakistan Navy is likely to place nuclear-tipped cruise missiles on these submarines. In the nuclear parley, submarine-launched nuclear weapon is viewed as the most survivable second strike capability in the event of adversary’s devastating first strike.

Pakistani nuclear establishment is mindful of India’s Ballistic Missile Defense (BMD) program despite its unreliability and are determined to advance their ballistic and cruise missiles inventory. On January 24, 2017, Pakistan conducted

successfully the test of its new medium-range, surface-to-surface, ballistic missile Ababeel employing Multiple Independently Targetable Reentry Vehicle (MIRV) technology to deliver multiple conventional and nuclear warheads. Ababeel’s range is 2,200 kilometers – three times the distance between Islamabad and New Delhi – having the capacity to engage multiple targets and thereby it would be very lethal for the Indian BMD shield. MIRVs enable Pakistani strategic forces to engage multiple targets with high level of precision. In that respect, Michael Krepon and Travis Wheeler rightly suggest that “if New Delhi decides to absorb the costs of ballistic missile defenses for high-value targets, along with the radars to accompany BMD deployments, these expenses will be in vain.” Ankit Panda similarly asserts that “a MIRVed Pakistani strategic capability may stand as a powerful deterrent to India’s retaliatory capabilities, freeing Pakistan up to use battlefield nuclear weapons as a war-terminating strategy without concerning itself with escalation to the strategic level.”

Pakistan’s military doctrine predicates on the synchronization of its conventional and nuclear weapons capability. Thus, Pakistan’s emerging nuclear posture is aimed at deterring both conventional and nuclear aggression as well as nuclear blackmail from the East without getting embroiled in a costly arms race with India by modestly modernizing its nuclear arsenal.

Full spectrum deterrence posture verifies dynamism and adaptability of Pakistan’s nuclear doctrine to the emerging trends in its strategic environment to deter India’s limited war doctrine (read Cold Start) by augmenting both deterrence by punishment and denial.

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THE FATE OF THE UN-BACKED JCPOA AND ITS IMPACT ON THE INTERNATIONAL SYSTEM

Kamran Adil

“The diplomatic and political relations are now woven in and around the established principles of international law. The propensity of the US to downgrade international instruments can have serious consequences for the international system, which though is not rule-based, but surely it is based on treaties.”

On 8th May, 2018, the US President Donald Trump made the following statement while announcing the exit of the US from the Iran Nuclear Deal: “After these consultations it is clear to me that we cannot prevent an Iranian nuclear bomb under the decaying, rotten structure of the current agreement”. While he specifically used the word ‘agreement’

in one of his latest statements on the subject, international law experts do not agree on the legally binding effect of the Iran Nuclear Deal. The question of the legal status of the Deal becomes more significant given the fact that the Joint Comprehensive Plan of Action (JCPOA) was endorsed through a United Nations Security Council Resolution. The question is not purely academic but is likely to shape the future politics and diplomatic efforts in international affairs. In the context of non-proliferation of nuclear weapons, it will have profound effect as the diplomats and politicians will have limited means of guaranteeing their conduct, which was hitherto done through legal agreements.

In the near future, any arrangements between the US and North Korea on nuclear non-proliferation will have to be guaranteed through some mechanism. It may also, ultimately, be critical in deciding the collective weightage of the United Nations Security Council that had adopted the JCPOA and had integrated the International Atomic Energy Agency (IAEA) into the deal.

THE DEAL

The Iran Nuclear Deal is a shorthand for the UN-backed Joint Comprehensive Plan of Action (UN-JCPOA). On 14th July, 2015, five permanent members of the Security Council of the UN, Germany, the EU and Iran agreed on a Joint Comprehensive Plan of Action (JCPOA). The JCPOA was adopted by

the UN’s Security Council on 20th July, 2015 unanimously through Resolution



2231 (2015). The UNSC Resolution 2231 (2015) is a long document comprising over hundred pages and having two annexes. The second recital of the Resolution links the JCPOA to the Treaty on the Non-Proliferation of Nuclear Weapons by referring to the international obligation of the states to negotiate non-proliferation in good faith. Another recital of the UNSC Resolution referred to the International Atomic Energy Agency (IAEA) and the Framework for Cooperation agreed between Iran and the IAEA on 11th November, 2013.

The recitals refer to IAEA and regional organizations. The operative part of the Resolution is then further divided into five parts, which are: (a) terminations,

(b) application of provisions of previous Resolutions, (c) JCPOA Implementation, (d) exemptions, and (e) other matters. It has two annexes: Annex A adds the JCPOA to the Resolution; Annex B adds a statement of (P5+1) i.e. permanent five and Germany in which different reporting and monitoring devices have been incorporated. Annex A of the Resolution spells out the JCPOA and integrates it into the legal framework of the UNSC Resolution.

LEGALITY OF THE UN BACKED JCPOA

The pre-dominant view in the West led by American lawyers and academics about the legality of the UN backed JCPOA is that it is not a legally binding agreement. The proponents of this view are people

like Professor Jack Goldsmith of the Harvard Law School who noted: “Such agreements are not treaties and thus need not be approved by 2/3 of the Senate, and are not congressional-executive agreements that require bicameralism and presentment. They aren’t even “pure” executive agreements—at least not ones legally binding under international law.” His view is based on a letter issued by Julia Frifield, Assistant Secretary, Legislative Affairs, State Department addressed to Mike Pompeo (the US Secretary of State) The letter stated: “The Joint Comprehensive Plan of Action (JCPOA) is not a treaty or an executive agreement, and is not a signed document. The JCPOA reflects political commitments between Iran, the P5+1 (the United States,



the United Kingdom, France, Germany, Russia, China), and the European Union. As you know, the United States has a long-standing practice of addressing sensitive problems in negotiations that culminate in political commitments.”

It is, however, difficult to agree with the view and following points need to be considered in this regard:

First, the UN-backed JCPOA's legal status has to be ascertained on the basis of the international law and not on the basis of the US constitutional and public law. Most of the American lawyers determine the legal status of the UN-backed JCPOA on the basis of the typology of international agreements in the US public and constitutional law where the treaties are different from international agreements on the basis of the checks and balances system ingrained in the US constitutional law where state organs are dependent on each other for international decision and policy making. Besides, the above stated letter by Julia Frifield that forms the basis of the American lawyers on the point was written by an American to another fellow American within their own constitutional context. For a foreigner, the UN backed JCPOA has all the elements of an international agreement as required by the Vienna Convention on the Law of Treaties, 1969 (VCLT, 1969). The definition of ‘treaty’ under the VCLT, 1969 clearly provides: “(a) ‘Treaty’ means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.”

Applying the above stated definition of the treaty under international law to the UN-backed JCPOA evinces that it squarely qualifies to be treated as a treaty; signing or non-signing, as argued by Julia Frifield is not any issue. The bundling or coupling effect of treaty into different instruments and its adoption through the UNSC resolution does not affect the legal status of the treaty; it adds to the legal value of the instruments rather than diminishing their legal value.

Secondly, one of the pivotal issues at the time of negotiations of the JCPOA was the removal of the sanctions imposed by the UN on Iran. How could the UN sanctions be unilaterally withdrawn? Obviously, the arrangement was legal and backed by international hard as well as international soft law.

Thirdly, the UN-backed JCPOA envisaged an arrangement in which legal and textual relationship with the Non-Proliferation Treaty, 1968 (NPT), the Statute of the International Atomic Energy Agency, 1956, and regional organization like the EU was affected. How could the IAEA be bound to report on a matter that was part of the ‘political commitment’ of states and how the UNSC chose to pass resolution 2231 (2015) under Chapter VII when it was not legal is not easy to digest having regard to earlier practices of international organizations and laws.

INTERNATIONAL SYSTEM AND THE UN-BACKED JCPOA

All the consequential debates about the implications of the implementation/non-implementation of the UN-backed JCPOA have to flow from its legal status. The conduct of the US and other states in the West will show how far they follow the principle of *pacta sunt servanda* (agreements must be kept) that was also codified by the VCLT, 1969. The unilateral termination on the pretext of implementing a national law i.e. the Iran Nuclear Agreement Review Act, 2015 is not supported. VCLT specifically prohibits invoking internal law to circumvent implementation of a treaty. As noted in the foregoing introduction, the fate of the UN-backed JCPOA has implications for the international system, which most of the time hinges upon the agreements between the states. The diplomatic and political relations are now woven in and around the established principles of international law. The propensity of the US to downgrade international instruments can have serious consequences for the international system, which though is not rule-based, but surely it is based on treaties.

PAKISTAN AND THE UN-BACKED JCPOA

On 10th May, the Ministry of Foreign Affairs of Pakistan in its statement noted the following about the UN-backed JCPOA:

“Pakistan believes that the Joint Comprehensive Plan of Action (JCPOA) represents a very good example of a negotiated settlement of complex issues, through dialogue and diplomacy. We had welcomed the JCPOA when it was concluded and hope that all parties will find a way for its continuation, especially when the International Atomic Energy Agency (IAEA) has repeatedly verified Iran's compliance. We have noted the willingness of the parties to the Agreement to work together on upholding their respective commitments as stipulated in the JCPOA, despite US decision to withdraw from it. Pakistan believes that International Treaties and Agreements concluded through painstaking negotiations are sacrosanct. Arbitrarily rescinding such agreements will undermine confidence in the value of dialogue and diplomacy in the conduct of international relations.”

The analysis of the statement reveals that Pakistan treats the UN backed JCPOA as an international agreement (treaty). It also shows that Pakistan treats it as a device for cooperation and as an example of ‘negotiated settlement’ of an international complex issue.

The UN-backed JCPOA set a good example of international cooperation to settle complex and thorny international issues. Its legal status has to be guarded to keep the moral compass right and balanced for posterity to decide on the impact of the US decision to unilaterally rescind the agreement. For the international community, the acts of the US administration will set the tone for the future international system and will provide them with a moment of truth to decide whether they need a system based on anarchy or a system based on international cooperation backed by international agreements.

Kamran Adil is an independent researcher and has done his BCL from the University of Oxford.



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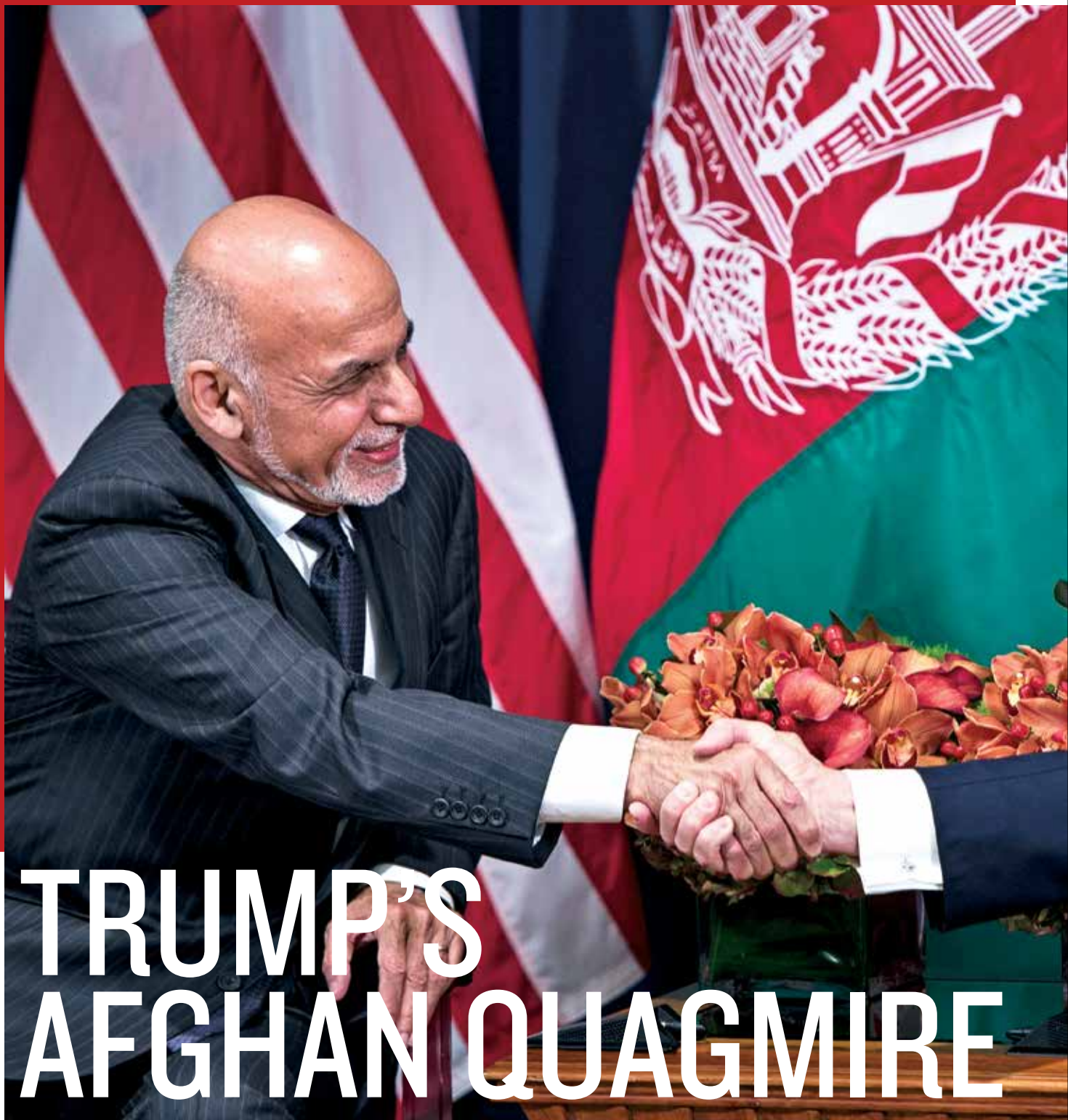
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TRUMP'S AFGHAN QUAGMIRE



Rupert Stone

It has now been several months since president Donald Trump promulgated his new strategy for the US war in Afghanistan. So far, his approach has failed to roll back the Taliban and bring the 16-year conflict closer to a resolution.

After the 9/11 attacks, the US invaded Afghanistan and quickly dislodged the Taliban regime. However, the Taliban regrouped and launched an insurgency against Hamid Karzai's new government in Kabul.

The US gradually increased its military presence in the country to combat the growing Taliban threat. In 2009 President Obama authorized a surge of tens of

thousands of troops, bringing total US force strength to around 100,000. But Obama's surge was followed soon after by a scheduled troop withdrawal, with the aim of departing completely by 2014. That goal was not met, and by the end of his presidency a force of several thousand still remained.

President Trump, Obama's successor, had criticized military interventionism on the



campaign trail and came to office very sceptical of the Afghan war. But, as security deteriorated, he was persuaded by his advisors to stay the course.

In August 2017, Trump unveiled a “new strategy” for the war that would finally achieve “victory”. This involved deploying a few thousand more troops, continuing to train local forces, and pressuring Pakistan to stop its alleged support for the Taliban. Trump said that a political settlement with the Taliban might eventually be possible. But his plan appears to be military-focused: the insurgency must be weakened on the battlefield before successful peace talks can occur.

This policy – using force to enable negotiation – is not ‘new’, but similar to the Obama administration’s approach. Trump might have abandoned his predecessor’s imposition of artificial deadlines for troop withdrawal but the basic strategy is largely unchanged.

Obama’s plan failed. And many analysts, including this author, expressed scepticism that Trump’s much smaller surge would achieve what Obama’s had not. There are now about 14,000 American soldiers in Afghanistan, compared with around 100,000 in 2010.

The coalition’s aim is to secure control over 80% of the Afghan population. It is nowhere near meeting that objective, with government control actually declining from 69% in August 2016 to 65% in January 2018. Meanwhile, Taliban control rose from 9% to 12%.

The US has intensified airstrikes in Afghanistan significantly – the first few months of 2018 saw the most intensive bombardment for that period on record. These have stopped the Taliban from capturing major towns or cities, while also killing Islamic State fighters.

But the insurgents have readjusted their tactics to focus on terrorist activity in urban centres. Kabul has been hit with a string of appalling attacks this year, including a double Islamic State suicide bombing in April that killed 10 journalists.

The US insists that it needs fewer troops now, compared with 2009, because the Afghan security forces are more able to shoulder the burden. And, indeed, the past decade has seen notable improvements in Afghanistan’s capabilities, especially its special forces.

But there is still a long way to go. The size of the army and police fell sharply last year, according to SIGAR, while insider attacks went up. The Pentagon insists on keeping Afghan casualty and desertion rates secret: hardly an encouraging sign.

Recent clashes in Farah province saw Afghan forces almost lose the capital to Taliban insurgents, and there has been heavy fighting in Ghazni, too. Press reports indicate that hundreds of Afghan soldiers have died so far this month. Civilian casualties are also high.

Although the situation is bad, Washington appears to be in denial, issuing grotesquely rose-tinted assessments of the war. A Pentagon spokesman recently described the Taliban as “desperate” and “losing ground”, even though the group has expanded its control.

Meanwhile, the Afghan government is still one of the most corrupt in the world and continues to suffer from

internal division. Vice-President Dostum remains in exile in Turkey, while relations between President Ghani and his chief executive, Dr Abdullah, are tense.

Parliamentary elections have been delayed repeatedly since 2015. A date is now set for October, with the presidential poll following soon after in 2019. But there are already suspicions of government interference in the election process.

Expectations of fraud are widespread, risking a repeat of the disputed election in 2014. Back then the Obama administration managed to broker a deal between the candidates. But, with ethnic tensions on the rise, things could easily spiral out of control.

To make matters worse, Afghanistan's economy is struggling. Growth has seen a marked slowdown since 2012, while poverty rates have escalated dramatically from 38% in 2011-12 to 55% in 2016-17 according to a recent Afghanistan Living Conditions Survey.

While the country's licit economy stalls, the heroin trade is booming. Opium production expanded by an eye-watering 87% in 2017, good news for the Taliban which derives funding from drugs. The coalition started bombing drug labs last year, but with questionable results.

Afghanistan is so poor that foreign aid makes up 66% of its budget. To boost trade, President Ghani has pursued a number of bold regional connectivity initiatives. One such project linked Afghanistan with India via the Iranian port of Chabahar.

But President Trump has violated the nuclear deal with Iran, reimposing sanctions previously removed under the agreement. This could undermine the Chabahar project and attenuate Afghanistan's trade, while also inviting retaliation from Iran.

Tehran may increase the support it has reportedly been giving to the Taliban in response to Trump's provocation. Indeed,

Iran helped the Taliban's May offensive in Farah with arms, funding, and training, according to Afghan officials.

Another core pillar of Trump's strategy, cracking down on Pakistan, has also failed. In January he suspended all security assistance to Islamabad and threatened further measures if it continued to provide support and safe-haven to the Taliban.

US officials claim they have not yet seen enough cooperation from Pakistan. But Washington has limited leverage over Islamabad: aid levels have declined since 2011 and Pakistan has found alternative sources of support in China, Russia and others.

Moreover, Pakistan controls US supply routes into landlocked Afghanistan. If Trump turns up the heat and applies further penalties – designating Pakistan a state sponsor of terrorism, for example, or launching drone strikes – Islamabad could shut off those routes.

Washington wants Islamabad to help bring the insurgents to the negotiating table. But the Taliban are “no pushovers”, noted veteran journalist Rahimullah Yousafzai in a 2017 lecture, especially given that Pakistan has arrested dozens of its fighters over the years.

The group has also cultivated ties with Iran and Russia, expanding to become a “huge organisation” of more than 200,000 people, according to expert Antonio Giustozzi in a recent paper. It is not a pawn in Islamabad's hands.

Indeed, according to Yousafzai, a number of Taliban fighters have left Pakistan and dispersed, some moving to Afghanistan, others to Iran and the Gulf. The US focus on Pakistan is therefore simplistic.

Diplomatic efforts to end the war have had little success. President Ghani convened the Kabul Process last year to pursue peace. And this February he reached out to the Taliban with a bold offer, promising various concessions including its recognition as a political party.

The Taliban has not yet responded, and announced the start of its spring fighting season in April. The group has long refused to negotiate with Kabul, which it views as an American puppet regime.

Instead, the Taliban wants to talk directly to the US, reiterating this aim in a February letter to the American people. Washington, however, will not acknowledge it is even a party to the conflict and insists the peace process be ‘Afghan-led’.

To break the deadlock, as Borhan Osman of the International Crisis Group has written, both sides need to be flexible. The US should acknowledge its role in the war and talk to the Taliban. The Taliban, for its part, must be prepared to engage with Kabul.

Any peace settlement would need to be a broad, multilateral process involving other regional players with interests in Afghanistan, such as China and Iran. Ghani's Kabul Process, to its credit, reflects this reality by including more than twenty countries.

But Washington's relations with Beijing, Tehran and Moscow are tense. On the plus side, India has recently agreed to cooperate economically with China and Russia in Afghanistan. Islamabad and Kabul are also improving ties.

Despite these positives, the outlook remains bleak. Trump promised “victory” in Afghanistan. He has delivered nothing of the sort.

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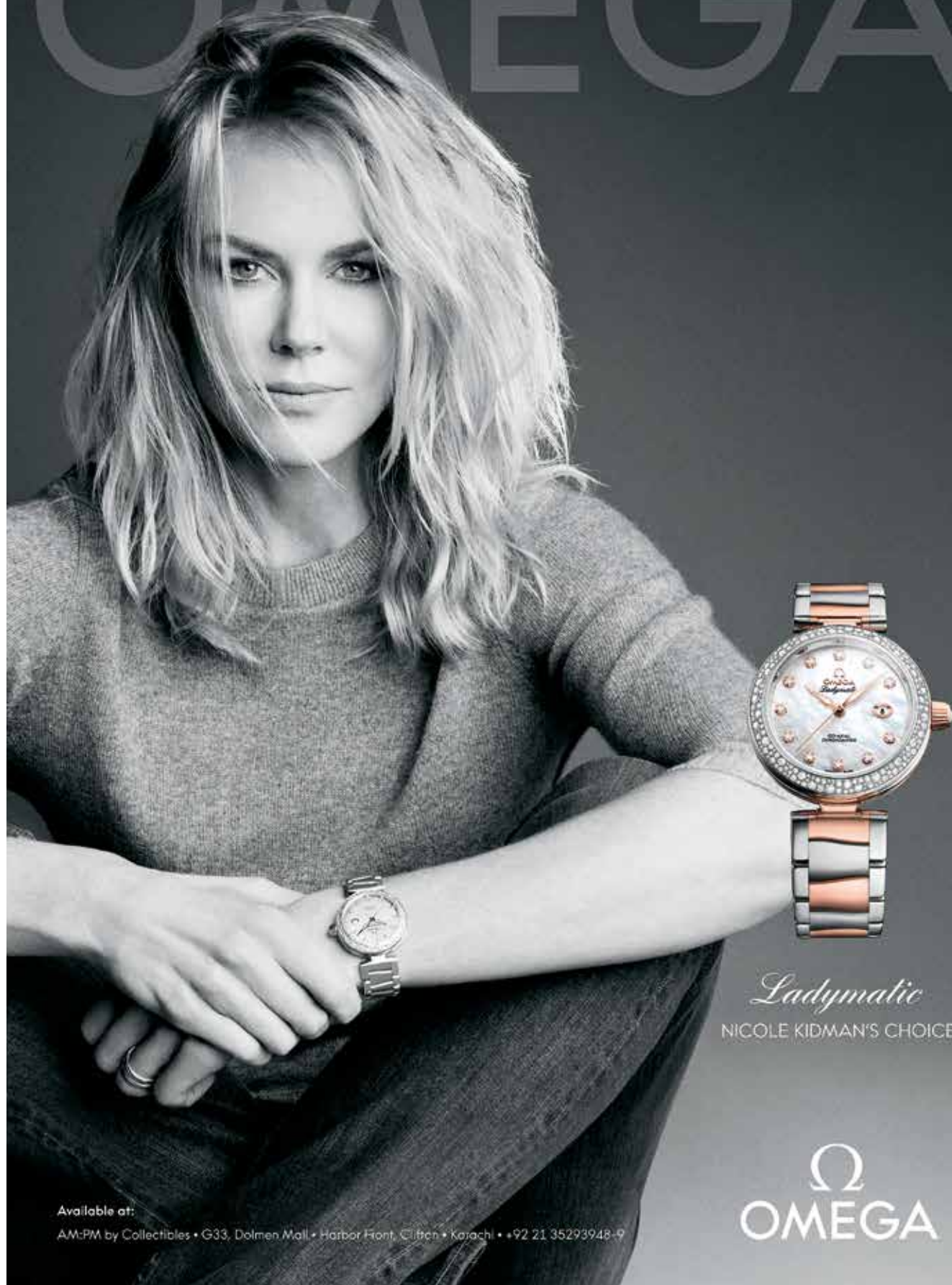
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