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"Civil Nuclear Cooperation with Pakistan: Prospects and Consequences"

Written Testimony
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Although Obama administration and Pakistani officials have both officially stated that formal negotiations are not under way for a civil-nuclear deal for Pakistan, several media reports suggest that elements in the current US administration think they can secure change in Pakistan's policies by offering it a nuclear accord along the lines offered to India in 2005.

In a Washington Post article published on October 6, 2015, David Ignatius described the rationale for civil nuclear cooperation as a way to deal with 'one of the world's most dangerous security problems.' The article argued that in return for Pakistan agreeing "to restrict its nuclear program to weapons and delivery systems that are appropriate to its actual defense needs against India's nuclear threat" "the United States might support an eventual waiver for Pakistan by the 48-nation Nuclear Suppliers Group."

On October 15, 2015 David Sanger reported in the New York Times that talks were being held because of "American concern that Pakistan might be on the verge of deploying a small tactical nuclear weapon — explicitly modeled on weapons the United States put in Europe during the Cold War to deter a Soviet invasion — that would be far harder to secure than the country's arsenal of larger weapons."

The expectation that Pakistan would limit its nuclear arsenal is similar to the unrealistic expectation during the 1980s that supplying Pakistan with large amounts of economic aid and state-of-the art military equipment, including F-16 aircraft, would lead to Pakistan stopping short of developing nuclear weapons altogether. It stems from failing to understand Pakistan's policies and ambitions in South Asia.

If the purpose of Pakistan's development of nuclear weapons had been to ensure that Pakistan was not overrun by superior Indian military force – a legitimate defense goal – that objective was met by Pakistan's nuclear tests conducted in 1998.

Pakistan's real aspiration is to be India's equal, albeit with one-sixth the population and a ten-fold smaller economy. If the United States were to extend civil nuclear cooperation to Pakistan, it would only enhance the belief of Pakistan's military, which

dominates all aspects of Pakistani life, that Pakistan can get what it wants from the United States and that its goal of competing with India (as opposed to legitimate national defense) is within its grasp.

In the past, that belief has only fueled conflict in the subcontinent and encouraged Pakistan's military to continue to use Jihadi proxies in Afghanistan, Jammu and Kashmir and India in an attempt to level what they consider to be their playing field for regional influence.

Soon after reports in the U.S. media about the possibility of negotiations over civil nuclear cooperation, it became clear that objectives of the proponents of the deal were not what Pakistan had in mind. On October 19, 2015, Pakistan's Foreign Office issued a statement clarifying that "no deal" was being discussed with the U.S.

The Washington Post article and the New York Times report had emphasized the possibility of limiting Pakistan's nuclear warheads. According to the Pakistan Foreign Office spokesperson: "US has not made any demand from Pakistan. In any case, history is a testimony to the fact that Prime Minister Nawaz Sharif accepts no demand from any state."

Prior to his departure for the United States for a meeting with President Obama, Pakistan's Prime Minister Nawaz Sharif declared that Pakistan had developed its nuclear program under the country's requirement and that position "cannot be compromised." When asked whether his government would make any compromise over Pakistan's nuclear assets "under any foreign pressure," Prime Minister Sharif recalled that he was prime minister in 1998 when Pakistan carried out its nuclear tests against American wishes.

Notwithstanding attempts in the U.S. to sell the prospect of a deal as a restraint on Pakistan's nuclear capabilities, Pakistan's leaders see parity with India as the only reason they should seek a civil nuclear deal with the United States. Ever since the US-India civil nuclear deal of 2005, Pakistan's leaders have sought a similar deal to affirm that the two South Asian neighbors are equal in status and prestige.

Under its deal with the United States, India committed all its civilian nuclear facilities to IAEA safeguards but its military facilities were exempt. India also agreed to expand international safeguards, adhere to international nuclear and missile export guidelines, continue its voluntary moratorium on nuclear testing, and ensure that all civil nuclear trade would be used only for peaceful purposes. In return the US promised to help India get an exemption from the Nuclear Suppliers Group.

The US rationale for the deal with India was seen as symbolic (removing an old symbol of mistrust dating back to the 1970s), economic (helping India's economic growth and

energy security) and security (strengthening global non proliferation). None of these apply in case of Pakistan at the current stage.

Pakistan asked for a deal similar to India's as early as March 2006 but at that time President George W Bush while on a visit to Pakistan declared that "Pakistan and India are different countries with different needs and different histories." With Pakistan's then military dictator, General Pervez Musharraf, standing next to him, President Bush said "our strategy will take in effect those well-known differences" between India and Pakistan.

Pakistan's nuclear program dates back to the early 1970s, with growing fear of Indian conventional military might, especially after the break up of the country in 1971. According to Feroz Hassan Khan, former Pakistani army officer and nuclear strategist, three important strategic beliefs regarding nuclear weapons dominate Pakistani strategic thought:

"First, nuclear weapons are the only guarantee of Pakistan's national survival in the face of both an inveterately hostile India that cannot be deterred conventionally and unreliable external allies that fail to deliver in extremis. Second, Pakistan's nuclear program is unfairly singled out for international opposition because of its Muslim population. This feeling of victimization is accentuated by a belief that India consistently 'gets away with' violating global nonproliferation norms. Third is the belief that India, Israel or the United States might use military force to stop Pakistan's nuclear program. Today these three beliefs – nuclear necessity for survival, international discrimination against Pakistan and danger of disarming attacks – form the center of Pakistani strategic thinking about nuclear weapons. Collectively these convictions have served to reinforce the determination of Pakistan's military, bureaucratic, and scientific establishment to pay any political, economic or technical cost to reach their objective of a nuclear armed Pakistan."[1]

By raising the issue of discussing a deal the US may only have wanted to signal America's continued interest in Pakistan. But in Pakistan it reignited the belief that Uncle Sam simply cannot manage the world without Pakistan's help.

American readiness to look the other way at Pakistan's conduct –such as support for Jihadi terrorists, including the Afghan Taliban and the discovery of Osama bin Laden in a Pakistani garrison town –as well as U.S. willingness to offer aid to Pakistan even without fulfilment of conditionality mandated by Congress has often ended up as an enabler of Pakistan's dysfunction.

Diplomacy and inducements have failed because they only reinforce the Pakistani view

[1] Feroz Hassan Khan. Eating Grass: The Making of the Pakistani Bomb (Stanford, Stanford University Press, 2012), p 6

that the country's geostrategic importance for the U.S. outweighs its resentment of negative Pakistani policies. Instead of encouraging change in Pakistan's policies in the nuclear realm or in other spheres, any offer of a civil nuclear deal at this stage would have the same effect.

For years Pakistan's policies have coincided with those of the U.S. only nominally. Pakistan's support for the Taliban in Afghanistan is the main reason President Obama had to reverse his decision of pulling out troops from that country. Pakistan's development of battlefield nuclear weapons also runs contrary to U.S. plans for reducing nuclear proliferation. Diplomatic statements notwithstanding, the two sides have very different priorities.

The Obama administration's consideration of a nuclear deal with Pakistan, just like its decision a few months ago to sell almost $1 billion in U.S.-made attack helicopters, missiles and other equipment to Pakistan will fuel conflict in South Asia without fulfilling the objective of helping the country fight Islamist extremists or limit its nuclear arsenal.

Pakistan's failure to tackle its jihadist challenge is not the result of a lack of arms but reflects an absence of will. Unless Pakistan changes its worldview and its compulsive competition with its much larger neighbor even in violation of international commitments, American weapons will end up being used to fight or menace India and perceived domestic enemies instead of being deployed against jihadists.

Competition with India remains the overriding consideration in Pakistan's foreign and domestic policies. By aiding Pakistan over the years—some $40 billion since 1950, according to the Congressional Research Service—the U.S. has fed Pakistan's delusion of being India's regional military equal. Seeking security against a much larger neighbor is a rational objective but seeking parity with it on a constant basis is not.

Instead of discussing civil nuclear deals and selling more military equipment to Pakistan, U.S. officials should convince Pakistan that its ambitions of rivaling India are akin to Belgium trying to rival France or Germany. India's population is six times as large as Pakistan's while India's economy is 10 times bigger, and India's $2 trillion economy has managed consistent growth whereas Pakistan's $245 billion economy has grown sporadically and is undermined by jihadist terrorism and domestic political chaos.

Pakistan also continues to depend on Islamist ideology—through its school curricula, propaganda and Islamic legislation—to maintain internal nationalist cohesion, which inevitably encourages extremism and religious intolerance.

Offering a nuclear deal or selling helicopters and missiles is easier than thinking of alternative strategies to compel an errant ally to change its behavior. This is a pattern in U.S.-Pakistan relations going back to the 1950s. Between 1950 and 1969, the U.S. gave $4.5 billion in aid to Pakistan partly in the hope of using Pakistani troops in

anticommunist wars, according to declassified U.S. government documents. Pakistan did not contribute a single soldier for the wars in Korea or Vietnam but went to war with India over the disputed border state of Kashmir instead in 1965.

During the 1980s, Pakistan served as the staging ground for the jihad against the Soviet occupation of Afghanistan and received another $4.5 billion in aid, as reported by the Reagan and George H.W. Bush administrations to Congress. Pakistan diverted U.S. assistance again toward its obsessive rivalry with India, and trained insurgents to fight in the Indian part of Kashmir as well as in India's Punjab state.

Pakistan also violated promises to the U.S. and its own public statements not to acquire nuclear weapons, which it first tested openly in 1998—arguing that it could not afford to remain nonnuclear while India's nuclear program surged ahead.

The US Congress had challenged the Reagan administration's Pakistan policy, expressing concerns about American aid indirectly funding Pakistan's nuclear program by freeing resources that would have gone towards purposes for which aid was being allocated. Hearings on Capitol Hill during the 1980s focused on the nuclear issue, forcing the administration to cite Pakistan's "absolute assurances" that it was neither developing nor planning to develop nuclear weapons.

In 1981, then Under Secretary of State James Buckley, who had visited Islamabad to conclude the aid agreement, told the Senate Government Affairs subcommittee: "I was assured by the ministers and by the President himself that it was not the intention of the Pakistan Government to develop nuclear weapons." He insisted on the distinction "between the nuclear option and a nuclear weapon." We all know now the consequence of that assumption.

Since the 1990s, Pakistan has supported various jihadist groups, including the Afghan Taliban. After 9/11, the country's military dictator, Gen. Pervez Musharraf, promised to end support for the Islamic radicals. Based on that promise, Pakistan received $15.1 billion in civil and military aid from the U.S. until 2009.

Just this February, General Musharraf admitted in an interview with the U.K.'s Guardian newspaper that he continued to support the Afghan Taliban even after 9/11 because of concerns over close relations between Afghanistan and India. Thus, from 2001 to 2008, the U.S. was effectively arming a country that was, in turn, arming insurgents fighting and killing American troops in Afghanistan.

Pakistan has received $40 billion in U.S. military and economic aid since 1950, of which $23 billion were given after the 9/11 attacks to strengthen the country's resolve in fighting terrorism. But Pakistan's focus has always been its rivalry with India, against whom it has initiated (and lost) three wars, using U.S. equipment each time.

The recent Pakistani announcement about an 'India-centric' tactical nuclear program indicates that despite serious threats to Pakistan's security by Jihadi extremists, India — an American friend — remains the principal enemy in the eyes of Pakistan's leaders.

The Obama administration spent its first few years trying to convince Pakistan's civil and military leaders of the virtues of changing their strategic calculus. In doing so, they praised Pakistan publicly and expressed optimism every time Pakistan took a positive step, however small.

Historically, the United States (and especially the State Department) has often erred in correctly assessing the motivations and intentions of Pakistan's military leaders. Pakistan's current army Chief General Raheel Sharif was in the US last month and he was showered with praise on all fronts.

By all accounts Gen Sharif is a good man but such expectations were also voiced about his predecessor, General Kayani and his predecessor General Musharraf. Like with his predecessors the US sees General Sharif as representing a new beginning: He is non-political, opposes terrorism and is pro-Western. Ironically, all these qualities were also attributed to his predecessors.

Ideally, Pakistan and all other countries with demonstrated nuclear capability must be brought under some nuclear restraint regime. But civil nuclear deals should not be offered without understanding whether the other side wishes to be restrained or seeks just to advance its nuclear status.

Pakistan's national psyche in relation to nuclear weapons must be understood clearly before embarking on any negotiations over a civil nuclear deal. Let me offer some examples of recent Pakistani nuclear thinking.

According to the father of Pakistan's nuclear program, Dr. Abdul Qadeer Khan (who also proliferated nuclear weapons technology to North Korea, Iran and Libya in return for money) the rationale for building Pakistan's nuclear weapons was ideological. He said that he helped break the west's monopoly on uranium enrichment. "All western countries, including Israel, are not only the enemies of Pakistan but in fact of Islam," he stated, adding that Pakistan's nukes would protect the country and the Muslim world against conspiracies.

On June 11, 2015, Musharraf made the following assertions in a live interview on a Pakistani television show: ""We do not want to use nuclear capability but if our existence comes under threat, what do we have these nuclear weapons for?...Do we have nukes saved to be used [as firecrackers] on Shab-e-Baraat [a Muslim festival]?... Don't attack us, don't challenge our territorial integrity because we are not a small power, we're a major and nuclear power. Don't push us..."

General Musharraf's sentiment was not very different from the one expressed in November 2008 by Majeed Nizami, the owner of the mainstream media group that runs Nawa-i-Waqt, The Nation, and Waqt TV channel. He declared, "Pakistan should not hesitate to use nuclear weapons to wrest Kashmir from India." He also said that his fondest wish was to turn himself into a nuclear bomb and get dropped on India.

In a piece in May 2014 former Pakistani Ambassador to the United Nations, Munir Akram, argued that a civil nuclear deal along the lines of India would not satisfy Pakistan. "Most Pakistanis do not believe that such 'normal' status will advance national security or address the underlying reasons for Pakistan's 'nuclear build-up,'" he wrote, adding "This would certainly be the case if India is not required to simultaneously sign the CTBT and halt fissile material production."

Further, Mr. Akram argued that instead of offering a deal "Pakistan should be admitted to the Nuclear Suppliers Group to secure its full cooperation on safety and security and non-proliferation issues." He said, "The Suppliers Group has no leverage with Pakistan to ask it to accept unequal preconditions to be treated as a 'normal' state. Pakistan already has robust civilian nuclear cooperation with China. It is not likely to obtain similar cooperation, for political and financial reasons, from others, even if it joins the Suppliers Group."

In the Pakistani view as enunciated by Mr. Akram, Pakistan wants the U.S. and the international community should "restrain India's arms build-up and stop supplying it with destabilizing weapons." In other words, the U.S. should cut India down to size and make it Pakistan's equal.

I would argue that this Pakistani tendency to recklessly brandish nuclear weapons as an instrument in an ideological conflict with India or other so-called 'enemies of Islam' needs to be curbed rather than encouraged. How can anybody be assured that in the absence of absolute, certain and verifiable guarantees the old fixation with seeking military advantage in relation to India will not persist?

It must be understood that like all nations, Pakistan has a right to defend itself and nobody denies it that right. Pakistan's concern about resolution of the dispute over Jammu and Kashmir also deserves attention albeit by peaceful means. But Pakistan's security needs should be judiciously examined.

Unlike other countries, Pakistan did not raise an army to match the threats it faces. Pakistan inherited 33 percent of British India's army, raised for the Second World War, at independence in 1947 and has sought to identify threats that match the size of that army.

Pakistan is the sixth largest nation in the world by population but only 26th by size of GDP on PPP basis and 42nd in nominal GDP. It has the world's sixth largest nuclear

arsenal and eighth largest army but performs poorly in most non-military indices. It ranks 146 out of 187 countries in the world on the Human Development Index, which measures health, standard of living, and education.

The World Economic Forum's Global Competitiveness Report ranks Pakistan's primary education at 136 out of 144 countries. The country has one of the world's lowest tax to GDP ratio, with international aid making up for low tax collection. Pakistan's literacy rate stands at 52 percent and the country has one of the highest percentage of out of school children in the world.

The military and intelligence services that dominate Pakistani national security decision-making have sacrificed their country's progress and prosperity in their relentless pursuit of military parity with India. Forcing New Delhi's hand on Kashmir has become more important than educating Pakistan's children.

Since the 1950s, US policy has ended up nurturing Pakistan's military and keeping alive its dream of parity with India. It is time, the U.S. adopted a policy towards Pakistan that supports the aspirations of its people for a better standard of living instead of allowing its military and civilian hardliners in pursuing unwinnable competition with India.

The State department and the current U.S. administration have tended to ignore or bypass the concerns of Congress in relation to Pakistan in the past. Section 203 of the Enhanced Partnership with Pakistan Act of 2009, precludes security related assistance and arms transfers until the Secretary of State certifies annually for Congress that the Pakistani government

"(1) is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, such as providing relevant information from or direct access to Pakistani nationals associated with such networks;

"(2) had during the preceding fiscal year has demonstrated a sustained commitment to and is making significant efforts towards combating terrorist groups ... including taking into account the extent to which the Government of Pakistan has made progress on matters such as

A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;

B) preventing al Qaeda, the Taliban and associated terrorist groups, such as Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan, including carrying out cross-border attacks into neighboring countries, closing terrorist camps in

the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets; and

C) strengthening counterterrorism and anti-money laundering laws; and

“(3) is ensuring that its security forces are not materially and substantially subverting the political or judicial processes of Pakistan.

This law includes a provision “allowing the Secretary to waive this certification requirement if s/he finds that it is important to U.S. national security interests to do so.”

Section 7046 (c) of the Consolidated Appropriations Act, 2012 added an additional layer of conditionality requiring special certification from the Secretary of State to release assistance funds. These provisions would restrict both military and nonmilitary aid. Under this law, the Secretary was required to certify that Pakistan was

“(1) cooperating with the United States in counterterrorist efforts against Haqqani Network, the Quetta Shura Taliban, Lashkar-e-Taiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for them and preventing them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

“(2) not supporting terrorist activities against U.S. or coalition forces in Afghanistan, and Pakistan military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

“(3) dismantling improvised explosive devices (IED) networks and interdicting precursor chemicals used to manufacture IEDs;

“(4) preventing the proliferation of nuclear-related material and expertise;

“(5) issuing visas in a timely manner for U.S. visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

“(6) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.”

This law too contained “a national security waiver,” not included in the House-passed version, but inserted in the Senate.

The administration was thus required to certify to Congress that Islamabad was meeting American terms in dealing with proliferation issues, fighting terrorism and diminishing the military’s role in politics. But for several years, instead of certifying that Pakistan was

doing what it was expected, the Secretary of State has invoked the right to waive the conditions on grounds that continuing aid to Pakistan is necessary for U.S. national security.

Having laid out conditions and accepting that they are not being fulfilled by waiving them, the U.S. government has been giving the signal that Pakistan is too important for the U.S. to ignore, which reinforces all of Pakistan's wrong policies. These are policies that both the U.S. and a significant section of the Pakistani intelligentsia would like changed.

The U.S. objective should be to help Pakistan come to terms with its size and its economic and political needs. What we are seeing in Pakistan is a militarized state with geo-political objectives not commensurate with the real power potential of the country and American support plays into reinforcing these delusions rather than to bring them in check. Raising the prospect of a civil nuclear deal with Pakistan without addressing the country's dysfunction and militarism will aid neither U.S. policy objectives nor the people of Pakistan who are perhaps the biggest victims of their national elite's erroneous policies.
