CHAPTER-IV

Ignoring Nuclear Proliferation

One crucial importance of President Ronald Reagan’s Pakistan policy that could never be ignored was Pakistan’s successful quest for a nuclear weapon capability. For a number of reasons, U.S. nonproliferation legislation and the Administration’s diplomatic efforts tended to focus primarily on Pakistan, rather than India or China, the latter of which is already recognized as a legitimate nuclear weapon state under the NPT.\(^1\) The lack of "symmetry" in the treatment of India and Pakistan that is now being criticized by Pakistan and some in Congress was never a deliberate policy decision, however. Rather,

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1 Nuclear proliferation is a term now used to describe the spread of nuclear weapons, fissile material, and weapons-applicable nuclear technology and information, though nations which are not recognized as "nuclear weapon States" by the Treaty on the Nonproliferation of Nuclear Weapons, also known as the Nuclear Nonproliferation Treaty or NPT. Nuclear non-proliferation Treaty came in light just after the World War II, when the Truman Administration proposed the Baruch Plan of 1946, named after Bernard Baruch, America’s first representative to the United Nations Atomic Energy Commission. The Baruch Plan, which drew heavily from the Acheson-Lilienthal Report of 1946, proposed the verifiable dismantlement and destruction of the U.S. nuclear arsenal (which, at that time, was the only nuclear arsenal in the world) after all governments had cooperated successfully to accomplish two things: (1) the establishment of an "international atomic development authority," which would actually own and control all military-applicable nuclear materials and activities, and (2) the creation of a system of automatic sanctions, which not even the U.N. Security Council could veto, and which would proportionately punish states attempting to acquire the capability to make nuclear weapons or fissile material. Although the Baruch Plan enjoyed wide international support, it failed to emerge from the UNAEC because the Soviet Union planned to veto it in the Security Council. Still, it remained official American policy until 1953, when President Eisenhower made his "Atoms for Peace" proposal before the U.N. General Assembly. Eisenhower's proposal led eventually to the creation of the International Atomic Energy Agency (IAEA) in 1957. Under the "Atoms for Peace" program thousands of scientists from around the world were educated in nuclear science and then dispatched them home, where many later pursued secret weapons programs in their home country. Efforts to conclude an international agreement to limit the spread of nuclear weapons did not begin until the early 1960s, after four nations (i.e., the U.S., Soviet Union, Britain and France) had acquired nuclear weapons (see List of countries with nuclear weapons for more information). Although these efforts stalled in the early 1960s, they renewed once again in 1964, after the People's Republic of China detonated a nuclear weapon and became the fifth nation to have acquired nuclear weapons. In 1968, governments represented at the Eighteen Nation Disarmament Committee (ENDC) finished negotiations on the text of the NPT. In June 1968, the U.N. General Assembly endorsed the NPT with General Assembly Resolution 2373 (XXII), and in July 1968, the NPT opened for signature in Washington, DC, London and Moscow. The NPT entered into force in March 1970.
U.S. nonproliferation policies towards both countries arose out of special historical circumstances and practical considerations. Among other things, U.S. nonproliferation legislation has focused on the transfer of nuclear materials and technology, not their indigenous development. It is widely acknowledged that this approach was adopted in part to avoid having Israel fall under the scope of nonproliferation-based aid restrictions. Coincidentally, this also benefited India, which like Israel has an indigenous capability for developing nuclear weapons.

The United States has not ignored India's nuclear activities, however. India's 1974 nuclear test served as a major spur to passage of the Nuclear Non-Proliferation Act of 1978. As a result of passage of that legislation, the United States eventually abrogated a 1963 nuclear cooperation agreement that otherwise committed it for 30 years to make commercial sales of enriched uranium for India's U.S.-built nuclear power station at Tarapur, near Bombay, due to India's refusal to put all of its nuclear facilities under international inspection. However, India had already tested a nuclear device before the adoption of the sections of the foreign assistance act that sought to check Pakistan's drive to acquire nuclear weapons.

Security is basically a relational phenomenon and an ambiguous concept. (Wolfers, 1962, p. 10). It is a broader idea than power, and it has the useful feature of incorporating much of the insight, which derives from the analysis of power. (http://jpr.sagepub.com/cgi/content/refs/21/2/109).

In his theory of international politics, Kenneth Waltz identified that states can balance against threats. States can balance externally, through alliances, or internally,
through military preparations. (Waltz, 1979, p. 168.) Both types of balancing incur costs; alliances bring commitments and the threat of unwanted entanglement, while military preparations divert scarce resources from other important projects. In the modern world, states operate in a “self-defence” system in which threats to national security are omnipresent. Most of the ‘weak’ and ‘small’ states, in particular, have difficulties meeting challenges from powerful neighbours, since such states are by definition limited in their ability to build sizeable and well-equipped military machines. (Handel, 1981, pp. 56-76.)

In other words, strong states with mature institutions, well-defined territories and strong national identities may well promote the security of their people and be able to counter any external threat. (Sorensen, Security Dialogue, p. 377) In contemporary times, the ultimate balance is nuclear weapons. States can either seek nuclear guarantees from established nuclear powers, or they can construct their own nuclear weapons. In this regard, Michael Handel analyses the place of weak states in the international system, claiming that a few small states reconcile themselves to “defensive nihilism”, the abandonment of hope to establish an effective defense (Handel, 1981, p. 77). Waltz believes that “the gradual spread of nuclear weapons will promote peace and reinforce international stability because nuclear weapons induce caution between adversaries who possess them” (Waltz, 1981, p. 30). Nuclear weapons are incomparably more devastating than conventional military power. They reduce the probability of a major global war because nuclear weapons can be suicidal. Moreover, nuclear weapons can make it possible to compress the fury of war without the collapse of the state. They can change the speed; control and the sequence of events and can provide protection from the threat

Hans Morgenthau has observed that nuclear weapons can reduce the conventional threats posed by adversaries and increase states security in an anarchic world (Morgenthau, 1964, p. 35.).

In the Third World countries, which are traditional enemies, and in close proximity, mutual disputes and conflicts are endemic and quickly come to engage critical interests. One strategist contends, “Leaders of the Third World may be ready to risk nuclear confrontation, irrespective of high levels of nuclear damage, in pursuit of their national interest or objectives.” (Kaiser, 1989, pp. 123-136.) Of most concern is the fear that inter-state conflict in Third World states can also socialize states so that they consider military force, even nuclear weapons, in terms of waging war, rather than in terms of deterrence. It seems equally clear that defensively minded states cannot compete against powerful states and only nuclear weapons can provide a strong guarantee that a state would not be put in a position of losing everything, even at the hands of an aggressor, which also has nuclear weapons.

The birth of Pakistan’s nuclear program was in direct response to its defeat in the Bangladesh War in 1971 and after India’s nuclear test in 1974. These two events provided Pakistan with evidence of its insecurity in regard to both its sovereignty and its inability to deter possible Indian aggression. Nuclear weapons were seen by Pakistan’s rulers as an “equalizer,” making up for Pakistan’s lack of strategic depth and conventional asymmetry. Pakistan’s development of the nuclear option is the result, at least in part, of its lack of success in its competition with India. (Hoyt, 2005, pp. 113-115). Accordingly;
nuclear weapons have always formed the centerpiece in Pakistan’s search for “strategic equality” with India, which has deep historical roots stretching back to the partition of the two countries in 1947.

Pakistan’s nuclear preparation and doctrine have been based on fairly clear and straightforward means to forge a credible deterrent to counter India. In pursuit of this aim, Pakistan has been forced to shift from a policy of external balancing to one of internal balancing. Throughout its history, Pakistan’s foreign policy has been dominated by the determination to incorporate Kashmir into the republic; its security policy, in turn, has been formed by the perceived threat from India, defined in terms of Kashmir and the integration of the Pakistani state. Since 1970s Pakistan has been engaged in a major nuclear programme to enhance its nuclear weapons capability as a deterrent against India’s overwhelming conventional and nuclear superiority. Thus, strategically, Pakistan’s nuclear programme is driven mainly by its perception of threat and security concerns about India, which it claims has not fully accepted the existence of Pakistan as an independent country. Pakistan has always been a weak and vulnerable country and it would face great difficulty in prevailing in a war against India resources, both military and civilian, are too limited. Pakistan cannot expect to match India tank for tank or gun for gun because the numbers are too great. According William Pfaff, India’s intransigence on bilateral disputes and her nuclear superiority have made Pakistani leaders feel compelled to see nuclear weapons as a hedge, in order to stay in the game. (International Herald Tribune, 3 June 1998.)
Pakistan launched its own nuclear weapons programme and they had continued to expand its ability to produce weapons-grade nuclear material free from International Atomic Energy Agency (IAEA)\textsuperscript{2} safeguards and continued to resort to clandestine nuclear trade to advance its nuclear programme. The Pakistani military and political elite as an important component in national power always regarded technology, and in its nuclear weapons it has always aspired to a high-tech edge over its rivals. As a result, the Pakistani high regard for smart weapons and technologically advanced support systems has intensified. Prime Minister Zulfikar Ali Bhutto once declared that “Pakistanis would rather eat grass or leaves, or even go hungry, but we will get one of our own, than surrender the nuclear option.” (Chellaney, 1993, p. 122.)

Pakistan’s nuclear policy was founded in the 1950s and the US “Atomic for Peace” programme trained Pakistani scientists in nuclear-reactor technology. They also enabled Pakistan to buy a 5 MW swimming pool type research reactor and fuel, too small to have any military significance, which became fully operational in 1965; it has been used mainly for training purposes. A Canadian 137 MW heavy-water type power plant reactor (KANUPP)\textsuperscript{3} was supplied on a turnkey basis and became operational in 1972.

\textsuperscript{2} In 1953, U.S. President Dwight D. Eisenhower envisioned the creation of this international body to control and develop the use of atomic energy, in his “Atoms for Peace” speech before the UN General Assembly. The IAEA (International Atomic Energy Agency) is the part of United Nations and it is world’s center of cooperation in the nuclear field. It was set up in July 29, 1957, its Secretariat headquartered at the Vienna International Centre in Vienna (Austria). The Agency works with its Member States (144 member) and multiple partners worldwide to promote for safe, secure and peaceful nuclear technologies.

\textsuperscript{3} Pakistan's first nuclear energy plant (heavy-water, natural uranium, 137 MWe), Karachi Nuclear Power Plant (KANUPP) with help of Canada in 1972 under International Atomic Energy Agency (IAEA) safeguards.
The KANUPP facility is a natural uranium, heavy water reactor of the CANDU\textsuperscript{4} type which, according to some sources, can produce as much as 55 kg of plutonium per year (4-6 bomb’s worth) when operating at peak capacity. (Leventhal, 1992, p. 171.)

However, the reactor has never operated at full capacity and since 1977 it was operating at a sharply reduced level due to a cut-off in Canadian fuel supplies. Pakistan then solicited bids for construction of a 900 MW light water, low enriched uranium fuelled power plant on the Indus River at Chashma\textsuperscript{5}, where it can draw on hydroelectric power with the co-operation of China.

Zulfikar Ali Bhutto who provided a new direction to Pakistan’s nuclear policy in the 1960s, as Minister for Natural Resources and Atomic Energy and later as a Foreign Minister and demonstrated keen interest in nuclear weapons. Quite appropriately, an Indian scholar, Ashok Kapur, has stated that Bhutto “mobilised nuclear nationalism in Pakistan” (Kapur, 1987, p. 58). He declared in 1966 that if India built a nuclear bomb, Pakistan would follow suit, to retain a strategic balance with India, including the development of nuclear weapons, at any cost. In 1969, Bhutto wrote: “All wars of our age have become total wars... It would be dangerous to plan for less, and our plans should include the nuclear deterrent”. (Brahma, 1993, p. 122). On January 1972 Bhutto held a

\textsuperscript{4} The CANDU reactor is a Pressurized Heavy Water Reactor (PHWR) developed initially in the late 1950s and 1960s with partnership of Canada (Atomic Energy of Canada Limited-AECL), CANDU uses heavy water (deuterium oxide) for moderator and coolant, and natural uranium for fuel.

\textsuperscript{5} Chashma Nuclear Power Plant is Pressurized Water Reactor (PWR) type. It is located near Chashma Barrage on the left bank of River Indus, 280 Kms from South West of Islamabad and 1160 Kms from North East of Karachi. It was designed and built by collaboration with China, and is being operated and maintained by Pakistan, this plant is delivering 300 Mew to the national grid since September 15th 2000.
secret meeting of the country’s top scientists and engineers at Multan, where he committed his government to acquiring nuclear power and equipment. (Spector, 1990, pp. 89-91.) Bhutto attempted to purchase a reprocessing facility that would have enabled it to extract weapons-grade plutonium from spent nuclear fuel from France. Washington pressured Paris and Islamabad into canceling the deal, after which Pakistan clandestinely sought to acquire the technology to enrich uranium. In Pakistan, nuclear technology became linked to power, status and national security after an Indian nuclear test explosion in 1974. Bhutto, writing from his death cell in 1977, expressed this view: “We know that Israel and South Africa have full nuclear capability. The Christian, Jewish, and Hindu civilizations have this capability. The communist powers also possess it. Only the Islamic civilization is without it, but that position is about to change.” (Bhutto, 1979, pp. 18-45.)

After learning from intelligence reports that Pakistan is acquiring ability to make nuclear weapons, Carter Administration stopped all aid to Pakistan. This was done in accordance with an amendment of ‘Nuclear Proliferation Act’ which prohibited economic and military assistance to any country that obtained equipment for nuclear enrichment without placing it under internal safeguards (New York Times, April 7, 1979) Pakistan denied its plans to develop nuclear weapons and denounced the US decision to terminate American aid and suspicion that such nuclear programme was under way. It further attributed that the US policy was under the Zionist circles (New York Times, April 9, 1979)

It was held that Carter Administration’s cut off economic aid to Pakistan for building their nuclear weapons plant, but no such action was taken against India by last
three Administrations for exploding the plutonium device; it was also known that 82-years old Indian Prime Minister Desai promised not to authorize 2\textsuperscript{nd} atomic test but his successors may not have felt that they were bound by any such promises (ibid, April 16, 1979)

Carter Administration's plans to sell Pakistan, up to 50 Northrop F-5E Tiger fighter planes, to give help on nuclear power to Pakistan, agreement to restrict production of nuclear weapons, offer of diplomatic backing for controversial Pakistanis proposal and calling for free nuclear zone in South Asia, reflected the Administration's growing concern over possibility of nuclear arms race between Pakistan and India. Some top officials circles believed that Administration would have lost some leverage on Pakistan's nuclear plans by halting over $80 million in economic assistance (ibid, April 17, 1979)

The US expressed his concern that Pakistan quest for nuclear weapon capability could spark a nuclear arms race between India and Pakistan. But Pakistan continued to seek nuclear arms capacity despite US warnings. (ibid, February 28, 1980) President Zia-ul-Haq said Pakistan was determined to continue its nuclear programme for “peaceful purpose” because it was vital for country's economy (ibid, March 11, 1980) the Reagan Administration did not believe that Pakistan had peaceful intension in continuing its nuclear programme. US Secretary of State, Alexander M Haig Junior favored modification of legislation policy bars of aid to Pakistan because of secret programme to develop nuclear devices, but the Reagan Administration sought to avoid isolating such countries as Pakistan so that they were not driven ‘towards nuclear option’ (ibid, March
Representative Jonathan B Bingham opposed Haig's idea for change in Nuclear Non-Proliferation Act and contended that such action would send Pakistan a signal that it could develop nuclear weapons without risking its security relationship with the US (ibid, March 19, 1981). Under Secretary James L Buckley depended Pakistan by saying that it had assured that it was neither developing nor planning to develop nuclear weapons (ibid, June 25, 1981).

While the Reagan White House was considering billions of dollar of aid to Pakistan to buy its cooperation in fighting Soviet troops presence in Afghanistan. The US Senate voted to require annual report from President Reagan on policy on nuclear activity in Pakistan as a condition for renewal of military and economic aid (ibid, October 21, 1981) US Senate, 51-46, votes required cutoff that the US foreign aid to Pakistan, if it detonated a nuclear device (ibid, October 22, 1981) US Senate in course of debate on foreign aid bill also voted to allow resumption of economic and military aid to Pakistan, if President report certifying that Pakistan was not developing nuclear weapons (ibid)

In the mean time, US intelligence reported in January 1982 that Pakistan would be able to denote nuclear device within next three years, but it was not likely to do so because of fear of jeopardizing Reagan Administration's $3.2 billion military and economic aid programme (ibid, January 26, 1982)

Pakistani Prime Minister Mohammad Khan Junejo, assured to Reagan Administration that Pakistan was not developing nuclear bomb. (ibid, July 17, 1986) State Department, concluding Pakistan was probably involved in plot to smuggle material for nuclear weapons out of United States, reportedly recommends President Reagan
waive law that would require cutoff in aid to Pakistan (ibid, January 14, 1988) Pakistani General Mirza Aslam Beg reported successful testing of two types of surface-to-surface missiles; also said Pakistan may produce its own tanks within two years (ibid, February 6, 1988)

Bhutto's government was removed from power because the United States disapproved of his nuclear ambitions. He was a dynamic and outstanding politician and became a victim of opposition. He defied a superpower and, in the process, sacrificed his government and ultimately life itself, for the sake of national interest and survival. Thus, the Pakistani nuclear weapons programme took shape in 1976 when Dr. Abdul Qadeer Khan, a German-trained metallurgist, returned to Pakistan from the Netherlands and ultimately, an enrichment facility at Kahuta, based on the stolen blueprints from Almelo gas centrifuge enrichment plant, was completed in 1985. Pakistan had also set up a small pilot plant at Sihala, the existence of which was acknowledged by Zia ul-Haq. However, the Kahuta enrichment facility began to produce weapons-grade uranium in the Mid-1980s and this plant produced uranium enriched to more than the relatively innocuous five per cent level. (New York Times (Magazine), March 6, 1988, p. 38) Thus, it is the uranium enrichment programme that provided the decisive breakthrough for Pakistan in the area of weapon-grade material production. The 1980s saw Pakistan's achievement of the target of designing a nuclear weapon and the acquisition of important hardware. Dr. Abdul Qadeer Khan, the mastermind behind the establishment of the Kahuta enriching

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6 Kahuta is Pakistan's main nuclear weapons laboratory as well as an emerging center for long-range missile development. The primary Pakistani fissile-material production facility is located at Kahuta, employing gas centrifuge enrichment technology to produce Highly Enriched Uranium (HEU).
plant, was able to announce his country's success in breaking the Western monopoly and exceeding the five per cent level in uranium enrichment. (The New York Times, March 6, 1988.)

Pakistan's crossing of the five per cent "red line" was not challenged by the United States because Pakistan was at that time a key ally, providing the crucial link in the CIA's effort to smuggle billions of dollars of weapons to Afghan guerrillas attempting to drive out the Soviet Union from Afghanistan (New York Times (Magazine), March 6, 1988.) The Reagan administration was keen to supply Pakistan with sophisticated air-to-air missiles, and key congressional committees also approved $3.2 billion five years (1981-1985) aid package to Pakistan. (Washington Post, 21 March 1985.) In March 1986, the Reagan administration announced that it would provide Pakistan a second six-year (1985-1991) aid package worth of $4.2 billion. From this point onward, the Reagan administration was aware that Pakistan had achieved capability to build nuclear arms or assemble the components (New York Times, 17 July 1986). According to Milt Bearden (a senior CIA officer in Pakistan from 1986-1989), in the early 1986 the Soviets and Indians talked Pakistan's nuclear issue with the US diplomats in an effort to isolate Pakistan from the Afghan issue but the US officials refused to discuss this matter and helped to create the conditions to produce weapons grade material. (ibid, 30 May 1998.) According to the Tass report, the Reagan administration allowed Pakistan to increase their self-defence ability and Pakistan's nuclear capability was significantly improved during the years of 1985-86 in order to prevent the Soviets moving towards the Persian Gulf. During those years, Pakistan set up a worldwide smuggling ring to buy copy or steal nuclear weapons technology. Some sources claimed
that during this time, Pakistan conducted two nuclear tests and rapidly assembled at least one nuclear device in the event of a future war. (Spector, 1990, pp. 95.) The Zia regime was completely successful in its clandestine efforts to secure classified designs of a centrifuge-based uranium enrichment plant and in obtaining a number of critical sub-systems, components and materials. Zia strongly supported Pakistan’s nuclear programme and refused to accept full-scope safeguards. He said: “We shall eat crumbs but will not allow our national interest to be compromised in any manner what-so-ever.” Zia admitted, “Pakistan can build a (nuclear) bomb whenever it wishes. Once you have acquired the technology, which Pakistan has, you can do whatever you like.” (Doerner, 30 March 1987, p. 42.)

He deliberately took calculated risks, and skillfully exploited the international environment in the wake of the Afghan crisis. Although there was a lack of hard information concerning Pakistan’s nuclear status, it was assumed that the country had the ability to manufacture atomic weapons and had become a de facto nuclear weapon state. An understanding of the historical and current sources of Pakistan’s perception of the US was critical to understanding why, to Pakistan, US nuclear policy was simply more evident of its duplicity and untrustworthiness (Strategic Insights, 2005, p.2).

The US-Pak relationship had no strategic content during the 1970s, as new strains arose over Pakistan’s efforts to respond to India’s 1974 nuclear test by seeking its own nuclear capability. With the Soviet invasion of Afghanistan, however, US priorities shifted again, and Pakistan was again viewed as a frontline ally in the effort to block Soviet expansionism. In 1981, the Reagan Administration offered Islamabad a five-year,
$3.2 billion aid package, and turned a blind eye to Pakistan’s nuclear program—even waiving specific sanctions mandated by law. (CRS 2006, p. 3.) The certification requirement was one in a series of linked nonproliferation sections of the Foreign Assistance Act (FAA)\(^7\) that attempted to use the threat of an aid cutoff as an incentive to Pakistan to discontinue its efforts to acquire a nuclear weapons capability. The most pertinent provisions are noted below.

- The basic nonproliferation provision affecting Pakistan is Section 101 of the Arms Export Control Act (an expanded version of what was formerly Section 669 of the FAA). This provision forbids aid to countries that acquire nuclear enrichment facilities that are not under the inspection and safeguards system of the International Atomic Energy Agency (IAEA). The Carter Administration, in April 1979, invoked Section 669 and suspended aid to Pakistan after intelligence information confirmed that Pakistan was building a secret uranium enrichment facility.


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\(^7\) The Foreign Assistance Act is a United States Act. FAA reorganized the U.S. foreign assistance programmes and it separated military and non-military aid. It also mandated the creation of an agency to administer economic assistance programmes; on November 3, 1961, President John F. Kennedy established the U.S. Agency for International Development (USAID).
Section 669, Section 620E is Pakistan-specific, having been adopted to reaffirm a 1959 U.S.-Pakistan bilateral security agreement and to permit the resumption of U.S. military and economic assistance to Pakistan by granting authority to the President to waive Section 669 in Pakistan's case if he decides that to do so is in the national interest. The waiver authority was granted initially for a period of 6 years, facilitating the Reagan Administration's commitment of a 6-year, $3.2 billion package of economic and military aid to Pakistan. The waiver authority was periodically extended by Congress after that date but subject to increasing conditions, especially the Section 620E (e) certification requirement.

- In 1985, in the face of growing congressional impatience with Pakistan's evident determination to continue development of its nuclear option, Congress added subsection (e) to existing Section 620E, placing a new limitation on the President's ability to grant waivers to application of the then Section 669. Subsection (e), the Pressler Amendment, states "no assistance shall be furnished

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8 Section 620E of the FAA, adopted by Congress in 1981, Unlike Section 669, Section 620E is Pakistan-specific, having been adopted to reaffirm 1959 between the US-Pakistan bilateral security agreement and to permit the resumption of U.S. military and economic assistance to Pakistan by granting authority to the President to waive Section 669 in Pakistan's case if he decides that to do so is in the national interest. The waiver authority was granted initially for a period of 6 years, facilitating the Reagan Administration's commitment of a 6-year, $3.2 billion package of economic and military aid to Pakistan. The waiver authority was periodically extended by Congress after that date but subject to increasing conditions, especially the Section 620E (e) certification requirement.

9 Larry Lee Pressler (born on March 29, 1942) is a U.S. Republican politician. He was the first Vietnam veteran to be elected to the United States Senate. Pressler was also the key sponsor of the Pressler Amendment which prohibited Pakistan from developing a nuclear weapon. The US Congress passed the "Pressler Amendment," in 1985 and it required the president to certify that Pakistan had not have nuclear weapons every year. This amendment was championed by Senator Larry Pressler (R-SD). In this
to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan pursuant to the authorities contained in this Act or any other Act" unless the President makes an annual certification to Congress that Pakistan does not possess a nuclear explosive device and that the proposed aid will reduce significantly the risk that it will possess one. This section was the focus of action in the 104th Congress.

The addition by Congress in 1985 of subsection (e) to Section 620E in 1985 responded to clear evidence that despite U.S. admonitions, Pakistan was continuing to employ various covert means to work towards achieving a nuclear weapons capability. During the mid-1980s it became increasingly clear that the U.S. support of Pakistan's conventional defense requirements was not working to limit its nuclear ambitions, as had been hoped. Eventually, U.S. intelligence agencies acquired evidence that indicated strongly that Pakistan had crossed the nuclear threshold in some manner (http://www.fas.org/spp/starwars/crs/90-149.htm). Aside from Afghanistan, the most problematic element in Pakistan's security policy was the nuclear question. President Zia had inherited a pledge that for domestic reasons he could not discard and he continued the nuclear development program. Zia inherited an ambitious program from Bhutto and continued to develop it out of the realization that, despite Pakistan's newly acquired weaponry, it could never match India's conventional power and that India either had, or shortly could develop, its own nuclear weapons.

amendment, ff the president does not issue such certification, Pakistan cannot get any foreign aid from the US.
In 1985 the Solarz Amendment was added to prohibit aid to countries that attempted to import nuclear commodities from the United States. In the same year, the Pressler Amendment was passed; referring specifically to Pakistan, it said that if that nation possessed a nuclear device, aid would be suspended. Many of these amendments could be waived if the president declared that it was in the national interests of the United States to continue assistance.

Even after the invasion of Afghanistan, Pakistan almost exhausted United States tolerance, including bungled attempts to illegally acquire United States nuclear-relevant technology and a virtual public admission in 1987 by the head of Pakistan's nuclear program that the country had developed a weapon. As long as Pakistan remained vital to the United States interests in Afghanistan, however, no action was taken to cut off United States support. For the remainder of Zia's tenure, the United States generally ignored Pakistan's nuclear weapon programme. But the issue that after Zia's death led to another cutoff of aid was Pakistan's persistent drive towards nuclear development.

Initial Pakistani attempts to handle the bilateral nuclear relationship with India led nowhere, but a significant step was a non-formalized 1985 agreement that neither India nor Pakistan would attack the other's nuclear facilities. Zia asked India to agree to several steps to end the potential nuclear arms race on the subcontinent. One of these measures was the simultaneous signing of the Treaty on the Non-Proliferation of Nuclear Weapons. The second step was a joint agreement for inspection of all nuclear sites by the International Atomic Energy Agency. Pakistan also proposed a pact between the two countries to allow for mutual inspection of sites. And, finally, Pakistan proposed a South
Asian nuclear-free zone. According to one interpretation, it appeared that Zia was looking for a way to terminate the costly Pakistani program. But in order to sell this idea in Pakistan, he required some concessions from India. Termination would also get him out of difficulties the program was causing with the United States, including the curtailment of aid in 1979. (http://www.ippnw-students.org/Chapters/Pakistan/Paknuke1.html)
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