

Civil Nuclear Deal with the US: Prospects for Pakistan

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Abstract

Pakistan has emerged as a responsible nuclear weapon state by developing strong credentials in the fields of nuclear safety, security, stability, and has developed a stringent strategic export control system. Pakistan has not only fulfilled its national obligation of safeguarding its national security objectives vis-à-vis India, but it has been also fulfilling its international obligations, to win the trust of the international community. To strengthen its nuclear credentials further, Pakistan wanted to become an effective part of the international Nuclear Non-Proliferation Regime (NNPR). The international community, including the US, appreciates Pakistan's nuclear safety and security standards. One of the important aspects of Pakistan's credentials is its safe-operational experience of handling peaceful nuclear technology for over 40 years. According to its Energy Vision 2050, Pakistan has established an ambitious plan to develop 40,000 MWe through nuclear power. For that purpose it has been seeking international support and cooperation in the field of peaceful nuclear technology to meet its growing energy demands. Like the Indo-US nuclear deal, Pakistan has also been looking for a similar deal with the US. It has also been seeking a non-discriminatory and criteria-based membership of the Nuclear Suppliers Group (NSG), to do a legitimate verifiable peaceful nuclear trade with the advanced nuclear states. With this premise, this research paper is aimed at exploring the questions that why a Pak-US civil nuclear deal is significant for Pakistan? How the US has, so far, responded to the Pakistan's demand of a nuclear deal? And what are the prospects of a Pak-US civil nuclear deal.

Keywords: Indo-US Nuclear Deal, Pak-US Nuclear Cooperation, Pak-US Relations, Strategic Stability, NSG, Pakistan, US.

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Introduction

Pakistan is a responsible nuclear weapon state and it is not interested in nuclear arms race in the region. Its nuclear weapons capability is only aimed at maintaining strategic balance in the region as its 'full spectrum' deterrence is meant only to deter Indian hostile intentions and to counter the growing Indian conventional and nuclear capabilities. Pakistan, without compromising on its national security, has been making its every effort to address challenges in the nuclear domain. It has been actively strengthening its nuclear command and control structure; promoting nuclear non-proliferation principles; strengthening its national export control laws and regulations; safeguarding its nuclear installations; and cooperating with the international community to strengthen the NNPR. In order to ensure an uninterrupted economic growth, Pakistan has also been addressing the challenge of energy security by developing a mix of energy resources, including the nuclear energy. For that purpose, Pakistan is interested in peaceful international nuclear trade with the international community including the US.

Since the inception of the idea of Indo-US civilian nuclear cooperation agreement in 2005, Pakistan being a US ally in its war on terrorism, has been demanding for a similar access to peaceful nuclear technology from the US. Although, the US recognises Pakistan's energy needs, the US did not respond positively to Pakistan's demand of a civilian nuclear cooperation agreement. One of the reasons could be the US's displeasure over Pakistan's nuclear weapons development in the past and concerns over safety and security of Pakistan's nuclear programme, including the fears of nuclear proliferation to other countries. During the post-9/11 phase, Pak-US relations also witnessed many ups and downs and the US followed a policy of pressure and restraints against Pakistan's nuclear programme. The US did offer some incentives to Pakistan like in 2003, waving off US\$1 billion loan, in 2004, granting of Non-NATO Ally status; in 2006, forming of Pak-US strategic partnership and in 2009, granting of US\$7.5 billion non-military aid under Kerry-Lugar Bill. However, the Pak-US relations remained strained, and as a result of trust deficit between Pakistan and the US, the prospects of discussing even a civil nuclear were very thin. Prior to the commencement of first round of Pak-US Strategic Dialogue in March 2010, the US Secretary of State, Hillary Rodham Clinton, in an

interview to the *Express TV* stated that issues like civilian nuclear deal with Pakistan were on the broader agenda of the Pak-US Strategic Dialogue, and it is not the commitment that one can easily produce overnight or even within a year.¹

Pakistan's longstanding support for the peaceful use of nuclear technology; strategic restraint efforts to strengthen strategic stability in South Asia; its nuclear safety and security measures and its stringent strategic export control regime to strengthen NNPR proves a fact that Pakistan's nuclear credentials are far better than India. The international community, including the US and the International Atomic Energy Agency (IAEA) has repeatedly appreciated Pakistan's growing nuclear credentials.² However, the history of Pak-US turbulent relations; the US growing tilt towards India; Pakistan's image due to its past proliferation concerns; development of tactical nuclear weapons; Pakistan's policy towards major international non-proliferation instruments like Fissile Material Cut-Off Treaty (FMCT) and Comprehensive Test ban Treaty (CTBT); and economic factors are some of the stumbling blocks between the Pak-US civil nuclear cooperation. In this context, the aim of this paper is to explore the prospects of a Pak-US nuclear deal by addressing following questions; why civil nuclear deal with the US is significant for Pakistan? How did the US respond to Pakistani demand of a civil nuclear deal? And with reference to the current status of Pak-US relations, what are the prospects of a nuclear deal with the US?

Since 2005, a great deal of literature is available on the implications of the Indo-US nuclear deal with reference to Pakistan. National and international strategic experts have also highlighted Pakistan's demand for a similar deal from different perspectives. Dr. Rabia Akhtar believes that Pakistan needs a nuclear future as a mainstream nuclear state, not just a deal, as a nuclear deal with the US would mean following an

¹ Hillary Rodham Clinton, Interview with Munizae Jahangir of *Express TV* Group, March 22, 2010,

<http://www.state.gov/secretary/20092013clinton/rm/2010/03/138928.htm>.

² Malik Qasim Mustafa, Ghazala Yasmin Jalil, and Tahir Mahmood Azad, "Pakistan and India: Non-Proliferation Credentials," *Islamabad Papers 2016*, Nuclear Paper Series (Islamabad: The Institute of Strategic Studies Islamabad, 2016), <http://issi.org.pk/wp-content/uploads/2016/02/Nuclear-Paper-Series-No.-2.pdf>.

unbalanced nuclear order.³ Mark Fitzpatrick supports the notion of considering Pakistan as a normal nuclear Pakistan provided that it demonstrates responsible nuclear behaviour.⁴ Christine Fair believes that Washington should not reject a deal outright as it could provide an opportunity to improve the US-Pakistan troubled relations on a steadier footing.⁵ Michael Krepon and Toby Dalton assert that Pakistan could mainstream itself into the global nuclear order by limiting its nuclear weapons capability.⁶ Daniel S. Markey believes that pursuing a nuclear deal now is unrealistic, poorly timed and unwise.⁷ George Perkovich said that the US and Pakistan would be able to agree on conditions to complete a nuclear cooperation agreement.”⁸ Such perspectives on Pakistan’s demand were mainly reflected in media reports and newspaper articles, and the US response to these demands was also reflected in these media reports. However, available literature on the prospects of a Pak-US nuclear deal is still evolving, especially at a time, when the international community has gradually started to realise growing Pakistan’s nuclear credentials. With this perspective, an in-depth analysis of this article could help this study to contribute towards existing literature on this subject.

In order to find answers to the above questions, the paper has been divided into three main sections. First section will analyse the significance of a nuclear deal with the US, followed by a section on

³ Rabia Akhtar, “Pakistan Needs a Nuclear Future, Not a Nuclear Deal,” *Foreign Policy*, December 17, 2015, <http://foreignpolicy.com/2015/12/17/pakistan-needs-a-nuclear-future-not-a-nuclear-deal/>.

⁴ Mark Fitzpatrick, *Overcoming Pakistan’s Nuclear Dangers* (New York: Routledge, 2014), 12.

⁵ C. Christine Fair, “Should Pakistan Get a Nuke Deal?,” *Foreign Policy*, March 23, 2010, <https://foreignpolicy.com/2010/03/23/should-pakistan-get-a-nuke-deal-2/>.

⁶ Toby Dalton and Michael Krepon, “A Normal Nuclear Pakistan” (Stimson Center and Carnegie Endowment for International Peace, 2015), <http://carnegieendowment.org/files/NormalNuclearPakistan.pdf>.

⁷ Daniel S. Markey, “Why a ‘Nuclear Deal’ with Pakistan Is Not Realistic, Timely, or Wise,” December 8, 2015, <http://docs.house.gov/meetings/FA/FA18/20151208/104258/HHRG-114-FA18-Wstate-MarkeyD-20151208.pdf>.

⁸ George Perkovich, “Civil Nuclear Cooperation with Pakistan: Prospects and Consequences,” *Carnegie Endowment for International Peace*, accessed July 14, 2016, <http://carnegieendowment.org/2015/12/08/civil-nuclear-cooperation-with-pakistan-prospects-and-consequences-pub-62225>.

Pakistan's demands to the US for a similar nuclear deal and the US response to these demands. The third section will explore the prospects of Pak-US nuclear deal in the light of current Pak-US relations. At the end, the study will conclude its main argument.

Significance of a Nuclear Deal with the US

This section will try to find the answer to a question that why Pakistan is so much interested in an Indo-US like nuclear deal with the US. In a broader sense, the significance of Pakistan's interest in securing a civil nuclear cooperation agreement with the US can be analysed at three level of analysis i.e. national, regional, and in the international context. The importance of each level of analysis could be understood with several variables. These variables range from development of a national energy security mix to access to latest peaceful nuclear technology through international assistance and nuclear trade; to seek a regional strategic balance and stability and to strengthen the NNPR as a responsible nuclear weapon state. Pakistan also wanted to get recognition of the minimum means to safeguard its legitimate security interests vis-à-vis Indian hegemonic designs and wanted to make friendly relations with major powers.

In this regard, at the national level Pakistan's economy has been suffering badly due to energy shortages, and Pakistan has been looking for long-term alternative energy solutions. Nuclear energy not only qualifies as a clean source of energy, but it is also a sustainable energy option. According to the National Electric Power Regulatory Authority (NEPRA) *State of Industry Report 2015*, Pakistan's installed nuclear capacity (CHASNUP I & II and KANUPP) was 787 MWe, which accounts for 3.17 per cent of total installed generation capacity of the country.⁹ Recently on December 28, 2016 CHASNUP Unit-3, with a capacity of 340 MWe, has also started its operation. Overall, in order to achieve its national priority of energy security, Pakistan has developed its Energy Vision 2050, which aims to develop 40,000 MWe through nuclear power by 2050. For that purpose, Pakistan with the help of its

⁹ "State of Industry Report 2015" (National Electric Power Regulatory Authority (NEPRA), 2015), <http://www.nepra.org.pk/Publications/State%20of%20Industry%20Reports/State%20of%20Industry%20Report%202015.pdf>.

long trusted “all weather friend” China, under that IAEA safeguards is constructing CHASNUP Unit-4, and the groundbreaking of KANUP 2 and 3 has been already performed on November 26, 2013.¹⁰ China has also agreed to construct more nuclear power plants in the country. It is important to note here that Pakistan’s all these existing and upcoming civilian nuclear facilities and projects are under the IAEA safeguards. In response to criticism made over Pakistan-China nuclear cooperation, China has also reiterated that its peaceful nuclear cooperation with Pakistan is in accordance with the principles of the NSG under the IAEA safeguards.¹¹

Pakistan’s stringent strategic export control laws, its improved nuclear safety and security standards and its commitment to obey the IAEA safeguards in its existing and future nuclear power plants has enabled Pakistan to qualify as an equally responsible nuclear state to benefit from peaceful international nuclear trade. However, to meet the ambitious target of 40,000 MWe through nuclear power, Pakistan is seeking international assistance and cooperation particularly from the most advanced nuclear states like the US. Pakistan has already benefited in past under the US “Atoms for Peace” programme and seeking to benefit again from the US to meet its growing energy demands. The past example of Pak-US nuclear cooperation is Pakistan Research Reactor-I (PARR-I), which was supplied by the US in 1965. The PARR-I was converted from using highly-enriched uranium (HEU) to low-enriched uranium fuel (LEU) in October 1991.¹²

On regional level, Pakistan believes that the Indo-US nuclear deal has tilted the strategic balance in favour of India. Since, India, being a non-signatory of the Nuclear Non-Proliferation Treaty (NPT) has been allowed to access the international nuclear market, especially after the 2008 NSG waiver. As a result, India has signed nuclear agreements with the UK, France, Japan, and many other countries, including a recent deal

¹⁰ “Nuclear Power,” <http://www.paec.gov.pk/NuclearPower/>.

¹¹ “China Defends Supply of Nuclear Reactors to Pakistan,” *News*, August 4, 2016, Internet Edition, <https://www.thenews.com.pk/latest/140054-China-defends-supply-nuclear-reactors-Pakistan>.

¹² “Research Reactors,” *Pakistan Nuclear Regulatory Authority (PNRA)*, <http://www.pnra.org/r-reactors.html>.

with the US to build six reactors in India.¹³ Overall, the Indo-US deal has not only ended a 34-years old ban on India for peaceful international nuclear trade, but it has also enabled India to improve the quality and quantity of its nuclear weapons programme. On Pakistan's part, this reflects that the international discrimination and western double standards are blocking Pakistan's path to progress, and are only allowing India to improve its nuclear weapons capability – vertical proliferation.¹⁴ Therefore, Pakistan believes that a regional strategic balance between India and Pakistan could be restored by the US through a similar civil nuclear agreement with Pakistan, and allowing it to access peaceful international nuclear trade by becoming the member of the NSG. The Pakistani efforts to end this international discrimination would be equally beneficial for South Asia in terms of restoring strategic stability and ensuring energy security and prosperity.

In the international context, if one looks at Pakistan's foreign policy objectives, it is quite clear that Pakistan believes in non-discrimination and an equal-security-for-all approach. It aims to safeguard its national security interests and interested to develop friendly relations with all countries of the world, especially with major powers.¹⁵ In this regard, the US role gained significant importance in shaping security, political and economic dimensions of the South Asian region. Post-9/11, the US enhanced engagement with Pakistan has helped the US to pursue its broader geopolitical objectives with reference to its war on terrorism. Similarly, the role of the US, a sole super power, cannot be ignored in the nuclear domain. It has played an important role to control the spread of nuclear weapons technology and due to its status; it will continue to play a more effective role in the nuclear non-proliferation domain in the future. According to Mario E. Carranza, the US could play a crucial role in the South Asian region by bringing India and Pakistan to discuss nuclear restraints, and can use its diplomatic power to induce a serious nuclear arms control dialogue.¹⁶

¹³ "US Firm to Build Six Nuclear Reactors in India," *Wall Street Journal*, June 7, 2016, <http://www.wsj.com/articles/u-s-and-india-agree-u-s-company-to-build-six-nuclear-reactors-1465317345>

¹⁴ Akhtar, "Pakistan Needs a Nuclear Future."

¹⁵ "Foreign Policy Objectives," Ministry of Foreign Affairs, Government of Pakistan, <http://www.mofa.gov.pk/>

¹⁶ Mario E. Carranza, *India-Pakistan Nuclear Diplomacy: Constructivism and the Prospects for Nuclear Arms Control and Disarmament in South Asia*, Studies on Weapons of Mass Destruction Series (London: ROWMAN, 2016), 118.

Recently, China's rejection of the Indian application at the 2016 NSG-Plenary reflects that the international community still respects the norms of the NNPR. Despite this rejection, India, the US and other major powers are aiming at securing India's membership to the NSG. However, once again, a country-specific approach by the US at the NSG would enable India to permanently alter the regional strategic balance, as after becoming a NSG member India will be able to permanently block Pakistan's entry into the NSG. Pakistan has always supported a non-discriminatory and simultaneous criteria-based entry for all responsible states to become a part of the NSG.¹⁷ Pakistan believes that the benefits of peaceful nuclear energy should be provided to all the responsible states, particularly the developing ones for their economic prosperity and growth.¹⁸ With this hope, Pakistan is struggling to end this international discrimination and also urges the international community that in order to strengthen the NNPR, peaceful nuclear technology should be accessible for the prosperity of the mankind. Pakistan expects that the US can help end this discrimination by providing a similar access to peaceful nuclear technology to countries like Pakistan.

Demand and Response

Pakistan's demand for a civil nuclear deal from the US is more than a decade old. Pakistan started to raise its voice, when the US initiated the process of a civil nuclear cooperation agreement with India on July 18, 2005. The US declared the Indo-US nuclear deal as a 'Next Step' in global Strategic Partnership with India, a country who is a non-signatory to the NPT and whose nuclear safeguard violations resulted in the creation of the NSG. The US also ignored the fact that such a deal would undermine strategic stability dynamics in the South Asian region.

Pakistan, at that time, believed that if countries like India could "assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced

¹⁷ Malik Qasim Mustafa, "Criteria-Based Approach to the NSG Membership: An Equal Opportunity for India and Pakistan," *Strategic Studies*, 36, no. 2 (2016): 43-62.

¹⁸ Mustafa, "Criteria-Based Approach."

nuclear technology,”¹⁹ then the US should not adopt a discriminatory approach towards Pakistan. On April 13, 2006 Pakistan Foreign Office highlighted that instead of this country specific approach, the US should have offered civil nuclear technology to both India and Pakistan.²⁰ During the US President, George W. Bush, visit to Pakistan in March 2006, Pakistan’s President, General Pervez Musharraf, discussed the issue of a civil nuclear agreement with the US. However, President Bush explicitly made it clear to Pakistan that “...Pakistan and India are different countries with different needs and different histories.”²¹ He further added that Pakistan should not expect a similar nuclear deal any time soon and raised the US concerns over nuclear proliferation and terrorism.²² That was a time when Pakistan was in a security alliance with the US to fight its war on terrorism and was considered as a strategic partner of the US.

Consequently, after the implementation of the Indo-US nuclear deal and an explicit denial to Pakistan, Pakistan’s security concerns started to aggravate. This growing US pro-India tilt and rapprochement started to destabilise strategic dynamics of the South Asian region. Later on June 18, 2006 Musharraf, in an interview to China’s *Central Television* stated that Pakistan should be treated on equal footings for maintaining the regional geo-strategic balance, because India and Pakistan have the same nuclear status and both are non-signatory to the NPT.²³ It was widely believed that any exceptional country-specific case for nuclear

¹⁹ Bureau of Public Affairs Department of State. The Office of Electronic Information, “Joint Statement by President George W. Bush and Prime Minister Manmohan Singh,” <http://2001-2009.state.gov/p/sca/rls/pr/2005/49763.htm>.

²⁰ “Pakistan Kept Informed on N-Deal: Washington,” *Dawn*, April 13, 2006, Internet Edition, <http://beta.dawn.com/news/187506/pakistan-kept-informed-on-n-deal-washington>.

²¹ “Bush Says Pakistan Cannot Expect Nuclear Deal Like One With India,” *New York Times*, March 4, 2006, Internet Edition, http://www.nytimes.com/2006/03/04/international/asia/bush-says-pakistan-cannot-expect-nuclear-deal-like-one.html?_r=0.

²² “Bush Rules out a Nuclear Deal with Pakistanis,” *New York Times*, March 5, 2006, Internet Edition, <http://www.nytimes.com/2006/03/05/world/asia/bush-rules-out-a-nuclear-deal-with-pakistanis.html>.

²³ “US-India Nuclear Deal Bilateral Arrangement: Pakistan should be Treated at Par: President,” *Dawn*, June 19, 2006.

commerce would destabilise regional balance.²⁴ But India was granted a waiver at the NSG in 2008, which relaxed rules for India to conduct legal nuclear trade with NSG member states.²⁵ Pakistan raised its voice against this international discrimination and started to actively demand a similar deal.

In March 2010, the US and Pakistan initiated their ‘Strategic Dialogue’ as a next step to renew and enhance their bilateral relations with stability, prosperity, opportunity and to advance their shared objectives.²⁶ Prior to the launch of the US-Pakistan Strategic Dialogue, Pakistan Foreign Office spokesman, Abdul Basit, said that “Pakistan is an energy-deficit country and we’re looking for all sources, including nuclear, to meeting our requirements.”²⁷ On March 22, 2010 the US Secretary of State, Clinton, in an interview with *Dunya TV*, replying to a question on Pak-US civil nuclear cooperation agreement said that “we are going to have many issues, including that one, which the Pakistani delegation wishes to raise. And we’re going to really go deep into all of these.”²⁸ On the same day in another interview to the *Express TV*, Clinton, again stated that issues like civil nuclear deal with Pakistan are on the broader agenda of Pak-US Strategic Dialogue and it is not the commitment that one can easily produce overnight or even within a year.²⁹

²⁴ Malik Qasim Mustafa, “Indo-US Civilian Nuclear Cooperation Agreement: Implications for International Non-Proliferation Regime,” *Strategic Studies*, XXVI, no. 4 (2006).

²⁵ “Communication dated September 10, 2008, Received from the Permanent Mission of Germany to the Agency regarding a statement on civilian Nuclear Cooperation with India,” IAEA, INFCIRC/734 (Corrected), September 19, 2008.

²⁶ “US-Pakistan Strategic Dialogue March 24-25, 2010,” (US Department of State, March 2-10), <http://islamabad.usembassy.gov/uploads/Us/c6/Usc6iTZvjCIWbOIuqyFn6g/StrategicDialogueBrochure.pdf>.

²⁷ Saeed Shah, “Pakistan Pushes US for Nuclear Technology Deal,” *Guardian*, March 22, 2010, sec. World news, <https://www.theguardian.com/world/2010/mar/22/pakistan-us-nuclear-technology-deal>.

²⁸ Bureau of Public Affairs Department of State. The Office of Website Management, “Interview With Moeed Pirzada of Dunya TV,” Interview, *US Department of State*, (March 22, 2010), <http://www.state.gov/secretary/20092013clinton/rm/2010/03/138930.htm>.

²⁹ Clinton, Interview With Munizae Jahangir of *Express TV* Group.

In the meantime, Pakistan, keeping in mind the major stumbling blocks between its relations with the US, particularly in the nuclear field, continued to enhance its nuclear credentials. It has made its every effort to address concerns of the international community, particularly the US. Pakistan not only addressed its command and control issue by strengthening its National Command Authority (NCA) and by making stringent exports control laws in harmony with other multilateral export control regimes. As a result of these efforts, the 2014 Nuclear Threat Initiative (NTI) report described Pakistan as the ‘most improved’ country among nine nuclear-armed states, and as a state better at safeguarding its nuclear materials than India, after having boosted physical protection of nuclear material and weapons.³⁰

On January 13, 2015 in a joint statement of the US-Pakistan Strategic Dialogue, the US Secretary of State, John Kerry, showed full confidence over Pakistan’s export control system, its nuclear security and its proactive engagement with the international community, including hosting of the IAEA training activities at its Nuclear Security Centre of Excellence and Pakistan’s active participation in the Nuclear Security Summit process.³¹ In December 2016, the US Ambassador Olsen stated that “Pakistan has ‘made considerable progress in its non-proliferation efforts,” and expressed confidence over nuclear security.³² In February 2015, the US Defence Intelligence Agency Director, Stewart, further added that “Pakistan continues to take steps to improve the security of its nuclear arsenal.”³³ In February 2016, in a joint statement at the sixth US-Pakistan Strategic Dialogue, the US again acknowledged Pakistan’s export control system and its proactive engagement with the

³⁰ Talha Ahmad, “2014 Report: Pakistan ‘Most Improved’ in Nuclear Security, India not so,” *Express Tribune*, January 11, 2014, <http://tribune.com.pk/story/657377/2014-report-pakistan-most-improved-in-nuclear-security-beats-india/>

³¹ “US-Pakistan Strategic Dialogue Joint Statement,” US State Department, Office of the Spokesperson, Washington, DC, January 13, 2015, <http://www.state.gov/r/pa/prs/ps/2015/01/235881.htm>

³² Paul K. Kerr and Mary Beth Nikitin, “Pakistan’s Nuclear Weapons,” Congressional Research Service (The Library of Congress, February 12, 2016), 17, <https://www.fas.org/sgp/crs/nuke/RL34248.pdf>.

³³ Paul K. Kerr and Mary Beth Nikitin, “Pakistan’s Nuclear Weapons,” Congressional Research Service (The Library of Congress, February 12, 2016), 17, <https://www.fas.org/sgp/crs/nuke/RL34248.pdf>.

international community.³⁴ In April 2016, during the fourth Nuclear Security Summit (NSS), Obama once again appreciated Pakistan's steps in the nuclear security domain, especially country's ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM).³⁵

Pakistan's participation in the all four NSS respectively in 2010, 2012, 2014 and 2016 was also a tremendous achievement. During the first NSS, held in Washington in April 2010, Pakistan fully reflected its commitment to nuclear safety and security and its support for strengthening the NNPR. Pakistan in its national statement clearly highlighted its legitimate needs for power generation through nuclear power under the IAEA safeguards. It also highlighted that "Pakistan fully qualifies for participation in civil nuclear cooperation at international level. We urge all relevant forums to give Pakistan access to nuclear technology for peaceful uses, in a non-discriminatory manner, to meet its growing demand for energy."³⁶ At that time, Pakistan also reflected its expertise in peaceful nuclear programme and offered nuclear fuel cycle services under the IAEA safeguards, and expressed its willingness to participate in a non-discriminatory nuclear fuel cycle assurance mechanism.³⁷

After the first NSS, Pakistan embarked upon the initiative of fulfilling its national and international obligations in the nuclear domain. Pakistan reflected all positive steps taken by it in the nuclear domain since 2010, in the second NSS held in Seoul in March 2012. In this Summit Pakistan reiterated its commitment for safety and security of its nuclear assets, national and international obligation in the nuclear field, and once again urged that a safe and sustainable civil nuclear energy is

³⁴ Bureau of Public Affairs Department Of State. The Office of Website Management, "US-Pakistan Strategic Dialogue Joint Statement," Media Note, *US Department of State*, (1 March 2016),

<http://www.state.gov/r/pa/prs/ps/2016/03/253857.htm>.

³⁵ "Pakistan's Steps for Nuclear Security Appreciated by Obama,"

<http://www.pakistantoday.com.pk/2016/04/04/national/pakistans-steps-for-nuclear-security-appreciated-by-obama/>.

³⁶ "Pakistan: National Statement at the Nuclear Security Summit, Washington," (US Department of State, April 12, 2010),

<http://www.state.gov/documents/organization/246969.pdf>.

³⁷ "Pakistan: National Statement, 2010."

essential for economic development.³⁸ Pakistan again highlighted that it qualifies to become the member of the NSG and other export control regimes on a non-discriminatory basis. During the 2014 NSS, President Obama praised the safety and security of Pakistan's nuclear assets as an example for the world to follow.

After the 2011 Salala incident, Pakistani Parliament unanimously passed guidelines for Pakistan's engagement with the US. It clearly highlighted that "Pakistan's nuclear programme and assets, including its safety and security cannot be compromised. The US-Indo civil nuclear agreement has significantly altered the strategic balance in the region, therefore, Pakistan should seek from the US and others a similar treatment/facility."³⁹ In March 2014, Pakistan's Prime Minister, Nawaz Sharif, in Pakistan's National Statement at third NSS said that Pakistan has been running a safe, secure and safeguarded civil nuclear programme for more than 40 years, and that Pakistan has the necessary requirement to produce civil nuclear energy. He urged that to meet energy deficit and to revive economy, Pakistan need international cooperation and assistance for nuclear energy under the IAEA safeguards.⁴⁰ In June 2015, during the seventh US-Pakistan Working Group on Security, Strategic Stability and Non-proliferation (SSS&NP) Pakistan expressed to the US that access to civilian nuclear technology is a vital socio-economic priority for Pakistan.⁴¹ Earlier, Pakistan's Foreign Secretary, Aizaz Ahmad Chaudhry, in a briefing at Washington also highlighted that Pakistan also had a right to the civil nuclear cooperation arrangement that the US had with India. Later on, Pakistan's NCA in its September 9, 2015 meeting clearly indicated that "Pakistan has the requisite

³⁸ "Pakistan National Statement: Nuclear Security Summit, Seoul, March 26-27, 2012," (US Department of State, March 26, 2012), <http://www.state.gov/documents/organization/246278.pdf>.

³⁹ "Guidelines for Revised Terms of Engagement with USA/NATO/ISAF and General Foreign Policy" (Pakistan National Assembly, April 12, 2012), http://www.na.gov.pk/uploads/documents/1334243269_639.pdf.

⁴⁰ "Pakistan National Statement at the Nuclear Security Summit at the Hague" Prime Minister office, Government of Pakistan, March 24, 2014, http://www.pmo.gov.pk/pm_speech_details.php?speech_id=31

⁴¹ Anwar Iqbal, "Access to Peaceful Nuclear Technology a Priority, US Told," *Dawn*, June 4, 2015, <http://www.dawn.com/news/1186016>.

credentials for full access to civil nuclear technology for peaceful purposes, particularly to meet its energy shortages.”⁴²

Prior to the Prime Minister Nawaz Sharif’s visit to the US in October 2015, media reports, about the US exploring a nuclear deal with Pakistan, were surfaced. On October 6, 2015 David Ignatius in *Washington Post* highlighted that “the White House is also exploring, what could be a diplomatic blockbuster: possible new limits and controls on Pakistan’s nuclear weapons and delivery systems. Such an accord might eventually open a path towards a Pakistani version of the civil nuclear deal that was launched with India in 2005.”⁴³ These limits are aimed to restrict Pakistan only to its actual defence needs against India. On October 15, David E. Sanger also stated that the US is exploring a civil nuclear agreement with Pakistan by limiting its nuclear arsenals.⁴⁴ Similarly, on another unofficial level, Stimson Centre report “a Normal Nuclear Pakistan” also suggested a number of restrictions on Pakistan’s nuclear weapons programme as a condition to become a mainstream nuclear state, and to win the trust of the international community for peaceful nuclear trade.⁴⁵ The report suggested the following mentioned five nuclear weapons-related initiative or limitations:

- A shift from Pakistan’s existing full spectrum deterrence to strategic deterrence.
- Commitment of a recessed deterrence and limit on the production of short-range missiles and tactical nuclear weapons.
- Participation in the FMCT negotiations and reduction or ban on fissile material production.
- Separation of civil nuclear facilities from military facilities.

⁴² “Meeting of the National Command Authority,” *Inter Services Public Relations (ISPR)*, September 9, 2015, https://www.ispr.gov.pk/front/main.asp?t=press_release&date=2015/9/9.

⁴³ David Ignatius, “The U.S. Cannot Afford to Forget Afghanistan and Pakistan,” *Washington Post*, October 6, 2015, https://www.washingtonpost.com/opinions/the-dangers-that-still-lurk-in-south-asia/2015/10/06/e3adf016-6c73-11e5-b31c-d80d62b53e28_story.html.

⁴⁴ David E. Sanger, “U.S. Exploring Deal to Limit Pakistan’s Nuclear Arsenal,” *New York Times*, October 15, 2016, <http://www.nytimes.com/2015/10/16/world/asia/us-exploring-deal-to-limit-pakistans-nuclear-arsenal.html>.

⁴⁵ Dalton and Krepon, “A Normal Nuclear Pakistan.”

- Signing of the CTBT without waiting for India.

On December 8, 2015 Perkovich responding to the elements of conditionality stated that “it is highly unlikely that the governments of the US and Pakistan would be able to agree on conditions that would motivate both states to complete a nuclear cooperation agreement.”⁴⁶ Although, Pakistan considers a nuclear deal with the US very significant on political, economic and technological grounds, however, Pakistan has also ruled out any conditions on its nuclear programme to secure a nuclear deal with the US.

Pakistan reiterated its position at the fourth NSS held in Washington in April 2016. In its national statement, Pakistan highlighted that it believed that safe and sustainable civil nuclear energy was essential to advance its economic development plans, and to realise this plan, Pakistan sought international civil nuclear cooperation. Pakistan also reiterated that it was ready to assist interested states with experience and expertise gained in the areas of nuclear power generation, and other applications of nuclear technology, under the auspices of the IAEA. As a country with advanced nuclear fuel cycle capability, Pakistan is in a position to provide nuclear fuel cycle services under the IAEA safeguards, and to participate in any non-discriminatory nuclear fuel cycle assurance mechanisms.⁴⁷ During the eighth round of the US-Pakistan Working Group on SSS&NP Pakistan reiterated its demand for its access to peaceful nuclear technology.⁴⁸ The US side expressed its interest to explore nuclear cooperation with Pakistan.

In a recent move, on May 19, 2016 Pakistan submitted its formal application for membership to the NSG. Pakistan’s Ambassador to the US, Jalil Abbas Jilani, wrote a letter to the US Senate Committee on Foreign Relations and asked the US administration and the Congress to

⁴⁶ Perkovich, “Civil Nuclear Cooperation With Pakistan.”

⁴⁷ “Pakistan’s National Statement: Nuclear Security Summit Washington, March 31-April 1, 2016,” April 2, 2016, <http://www.mofa.gov.pk/pr-details.php?mm=MzYwNA.>,

⁴⁸ “Pakistan Rules out Talks on Nuclear Programme Freeze,” *Express Tribune*, May 18, 2016, <http://tribune.com.pk/story/1105625/pakistan-rules-out-talks-on-nuclear-programme-freeze/>.

support Pakistan's NSG application.⁴⁹ The letter stated that "Pakistan's desire to participate in the NSG stands on solid grounds of technical experience, capability and well-established commitment to nuclear safety." As done previously, Pakistan again made its position clear to the US that Pakistan has an experience of over 42 years of safely operating nuclear power, and nuclear energy is essential for Pakistan's energy security and economic development. The US replied that any country could submit its application for membership and the NSG would consider this application based on a consensus decision.⁵⁰ India's application was rejected by more than 10 NSG members, including China, and Pakistan's application did not secure a positive response. However, Pakistan believes that any selective or country-specific approach, in future, will not only undermine the NSG, but it will also work against the norms of the NNPR.⁵¹ Therefore, it demands a non-discriminatory and criteria-based simultaneous entry approach, and seeks cooperation from the US and the international community to equally support its bid for international peaceful nuclear trade.

Prospects of the Pak-US Civil Nuclear Deal

Pakistan's demand for civil nuclear cooperation with the US and its desire to join multilateral NSG and other export control regimes has been evolved to overcome its energy shortages. Pakistan has always raised its voice against the US discriminatory policies in this region and has always expressed its desire to play a constructive role in strengthening the NNPR by cooperating with multilateral export control regimes. The US response to Pakistani demand shows that initially the US explicitly denied possibilities of any such deal with Pakistan. Later on, the international nuclear experts community's opinion emerged that if Pakistan places limitations on its nuclear weapons and related delivery capabilities then there is a possibility that Pakistan could be mainstreamed into the international nuclear order for peaceful nuclear trade. This assumption gave some credence prior to the visit of Prime

⁴⁹ "Pakistan Asks US to Support its NSG Bid," *Dawn*, June 9, 2016, Internet Edition, <http://www.dawn.com/news/1263664>.

⁵⁰ "US Says Any Country, Including Pakistan, Can Apply for NSG Membership," *News*, May 29, 2016, Internet Edition, <https://www.thenews.com.pk/print/123588-US-says-any-country-including-Pakistan-can-apply-for-NSG-membership>.

⁵¹ Mustafa, "Criteria-Based Approach to the NSG Membership."

Minister Nawaz Sharif in October 2015. However, under this assumption, it seems very remote that Pakistan will compromise on its nuclear weapons capability vis-à-vis India's ambitions.

Overall, the assumption of limitation on Pakistan's nuclear programme and the US response has generated a debate among nuclear experts. Dr. Akhtar believes that demanding a nuclear deal from the US means following a nuclear order bound by the unbalanced rules.⁵² Krepon and Dolton believe that voluntarily limitations by Pakistan itself would enable it to mainstream itself into the international nuclear order.⁵³ Markey asserts that Pakistan's military leadership is not inclined to limit its nuclear weapons capabilities and the US own ability is doubtful to support Pakistan for international nuclear cooperation against its voluntarily nuclear limitations. He argues that in presence of other stumbling blocks between Pakistan and the US, perusing a nuclear deal now is unrealistic, poorly timed and unwise.⁵⁴ Perkovich also shares the same views that the US and Pakistan would not be able to agree on conditions to complete a civil nuclear cooperation agreement. According to Christine Fair "we need a big idea for Pakistan, to transform it from a source of insecurity for the region to a country committed to eliminating terrorism and ensuring that nuclear proliferation doesn't happen again."⁵⁵ She also proposed that the US must transform its relations with the same energy and creativity.⁵⁶ Prof Shaun Gregory said "through the deal, India became a de-facto member of the nuclear club and Pakistan doesn't understand why it wasn't offered the same thing. Pakistan has to position itself as an equal to India."⁵⁷

As far media reports on limiting Pakistan's nuclear capabilities in exchange of a civilian nuclear deal is concerned, Pakistan has clearly ruled out these reports and said that it will never limit its nuclear and missile programme.⁵⁸ Above arguments clearly reflects that hard and

⁵² Akhtar, "Pakistan Needs a Nuclear Future."

⁵³ Dalton and Krepon, "A Normal Nuclear Pakistan."

⁵⁴ Markey, "Why a 'Nuclear Deal' with Pakistan."

⁵⁵ Shah, "Pakistan Pushes US for Nuclear Technology Deal."

⁵⁶ Fair, "Should Pakistan Get a Nuke Deal?"

⁵⁷ Shah, "Pakistan Pushes US for Nuclear Technology Deal."

⁵⁸ "Pakistan Rejects Reports on Deal with US to Restrict its Nuclear Programme," *NDTV* <http://www.ndtv.com/india-news/pakistan-rejects-reports-on-us-deal-to-restrict-its-nuclear-programme-1234098>.

tough conditions will not work from both side to reach any agreement. In this situation, what could be the prospects of a US-Pakistan civil nuclear cooperation agreement? As discussed above there are wide ranging issues between the US and Pakistan. Therefore, the prospects of a Pak-US civilian nuclear cooperation agreement can be better understood by analysing Pak-US relations; growing Indo-US relations and the US nuclear policy towards South Asia.

In the past decades, the Pak-US relations have witnessed many ups and downs. Sometimes Pakistan ranked low in the US foreign policy objectives and was considered as a “strategic backwater,”⁵⁹ and sometimes it ranked at the highest importance place and was considered a key to the US foreign policy objectives in this region.⁶⁰ The 9/11 events transformed this relation once again and Pakistan became a key ally of the US to fight its war on terrorism. Pakistan’s Non-NATO Ally status given by the US, initially, formed a security alliance between Pakistan and the US, later turned this relationship into a strategic partnership in 2006. In 2010, the US initiated Strategic Dialogue process with Pakistan and, so far, held six Minister-level meetings, with the latest one in February 2016.⁶¹

Despite Pakistan’s significant contribution towards war on terror, nuclear non-proliferation, and nuclear safety and security matters, Pak-US relations faced many road blocks such as doubt on Pakistan’s efforts against its fight against terrorism; suspicions over its role in Afghan peace process; the issue of Raymond Davis; the 2011 Abbottabad operation; the 2011 Salala incident; and issues over aid and assistance.⁶² As a result, the US has considered Pakistan as an ineffective partner and

⁵⁹ Janne Nolan, *Global Engagement: Cooperation and Security in the 21st Century* (Brookings Institution Press, 2010), 448.

⁶⁰ K. Alan Kronstadt et al., “India: Domestic Issues, Strategic Dynamics, and US Relations,” Congressional Research Service (The Library of Congress, September 1, 2011), <https://www.fas.org/sgp/crs/row/RL33529.pdf>.

⁶¹ Bureau of Public Affairs Department of State. The Office of Website Management, “US-Pakistan Strategic Dialogue,” *US Department of State*, February 29, 2016, <http://www.state.gov/secretary/remarks/2016/02/253777.htm>.

⁶² “Timeline: History of US-Pakistan Relations,” *Dawn*, July 4, 2012, Internet Edition, <http://www.dawn.com/2012/07/04/timeline-history-of-us-pakistan-relations/>.

repeatedly demanded Pakistan to “do more.”⁶³ Pakistan has also lost its trust in the US as an effective ally. Currently, the US is considering revisiting its policies towards Pakistan with reference to its level of assistance to Pakistan; Pakistan’s progress of military operations against terrorism and extremist organisations; future of major weapons sales to Pakistan;⁶⁴ and growing China-Pakistan nuclear cooperation and Chinese influence over Pakistan especially after the China Pakistan Economic Corridor (CPEC). In the nuclear domain, the US is concerned about Pakistan’s nuclear weapons capability; development of new types of nuclear weapons (tactical nuclear weapons, TNW) and their delivery means; full spectrum deterrence doctrine; nuclear proliferation concerns and Pakistan’s policy towards major instruments of non-proliferation regime and risks of nuclear confrontation between India and Pakistan.⁶⁵

As far as Indo-US relations are concerned, in the past India’s close association with former Soviet Union was viewed by the US as opposite in terms of geographically, politically, and economically.⁶⁶ However, the end of the Cold War presented an opportunity to both India and the US to come close to each other especially in the economic and defence cooperation fields. The 1995 US-India Agreed Minutes on Defence Relations was a turning point in their bilateral relations.⁶⁷ The US desired to make India its foreign policy linchpin in South Asia started to materialise after Bill Clinton’s visit to India in 2000.⁶⁸ The 2000 “Joint

⁶³ K. Alan Kronstadt, “Pakistan-U.S. Relations,” Congressional Research Service (The Library of Congress, May 24, 2012), <https://www.fas.org/sgp/crs/row/R41832.pdf>; “Timeline.”

⁶⁴ K. Alan Kronstadt, “Pakistan-U.S. Relations: Issues for the 114th Congress,” Congressional Research Service (The Library of Congress, May 14, 2015), <https://www.fas.org/sgp/crs/row/R44034.pdf>.

⁶⁵ Paul K. Kerr and Mary Beth Nikitin, “Pakistan’s Nuclear Weapons,” Congressional Research Service (The Library of Congress, February 12, 2016), <https://www.fas.org/sgp/crs/nuke/RL34248.pdf>.

⁶⁶ Frank G. Wisner II et al., “New Priorities in South Asia: U.S. Policy Toward India, Pakistan, and Afghanistan,” Chairmen’s Report of an Independent Task Force Cosponsored by the Council on Foreign Relations and the Asia Society (US: Council on Foreign Relations, November 2003), 14.

⁶⁷ “Framework for the U.S.-India Defense Relationship,” June 3, 2015, <http://archive.defense.gov/pubs/2015-Defense-Framework.pdf>.

⁶⁸ Polly Nayak, “US Security Policy in South Asia Since 9/11-Challenges and Implications for the Future,” DTIC Document, 2005,

Vision Statement” accelerated the US India rapprochement.⁶⁹ As a result, India emerged as an indispensable partner to contain and counter China.⁷⁰ The Indo-US relations started to grow and resulted in the US-India strategic partnership; the US-India 10-year Defence Framework Agreements; the Indo-US nuclear deal to make India as an exception at the IAEA and at the NSG for the international nuclear trade; the US efforts for India’s entry into the NSG; and its advocacy for India’s permanent seat in the United Nations Security Council (UNSC).

However, the US nuclear policy towards South Asia was problematic and was based on wrong assumptions since the Cold War era. Initially, the US failed to bring India to the folds of non-proliferation regime and failed to detect and deter India from conducting its so-called Peaceful Nuclear Explosion (PNE) in 1974. That PNE was resulted in the creation of the NSG and the US Nuclear Non-Proliferation Act (NNPA).⁷¹ In the post-Cold War era, the US took a U-turn and contravened its own non-proliferation laws and bended the NSG rules to accommodate India for civilian nuclear trade and signed the nuclear deal. Under this rapprochement, which was aimed to contain China, the US even forgets India’s past illicit nuclear trade and its nuclear proliferation record.

The US sacrificed its principled non-proliferation policy, accepted legitimacy of India’s nuclear weapons, helped India to technologically advance its nuclear weapons programme and destabilised regional stability. Carranza notes that the nuclear deal exacerbated India-Pakistan nuclear competition, and criticised Pakistan over the A. Q. Kahn issue and not offered a similar nuclear deal.⁷² He further argued that the US departure from its traditional non-proliferation policy was deeply resented by the NPT non-nuclear weapon states on the grounds that non-NPT state gets more benefits than NPT member states. The US kept on

<http://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA445096>.

⁶⁹ Ashley J. Tellis, “Opportunities Unbound: Sustaining the Transformation in U.S.-India Relations,” Carnegie Endowment for International Peace, 2013; 3, http://carnegieendowment.org/files/opportunities_unbound.pdf.

⁷⁰ Kronstadt et al., “India: Domestic Issues, Strategic Dynamics, and U.S. Relations.”

⁷¹ Carranza, *India-Pakistan Nuclear Diplomacy: Constructivism and the Prospects for Nuclear Arms Control and Disarmament in South Asia*.

⁷² Carranza.

supporting and strengthening India's rise and de-hyphenated its relations with India and Pakistan. It moved from non-proliferation to post-proliferation policy in the South Asian region, and the Indo-US nuclear deal was a start of this new policy shift in the US nuclear policy towards this region.

As a result of this de-hyphenation, the US failed to adopt a comprehensive nuclear policy in South Asia. This policy increased Pakistan's fears vis-à-vis India, and it was logical that Pakistan will take whatever steps are necessary to safeguard its national security interest. Experts believe that a shift in the US nuclear policy in South Asia will impact its influence in this region. The US will pay a heavy price for this nuclear deal as India is unwilling to become an effective part of the NNPR, as it was expected at the time of Indo-US nuclear deal. While, the Pak-US relations also landed in trouble and mistrust is growing between both states. In all this de-hyphenation, the US neglected the issue of Kashmir which qualifies as a major nuclear flashpoint between India and Pakistan.

The US, being a sole super power and the champion of non-proliferation, would continue to play an important role in the international nuclear order. There is a possibility that the US might ignore Pakistan or the South Asian region in other areas. However, in the nuclear domain, it would be highly unlikely for the US to abandon Pakistan or this region. Nuclear and security experts such as Carranza, Markey and Fair believe that the US has to play a vital role in the nuclear domain, there is no exit for the US, and India and Pakistan equally needs Washington.⁷³ Therefore, it can be argued that the US, by addressing flaws in its nuclear policy towards South Asia, should adopt a comprehensive nuclear policy towards India and Pakistan. The US by offering a similar nuclear deal to Pakistan could help restore the already destabilised strategic balance of this region. A stable strategic environment in South Asia will help the US foreign policy aims of avoiding a nuclear war in South Asia.

⁷³ Carranza,; Daniel S. Markey, *No Exit from Pakistan: America's Tortured Relationship with Islamabad* (UK: Cambridge University Press, 2013); Fair, "Should Pakistan Get a Nuke Deal?"

Although the Indo-US nuclear deal has improved the status and prestige of India, yet it has also made India more ignorant, and as it is unwilling to demonstrate any responsible nuclear behaviour. Whereas, Pakistan has significantly improved its nuclear safety and security and non-proliferation credentials, and is willing to continue to improve them in future.⁷⁴ Pakistan has been unilaterally following strategic restraint and urging India to be a part of this regime. Therefore, equal and comprehensive nuclear relations of the US with India and Pakistan would help the US to regulate their nuclear behaviour in the long term. There is a need that the US should recalibrate its policies towards South Asia in order to strengthen strategic stability and nuclear non-proliferation norms in the South Asia region.

Above debate clearly highlights that a responsible and a comprehensive behaviour of the US towards South Asia is necessary to encourage responsible behaviours from the South Asian nuclear rivals. The US extraordinary support to the rise of India has complicated the regional security environment, and by enhancing the prospects of a Pak-US civil nuclear cooperation agreement will help restore that titled balance. The US could also raise the prospects of a responsible nuclear behaviour from Pakistan by mainstreaming it into the international nuclear order. This could also enable the US to perform a more influencing role to solve deep rooted issues like Kashmir and eventually ending the hostility between both nuclear rivals. With this premise, it could be argued that Pakistan's desire to initiate civil nuclear cooperation with the US would be equally beneficial for Pakistan and the US. It will help Pakistan to achieve its energy security and will help the US to correct its nuclear policy towards South Asia, which will eventually help to strengthen nuclear non-proliferation norms.

Conclusion

Pakistan is an equally responsible nuclear weapon state to do peaceful nuclear trade with the international community. It has taken all the necessary steps in a positive direction. Its nuclear credentials are not only aimed at strengthening regional stability but also to strengthen the NNPR and nuclear norms. Although the prospects of a US-Pakistan civil

⁷⁴ Mustafa, Jalil and Azad, "Pakistan and India."

nuclear cooperation agreement seems remote, but its possibility could not be ruled out. Civil nuclear cooperation agreement is Pakistan's socio-economic need and by engaging Pakistan, the international community and particularly the US can make a long term effective collaborative relations with Pakistan. Pakistan, through its unilateral efforts, has proved that it can perform better than India, and can effectively contribute towards the goals of non-proliferation and nuclear safety and security. Pakistan is making every effort to address its internal socio-economic and security challenges. The US can play a leading role in terms of making an enabling environment for Pakistan for its engagement and both states can win each other's trust in the longer run. By signing a similar nuclear deal, the US can help restore strategic stability in the South Asian region and can play a more effective role to solve deep rooted issues including water and Kashmir dispute between India and Pakistan.