

**THE US-PAKISTAN RELATIONSHIP:  
A STUDY OF PRESSLER  
AMENDMENT**

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**MASTER OF PHILOSOPHY**

By

**GAURAV TRIVEDI**



Supervisor: Dr. Chintamani Mahapatra

AMERICAN STUDIES DIVISION  
CENTRE FOR AMERICAN AND WEST EUROPEAN STUDIES  
SCHOOL OF INTERNATIONAL STUDIES  
JAWAHARLAL NEHRU UNIVERSITY  
NEW DELHI - 110 067  
INDIA  
2002



CENTRE FOR AMERICAN & WEST EUROPEAN STUDIES  
SCHOOL OF INTERNATIONAL STUDIES  
**JAWAHARLAL NEHRU UNIVERSITY**  
NEW DELHI-110067

**CERTIFICATE**

This is to certify that the dissertation entitled “**The U.S.-Pakistan Relationship: A Study of Pressler Amendment**” Submitted by **Gaurav Trivedi** in partial fulfillment of the requirements for the award of the degree of **MASTER OF PHILOSOPHY**, is his own work and has not been submitted for the award of any degree of this or any other university.

We recommend that this dissertation be placed before the examiners for evaluation.

*Chintamani Mahapatra*  
Dr. Chintamani Mahapatra  
(Supervisor)

*R.K. Jain*  
Prof. R.K. Jain  
(Chairperson)

*Dedicated*

*to*

*my*

*Family*

## Acknowledgment

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## CONTENTS

|  |                |
|--|----------------|
| <b>Acknowledgement</b>   | <b>Pages</b>   |
| <b>Preface</b>   | <b>1 – 4</b>   |
| <b>Chapter-I-Evolution of U.S. Nuclear Non-proliferation Policy</b>                        | <b>5 - 26</b>  |
| <b>Chapter-II- Events Leading to Enactment of Pressler Amendment</b>                       | <b>27-55</b>   |
| <b>Chapter-III- Imposition of Pressler Amendment and Its Implications</b>                  | <b>56-77</b>   |
| <b>Chapter-IV- Efforts Towards Doing Away with Pressler Amendment:<br/>Brown Amendment</b> | <b>78-97</b>   |
| <b>Chapter-V- Conclusion</b>   | <b>98-105</b>  |
| <b>Bibliography</b>  | <b>106-120</b> |

## PREFACE

The nuclear non-proliferation regime – a constellation of international treaties, institutions, codes and bilateral nuclear trade arrangements is a major restraint on the spread of nuclear arms. At the same time, the spread of nuclear weapons and related capabilities has, itself, become an important engine of change on the international scene, recasting the strategic balance between rival states in several conflict-prone areas and redefining relations between the major powers and a number of their regional counterparts. Between 1960 and mid 1990, the regime was strengthened in some notable respects, but a number of troubling developments have underscored its limitations and indicated the need for better vigilance in enforcing some of its guidelines and safeguards.

The United States has always been the “champion” of non-proliferation cause. To stop proliferation U.S. has used time and again the set of policies known as the ‘sanctions’. According to the Oxford Advanced Learners Dictionary the term sanctions refer to “measures taken to force a country to obey international law” and “action taken by a country to penalize and coerce a country or organization that is considered to have violated a law or

code of practice or basic human rights.” Here the “measure” or “action” may be of any sort like economic, military or technological etc., to attain the purpose or goal of both the punishing and coercing the target country to comply with what is told. But a clear definition of the term “sanction” and a clear definition of “success of the sanction” is a most important prerequisite to measure the range of success of the particular statecraft of sanction in achieving foreign policy goals.

On the importance of sanctions following questions can be raised:-

(a) Is sanction an effective instrument? Is it more effective, compared to other instruments of foreign policy such as military intervention, propaganda and diplomacy?

(b) Is it a stand alone instrument of foreign policy or supplementary instrument which could work only with other foreign policy tools?

(c) In so far as U.S. foreign policy towards Pakistan is concerned, how much and how far it has been successful? Has the U.S. been able to achieve the desired goals in Pakistan? Was U.S. seriously concerned about non-proliferation in this part of the region?



Sanctions such as the Symington Amendment, the Glenn Amendment, the Solarz Amendment, the Pressler Amendment and the Brown Amendment, narrate altogether have different stories of their being enacted and implemented. This study seeks to understand the factors that implemented the legislative process leading to the enactment of the Pressler Amendment. It is also a modest attempt to analyze the implications of the imposition of the Pressler Amendment on Pakistan.

In this study Chapter – I provides a brief background paper on the evolution of the U.S. non-proliferation policy.

Chapter – II, seeks to analyze the factors that influenced the legislation process which culminated in the enactment of the Pressler Amendment.

Chapter – III, deal with the imposition of the Pressler Amendment and its impact on U.S.- Pakistan relationship.

Chapter – IV, is an attempt to understand the developments leading to the enactment of yet another legislation to provide one-time waiver to the Pressler Amendment.

Chapter – V, is a broad-set of conclusions drawn from the study.

The researcher has adopted a historical – analytical method in addressing the concerned issue. Some primary source materials and available secondary source materials have been used in this study.

Place: New Delhi  
Date : July 19, 2002.

Gaurav Trivedi

# CHAPTER-I

## EVOLUTION OF US NUCLEAR NON-PROLIFERATION POLICY

## CHAPTER I

### EVOLUTION OF US NUCLEAR NON-PROLIFERATION POLICY

On May 24, 2002, the U.S. President George W. Bush and his Russian counter part Valdimir Putin signed a bilateral arms agreement to reduce their respective Strategic Offensive Weapons. However, they highlighted an entirely different concern in the joint declaration that was released soon after the signing ceremony. The declaration indicated a joint commitment to proactively fight further proliferation of mass destruction. This was a significant aspect of U.S. non-proliferation policy in the sense that a former cold war adversary was roped in to fight proliferation of Weapons of Mass Destruction (WMD).

The U. S. non-proliferation policy is several decades old. While the term non-proliferation became a part of international relations lexicon in 1960's, the U.S. actually followed a policy of non-proliferation soon after World War II. The significance of joint Moscow declaration lies in the fact that Washington and Moscow never had identical views on non-proliferation issues during the cold war era.

Nuclear proliferation actually means the spread of particular materials and technologies that facilitate building of nuclear bombs. Any element or technology that increases the number of fissile U- 235 atoms in nuclear fuels, creates Pu – 239 or U- 233 or improves the chances of free – flying neutrons hitting a fissile atom is of concern.<sup>1</sup> The difficulties in managing these materials and technologies are enormous because most can be used for both military and peaceful purposes. Both the atomic processes provide no means to distinguish fission for peaceful purposes from fission for military ends.<sup>2</sup>The United States has been in the forefront of worldwide efforts to prevent the spread of nuclear weapons. To this end, the U.S. has successfully played a role in the conclusion of several multilateral and bilateral treaties and the creation of a nuclear non-proliferation regime, aimed at keeping nations that do not have weapons from acquiring them.<sup>3</sup>The U.S. Congress has also enacted a host of legislations to fight proliferation abroad.

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<sup>1</sup> Gary T. Gardner , “*Nuclear fission and the Nuclear Bomb*” in “*Nuclear nonproliferation – A primer*” (Lynne Rienner Publishers , London , 1994) p.8.

<sup>2</sup> *Ibid* , p.8.

<sup>3</sup> Congressional Record Service Issue Brief for Congress, “*Nuclear Nonproliferation Issues* ” updated April 1,2002 by Carl E. Behrens.

The nuclear non-proliferation regime represents a near – universal international consensus opposing any further spread of nuclear weapons.<sup>4</sup> Many observers believe the success of the nuclear non-proliferation regime is necessary for the effectiveness of other regimes dedicated to controlling chemical and biological weapons and missiles.<sup>5</sup>

### **Early Approach to Non-proliferation**

Soon after World War II, the U.S. non-proliferation approach followed two different tracks.<sup>6</sup> In the year 1946 Atomic Energy Act (McMahon Act) came into being to maintain strict US government control over the nuclear technology, materials and know-how. On the domestic front, the legislation nationalized all aspects of U.S. nuclear ventures, from uranium mining to nuclear fuel production to the innocuous production of isotopes for medical use.<sup>7</sup> Internationally, it restricted U.S. export of nuclear materials, technology and know-how.<sup>8</sup> Even the United Kingdom, the closest wartime

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<sup>4</sup> Congressional Record Service Issue Brief for Congress, “*Proliferation Control Regimes : Background and Status*” updated March 10, 1997 by Robert D. Shuey , Steven R. Bowman and Zachary S. Davis.

<sup>5</sup> *Ibid.*

<sup>6</sup> Gary T. Gardner, “*Nuclear fission and the Nuclear Bomb*” in “*Nuclear Nonproliferation – A primer*” (Lynne Rienner Publishers, London, 1944 ) p.8.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

partner of the United States in nuclear research, was denied continued across the table collaboration in the field of nuclear weapons research.

In addition, President Truman unveiled the Baruch Plan in the same year. The plan was largely an amended version of a report by Assistant Secretary of State Dean Acheson and Tennessee Valley Authority Chairman David Lilienthal and it essentially called for the internationalization of all nuclear activities. The plan highlighted that International Atomic Development Authority (IADA) would inspect and license nuclear activities and promote the development of nuclear power for peaceful purposes.<sup>9</sup> Most remarkably, the plan envisioned the end of nuclear weapons development and production and the elimination of all atomic weapons stockpiles. The plan was not toothless, as it envisaged UN- sponsored sanctions against violators. More significantly, these sanctions could not be vetoed in the UN Security Council.<sup>10</sup>

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<sup>9</sup> *Ibid.*

<sup>10</sup> William C. Potter, “ *Nuclear Power and Nonproliferation : An Interdisciplinary Perspective*” (Cambridge: Oelgeschlager, Gunn and Hain, Publishers, 1982) pg.36.

## Nuclear Promotion through the Atom for Peace Programme

By 1953, evidence of the failure of the U.S. policy of preventing spread of nuclear weapon capability secrecy was mounting. The former Soviet Union and the United Kingdom had each tested nuclear explosives and France and the Netherlands were forging ahead on civil nuclear programmes.<sup>11</sup> The U.S. refusal to allow the spread of nuclear technology and know-how, codified in the 1946 Atomic Energy Act, had served to block U.S. participation in the rapidly developing international nuclear market.<sup>12</sup> The U.S. fear of increased Soviet influence worldwide and displacement of the United States as the chief supplier of nuclear assistance prompted a reevaluation of U.S. nuclear policy and led to the creation of the Atoms for Peace programme.<sup>13</sup>

Atoms for Peace represented a compromise between the Baruch Plan's promise of access to nuclear technology and the McMahon Act's concern for restricting such access. The new policy, proposed in December 1953, facilitated the dissemination of nuclear energy for peaceful purposes to all interested nations in return of their acceptance of safeguards against military

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<sup>11</sup> Bertrand Goldschmidt, "*The Atomic Complex : A Worldwide Political History of Nuclear Energy*" (La range Park, Illinois : American Nuclear Society, 1980 ), pp.250 –251, 253.

<sup>12</sup> Lawrence Scheinman, "*The International Atomic Energy Agency and World Nuclear Order*" (Washington D.C. : Resource for the Future, 1987) p. 57.

<sup>13</sup> Goldschmidt, p. 253.



use of fissile materials.<sup>14</sup> President Eisenhower won high praise for his new proposal, and the era of nuclear promotion was born. In only three years, from 1956 to 1959, the United States concluded nuclear co-operation agreements with forty nations, all of whom agreed to allow the U.S. inspectors to monitor technology provided by the United States.<sup>15</sup> These bilateral agreements paved the way for early U.S. dominance of international nuclear transactions. Between 1956 and 1962, Atoms for Peace provided research reactors, training and fissile materials to twenty- six nations, including thirteen in developing countries.<sup>16</sup>

The seeds for some of today's proliferation concerns were sown in the 1950's as the safeguards did not cover all global nuclear transactions. Other nations with advanced nuclear technology, including Canada, France, Great Britain, and the former Soviet Union joined the United States in marketing nuclear wares overseas frequently without adequate guarantees of their peaceful purposes.<sup>17</sup> In 1956 Canada sold a research reactor to India and the United States supplied heavy water for the facility, which was not subject to

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<sup>14</sup> Gardner, p. 40.

<sup>15</sup> Goldschmidt, p.305.

<sup>16</sup> Peter R. Mounifield, "*World Nuclear Power*" (London : Routledge, 1991 ) p. 41.

<sup>17</sup> Leonard Spector, "*A Historical and Technical Introduction to the Proliferation of Nuclear Weapons*" ( Washington D.C. : Carnegie Endowment for International Peace, 1992) p.10.

inspections.<sup>18</sup> This reactor, along with technology for a plutonium reprocessing facility supplied by the United States and Great Britain in the 1950's and 1960's, produced the plutonium used by India for its 1974 nuclear explosion.<sup>19</sup> France's nuclear export activity was still more imprudent: France deliberately assisted an Israeli nuclear weapons programme by selling Tel Aviv a research reactor and plutonium reprocessing plant. Outside the commercial arena, the former Soviet Union assisted China with development of its nuclear programme in the late 1950's, providing it with uranium, information on uranium enrichment, and even nuclear weapons design information.<sup>20</sup>

President's Eisenhower's Atoms for Peace address to the United Nations in December 1953 called for the creation of what has become the most visible International Atomic Energy Agency (IAEA). The IAEA, was founded in 1957 as an autonomous agency of the United Nations family, was charged with assisting the dissemination of nuclear energy for peaceful purposes, promoting nuclear safety and administering a system of international nuclear safeguards. The first and second tasks are accomplished by making technical and safety assistance available to member states and by cooperating with

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<sup>18</sup> *Ibid*,p.11.

<sup>19</sup> *Ibid*,p. 13.

<sup>20</sup> *Ibid*, p.16.

national and international organizations in novel applications of nuclear science, such as the use of nuclear isotopes in the fields of medicine and agriculture. The second task involves provision of nuclear safeguards to bilateral or multilateral transfers of nuclear goods and since 1970, provisions of the same service to the entire peaceful nuclear sectors of NPT non – nuclear weapon states.<sup>21</sup>

### **A Broadening Consensus on Non-proliferation**

By the first half of 1960's, several global developments were creating favorable conditions for completion of arms control and non-proliferation agreements.<sup>22</sup> The development of long-range rockets – dramatically demonstrated in 1957 with the launch of the Sputnik satellite – underlined the vulnerability of both the United States and the former Soviet Union to nuclear attack.<sup>23</sup> Environmental hazards caused by nuclear testing in the atmosphere mobilized public opinion against unrestricted efforts to build

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<sup>21</sup> Gardner, p. 40.

<sup>22</sup> *Ibid*, p.41.

<sup>23</sup> William Sweet, "*The Nuclear Age : Power , Proliferation, and the Arms Race*" (Washington, D.C. : Congressional Quarterly,1984 ) p.104.

bigger and better nuclear weapons. Above all, the Cuban missile crisis drove home the very real possibility of an all-out nuclear exchange.<sup>24</sup>

All the above circumstances led to the strengthening of the non-proliferation regime in 1960's. The Limited Test Ban Treaty (LTBT), concluded in 1963, prohibited nuclear testing on land or in the atmosphere, although underground testing was allowed to continue. The LTBT was a significant achievement in the history of arms control, but was more effective in stopping the spread of nuclear weapons to non-nuclear weapon states ("horizontal proliferation") than it was in slowing the growth of nuclear stockpiles in nuclear weapons states ("vertical proliferation").<sup>25</sup>

Slowly and gradually the nuclear club was growing as France went for first atomic tests in 1960 followed by China in 1964. The Chinese tests alarmed the Indians. Shortly after the Chinese blast, India could not be denied its right to develop nuclear explosives for at least "for peaceful purposes".<sup>26</sup> In addition, Germany and Japan were gaining the technological competence needed to build a nuclear bomb. The immediate U.S. reaction to the Chinese

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<sup>24</sup> Gardner , p.41.

<sup>25</sup> Gardner, p.41.

<sup>26</sup> Leonard S. Spector, "*A Historical and Technical Introduction to the Proliferation of Nuclear Weapons* " (Washington D.C. : Carnegie Endowment for International Peace, 1992) p.16.

nuclear test is noteworthy. President Lyndon B. Johnson stated on October 16, 1964: "The Chinese communists have announced that they conducted their first nuclear test today... This explosion comes as no surprise to the United States Government. It has been fully taken into account in planning our own defense programme and nuclear capability. Its military significance should not be overestimated. Many years and great efforts separate testing of a first nuclear device from having a stockpile of reliable weapons with effective delivery systems. Still more basic is the fact that, if and when the Chinese communists develop nuclear weapons systems, free world nuclear strength will continue to be enormously greater."<sup>27</sup> There is still doubt that President Johnson basically tried to tell his people that they have nothing to fear from communist Chinese bomb. However, the U.S. policy makers did consider the danger of further proliferation of nuclear weapons in Asia in reaction to Chinese nuclear explosion. India was obviously one of the prospective candidates to enter into the nuclear club. Washington was clearly not in favor of further expansion of membership of the nuclear club.

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<sup>27</sup> Department of State Bulletin, 2 November, 1964, p.612 as cited by Chintamani Mahapatra in "U.S. Policy Towards Nuclear Issues in South Asia." In *Strategic Analysis* in August 1993 in Vol. XVI, No.5.

## NPT

Four years after the Chinese entry into the nuclear club, the U.S. and its allies were ready with a multilateral arrangement to prevent further proliferation of nuclear weapons. A Nuclear Non-proliferation Treaty ready for signature in 1968. In signing the NPT, non-nuclear weapons states (NNWS) pledged not to acquire nuclear weapons in exchange for a pledge by the NWS not to assist the development of nuclear weapons by any NNWS. Advanced nuclear countries promised to promote “the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.”<sup>28</sup> NWS also agree to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament....”<sup>29</sup>

To assure that nuclear materials are not diverted from civilian to military purposes, the NPT stipulated that non-weapon member states must comply with the International Atomic Energy Agency’s (IAEA) system of safeguards and inspections.<sup>30</sup> Each non-weapon NPT member must negotiate

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<sup>28</sup> NPT, Article IV-2.

<sup>29</sup> NPT, Article VI.

<sup>30</sup> William C. Potter, *“Nuclear Power and Nonproliferation : An Interdisciplinary Perspective”* (Cambridge : Oelgeschlager, Gunn and Hain, Publishers,1982) p 56.

an agreement with the IAEA to submit all nuclear materials in its possession to regular inspections.<sup>31</sup>

### **The Zangger Committee**

Soon after the NPT came into force in, a group of seven NPT nuclear supplier nations under American leadership formed the Nuclear Exporters Committee, Zangger Committee, to assist in the implementation of the restrictions on nuclear trade included in Article III the NPT. These countries consulted one another on the procedures and standards to be adopted to regulate nuclear related exports to non nuclear weapon states.

Significantly, a few years later in the month of May 1974, India conducted its first nuclear test and described it as a Peaceful Nuclear Explosion. Neither the NPT nor the Zangger Committee was in a position to prevent India from doing so. However, India's nuclear explosion sent a stronger signal around the world particularly to those who sought to champion the cause of nuclear non-proliferation.

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<sup>31</sup> *Ibid.*

Months after Pokharan-I, in August 1974 the government of many countries including the U.S., informed the Director General of IAEA that they would require IAEA sub guards on their nuclear exports and provided in their individual letters a “trigger list” of materials and items and equipments which should be exported only under such safeguards.<sup>32</sup>

### **The Nuclear Suppliers Group**

In November 1974, within a year of the delivery of these memoranda a second series of supplier negotiations were underway. This round, convened largely at the initiative of the United States, was a response to many developments. The most significant one was the Indian nuclear test of May 1974. Two major issues were discussed in the series of meetings that led to a new agreements in late 1975. The first was if, and under what conditions, technology and equipment for enrichment and reprocessing, the most sensitive parts of the nuclear fuel cycle from a weapons proliferation perspective, should be transformed to non-nuclear states. The United States, with support from several other participants, was reported to argue in favor

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<sup>32</sup> The “Trigger List” included reprocessing plants and enrichment equipment among other items, was communicated to the IAEA in 1974. The Zangger list is significant as the first major agreement by nuclear exporters on the regulation of nuclear trade.



of both a prohibition on such transfer and a commitment to reprocessing in multinational facilities.<sup>33</sup>

In fact, the Indian explosion and the expected growth in nuclear facilities worldwide prompted a reappraisal of the adequacy of exports controls and led to the establishment in 1975 of the Nuclear Suppliers Group ( or London Club ) to consider further restrictions on nuclear trade.<sup>34</sup> The major nuclear suppliers in 1975 established a set of unpublished nuclear export guidelines. In 1978, the group, known as the London Club, added new members and announced a common policy regarding nuclear exports. While the Zangger list initially included only nuclear materials and components used directly in weapons development, the London Club adopted somewhat more restrictive export control guidelines that included some dual – use items, with civil and military applications. The NSG guidelines called for suppliers to exercise restraint regarding transfers of enrichment and reprocessing technology , and required the provision of physical security for transferred nuclear facilities and materials, acceptance of safeguards on replicated facilities (based on a design transferred from a London Club member –

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<sup>33</sup> Leonard S. Spector with Jacqueline R. Smith in “*Nuclear Ambitions: The Spread Of Nuclear Weapons 1989-1990.*” (Boulder, Colorado : Westview Press, 1990) pp.434 – 435.

<sup>34</sup> Gardner, pg.44.

State), and prohibitions against retransfer of nuclear exports to third parties.<sup>35</sup>

### **Congressional Activism**

While the U.S. administration was deeply involved in the international arena to establish multilateral mechanisms to monitor and prevent possible acts of nuclear proliferation, the U.S. Congress was very active in the 1970s in enacting legislations against proliferation of nuclear weapons around the globe.

There is no doubt about it that India's nuclear test provided substantive impetus to American legislation against nuclear proliferation. Nonetheless, India was not the only case. India had a vast civilian nuclear programme and most of its nuclear development was indigenous in nature. A bigger danger of proliferation came from Pakistan – America's so called trusted ally and India's arch enemy.

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<sup>35</sup> CRS Issue Brief for Congress, "*Proliferation Control Regimes : Background and Status*", updated March 10, 1997 by Robert D. Shuey, Steven R. Bowman and Zachary S. Davis.

Indeed Pakistan desire to possess nuclear weapon capability did not arise from India nuclear test of 1974. According to Leonard Spector, “ it was in 1972” that then Prime Minister of Pakistan Zulfikar Ali Bhutto showed interest in acquiring a nuclear weapon capability.

Spector writes, “... according to eye witness, then – Prime Minister Zulfikar Ali Bhutto announced his plan to develop nuclear arms at a meeting of Pakistan’s top scientists and nuclear aides in Multan.<sup>36</sup>The programme appears to have been aimed at countering India’s substantial conventional military superiority and its significant, but then still undemonstrated, nuclear capability. India’s nuclear test in May 1974 gave added impetus to the Pakistani program.<sup>37</sup>

### **U.S. Nuclear Non-Proliferation Act**

In 1978, the U.S. Congress and the Carter administration produced the greatest restrictions on nuclear technology since the early 1950’s. Called the

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<sup>36</sup> Steve Weissman and Herbert Krosney, “*The Islamic Bomb*” (New York : Times Books, 1981), pp.43 – 46.

<sup>37</sup> Leonard S. Spector with Jacqueline R. Smith in “*Nuclear Ambitions : The Spread of Nuclear Weapons 1989 – 1990*” (Boulder, Colorado : Westview Press, 1990) p.90.

Nuclear Non-Proliferation Act, the new policy contained the following provisions:

- It required full-scope safeguards as a condition of U.S. nuclear exports to any NNWS.
- It made illegal the export of nuclear materials or technology to any nation acquiring or attempting to acquire a nuclear explosive device.
- It continued the U. S. ban on the export of reprocessing or enrichment facilities.

The legislation also sought to ban the use of breeder reactors and commercial plutonium reprocessing both in the United States and abroad. Proponents of breeder reactors and reprocessing equipment (technologies that allow nuclear fuel to be recycled) reasoned that these technologies would provide a perpetual supply of nuclear fuel with a minimum input of fresh uranium and with low levels of nuclear waste. The Carter administration sought to avoid this “closed” nuclear fuel cycle because of the large amounts of plutonium it would create. The measures were controversial in the United States and abroad with only Canada and Australia solidly in support of the U.S. position. Today, many key features of the NNPA, such as the full-scope safeguards requirements and the ban on

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the export of reprocessing or enrichment facilities, are national policy among the world's principal nuclear suppliers.<sup>38</sup>

It is significant to note that Pakistan's quest for nuclear weapon capability provided one of the major motivations for U.S. Congressional Activism against nuclear proliferation. The result of Congressional concerns over proliferation was reflected in the enactment of Symington Amendment in 1976, Glenn Amendment in 1977, Nuclear Non-proliferation Act in 1978, yet another Glenn Amendment in 1981, the Solarz amendment in 1985 and the Pressler Amendment in 1985. In 1976, Senator Symington sponsored legislation adding a new section 669 to the Foreign Assistance Act of 1961, that required a cutoff of U.S. military and economic aid to countries that engage in illicit transfers of uranium enrichment and nuclear reprocessing technology. According to this law, transfers of such technology would be legitimate only if (a) they were placed, upon delivery, under "multilateral auspices and management when available" and (b) were delivered to countries that have agreed to full-scope IAEA safeguards. The President could waive this prohibition, but only upon a formal certification that the termination of aid "would have serious adverse effect on vital United States

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<sup>38</sup> Gardner, pg. 64.

interests” and that the President “has received reliable assurances that the country in question will not acquire or develop nuclear weapons .”

In 1977, Senator Glenn sponsored an amendment that made the following revisions : (a) section 669 was limited to focus on transfers of uranium enrichment technology; (b) a new **section 670** penalized all those who deliver or receive nuclear reprocessing technology, whether safeguarded or not, and added a new ban on aid to any non-nuclear-weapon state that detonates a nuclear explosive device; and (c) the President could waive penalties under section 670 upon certifying that a cutoff would be “seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security.” Collectively, these provisions are called the Glenn / Symington amendments. President Carter used section 669 when he cut aid to Pakistan in 1979. A further amendment, sponsored by Senator Glenn, was adopted in 1981, banning aid to any state that transfers a nuclear explosive device to a non-nuclear-weapon state, and banning aid to any non-nuclear-weapon state that receives or detonates a nuclear explosive device. To waive such prohibitions, the President must submit a certification to Congress, and

Congress must approve a joint resolution authorizing the president to exercise waiver authority.

Following a Pakistani violation of U.S. export control laws in 1985, Congress passed the **Solarz amendment** to section 670 of the FAA of 1961, adding subsection 670 (a)(1)(B) which is now found at 102(a)(1)(B) AECA. The amendment provided for the cutoff of economic and military aid to any country that illegally exports, or attempts to export illegally, nuclear equipment that would “contribute significantly” to the ability of a country to construct a nuclear device. The President can waive the cutoff if he certifies in writing to the Congress that the cutoff would be “seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security.”

**Pakistan Prohibition and waiver** - In 1981, Congress, responding to the Soviet invasion of Afghanistan, provided new authority for the President to waive the cutoff of aid to Pakistan by amending section 620 of the FAA 1961. A new subsection 620E(d) authorized a waiver of prohibitions on aid to Pakistan through September 30, 1987 if the President determined that “to do so is in the national interest of the United States.” Between 1982 and

1993, Congress extended the President's special waiver authority eight times. In 1994, however, Congress passed the Nuclear Proliferation Prevention Act (NNPA, Public Law 103-236) that amended section 620E(d) to limit the waiver authority. As rewritten, the President may determine it is in the national interest to waive prohibitions of section 101 AECA (formerly section 669 FAA) but only with respect to violations occurring prior to the effective date of the NPPA (June 30, 1994). For subsequent violations, the President could use the waiver authorities in the original Symington amendment, as incorporated into section 101 AECA. The NPPA also limited the effect of an indefinite waiver applied only to violations occurring prior to June 30, 1994.

In 1985, the Senate passed the **Pressler Amendment** adding section 620E(e) to the FAA of 1961. The amendment conditioned all aid and military transfers to Pakistan on an annual presidential certification that: 1) "Pakistan does not possess a nuclear explosive device..." and 2) "the proposed United States assistance programme will reduce significantly the risk that Pakistan will possess a nuclear explosive device." President Reagan and President Bush supplied the certifications from 1985 to 1989, despite Pakistan's continued progress towards the development of nuclear weapons. President



Bush did not make a certification for 1990, and direct military and economic aid to Pakistan was cut off, although Congress learned in 1992 that the Bush Administration was continuing to license commercial sales of military equipment.

In an effort to improve relations with Pakistan by reducing the impact of non-proliferation sanctions, the 104<sup>th</sup> Congress passed the **Brown amendment** in 1996. It authorized the delivery of \$368 million of military equipment that Pakistan had ordered prior to the cutoff in 1990, but that was never delivered. The Foreign Operations appropriation act for FY1996 (Public Law 104 – 107, section 559) amended the Pressler amendment (sec. 620E(e) FAA) narrowing the scope of the ban to cover only military aid, opening the possibility of a resumption of economic aid. The amendment did not authorize the transfer of F-16 aircraft previously purchased by Pakistan nor did it exempt Pakistan from its obligations under the Glenn-Symington amendments (laws).

## CHAPTER-II

### EVENTS LEADING TO ENACTMENT OF PRESSLER AMENDMENT

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The United States - Pakistan relationship in the post - World War II period has often oscillated from alliance intimacy, co-operation and cordiality to friction and tension. One of the major areas of friction has been the issue of nuclear proliferation. Pakistan's nuclear programme was initiated with the stated aim of using nuclear technology in the fields of energy, agriculture, health and industry. However, in the context of its rivalry with India, it had clear military and strategic intentions. The U.S. has been the "champion" of nuclear non-proliferation and simultaneously an external strategic partner of Pakistan during the Cold War. It is important to study and analyze the U.S. policy on nuclear proliferation in the larger context of U.S. – Pakistan relationship.

The long and checkered U.S. – Pakistan relationship had its roots in the Cold War and South Asian regional politics since the 1950's. The U.S. desire to contain the spread of Soviet influence in various parts of the world and Pakistan's worries over the dominant presence of India in South Asia appeared to have created a strategic convergence of U.S. and Pakistani

interests. The product of such strategic convergence was the bilateral security pact of May 1954 signed by the two countries. By late 1955, Pakistan had further aligned itself with the West led by the U.S. by joining two regional defence pacts, the South East Asia Treaty Organisation (SEATO) and the Baghdad Pact (later Central Treaty Organisation, CENTO). As a result of these alliances and a 1959 U.S. – Pakistan cooperation agreement, Pakistan received more than \$700 million in military grant aid during 1955-65. According to another estimate, U.S. economic aid to Pakistan between 1951 and 1982 totalled more than \$5 billion.<sup>1</sup> Pakistan's interest in nuclear issues almost coincided with the emergence of its policy of close alignment with the U.S. and U.S.-led security alliance.

Pakistan's nuclear programme dates back to 1955 when it established a committee to explore "peaceful uses" of atomic energy. This committee was subsequently transformed into Pakistan Atomic Energy Commission (PAEC). Pakistan's first nuclear power plant was purchased from France for the Karachi Nuclear Power Project (KANUPP) in the mid- sixties.<sup>2</sup> Thus

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<sup>1</sup> CRS Issue Brief for Congress, "*Pakistan – U.S. Relations*", Updated November 29, 2000 by Barbara Leitch LePoer.

<sup>2</sup> Ravi Shastri and Savita Dutt in "*Pakistan Nuclear Weapons Programme: A Chronology*", in *Strategic Analysis* in February 1991, pp.1317 –1384, also see Shirin Kheli Tahir in "*United States and Pakistan : The evolution of an influence relationship*" (New York ; Prager Press, 1982), p.8.

60's could be described as the decade when Pakistan's nuclear programme unfolded.

During the Indo-Pak conflict of 1965 over Kashmir, U.S. President Lyndon Johnson had imposed embargo against weapons transfers to both the countries for almost ten years.

But Pakistan's war with India in 1971 gave rise to congressional opposition to lifting the embargo. When Henry Byroade became the U.S. Ambassador to Pakistan, he began to harp on his earlier "northern – tier" concept, which he as an Assistant Secretary of State Near East and South Asia had advocated. Assistant Secretary of State Henry Byroade described Pakistan and Iran as on the eastern anchors of U.S. interests in the Middle East.<sup>3</sup> He very strongly pleaded before his bosses in the State Department that the arms issue as "a touchstone of bilateral U.S.-Pakistan ties"<sup>4</sup> and stressed that Pakistanis would become "disillusioned if the discussions do not lead to reasonably prompt action."<sup>5</sup>

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<sup>3</sup> Lewis W. Simons, "U.S. seen weighing Arms for Pakistan", Washington Post, September 25, 1974.

<sup>4</sup> Dennis Kux in "The United States and Pakistan 1947-2000: Disenchanted allies" (Washington, D.C.:Woodrow Wilson center press, Baltimore and London: The John Hopkins University Press, 2001),p.216.

<sup>5</sup> "The Secretary's Visit : View from Pakistan, "September 21,1974 ,obtained through Freedom of Information Act (FIOA) request(Embassy Islamabad telegram to state department) as cited by Dennis Kux in "The United States and Pakistan 1947-2000: Disenchanted Allies."

In 1973, Richard Nixon appointed Gerald Ford, the Republican leader in the House of Representatives, as Vice President after Spiro Agnew resigned rather than face prosecution on corruption. A year later, when Nixon himself resigned, Ford became the first President in U.S. history not elected by the people. On assuming office, his main task was to move the nation beyond the trauma of Watergate. Relaxed and quietly self-confident, the new chief executive soothed rattled nerves and revived the country's confidence.<sup>6</sup> Although few had previously considered "good old Gerry" of presidential timber, Ford earned the nation's thanks for restoring a sense of dignity and calm during his two and a half years in the White House.<sup>7</sup>

On May 1974 India conducted a nuclear test and described it as a Peaceful Nuclear Explosion (PNE). India's nuclear test was a big challenge to the NPT and the U.S. non-proliferation initiatives. Washington appeared apprehensive that Pakistan after Pokharan I would re-double its efforts to acquire a nuclear weapon capability. The U.S. policy makers at this time considered important to end arms embargo against India and Pakistan. It would pave the way for renewed close security ties between the U.S. and

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<sup>6</sup> Dennis Kux in *"The United States and Pakistan 1947-2000: Disenchanted Allies"* (Washington, D.C.: Woodrow Wilson center press, Baltimore and London: The John Hopkins University Press, 2001). p.215.

<sup>7</sup> Henry A. Kissinger in, *"White House Years"* (Boston: Little Brown, 1979) p.18.

Pakistan and assist Washington in dealing successfully with the proliferation concerns in South Asia. With efficient parleys and diplomacy Washington removed all limitations on arm transfer to Pakistan and India on February 24,1975.<sup>8</sup> To mellow down possible congressional criticism, the new policy envisaged only cash sales and ruled out military assistance grants or concessional sales-which had been the mainstay of arms aid to Pakistan in 1950s and 1960s. The Ford administration also decided that initially at least, sales would be limited to defensive weapons.<sup>9</sup>

President Ford's initiative received a mixed response as *the New York Times* criticized the decision as "a stimulus to an arms race" and *the Washington Post* praised the move as marking " a maturing in American dealing " with the South Asia region."<sup>10</sup>

About one year after Pokharan I, in 1975 Islamabad completed negotiations with Paris and signed a contract for purchasing a French reprocessing plant. Washington was not comfortable with French-Pakistan nuclear deal, as it clearly indicated Islamabad's ultimate goal of matching India on nuclear

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<sup>8</sup> CRS Issue Brief for Congress, "Nuclear Weapons and Ballistic Missile Proliferation in India and Pakistan" as on July 31, 2000 by K.Alan Kronstadt.

<sup>9</sup> National Security Decision Memorandum 289, "U.S.military Supply Policy toward India and Pakistan" March 25,1975 Declassified Documents Catalogue State Department Library

<sup>10</sup> "Arms Supplier" (editorial), New York Times, February 26,1975.

capability. Although contract with the French made little sense to U.S. specialists, another contract, entered by Pakistan with West Germany for the supply of a heavy –water production facility (an important element in the nuclear fuel cycle) sent alarming signals. By August 1976, the U.S. opposition to Pakistan-French reprocessing plant deal was categorically critical. President Ford and Secretary of State Henry Kissinger were sharply criticized on the administration’s non-proliferation policy by Democrats in the U.S. Congress, especially its relaxed reaction to the Indian test and were under pressure to demonstrate that they were doing everything possible to prevent Pakistan from continuing its efforts to match Indians nuclear capability.<sup>11</sup>

The U.S. Administration nonetheless continued to provide substantial economic aid and sold military equipment to Pakistan after lifting the arms embargo. The idea behind U.S. military sales to Pakistan was to conventionally strengthen Pakistan and, by implication, dissuade it from walking the nuclear path. The U.S. offer of 110 A-7, attack bombers, for example, which the Pakistan Air Force badly wanted to improve its strike

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<sup>11</sup> Kux interview with Brent Scowcroft, Washington D.C., May 4,1999 Scowcroft was Ford’s National Security Adviser.



capability against India, thus held a tag of “a successful resolution of the reprocessing issue ” for easy Congressional approval.

U.S. Secretary of State Henry Kissinger sought to persuade Pakistan’s leaders to accept the U.S. attack bombers and give up nuclear ambitions. Kissinger warned Prime Minister Bhutto that Democrats won the 1976 election a harsher treatment to Pakistan was on cards. They would adopt a tougher non-proliferation approach and might make an example of Pakistan.<sup>12</sup> Simultaneously as part of the process of tightening up nuclear non-proliferation policy, Congress adopted amendments to section 669 and 670 of the Foreign Assistance Act as proposed by Senators Stuart Symington (Democrat - Montana) and John Glenn ( Democrat – Ohio) to bar assistance to non-NPT signatories that imported uranium enrichment or nuclear fuel reprocessing technology. Warning that Pakistan might face an economic aid cut off under the new legislation Kissinger urged the Prime Minister Bhutto substantial conventional arms package, including the potent A-7s, if Pakistan agreed to forego the nuclear fuel reprocessing plant.<sup>13</sup>

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<sup>12</sup> Dennis Kux in “*The United States and Pakistan 1947-2000 : Disenchanted Allies*” (Washington D.C.: Woodrow Wilson center press , Baltimore and London : The John Hopkins University Press,2001)p. 222

<sup>13</sup> Weiss man and Herbert Krone in “ *The Islamic Bomb*” (New York : Times Books,1981 ) p. 163.

Bhutto's refusal to give ground on this issue irritated the American policy makers.<sup>14</sup>

Pakistan made it clear that it was willing to risk serious problem with the United States in its efforts to acquire its own nuclear deterrent. Islamabad's determination in this pursuit underscored once more that Pakistan's sense of insecurity with regard to India was the driving force behind its foreign policy.

In 1977 Jimmy Carter took over the reigns of the White House. He followed a tougher nuclear non-proliferation stance, a more restrictive approach to arms transfers to nations of the developing world and put a greater emphasis on human rights, which would not augur well for U.S.-Pakistan relations.<sup>15</sup> In line with its policy to de-emphasize arms transfers to the developing world, the Carter administration withdrew the offer of 110, A-7 attack aircraft that had remained on the table when President Gerald Ford departed the White House. The U.S. Embassy in Islamabad warned that the episode gave "the strong impression, regardless of how fortuitous or false it is, that we have

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<sup>14</sup> Kux interview with Oakley, Washington D.C. April 2, 1999.

<sup>15</sup> Dennis Kux in *"The United States and Pakistan 1947-2000: Disenchanted Allies"* (Washington D.C. : Woodrow Wilson Center Press and Baltimore and London : The John Hopkins University Press) p. 227

decided we can no longer do business with Bhutto and we are punishing Pakistan.”<sup>16</sup>

During the very first year of the Carter presidency, political changes occurred in Pakistan. Pakistan’s People Party (PPP) won the 1977 elections and Bhutto once again became the Prime Minister. But the democracy was short-lived. On July 5, 1977, the Pakistan Army Chief General Zia-ul-Haq launched “*Operation Fair Play*”, took over civilian administration for the third time since Pakistan gained independence and for the first time ousted an elected government. Zia soon imposed martial law and placed Bhutto, other senior leaders of the PPP and PNA under house arrest.

Zia saw to it that policy on nuclear issue remained unaltered. Despite warnings by a U.S. State Department official Joseph Nye, who visited Islamabad in September 1977, General Zia intended to proceed with the French fuel reprocessing project. He called his policy a strategic consideration and described the issue as a matter of “a nationalist pride”. After Zia refused to bend, the U.S. government proceeded to impose the

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<sup>16</sup> Embassy Islamabad telegram to State Department , June 4,1977 obtained through FOIA as quoted by Dennis Kux in “*The United States and Pakistan: Disenchanted Allies 1947-2000*” p.230.

Glenn Amendment<sup>17</sup> in September 1977. Washington continued a substantial food aid programme that the Glenn Amendment did not bar. Although the Carter administration failed to directly pressurize Islamabad, it was perhaps succeeded in persuading Paris to show unwillingness to supply the reprocessing plant to Islamabad.

But soon Washington had to confront the issue once again when there was a political change in Paris. After French President Valery Giscard d'Estaing dropped Gaullist Jacques Chirac as Prime Minister, Paris wanted to emphasise on continuing the transfer of reprocessing plant project.<sup>18</sup> On face value French proposed a technical modification called "co-processing" that would permit production of fuel usable in a nuclear power reactor but not in making bomb.<sup>19</sup> When French nuclear expert Andre Jacomet visited Pakistan in February 1978, Zia rejected the suggested alternative. French were convinced that Pakistan wanted the atomic bomb and decided definitely to back out of the contract.<sup>20</sup>

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<sup>17</sup> Glenn Amendment- The Amendment which barred U.S. aid to countries that had not signed the Nuclear Non-proliferation Treaty (NPT) and that imported nuclear fuel reprocessing technology. The Glenn Amendment is cited when discussing U.S. fuel reprocessing and enrichment transfers.

<sup>18</sup> Steve Weissman and Herbert Krosney, *"The Islamic Bomb"* (New York: Times Books, 1981) p.165.

<sup>19</sup> "Pakistan : France must hold to Nuclear Deal", *Washington Post*, January 12, 1978.

<sup>20</sup> Shirin R. Tahir -Kheli *"The United States and Pakistan : The Evolution of an influence relationship"* (New York : Praeger 1982) pp.128-131; also see Iqbal Akhund's *"Memoirs Of A Bystander : A Life in Diplomacy"* ( Karachi: Oxford University Press, 1997 ) pp. 227-280 Weissman and Krosney in *"The Islamic Bomb"* (New York : Times Books, 1981 ) pp.169-171.

Pakistan indeed wanted to develop an “Islamic Bomb” and went ahead with its efforts. In the first week of March 1979, the U.S. intelligence sources concluded that Pakistan was covertly pursuing the enriched-uranium path toward a nuclear explosive capability. Deputy Secretary of State Warren Christopher warned the President Zia that action would be taken under Symington Amendment,<sup>21</sup> unless President Carter received reliable assurances from Pakistan that it was not seeking to build a nuclear weapon. President Zia reiterated that Pakistan’s nuclear programme was for “peaceful purposes ” and refused to accept international safeguards on Pakistanis nuclear facilities. Thus Symington Amendment was imposed<sup>22</sup> on Pakistan by the Carter Administration.

The U.S.-Pakistan relationship graph touched a new ebb when reports appeared about possible U.S. hand in the seizure of grand Mosque in Mecca, on November 21, 1979, the U.S. embassy was flamed in Islamabad. There were reports of U.S. consulates in Rawalpindi, Lahore and Karachi also

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<sup>21</sup> Symington Amendment blocks use of Foreign Assistance Act or Arms Export Control funds for economic assistance , military assistance or International Military Education and Training, assistance for Peacekeeping Operations , or military credits or guarantees to any country, which receives from any other country nuclear enrichment equipment without safeguards. It is invoked when discussing uranium enrichment.

<sup>22</sup> Thomas P.Thornton, “*Between the Stools U.S. Policy towards Pakistan during the Carter administration,*” in *Asian survey*, October 1982, p. 967.

being attacked. Thomas Thornton a National Security Council Staff member, remarked on U.S.-Pakistan relationship as “about as bad with any country in the world, except perhaps Albania, or North Korea”.<sup>23</sup>

Thornton’s observation was not to last long. As the USSR military intervened in Afghanistan on Christmas Eve of 1979. Pakistan- U.S. relations were to become closest since the birth of Pakistan. Pakistan soon became a “front –line ” state in the evolving U.S. strategy to deal with the new Afghan development. Jimmy Carter was quick to reaffirm the 1959 U.S. – Pakistan bilateral security agreement against communist aggression and to offer to bolster Pakistan’s security.<sup>24</sup>

Apprehensive of the Soviet military presence in its immediate neighbourhood, General Zia contemplated a plan of action. Pakistan would oppose the Soviet action publicly, would provide shelter for Afghan refugees, would offer public support for the resistance and would provide clandestine military assistance to the insurgents while denying that it was doing so.<sup>25</sup> Zia’s plan was quite in keeping with the U.S. interests. The United States considered Pakistan’s security as an important element. On

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<sup>23</sup> Kux interview with Thomas P. Thornton, Washington D.C. September 28,1995.

<sup>24</sup> *Ibid* p. 245.

<sup>25</sup> Kux interview with Zia’s Chief of Staff, Gen. K.M. Arif , Rawalpindi, March 29,1998.

January 4, 1980 President Carter stated “we will provide military equipment food and other assistance to help Pakistan defend its independence and national security against the seriously increased threat from the north.”<sup>26</sup> President Carter’s response to the Soviet invasion, which came to known as the “Carter Doctrine.” The policy stated that Soviet attack against any Persian Gulf states would be regarded as an attack on U.S. viable interests. He reaffirmed the security commitment of Pakistan declaring “ The United States will take action-consistent with our laws to assist Pakistan resist any outside aggression.”<sup>27</sup> Pakistan officials were shrewd enough to encash the opportunity. When Pakistan’s Foreign Minister Aga Shahi met US Secretary of State Cyrus Vance and President Jimmy Carter respectively. Four principal points emerged from the meeting were :-

- To make “the costs to the Soviet Union of the Afghan operation high enough so that Soviet leaders will be deterred from thoughts of similar adventures in the future.”
- To maintain in place the 1959 executive agreement which “provides a sound basis” for “cooperating against the threat from the north”

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<sup>26</sup> Terence Smith “Carter Embargoes Technology for Soviets and Curtails Fishing and Grain, ” *New York Times*, January 5, 1980.

<sup>27</sup> “State of the Union Message”, January 2, 1980, *Presidential Papers of the Presidents of the United States: Jimmy Carter 1980* (Washington, D.C.: U.S Government Printing office, 1981 ) p-172.

(Although Vance rejected a new treaty, he was willing to seek a congressional vote affirming the 1959 agreement.)

- To offer \$400 million of military and economic aid over the coming two years (President Carter, however, specifically turned down providing advanced F-16 aircraft, which Pakistan had requested.)
- To maintain U.S. concerns about Pakistan's nuclear programme even though the administration planned to seek authority from Congress to waive sanctions. (Willingness to resume assistance "should not be construed," Vance declared, "to mean any lessening of the importance the U.S. attaches to nuclear non-proliferation.")<sup>28</sup>

President Zia was receptive to most of the proposals, but was very critical on the monetary parts. He described the amount of aid as peanuts and was quite acerbic in his response, saying, "if it is true what has been in the press then it is terribly disappointing". Would Pakistan buy its security for \$400 million? He argued: " We will buy greater animosity from the Soviet Union which is now much more influential in this region than the United States."<sup>29</sup> Shahi

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<sup>28</sup> State Department Talking Points for Secretary Vance's meeting with Agha Shahi, January 12, 1980 obtained through FOIA as cited by Dennis Kux in *"The United States and Pakistan 1947-2000: Disenchanted Allies."*

<sup>29</sup> William Borders, *"Pakistani Dismisses \$400 Million in Aid Offered by U.S. as peanuts,"* *New York Times*, January 19, 1980; and Stuart Auerbach, *"Pakistan seeking U.S. guarantees in Formal Treaty,"* *Washington Post*, January 18, 1980.



phrased the rejection more diplomatically and told in an interview to the Washington Post correspondent, “The assistance must be commensurate with the size of the threat.”<sup>30</sup>

Carter was defeated in 1980 presidential election, Ronald Reagan of the Republican Party became the new US President. He took the oath of office on the steps of the U.S. Capitol on January 21, 1981. Seeking to play a more aggressive role than President Ronald Reagan, regarded Pakistan a key partner in opposing the Soviet military presence in Afghanistan. The Reagan administration extended \$ 3.2 bn, five-year aid to Pakistan that President Mohammed Zia-ul-Haq would find it difficult dismiss as “peanuts.” As spelled out in a memorandum from Assistant Secretary of State for Near East and South Asia, Nicholas Veliotis, “the U.S. purpose was straightforward to give Pakistan confidence in our commitment to its security and provide U.S. reciprocal benefit in terms of our regional interest.”<sup>31</sup> It was clear that “regional interest” meant driving the Soviet forces out of Afghanistan.

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<sup>30</sup> William Branigan, “Pakistan Seeks Billions in U.S. Aid,” *Washington Post*, January 23, 1980.

<sup>31</sup> State Department memorandum from Assistant Secretary –Designate Nicholas Veliotis to Deputy Secretary of State William Clark, March 7, 1981, obtained through Freedom of Information Act request. (FOIA) as cited by Dennis Kux in “*The United States and Pakistan 1947-2000 : Disenchanted Allies.*”

For establishing a new U.S.- Pakistan partnership, the nuclear problem was given an impetus. When Foreign Minister Agha Shahi and General K.M. Arif bluntly told U.S. Secretary of State Alexander Haig that Pakistan would not compromise on its nuclear programme, he responded that the issue need not become the center piece of the U.S.- Pakistan relationship.<sup>32</sup> But Haig warned that if Islamabad were to detonate a nuclear device the reaction in the U.S. Congress would make it difficult to cooperate with Pakistan in the way that the Reagan administration hoped.<sup>33</sup> Deputy Assistant Secretary of State Jane Coon, the States Departments Senior South Asia specialist, sensed that there was in effect, a tacit understanding that the Reagan administration could live with Pakistani nuclear programme as long as Islamabad did not explode a bomb.<sup>34</sup>

One of the important deals Pakistan made with the Reagan Administration was on the nuclear capable F- 16 aircraft. Before 1981, the United States had agreed to supply the state-of -the art, nuclear capable F-16, only to NATO allies and Japan. The high performance aircraft was still in the initial production phase, with projected deliveries to U.S. forces not yet completed. As a result, both the U.S. Air Force and the Office of Management and

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<sup>32</sup> Dennis Kux in *"The United States and Pakistan 1947-2000 : Disenchanted Allies"*, p. 257.

<sup>33</sup> Kux Interview with Alexander Haig, Washington ,D.C. July 28,1998, Shahi and Arif.

<sup>34</sup> Kux interview with Jane Coon, Washington ,D.C. September 15, 1995.

Budget were unhappy about Pakistani receiving the F-16s and tried to remove them from the arms package. After Islamabad lobbied hard, the Reagan administration decided to go ahead with the deal. Pakistan had made it clear to Washington that it regarded the F-16 transaction as “a test of American earnestness.”<sup>35</sup>

In a sheer mismatch between the policies of the Reagan Administration , Congress, the U.S. Air Force and the Office of Management and Budget a very interesting argument can be highlighted. The Testimony of Under Secretary of State James Buckley, in response to question from Senator Glenn, member of Senate Foreign Relations Committee on November 12, 1981 on Effects of a Nuclear Detonation on Continuation of Cash Sales of F-16's can be quoted :

[ Sen. Glenn] “ ... so if Pakistan detonates a nuclear device before completion of the F-16 sale, will the administration cut off future deliveries?”

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<sup>35</sup> Barbara Slaim and Milt Freudenhein, “*The World : Pakistan Takes Aid on its Terms*,” New York Times, September 20,1981.

[Buckley] – “Again, Senator, we have underscored the fact that this would dramatically affect the relationship. The cash sales are part of that relationship. I cannot see drawing lines between the impact in the case of a direct cash sale versus a guaranteed or U.S.-financed sale.”

The point is that the Administration had strategic interests in its mind to curb the Soviet influence and support Pakistan what come may. Although they bracketed the F-16 sales as any other transaction yet they knew the fact what they are capable of. The Administration went upto the extent of defying the laws passed by the Senate. They knew where the barometer of nuclear weapons puts Pakistan. They took the viewpoint that by providing assistance they can ask Pakistan to refrain from going nuclear. The officials of the Reagan Administration gave one or the other plea in support of providing military and economic aid. In confirmation to the above statement the Under Secretary of State James Buckley in a testimony before Senate Foreign Relations Committee on November 12, 1981 argued in support of providing aid to Pakistan. He strongly put his point :

“ We believe that a programme of support which provides Pakistan with a continuing relationship with a significant security partner and enhances its

sense of security may help remove the principal underlying incentive for the acquisition of a nuclear weapons capability. With such a relationship in place we are hopeful that over time we will be able to persuade Pakistan that the pursuit of a weapons capability is neither necessary to its security nor its broader interest as an important member of the world community.”<sup>36</sup>

The Assistant Secretary of State James Malone addressed before Atomic Industrial Forum in San Francisco on December 1, 1981 :

“ We believe that this assistance—which is in the strategic interest of the United States—will make a significant contribution to the well-being and security of Pakistan and that it will be recognized as such by that government. We also believe that, for this reason, it offers the best prospect of deterring the Pakistanis from proceeding with the testing or acquisition of nuclear explosives.”

Thus it can be deduced that the Administration knew knowing the fact that Pakistan is on the road leading to nuclear weapons capability but kept silent for strategic reasons. President Ronald Reagan, report to Congress pursuant

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<sup>36</sup> for details [http://www. Google.search/ pressler amendment](http://www.Google.search/pressler%20amendment).

to section 601 of the Nuclear Non-proliferation Act (“601 report”), for calendar year 1981:

“... military assistance by the United States and the Establishment of a new security relationship with Pakistan should help to counteract its possible motivations toward acquiring nuclear weapons ... Moreover, help from the United States in strengthening Pakistan’s conventional military capabilities would offer the best available means for counteracting possible motivations towards acquiring nuclear weapons.”

As the “Reagan Doctrine” focussed on the strategy of confronting and trying to reverse the rising Soviet tide in Afghanistan, Central America, Africa and else where in third world, by late 1982, the United States and Pakistan appeared to have evolved a new and close strategic partnership. Washington was providing Islamabad with \$600 million a year in military and economic aid-only Israel, Egypt and Turkey received more assistance. Thus Pakistan’s role in Afghan conflict was a golden opportunity for President Zia to bargain hard and make Pakistan a nuclear power. The Reagan administration, on the other hand, hoped that closer security links would influence Pakistan’s leadership to desist from – or at least go slow on

– the nuclear programme. The ding-dong battle was sure to go on with passing years.

For Pakistan, the renewal of intimate ties with the Americans provided a major security and economic boost. The surge of foreign aid helped revive a dull economy and laid the foundation for a decade of substantial economic growth. The Pakistani military acquired large amounts of badly needed weapons and equipment. For Zia personally, the Afghan war meant a new lease on life politically, enormously strengthening his previously shaky position. Both Western and Muslim countries applauded President and his country for standing up to the Soviets for sheltering three million refugees who had fled Afghanistan for the North West Frontier Province and Baluchistan.

The ground realities remained the same for the year 1982 as the President Ronald Reagan continued his stand. In his report to the Congress pursuant to section 601 of the Nuclear Non-proliferation Act ('601 report'), he stressed:

“... steps were taken to strengthen the U.S. security relationship with Pakistan with the objective of addressing that country’s security needs and thereby reducing any motivation for acquiring nuclear explosives.”

The Secretary of State George Shultz visit to Pakistan in July 1983 was a morale booster for the country. He praised his hosts for providing a home for three million refugees, expressed U.S. willingness to continue a large Afghan aid programme and in a lower key, voiced continuing American worries about the nuclear programme.<sup>37</sup> In turn the Pakistanis vowed to maintain the struggle to free Afghanistan, thanked the United States for its help, and reiterated that they were not seeking a nuclear weapon.<sup>38</sup>

But as Pakistan continued its clandestine efforts to acquire a nuclear capability, the primacy of the Afghan war in Washington, the nuclear issue refused to go away.

In Testimony before two House subcommittees on November 1, 1983, Special Ambassador Richard Kennedy said:

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<sup>37</sup> Dennis Kux in *“The United States and Pakistan 1947-2000: Disenchanted Allies”*... p. 271.

<sup>38</sup> Telegram from U.S.DEL (U.S. delegation ) Secretary in Islamabad to state Department July 11, 1983 obtained through FOIA as quoted by Dennis Kux in *“The United States and Pakistan : Disenchanted Allies”*.



“ By helping friendly nations to address legitimate security concerns, we seek to reduce incentives for the acquisition of nuclear weapons. The provision of security assistance and the sale of military equipment can be major components of efforts along these lines. Development of security ties to the U.S. can strengthen a country’s confidence in its ability to defend itself without nuclear weapons. At the same time, the existence of such a relationship enhances our credibility when we seek to persuade that country to forego nuclear arms... We believe that strengthening Pakistan’s conventional military capability serves a number of important U.S. interests, including non-proliferation. At the same time, we have made clear to the government of Pakistan that efforts to acquire nuclear explosives would jeopardize our security assistance programme.”

By early 1984 non-proliferation supporters in Congress had become deeply worried by intelligence reports increasingly at odds with the “peaceful” assurances, General Zia regularly offered American visitors.<sup>39</sup> On March 28, 1984, a Committee on Foreign Relations adopted an amendment offered by Senators Cranston and Pressler providing that no assistance shall be sold or transferred to Pakistan unless the President could first certify that Pakistan

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<sup>39</sup> Leonard S. Spector with Jacqueline R. Smith in *“Nuclear Ambitions: The Spread of Nuclear Weapons 1989- 1990”* (Boulder, Colorado : Westview Press, 1990) pp.90-91.

does not possess a nuclear explosive device, is not developing a nuclear device and is not acquiring goods to make such a device. On April 3, 1984, the Committee narrowly voted to reconsider this amendment and adopted instead a substitute offered by Senator Pressler, Mathias and Percy, which tied the continuation of aid and military sales to two certification conditions: (1) that Pakistan not possess a nuclear explosive device and (2) that new aid will reduce significantly the risk that the Pakistan will possess such a device.

An April 4, 1984, a story in the Urdu language daily *Nawai -i -Waqt* quoting nuclear scientist Abdul Qadeer Khan as claiming that Pakistan has succeeded in enriching uranium to weapons grade, stirred further anxiety.<sup>40</sup> In a hard hitting statement, Senator Alan Cranston, a Democrat from California asserted on June 20, 1984, that Pakistan was pressing ahead with a programme that would soon be capable of producing “several nuclear weapons per year.” Cranston chastised the State Department for “obscuring, withholding or downright misrepresenting the facts” about the Pakistan nuclear programme.<sup>41</sup> Congressional misgivings increased after three Pakistan nationals were indicted in Houston, Texas, in July 1984 for trying illegally to export equipment useful for a weapons programme. The Houston

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<sup>40</sup> Cited in Zahid Malik, Dr A.Q.Khan in “*The Islamic bombs*” (Islamabad: Hurriat Publications, 1992) p. 116.

<sup>41</sup> “*Cranston Says Pakistan can make A-Bomb*”, *New York Times* June 21, 1984.

indictment came on the heels of the conviction in Canada of two other Pakistanis for seeking illegally to export U.S. -origin nuclear related items.<sup>42</sup>

As the Congressional leaders roared, the Reagan administration felt that a word of caution was called for. Reagan in his letter dated September 12, 1984 to Zia cautioned of “serious consequences “ if Pakistan enriched Uranium beyond the 5 percent level. (This level of enrichment was sufficient to produce nuclear fuel for power reactors but was still insufficient to make a bomb). President Reagan in strong words wrote “I am determined to work strenuously to continue our various programme of close and productive cooperation with Pakistan. However I must reiterate my deep concern that the nuclear issue may undermine all that we are trying to achieve and the considerable progress we have made so far.”<sup>43</sup>

Zia on his part repeatedly assured America “ We are no where near it .We have no intention of making such a weapon. We renounce making such a

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<sup>42</sup> Rick Atkinson “ *Nuclear Parts Sought by Pakistan* ” and Alan Cranston , “ *The China –Treaty : Don’t Blame Israel.*” *Washington Post* , July 21 and August 7, 1984 credible intelligence that China was providing assistance for Pakistanis nuclear programme caused further difficulties that ultimately led the Reagan administration not to implement a nuclear agreement that had been reached with Beijing.

<sup>43</sup> Letter from President Reagan to Zia-ul-Haq dated September 12, 1984 which was published on October 26, 1984 in *Washington Post*.

weapon.”<sup>44</sup> Congressional suspicions that Zia was not telling the truth, however, caused growing disquiet as the Reagan administration geared up to seek approval for a second and slightly larger multi-year military and economic aid programme for Pakistan, a six year package worth \$4bn.<sup>45</sup> Senator John Glenn. (Democrat –Ohio), one of the most vocal non-proliferation proponents, argued that the sanction waiver approved in 1981 had removed all restraints on Islamabad’s developing a nuclear weapon as long as it did not explode a device. To impose a higher barrier, Senator Glenn proposed an amendment to the Foreign Assistance Act that would require the president to certify annually that Pakistan neither possessed nor was developing a nuclear weapon for aid to continue.<sup>46</sup>

The Senate Foreign Relations committee initially approved Glenn proposal, but in the face of strong pressure from the Reagan administration it backed off to a milder version requiring an annual certification that Pakistan did not possess a nuclear device and that U.S. assistance was advancing non-

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<sup>44</sup> George P. Shultz “*Turnmoil and Triumph : My years as Secretary of State*” ( New York :Scribneri, 1993) pp. 493-494.

<sup>45</sup> Dennis Kux in “*The United States and Pakistan 1947-2000 :Disenchanted Allies*”...p.277.

<sup>46</sup> Letter from John Glenn to fellow Senators, March 27, 1984.

proliferation goals.<sup>47</sup> Although the administration was unable to obtain a waiver, the revised amendment threw a new ray of hope. After agreement on the substitute language, the white House arranged for Senator Larry Pressler (Republican- San Diego ) who ironically had not been previously involved in the Pakistan nuclear question to sponsor the amendment.<sup>48</sup>

Initially, Pressler Amendment was a White House - backed measure to bail out Pakistan on the face value. Pakistan was so confident of the Reagan team's support for Pakistan and determination to drive the Soviets out of Afghanistan that he could not weigh the implications of the Pressler Amendment in its totality. When some U.S. officials discussed the issue with the Pakistanis, “ they characterized the Pressler Amendment as a way to avert more damaging legislation, not as a device for cutting off assistance.”

On February 6, 1985, in a Testimony before House Subcommittee, Deputy Assistant Secretary of State Howard Schaffer forwarded the U.S. – Pakistan relationship as:

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<sup>47</sup> Kux interview with Leonard Weiss, Senate Government Operations Committee Chief of Staff and aid to Senator John Glenn, November 28,1998. An active promoter of non-proliferation. Weiss negotiated the amendment on behalf of Senator Glenn.

<sup>48</sup> Dennis Kux in “*The United States and Pakistan 1947-2000: Disenchanred Allies*”...p. 277.

“The assistance programme also contributes to U.S. nuclear non-proliferation goals. We believe strongly that a programme of support, which enhances Pakistan’s sense of security, helps remove the principal underlying incentive for the acquisition of a nuclear weapons capability. The government of Pakistan understands our deep concern over this issue. We have made clear that the relationship between our two countries, and the programme of military and economic assistance on which it rests, are ultimately inconsistent with Pakistan’s development of a nuclear explosive device. President Zia has stated publicly that Pakistan will not manufacture a nuclear explosive device.”

On the side lines of fortieth UN General Assembly Session, President Zia in conversation with National Security Advisor Mcfarlane claimed that a minimum nuclear programme was necessary for his country keeping in view South Asian security environment. He emphasized further that Pakistan’s nuclear programme would not reach the point where it would “embarass” U.S. – Pakistan relations. Zia was shrewd enough “to calculate that Washington would give the struggle against the Soviets in Afghanistan a

higher priority than his country's nuclear programme."<sup>49</sup> As long as Pakistan did not explode a device, Zia believed, the Reagan administration would find some way to avoid undercutting the struggle against the Soviets by imposing nuclear sanctions against Pakistan.

The American interaction with Pakistan has been intense and extraordinarily volatile. Pakistan's overall foreign policy is India focussed. However, it was the nuclear programme of Pakistan, which brought in ripples in otherwise smooth U.S.-Pakistan relationship. Although different administrations provided "carrots " to Islamabad in the form of military and economic aid, yet the sticks in the form of "Glenn- Pressler and Solarz" also followed the path.

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<sup>49</sup> *Ibid.*, p.278.

## CHAPTER-III

### IMPOSITION OF PRESSLER

### AMENDMENT AND ITS

### IMPLICATIONS



## CHAPTER-III

### IMPOSITION OF PRESSLER AMENDMENT AND ITS IMPLICATIONS

President Zia-ul-Haq was considered by some as a shrewd judge of American policies. He calculated that occasional trouble over clandestine procurement of nuclear related equipment could be denied straight away to avoid the “embarrassment.” He assumed correctly that Washington would give the struggle against the Soviets in Afghanistan a higher priority than his country’s nuclear programme. As long as Pakistan did not explode a device, Zia believed, the Reagan administration would find some way out to avoid imposing sanctions against Pakistan as a reward to stand tall against the Red Army.<sup>1</sup>

Domestically too, Zia made moves to strengthen his regime politically. In February 1985, after a national referendum approved Zia’s performance and elected him president for another five years, Pakistanis also voted for a new National Assembly for the first time since the aborted 1977 elections.<sup>2</sup> Mohammed Khan Junejo was appointed as the Prime Minister of the

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<sup>1</sup> Khalid Mahmud Arif in “*Working with Zia*” ( Karachi : Oxford University Press, 1995) pp.225-233.

<sup>2</sup> *Ibid.*

country. Washington had little to worry about political instability within Pakistan.

On November 25, 1985, months after Zia got a popular mandate, President Ronald Reagan of the United States, under section 620E(e) of Foreign Assistance Act (Pressler Amendment) gave the certification of Pakistan's nuclear virginity for the first time. In his letter to the Congress, he wrote:

“The proposed United States assistance programme for Pakistan remains extremely important in reducing the risk that Pakistan will develop and ultimately possess such a device. I am convinced that our security relationship and assistance programme are the most effective means available for us to dissuade Pakistan from acquiring nuclear explosive devices. Our assistance programme is designed to help Pakistan address its substantial and legitimate security needs, thereby both reducing incentives and creating disincentives for Pakistanis acquisition of Nuclear explosives.”

This section was specifically, as has been mentioned earlier, approved by Congress in 1985 to facilitate U.S. cooperation with Pakistan on the Afghanistan issue despite the fact that Pakistan refused to provide sufficient verification that it was not developing nuclear weapons. Section 620 E(e) is

popularly known as the PRESSLER AMENDMENT. It allows the provision of U.S. aid if the U.S. President certifies annually to the Congress that Pakistan “does not possess a nuclear explosive device and that the proposed aid will reduce significantly the risk that Pakistan will possess one.”

Under International Security and Development cooperation Act of 1981, section 620 E of the Foreign Assistance Act of 1961, adopted by Congress in 1985 following the December 1979 Soviet invasion of Afghanistan, sought to reconcile U.S. nuclear non-proliferation policy with urgent U.S. regional security interests. Unlike section 669 of the Foreign Assistance Act, section 620 E was Pakistan – Specific, having been adopted to reaffirm a 1959 U.S. Pakistan bilateral security agreement 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 U.S. national interest. The waiver authority was granted initially for a period 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 620 E (e) certification requirement. The section 620-E Assistance to Pakistan could be

understood with various subsections attached to it. Each and every subsection specifies the “vital strategic needs” of the United States:

(a) The Congress recognises that Soviet forces occupying Afghanistan pose a security threat to Pakistan. The Congress also recognises that an independent democratic Pakistan with continued friendly ties with the United States is in the interest of both nations. The Congress finds that United States assistance will help Pakistan maintain its independence. Assistance to Pakistan was intended to benefit the people of Pakistan by helping them meet the burdens imposed by the presence of Soviet forces in Afghanistan and by promoting economic development. In authorizing assistance to Pakistan, it is the intent of Congress to promote the expeditious restoration of full civil liberties and representative government in Pakistan. The Congress further recognises that it was in the mutual interest of Pakistan and the United States to avoid the profound destabilizing effects of the Proliferation of Nuclear explosive devices or the capacity to manufacture or otherwise acquire nuclear devices.

(b) The United States reaffirmed the commitment made in its 1959 bilateral agreement with Pakistan relating to aggression from a communist or communist-dominated State.

(c) Security assistance for Pakistan shall be made available in order to assist Pakistan in dealing with the threat to its security posed by the Soviet presence in Afghanistan. The United States will take appropriate steps to ensure that defence articles provided by the United States to Pakistan are used for defensive purposes.

(d) The President may waive the prohibitions of section 669 of this Act at any time during the period beginning on the date of enactment of this section to provide assistance to Pakistan during that period if he determines that to do so in the national interests of the United States.

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 620 E , placing a new limitation on the Presidents ability to grant waivers to application of the then Section 669 . Subsection(e), the Pressler Amendment, States "no assistance

shall be furnished 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 104 th Congress.

It is significant to note that President Reagan certified to the U.S. Congress under the Pressler Amendment in 1985, although 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 U.S. support of Pakistanis conventional defence requirements was not working to limit its nuclear ambitious, as had been hoped. Eventually, U.S. intelligence agencies acquired evidence that indicated strongly that Pakistan had crossed the nuclear threshold in some manner. Why did Reagan to do? It was because, Pakistan's assistance in waging the Cold War against the Soviets in Afghanistan was deemed essential.

About a month after Reagan's certification the martial law was lifted in Pakistan in December 1985.<sup>3</sup> It may be noted that President Reagan had began his second term in the White House in January 1985. By end of 1985, Pakistan's political scene was marked by the end of the martial law period. And around this time, there was an important political change in Moscow. Mikhail Gorbachev was appointed as the new Soviet General Secretary of Communist Party. He soon introduced radical changes in hope of transforming the sick Soviet society, polity and economy. On February 26, 1986, Gorbachev signalled a shift in the Soviet attitude towards Afghanistan. He reiterated that the war in Afghanistan has become a bleeding wound.<sup>4</sup> A month later, in March 1986, the Kabul regime finally offered a timetable for the withdrawal of the Soviet military.<sup>5</sup> What was the main reason behind this?

Actually, the U.S.- backed covert war against the Soviet military presence in Afghanistan had begun to take a heavy toll of Soviet life. It also cost in billions to the Soviet economy. The U.S. covert programme in mid-eighties

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<sup>3</sup> Steven R. Weisman "How Much Democracy Will Zia Accept?" "Shurocracy in Pakistan" (editorial) and "Pakistan Parliament Reopens after 8 years," *New York Times*, March 3, 9 and 24, 1985; Steven R. Weisman, "Pakistan's President Agrees To Ease His Grip," *New York Times*, November 10, 1985 and "For Zia, Much of Power Remains" and "Pakistan Ruler Ends Martial Law," *New York Times*, December 29 and 31, 1985.

<sup>4</sup> Cordovez and Harrison, "*Out of Afghanistan*," (New York: Oxford University Press, 1995) p..226.

<sup>5</sup> *Ibid*, p.227.

had increased from \$300 million to \$600 million annually. With Saudi Arabia's matching contribution, by the end of 1986 more than \$1 billion a year in supplies was being pumped into Pakistan by the U.S and its allies for insurgents in Afghanistan. As the Soviets appeared increasingly bogged down and unable to gain the upper hand in Afghanistan, observers began to think that Moscow might actually decide to pull out. After a visit to Islamabad by Soviet diplomats, Zia spoke of "a miracle" that might be possible. During another round of talks later in March 1987, the Pakistanis and Afghans substantially narrowed the gap between their respective timetables for the withdrawal of Soviet troops. The Afghans reduced the period for the Red Army's departure from the initial four years to eighteen months. Thus Riaz Khan in his book, *Untying the Afghan Knot* on Afghan Accord writes "the negotiations had finally acquired needed credibility and respectability."<sup>6</sup>

As the Soviet predicament increased, U.S. – Pakistan relations also improved. In July 1986, it was Prime Minister Junejo's trip to the United States that was instrumental in further strengthening the U.S.-Pakistan relationship. The Reagan Administration applauded Pakistan's open political

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<sup>6</sup> Riaz Mohammed Khan, "*Untying the Afghan Knot, Negotiating the Soviet Withdrawal*" (Durham: Duke University Press, 1991) p. 182.



system and reaffirmed the bilateral relationship. The most tangible outcome of the trip was reflected in U.S. willingness to provide \$4.02 billion worth of aid over the next six years. On nuclear issue Junejo reiterated the old mantra that Pakistan would not enrich uranium beyond the 5 percent level.<sup>7</sup>

A few months later, President Reagan certified for the second time under the Pressler Amendment that Pakistan did not possess a nuclear device. A real test case came when in January 1987, tensions between India and Pakistan suddenly rose. Both the countries brought their militaries on the frontiers. It was called as the Operation Brass tacks. When the Operation Brass tacks was at its peak, the head of Pakistan's secret uranium- enrichment programme, Abdul Qadeer Khan spoke to the visiting Indian journalist Kuldip Nayar and said that Pakistan had achieved a nuclear weapon capability<sup>8</sup>. It was surely not a diplomatic move. It was bound to create ripples in New Delhi as well as in Washington. But soon there were reconciliatory tones to hush up the matter. On December 17, 1987 President Regan issued the required Pressler Amendment certification for the third time. Ironically, on the same day a jury in the U.S. District Court in Philadelphia in a case found that the illegal export was intended for use in

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<sup>7</sup> Stuart Auerbach, "U.S. Eyes Technology Agreement" in *Washington Post*, July 17, 1986.

<sup>8</sup> Mitchell Reiss, "*Bridled Ambition : Why Countries Constrain Their Nuclear Capabilities*" (Washington, D.C. : Woodrow Wilson Center Press, 1995) p.218.

Pakistan's nuclear programme. The provisions of the Solarz amendment called for suspension of aid.<sup>9</sup> Faced with this prospect, Regan used his waiver authority, citing U.S. national interests as the reason for not imposing sanctions against Pakistan.<sup>10</sup> Deputy Secretary of State for South Asia Robert Peck argued that apart from the harmful impact on the Afghan war effort of suspending aid, imposing sanctions would make it significantly more likely that Pakistan would proceed to acquire nuclear weapons.<sup>11</sup>

Assistant Secretary of State Richard Murphy testimony before Senate subcommittee:

“ Our assistance relationship is designed to advance both our non-proliferation and our strategic objectives relating to Afghanistan. Development of a close and reliable security partnership with Pakistan gives Pakistan an alternative to nuclear weapons to meet its legitimate security needs and strengthens our influence on Pakistan's nuclear decision making. Shifting to a policy of threats and public ultimata would in our view decrease, not increase our ability to continue to make a contribution to

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<sup>9</sup> Michael R. Gordon, “Congress Delays New Pakistan Aid Amid Nuclear Rift” and “Businessman convicted in Pakistn Nuclear Plot” *New York Times*, September 30 and December 18, 1987.

<sup>10</sup> Presidential Determination No. 88-5, January 15, 1988. Federal Register Vol. 53, February 5, 1988, 3325.

<sup>11</sup> Testimony of Deputy Assistant Secretary of State Robert A. Peck before the House Foreign Affairs Asia and Pacific subcommittee, February 18, 1988 as cited by Dennis Kux in “ *The United States and Pakistan 1947 – 2000 : Disenchanted Allies.*”

preventing a nuclear arms race in South Asia. Undermining the credibility of the security relationship with the U.S. would itself create incentives for Pakistan to ignore our concerns and push forward in the direction of nuclear weapons acquisition.”

Subsequently the Reagan Administration gave the certification under the Pressler Amendment for the fourth time in November 1988.

In the very month of 1988 when Pakistan got one more certificate from Reagan under the Pressler Amendment, the U.S. presidential election took place and George F. Bush was elected the next U.S. President. It was a time when the Soviet Union, under the leadership of Mikhail Gorbachev was experimentally with “perestroika” and “glasnost.”<sup>12</sup> The U.S.- Soviet cold war was on its death bed. The U.S.-Soviet conflicts in the Third world in Central America, Angola and Afghanistan were moving towards settlements favourable to Washington. The foreign policy focus of the incoming U.S. administration lay on these dramatic events that were fundamentally altering the global balance of power.<sup>13</sup>

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<sup>12</sup> Russian words meaning Liberalization and openness; the domestic reforms which the president pursued.

<sup>13</sup> Dennis Kux in “ *The United States and Pakistan 1947 - 2000: Disenchanted Allies*”(Washington D.C.: Woodrow Wilson Center Press, 2001) p. 295.

It was the Afghan policy and the nuclear programme, which played see-saw at this helm of U.S-Pakistan relationship. With departure of Soviet troops from Afghanistan by February 1989, the Bush Administration concentrated on Pakistan's Nuclear Programme. In the meantime President Zia lost his life in a plane crash and the onus of nuclear programme fell on then the Chief of Army Staff General Mirza Aslam Beg and President Ghulam Ishaq Khan.

Significantly, while the outgoing President Ronald Reagan gave the final certification of Pakistan under the Pressler Amendment, a separate letter from president elect Bush had put the Pakistanis on notice that they stood on the edge of sanctions.<sup>14</sup> Bush's National Security Adviser Brent Scowcroft later warned General Aslam Beg "You have realized that the administrations hands are tied on the nuclear issue. President Bush [will] certify as long as he [can] under the Pressler amendment but he [will] not lie, Pakistan [stands] very close to the line."<sup>15</sup>

(Emphasis added)

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<sup>14</sup> Dennis Kux in " *The United States and Pakistan 1947 – 2000: Disenchanted Allies*" p. 299.

<sup>15</sup> Kux Interview with Scowcroft.

The United States again and again stressed to Pakistan that departure of the Soviet troops from Afghanistan and the winding down of the cold war had led to change in the policy dynamic on the nuclear issue. President Bush had signalled his desire to continue the close security relationship with Pakistan with the only condition that Islamabad froze the nuclear programme with investigative reports becoming stronger, the reasons for not imposing sanctions on Pakistan would carry less weight and pressure from non-proliferation supporters in Congress would become stronger. The U.S. Ambassador to Pakistan, Robert Oakley, warned Pakistani Premier. "If you take any action on the nuclear programme and you go past that line ..... [Bush] will blow the whistle and invoke Pressler."

While issuing warning after warning to Islamabad, the U.S. Administration was not yet ready in 1989 to improve the Pressler Amendment. In a testimony before House Subcommittee Deputy Assistant Secretary of Defence Arthur Hughes on August 2, 1989 stated: "Finally, we believe that past and continued American support for Pakistan's conventional defence reduces the likelihood that Pakistan will feel compelled to cross the nuclear threshold." The Bush Administration officials appeared satisfied that Pakistan was finally adopting a democratic path and hoped that after the

national election in 1989, the new civilian government in Islamabad would pay heed to U.S. warning on the nuclear issue.

The elections in Pakistan saw the contest between former President Zia's man Nawaz Sharif and the man he hanged Zulfikar Ali Bhutto's daughter Benazir Bhutto. It was Benazir who swept the elections. Prime Minister Benazir Bhutto declared a status-quo policy on the nuclear issue and continued to receive U.S. military and economic aid. Bhutto's visit to the U.S. was quite successful and it appeared to have enhanced close and friendly U.S.-Pakistan relationship in the emerging situation after the end of Soviet occupation of Afghanistan. In the wake of the goodwill that she generated, intelligence reports also indicated that Islamabad was no longer enriching uranium to weapon grade. As a result, President George Bush announced that the United States would sell Pakistan an additional sixty F-16 fighter bombers and would also continue the large military and economic aid programme, then running at close to \$600 million annually. Subsequently, Pressler Amendment Certification was also given on October 5, 1989 by the Bush administration.

As the U.S. – Pakistan relationship appeared stable and healthy in 1989, new troubles began in Jammu and Kashmir. Pakistan appeared to have received substantial encouragement from its success in Afghanistan to seek to re-enact its strategy in Kashmir. Pakistan-backed militants started resorting to terrorist activities in Kashmir in 1989 – a problem that continues till date. To put down the militancy, New Delhi strengthened its security presence in Kashmir. In early 1990 the reported large scale Indian military deployment and parallel Pakistani troop movements caused a sharp rise in tension between the two countries. In New Delhi and Islamabad American ambassadors William Clark and Robert Oakley raised concerns about the possibility of conflict between the two South Asian neighbours.

In an exercise of preventive diplomacy, the then US President George Bush sent his Deputy National Security Adviser, Robert Gates to South Asia in May 1990. Gates cautioned both Pakistani and Indian leaders against use of force and proposed a series of confidence building measures to reduce the risk of conflict. The events leading to “Gates Mission ” have been debated, some even implying “eyeball-to-eyeball” confrontation situation. The “Gates Mission” assumed added significance in view of a belief that any war in the subcontinent over Kashmir could culminate in a nuclear exchange.

By May 1990, U.S. intelligence analysts had concluded that Pakistan had taken the final step toward “possession” of a nuclear weapon by machining uranium metal into bomb cases. Washington no longer had any doubts that Pakistan had crossed the line.<sup>16</sup>

When Gates raised the issue with the Pakistani President and Chief of Army Staff, they vehemently disagreed, asserting that Pakistan’s nuclear capability had not changed from the previous year. Robert Gates cautioned Pakistan and warned that “Unless Pakistan melted down the bomb cases that it had produced, Bush would not be able to issue the Pressler Amendment Certification needed to permit the continued flow of military and economic aid. When the Pakistani leadership denied that Islamabad had “crossed the line ”, Gates told Foreign Minister Yaqub Khan, “If it waddles like a duck, if it quacks like a duck, then may be it is a duck”.<sup>17</sup> Pakistan’s political development in the meantime further caused in Washington. Dismissal of Benazir Bhutto Government by President Ghulam Ishaq that created as impression that democratic experiment was to end soon. The U.S. quickly

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<sup>16</sup> Mitchell Reiss, *Bridled Ambition : Why Countries Constrain Their Nuclear Capabilities* (Washington D.C. Woodrow Wilson Center Press, 1985 ) p. 188; also see Rodney W. Jones and Mark and Mc Donough, *Tracking Nuclear Proliferation.* (Washington D.C.: Carnegie Endowment for International Peace ,1998 ) p.132.

<sup>17</sup> Kux interview with Foreign minister Sahibzada Yuqub Khan.



issued a warning that would upset the democratic process, would be unacceptable to Washington.

In the midst of such developments, a new Persian Gulf crisis started on August 2, 1990, Iraqi President Saddam Hussain sent his army to neighbouring Kuwait and militarily occupied that whole country. This crisis sparked off serious worried around the world and created fears of a dangerous oil / energy crisis. It appeared as if Pakistan discovered another opportunity to renew security ties with the U.S. by offering its cooperation. This would enable its nuclear programme to remain unaffected. Nawaz sharif who become the Prime Minister after winning 1990 elections, in order to please the Americans and perhaps facilitate an easing of Pressler Amendment sanctions, followed an anti – Saddam policy during Persian Gulf crisis. But could not change American government's policy. But the U.S. intelligence informed the President that Pakistan for sure "possessed" a nuclear device. After "hedging and fussing " as long as possible, the President reluctantly accepted his interagency recommendation that he shall not issue the Pressler Amendment certification. Thus October 1, 1990 passed without the Certification, and the \$564 million American economic and military aid programme for Pakistan approved for fiscal year 1991 was

frozen. The original aid cut off was based on intelligence analysis and came after several years in which Presidents Reagan and Bush stated that it was becoming increasingly difficult to certify to Congress that Pakistan did not possess a nuclear weapon. Since the October 1990 aid cut off, publicly available evidence continued to accumulate suggesting that Pakistan had acquired at least a few nuclear weapons or could assemble them in short order. American legislations backed the decision of the Bush Administration to impose the Pressler Amendment on Pakistan. Senator William Cohen (Republican -Maine) declared. "If we lower our [ nuclear] standards again, who is going to take the standard seriously", The administration backed off.<sup>18</sup>

The loss of nearly \$300 million of arms and other military supplies a year was a heavy blow to Pakistan's defence establishment. All U.S. military assistance and government-to-government transfers of weapons and equipment were halted in their tracks. Caught in the ban were the F-16 aircraft that Pakistan had purchased from the General Dynamics Corporation ( now Lockheed Martin). The U.S. government refused to permit the Pakistanis to take possession of the planes, which ended up in storage at

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<sup>18</sup> Paul Leventhal, "Cut off aid to Pakistan" and R.Jeffery Smith, " Administration unable to win support for continued aid to Pakistan." *Washington Post*, October 8 and 10, 1990.

Davis -Monthan Air Force Base, Near Tucson, Arizona . Although the U.S. - Pakistani military to military relationship was more limited and less intimate than during the alliance years of the 1950s and 1960s it had, nonetheless, become substantial especially the links between the two Air Forces. The military alliance got completely disbanded in the wake of the imposition of the Pressler Amendment.

Pressler sanctions had a less immediate impact on economic development, since they barred only new assistance commitments. During the 1980s, along with remittances from Pakistanis abroad, Pakistan was benefited by a surge of foreign aid provided by the U.S. Although the country enjoyed competent, if conservative, economic management during the Zia years, after 1988 so-called popularly elected governments proved less disciplined financial managers. The loss of U.S. aid and the policy rigor that the Americans demanded added significantly to the problem that were beginning to weaken the Pakistani economy.<sup>19</sup>

The Pakistani leadership were definitely taken aback at the imposition of the Pressler Amendment. It did not occur to them that Washington would cut

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<sup>19</sup> Ejaiz Naik, who was in charge of Pakistani's foreign assistance dealings during 80s in "Foreign Assistance Package", *New York Times*, February 7, 1996.

off all strategic links with their country so soon after the Soviet troops withdrawal from Afghanistan. Islamabad did try to revive the security ties with Washington. The Foreign Minister Yaqub Khan offered to freeze the Pakistanis nuclear programme if the United States lifted the sanctions. But Secretary of State James Baker was cold to such an idea and asked Islamabad to "roll back its capability to the other side of the line."

Pakistani was particularly incensed that Pressler amendment sanctions penalized only their country and charged that the United States had once more as in 1965 proved to be a "fickle friend".<sup>20</sup> It was observed that with the end of Afghan war the United States no longer needed Pakistan. The U.S. had discarded Pakistan like "a piece of used kleenex." According to an observer, in the Pakistani view the United States had moved the nuclear goalposts in 1990 by replacing "stay where you are with the tougher requirement of "roll back your nuclear capability " through the destruction of bomb cores.

The most prolonged and visible controversy kicked off by the imposition of the Pressler Amendment was the F-16 deal. There was a dilemma whether the Pakistanis would continue to pay for the stranded F-16s. Although these deliveries were frozen in the wake of the Pressler Amendment being

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<sup>20</sup> Dennis Kux in "*The United States and Pakistan 1947 – 2000: Disenchanted Allies*" p.310.

imposed, yet Pentagon urged Islamabad to continue payments. This was in part to help the financially troubled General Dynamics corporation with whom Pakistan had contracted to purchase the aircraft. Defence Department officials assured that nonpayment would breach the contract and make it harder to gain congressional support for an easing or lifting Pressler sanctions. After considering various options, including invoking a penalty clause to avoid further payments, Pakistan followed the Pentagons advice. As a result even though the F-16s remained mothballed on the western desert sands of Arizona, the U.S. supplier received an additional several hundred million dollars before Pakistan finally suspended disbursements in 1993.

When George Bush handed reins of power in 1993 to his successor Bill Clinton, the glue of the cold war and the common struggle against the soviet occupation of Afghanistan no longer existed to cement U.S- Pakistan ties. In the absence of other significant shared national interests, bilateral differences were all too apparent. For Washington , Pakistan had not only lost strategic importance but had become a nuclear trouble maker and a source of regional instability.

The imposition of Pressler sanctions marked a major benchmark in U.S.-Pakistan relationship. The action effectively ruptured the bilateral security partnership that had flourished during the 1980s. Although the links would almost certainly have weakened after the end of the cold war, there would not have been such a sudden and near total-break. Despite all this many in the Bush Administration felt that Islamabad could play a helpful role in support of U.S. interests in the Persian Gulf and regarded Pakistan as a force for moderation in the Islamic world. The goal was not to completely isolate a nuclear Pakistan. Soon, efforts were made to deal with the problems raised by the imposition of the Pressler Amendment.

## CHAPTER-IV

EFFORTS TOWARDS DOING AWAY

WITH PRESSLER AMENDMENT:

BROWN AMENDMENT

## CHAPTER –IV

### EFFORTS TOWARDS DOING AWAY WITH PRESSLER AMENDMENT : BROWN AMENDMENT

President Bill Clinton circled Pakistan on same lines as his predecessor (President Bush) i.e. on nuclear non-proliferation, on human rights, democracy and terrorism. With new team it was new gush of blood flowed in the lifelines of U.S.- Pakistan relationship but with the same old ailment. The Clinton administration took up where its predecessor had left off on the terrorism issue. During the last years of Bush administration, renewed reports of the involvement of Pakistani Inter- Services Intelligence Directorate (ISI) with groups involved in various kinds of religious extremism, including the Kashmir insurgency, landed Pakistan on the terrorism “watch list.” James Woolsey the new Director of Central Intelligence took a hard line, warning publicly that Pakistan stood “on the brink”<sup>1</sup> of being regarded as a terrorist state. Washington was disturbed on the reports pouring in that Pakistan was harbouring hundreds of young Islamic extremist, graduates of guerrilla training camps set up during the

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<sup>1</sup> Douglas Jehl, “Pakistan in Facing Terrorist Listing,” *New York Times*, April 25, 1993.



Afghan war and located near Peshawar or just over the border in Afghanistan.<sup>2</sup>

The camps had virtually become the breeding grounds for a generation of militant fundamentalists. Camp graduates consisted of Pakistani and Arabs not only fought the communists in Afghanistan and the Indians in Kashmir but maintained close links with terrorists throughout the Islamic world. With Pressler sanctions the economic aid pipeline had also run dry and barred any new economic assistance commitment. But the humanitarian aid continued. Moreover to counter the narcotics problem the U.S. provided about \$2 million annually to the Pakistanis. But the new Clinton Administration appeared lenient on Pakistan. The arrest of Ramsi Yusuf, an Islamic militant believed to be the master mind behind the February 26, 1993, terrorist bombing of New York's World Trade Centre, showed Pakistan's goodwill gesture and also highlighted its desire to establish a more positive relationship with the Clinton Administration.

In the domestic front, both President Ghulam Ishaq Khan and Prime Minister Nawaz Sharif were dethroned due to feud between the two. Thus

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<sup>2</sup> Dennis Kux in *"The United States and Pakistan 1947-2000: Disenchanted Allies"* (Washington D.C: Woodrow Wilson Center Press, 2001) p. 322.

paving the way for Moen Quereshi, a retired World Bank Vice President, he was designated to head the caretaker government to hold office until new elections took place in October 1993. He was a martinet adopting a series of anti-corruption measures and economic reforms. His government publicly tarnished the defaulters of government's loan. Ironically both the ex-Prime Ministers Nawaz Sharif and Benazir Bhutto were on the list. In the financial sector, he took many dynamic decisions as devaluation of Pakistani rupee, halted many lavish imported taxi cab scheme, and took several other measures, including imposing income tax on the feudals i.e the large landlords of the provinces of Punjab and Sindh, and provided greater autonomy to the State Bank of Pakistan. The caretaker government stopped payments to the General Dynamics corporation for the F-16s that were still stored in Arizona. During Qureshi's three months in office, Pakistani foreign exchange reserves rose from \$ 180 million to \$448 million and the economy began to move in a more positive direction.<sup>3</sup>

Such domestic developments could have eased the U.S. pressure on Pakistan on the issue of terrorism. Those American who advocated for dealing with the Pressler Amendment to resume friendly ties with Pakistan were

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<sup>3</sup> Edward Gargam "After a year of Tumult, Pakistanis will vote" and "Following a Tough Act Bhutto Gets Another chance to Get it Right ", *New York Times*, October 6 and 24, 1993.

encouraged by the domestic scene in Pakistan. But reports on Chinese supply of M-11 missiles to Pakistan caused another round of controversy in U.S. – Pakistan relations. Washington imposed a trade sanction against China with a two year ban on U.S. exports to China of nearly \$1 billion worth of military related goods, electronics, aircraft and space systems. Pakistani authorities admitted that they had received M-11 missiles from China, but claimed that the weapons did not exceed the limits imposed by the MTCR – that is a range of not more than 300 kilometres and carrying capacity of no more than 500 kilos.<sup>4</sup>

Along with sanctions against China, the United States also imposed parallel restrictions on high technology exports to Pakistan, but these restrictions had little economic impact, In fact, Pakistan was largely a bystander in the M-11 missile controversy, which Washington addressed almost entirely in the context of U.S.- China relations.<sup>5</sup> But it could have affected another area of U.S. – Pakistan relations – non-proliferation. But actually it did not, because the new Clinton Administration appeared to have opted for improving ties with Pakistan.

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<sup>4</sup> Maleha Lodhi , “Pakistan Entangled in Sino-U.S. missile Row, ” *News*, Aug 24, 1993.

<sup>5</sup> Stephen A. Homes, “U.S. Determines China Violated Pact on missiles,” *New York Times*, Aug 25, 1993; Stephen Greenhouse, “\$1 Billion in Sales of High-Tech Items to China blocked,” *New York Times* Aug 26, 1993; Stephen A.Homes “ High Tech Exports Cutoff; Washington Penalizes China for missile Technology Sales,” *New York Times* Aug 29,1993.

In March 1994, inspite of its rhetoric about a more vigorous nuclear non-proliferation policy, the Clinton administration was in effect, shelving the unrealistic goal of rolling back the Pakistani capability and signalling its willingness to live with a freeze in the programme something that the Pakistanis had previously offered. On nuclear non-proliferation initiative, the administration announced its willingness to seek Congressional approval to deliver the embargoed F-16s if Pakistan agreed to cap its nuclear programme and accept what Americans described as “non intrusive ” verification. Although Washington spoke of “non intrusive” verification, the procedures involved physical inspection of nuclear facilities in addition to monitoring by cameras and other technical devices.<sup>6</sup>

With strict postures followed by the Clinton administration, a ray of hope soon followed. The Assistant Secretary of State Robin Raphel pleased Islamabad which raised eyebrows in New Delhi, during the press conference she told that the United States had never accepted “the accession” of Kashmir to India. Raphel thought that Pakistan remained a potentially useful friend for the United States a force for moderation in the Muslim world. It

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<sup>6</sup> Michal Gordon, “South Asian Lands Pressed on Arms,” *New York Times*, March 23,1994; R. Jeffrey Smith, “U.S. proposes sale of F-16 S to Pakistan,” *Washington Post*, March 23, 1994.

was Secretary of Defence William Perry who shared Raphael's desire for better relations with Pakistan. Like Raphael, the U.S. military considered Pakistan a long-time friend, a potentially helpful partner in Western Asia and the Middle East and an important source of force for burgeoning UN peace keeping missions.<sup>7</sup>

To warm up relations further William Perry visited Pakistan in January 1995 to rebuild security cooperation. Many confidence building measures were taken which included reviewing the U.S.- Pakistan Consultative Group, established during the Afghan war as vehicle for senior military-to-military discussions.

All these developments hinted that the Clinton Administration would take some steps to break the deadlock in U.S.- Pakistan ties since the imposition of the Pressler Amendment. Perry was doubtful whether Congress would lift the Pressler Amendment – related sanctions, but he told the Pakistanis, “ I intend to press on ,to make the most I can of the security relations between the United States and Pakistan ..... I want to try to make things better.”<sup>8</sup>

Prime Minister Benazir Bhutto on her part demanded, “We want either the

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<sup>7</sup> Dennis Kux in “*The United States and Pakistan 1947 – 2000 : Disenchanted Allies*”,p. 328.

<sup>8</sup> Dana Priest, “U.S. Pakistan to Renew Talks ”, *Washington Post*, January11, 1995.

planes or our money back. We think this is all very unfair.”<sup>9</sup> American officials realised the F-16 issue was unfair to Pakistan and some steps had to be taken to repeal the Pressler Amendment.

It is important to note that the U.S. State Department sent a 136 – page Bill labelled “discussion draft” of a new Foreign Assistance Act to key members of the U.S. Congress. This draft adopted new approaches to foreign aid with a view to best utilise the U.S. money to serve the nation’s interests. Interestingly, this new approach included removal of the country specific language of the Pressler Amendment.<sup>10</sup> In past, Presidents of both Republican and the Democratic Parties have often complained that the Congress had attached rather too many strings to foreign aid. The rationale behind the “discussion draft” was that President Clinton needed to have greater flexibility in the matter of providing assistance to foreign countries and since the Pressler Amendment, unlike other similar legal measures, did not have any provision of waiver, it needed to be done away with.<sup>11</sup>

The Pakistani government appeared to have found an excellent opportunity to make use of this new development to sort out the long pending issue of F-

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<sup>9</sup> “Pakistan’s Premier asks for planes or a refund,” *New York Times*, January 11, 1995

<sup>10</sup> Chintamani Mahapatra in “Pak Struggle Against Pressler,” in *Strategic Analysis*, July 1994, Vol.XVII, No.4.

<sup>11</sup> *International Herald Tribune*, November 24, 1993.

16 aircraft, contracted in 1988 and 1989, but the transfer had been halted because of the imposition of the Pressler Amendment. Much before Clinton's move in the Congress, Pakistani Cabinet's Defence Committee had taken a decision not to allocate any more money for the F-16 programme (about \$658 million had been already paid to the Lockheed Company as part of the payment for the delivery of additional numbers of F-16 aircraft) and asked the government to set up a joint inter-governmental group to contract termination liabilities.<sup>12</sup>

By taking this decision, Islamabad only tried to put the ball in America's court. Washington, as expected, quickly rejected the Pakistani move, warning that it could not be held responsible or liable for any unfulfilled contractual obligations. On March 13, 1994, Pakistani Ambassador Maleeha Lodhi indicated that her government had asked the U.S. government to resolve the issue of F-19 by March 31. Pakistan had ordered about 71 F-16 aircraft under two separate contracts worth about \$1.7 billion and had suspended payment since July 1993 after making a payment of about \$658 million.

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<sup>12</sup> Chintamani Mahapatra in "Pak Struggle Against Pressler" in *Strategic Analysis*, July 1994, Vol. XVII, No.4.

Now the Pressler Amendment and the F-16 issue once again occupied the political agenda. The concern of the Clinton Administration about the impact of globalisation of arms production made the Pakistani effort easy. Like in the days of the Afghanistan crisis, this time also Islamabad could afford to talk tough once in a while. For the United States the sale of F-16 aircraft to Pakistan was not just the question of a couple of billion dollars. It saw the issue from a wider perspective and the long-term interests of the country. There were some worries in certain circles of the United States about the competitiveness of the American military industries in the international arms market.

On the one hand, the Pentagon was actively supporting the downsizing of the military-industrial base in the light of the new requirements of the post-Cold War era; and on the other, the new alignments and combinations of the military industries of the friendly but rival countries had begun to pose serious challenges to the American companies. One such recent case, under active discussion in the United States, was the Franco-Israeli agreement on research, development and possible industrial cooperation and arms sales. The leaders of the U.S. military-industrial complex had already begun to



articulate the need for aggressiveness in the international arms market and had been asking for active government backing to American Companies.<sup>13</sup>

The operation of the Pressler Law had made the F-16 sale to Pakistan more complicated and this explains the active involvement of the State Department in the issue. The U.S. Administration could do very little to promote commercial sales without the support of the Congress. It is important to note that the Bush Administration began its effort to persuade the Congress to lift the strict conditions imposed on Pakistan only months after he invoked the Pressler Amendment in October 1990. While the U.S. law-makers remained unconvinced of the need to reconsider the “strict conditions”, the State Department continued to authorise commercial sales of certain military spare parts and equipment in the face of Congressional opposition to it.<sup>14</sup>

While it was easy to authorise commercial sale of certain spare, it was not possible to authorise the commercial sale of an aircraft that could carry nuclear weapons. In February 1994, while reporting on his visit to the Indian subcontinent, Senator Pressler charged that the Clinton Administration’s aim was to resume military sales to nuclear-armed Pakistan. He said: “The

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<sup>13</sup> *Defence News*, March 21 – 27, 1994.

<sup>14</sup> For details, see Chintamani Mahapatra, “South Asian nuclear scene and U.S. foreign policy process,” Working Paper, School of Public Affairs, University of Maryland, 1993.

Clinton Administration is retreating from the only significant nuclear weapons sanctions legislation ever enacted by Congress.”<sup>15</sup> He expressed concern that while abandoning the earlier effort to override the Pressler Amendment, Assistant Secretary of State Robin Raphel had been making statements that the Pressler Amendment was a major obstacle to improved relations with Pakistan.<sup>16</sup> Robin Raphel assured the U.S. legislators Congress that the Clinton administration would consult the highest law-making body before attempting any change in the Pressler Amendment. “If we were to consider,” said Raphel before the House Subcommittee on Asia and the Pacific, “and get to the point where we wish to go forward with the idea of using the leverage in the Pressler Amendment which does include the F-16s, among other thing, we will only do so in full consultation with the Congress.” Undersecretary of State for international security Lynn Davis also said, “ By using the leverage in the Pressler Amendment, we are looking at the possibility of a one time exception of the Pressler Amendment which would have as its goal to cap the production of fissile material by the Pakistanis and to do this in a verifiable way.”<sup>17</sup> These statements indicated that the Clinton Administration was trying hard to resolve the F-16

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<sup>15</sup> *Statesman*, February 11, 1994.

<sup>16</sup> Chintamani Mahapatra in “Pakistan Factor in Indo-American Relations”, *Strategic Analysis*, October 1996, vol.XIX, No. 7.

<sup>17</sup> *POT - Pakistan*, March 29, 1994.

controversy and also find a way out to restore normal relationship with Islamabad.

In April 1995, Prime Minister Bhutto's second official visit to Washington was focussed on gaining support for the release of F-16s, and a relaxation of Pressler amendment sanctions. At the John Hopkins School of Advanced International Studies, she declared, "Pakistan honoured contracts with America. We want America to honour its contract with us".<sup>18</sup> President Clinton understood the Pakistan's concerns and said, " I don't think it is right for us to keep the money and the equipment. That is not right and I am going to try to find a resolution in it."<sup>19</sup>

Soon Clinton Administration understanding was also mirrored in the statements of some influential legislators. For instance, Senator Hank Brown (Republican- Colorado), Chairman of Senate Foreign Relations Committee's South Asia subcommittee, remarked that the draconian sanctions against Pakistan were damaging U.S. interests. Senator Brown soon introduced a piece of legislations to change the "draconian" aspects of the sanctions against Pakistan and restore a working relationship with that country.

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<sup>18</sup> Quoted by Todd. S.Purdum, "Bhutto Renews Demands for Delivery of Jet Fighters or a Refund," *New York Times*, April 11, 1995.

<sup>19</sup> Thomas Lippman, "Bhutto receives clinton Promise of Aid ," *Washington Post*, April12,1995.

A lot of debate took place between staunch non-proliferation advocates and supporters for removing sanctions on Pakistan. While presenting the debate in the Congress, Senator Hank Brown emphasised that this amendment deals with the subject of Pakistan and the long-standing sale of military equipment to that country. He stressed that this amendment was a compromise amendment and would further improve the relations with it. During the speech he had categorically stated that Pakistan was a good ally and a good friend. Presenting the case he highlighted that a total sale of \$1.4bn worth of equipment for which Pakistanis had paid for simultaneously order was placed to built the specifies but with the imposition of Pressler amendment neither equipment be transferred nor money can be refunded as it had been spent for the development of equipment. Secondly a problem occurred to cut back the order of 71 F-16s to 28 for which money had already been given. Not only did this non-delivered, non-accomplished contract aggravate the U.S. relations with Pakistan but also each year Pakistan had to pay storage costs on the undelivered equipment.

In addition, the equipment each year of the last 5 years had become more and more obsolescent. Brown added that each year they failed to resolve this crisis, the equipment dropped in value, the storage costs and maintenance

costs continued on, and relations became more and more strained between two countries. He reiterated that it was clearly in America's interest to work out an arrangement to resolve this longstanding dispute. Underlining the happenings of World Trade Centre and others as mentioned above in the chapter he stated that it was in the interest of the United States to cooperate with Pakistan in the suppression of terrorism, counter narcotics control, peacekeeping and multilateral nation building. With hectic lobbying and pressuring Senator Brown could carry the amendment by a 55-45 margin on September 21, 1995 and the president signed it into law after the joint House-Senate committee reconciled the provision later in the year.<sup>20</sup>

The Brown Amendment permitted Pakistan to take possession of the military equipment frozen in the United States, except for F-16s and allowed the resumption of training of Pakistani military personnel.<sup>21</sup> Even if Congress was unwilling to appropriate funds to repay Pakistan for the stranded F-16s, it agreed that the airplanes could be sold elsewhere and the proceeds used to reimburse Islamabad.<sup>22</sup>

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<sup>20</sup> Elaine Sciolone , "Despite Nuclear Fears ,Senate Acts to Lift Pakistan Curbs," *New York Times* September 22, 1995. Thomas Lippman and Dan Morgan , "With Clinton Approval ,Senate Votes to End Ban on Arms Shipment to Pakistan," *Washington Post* , September 22,1995.

<sup>21</sup> The package included 3 P-3 C antisubmarine aircraft, 28, Harpoon surface-to-surface missiles 360 side winder air to air missiles and a variety of artillery pieces, spare parts and explosives.

<sup>22</sup> Thomas W.Lippman "Compromised Proposed on fighter sale to Pakistan" *Washington Post*, May 24,1995.

The passage of the Brown amendment providing for a one-time waiver to the Pressler Amendment was a major victory for Pakistan. A sense of satisfaction prevailed over Islamabad. Pakistanis perhaps realised the depth of words what Raphel told in a Senate hearing, “ The key impact of sanctions relief is not military or financial. The effect would be primarily in the political realm, creating a sense of faith restored and an unfairness rectified with a country and a people who have been loyal friends of the United States over the decades.”<sup>23</sup> The Brown amendment, however, left intact the heart of the Pressler sanctions: the ban on U.S. military assistance and government to government arms transfer, but limited their application to transaction that occurred after 1994.

By linking up the issue of sale of F-16 to cap the production of fissile material, the State Department projected an impression that the above step would be in the economic, national security and non-proliferation interests of the United States. The passage of the Brown Amendment in the U.S. Congress provided a one-time waiver to the Pressler Amendment and enable Pakistan to receive some specified U.S weapons and military equipment. Thus in one stroke, the Clinton administration attempted to please the

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<sup>23</sup> Raphel Statement at Senate Foreign Relations Near East and South Asia Subcommittee hearing, September 14, 1995.

Lockheed Company, the Pakistanis, Senator Pressler and his colleagues. The effect of the Brown Amendment on India was considerable. In his letter to the U.S. President in August 1995, the Indian Prime Minister said:

“ The Pressler Amendment is primarily a bilateral issue between the U.S. and Pakistan. Improvement in U.S.- Pakistan bilateral relations is a goal that nobody would object to. Nevertheless, I should mention the fact, Mr. President that it would be very difficult for Indian public and political opinion to understand the reasons for the proposed transfers of military equipment to Pakistan at this time.”<sup>24</sup>

A major problem arose when U.S. intelligence concluded that the China Nuclear Energy Industry Corporation had sold five thousand custom made ring magnets to the Kahuta uranium enrichment facility in 1995.

The ring magnets were made to specification and provided a vital component for the high speed centrifuges that produced Pakistan’s enriched uranium. Since the sale occurred in 1995, a year after the cutoff date, the ring magnet transaction jeopardized the implementation of the Brown amendment and had the potential of further exacerbating bilateral troubles

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<sup>24</sup> *Indian Express*, August 10, 1995.

with China, under the 1994 nuclear non-proliferation act, the sale could have resulted in the suspension of all Export – Import Bank lending if the U.S. government concluded that the buying authorities had “wilfully” approved the ring magnet transfer. Alternatively, a milder sanction barring U.S. dealings with the two enterprises involved in the sale was possible, if Washington concluded that senior Chinese authorities were unaware of the transaction.

Simultaneously in 1995, U.S. intelligence received indications that Islamabad had resumed production of weapons grade uranium. To emphasize the administration’s concern about the issue, Deputy National Security Adviser Samuel Berger made a sudden trip to Pakistan in January 1996. He warned the Prime Minister Benazir Bhutto that the Clinton administration would have trouble in implementing the Brown amendment if these difficulties continued.<sup>25</sup>

By March 1996, Washington felt sufficiently comfortable with the situation to move ahead to implement a major element of the Brown amendment the

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<sup>25</sup> R.Jeffery Smith “China Aids Pakistan Nuclear Programme; Parts shipment Reported by CIA could Jeopardize U.S. Trade Deals,” and “U.S. May Waive Sanctions on China for Sale Related to Nuclear Arms, and Proliferation concerns may delay U.S.Arms shipment to Pakistan,” *Washington Post*, February 7,8 and 15,1996 and Tim Weiver, “China sold Parts for Nuclear Arms, U.S. officials Say,” *New York Times* Feb 8,1996.



release of \$368 million of Pakistan –owned military equipment frozen by the Pressler amendment and the refund of \$120 million for items paid for but not produced before the 1990 sanctions took effect.<sup>26</sup> To avoid problem with China the Clinton administration also concluded that the Beijing authorities had unknowingly approved the ring magnet transaction.

This enabled the U.S. government to limit sanctions to block listing the entities directly involved. The Chinese on their part reportedly told the Americans that they would not sell Pakistan this type of specialized nuclear equipment in the future.<sup>27</sup>

In the summer of 1996 China's dealings with Pakistan stirred fresh difficulties . The U.S. intelligence community concluded with "high confidence" that complete Chinese M-11 missiles were stored in crates near the Pakistani air force base at Sarghoda in Punjab and could be deployed in a matter of days. Another credible report indicated that China was assisting Pakistan in setting up a factory, just a few miles from the capital city of

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<sup>26</sup> R.Jeffrey Smith, "U.S. Decides to Transfer Weapons that Pakistan had paid for", *Washington Post* March 20,1996 and "U.S. Waiving Ban, will send weapons to Pakistan", *New York Times* March 21,1996.

<sup>27</sup> R.Jeffrey Smith "U.S. Relents Chinese Sanctions" and "China silent on nuclear Export Plans, Deals that Averted Penalties Draws Criticism in Congress," *Washington Post*, May 11 and 14, 1996.

Islamabad, to manufacture the missiles.<sup>28</sup> The intelligence information put the Clinton administration in an awkward position. Since it suggested that the Chinese were not keeping their word to abide by MTCR guidelines on missile exports to Pakistan.

If Washington accepted this assessment, it would have to impose drastic sanctions that would cost American companies billions of dollars in sales to China. In the end, Clinton administration policy makers finessed the problem, taking no action on the grounds that the intelligence was insufficiently conclusive to justify the imposition of severe sanctions.<sup>29</sup>

Thus the passage of the Brown Amendment was a testimony to the success of Pakistani propaganda. And the American inaction over the supply of 5,000 ring magnets by China to Pakistan and the Sino-Pakistan M-11 deal had set the post-Cold War trend of US nuclear policy towards Pakistan. It was quite possible that the US policy makers, always viewed Pakistan as a pliable and reliable ally and never wanted to punish Pakistan by imposing sanctions which had in any case not prevented Islamabad from acquiring the

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<sup>28</sup> R. Jeffrey Smith "China linked to Pakistani missile Plant, Secret Project could Renew Sanctions issue," *Washington Post* Aug 25, 1996 Tim Weiner, "U.S. Says it suspects China in Helping Pakistan with missiles" *New York Times* Aug 26, 1996.

<sup>29</sup> Stephen Erlanger "U.S. Wary of Punishing China for missile help to Pakistan" *New York Times*, August 27, 1996.

nuclear capability, or we can say, the same logic that had been consistently applied in explaining the American relations with the People's Republic of China is now going to be applied in justifying Washington's policy towards the nuclear capable Pakistan. The logic is: "one has to engage Pakistan rather than isolate it."<sup>30</sup>

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<sup>30</sup> Chintamani Mahapatra "*Indo-US relations into the 21st Country*" (New Delhi; Knowledge World, 1998) p.60.

# CONCLUSION

## CONCLUSION

Nuclear proliferation poses a grave danger to the international community but rarely receives concerted high-level governmental attention in the United States or in other concerned countries. In large measure, this inattention has persisted because for many years there have been few publicly visible and unambiguous indications that nuclear arms are, in fact spreading to additional nations. Countries that have sought to develop nuclear arms since the mid-1960s have attempted to shield their activities from external scrutiny by denying any interest in nuclear weapons or saying that their nuclear programmes were exclusively for peaceful purposes. Nuclear Weapons activity were shrouded in secrecy in one form or another. Ironically, even when exposed and well publicized, individual steps taken by these countries in their quest for nuclear arms, such as the start-up of a sensitive new nuclear plant or the pursuit of a nuclear smuggling operation, can sometimes appear inconsequential in themselves and rarely trigger sustained international concern.

Pakistan's covert affair for the production of weapon grade nuclear material added to a stockpile of material, which could be rapidly improved to the

level needed for nuclear arms. Pakistan has also been expanding its overall weapons-material production capabilities and is thought to have taken steps toward the production of complete nuclear devices using its existing stocks of weapon grade-materials. The Chagai tests have answered all doubts in 1998. If nuclear proliferation has been unannounced, it is real nonetheless. Indeed, the years since 1964 have seen the advent of Israel, India, Pakistan and South Africa as de facto nuclear weapon powers or the ones which could build bombs rapidly in a crisis.

The U.S. has played an active role in curbing the nuclear ambitions of nations that are suspected to be the leading candidates for proliferation. However, it has used various measures to do so, such as offering carrots or showing sticks, that is incentives and sanctions, depending on its vital national interests. Sanctions of all kinds (political, economic and security) have been viewed as the liberal alternative to war, a coercive instrument of foreign policy. Accompanying such sanctions would be a series of incentives (positive sanctions) designed to influence the political dynamics of the countries that favour accommodation. Incentives should empower political constituencies most lately to favour military and nuclear restraint. This

would involve offering assistance to nations that advocate democracy. The U.S. – Pakistan is a glaring example of this feature.

Was the Pressler Amendment a carrot or a stick? Initially, to facilitate the arms trade to Pakistan , it was a carrot. One of the most significant legal provision in the U.S. to curb proliferation of nuclear weapons was the Pressler Amendment of the Foreign Assistance Act, 1961. The reason it was made a country specific provision was that Pakistan was to receive billions of dollars of American assistance both military and economic in exchange of its conduit of arms supply to the Afghan Mujahideen who were backed by U.S. to fight against the Soviet troops in the Afghanistan.

Interestingly, this piece of legislation came to be used as a both carrot and stick to deal with the proliferation concern vis-à-vis Pakistan. Pakistan became a staunch Soviet ally during the very first year of Reagan Administration, since President Reagan was determined to roll back the influence of the “evil empire” from the Afghan soil. While Pakistan received billions of dollars of American assistance it simultaneously continue to pursue a nuclear weapon capability.

The Afghan developments had already induced the previous Carter Administration to waive the Solarz Amendment. But Pakistan did not stop, its quest for nuclear weapon capability. As the war in Afghanistan turned more and more fierce, U.S. intelligence reports pour in indicating Pakistan nuclear related smuggling activities. In mid – 1980's, some influential American legislators took steps to stop Pakistan was from doing so. The Reagan Administration quickly understood that any such measure would make its own war strategy futile. It somehow, wanted to continue assistance to Pakistan, in return to Pakistan cooperation in its Cold War efforts in Afghanistan.

It was the Reagan Administration which lobbied in U.S. Congress to have a milder version of non-proliferation law so that U.S. aid to Pakistan would continue. The White House had only to give a certificate that Pakistan did not possess a nuclear device under the 1985 legislation known as the Pressler Amendment. In this context, the Pressler Amendment was actually a carrot banded before Pakistan. The White House kept certifying for five years Pakistan's nuclear innocence, despite intelligence evidence to contrary. However, after the Soviet troops withdrawal from Afghanistan and relaxation of Cold War, Pakistan's cooperation was no longer necessary for



U.S. In October 1990, as required by law, President George F. Bush did not give the required certification and implication of Pressler Amendment was imposed on Pakistan. All American military and economic assistance come to a halt. The carrot became a stick. Pakistan did not complain when the Pressler Amendment was enacted as a carrot, but when it was actually imposed breast-beating began in Islamabad. Politicians and pundits alike wept about unfairness about Pressler Amendment, which was Pakistan specific non-proliferation law. Some of them dubbed in as a discriminatory piece of American legislation No one has a better explanation than Senator John Glenn who said , “since the enactment 15 years ago, the Glenn / Symington standards have applied to all nations with only one exception: Pakistan. The constraints in this legislation have been waived just for Pakistan not once, but five times over the last decade (1980s), mainly to facilitate U.S. efforts to end the Soviet occupation of Afghanistan. The need for a waiver arose because Pakistan is the only foreign recipient known by our government to have violated one or more of these specific standards. Thus, throughout the decade, America repeatedly discriminated on behalf of Pakistan...yet the bomb programme continued”<sup>1</sup> as quoted by Chintamani Mahapatra.

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<sup>1</sup> Chintamani Mahapatra, “South Asian nuclear scene and U.S. foreign policy process,” Working Paper, School of Public Affairs, University of Maryland, 1993.

The next major question that arises out of study on this subject is the role of laws and regulations in a democratic polity. In other words, one has to decipher whether laws are supreme or laws can be used or misused for political purposes. The very fact the Reagan and Bush Administration's gave certificate of innocence to Pakistan for 5 years by passing the conclusion of their own intelligence community is a clear example of politicisation of legal provision. Although it was argued that American military assistance would strengthen Pakistan's military establishments and discourage that country from going nuclear, the intelligence assessment of the U.S. was just the opposite. Yet, Islamabad kept receiving certificate of nuclear innocence.

The Reagan Administration, moreover, kept certifying Pakistan's nuclear virginity in the face of evidence to the contrary. Chintamani Mahapatra in his Working Paper about the remarks of an American journalist, "The Reagan Administration looked the other way throughout the mid-nineteen eighties as Pakistan assembled its nuclear arsenals with aid of many millions of dollars worth of restricted, high-tech materials bought in the United States."<sup>2</sup>

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<sup>2</sup> *Ibid.*

Leonard Spector remarks hits the bulls eye. On President Bush's certification to the U.S. Congress under the Pressler Amendment in 1989, commented, "By late spring 1989, it was also increasingly clear that despite the withdrawal of the Soviet troops from Afghanistan, neither the Bush Administration nor the Congress was prepared to terminate U.S. aid or apply other sanctions in an attempt to force Pakistan to halt its weapons-related nuclear activities. Continued U.S. aid to Islamabad had wide support in Washington, not only to sustain Pakistan's democracy, but also to ensure continued Pakistani assistance for anti-Communist Afghan guerrillas, whose efforts to topple the Soviet-backed government in Kabul..."<sup>3</sup>

The politics of sanctions, primacy of politics over law witnessed during the Reagan and the Bush Administration, continued during the Clinton Administration as well. The whole political drama that went into the enactment of the Brown Amendment to provide a one-time waiver to the Pressler Amendment stands testimony to it. The debate over the bill containing the Brown Amendment continued in the midst of reports about Sino-Pakistan collaboration in WMD programme. President Clinton too signed this legislation in the backdrop of similar reports.

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<sup>3</sup> Leonard Spector, "*Nuclear Ambitions*" (Boulder, Colorado: Westview press, 1990), p.90.

One can say that the majority of nuclear weapons related events occurred after the Pressler amendment was enacted. Only about four years after the Pressler Amendment was passed, the Pakistani nuclear scientist Dr. Abdul Qadeer Khan confirmed to the visiting Indian journalist Kuldeep Nayar about a Pakistani nuclear bomb. It was apparent that that the Reagan and the Bush administrations wilfully ignored the non-proliferation objective of the Pressler amendment as well as some other nuclear non-proliferation laws. The Pressler Amendment ironically, was not allowed to come on the way of the U.S. assistance and arms transfer to Pakistan even though the U.S. government knew that Pakistan was continuing its pursuit of the bomb. Significantly, in contrast to voluminous evidence indicating Pakistan's nuclear weapons programme advanced throughout the late 1980's, there were just no credible grounds to conclude that the non-proliferation laws, including the Pressler Amendment, reduced the risk of Pakistan's possession of the bomb. It can in fact, be said that America's aid policy indirectly contributed to Pakistan's nuclear and missile capabilities.

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