

OPINION

AQ Khan, Pakistan and Nuclear Non-Proliferation Regime

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In December 2008, a high-powered US Commission on the Prevention of Weapons of Mass Destruction report – *World At Risk*, identified Pakistan as “the geographic crossroads for terrorism and weapons of mass destruction.” Being the land where Pakistan’s nuclear scientist AQ Khan is a free man today, Pakistan remains an unwitting source of a terrorist attack possibly using weapons of mass destruction. Last February the Pakistan High Court acquitted Abdul Qadeer Khan with assurances that the freed nuclear scientist will not be involved in any future proliferation activities. On his part Khan, he has declined to “talk about the past things”. The United States and other Western Powers have expressed their concern over the Islamabad

High Court ruling. They have sought assurances that Dr Khan will not be engaged in any proliferation activity that resulted in his house arrest earlier. Pakistan, while ending AQ Khan’s house arrest, declared the infamous international nuclear smuggling network spearheaded by him as a closed chapter. At present, the ground reality is Dr AQ Khan, pioneer of an extensive international network for the proliferation of nuclear materials and equipments and know-how is a free man. His release poses a serious proliferation risk with a pernicious impact on non-proliferation and disarmament for years to come.

Abdul Qadeer Khan was placed under house arrest in February 2004 by former President Pervez Musharraf. He was forced to provide secrets to Iran, North Korea and Libya. Khan was forced by the former President

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to deliver a humiliating televised confession accepting his guilt. He was thereafter detained and placed under house arrest for his role in smuggling sensitive nuclear blue-prints, materials and know-how. His confinement lasted till February 2009. During these five years, the international community as well as the International Atomic Energy Commission (IAEA) made several requests for a meeting with Khan for satisfactory investigations. In fact as recent as September 2008, the Commission on Prevention of Weapons of Mass Destruction, Proliferation and Terrorism sought a hearing with Khan on issues of nuclear proliferation. The meeting had to be cancelled because the hotel in which the meeting was scheduled was blown up just hours before the Commission could arrive in Pakistan. The meeting had to be obviously called off leading the Commission to cancel its visit to Pakistan. It remains a matter of speculation whether the blast was a terrorist act which is now routine in Pakistan or masterminded by the Pakistan authorities. If the latter be the case, then all pointers would indicate that the Pakistan authorities advertently sabotaged the venue of the meeting to once again prevent access to the disgraced scientist.

AQ Khan's release without

conclusive investigations on the nuclear black market pioneered by him leaves several questions unanswered. There have been no conclusive data to substantiate the speculations whether the Pakistan government was complicit in the AQ Khan affair. The extent of AQ Khan nuclear smuggling trade and physical presence of the centrifuges traded by the nuclear scientist indicates that it cannot be done without the proactive support of the Pakistan state. This speculation can be substantiated by the fact that Khan himself admitted of selling sensitive nuclear equipments to North Korea with the full knowledge of the military then headed by President Pervaiz Musharraf. The centrifuges sold to Pyongyang weighed approximately half-a-ton each and were as evidence indicates were flown in aircraft belonging to the Pakistani Air Force. Quite obviously, this would have been impossible without the complicity of higher state officials from within Pakistan. Questions also arise whether Pakistan state authorities profited from the sales made by Khan. There are alleged reports that beyond the three beneficiaries of sensitive nuclear technology there is yet a fourth country that has profited from the AQ Khan illicit nuclear trade network. There is no credible information about this fourth

beneficiary to which sensitive material has been proliferated. The *defacto* confinement of Khan under the aegis of the Pakistan government never made conclusive investigation of the illicit nuclear trade possible. With the controversial nuclear scientist now declared free man conclusive answers to the several questions related to nuclear proliferation remain virtually impossible.

The release of AQ Khan sends a terrible signal to all quarters within the non-proliferation regime. It constitutes a big defeat for nonproliferation and disarmament. The Islamabad High Court ruling can be interpreted within Pakistan as a vindication of Khan's claims that he was never involved in any illicit nuclear trade. This would encourage others who have access to sensitive materials within Pakistan to follow Khan's example. Besides the only penalty imposed on Khan for his misconduct was a mere *defacto* house arrest. The restrictions imposed on the scientist were also eased during the five years. Hence, Khan's release defeats any deterrent effect on others from pursuing nuclear proliferation. The risk of proliferation has also increased with the end of Khan's confinement. Despite assertions made by Pakistan that the AQ Khan

network has been dismantled, credible sources contend such claims. A sensational volume on Khan black market, *Deception: Pakistan, the United States, and the Secret Trade in Nuclear Weapons* argues: "Pakistan continues to sell nuclear weapons technology (to clients known and unknown) even as Musharraf denies it—which means either that the sales are being carried out with Musharraf's secret blessing, or that he did not know". According to a German intelligence service report, Pakistan was "still secretly buying and just as stealthily selling nuclear weapons technology." There are thousands of middlemen involved in this smuggling racket proliferating dual-use technology that could be used to build centrifuges for the enrichment of uranium. Khan's release can certainly boost these operations further. It would not be too far-fetched to argue that since Khan is now a free man he may rope in others involved in nuclear smuggling racket to front for him. The outcome would leave a pernicious impact on international security and nuclear security.

The release of the nuclear scientist who was once at the epicenter of a still believed to be flourishing nuclear smuggling racket reflects an irresponsible image of the Pakistani

government. Khan was never appropriately implicated for his heinous crimes for which he accepted culpability (though later retracted by him). Pakistani authorities justified Khan on grounds of not violating any export control laws of Pakistan, essentially because these legalities were not formulated during the period of his proliferation. Pakistan has also absolved Khan of any allegation of having breached the Non-Proliferation Treaty (NPT) on grounds that Islamabad is not a signatory to the NPT nor is it a member of the Nuclear Suppliers Group (NSG). However, these legal technicalities can be circumvented on the ground that Khan did violate Pakistan's Official Secrets Act. There is no contention to the irrefutable fact that Khan was involved in proliferation of nuclear material and equipments activities. There is well documented evidence which indicates that Khan influenced North Korea and Iran – both of whom are signatories to the NPT to flout their obligations to the multilateral treaty. Khan has also obliterated the basic tenet of non-proliferation – refrain from transferring nuclear technology to others. The politics behind the acquisition of nuclear capability states clearly that this lethal capability should not be shared, transferred or proliferated to non-

nuclear states. AQ Khan has unrepentantly transferred sensitive nuclear technology, blue-prints and centrifuges and flouted the basic norms of Pakistan's nuclear strategy. These premises are sufficient to implicate Abdul Qadeer Khan. However, the culpable nuclear scientist was exonerated of all charges by the Government of Pakistan apprehending that Khan would have too many beans to spill!

The politics of expediency was once again visible during the release of Khan from his house arrest. The Islamabad High Court order was issued following a 'mutual agreement' between Khan and the federal government, the details of which were not made public. Khan has further acquiesced that he had been freed with the "blessing" of the Pakistani Government, which had been "very helpful". The nuclear scientist also affirmed: "This has happened because of the keen interest taken by the [Pakistani] President and the Prime Minister, and especially the Interior Advisor Rehman Malik, who looked into the case and reviewed it." Time will say whether AQ Khan and the Government of Pakistan will keep to their parts of the "mutual agreement". However, one fact that clearly emerges is that the

Government of Pakistan would certainly disapprove the details of the agreement to be scrutinized by the domestic and the world communities. Hence the details of the mutual agreement are kept secret. But any details regarding AQ Khan which is kept clandestine is not only objectionable but also dangerous for the goals of non-proliferation. Moreover, this image falls far short of a responsible nuclear nation demanding nuclear energy cooperation similar to that of the civil nuclear energy deal between the United States and India.

The Pakistan government has assured that the nuclear scientist will be prevented from being a renewed proliferation threat. This is far from convincing. The prevailing state of affairs in Pakistan depicts a very unstable situation in Pakistan. With deals concluded between Pakistan and the Taliban in the Swat Valley, the latter is gradually acquiring a strong-hold within the country. It can be hardly denied that the Taliban sympathizes with millenarian groups like the Al Qaida that have declared "jihad" against the US, the West and India. Pakistan has already emerged as the safe haven for Al Qaida with incessant attacks on the tribal militants by the NATO forces within Afghanistan. The Pakistani

Army has also proved to be an uncomfortable factor in the security dynamics of Islamabad. The army has already been in question because of its alleged complicity in the AQ Khan affair. Matters were further complicated with the emergence of the name of a serving colonel of the Pakistani army during the investigations of the Mumbai attacks of November 2008.

The Voice Over Internet Protocol (VoIP) calls made by the 26/11 terrorists were traced to Col R Sadatullah from the Special Communications Organization, a telecommunication agency of the Pakistani government. Another supposed Pakistani army official was identified by the pseudonym Major General Sahab who is believed to be involved in training Lashkar-e-Tayyeba cadre engaged in anti-India operations. This has been affirmed by the lone terrorist survivor of the Mumbai attacks - Ajmal Amir Kasab.

Several army personnel within the Pakistani ranks adhere to a jihadi ideology and sympathize with the radical extremists. Though, it is a matter of speculation but it would not be irrational to argue that radical elements within the Pakistani army ranks can facilitate the goal of the

terrorists to acquire nuclear capability from Pakistan. In addition, a high-powered US Commission on the Prevention of Weapons of Mass Destruction report – *World At Risk*, identifies Pakistan as the “intersection of nuclear weapons and terrorism”. Indeed, in a 2007 *Foreign Policy Magazine* poll 74 percent of 117 nongovernmental terrorism experts opined that Pakistan might likely transfer nuclear technology to terrorists in the next three to five years. With the release of the septuagenarian nuclear scientist, the terrorists might get an opportunity to expedite their efforts to access the source of nuclear knowledge and expertise to acquire nuclear capability.

The release of Khan was a matter of dismay for the US particularly since it was only last January that Washington placed sanctions on 13 people and three companies “for their involvement in the AQ Khan nuclear proliferation network.” The sanctions also were meant to “help prevent future proliferation-related activities by these private entities, provide a warning to other would-be proliferators ...to address non-proliferation related activities.” Barely two months after the US sanctions, Pakistan’s decision to release AQ Khan is disappointing.

But then it was also known that Khan could not be kept under detention forever. Domestic politics played a prominent role in the decision to lift house arrest orders from Khan. Just three days before the high court order a meeting of 100 jihadi organizations in Muzaffarabad, Pakistan-occupied Kashmir, had demanded the immediate release of Khan. The Zardari government was also constrained to extend Khan’s detention period in the face of rival Nawaz Sharif who is a strong supporter of Khan. However, it was imperative for the US, which spends millions of dollars on the security of Pakistan’s nuclear weapons arsenal, to have anticipated Islamabad’s decision.

The US had done significant damage by turning a blind eye to Pakistan’s clandestine pursuits of acquiring and disseminating nuclear weapons capability for over two decades. Seeking mere assurances from Pakistan that AQ Khan will honour his commitment to refrain from further proliferation activities is not enough. The lenient treatment meted out to Khan will probably encourage many hypothetical AQ Khans with access to Pakistan’s nuclear assets to follow the same path. The maximum penalty that will be imposed is a *defacto* house arrest

with eroding restrictions over the period. Under the circumstances, Washington needs to follow a more proactive policy to prevent any future proliferation threats from Pakistan.

The impact of the proliferation network spearheaded by Khan will never die down despite claims from Pakistan that the AQ Khan affair is a closed chapter. The freed nuclear scientist remains a substantial risk to non-proliferation. But what appears

more appalling is the existence of a culture of impunity within Pakistan that can be an inspiration and encouragement to many others with access to the state's sensitive nuclear materials and technology and a bend of mind like that of AQ Khan. With the Review Conference scheduled for 2010, the international community needs to garner significant pressure on Pakistan to "convincingly" close the chapter on AQ Khan affair in order to strengthen the non-proliferation regime. ■