A Review of the Performance of the International Atomic Energy Agency Regarding Pakistan's Nuclear Activities

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Abstract

Among the significant issues of the subcontinental region, one can refer to the concern over Pakistan's inability to maintain the security of its nuclear facilities, the illegal increase in its nuclear weapon production, extremist organizations' access to nuclear weapons, as well as the fact that this country has not joined the NPT treaty. Meanwhile, the International Atomic Energy Agency (IAEA), which was created to fulfill the two aims of promoting peaceful applications of nuclear power and preventing nuclear activities from edging toward military purposes, can play an effective role- within the framework of its legal authority- in preventing the potential threats of Pakistan's nuclear activities from actualizing. Therefore, the main question of the present research concern the strong and weak points of the IAEA's performance toward Pakistan's nuclear activities. The findings of this essay will demonstrate the undesirability of the Agency accomplishments (drawing up several safeguard agreements), in comparison with its deficiencies, including cases such as the Agency's silence regarding the uptrend in Pakistan's nuclear weapons production, failing to persuade Pakistan to join the NPT, being affected by the great powers in observing Pakistan's nuclear activities, as well as incorrect estimations of the security of its nuclear programs.

Keywords: the International Atomic Energy Agency, NPT, nuclear weapons, Pakistan.

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1. Introduction

In 1998 Pakistan conducted nuclear experiments in competition with India's nuclear program and practically joined the nuclear countries by doing so (Ebrāhimi & Mohamadi, 1390 [2011 A.D]: 135). One by one, various crises took place in the subcontinental region after the conduction of the experiments, and the fact that the two countries were equipped with nuclear weapons intensified the crises. Eventually, the experts assessed the vast military mobilization and the danger of nuclear war in spring 2002 to be one of the significant consequences of Pakistan's nuclearization in South Asia (Hoodbhoy & Mian, 2003: 1). On the other hand, taking into account Pakistan's political instability, the threats of this country's nuclear activities not only affects the subcontinental region, but also endangers the security of western countries. With respect to the same issue, General David Petraeus, Commander, U.S. Central Command stated on March 31, 2009: "Pakistani State failure would provide transnational terrorist groups and other extremist organizations an opportunity to acquire nuclear weapons and a safe haven from which to plan and launch attacks" (Mustafa, 2013: 4). However, apart from the potential threats of this country's nuclear weapons, various reports from 1998 onward verify the uptrend in Pakistan's nuclear warheads. Therefore, Pakistan has quite obviously not abided by the agency rules as a member of the IAEA and with a three-year-old record of being the president of the Board of Governors, is considered an offender both technically and legally.

Meanwhile, the International Atomic Energy Agency has an undeniably effective role in the development and execution of the international law related to nuclear science and technology. This international organization was initially started with the two aims of developing nuclear power peaceful applications across the globe and preventing those applications from edging toward military purposes (Rezāyi, 1388 [2009 A.D]: 5). Therefore, it is

essential to scientifically study the performance of the Agency, as a technical and administrative organization with regard to Pakistan's nuclear activities. Furthermore, the significance of the present research is twofold due to several other reasons. First, there has been an increase in the threats toward the international security caused by Pakistan's nuclear activities and weapons since 1998. Second, in addition to serving technical and professional functions (thoroughly and continuously inspecting countries' nuclear facilities), the agency has the authority to- in case of necessity- present reports of violations from countries to the General Assembly and the Security Council. And finally, it seemed only necessary to many international relations researchers within and outside Iran, that a noteworthy research be conducted in this area.

Many studies have been conducted regarding Pakistan's nuclear activities, a few samples of which will be mentioned below. In the article "The India-Pakistan Nuclear Competition and Its Consequences for Islamic Republic of Iran's National Security" by Sajadpour and Qahroudi, the authors present theoretical and practical analysis of the nuclear experiments conducted in India and Pakistan, and consider the very existence of the experiments a threat to the Islamic Republic of Iran's national security (Sajād Pur & Karimi Qahrudi, 1390 [2011 A.D]: 227-258). Marie and Shinichi (2003: 59-89) refer to the same issue in "The Nuclear Policy of India and Pakistan". This research attempts to explain the motivation of India and Pakistan to obtain nuclear weapons, and meanwhile argues that Pakistan and India do not follow policies which lead to the weakening of nuclear weapons non-proliferation in the international community.

In another article, written by Bošrā (1387 [2008 A.D]) entitled "Pakistan's Nuclear Security: An Intensifying Challenge", the author believes that the September 11 incident

had a prominent role in the United States' sensitivity toward securing Pakistan's nuclear facilities. The risk of terrorists' access to the nuclear facilities, as well as the ISI and Pakistani cooperation with them made the US more concerned. Therefore, the United States did all that was in its power to ensure the security of Pakistan's nuclear facilities (Bošrā, 1387 [2008 A.D]: 17-30). Furthermore, in an article entitled "Pakistan's Nuclear Program", Charnys (2009a: 1-9) studied Pakistan's nuclear program development, and discussed the main challenges of Pakistan's nuclear program, namely the dissemination of this country's nuclear technology to other countries, as well as Pakistan's political instability, which could lead to terrorists' access to nuclear weapons.

The potential threats of Pakistan's nuclear activities referred to in the above-mentioned research are real; however, biased attitudes, the irrelevance of the subjects to the current research subject, as well as overemphasis on the role of India's nuclear developments in completing the threats of Pakistan's nuclear activities, have diverted attention away from observing the IAEA's position regarding this country's nuclear activities. Therefore, the main purpose of the current research is to investigate the threats of Pakistan's atomic activities in light of the history of those activities, as well as to analyze the performance of the IAEA with regard to Pakistan's nuclear activities. Hence, this study will provide answers to the questions "How is Pakistan's nuclear program development considered a threat for the international security?" and "How is the IAEA's performance evaluated regarding the atomic activities in this country?" In order to provide answers for the above-mentioned questions, after explaining the development of Pakistan's atomic program and through using the foundations of the neo-realism theory, the potential threats of the nuclear activities for the international security will be demonstrated in three different areas. Next, it will be argued that the

International Atomic Energy Agency has demonstrated a weak performance with regard to Pakistan, in light of its nuclear activities. The current research is descriptive-analytic and is based on a library research design.

2. Conceptual foundations: Neo-realism; atomic facilities and international organizations

In addition to having the ability to explain Pakistan's nuclear program's development, the assumptions of neo-realism theory can analyze the performance of the International Atomic Energy Agency regarding Pakistan's nuclear activities. The main demands and expectations of neo-realism are in fact a new interpretation of the realism presented by Waltz and other realists. Looking from Kenneth Waltz's point of view, being hierarchical while giving priority to the government is the organizing principle in local communities, whereas anarchy is the organizing principle in an international system. This system lacks central authority; therefore, the international environment makes use of a kind of self-help, meaning that everyone can depend only on his/her own power to ensure security, since there is no government to guarantee the security of the governments. Neo-realists such as Mearsheimer believe that governments live in a threatening world and that units which desire to maximize their power need to maximize their share of world power, which would mean obtaining power at the expense of and through threatening others. Although there have been détentes in the history of international relations, they were in fact efforts for obtaining opportunities to be used in better chances (Mošir Zādeh, 1390 [2011 A.D]: 114-132).

In the early 80s when strategic relationships still existed between the East and the West, Kenneth Waltz emphasized the structural reasons of owning nuclear weapons, in his dissertation in 1981. He believed that countries are rational actors who need

to seek nuclear weapons in order to guarantee their own security in the international system, as well as to keep their potential enemies at bay (Sajād Pur & Karimi Qahrudi, 1390 [2011 A.D]: 233-235). According to neo-realism, the rise in one country's security will lead to the fall of other countries' security. Considering the prejudices in the international system, Pakistan cannot be blamed for continuing its atomic activities. Therefore, the logic of inequality, which authors such as Joseph Nye attempt to justify, is basically unjustifiable for countries which place sovereignty above all other principles ('Asgarxāni, 1377 [1998 A.D]: 152).

Thus, according to neo-realist researchers, international organizations are tools for governments' policy-making; they are not independent of the authority of the governments, but dependent on them (Sāzmand, 1387 [2008 A.D]: 123). Pakistan has sought to obtain nuclear weapons and also to maintain its close relationship with the United States of America since five decades ago. The effective factors supporting Pakistan in acquiring atomic weapons have been the structure of the international system, as well as the strategic role of this country, which has in turn determined the attitude of the great powers in this regard. Moreover, Pakistani authorities did not hesitate to use greater strategic forces in the international arena whenever they were available, in order to promote their nuclear program and regardless of the international institutions and rules (Ebrāhimi & Mohamadi, 1390 [2011 A.D]: 137-138).

3. The history of Pakistan's nuclear program: From peaceful activities to non-peaceful purposes

Pakistan's attempt to obtain peaceful nuclear energy began with partaking in the American program of Atoms for Peace. Pakistan formed its atomic energy committee in 1955. The

committee advised that the government acquire peaceful nuclear energy and to sign nuclear cooperation deals with the United States. However, the disagreements between India and Pakistan, the 1956 India-Pakistan war over Kashmir, Pakistan's defeat from India, and the peaceful experiment of India in 1974, prepared Pakistan for acquiring atomic bombs (Sajād Pur & Karimi Qahrudi, 1390 [2011 A.D]: 231).

In 1958, General Mohammad Ayub Khan took power and put his own party, the Muslim League, into power. During this period, the army believed that conventional weapons would suffice to ensure Pakistan's security against India; therefore, Pakistan's nuclear weapons program was exclusively moving toward peaceful purposes. However, the deterioration of the Pakistan-India relationship, the atmosphere of pessimism and suspicion between the two countries in the 60s, and especially the India-Pakistan war in 1965, all led to a change in Pakistan's nuclear program (Barzegar, 1378 [2008 A.D]: 35-36).

India and Pakistan have made war on each other three times since Pakistan's independence in 1947. Pakistan was heavily defeated by India in the third war in 1971, which led to the separation of Bangladesh from this country. Hence, Pakistan began its nuclear weapons development in 1972. The nuclear weapons development in Pakistan was intensified due to India's nuclear experiments in 1974 (Marie & Shinichi, 2003:64); therefore, the international community's concern doubled over Pakistan's nuclear weapons development, which was stimulated by India's ability to conduct nuclear experiments in 1974, itself a response to nuclear experiments in China (Cronin et al., 2005: 6). This is why some experts consider India's peaceful experiment in that year a "turning point" which made Pakistan's nuclear program a necessity. The uranium enrichment technology in the mid1980s paved the way for Pakistan's access to nuclear bombs. Pakistan acquired this technology from

Europe and obtained missile technology as well as a plan for building a small nuclear weapon from China (Kerr & Nikitin, 2013: 2-3).

Zolfaghar Ali Buto played an undeniable role in completing Pakistan's nuclear program. Buto hoped that Pakistan would take long strides toward its goals. His primary motivation to develop the nuclear program was to make Pakistan equal to India. He believed that Pakistan's access to nuclear bombs as the first Muslim country to do so would add to its credit (Ahmed, 1999: 185). Immediately after India defeated Pakistan in 1971, Zolfaghar Ali Buto gathered nuclear scientists in Multan and demanded the construction as well as the testing of atomic bombs (Mian, 2013: 8). The main role of Pakistan in this matter included imitating or stealing plans of uranium enrichment using centrifuges from the European company "URENCO" in the Netherlands, which was conducted by Dr. Abdul Qadir Khan. Thereafter, Pakistanis attempted to become independent in uranium enrichment, and thus began the establishment of enrichment centers through the same method, which has been going on until now (Ra'is Zādeh, 1377 [1998 A.D]: 93). Abdul Qadir Khan was given carte blanche as well as an unlimited budget by the Pakistani government. A set of laboratories were also constructed for him, which he called the Khan Research Laboratories (KRL). The intention behind constructing such laboratories was building thousands of centrifuges (Vincent, 1383 [2004 A.D]: 1). Following the nuclear program competition between the two countries, India carried out three nuclear experiments on May 11, 1998, as well as two other experiments two days later. In reaction, the Pakistani foreign minister, Gohar Ayub Khan, declared Islamabad's decision to conduct an independent nuclear experiment. Thus, Pakistan carried out five nuclear experiments within the same month and joined the countries with nuclear weapons (Charnysh, 2009b: 1-2).

The United States of America strongly condemned the experiments and made fruitless efforts to dissuade Pakistan from following India's example. Also, Washington immediately applied military and economic sanctions against India and Pakistan (Ebrāhimi & Mohamadi, 1390 [2011 A.D]: 143-144). These proceedings were followed by international sanctions especially from the United States; however, the sanctions did not last long and the September 11, 2001 incident not only put an end to the sanctions but also paved the way for America's providing aid for India and Pakistan as its closest allies in the region (Bošrā, 1387 [2008 A.D]: 19). Thus, Pakistan's illegal activities supported by the United States have caused international threats which need to be investigated.

4. The threats caused by Pakistan's nuclear activities and weapons for the international security

Several examples of the threats caused by Pakistan's atomic activities and nuclear weapons against the international security are as follow:

4.1. The possibility of extremists' access to nuclear weapons due to Pakistan's political instability

Since Pakistan's independence in August 1947, this country has wrestled with deep political instability, successive sectarian clashes, as well as an impressive spread of fundamentalism and authoritarianism among the military (Dahešyār, 1386 [2007 A.D]: 4). This chaotic land is known as the world's most unstable country politically, economically, socially and in terms of security (Mas'udniā & Najafi, 1390 [2011 A.D]: 92-93). Most Pakistani presidents were able to reach the supreme authority of their country through coup (Lotfiān, 1388 [2009 A.D]: 237). Political instability in Pakistan has led to a crisis of identity and

legitimacy, which has in turn resulted in the inefficiency of political parties, poor political culture, sectarianism and ethnicity (Memon et al., 2010:1-5). Therefore, the growing political instability and insecurity in Pakistan has left its citizens with the impression that the government and the army are not able to maintain order and law. Such impressions among the Pakistanis have caused their tendency toward Islamist groups [Islamic extremists] for maintaining order and law (Mas'udniā & Najafi, 1390 [2011 A.D]: 94). Considering the great span of Deobandi religious schools in Pakistan, it is difficult to define a certain geographic border for the outbreak of extremism (Šafi'I & Qelič Xān, 1389 [2010 A.D]: 5-11).

In this situation, many analysts are concerned about the inability of the Pakistani government to control its nuclear weapons, due to the continuous political instability, and fear the access of an extremist government in Pakistan to those weapons, if such a government shall come into power (Kerr & Nikitin, 2013: 16). Analysts often mention several threats to international security in this regard, some of which are mentioned below.

4.1.1. The possibility of extremists' use of nuclear weapons against Iran

As Bošrā (1387 [2008 A.D]): 1) indicates: "The weakening of the central government's supervision of the country events, and its reduction to a bankrupt government might possibly cause Pakistan's nuclear weapons to fall in the hands of extremist elements, specifically *Al-Qaeda* agents, in which case not only India but the whole region, including Iran, will face the potential danger of the weapons being deployed."

Some Pakistani extremist groups endeavor to destroy Shiites. Examples of such groups would be *Sipah-e-Sahaba*, which does not count Shiites as Muslims and considers its duty to oppose

Pakistani Shiites and to fight the Shia revolution of Iran (South Asian Terrorism Portal, 2013), as well as Lashkar-e-Jhangvi, the most dangerous group among the existing powerful and violent groups in Pakistan, which means to eliminate Shia beliefs (Australia Government, 2013).

Owning a majority of Shiites, Iran will be the first aim of the extremist groups, if they gain access to nuclear weapons. Iran is directly threatened considering its position as neighbor to the governments of India, Pakistan and Afghanistan, which are havens to extremist groups and which own nuclear facilities (Sajād Pur & Karimi Qahrudi, 1390 [2011 A.D]: 250).

4.1.2. The possibility of extremists' use of nuclear weapons against the West

The 9/11 incident made the Western countries more concerned about the possibility that "the rise of political instability in Pakistan could not only lead to building nuclear weapons in this country, but also bring about risks such as dangerous and vulnerable nuclear materials being stolen by extremist groups" (Mustafa, 2013: 2). From the perspective of the Western countries, Pakistan is a suitable place for fundamentalist organizations seeking nuclear weapons and materials, since first of all, the central government is not able to fully monitor all the country and second, there is evidence that many extremist organizations have penetrated Pakistan's security system (Goldberg & Ambinder, 2011).

Al-Qaeda has endeavored to access nuclear weapons at several points in recent history. On early December 1998, Al-Qaeda revealed a determination to obtain atomic bombs for the extensive destruction of atheists (the Westerns). This group believes that possessing atomic bombs is a religious duty, which according to some is the reason for Al-Qaeda's attempt to establish relationships with South Asia for obtaining nuclear

materials, as well as its effort to purchase a nuclear warhead from Chechen rebels in Russia. After the September 11th incident, Bin Laden threatened to attack the United States with chemical, nuclear and biological weapons, if the United States used its weapons against Bin Laden's group or teammates. Therefore, the fact that none of the extremists have yet carried out an atomic attack on the West does not guarantee that such attacks from Al-Qaeda and other extremists in Pakistan will not happen in the future (Bokhari, 2006: 31-32).

4.2. The possibility of nuclear war between Pakistan and India

Before their nuclearization, India and Pakistan defined some goals in the state of Jammu and Kashmir; because with the independence of the Indian subcontinent and Pakistan's separation from India in 1947, Kashmir's ruler, a Hindu Maharaja called Gulab Singh announced Kashmir's accession to India, despite the Muslim majority in this state. This action stimulated disagreements between India and Pakistan over the state. However, this state remained a bone of contention, to the extent that it caused the Kargil conflict soon after the nuclear experiments (Sajād Pur & Karimi Qahrudi, 1390 [2011 A.D]: 239).

In the Kargil conflict, the Indian government claimed that the Indian Kargil heights were partly occupied by a group of armed strangers trained by the Pakistani army and with Pakistanis among its members, and had passed the Line of Control with the support of the Pakistani government (Kusari, 1378 [1999 A.D]: 800). After two months of war and interferences from the United States, Pakistan's military forces retreated and Pakistani leaders realized the deterrence force of their nuclear weapons against India's atomic power. At the same time, however, the Indian army prepared itself through training for the possibility of using

nuclear weapons against Pakistan (Mian & Ramna, 2003). A war nearly started between the two countries in the winter of 2000. Also after the terrorist attacks in Bombay in 2008, New Delhi, who blamed Pakistan for the attacks, was determined to retaliate. All in all, in the India-Pakistan relations a compilation of risks could turn a small crisis between the two countries into an atomic war; risks such as nationalism sentiments, false self-confidence of the leaders of the two countries in understanding each other, which at times leads to misunderstandings, as well as lack of a special link between the two countries at times of crisis (Fondation pour la Recherche Stratégique, 2012: 25-27).

According to Muhib Ali, the function of Pakistan's nuclear weapons is not merely in response to nuclear weapons; but Pakistan will have other reasons- especially in case of invasion from India- to deploy its nuclear weapons against India, using conventional forces as a counteraction (Moheb 'Ali, 1387 [2008 A.D]: 99-101).

4.3. Transferring nuclear technology and weapons to other countries

It is not possible to fully know the boundaries of the years-long activities of the Pakistani scientist, Abdul Qadir Khan, in the illegal transmission of nuclear materials and technologies to other countries. The reason is that the details of Khan's activities in the past few decades is not yet clear regarding the development of uranium enrichment abilities in Pakistan as well as the development of an intricate international network of experts and companies who had helped Iran, Libya, North Korea and others (Carnegie Endowment, 2005: 1-2). Regarding Iran, it must be mentioned that non-peaceful purposes of nuclear technologies do not have a place in the discourse of the Islamic Republic of Iran. Although Pant (2009: 46-47) biasedly accuses Iran of attempting to acquire nuclear weapon, he, at least, rejects

the idea of any relationship between Iran and Pakistan in this regard. He reasons that a sense of competition as well as identity conflict between Tehran and Islamabad prevents the cooperation of the two countries in terms of nuclear activities, as well as in terms of nuclear weapons exchange; because Pakistan has a unique position in being the only Muslim country with nuclear bombs, whereas one incentive for Iran's ambitions to acquire atomic bombs is its concern about a Sunni atomic bomb.

On the other hand, there is no doubt that Pakistan's government had a role in the transfer of nuclear technology to some countries in the 1970s and the 1980s, although the government claims to have been ignorant of this issue. Although Abdul Qadir Khan officially admitted to having smuggled nuclear technology and did not hesitate to claim responsibility, there is no guarantee that this was all that happened. Some experts believe that Khan can secretly manage the export of nuclear technology in the long run, on a certain scale and with the supervision of Pakistan's army of the country's nuclear programs (Nayyar, 2008: 4).

Moreover, in January 2001, the intelligence agencies of the United States tracked a Pakistan-North Korea airplane, transporting a warhead cargo (Sajād Pur & Karimi Qahrudi, 1390 [2011 A.D]: 243). Also, many analysts believe that Islamabad can assist Riyadh in many fields, including preparation of the fuel cycle technology and nuclear materials, and thus may help Saudi Arabia promote its weapons (Kahl et al., 2013: 23). Therefore, in a report, NATO emphasizes that Saudi Arabia pays Pakistan in return for the construction of nuclear weapons and is at the moment expecting to receive the weapons (Chumley, 2013). Some experts assess the threats from the establishment of nuclear warheads in Saudi Arabia by Pakistan to be even more disturbing than the threats of Cuba's missile crisis in the Cold War (Fondation pour la Recherche Strategique, 2012: 19-20).

Considering the expansion of the threats from Pakistan's nuclear activities, it is essential to become more familiar with the structure, the missions and the responsibilities of the Agency in order to be able to study its performance regarding nuclear activities in Pakistan.

5. Introducing the international atomic energy agency

5.1. The structure of the international atomic energy agency

On December 8, 1953 in the United Nations General Assembly, Eisenhower, then President of the United States, discussed the creation of an organization for peaceful purposes of nuclear energy, and as a guarantee that nuclear energy will not be used for military uses (Fisher, 1997: 9). Later in 1956, the articles of association were approved by the representatives of seventy governments and the Agency was officially launched in July 1957 under the title of "Atoms for Peace", after the articles of association were approved by 26 countries (Xāni, 1385 [2006 A.D]: 139-140).

The International Atomic Energy Agency consists of three pillars: the General Conference, the Board of Governors, and the Secretariat. The General Conference is the most important pillar of the Agency and all member governments have the right to attend as well as to vote in its sessions. The regular meetings of the General Conference are held once a year at the headquarter of the Agency in Vienna, Austria, and the special meetings may be held at the request of the Board of Governors or the majority of members (Rezāyi, 1388 [2009 A.D]: 11).

The Board of Governors is another pillar of the Agency. Since 1984 the staff has consisted of 35 members who fall under the categories of either appointive or elective.

A) Appointive members. According to article six of the articles of association, the Board of Governors shall appoint 13

members from among the most developed countries for a year-long service in this Board.

B) Elective members. The General Conference shall select the remaining 21 members from among the member countries for a two-year long service in the Board of Governors. The Board of Governors carries out its activities under the supervision of the General Conference and holds meetings several times a year (Musi(ā) Zādeh, 1385 [2006 A.D]: 240-241).

The Secretariat is the third main pillar of the Agency, on top of which is the Director General, who is selected through the appointment of the Board and the acceptance of the General Conference for a duration of four years, and who can be re-elected for a consecutive period (Rezāyi, 1388 [2009 A.D]: 11-12).

5.2. The missions and responsibilities of the international atomic energy agency

The Agency is in touch with other specialized organizations and presents a report of its activities to the General Conference every year. The most important missions of the Agency include:

1. Encouraging and assisting in the conduction of research and the development of scientific studies regarding nuclear energy for peaceful purposes across the globe
2. Providing recommendations and facilities necessary for research, as well as presenting recommendations for deploying nuclear energy for peace and human well-being across the globe
3. Providing the information regarding the scientific and technical changes for peaceful uses of the atom (Musi(ā) Zādeh, 1385 [2006 A.D]: 240)
4. Upgrading and training experienced experts in peaceful

purposes of nuclear energy (Širudi, 1382 [2003 A.D]: 48-49).

The articles of association require that the Agency employ the following measures in order to prevent the deviation of peaceful applications of nuclear sciences and technology toward military purposes: 1. creating and implementing safeguards to guarantee the non-diversion of materials, services, equipment, facilities and information (the Agency projects) toward military purposes, 2. approving safety standards for health protection and decreasing the dangers of peaceful nuclear activities toward lives and properties, and applying those standards to the activities of the Agency as well as to the activities of countries whose materials, information, funds and equipment are directly or indirectly provided by the Agency (Rezāyi, 1388 [2009 A.D]: 43-44).

The Agency's task of supervising the activities of countries is a technical and professional one. Also, the decisions of the pillars of the Agency, including the Board of Governors, ought to be made on the basis of the same technical and professional attitude. However, the decisions can on the one hand have legal effects and implications, and on the other demonstrate the legal behavior of the Agency through observing those decisions within the predicted framework in the articles of the association and the NPT[1] ('Asgari, 1385 [2006 A.D]: 43-44).

6. The performance of the agency toward nuclear activities of Pakistan: A study of the strengths and weaknesses

The performance of the agency on the whole included some strong and weak points which are mentioned below.

1. Nuclear Non-Proliferation Treaty

Journal of **World Sociopolitical Studies** | Volume 1|No. 2|October 2017

6.1. Strong points

Pakistan was among the first countries which became a member of the Agency in 1957. The most significant achievement of the Agency toward nuclear activities in Pakistan has been drawing up safeguard agreements. The safeguards of the International Atomic Energy Agency have been applied in Pakistan since Mars 1962, when a tripartite pact (INFCIR/34)[1] was signed to provide fuel for Pakistan's research reactor number one (PARR-1). Since then, Pakistan has signed several safeguard agreements with the Agency. All the agreements drawn up between Pakistan and the Agency have been under the regulatory document of INFCIRC/66/Rev.2, which can act as a model for countries which are not an NPT member (Khan et al., 2010: 1). In addition, the Agency has been supervising Kahuta and Kanupp reactors, as well as some other nuclear facilities and reactors in Pakistan since 1990 (Ra'is Zādeh, 1377 [1998 A.D]: 99).

Pakistan is among the countries which have not joined the Nuclear Non-Proliferation Treaty (NPT). Therefore, the rights and commitments between Pakistan and the IAEA are based on safeguard agreements which are included in the instructions of the regulatory document (INFCIRC//66Rev.2) or the earlier versions. The above-mentioned document was approved by the International Atomic Energy Agency. Such agreements merely cover predetermined issues. Therefore, the authority of the Agency is restricted to the provisions and materials of the safeguards and do not include all of Pakistan's nuclear activities. According to this pattern, the Agency's regulatory measures take place at the request of Pakistan regarding its nuclear facilities. However, Pakistan has so far prepared the conditions for monitoring several of its nuclear facilities. The facilities include: 1. research reactor number one (PARR-1), 2. Karachi nuclear power plant, 3. Red hawk power plant in Karachi, 4.

1. Information Circular/34

Research reactor number two (PARR-2), 5. Chashma I nuclear power plant (C-1) and Chashma II nuclear power plant (C-2) (Khan et al., 2010: 1).

6.2. Weak points

On January 2008, ElBaradei, the Director General of the International Atomic Energy Agency stated "I fear that chaos, or an extremist regime, could take root in that country, which has 30 to 40 warheads [...] Nuclear weapons could fall into the hands of extremist groups in Pakistan or Afghanistan." (Charnysh [a], 2009:6). ElBaradei stated the above comment while the IAEA had rarely demonstrated such weakness toward nuclear activities in Pakistan throughout its history.

6.2.1. Pakistan's nonmembership in NPT and being the president of the board for three periods

It must be mentioned that although the job of the International Atomic Energy Agency is in fact to warranty the execution of the Nuclear Non-Proliferation treaty, it does not treat all countries equally, and it highly discriminates between countries owning nuclear weapons and those lacking it. In addition, not only the Agency has not been successful in persuading Pakistan to join the NPT, but also there is the concern that through the Agency's neglect, Pakistan, as the first Muslim country with atomic bombs, might become a source of nuclear weapons distribution to the Arab countries of the Persian Gulf region (Marie & Shinichi, 2003: 82). This is while Pakistan was appointed to the presidency of the Board of Governors in the International Atomic Energy Agency for three periods during the years 1962-1963, 1986-1987, and 2010-2011 (Ijaz, 2010: 1). Such behavior from the Agency toward Pakistan has led to two destructive results in the international arena.

First, the Agency has weakened the international regime of

non-proliferation and its treaties, which in turn undermines the governments' trust in it. As a result, cooperation among the governments in opposing nuclear weapons decreases.

Second, the proliferation and trade of both nuclear weapons and nuclear technology will spread them across the globe due to the Agency's imprudence, and will endanger more areas each day. Pakistan was not a member of the Nuclear Non-Proliferation Treaty when it carried out nuclear experiments in 1998. Therefore, Pakistan is on the belief that it has not violated any international treaties. Thus Pakistan has not evaluated its actions contrary to law.

Considering its nonmembership in the Treaty, Pakistan had not violated any of the international legal obligations; however, its movement from being on the verge of acquiring nuclear weapons to revealing nuclear abilities has not only cast a shadow of doubt over the very definition of the Nuclear Non-Proliferation Treaty, but raised the question of whether there are more countries following Pakistan's nuclear example. That being the case, the future of the Non-Proliferation of nuclear weapons will face its greatest challenge, considering that member countries without nuclear weapons may withdraw from the Treaty (Sajād Pur & Karimi Qahrudi, 1390 [2011 A.D]: 243-244).

6.2.2. The agency's inaccurate estimations of the security of Pakistan's nuclear program

On April 23, 2011, the International Atomic Energy Agency announced Pakistan's nuclear program to be safe and risk-free, and described Pakistan's unwavering commitment on attempting to build confidence regarding its nuclear regulations and operational programs as praiseworthy. Denis Flory, the Deputy Director General of the IAEA, added that Pakistan is considered to be the tenth fund-supplier for the nuclear security fund with

one million and a hundred and sixty thousand dollars, this amount demonstrating Pakistan's strong commitment, as well as its new approach to ensure the security of nuclear programs in this country, in terms of security, as well as technically (Dawn Newspaper, 2011).

Contrary to the above-mentioned claim, Bashari recalls an interview during which an authority responsible for protecting Pakistan's nuclear program explained a multilayer system, which has been created over the past few years in an attempt to prevent problematic deviations among the scientists and the employees of Pakistan's nuclear facilities. According to him, several wayward scientists who have sold Pakistan's nuclear secrets or have otherwise had contacts with Al-Qaeda leaders were detained (Bošrā, 1387 [2008 A.D]: 24). This assumption is intensified by a claim from Shaun Gregory, a professor at Bradford University in the UK, who believes that Pakistan's nuclear facilities have been subject to attack from militiamen three times since 2007 (Sajād Pur & Karimi Qahrudi, 1390 [2011 A.D]: 241). In fact, despite all the arrangements made by Pakistan's central government, as well as the United States' financial and educational aids for protecting Pakistan's nuclear facilities, the existence of radical ideas in line with religious extremism such as Al-Qaeda, draws an unclear future ahead of this country. An example would be Pakistan's extreme Islamist party, who quite vehemently considers Pakistan's nuclear program as a tool for Muslim countries' fight against the United States' domination, and who totally disregards the government's concern about the security of the weaponry (Bošrā, 1387 [2008 A.D]: 26).

As mentioned earlier, the articles of association of the IAEA have put this organization in charge of ensuring the non-diversion of peaceful applications toward non-peaceful applications; however, the Agency persists that the nuclear

activities and facilities of Pakistan are safe and trustworthy, both technically and in terms of security.

6.2.3. Silence of the agency regarding the uptrend in the production of nuclear weapons in Pakistan

Although following secret nuclear programs, Pakistan rarely hides the basic fact that it is carrying out nuclear activities, and it is almost a known fact that after acquiring nuclear weapons, Pakistan endeavored to increase their number as well (Bošrā, 1387 [2008 A.D]: 18). Meanwhile, the United States' research center in 2003 estimated Pakistan's nuclear weaponry to be between 24 to 48 nuclear weapons (Feickert & Kronstadt, 2003: 10-12). Kristensen and Norris (2011) believe that Pakistan had 70 to 90 nuclear warheads in its disposal in 2009, which was increased to 90 to 110 warheads by 2011. This is while some experts estimated that Islamabad had had enough materials to build 160 to 240 nuclear warheads by 2010 (Fondation pour la Recherche Stratégique, 2012: 14).

The Agency is bound to act according to the principles and goals of the United Nations Charter, and to present reports about its activities to the General Assembly, the Security Council, as well as the Economic and Social Council of the United Nations. Moreover, the Agency is required to receive special information about nuclear materials and to apply certain proceedings and monitoring in order to ensure their non-diversion to military purposes (Rezāyi, 1388 [2009 A.D]: 10). However, although the IAEA has sufficient information about nuclear weaponry in Pakistan, it clearly ignores technical violations by Pakistan and has never delivered a report of Pakistan’s violations in building nuclear weapons to the General Assembly and the Security Council, through the Board of Governors. The political- not technical- performance of the Agency on this issue becomes clearer though the comparison of the behavior of this

international institution toward Iran, which is a member of the NPT.

In the conflict between Iran and the Agency from 2003 to 2006, although Iran presented thousands of pages of records about its nuclear activities to the Agency, and although Iran's nuclear program is not contrary to its commitments in the Additional Protocol, the Agency accused Iran of secrecy and constantly claimed that Iran ought to reveal its nuclear activities. The conflict took place while Iran announced that the Agency has reviewed Iran's nuclear activities and has affirmed in its inspections and reports that Iran's activities are peaceful and not military. However, while accepting that the Islamic Republic's performance was not illegal, the Agency claimed that it cannot determine whether or not Iran has had any illegal performance in activities which are unknown to the Agency, and that considering Iran's past secrecy, the Agency cannot authenticate what Iran has not carried out and has not declared. Finally, the Board of Governors dispatched Iran's nuclear dossier to the Security Council (Rahmati, 1392 [2013 A.D]: 2).

6.2.4. The influence of the great powers on the agency with regard to Pakistan's nuclear activities

The missions and activities of the Agency today are not in the same line with the missions and responsibilities which were defined in 1957. The inadmissible influence peddling of some of the great powers over the IAEA as well as their efforts to guide it toward their own goals and interests, have weakened the credibility and the standing of this international institution among other governments. The Agency is considered to be the executive mechanism of the nuclear weapons non-proliferation system, and its balanced performance can play an effective role in the consistency of efficiency in this system. In the past few years the great powers have led the Agency astray from its

primary goals through manipulating its authority and responsibilities (Rezāyi, 1388 [2009 A.D]: 21).

In addition, as mentioned by Sajād Pur and Karimi Qahrudi (1390 [2011 A.D]), the United States' interference in the nuclear issues of India and Pakistan has led to the violation of the NPT and subsequently the weakening of the Agency's policies in this regard. The United States disagreed with the Comprehensive Nuclear Test-Ban Treaty (CTBT) and the congress rejected it in 1999 after the nuclear experiments of India and Pakistan. Moreover, the States undermined the principles and foundations of the NPT. Although the NPT is not dissolved or altered, it has decreased in functionality since according to article one of the NPT, nuclear governments are not allowed to assist other governments in terms of nuclear weapons and explosive devices. Meanwhile, the United States was committed to provide India with enriched uranium. Moreover, on April 1996, the CIA announced that China has provided Pakistan with techniques and equipment required for a plutonium production factory. Also, on August of the same year Pakistan secretly built a factory with the assistance of China to produce medium-range missiles necessary for carrying nuclear warheads (Sajād Pur & Karimi Qahrudi, 1390 [2011 A.D]: 242-245).

Furthermore, some experts describe the China-Pakistan nuclear relationships to be worrisome. They believe that nuclear relations and negotiations are secretly going on between the two countries, although the results of those relations are not announced. The International Atomic Energy Agency, however, has demonstrated a positive view toward atomic relationships between the two countries (Bukhari & Rehman, 2011: 2).

Although Pakistan's stand in the foreign policies of the United States was reduced with the end of the Cold War, the September 11, 2001 terrorist incident and the US-led fight against terrorism caused a change in the quality and quantity of

Washington-Islamabad relations, since it was quite clear for the American Statesmen that any operations against the Taliban and the terrorists will be almost fruitless without Pakistan's aid. Therefore, redefining the United States' relations with Pakistan as a country in the front line of the fight against terrorism led to a significant improve in the relations between the two countries (Dehešyār & Mahmudi, 1389 [2010 A.D]: 85). During this period, Pakistan cooperated with the United States in the invasion of Afghanistan and in return, the US marginalized Pakistan's nuclear threat. According to *Musharraf*, Pakistan's decision to support the United States was in return for receiving four major favors, the most important of which was to protect Pakistan's nuclear missiles and Weaponry (Ebrāhimi & Mohamadi, 1390 [2011 A.D]: 146).

In a report published in the New York Times in 2006 about the aid of President Bush's government to Pakistan regarding nuclear cooperation and the US government's ensuring the security of the nuclear facilities in this country, the author revealed that President Bush's government spent more than a hundred million dollars on this issue. Much equipment was granted to Pakistan during this period, from helicopters to night vision cameras and nuclear tracking equipment (Bošrā, 1387 [2008 A.D]: 23). In fact, the nuclear cooperation of China and the United States with Pakistan had a negative effect on the performance of the Agency toward nuclear activities in this country from two perspectives. First, considering the deep influence of China and the States over the Board of Governors, violations in Pakistan's nuclear activities are simply overlooked, and in most cases the Board of Governors describes the nuclear exchanges between those countries as safe and reassuring. Second, helping the completion of Pakistan's nuclear technology (China) and providing for the security of its nuclear weapons (the United States) is in fact helping the violation of the NPT and weakening the Agency's efforts to execute this

treaty; since Pakistan is one of the few countries which proliferate nuclear technology and the uranium enrichment industry to other countries.

7. Conclusion

On the whole, we can say that Pakistan's efforts to complete its nuclear activities and to expand its nuclear weaponry is the result of its continuous lack of trust in India's nuclear program. But this is not all; the lack of political security and the involvement of intelligent services of the Pakistani army with extremist groups have expanded the insecurity beyond the region of South Asia, and are threatening the security of the West as well. Taking all these into consideration, this article tried to evaluate the performance of the IAEA toward the nuclear programs of Pakistan. The basic conclusion that can be made is that although the IAEA has had some success in signing several safeguard agreements with Pakistan, its performance in controlling Pakistan's illegal nuclear activities is not acceptable due to several reasons. First, Pakistan is one of the few countries which has not signed the NPT and is armed with nuclear weapons; however, the IAEA, as the executive sponsor of the NPT, not only has been unsuccessful in preventing Pakistan from developing nuclear arms or in persuading it to join the NPT, but even chose Pakistan as the president of the Board of Governors for three periods. Secondly, despite the lack of Political security in Pakistan and the ties of terrorist groups with the intelligent services of the Pakistani army, as well as the uncertainty about Pakistani's capability to secure the safety of its nuclear installations, the IAEA not only failed to mention these issues in its reports but even claimed that Pakistan's nuclear activities are safe. Third, according to different documents, among them the reports of the Congressional Research Service of the United States (CRS), Pakistan has increased its production of nuclear warheads, while the IAEA

has chosen to remain silent about this. And finally, the performance of the IAEA concerning Pakistan has been under the influence and support of great powers such as the US and China. Under their protection and support, Pakistan not only has expanded its illegal nuclear activities but has also downplayed the NPT.

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