

# ISA S Brief

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## **The Kerry-Lugar Bill: Difficult Choices for Pakistan**

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### **Abstract**

As the United States Administration seems poised to engage effectively with the South Asian region, at least in the short run, the Kerry-Lugar Bill is meant to pursue these interests with support from Pakistan's beleaguered government. While the Pakistani government declares the aid passage as a triumph of its diplomacy, the critics claim that it is a sell-out of national sovereignty. They point to some of the 'degrading' conditions which Pakistan may be obliged to accept before aid can be disbursed. Given the track record of its aid disbursements, the United States Congress will perhaps not acquiesced to anything less. The aid will most likely continue with conditions as long as interests converge.

### **Introduction**

The Kerry-Lugar Bill that cleared the United States House of Representatives on 30 September 2009 has already caused a lot of controversy in Pakistan since its passage last week by the American Senate. The bill authorises US\$1.5 billion of annual aid to Pakistan for the next five years. When authenticated by the President, it will become a law. The passage of this bill has seemingly reopened old wounds in the already-delicate United States-Pakistan relationship.

The United States Senate's ratification of the bill was appropriately timed with President Asif Ali Zardari's visit to the United States for the United Nations General Assembly session. The President's supporters hail the passage of the bill as a triumph of the current government's policies. They suggest that the bill is a vote of confidence for the new democratically-elected Pakistani government. They claim that the bill will bring much needed economic stability to the country.

The bill underscores the development challenges facing Pakistan and the need to assist a vital ally. It is a well-crafted document that makes no secret of its underlying purpose – the pursuit of the United States' interests in the region.

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## **The Controversy and its Backdrop**

The mechanics of aid disbursement itself brings another brigade of already-stretched American bureaucracy into Pakistan, with its attendant need for security and maintenance costs. There is already chagrin in the Pakistani media that over hundreds of houses are being acquired by the United States in Islamabad and other Pakistani cities, causing serious issues in the neighbourhood.

The informed opinion within Pakistan is one of discontent over the conditions that Pakistan needs to satisfy before American aid is released. They protest that the government would be well advised to trace its history on the subject. Pakistanis who have particularly sore memories of earlier American legislation often cite the infamous Pressler Amendment during the Ronald Reagan-George Bush era when similar egregious conditions were a pre-requisite to aid. It was then that President Bush (Senior) refused to grant a waiver as soon as the Soviet forces withdrew across the Amu Darya (River) at the Afghan-Soviet Central Asian border. Such United States opportunism is not lost on the Pakistani body-politic. Most Pakistanis felt betrayed when they witnessed its ally, the United States, turn its back on the region once its near-term objective of Soviet withdrawal was achieved. Most experts today agree that this short-sightedness set the stage for a chain of events that started with an Afghan civil war and resulted in the September 11 attacks in the United States and a renewed clash of civilisations.

In Pakistan, the debate rages over the ownership of the war. Is it Pakistan's war or an American war? Many in the country are suspicious that the United States is using Pakistan's weak and dependent political leadership to fight its proxy war. While most Pakistanis are relieved at the defeat of the Taliban forces in Swat and its surrounding districts, ongoing concerns remain over the operation's motives in the Federally Administered Tribal Areas (FATA).

Opinion in Pakistan is also deeply divided over the question of Pakistan's sovereignty being violated by the passage of this bill. The opposition, led by the newly-resurgent Pakistan Muslim League-Nawaz, along with much of the independent opinion-makers, believes that accepting aid under these conditions is tantamount to accepting American dictates into Pakistan's domestic policy sphere.

## **Main Objections**

The provision of aid under this bill is conditional upon an annual fiscal year certification by the United States Secretary of State "under the direction of the President" before much of the aid is released.

The main criticism relates to the following certification requirements:

- a. that Pakistan continues its cooperation with the United States in its efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, such as providing relevant information from or direct access to Pakistani nationals associated with such networks;
- b. that Pakistan (during the preceding fiscal year) demonstrates a sustained commitment towards combating terrorist groups;

- c. the extent to which the Government of Pakistan has made progress on matters such as ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against the United States or coalition forces in Afghanistan, or against the territory or people of neighbouring countries;
- d. that Pakistan prevents Al-Qaeda, the Taliban, and their surrogates, such as *Lashkar-e-Taiba* and *Jaish-e-Mohammed*, from operating in Pakistan. This would include carrying out cross-border attacks into neighbouring countries, closing terrorist camps in FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets;
- e. the strengthening of counter-terrorism and anti-money laundering laws; and
- f. that security forces are not materially and substantially subverting the political or judicial processes of Pakistan.

### **Different Perceptions**

It is no secret that the United States has been demanding direct access to Dr A. Q. Khan, the father of Pakistan's nuclear bomb, who has been accused of running supplier network of nuclear weapons-related technology to North Korea, Iran and Libya. Given his hero status in the country, this is an emotional issue for most Pakistanis and any government in Islamabad will find itself in a bind should it ever contemplate offering the United States access to its electorate's national hero. Should the Pakistani government refuse to cooperate with the United States' pre-conditions under the bill, it could run the risk of having its aid cut off.

American policy-makers have continuously accused Pakistan's military and intelligence agencies of supporting the militants, a charge vehemently denied by Pakistan. The bill attempts to safeguard against this fear by making Pakistan's government accountable in its fight against the militants. It is a perfectly legitimate expectation that conforms to international civil norms. However, the use of strong words relating to Pakistan's national institutions provides opportunity for chauvinistic rhetoric to the bill's opponents in Pakistan. Pakistanis resent such claims of not doing enough and point to the four major offensives launched by former President Pervez Musharraf against the militants, in addition to the current offensive in Swat. They argue that these offensives were carried out at the behest of the United States and resulted in massive destabilisation which has manifested in an all-out civil war in the northern areas. Yet, the language in the bill suggests continued suspicion of Pakistan's motives.

Political and foreign policy analysts in Pakistan remain puzzled that, despite having a long history of patronising Pakistan's military dictators, the United States seems to have suddenly changed its mind, now being in favour of democratic governments. Given the historical backdrop, the clause is hypocritical. Opposition members in the Pakistan parliament have publicly accused the Pakistani government, seemingly dependent upon American patronage of prompting the inclusion of such a clause in the conditions. The inclusion, nonetheless, underscores the United States' comfort level with the current civilian leadership against the Pakistan army, which is widely rumoured to be skeptical of the excessive and growing American presence in Pakistan.

The opponents of the bill claim that these conditions represent an overt American dictate in areas of Pakistan's domestic jurisdiction. They argue that no self-respecting nation should accept aid with so many pre-conditions stapled to it. Unfortunately, aid is an elective right of the donor and there is hardly such a thing as unconditional aid.

Answering the critics, Sherry Rehman, a Pakistan Peoples Party member of the parliament and former Minister for Information, claims they should understand that the passage of the bill by the United States Congress "is not an agreement" between the two governments. The choice, therefore, is with Pakistan to accept American aid with these conditions.

The United States legislators justifiably see a need to put these conditions as a *quid pro quo* for the approval of this bill. Successive Pakistani governments have not exhibited a strong track record of acting as responsible custodians of donor aid. Pakistan's ranking of 134 (out of 180 countries surveyed) on the corruption index in 2008 makes it virtually impossible for elected representatives of the American public to approve donations of its tax dollars to Pakistan without the appropriate safeguards and assurances in place.

## **Conclusion**

The controversy over the Kerry-Lugar Bill underscores the contesting viewpoints over United States-Pakistan relations. On one side sits the government, typically assuming what critics believe is its subservient role to an American patron, while on the other sits the public and the intelligentsia, who portray themselves as the national conscious and who remain wary of the United States' designs and intentions in the region.

Many analysts agree that the United States' experience in Afghanistan will follow the path currently underway in Iraq. As casualties mount, like they have in 2009, American public pressure will compel the withdrawal of American forces from the South Asian region. Pakistan's support for the pursuit of United States policies, therefore, remains critical.

There is a broad-based public consensus in Pakistan that it needs to have its very own conditions on helping the United States-sponsored intervention in the region. They lament that Pakistan has been bearing the cost of misguided American policies in Afghanistan since 1988. As such, Pakistan needs to see gains that are *accretive* and *measurable* before the Pakistan government continues its blind support for someone else's objectives in Afghanistan.

It appears that the United States will continue to nudge the Pakistani government to support its objectives in the region, and certification will be forthcoming as long as there is progress in achieving American goals. The United States will overlook some minor or even major shortcomings as long as Pakistan's support is needed. Once the United States' objectives are achieved, Pakistan should start worrying and counting the days to when these certifications are held back.

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