

**RESEARCH PAPER****The Kerry-Lugar Bill: Dilemma of Trust and Mistrust between Pakistan and USA****<sup>1</sup> Asma Bakht \* and <sup>2</sup> Dr Ahmad Ejaz**

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**\*Corresponding Author** [asmabakht90@gmail.com](mailto:asmabakht90@gmail.com)**ABSTRACT**

The Kerry-Lugar Bill is intended to pursue these goals with assistance from Pakistan's ailing government, as the Trump administration appears set to engage effectively with the South Asian area, at least in the near run. The basic objectives of this paper is to find out the pros and cons of Kerry-Lugar Bill for Pakistan under the critical situation war on terror. The study will follow the critical qualitative approach toward the KLB, its background, US approach toward Pakistan in the war of terror. Critics say the aid clearance represents a sell-out of national sovereignty, while the Pakistani administration celebrates it as a diplomatic victory. They highlight what they call 'degrading' conditions that Pakistan may have to meet in order to get help. The United States Congress might not accept anything less than a substantial increase in its aid budget, considering its track record of aid distribution. As long as there is a converging of interests, the stipulations on the aid will likely remain in place. Additionally, this article highlight, Despite significant ideological differences on the subject of war on territory, this shows how the KLB Act helps to keep the peace between Pakistan and the United States.

**Keywords:** Kerry-Lugar Bill, Pak-US Relations, Pressler Amendment, War on Terror**Introduction**

Since the Kerry-Lugar Bill was passed by the US Senate last week, it has been a hot topic of discussion in Pakistan. It had already been passed by the House of Representatives on September 30, 2009. Each year for the next five years, the measure authorizes \$1.5 billion in aid for Pakistan. It will take effect as soon as the President signs it into law. This legislation has exacerbated the tensions between the United States and Pakistan, which were already low. President Asif Ali Zardari's visit to the United States to attend the United Nations General Assembly session was perfectly timed to coincide with the bill's approval by the Senate. Supporters of the President's policies are ecstatic about the bill's passage. They say its proof that the people of Pakistan back the newly elected administration. They say the bill will bring the country's economy to a state of stability. (Malik, 2015) The legislation emphasizes the need of supporting a key ally and the difficulties in Pakistan's growth. It's a well-written document, and it makes no bones about its intention to further U.S. interests in the region.

**The Controversy and its Backdrop**

The mechanics of delivering aid adds more American bureaucracy to Pakistan, which drives up the cost of security. The fact that the United States had purchased hundreds of homes in Islamabad and other Pakistani cities has generated great dismay among Pakistani citizens and has been widely covered in the country's media.

Pakistani experts and analysts are unhappy with the requirements the United States has set out before providing aid to their country. They insist that the government should investigate its earlier stances on the matter. Many Pakistanis bring up the infamous Pressler

Amendment as a reminder of the time under Reagan and Bush when such terrible limitations were necessary to receive help. President Bush (Senior) did not provide a waiver for the Soviet withdrawal over the Amu Darya (River) at the Afghan-Soviet Central Asian border. The political class in Pakistan is well-aware of the US's opportunism. After attaining its short-term goal of Soviet disengagement, the United States, Pakistan's ally, abandoned the region, leaving many residents feeling betrayed. The current consensus among experts is that the civil war in Afghanistan was the first domino in a chain reaction that led to the September 11 attacks on the United States and a new round of tensions between different cultures.

Responsibility for the conflict is a divisive topic in Pakistan. U.S. or Pakistani? Whose war is it? Many in Pakistan assume that the United States is using Pakistan's weak and corrupt government to fight their battles. Even though most Pakistanis are relieved that the Taliban have been beaten in Swat and the surrounding districts, there is still some skepticism about the operation's goals in the Federally Administered Tribal Areas (FATA). Many Pakistanis are divided over whether or not this legislation undermines the country's sovereignty. The opposition, spearheaded by the rejuvenated Pakistan Muslim League-Nawaz, says that receiving aid under these conditions is tantamount to allowing American dictation into Pakistan's domestic policy sphere. (Khan, 2009)

### **The Kerry-Lugar- Bill and Struggling Democracy:**

Due to its status as a safe haven for terrorist groups that pose a threat to the international community and the fact that its democracy is in its infancy, Pakistan is a prime example of the United States's approach to foreign engagement through the lens of the security-development nexus. One of the largest receivers of US foreign aid, Pakistan has received approximately \$33.4 billion<sup>39</sup> in security and development aid since 2001.<sup>40</sup> Despite this, the security-development nexus has never used Pakistan as a case study to give empirical evidence. Most research has focused on warring or recently defeated states, (Jespersion, 2016) but countries that aren't technically at war (like Pakistan) are crucial to the conduct of global wars like the war on terrorism and provide counterintuitive evidence on the politics of the nexus.

The KLB Act of 2009 is an excellent case study for studying the security-development nexus in politics. To further development, democracy, and security in Pakistan, the Obama administration pledged \$1.5 billion per year in development aid under the KLB Act from 2010 to 2014, with the possibility of extending for another five years. The rationale behind this massive aid package, however, makes it an interesting case study of the security-development nexus in action. That "security and development go hand in hand" and that "the security of the global North is linked to the security of the global South" are essential tenets of the nexus are reflected, first, in the text of the KLB Act. The first section of the report is titled "Findings," and it states, "Since 2003, the administration's national security strategies and Congress have recognised that a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA." (Act, 2009)

The United States has long cited the Federally Administered Tribal Areas (FATA) region (now included in Khyber Pakhtunkhwa province) of Pakistan as a safe haven for al-Qaeda and the Taliban, but military intervention alone has not been sufficient to remove the terrorists from the territory. According to the above statement, the KLB Act was an all-encompassing solution to the problem of terrorism within Pakistan.

Because it promotes democracy in Pakistan following a decade of military rule under General Pervez Musharraf, the KLB Act is an instructive case study for understanding the nexus's more nuanced politics. In the 'Statement of Principles' it is stated that the United States will work to: (B) support the people of Pakistan and their democratic government in their efforts to consolidate democracy, including strengthening Pakistan's parliament, assisting Pakistan in

reestablishing an independent and transparent judicial system, and working to extend the rule of law in all areas of Pakistan. (Act, 2009)

Pakistan's transition back to democracy occurred at the same time that the US government changed and Barack Obama was elected president. The Obama administration as a whole seemed to believe that American actions contributed to the current state of affairs in Pakistan by, among other things,

- (1) blindly backing military dictatorships in the country,
- (2) ignoring Pakistan after the Cold War ended, and
- (3) engaging in a superficial, security-focused relationship with the country. (Ahmad Ejaz, 2015)

These factors, according to American strategists, explain why Pakistan is so reluctant to fully cooperate with the United States in its fight against terrorist organizations. (Christine Fair & Ganguly, 2018) In light of this linkage, the KLB Act was passed in an effort to make the United States and Pakistani relationship more strategic and comprehensive, shifting the focus away from a narrow focus on security as was the case during the George W. Bush administration. Its goal was to promote democracy and economic growth in Pakistan in order to assist that country become more secure. (Act, 2009) The Obama administration's view, which originated in the nexus discourse, was that if more was done to address Pakistan's development and security concerns, the country would become more capable of combating terrorism and more accountable to the international community. Confirming this line of thinking by the incoming Obama Administration based on the nexus is Hillary Clinton, in her congressional hearings as the newly appointed Secretary of State, as is explored in length in the discussion chapters of this thesis. (Keilbach, 2009)

Third, the KLB Act not only targeted the Pakistani military and the Inter-Services Intelligence (ISI), but it also detailed what Pakistan was expected to do in order to comply with the law, further demonstrating the idea that the security of the North is dependent on that of the South. Under the KLB Act, the Pakistani military was tasked with, among other things, ending its support for extremist and terrorist organizations, such as those that have attacked U.S. or coalition forces in Afghanistan, as well as the territory and people of neighbouring countries. (Jørgensen, 2012)

### **Game of Blame and Responsibility:**

To rephrase, the KLB Act put the burden on Pakistan rather than the United States for the failure of the Afghan government to stop the Taliban insurgency. In order to prevent cross-border assaults on Afghan and Indian soil, the KLB Act mandated that Pakistan 'do more' to halt the Taliban and other groups. By endorsing the KLB Act, the PPP government basically bolstered the linkage and the notion that the Pakistan Army and ISI were complicit in promoting extremism and terrorism against US soldiers, NATO, and regions in India and Afghanistan.

The KLB Act was doomed to fail from the start due to the way it was written. The Pakistani military was already tense due to the ongoing civil-military rift, but the KLB Act was seen as an American attempt to influence Pakistan's national security policy by shifting responsibility for the war on terrorism and blame for US losses to Pakistan. It was believed by the Pakistani military that the civilian government's adoption of the KLB Act was part of a plot to undermine the military by controlling the language surrounding it and presenting itself to the United States as a superior choice in the war on terrorism. This is elaborated upon throughout the thesis's discussion chapters.

## Security Nexus

Therefore, the United States hoped to achieve its strategic aims in the region by increasing its influence over Pakistan, which is why the KLB Act was enacted as part of the security-development nexus. Critics of Pakistan in the West, including academics and policymakers, saw this as an attempt by the United States to "appease" Pakistan's deceit and warned successive American governments about Pakistan's capacity to wield power from a position of weakness. (Act, 2009) The literature on the nexus, however, ignores this argument because it treats recipient countries like Pakistan as passive players.<sup>51</sup> This thesis seeks to disprove that theory by showing how much control local actors in Pakistan have over co-creating the nexus and exploiting it for their own strategic ends.

## Main Objections

The majority of the aid pledged by this bill cannot be disbursed until the United States Secretary of State certifies it "under the direction of the President" at the conclusion of each fiscal year. (CSSP, 2009)

Most concerns have been raised about the following areas of certification standards:

- a. that Pakistan has shown consistent dedication to fighting terrorist groups over the course of the previous fiscal year;
- b. that Pakistan has provided pertinent information from or direct access to Pakistani citizens associated with networks related to the purchase of nuclear weapons-related materials;
- c. the extent to which the Pakistani government has made s to improve the security situation in the country.
- d. Terrorist bases in other regions of the country (such Quetta and Muridke) would be destroyed, and information about high-level terrorist targets will be used to launch cross-border strikes.
- e. the enforcement of stricter laws against money laundering and terrorism; and
- f. the absence of any indication that the Pakistani military is engaged in a campaign to undermine civilian authority.

## Congress Concerns

- The United States has provided Pakistan with almost \$15,000,000,000 in aid since 2001, with over \$10,000,000,000 going towards security-related assistance and direct payments.
- Pakistan's restoration to civilian government following the 18th of February, 2008's free and fair election ended years of political tension and growing public anxiety over military rule and Pakistan's own democratic reform and political progress.
- to aid the people of Pakistan and its democratic government in their pursuit of democratic consolidation, which includes working to fortify Pakistan's parliament, reviving the country's judicial system, and expanding the rule of law throughout the country. (Aid, 2022)

These examples from the KLB Act's background section demonstrate how the United States' rhetoric and policy towards civil-military relations in Pakistan have evolved over time. By first admitting that the United States, after the 11 September attacks, had disproportionately provided security aid to a military dictatorship in Pakistan, legitimizing and empowering its authority, the document reads like an admission of guilt. Points 3 and 5B explain the reasoning behind this 'about-face,' namely that the United States now wants to help the civilian government of Pakistan 'consolidate democracy' and establish its writ in the country in order to make amends for previous mistakes and 'reset' the relationship. According to recent research (Christine & Ganguly, 2018),

Military leaders in Pakistan shared this view, believing that the sudden U.S. interest in 'democracy' there was motivated less by altruism than by a desire to weaken the Pakistan Army's sway over the country's foreign and security policy. They were especially upset that the United States was seeking to alter the balance of power inside Pakistan while that country was engaged in a full-scale insurgency.<sup>63</sup> Pakistani military officers viewed the US's efforts to further destabilise their country by deepening civil-military splits through the KLB Act as a "selfish game" intended to benefit the US strategically. Evidence to support this assertion can be found in Clause K of the 'Objectives' portion of the KLB Act, which sends the clear message of bringing the Pakistan Army under direct control of the civilian government:

After a decade of military rule, the PPP's civilian administration saw the promise of \$15 billion in aid over the following decade as an opportunity it couldn't pass up. The country had a history of civil-military tensions, a weak economy, and political instability. This type of 'long-term' aid from the United States is a tried-and-true 'smart power' strategy used by the United States to influence the political leadership of poor, developing countries. Nisar Ali Khan warned the government on multiple occasions not to fall into the American trap of expecting substantial aid that would never arrive. A critical report from the Office of the Inspector General of USAID found that just \$1.8 billion of the \$7.5 billion promised to Pakistan had been delivered. His prediction proved accurate. However, it did help to exacerbate the already-existing civil-military tensions in the country, which persist to this day. (Khan, 2009)

In order to go deeper into the politics of the security-development nexus, the next section elaborates on how the KLB Act altered Pakistan's civil-military at the implementation level by providing financing to INGOs and NGOs active in the democracy building sector.

### **Different Perceptions**

The United States has long sought direct access to Dr. A. Q. Khan, the "father of Pakistan's nuclear bomb," whom they suspect of running a supply network of nuclear weapons-related technology to North Korea, Iran, and Libya. He is a national hero in Pakistan, so any administration in Islamabad would be in a difficult position if it considered granting the United States access to him. If the Pakistani government does not meet the United States' preconditions outlined in the bill, it risks having money cut off. It was written by Amir on October 2nd, 2009.

Pakistan has often and forcefully denied the allegations made by U.S. authorities that its military and intelligence agencies are assisting the jihadists. The bill's goal is to ease these worries by holding the Pakistani government to account for its crackdown on radicals. It's consistent with global standards for civil society, therefore it's reasonable to anticipate. However, the use of exaggerated language when mentioning Pakistan's national institutions provides an avenue for chauvinistic rhetoric on the part of the bill's opponents in Pakistan. People in Pakistan are upset about being blamed for doing nothing, and they refer to the current attack in Swat and four prior major offensives commanded by former President

Pervez Musharraf as evidence. They blame the United States for the civil war that has broken out in the north of the country as a result of the U.S.-ordered offensives. The bill's wording, though, suggests that suspicion of Pakistan's motives remains.

Due to its long history of supporting Pakistan's military dictators, the United States' apparent about-face in favour of democratic regimes continues to perplex Pakistani political and international policy analysts. In light of the surrounding material, the phrase is hypocritical. Opposition members of Pakistan's parliament have publicly criticised the administration, saying that they believe it was influenced by the United States to pass this law. While the Pakistani military is widely regarded to be suspicious of the ever-increasing American presence in the country, the presence of these individuals demonstrates that the United States is confident in the current civilian administration.

Critics of the law argue that the terms amount to an American imposition on Pakistani sovereignty. They claim that no respectable nation would agree to these terms in order to get aid. To make matters worse, help is a donor privilege; there is very little in the way of truly unconditional aid. As of June 2014 (USAID)

Sherry Rehman, a member of the Pakistan Peoples Party and a former minister of information, responded to the concerns by saying that the bill's passing in the US Congress "is not an agreement" between the two governments. Therefore, the decision to accept American aid under these terms rests with Pakistan.

Legislators in the United States have good reason to impose these stipulations as a price to pay for voting in favour of this law. In the past, Pakistani governments have not shown to be reliable stewards of foreign aid. The elected representatives of the American public cannot sanction gifts of its tax funds to Pakistan without the requisite protections and assurances in place, as Pakistan ranked 134 (out of 180 countries surveyed) on the corruption index in 2008. 2016 Diplomat

## **Conclusion**

It claims that the KLB Act was crucial in the US's two-pronged effort to influence and dictate Pakistan's national security policies. The United States first shifted Pakistan's location on the geopolitical map from South Asia to Afghanistan and Pakistan (AfPak), and then used the 'winning hearts and minds' strategy to influence public opinion by providing financial support to religious and secular organisations working in Pakistan. This is demonstrated by the contributions to the academic, think tank, and policy discussions that this thesis offers. The chapter also argues that the KLB Act's stipulations served to legitimise and strengthen the debate on Pakistan. The United States, under its rigorous terms and conditions, placed the blame for the war on terrorism squarely on Pakistan's shoulders. As this chapter has shown, the question of sovereignty is brought to the forefront by a decolonial approach to the study of the security-development nexus, providing a local nuance on the politics of the nexus that is lacking from the critical literature on the topic. By providing empirical data from a case study of the KLB Act in Pakistan, this chapter has contributed to the critical literature on the security-development nexus.

The differing perspectives on U.S.-Pakistani ties are highlighted by the debate over the Kerry-Lugar Bill. The public and the intelligentsia, who present themselves as the national conscious and remain wary of the United States' designs and intentions in the region, stand in stark contrast to the government, which is often seen as assuming a subservient role to an American patron.

Numerous experts feel that the United States' involvement in Afghanistan will mirror what has happened in Iraq. As casualties continue to rise, as they have since 2009,

public pressure in the United States will eventually force a withdrawal of American forces from South Asia. Therefore, Pakistan's continued backing of U.S. policies is essential.

The Pakistani population as a whole agrees that the country should set its own conditions before participating in an operation in the region that is being funded by the United States. They complain that Pakistan has been paying the price for America's poor decisions towards Afghanistan ever since 1988. Therefore, before the Pakistani government keeps blindly supporting foreign goals in Afghanistan, it needs to see benefits that are accretive and measurable.

As far as we can tell, the United States intends to keep nudging the Pakistani government in the direction of supporting American regional objectives, and as long as progress is being made, certification will be granted. As long as Pakistan's assistance is vital, the United States will look past any number of flaws, no matter how big or small. Pakistan should start worrying and counting the days until these certifications are withheld once the United States has accomplished its goals.

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