

KERRY-LUGAR BILL

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PREFACE

The consideration of the Enhanced Partnership Act of 2009 (commonly known as Kerry-Lugar Bill) began in Washington D.C. on January 6, 2009. It was passed by the Senate on September 24, and the House of Representatives on October 1, and the U.S. President signed it on October 15, 2009. The bill lays down certain provisions to be met by Pakistan, such as, denying support to the terrorist and extremist groups and dismantling their bases, effective control of the military by the civilian government and not diverting U.S. assistance towards its nuclear weapons programme. These provisions have been criticised in Pakistan. Obama administration, however, has taken pains to explain that the bill does not seek to micromanage the affairs in Pakistan, is not binding and does not impinge on the sovereignty of the country. Senator Dick Lugar stated that the U.S. interests were “focused on democracy, pluralism, stability, and the fight against terrorism”.¹ The Joint Explanatory Statement authored by Congressman Howard L. Berman and Senator John F. Kerry stated, among other things, that

The legislation does not seek in any way to compromise Pakistan’s sovereignty, impinge on Pakistan’s national security interests, or micromanage any aspect of Pakistani military or civilian operations. There are no conditions on Pakistan attached to the authorization of \$7.5 billion in non-military aid. The only requirements on this funding are financial accountability measures that Congress is imposing on the U.S. executive branch, to ensure that this assistance supports programs that most benefit the Pakistani people.²

John F. Kerry later explained that this was not a condition but a report for the U.S. Congress from the administration “because the American people have a right to know that their money is being spent to support values that are important to us as Americans”.³

Most political parties in Pakistan opposed the bill on the perception of U.S. interference in the internal affairs of Pakistan and the Army expressed its reservations on grounds of danger to the security of the

¹ Senator Dick Lugar’s Floor statement, May 4, 2009.

² http://www.cfr.org/publication/20422/joint_explanatory_statement_enhanced_partnership_with_pakistan_act_of_2009.html#

³ John F. Kerry’s interview with David E. Sangar, October 26, 2009.

country. The bill was hotly contested in the National Assembly of Pakistan. The Opposition Leader in the National Assembly forcefully opposed the bill but the Information Minister and later the Foreign Minister stoutly defended it mainly because of its two provisions, i.e., financial assistance and emphasis on civil government's effective control over the armed forces. The bill has been accepted by the Government of Pakistan through a decision of the federal cabinet.

The *Factfile* includes the final text of the bill, its interpretation, explanation and certain selected comments retrieved from the national and international media. It covers the period from May 4, 2009, when Senator John F. Kerry introduced the bill in the Senate till October 21, 2009, when the bill was approved by Pakistan's federal cabinet.

October 26, 2009

Noor ul Haq

CHAIRMAN KERRY ON INTRODUCTION OF KERRY-LUGAR BILL FLOOR STATEMENT

I rise today to introduce the Enhanced Partnership with Pakistan Act. I believe this legislation will fundamentally change America's policy toward Pakistan, and I hope that over time it will fundamentally change America's relationship with the people of Pakistan as well. I especially want to thank my colleague Senator Lugar for his partnership in crafting this bill and his ongoing leadership on this issue.

Mr. President, It is hard to overstate the importance to our national security of Pakistan, a nation which could either serve as a force for stability and progress in a volatile region—or become an epicenter for radical and violence on a cataclysmic scale.

This is a nation of striking contradictions and divergent paths forward:

On one hand, we all know that Pakistan is a nation where Osama bin Laden and the leadership of Al Qaeda have found sanctuary for the past seven years—a haven from which they and their confederates have plotted and carried out attacks on their host country, on neighboring countries, and on sites around the globe; a nation that has in recent weeks seen the Taliban advance to within 60 miles of its capitol; and a nation with a full arsenal of nuclear weapons, and ballistic missiles capable of delivering them anywhere in a thousand- kilometer range.

On the other hand, Pakistan is also a nation whose 170 million people are overwhelmingly moderate, overwhelmingly committed to democracy and rule of law; a Major Non-NATO Ally that has sacrificed the lives of 1,500 of its soldiers and police in the fight against terrorism and insurgency; and a nation that has lost more of its citizens to the scourge of terrorism than all but a tiny handful of countries throughout the world.

In short, Pakistan has the potential either to be crippled by the Taliban, or to serve as a bulwark against everything the Taliban represents.

That's why the Obama Administration and many of us in Congress saw the need for a bold, new strategy for Pakistan: The status quo has not brought success, the stakes could not be higher, and we have little choice but to think big. The Enhanced Partnership with Pakistan Act is the centerpiece of this new approach, which is why President Obama has called on Congress to pass it.

An earlier version of this bill was reported out of the Foreign Relations Committee in July—with overwhelming bipartisan support. This version builds upon its predecessor in a number of important ways: First, Kerry-Lugar directs \$100 million toward an urgent need: police reform and equipping; second, it mandates strict accountability from the Administration as to every dollar is spent—using benchmarks and metrics to measure and adapt our performance; third, in light of the acute security challenge on the ground today, this bill gives our Ambassador the flexibility needed to respond to events as they unfold.

Mr. President, this bill is urgently needed:

For decades, the U.S. has sought the cooperation of Pakistani decision-makers through military aid, while paying scant attention to the wishes of the population itself. This arrangement is rapidly disintegrating: we feel we're paying too much and getting too little—and most Pakistanis believe exactly the opposite. As a result, an alarming percentage of the Pakistani population sees America as a greater threat than Al Qaeda. Until this changes, there's little chance of ending tolerance for terrorist groups— or persuading any Pakistani government to devote the political capital necessary to deny such groups sanctuary and covert material support.

The dangers of inaction are rising almost by the day. In the month since President Obama called on Congress to pass the bill we are now introducing, the situation on the ground in Pakistan has deteriorated significantly. The government struck an ill-advised deal that effectively surrendered the Swat Valley to the Taliban. The deal, predictably, emboldened the Taliban to deploy the same brutal tactics they'd used in both Pakistan and Afghanistan—and to use their base in Swat to extend their reach ever closer to the country's heartland.

Ultimately, it will be Pakistanis, not Americans, who must determine their nation's future. But we can change the nature of our relationship and empower those Pakistanis who are fighting to steer the world's second-largest Muslim country onto a path of moderation, stability, and regional cooperation. That's the foundation of the bill that Sen. Lugar and I are introducing.

I have seen firsthand how this approach can work:

Following the 2005 Kashmir earthquake, the U.S. spent nearly \$1 billion on relief efforts— and having visited places like Mansehra and Muzaffarabad in the earthquake's aftermath, I can personally attest to the awesome power of this operation. The sight of American servicemen and

women saving the lives of Pakistani citizens was invaluable in changing perceptions of America.

In the wake of natural disaster, we weren't the only ones to recognize the need for public diplomacy based in deeds rather than words: the front-group for the terrorist organization Lashkar-e Taeba set up a string of professional relief camps throughout the region. But our effort was far more effective—and the permanent gift of the US Army's last Mobile Army Surgical Hospital, or MASH, helped seal the deal. For a brief period, America was going toe-to-toe with extremists in a true battle of hearts and minds—and actually winning.

It's up to us to recreate this success on a broader scale, without waiting for a natural (or man-made) disaster. The question is: how can we most effectively demonstrate the true friendship of the American people for the Pakistani people?

This bill is an important first step. It is a prime example of "smart power" because it uses both economic and military aid to achieve an overall effect that is greater than the sum of its parts.

On the economic side, this bill triples non-military aid to \$1.5 billion annually, for five years, and urges an additional five years of funding. These funds will build schools, roads, and clinics—in other words, they aim to do on a regular basis what we briefly achieved with our earthquake relief. But this money will do a great deal more than good deeds:

- It will empower the fledgling civilian government to show that it can deliver the citizens of Pakistan a better life.
- It will empower the moderates, who will have something concrete to put forward as evidence that friendship with America bring rewards as well as perils.
- And it will empower the vast majority of Pakistanis who reject the terrifying vision of Al Qaeda and the Taliban—but who have been angered and frustrated by the perception that their own leaders and America's leaders don't care about their daily struggle.

To do this right, we must make a long-term commitment. Most Pakistanis feel that America has used and abandoned their country in the past— most notably, after the jihad against the Soviets in Afghanistan. They fear we'll desert them again the moment that the threat from Al Qaeda subsides. It is this history, and this fear, that causes Pakistan to hedge its bets. If we ever expect Pakistan to break decisively with the

Taliban and other extremist groups, then we will have to provide firm assurance that we're not merely foul-weather friends. By authorizing funds through 2013 and hopefully longer, this bill offers just such an assurance.

On the security side, the bill places conditions on military aid that will ensure that this money is used for the intended purposes. In order for Pakistan to receive any military assistance, it must meet an annual certification that its army and spy services are genuine partners:

- In the struggle against Al Qaeda and other terrorist groups (including Lashkar-e Taeba, the perpetrators of the Mumbai massacre of last November);
- In the battle against the Taliban and its affiliates, who threaten our troops in Afghanistan from their sanctuaries in the Pakistani tribal areas; and
- In the effort to solidify democratic governance and rule of law in Pakistan.

These conditions are reasonable, and should be easy for any nation receiving American aid to meet.

As important as the economic and military components of the bill is how they fit together: Making this unequivocal commitment to the Pakistani people enables us to calibrate our military assistance more effectively. In any given year we may choose to increase it, or to decrease it, or to leave its level unchanged. For too long, the Pakistani military have felt we were bluffing when we've threatened to cut funding for a particular weapons system or expensive piece of hardware—and up to now, they've been right. But if our economic aid is tripled to \$1.5 billion, we can afford to end this game. We'll finally be able to make this choice on the basis of both of our national interests, rather than the institutional interests of the Pakistani security forces.

Let me be clear on the issue of military aid:

This bill takes no position on the level of such assistance—deliberately. I can envision a significant increase in military aid as easily as a decrease: the Pakistani army needs more helicopters, more night-vision capability, more training in counterinsurgency techniques. Instead of locking in a figure for future years, what this bill does is provide us the ability to target our military aid directly to the areas that best serve America's national security interests: fighting terrorism, fighting

insurgency, and keeping the people of Pakistan safe from most dire of threats.

Moreover, this bill allows us to fine-tune our approach in response to the level of will and competence displayed by Pakistan's military: When we see genuine commitment, we can help increase capabilities; and when we see that commitment lacking, we can adjust redirect our assistance rather than permit it to be squandered. We've spent some \$10 billion on military aid and compensation over the past eight years, and still, militants are 60 miles from the capital and Al Qaeda enjoys a sanctuary—it's about time we start working together on a more effective approach.

This bill is not a short-term fix: it aims for the medium-term, and especially for the long term. It won't drive the Taliban out of Swat Valley next week or next month—its aim is, once the Taliban are driven from Swat, and from Bajaur, and from Dir, is to help keep them out. To put it in terms of basic counterinsurgency doctrine made familiar by Gen. David Petraeus: The Pakistani military is already able to handle the "clear" phase of the struggle—and the U.S. will assisting this mission through other vehicles—but the bill Sen. Lugar and I are introducing will provide vital help for the "hold" and the "build" parts of the mission.

Nor is this bill intended to be a silver bullet. It provides powerful tools—but these tools are only as effective as the policy-makers who wield them. I am confident that President Obama and his team will use wisely whatever policy tools are at their disposal.

We must approach this endeavor with a large dose of humility. Our leverage is limited. This bill aims to increase that leverage significantly. But we should be realistic about what we can accomplish—Americans can influence events in Pakistan, but we cannot and should not decide them. Ultimately, the true decision-makers are the people and leaders of Pakistan.

Ask a resident (not even an elderly one) of Lahore, or Karachi, or Peshawar what these places used to be like, and you'll hear reveries of a time that now seems a world away. We must help Pakistan once again become a nation of stability, security, and prosperity, enjoying peace at home and abroad— a nation, in short, that older Pakistanis remember from their childhoods.

It is this nation that most Pakistanis desperately wish to reclaim. The bill that Senator Lugar and I now introduce will help America ensure that Pakistanis have the resources necessary to choose a peaceful, stable

future—and then offers them a helping hand in getting there. I urge my colleagues to join me in supporting this bill.

Senator John Kerry's Floor Statement, May 4, 2009
<http://kerry.senate.gov/cfm/record.cfm?id=314140>

DICK LUGAR FLOOR STATEMENT FOR PAKISTAN LEGISLATION

I am pleased to join Senator Kerry in introducing the Enhanced Partnership with Pakistan Act of 2009. Then Senator Joe Biden and I originally introduced this legislation in July 2008. I have been pleased to continue the bipartisan effort on this bill with Senator Kerry.

Senators Biden and Kerry and I have worked closely over the past year with the State Department, USAID, the Defense Department, and the National Security Council to craft this legislation. On March 27 of this year, President Obama announced a comprehensive strategy for Afghanistan and Pakistan. In his speech he called on Congress "to pass a bipartisan bill co-sponsored by John Kerry and Richard Lugar that authorizes \$1.5 billion in direct support to the Pakistani people every year over the next five years - resources that will build schools, roads, and hospitals, and strengthen Pakistan's democracy." Chairman of the Joint Chiefs of Staff Admiral Mike Mullen and CENTCOM Commander General David Petraeus have repeatedly advocated expanding our foreign assistance to Pakistan as an essential element of our national security. Defense Secretary Robert Gates and Secretary of State Hillary Clinton both have testified that strengthening democracy and countering terrorism in Pakistan go hand in hand.

Secretary Clinton said at a Senate Appropriations Committee hearing last week: "As President Obama has consistently maintained, success in Afghanistan depends on success in Pakistan. We have seen how difficult it is for the government there to make progress, and the Taliban continues to make inroads. Counterinsurgency training is critical. But of equal importance are diplomacy and development to provide economic stability and diminish the conditions that feed extremism. This is the intent of the comprehensive strategy laid out by Senator Kerry and Senator Lugar, which President Obama has endorsed."

I take the time to detail Administration backing for this bill and its concepts because any U.S. policy related to Pakistan will require the cooperation and active support of both the Executive and Legislative

branches of our government. It also will require that policy toward Pakistan be closely integrated with U.S. efforts throughout the region.

I do not regard the Kerry-Lugar bill as a Congressionally-driven initiative in which we are bargaining for the support of the Administration. Rather, Senator Kerry and I are trying to play a constructive role in facilitating a consensus position between branches that will undergird a rational approach to the region with the best chance of success. With this in mind, it is vital that the Administration's message on Pakistan be clear and consistent. The Administration also must continue to actively consult with Congress on elements of strategy, not just lobby us for funds.

The United States has an intense strategic interest in Pakistan and the surrounding region. The U.S. National Intelligence Estimate last year painted a bleak picture of the converging crises in Pakistan. A growing al-Qaeda sanctuary, an expanding Taliban insurgency, political brinksmanship, and a failing economy are intensifying turmoil and violence in that country. These circumstances are a threat to Pakistan, the region, and the United States.

We should make clear to the people of Pakistan that our interests are focused on democracy, pluralism, stability, and the fight against terrorism. These are values supported by a large majority of the Pakistani people. If Pakistan is to break its debilitating cycle of instability, it will need to achieve progress on fighting corruption, delivering government services, and promoting broad based economic growth. The international community and the United States should support reforms that contribute to the strengthening of Pakistani civilian institutions.

This legislation marks an important step toward these goals. While our bill envisions sustained economic and political cooperation with Pakistan, it is not a blank check. It expects that the military institutions in Pakistan will turn their attention to the extremist dangers within Pakistan's borders.

The bill subjects our security assistance to a certification that the Pakistani government is using the money for its intended purpose, namely, to combat the Taliban and al-Qaeda. The bill also calls for tangible progress in governance, including an independent judiciary, greater accountability by the central government, respect for human rights, and civilian control of the levers of power, including the military and the intelligence agencies.

In providing substantial resources to enhance a strategic partnership with Pakistan, our bill contains provisions to help ensure that this money is spent effectively and efficiently. The bill stipulates that the Administration must provide Congress with a comprehensive assistance strategy before additional assistance is made available. This strategy is expected to detail clear objectives, enumerate projects the Administration intends to implement, and identify criteria that the Administration will use to measure the effectiveness of our assistance.

Once money begins to flow, the Administration must report every six months on how the money is spent and what impact it is having. In addition, the bill provides that before the Administration spends more than half of the \$1.5 billion authorized in any fiscal year, it must certify that the assistance provided to that date is making substantial progress toward the principal objectives contained in the Administration's strategy report. We also have asked the Government Accountability Office to review annually the Administration's progress on stated goals. To ensure that sufficient resources will be available to oversee our programs in Pakistan, we authorize \$20 million each year for audits and program reviews by the Inspectors General of the State Department, USAID, and other relevant agencies.

I look forward to working with the Obama Administration and Congressional colleagues on a policy toward Pakistan that builds our relationship with that nation and protects vital U.S. interests. I thank Senator Kerry for his partnership on this bill, and I yield the floor.

Senator Dick Lugar's Floor Statement, May 4, 2009
<http://lugar.senate.gov/press/record.cfm?id=312426&&>

KERRY-LUGAR BILL PASSES UNANIMOUSLY IN FOREIGN RELATIONS COMMITTEE

A US Senate committee on Tuesday gave the green light to triple non-military aid to Pakistan, hoping to bring stability to a country that is a key priority for President Barack Obama.

The Senate Foreign Relations Committee voted unanimously 16-0 in favor of the bill, which triples non-military aid to Pakistan to 7.5 billion dollars over five years. The bill now goes on to the full Senate.

The bill needs to be reconciled afterwards with a version approved last week in the House of Representatives, which imposes more

stringent conditions on Pakistan to verify it is helping defeat Islamic extremism.

The Senate bill -- named for its authors, Democrat John Kerry and Republican Richard Lugar -- puts a focus on economic development in the Islamic world's only declared nuclear power.

"There is a moment where if we do this properly we can actually gain ground," Kerry said.

"A stable, secure, prosperous Pakistan is vital for Pakistan's 170 million citizens and it's vital to America's national security," said Kerry, the failed Democratic presidential candidate in 2004.

While less onerous than the House version, the Senate bill also outlines goals for Pakistan and requires the United States to measure regularly whether the aid is effective.

The House of Representatives on Thursday voted 238-183, mostly along party lines, in support of the bill, with Republicans arguing that the strict conditions risked further alienating Pakistan.

The aid bills come as Pakistan mounts a seven-week campaign against Islamic insurgents in its northwest, with a governor late Sunday announcing a "full-fledged" second front along the mountainous and wild tribal belt.

Obama has made rooting out extremism from Afghanistan and Pakistan a major priority. US officials in the past have accused rogue elements in the Pakistani military and intelligence service of secretly abetting extremists.

June 17, 2009

http://www.johnkerry.com/news/entry/kerry_lugar_bill_passes_unanimously_in_fo_reign_relations_ctte/

KERRY LUGAR BILL WORTH 'PEANUTS': PML-N

The Pakistan Muslim League-Nawaz (PML-N) has criticized the PPP government for keeping the people of the country in the dark over the terms and conditions attached with the Kerry Lugar aid bill, and has termed the 1.5 billion dollar annual US assistance as 'peanuts'.

Interacting with media persons here, PML-N spokesman Ahsan Iqbal said the government should take parliament into confidence before accepting the conditions stated in the bill.

"If the US government took its people into confidence before giving this aid to Pakistan then why does the Pakistani government hesitate to take its parliament into confidence?" Iqbal asked.

He also come down hard on Prime Minister Yousuf Raza Gilani calling him a 'toothless' person.'

"Prime Minister Yousaf Raza Gilani is a toothless PM, much like Shaukat Aziz. The president is running the country's affairs," The Daily Times quoted Iqbal, as saying.

Earlier, the Pakistan Muslim League-Quaid had also criticized the Kerry-Lugar bill terming it as an "insult to Pakistan".

"Asking Pakistan to cease support - including by any elements within the military or intelligence agencies - to extremist and terrorist groups in the text of the Kerry-Lugar bill was insulting and sent a wrong message to the world," said PML-Q legislator Marvi Memon.

Bangladesh Sun, September 29, 2009
<http://www.bangladeshsun.com>

THE PRICE OF AID

On Sept 24, the US Senate unanimously passed the revised version of the Kerry-Lugar Bill, titled the Enhanced Partnership with Pakistan Act 2009, which triples non-military aid to Pakistan to \$1.5bn per annum. An identical version of the bill, pending in the House of Representatives, is expected to be passed soon.

If passed without amendments, it will be sent to President Barack Obama for signing into law. The announcement in this regard was made by the US president during his address to a meeting of the Friends of Democratic Pakistan at the UN headquarters in New York.

The government must be rejoicing and claiming the US Senate's approval as a major victory and proof of the international community's confidence in the present set-up. But they won't point out that Section 203 of the act says that "for fiscal years 2011 through 2014, no security-related assistance may be provided to Pakistan in a fiscal year until the US secretary of state, under the direction of the president, makes a certification" to the appropriate congressional committees that:

"The Government of Pakistan is continuing to cooperate with the United States in 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;

"The Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and is making significant efforts

towards combating terrorist groups, consistent with the purposes of assistance, including taking into account 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;

“Preventing Al Qaeda, the Taliban and associated terrorist groups, such as Lashkar-i-Taiba and Jaish-i-Mohammed, from operating in the territory of Pakistan, including 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; and “Strengthening counter-terrorism and anti-money laundering laws; and “The security forces of Pakistan are not materially and substantially subverting the political or judicial processes of Pakistan.”

The above makes it quite clear what the international community is thinking about Pakistan, its government — including the army — and its people. The first presumption is that Pakistan is involved in the proliferation of nuclear weapons-related materials. It has never been proven in a court of law, but the presumption now is part of US law.

The second presumption is that Pakistan is somehow involved in sponsoring terrorism, and it thus needs prompting from the US government to put a stop to it. As if this were not enough, there is an implication that Pakistan’s military and intelligence agencies are involved in aiding terrorist groups, including those that are conducting attacks against the United States or coalition forces in Afghanistan, and against the territory or people of neighbouring countries, which obviously means India.

India’s ‘favourite organisations’ are specifically mentioned, namely Lashkar-i-Taiba and Jaish-i-Mohammed, and Pakistan is prohibited from letting them operate in its territory, including carrying out cross-border attacks into India. To sprinkle salt on the policymakers’ wounds, the law further requires the closure of terrorist camps in Fata and dismantling terrorist bases in other parts of the country, including Quetta and Muridke. The latter clearly implies that bases in these places exist and that they should be removed.

The message for the security forces of Pakistan is loud and clear. They must not “materially” and substantially subvert the political or judicial processes. Who can certify whether these forces are “materially” subverting the political or judicial processes?

One may agree with all the above objectives. But, at the same time, one wonders what direction the country’s sovereignty has taken. It is totally an internal matter whether Pakistan’s security forces subvert its political or judicial processes. All may oppose this, but does it make sense for foreign powers to dictate to another country how its political and judicial system should function?

This is the price that a country like Pakistan has to pay for taking aid from others. Either it says no, or signs on the dotted line with a wide grin on its face, as if this was the best thing that has happened to the country since independence.

The above refers only to one section of the Kerry-Lugar Bill. It contains many other restrictions, including placing limitations on arms transfers; requiring that all assistance can only be provided to civilian authorities of a civilian government of Pakistan; submission of a Pakistan Assistance Strategy Report within 45 days of the date of enactment of the act; development of a comprehensive inter-agency regional security strategy to eliminate terrorist threats and close terrorist safe havens in Pakistan, including by working with the Government of Pakistan and other relevant governments and organisations in the region and elsewhere to implement effective counter-insurgency and counter-terrorism efforts in and near the border areas of Pakistan and Afghanistan, including Fata, the NWFP, parts of Balochistan and parts of Punjab; and the submission of monitoring reports.

Thank God, Kerry and Lugar did not think of getting the name of Pakistan changed!

Anees Jillani, *Dawn* (Islamabad), September 30, 2009
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/editorial/the-price-of-aid-099>

DECIPHERING THE US AID BILL

Never let the facts get in the way of a good debate. That pretty much sums up the approach to the Kerry-Lugar/Berman bill, officially, the Enhanced Partnership with Pakistan Act of 2009, now approved by Congress.

How angry are some of the critics? Very angry; frothing-at-the-mouth angry. A PPP government has once again sold the country, its sovereignty, its very soul to the Yanks. And going by some of the wildest claims, there doesn't seem to be a shortage of patriots lining up to water the tree of liberty here with their blood. Pakistan will be saved. The conspiracy to destroy us will be defeated.

Right About the facts. What appears to have sent the bill's Pakistani opponents into convulsions is this: Sec 203: limitations on certain assistance. Specifically, paragraph (c) of sec 203, entitled 'certification,' which lists three subjects the secretary of state has to certify to Congress that Pakistan is cooperating on, committed to and eschewing from.

I'll get to those conditions in a bit, but first the pesky fact that the 'nattering nabobs of negativism' here have missed. (Tip of the hat to William Safire, The New York Times man who passed away this week and who probably had little clue that his brilliance was being lapped up in faraway Pakistan.)

The certification limitation applies to two things: security-related assistance and major defence transfers both defined in sec 2, 'definitions,' if anyone is interested. The certification does not apply to the democratic, economic and development assistance.

So Pakistanis are supposed to be angry that the Americans have put conditions on selling guns to Pakistan, but not on democratic, economic and development assistance? Of course not. Which is why the chest-thumping uber-nationalists here have ignored the point and pretended that the conditions are applicable to the full amount of the aid. Remember, never let the facts get in the way of a good debate.

Now, to the other side, Pakistani and American officials, also prone to exaggerating the effect of the bill. We may be entering a 'new phase' in relations between the US and Pakistan with the passage of the bill, but the paeans to 'fundamental change' sung particularly by Pakistani officials don't jibe with reality.

Pakistan is a tactical ally of the US, not a strategic partner; that has been the reality since 9/11 and that continues to be the reality even after the passage of the Enhanced Partnership Act.

The language of the bill tells its own story. From sec 3: findings: '(1) The people of the Islamic Republic of Pakistan and the United States share a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship'

(emphasis added). And from the same section: ‘(4) Pakistan is a major non-Nato ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations’ (emphasis added). Hardly stirring stuff.

Next, the limitations on security-related assistance and arms transfers. First, the secretary of state must certify that ‘the Government of Pakistan is continuing to cooperate with the United States in 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.’

Yes, the earlier direct reference to A.Q. Khan has been deleted and semantically it could be argued that he is any case no longer ‘associated’ with nuclear proliferation networks. But that isn’t the point. The point is that the language reveals once again the true nature of Pak-US relations: we are a tactical ally, not a strategic partner.

To get an idea of the language Congress uses for strategic partners, consider the certification requirement in the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act passed by the previous Congress: ‘the President shall certify to Congress that entry into force and implementation of the Agreement ... (does not in any way) assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices.’

Yes, the bill stipulates that legal requirements of the Henry J. Hyde Act of 2006 and Atomic Energy Act of 1954 are not overridden and the Hyde Act places additional requirements on India that the US president must certify, but those do not imply that India is involved in nuclear weapons proliferation, which the Kerry-Lugar/Berman bill does. The difference isn’t something to be sneezed at. We are and are set to remain a tactical ally, not a strategic partner, of the US.

The second condition applies to Pakistan’s ‘sustained commitment to ... and significant efforts towards combating terrorist groups.’ Again, in broad strokes the condition is not very controversial because it is in line with Pakistan’s publicly declared policy against militancy.

But here’s the rub: the details contain implicit references to India. After specifically requiring that Pakistan move towards ceasing support for any groups that launch attacks against US or coalition forces inside Afghanistan, the condition also mentions ‘the territory or people of neighbouring countries.’ Then it goes on to refer to the Lashkar-i-Taiba,

its headquarters in Muridke and the Jaish-i-Mohammad. Connecting the dots isn't very difficult.

Frankly, the conditions themselves are arguably what the state should be doing in any case; we need to be rid of the curse of militancy and we need to do it for our own good. But in the present context, it matters who is asking us to do it and why. From a hard-nosed, realpolitik perspective — and you cannot ignore that in statecraft — the references amount to Indian security concerns inserting themselves into an American bill meant to provide democratic, economic and development assistance to Pakistan.

So even if you ignore, and you should, the most outrageous bile of the bill's critics, the more subtle point is reinforced: we remain a tactical ally of the US, not a strategic partner.

Going forward, what that really calls for is a serious, measured, thoughtful debate about our approach to the US specifically and our grand, national security and national military strategies generally. But don't bet on that happening. Remember, we don't let the facts get in the way of a good debate.

Cyril Almeida, *Dawn* (Islamabad), October 2, 2009
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/columnists/14-cyril-almeida-deciphering-the-us-aid-bill-209-zj-04>

GOVT DEFENDS US AID BILL IN NATIONAL ASSEMBLY

The government put up a stout defence in the National Assembly on Monday of the so-called Kerry-Lugar bill seeking to triple non-military US aid to Pakistan to \$7.5 billion over the next five years, rejecting opposition charges that attached conditions would hit the country's interests.

Information Minister Qamar Zaman Kaira, responding to criticism by opposition leader Chaudhry Nisar Ali Khan at the start of the lower house session, said the conditions in the bill did not conflict with Pakistan's policies and pointed out that they would apply only to a still undetermined security assistance and not to \$1.5 billion a year civilian aid.

It was the most forceful government defence of the bill, passed by the US Congress last week but yet to be signed into law by President Barack Obama, after persistent attacks from the opposition and other

critics who portrayed the measure as the outcome of a possible compromise on national interests to serve American interests.

‘Whose interests the Kerry-Lugar bill protects?’ Chaudhry Nisar asked as he raised the issue in his speech, though a formal debate on the matter was set for Tuesday, and said: ‘It serves American interests. Its conditionalities are contrary to Pakistan’s interests.’

But he did not cite the conditions that he said had ‘no precedent in Pakistan’s history’.

However, Mr. Kaira gave a gist of the conditions to support his point, amid repeated cheers from the treasury benches, though Chaudhry Nisar left the house early to miss most of the minister’s mix of oratory and argument that made it a government’s day in the house.

The minister said President Asif Ali Zardari and the PPP-led coalition government of Prime Minister Yousuf Raza Gilani did not beg but only sought recompense for harm suffered by Pakistan as a western ally since the Afghan war of the 1980s and in the ongoing war against terrorism.

He said the PPP could never think of working against Pakistan’s interests and sovereignty for which ‘our leaders sacrificed their lives’.

Mr. Kaira said the conditionalities mentioned in the bill for the security assistance — relating to nuclear non-proliferation, commitment to fight terrorists, strengthening anti-money laundering laws, non-subversion of judicial and political process by security forces, civilian control over the appointment of military leadership and parliamentary oversight of military budget — were national policies which every democratic government would follow even without a US aid bill.

But he said Pakistan was not bound by these conditions and would continue to receive civilian aid even if the US secretary of state did not certify that Islamabad complied with them...

Dawn (Islamabad), October 6, 2009

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/09-govt-defends-us-aid-bill-in-national-assembly--szh-12>

ZARDARI ASKS PARTY LEADERS TO DEFEND KERRY-LUGAR

President Asif Ali Zardari has urged PPP leaders and ministers to vigorously respond to criticism of party and government’s policies by political adversaries.

“We have been elected by the people through a democratic and constitutional process and our legitimacy coupled with good governance should be the chief weapons to fight back the opponents,” he said while addressing top party leadership at the Presidency during a discussion on the current domestic political situation on Monday night.

The meeting continued till early Tuesday morning and was attended by about 30 senior party leaders, including Makhdoom Amin Fahim, Chaudhry Ahmad Mukhtar, Qamar Zaman Kaira, Syed Khursheed Ahmad Shah, Dr Zaheeruddin Babar Awan, Dr Firdous Ashiq Awan, Najmuddin Khan, Raja Pervaiz Ashraf, Faisal Karim Kundi, Sardar Aseff Ahmed Ali, Syed Sumsam Ali Bukhari, Mohammad Afzal Sindhu, Senators Nayyar Hussain Bokhari, A. Rehman Malik, Jehangir Badr, Mir Lashkari Raisani and Zahir Shah.

Briefing the media, President’s spokesperson Farhatullah Babar said that the president rejected criticism that the conditions in the Kerry-Lugar Bill undermined the country’s sovereignty.

The president said the bill was the first Pakistan aid legislation that did not require presidential certifications every year. “It only required certification by the Secretary of State that Pakistan was moving along the path of democracy, nuclear non- proliferation and drugs control.

“Who in Pakistan under the present democratic dispensation would disagree with these goals?” he asked. “This was in contrast with the past aid bills that required presidential certification that Pakistan was moving towards restoration of democracy, human rights protection, nuclear non-proliferation and drugs control,” President Zardari added.

He said the bill acknowledged Pakistan as a critical ally and its profound sacrifices in the war on terror.

The language of the bill relating to nuclear proliferation had also been toned down. In the original bill, he said the wording was to “ensure access of US investigators to individual suspected”. “This was changed to receiving cooperation ‘in efforts such as providing relevant information from or direct access to Pakistani nationals associated with such networks’,” he said.—APP

Dawn (Islamabad), October 7, 2009

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/front-page/zardari-asks-party-leaders-to-defend-kerrylugar-709>

CHAIRMAN KERRY: EMPOWER PAKISTANIS NOW

As President Barack Obama urged Muslims to reject violent extremism in Cairo last week, a decisive shift in attitudes was already under way in Pakistan. Over the past month, the Pakistani military has waged an intensive fight against the Taliban and extremist elements in its North-West Frontier Province.

This shift could be a major turning point in Pakistan's history and is a critical moment for Congress to support the Pakistani people by passing the Enhanced Partnership with Pakistan Act. This bill will help empower Pakistanis fighting to turn their country toward a path of moderation and stability, which is why Obama has urged Congress to pass it.

For years, the United States has been advocating, with little success, that Pakistan take on the violent extremists enjoying sanctuary within its borders. Many top military and civilian officials have treated this as an American or Western war rather than as Pakistan's fight to remain a moderate, Muslim nation. The Pakistani people have been similarly skeptical, consistently favoring flawed "peace deals" with the Taliban over any use of military force.

During my trip to Pakistan in April, I again saw the stark divergence of attitudes. While most Pakistanis opposed the Taliban's brutality, especially suicide bombings against Pakistani targets, they justified such crimes as the result of U.S. interference, aimed at driving the U.S. out of the region.

In the past few weeks, though, public opinion in Pakistan has shifted significantly, with majorities now supporting military action against the Taliban. What explains this drastic change? For one thing, the Taliban showed their true colors. Since the February "peace deal" that ceded control of the Swat Valley to the insurgents, the Taliban have committed acts of murder and torture, imposed radical social restrictions, prevented girls from going to school, enriched themselves through illegal taxes and extortion, and moved to neighboring areas such as Buner and Dir. For many, the last straw was a gruesome Internet video of Taliban cadres mercilessly flogging a 17-year-old girl.

We are watching history unfold in Pakistan, as ordinary villagers take up arms against the Taliban. We have a chance to help reinforce change by offering a vision of an alternate future. This is at the heart of the Kerry-Lugar bill.

The bill invests \$1.5 billion a year for five to 10 years in projects that directly benefit the people of Pakistan. The money will promote police reform and training, an effective judiciary and the rule of law. It will boost economic growth and employment opportunities for youth who might otherwise join the insurgency. It will help the Pakistani government invest in its own people, particularly women and children, by supporting public education, food security and quality public health care. Without conditioning nonmilitary aid, the bill will require performance benchmarks to show the American people that their money is being well-spent.

For decades, the United States has tried to influence Pakistan by providing billions of dollars in unaccountable military aid and compensation, while neglecting the needs of the population itself. That is why we must de-link military from nonmilitary aid so that our assistance actually goes to the people rather than to the army. Our security aid should be carefully calibrated, year by year, depending on the needs and the cooperation of the Pakistani military.

Today, most Pakistanis believe the United States will cut and run when it serves our purpose. Our approach transforms this dysfunctional and suspicious relationship into a longer-term strategic engagement with the Pakistani people based on mutual trust and cooperation. Only then will Pakistan see the United States as an ally with shared interests and goals, such as defeating militant extremists that threaten the national security of both countries.

The opportunity to help turn the tide in Pakistan will not last long. Already, sweltering heat is aggravating the suffering of more than 3 million Pakistanis displaced by the military operations. I have called on the U.S. to demonstrate strong leadership in responding to this humanitarian catastrophe. Without a robust American commitment, public support for the fight against the Taliban will quickly crumble as Pakistanis decide the price is just too high.

The Pakistani people have shown they are willing to take on violent extremists. We must now honor the president's pledge in Cairo and stand with them in their moment of need.

Sen. John Kerry (D-Mass.) chairs the Senate Foreign Relations Committee.

Chairman Foreign Relations Committee, October 7, 2009
<http://kerry.senate.gov/cfm/record.cfm?id=318700>

KERRY-LUGAR BILL-A CRITIQUE

Jus days before the US President Barack Hussain Obama will be signing the Kerry-Lugar bill thus turning it into law, Pakistan's political parties have woken up to the problems that it may pose -- a late awakening to say the least. For the past one year, the controversial contents of the Kerry-Lugar bill have been widely known. Equally, in the recent months, it was clear that the House and Senate were not quite biting into Pakistani criticism of the bill. Throughout this period, the government seems to have made no transparent attempt to force a change in the text of the bill. The issues that the text of the bill raised and ones that were to negatively affect the Pakistan-US bilateral relationship were neither discussed in any cabinet meeting, defence committee of the cabinet nor in the parliament. Even the opposition, other than making rhetorical statements regarding the bill never brought up the issue properly.

Government attempts were made at an individual level – for example, Pakistan's Ambassador to Washington, Hussain Haqqani -- to lobby for change in the bill. However, such attempts did not really help. The government argues that the removal of the words 'India' and 'A Q Khan', through Pakistan's lobbying, from the text must be appreciated. Other relative 'pluses' in the bill, government representatives argue, include the bringing down of the level of certification, on the conditionalities clause, from the president to secretary of state. From Pakistan's perspective, this is an inconsequential change as long as the certification clauses remain. Also we are told that the waiver clause means that the US President can waive conditions. Yes, but those conditions will be waived in US's national interest, and not when Pakistan needs it, as was done in the case of the Pressler Amendment.

On the removal of the demand that the US government has "direct access" to A Q Khan, the fact is that it has been replaced by a wider net of "direct access to Pakistani national associated with such networks." Significantly, the bill goes beyond supplier networks and factors in involved in "networks relating to acquisition of nuclear weapons related materials." This could include those working to acquire nuclear technology for Pakistan's own nuclear programme.

Similarly, the conditionality on combating terrorism goes into intrusive details of what Pakistan is required to do. Pakistan's battle against terrorism cannot be designed according to Washington, New Delhi and Kabul's threat perception. The bill essentially declares Pakistan

the hub of terrorism that has hit the entire region and puts the onus of fighting terrorism on Pakistan.

The strategic plan mentioned in the bill highlights Pakistan as the hub of terrorism in the region by stating that US President Obama will, along with Delhi and Kabul, side with Islamabad on its counter-terrorism policy. Clearly instead of dealing with the problem and the causes simultaneously to make headway in regional cooperation and fighting terrorism, the bill essentially pampers the Indian position on terrorism. Such a bill encourages India to continue with its rejectionist approach to bilateral dialogue.

As for democracy, if the bill had stated aid cut-off in case of a coup, it would have been an acceptable clause but to assign to Washington the role of monitoring if the Pakistan army is interfering in the country's judicial and democratic process is unacceptable. The issue is genuine but the mandate illegitimate.

Another interesting defence for the bill came from the deputy chief of the US embassy who said that the conditionalities only apply to military aid. Whatever the internal power dynamics, Pakistan should be one unit as it engages with external powers. Hence, the opposition to such extreme conditionalities is unacceptable whether applied to military or economic aid. The bill can also trigger a new round of potentially destabilising power dynamics within Pakistan. Ultimately viewed from Pakistan's internal power dynamics, the bill also reflects the civil-military trust deficit. The widely held view among opposition parties and security institutions is that a section of the ruling political leadership went along with, if not actually encouraged, the inclusion of the conditionalities that target Pakistan's security institutions and policies.

There are indeed lingering problems within Pakistan's internal power structure -- its security policy faces road bumps and the chronic problem of often unaccountable and non-transparent exercise of executive and bureaucratic authority aggravates the crisis of governance. However, the message to all of Pakistan's foreign friends during the 2007 Peoples' Movement was that a home-grown movement for democracy was the only legitimate way to rid the country of the curse of military rule. Indeed, in 2007 Washington's view of General Pervez Musharraf's indispensability in leading the Pakistan front on the war on terror had trumped its concerns for its democracy; as had been the case in the 60s and 80s when Washington supported two military dictators. In 2007, the

people of Pakistan charted their own democratic journey. Aid bills cannot do that.

Similarly, in the security arena, external diktat mostly works. Only local players can legitimately contest over competing threat perceptions. External players at best can share their wisdom on security matters. The arm twisting delivers results only when a blundering state becomes vulnerable, as Pakistan did during Kargil. Threat perceptions, often grounded in a potpourri of historical facts, myths and fears are not susceptible to arm-twisting or counter-threats. Hard work on bilateral relationships which yields increased cooperation, progress towards resolution of outstanding problems and trust building, can alter threat perceptions.

Aid bills also can't dictate the direction and development of Pakistan's critical military security asset, that is, its nuclear programme. That will be determined by strategic developments in the region. The attempt to curtail Pakistan's nuclear programme by disallowing it to use its own funds that may be untied from projects that US aid may fund is a non-starter way of influencing a state's security policies.

The onus now is on Pakistan's legislature, the national assembly and senate. As custodians of the national interest of a sovereign state, these elected representatives must pass a unanimous resolution on the bill. While appreciating the objectives laid out, the resolution must firmly yet calmly enumerate the unacceptable portions of the bill.

The operative aspect of the resolution should be that in keeping with the demands of Pakistan's national interests and with the requirements of a responsible member of the international community, the parliament and Government of Pakistan will remain committed to four national goals as reflected in Pakistan's policies and laws. One to parliamentary democracy, two to fighting terrorism, three to non-proliferation and four to establishing good relations on the basis of mutual interest and respect with its neighbours, especially Afghanistan and with India.

The resolution must also reiterate the basic principles of sustainable bilateral relations including non-interference, sovereignty, autonomy and mutual respect. The resolution must recognise the United States as an important friend and ally, acknowledge the help it has given in the past and acknowledge its desire, as reflected in the Kerry-Lugar bill, to help Pakistan in future. Finally, the resolution must state that while Pakistan values its relationship with the US, its parliament will be constrained to

advise the government to decline US support given the existing conditions.

The ball is now in the court of Pakistan's elected legislators. As they formulate a response they must recognise that if Pakistan faces a financial crunch, the United States faces a strategic one. For the US to walk away from Pakistan is a virtual impossibility at this juncture. It is far more unaffordable for them since Pakistan occupies more than 50 per cent of the space in their strategic calculation. Meanwhile \$1.5 billion accounts for roughly three per cent of Pakistan's federal and provincial annual budgets.

If Pakistan's legislators are able to rise to the occasion and craft a consensus response to the Kerry-Lugar bill, they will have proved their worth as men and women who are capable of promoting and protecting the interests and dignity of the citizens of the country. Otherwise, whether democracy or dictatorship, Pakistan's parliament is merely a rubber stamp which follows the will of a handful of individuals who exercise their authority overlooking constitutionally defined institutional mechanisms like the Cabinet, defence committee the parliament.

Nasim Zehra, *News International* (Rawalpindi), October 7, 2009

BRAWLING OVER KERRY-LUGAR BILL

After a motion by the PMLN, the National Assembly is going to debate the Kerry-Lugar Bill which gives Pakistan \$1.5 billion annually as an American grant for five years. The session is going to be stormy with most members primed with “facts” already made public by the media. It is going to be difficult to tell whether the “rejectionists” will toe the party line or participate in fair debate. Finally, democracy’s only effective principle — a majority in the house — will win.

Discussion is good for democracy in all circumstances, even if the Constitution of Pakistan, like the Indian constitution, doesn’t bind the government to pass any international agreements in parliament. But the pre-debate atmosphere in the country tells us how much the incumbent government is under siege. There is the big opposition party, the PMLN, which has decided to go for the jugular on the issue. The smaller parties are in fact goading it along to engage in some kind of final showdown with the PPP. And then there are a couple of parties with big leaders but minimal post-2008 elections following who have a high-profile presence on the TV channels.

A part of the media is campaigning for mid-term elections. But as long as the PPP has a majority in parliament there is no genuinely constitutional way to bring about a mid-term change. That is why everyone seems to be looking for any telltale signs from the army taking offence at the language of the Kerry-Lugar Bill. A meeting between Punjab Chief Minister Shehbaz Sharif and the army chief, General Ashfaq Kayani, has taken place which the chief minister has admitted after his party spokesman first denied it, probably in order to load the dice in favour of the “rejectionists” of the Bill in the National Assembly.

In Pakistan everyone wishing to form a political strategy has an ear cocked to sounds coming from the army. Until this meeting, there was none. But now the media is bound to spread the word that the army is planning to scrutinise the aid Bill in its corps commanders’ meeting. An added observation says the army will probably focus on the “violation of Pakistan’s sovereignty” implied in the “conditionalities” in the Bill and certain demands that specifically relate to “the security matrix”. We hope that the army knows very well through its own contacts with the American army what the Bill aims to achieve since its proposed text was made public many months ago.

The discussion in the reported yet-to-convened corps commanders’ meeting is pre-empted by another news that the Pakistan army has already communicated its objections to the Bill to the commander of the international forces in Afghanistan, General Stanley McChrystal. The report says the army is “greatly angered” by the “degrading” language used in the Bill about Pakistan’s military and security agencies. General Kayani is supposed to have told the American general that the military officers, like the rest of Pakistan, were “furious”. General Kayani is supposed to have conveyed this also to Prime Minister Yousaf Raza Gilani on Sunday.

But Prime Minister Gilani is proclaiming the Bill a “big success” of his “democratic government” and is ready to defend Pakistan’s acceptance of the American aid in parliament. His strong points are: the Bill is not addressed to Pakistan but to the Obama administration; the money it allows to Pakistan is not a loan but a grant; the conditionalities do not apply to social sector aid; and that Pakistan needs the money because it can’t get it from elsewhere. On the question of whether nearly half the money will go back to America through contractors, there is yet some lack of clarity as Finance Minister Shaukat Tarin thinks the Americans have made no decision in this regard.

India went through the same agony over “violation of sovereignty” in the text of the Hyde Act 2006 when it signed the nuclear deal with the US. Challenged with a no-confidence move in Lok Sabha, the Manmohan Singh government won the day on the basis of the “majority principle”. India will spend \$100 billion buying technology from the US; Pakistan is getting \$7.5 billion, and its stock exchange is already responding to prospects of economic stability as seen by foreign capital after the Kerry-Lugar Bill.

Editorial, *Daily Times* (Lahore), October 8, 2009

CORPS COMMANDERS EXPRESS CONCERN OVER KERRY-LUGAR

The military-government differences on the conditions attached to an aid legislation approved by the US Congress, the so-called Kerry-Lugar bill, became more pronounced on Wednesday after the army’s top commanders, through a carefully drafted press statement, expressed their ‘serious concerns’ on some of the clauses of the bill that they believe would affect ‘national security’.

At the same time they asked the government to build a national response on the controversial bill through a debate in the parliament.

Unlike a benign two-line statement that is usually issued after most of the corps commanders’ meetings, the one released to the media on Wednesday left absolutely no doubt that the top brass was not only gravely disturbed over the conditions linked to the American aid legislation, they wanted to make their views public instead of just communicating them to the government through a formal channel.

The corps commanders’ meeting, presided over by Army Chief General Ashfaq Parvez Kayani, decided to provide a formal input to the government. Mindful of the way the world views Pakistan and its nascent democratic institutions, the corps commanders’ forum observed that the parliament, which represented the will of the people, would deliberate on the issue, “enabling the government to develop a national response”.

Unusual as the army commanders’ statement may be, it came against the backdrop of a raging debate in the country on the finer points of the Kerry-Lugar bill, which aims to provide billions of dollars in aid for social uplift in the country, particularly in areas directly affected by militancy and terrorism.

The army's objections mainly related to the clauses about the country's nuclear programme, suggestions of Pakistan's support for cross-border militancy and civilian government's role in military promotions and appointments.

Although it was nearly impossible to find out what really transpired at the closed-door meeting of the corps commanders, or who said what during the debate on the US aid bill, the statement issued by the Inter-services Public Relations (ISPR) captured to some extent the essence of what might have been discussed by the high command. But even before a formal reaction from the military, a number of opposition politicians and some analysts had started targeting the aid package. A number of critics, e.g. Chaudhry Shujaat, describe it as a 'sell-out'. A few others from the main opposition PML-N, e.g. Chaudhry Nisar Ali Khan, said the conditions amounted to a compromise on national sovereignty.

However, senior government leaders, from President Asif Ali Zardari down to Information Minister Qamar Zaman Kaira, thought it was a great piece of legislation and a pro-democracy bill, which might go a long way in strengthening pro-public institutions in the country.

Even on Wednesday after the issuance of the statement by the ISPR about corps commanders' reservations, presidential spokesman Farhatullah Babar took pains to explain that most of the criticism of the government was unfounded as it was a piece of US legislation, and not something signed by the Pakistani president or prime minister.

When asked if the development was indicative of deteriorating relations between the army and the government, he said: "I have learnt not to make public comments on civil-military relations." However, he said the Kerry Lugar bill had been passed by the US Congress. "There is no commitment by the Pakistani government."

Democratic Process

His own view of the bill was that "If some people think that they should not accept even economic aid, under the directions of the US Congress to the US administration, then they should have their own choice."

The spokesman said security forces would neither undermine the democratic process nor support militancy. "This is something we have promised to ourselves. There is no harm in it if we are sincere with our promises."

The presidential spokesman dispelled a perception that accepting aid under the bill would amount to admission that the army and the

intelligence agencies were still abetting terrorists. He pointed out that former president Pervez Musharraf had on Jan 6, 2004, signed with then Indian Prime Minister A.B. Vajpayee a document pledging that Pakistani territory would not be allowed to be used for militant activities. "If it was not considered an admission that time, why this fuss now," he wondered.

The government, which describes the passage of the Kerry-Lugar bill as a major foreign policy success, succumbed to the pressure of the opposition when it announced earlier this week that the bill would be presented before parliament.

A PML-N leader said the army, through its apex forum, had raised 'genuine concerns' about the country's security. He said the position taken by the army had been welcomed in party circles. The government had failed to take the stakeholders on board about security-related issues. "Had parliament been sovereign the president would have been answerable to it," the PML-N leader remarked.

But even when some opponents of the government were quite pleased with the ISPR statement, with a few even suggesting that a 'countdown' for the government might have started, the tone of debate on the Kerry-Lugar bill somehow negated this impression.

Although the main opposition leader Chaudhry Nisar was quite critical of the US legislation, he declared at the very outset that under no circumstances his party would support any extra-constitutional move to remove or even destabilise the government.

Premier Gilani adopted an equally conciliatory tone. He referred to the ISPR statement and criticism of the bill, declaring that he would try to evolve a consensus on the matter.

However, sources told Dawn that during a late-night meeting at the Aiwan-i-Sadr, President Zardari once again told the participants, including Prime Minister Gilani, that the bill was a 'pro-democracy aid package' which needed to be defended in parliament and at other public forums. It was not clear to what extent the government would be willing to go to defend the bill, or whether a compromise would be reached through parliament to defuse the situation. But until then, many seasoned analysts believe that tension will continue to mount between the civilian government and the military leadership on ways of tackling the controversial issue.

Dawn (Islamabad), October 8, 2009

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/front-page/corps-commanders-express-concern-over-kerry-lugar-809>

OPPOSING KERRY-LUGAR

The debate on the Kerry-Lugar bill's 'conditionalities' is inching worryingly towards becoming a debate about 'national security' versus democracy. After fierce criticism from the political opposition and lukewarm support from within the governing coalition, yesterday's meeting of the corps commanders in Rawalpindi has turbocharged opposition to the bill's 'intrusiveness' in 'domestic' affairs. But there are two issues at stake here, and intertwining them runs the risk of undermining the transition to democracy.

One, the bill's terms and its implications for relations between the US and Pakistan; and two, civil-military relations and the future of the democratic project in Pakistan. First, the debate about the bill itself. The Kerry-Lugar aid is not a new idea. The final bill may have only been passed recently by Congress, but its broad terms have been known for a while now and its various iterations easily available on the Web. So why the furore now?

All sides, though, must bear some of the blame. While it is the government's executive prerogative to negotiate such aid with foreign governments, domestically it failed to keep all the various stakeholders in the loop, consult them frequently and get their input. The government does not appear to have realised that politics and the law intersect on matters such as the Kerry-Lugar bill.

The political opposition, meanwhile, has acted within its rights to criticise the terms of the bill it finds unpalatable, but few in the opposition appear to have read the bill and much of the criticism appears to be based on hearsay and facile complaints.

Finally, the army high command has also belatedly come around to expressing its concerns and the fact that it has chosen to make its reservations public as opposed to going through private governmental channels is regrettable.

Be that as it may — and all of this points to a wider institutional malaise in the decision-making process of the state — the sensible way out is for parliament to debate the issue and for the government to act on its recommendations on whether or not to accept the Kerry-Lugar aid in the present form.

Which brings us to the second point: support for the democratically elected government against extra-constitutional intervention.

Right or wrong, wise or unwise, the bill must not become the basis for fresh cleavages between the army and the political opposition on one side and the government on the other. The national security–democracy debate is not an either/or issue — national security can and must be protected through the democratic process. Even by Pakistani standards, it is too soon to forget the damage caused by extra-constitutional interventions.

Editorial, *Dawn* (Islamabad), October 9, 2009
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/editorial/opposing-kerrylugar-809>

ARMY'S CONCERN OVER KERRY-LUGAR BILL

There is no threat to the government in Islamabad in view of the Pakistan Army's public opposition to the Kerry-Lugar Bill, which is not in line with the official position of President Asif Ali Zardari's government, Assistant Secretary of State for Public Affairs PJ Crowley said on Thursday. "I don't think it is a threat to the civilian government in Pakistan," Crowley told reporters; "Is there concern that this very vocal opposition to what Zardari's government wants to do, which is to accept this aid, could be a real threat to his continued rule there?"

Crowley was asked, to which he said he does not believe so. "Quite the opposite. I think that actually what you are seeing is a government in Pakistan that is becoming more confident. It is becoming more assertive. It is doing things that are important to, you know, the Pakistani people," he was quoted as saying. "We are working very diligently, very closely with the Pakistani government. That's why the secretary (of State) and the (Pakistani) foreign minister met yesterday. It's why the secretary and President (Asif Ali) Zardari met in New York," Crowley said.

Noting that the US recognised that Pakistan was shouldering a significant burden on the war against terrorism, he said the Obama administration wanted to make sure that there was proper international support for Pakistan.

Will: Asserting that the US was committed to helping Pakistan, he, however, said the US would not impose its will or dictate things to

Islamabad. “We are committed to working closely with Pakistan. We are not going to impose US solutions on Pakistani problems.”

Denial: US State Department spokesman Ian Kelly denied that the aid package for Islamabad undermine Pakistan’s sovereignty, saying its monitoring mechanisms are designed to protect US taxpayers, AFP reported.

Daily Times (Lahore), October 9, 2009
http://www.dailytimes.com.pk/default.asp?page=2009\10\09\story_9-10-2009_pg1

POLITICALLY DIVIDED AGAIN

Prime Minister Yousaf Raza Gilani has taken the debate over the Kerry-Lugar Bill to the National Assembly where it can be either accepted or rejected on the basis of a majority vote.

The bill is important for Pakistan, not only in terms of the unprecedentedly high grant in aid from the US, but also in terms of acceptance of Pakistan’s economy for the investors of the world, though there is debate even among development economists on its usefulness.

A surface view would be that if the Bill is rejected by Pakistan, the money it is to receive over the next five years will not be available.

But the US, looking at the difficulties faced by Islamabad in the shape of an almost universal rejection, may modify the “conditionalities” of the Bill which are clearly intrusive.

Its Afghan policy depends on cooperation from Pakistan and the coming operation in South Waziristan is an important link in that policy.

But it will have to figure out the multiple cracks in the politics of Pakistan and the growing anti-Americanism in the country.

The opposition to the Bill has multiple strands, including of course the desire of the political actors to cause the government to collapse and make way for mid-term elections.

Politicians inside the parliament seem to be moved by more motivations than just the issue of intrusion by the US, though it is easy to peg those motivations on the poor wording of the Bill.

Politicians who rejected the 2008 elections want to pull down a house they had no hand in building.

The absence of the PMLN leader Mr. Nawaz Sharif from Pakistan has been interpreted many ways, but what he says from London seems to hint that the days of President Asif Ali Zardari and his party in power are

about to be over. He says he tried to advise Zardari to take the right decisions only to have a deaf ear turned to him.

Mr. Sharif is the most popular leader in Pakistan and smaller leaders are rebuking him for not attacking the PPP government now that it is caught out on a limb on the Kerry-Lugar Bill.

His second-echelon leadership however is busy with its wrecking ball and his younger brother has gone and met the army chief before the army decided it didn't like the Bill.

The PMLQ, gradually disembarassing itself of the moral burden of having supported a pro-American general in power, wants to reinstate itself by vocalising against the Bill.

The PMLQ is doing even better than the PMLN — Nawaz Sharif has promised a quicker normalisation with India — by being tough on India.

The JUI of Maulana Fazlur Rehman is buttressing its rapidly eroding prestige among the pro-Taliban Pashtuns of the Tribal Areas by breaking away from the government on the Bill.

As an ally of the PPP, it was never a comfortable party because of its vulnerabilities vis-à-vis the Taliban and Al Qaeda.

Before the crisis over the Bill broke, Maulana Fazlur Rehman's talent for "flexibility" was nearing its end and he had reluctantly put the government on notice about — hear this — further Islamisation of laws! The fight over the Bill is therefore a godsend for him.

The ANP and the MQM inside the PPP alliance were most driven by "realism" over the Bill because of the way they have been targeted by the Taliban.

Their mind is not fuzzy over the internal threat, but they cannot help being mindful of the odds facing Mr. Zardari and his party.

They don't want a mid-term election and are aware that the army is not in their camp. Therefore both are "consulting" — with Altaf Hussain going public with his concern over the important quarters that are opposed to the Bill.

"Realism" has undermined "law" in Pakistan in the recent past, but the blame has been put on the PPP. Musharraf can't be hanged because of realpolitik but his going free is attributed to the PPP government's being an extension of the Musharraf era.

The media is going through its most emotional convulsion hoping the Supreme Court will get the PPP down through a ruling on the NRO, triggering a mid-term election to bring the PMLN to power. Pakistan is

once again politically unstable because the parties that seem “united” against the PPP do not really agree on any realistic future course of action.

Daily Times (Islamabad), October 9, 2009

http://www.dailytimes.com.pk/default.asp?page=2009\10\09\story_9-10-2009_pg3_1

THE KERRY-LUGAR BILL

The passage of the Kerry-Lugar Bill through the US Congress has occasioned a storm in Pakistan. All that remains for it to pass into law is the presidential assent. In form, it merely represents the passage of an Act required by US law to allow the Executive Branch (the Obama and future administrations) to put money in future budgets for aid to Pakistan. Kerry and Lugar, the men after whom the Bill is named are senators, John Kerry and Richard Lugar, moved the Bill as a bipartisan measure, Kerry being a Democrat and Lugar a Republican. The reason it created a furore in Pakistan was because of the conditions attached to the aid, which are being widely seen as incompatible with Pakistani sovereignty.

The present government has defended it as a great diplomatic triumph, so the opposition to it by the Opposition cannot be ruled out as being based more on partisan spirit than because the Bill is so bad. However, the Bill is supposed to satisfy another party, apart from the government - the Pakistan Army - because it includes a military aid component. However, while the Bill allows certain spares to be purchased, for equipment acquired back in the 1980s (in other words, for equipment now reaching or at least nearing the end of active-duty cycles), it makes no provisions for new purchases, and though this is implicit in the Bill, there will have to be separate congressional approval obtained for any military purchase that Pakistan wishes.

The Pakistani opposition to the Bill is probably based on more than the government claims about how hard it worked for its passage. There is also an opposition to the present situation, which has lasted since the creation of Pakistan, where relations with other states were decided in the federal capital without reference to the people of Pakistan. While PML-N chief Mian Nawaz Sharif sees Parliament as being the appropriate forum for discussing the Bill, because he sees Parliament as a representative of the people, many believe that the hoi polloi must not discuss the Bill.

If the Pakistani people are ignorant of foreign affairs, even more so are the American people. However, it has been pointed out that, ignorant as Americans are, the money that will be poured into Pakistan will be theirs, and it ill befits Pakistani Parliament to question how they wish to spend their money. However, while the aid being given pales in comparison with the US spending on other countries, Pakistanis are supposed to have a voice in how money is spent by their own government in their own country. Being denied such a voice raises not just hackles, but suspicions.

M. A. Niazi, *Nation* (Islamabad), October 9, 2009
<http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Opinions/Colu>

CLAUSES IN US BILL NOT BINDING, SAYS FOREIGN OFFICE

The Foreign Office on Thursday said the Kerry-Lugar Bill was not an ideal document and its controversial clauses were not binding on Pakistan.

“The language of the bill could have been better,” Foreign Office spokesman Abdul Basit said on Thursday.

The bill passed by the US Congress last week has been at the centre of controversy because of some of its clauses about the country’s armed forces and security affairs.

Mr Basit said the bill was not a negotiated document although the Foreign Office had provided its input.

“Obviously in the course of discussions on the bill, we gave our inputs to the US Congress and to the Obama administration but that does not imply that it is a negotiated document. Giving inputs is a different thing from negotiating a document. These are two different things qualitatively,” he said.

The comments implied that Pakistan’s concerns had not been fully accommodated by the US in the bill. Only some minor cosmetic changes were made.

Policy documents of the Foreign Office reveal that Islamabad voiced concern only over conditions relating to access to individuals associated with nuclear network and ceasing support for terrorist groups by elements within army and the ISI.

There have been allegations that Pakistan’s Ambassador Hussain Haqqani, lobbied for the inclusion of the clause pertaining to assessment

of civilian oversight and control of defence budget, military chain of command and involvement in strategic planning. Although he was asked twice, the spokesman did not out rightly contradict the allegations and only said that the government had been kept in the loop. “Our embassy in Washington kept Islamabad posted on developments on the Kerry-Lugar Bill,” was his terse reply.

“It would be better to wait and see as to how the debate in the National Assembly evolves on the issue because at the end of the day our parliament is supreme to take decisions or to submit or recommend their viewpoint to the government,” he said....

Dawn (Islamabad), October 9, 2009

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/fr>

FAISAL UPS THE ANTE ON KLB IN NA DEBATE

PML(Q) has cast Hussain Haqqani’s shadow over the Kerry-Lugar bill by quoting from his book “Pakistan: Between Mosque and Military”, his critique of Pakistan’s nuclear programme and why the US must oppose it, and then showing the similarity of language between this and the language of the Kerry Lugar bill. The opposition seemed to be in no mood to mellow down its attack on this threatening bill, as the debate continued in the Lower House.

“The bill has triggered differences in Pakistan’s state institutions,” observed PML-Q Parliamentary Leader Faisal, adding the bill was prepared in the US Congress so that they (the US) could definitely keep their interests.” Faisal said the bill was a test for the Parliament so “we should take it seriously.”

Opposing the bill strongly, Faisal said, “It is our collective responsibility to safeguard our security interests.” He said that PML-Q rejected the bill totally and would not accept this insulting aid for the country.

“Pakistan Muslim League (Q) totally rejects this bill,” he said and termed the bill [“]a propaganda against the security agencies of the country[“] created by the US and the western countries.He said that according to the bill, they (the Americans) could also gain access to any of the citizens including parliamentarians in the country whoever they felt dubious. According to one of the clauses of the bill, they can also investigate any citizen of the country, he further said.

He said that it was also mentioned in the bill that RAW and Mossad would be active in the region which could prove dangerous.

Raising his concerns over the bill, Aftab Sherpao said the bill was engineered to enhance American influence in the internal affairs of the country. He said it was prepared by two American senators with the objective of assisting Pakistan in view of its role in the war on terror. He said that even before being formally signed, the bill had created divide between the civil and the military institutions.

Sherpao wondered whether Foreign Office and other state organs were taken into confidence by the Pakistan's ambassador and the lobbyists in Washington during formulation of the language of the bill. He said, "Either it was negligence of our lobbyist or was their male fide intention."

He said it was the defining moment for the country and the Parliamentarian shouldn't accept the bill. He said that the country would practically be bound if it took even one dollar as aid. While defending the clauses of Kerry-Lugar Bill, Deputy Chairman Planning Commission MNA Sardar Aseff Ahmad Ali said it was for the first time that the US administration was providing the much-needed assistance to a democratically elected government of the country. He also criticised the language of the bill.

He urged the members of Opposition not to reject the substance of the bill totally and come out of rhetoric and adopt a cool-minded approach. "I can understand the anti-US emotions but we should understand our interests," he said, adding that he had the objection why the names of ISI, Quetta and Muridke had been mentioned in it.

He further said when relations between India and Pakistan were already defined in Simla Accord, Lahore Declaration and Islamabad Declaration, there was no need to mention India or Afghanistan in the bill. He said that mentioning of names of Quetta and Muridke in the bill was a mistake of the US administration. He also quoted the example of Indians who by entering into a nuclear deal with the United States were receiving 20,000 MW power projects and their economic growth rate was 8 to 9 per cent. "Please do not throw it away," he said, adding that it was an aid package and it would benefit both the people and the Armed Forces of Pakistan.

Nation (Islamabad), October 9, 2009

<http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Politics/09-Oct-2009/Faisal-ups-the-ante-on-KLB-in-NA-debate>

KERRY-LUGAR BILL IN THE EYE OF A HURRICANE

As criticism continues to grow on the Kerry-Lugar Bill, and a witch-hunt for scapegoats and the ultimate fall guy has begun, the Ministry of Foreign Affairs is saying, “Don’t look at us, we did all we could given the circumstances”.

In a departure from the past, even the role of Ambassador Husain Haqqani is being defended by the ministry, which has no love lost for him. “To be fair to our mission in Washington, 35 communications have been sent from our mission regarding the Kerry-Lugar Bill and these have been shared with all stakeholders in the country. At every stage as the Kerry-Lugar Bill progressed, Islamabad was being kept informed. The Foreign Office, as well, continued giving inputs and the last input as I recall was when the US Senate had passed the bill,” confessed a senior official.

While not willing to dilate on Wednesday’s rather unexpected and scathing remarks from the corps commanders meeting, sources maintained that the GHQ was also being continuously taken into confidence and there was input from the Foreign Office both through pushing files and picking up the phone to update them when necessary.

When the spokesman at the Foreign Office was asked if the apprehensions of the Army were taken into consideration, he was unwilling to discuss the government’s decision-making process.

“Suffice is to say that the Ministry of Foreign Affairs does give its inputs on all foreign policy matters as do other relevant departments. It would be better to wait and see as to how the debate in the National Assembly evolves on the issue because at the end of the day our parliament is supreme to take decisions or to submit or recommend their viewpoint to the government.”

Another official told The News that all these points, which are being debated in parliament right now, were being covered by the ministry, “but you have to understand that the Kerry-Lugar Bill was not a negotiable document for us.”

Meanwhile, earlier during a regular weekly briefing, the spokesman responded to a query: “Our prime minister said very clearly yesterday in the National Assembly that the Kerry-Lugar Bill is not a bilateral agreement or a bilateral contract. So its clauses are not binding on Pakistan. But as far as any prospects of any amendments to the bill are

concerned that would be difficult to say at this stage. The Kerry-Lugar Bill is not a negotiated document. It is legislation which was drafted by the US Congress. However, there is always a possibility in the US system that the president of the US can send this bill back to the Congress for reconsideration.”

The spokesman said that finally it will be for the National Assembly to take a decision whether to accept the aid bill or not and the outcome would be clear at the end of the debate. Replying to queries about the summoning of the deputy chief of the US mission and the Dutch ambassador, the spokesman did not clarify as to why the Dutch diplomats were moving in the capital with “bomb” in their possession let alone unlicensed arms and ammunition. Had any Pakistani been caught in Amsterdam with such lethal supplies, he would never have seen daylight again.

“It is a very serious issue and the Government of Pakistan is taking it very seriously. As you all know, yesterday we had the Dutch ambassador here in the Foreign Office and we did lodge a complaint with him. We are in touch with all relevant departments. We are examining the issue in all its aspects and we would take it up with the diplomatic corps here accordingly,” he said.

About the recent bomb blast outside the Indian embassy in Kabul, he said: “We strongly condemn this act of terrorism in Kabul which took several innocent lives. Pakistan is against terrorism in all its forms and manifestations. Terrorism, wherever it occurs, cannot be condoned or justified under any circumstances.”

The government has also taken a very serious view of the statement of British Prime Minister that the majority of Pakhtuns were terrorists. “How can we agree with such a statement? We are examining the statement. A resolution, as you know, has been tabled in the NWFP Assembly in this regard on which there will be some action tomorrow,” he added.

Mariana Baabar, *News International* (Rawalpindi), October 9, 2009

MYTHS AND FACTS ABOUT KERRY-LUGAR BILL

US Senator John Kerry, one of the co-authors of the Enhanced Partnership with Pakistan Act, has issued a list of 'myths and facts' about the proposed legislation also known as the Kerry-Lugar bill.

This is how he explained the bill:

Myth: The \$7.5 billion authorised by the bill comes with strings attached for the people of Pakistan.

Fact: There are no conditions on Pakistan attached to these funds. There are, however, strict measures of financial accountability on these funds that Congress is imposing on the US executive branch — not the Pakistani government, to make sure the money is being spent properly and for the purposes intended.

Such accountability measures have been welcomed by Pakistani commentators to ensure that funds meant for schools, roads and clinics actually reach the Pakistani people and are not wasted.

Myth: The bill impinges on Pakistan's sovereignty.

Fact: Nothing in the bill threatens Pakistani sovereignty.

Myth: The bill places onerous conditions on US military aid to Pakistan that interfere in Pakistan's internal affairs and imply that Pakistan supports terrorism and nuclear proliferation.

Fact: The conditions on military aid reinforce the stated policy of the government of Pakistan, major Pakistani opposition parties, and the Pakistani military and are the basis of bilateral cooperation between the United States and Pakistan.

Myth: The bill requires US oversight on promotions and other internal operations of the Pakistani military.

Fact: There is absolutely no such requirement or desire.

Myth: The bill expands the Predator programme of drone attacks on targets within Pakistan.

Fact: There is absolutely nothing in the bill related to drones.

Myth: The bill funds activities within Pakistan by private US security firms, such as DynCorp and Blackwater/Xe.

Fact: The bill does not include any language on private US security firms. The issue of how private security firms operate in Pakistan has nothing to do with this bill. The laws governing such firms — which are employed by many US embassies and consulates throughout the world — are not affected by this bill in any way.

Myth: The bill aims for an expanded US military footprint in Pakistan.

Fact: The bill does not provide a single dollar for US military operations. All of the money authorised in this bill is for non-military, civilian purposes.

Myth: The United States is expanding its physical footprint in Pakistan, using the bill as a justification for why the US Embassy in Islamabad needs more space and security.

Fact: As the US Embassy in Islamabad works diligently over the next five years to properly distribute the \$7.5 billion to the people of Pakistan, it will need to take into account its own personnel and security needs to make sure it has the right staff with the right expertise on hand. This is common sense.

John Kerry, October 10, 2009

<http://kerry.senate.gov/cfm/record.cfm?id=318845>

GOVT SHOULD BE ON EXPLANATORY, NOT ACCUSATORY PATH

It is extremely disturbing that various Government functionaries have adopted a course of action on Kerry-Lugar Bill (KLB) that runs 180 degree against the mood of the nation. In a democratic set up things are never taken as granted and everyone is fully entitled to have an opposing point of view on any issue. This helps crystallize public opinion on important national issues and keeps the Government on the right track.

It is, however, regrettable that on the issue of Kerry-Lugar Bill, the Government has adopted a damn care attitude towards sentiments of the people that should matter much for a dispensation that claims to be truly representative of the masses. Politicians are supposed to have the pulse of the public opinion but unfortunately the Government is not realizing the severity of the situation as far as the acceptance of the highly controversial Kerry-Lugar Bill is concerned. There are serious apprehensions and misgivings amongst almost every segment of the society about certain clauses of the bill especially with regard to those concerning national security. It is widely believed that acceptance of the aid on these humiliating conditions would amount to bartering away of the vital national interests, which no proud country would do at any cost, lest for the sake of paltry 1.5 billion dollars, an overwhelming part of which would also go back to the US in the form of payments on account of machinery, equipment, consultancy and other overhead expenses.

Columnists and foreign policy experts opine that the KLB is a card for intervention in the purely internal policies of a sovereign state and this would turn Pakistan into a virtual client State. There is so much

polarization on the issue of KLB that even coalition partners of the PPP are either speaking against its intrusive clauses or have opted to keep mum for obvious reasons. Even Pakistan Army, which is custodian of the national defence, has openly criticized some security related clauses of the Bill. In this backdrop, in our view, the Government functionaries and spokesmen should have adopted an explanatory and not confrontationist approach towards the controversy. If they genuinely believe that the bill doesn't impinge on our sovereignty and is in our national interests then they should convince others through arguments and not accusations.

The most appropriate forum for the purpose is the parliament where Foreign Minister is likely to wind up the debate on the issue and hopefully he would do so. We would also caution against the suicidal path which some individuals like Sardar Assef Ahmad Ali have adopted. Despite the fact that he is a former Foreign Minister of the country, he was not careful in selection of words and language during his speech in the National Assembly and made highly condemnable remarks against national hero Dr A Q Khan. We hope the Government leadership would sit together to come out with a cohesive and appropriate strategy to handle the ticklish issue.

Editorial, *Pakistan Observer* (Islamabad), October 10, 2009

AN INTRIGUING FALLOUT

One is quite at a loss to comprehend the unexpected furore generated by the Kerry-Lugar bill. I for one was rather pleased to learn that the bill provided cash-strapped Pakistan with \$1.5bn non-military assistance annually for the next five years.

In the event Pakistan made satisfactory progress another \$7.5bn was to be allocated for the 2015 to 2019 five-year period.

The total amount is a grant and there are no conditions attached. For the first time in the history of Pakistan-US ties the quantum of economic aid from the United States will exceed the total amount of military assistance. The emphasis on welfare and people-centred programmes is reflective of a Democratic administration's priorities.

The policy stands in sharp contrast to bolstering and pampering the security establishment which has been the hallmark of Republican governments.

Particularly welcome is the bill's refrain of strengthening civilian rule, democratic institutions and the rule of law. The multi-year, multi-

billion dollar funding for Pakistan's economic and social uplift represents Washington's long-term commitment to a broader and deeper relationship with Pakistan. It complements US support and by extension that of its European allies and Japan to Pakistan in multilateral forums such as the IMF, World Bank, Asian Development Bank and Friends of Democratic Pakistan.

In the wake of the bill Pakistan's stock exchange registered an impressive surge. The prospects for the much sought-after foreign investment coming into Pakistan looked promising.

The unquestionable merits of the bill notwithstanding, the government finds itself in the line of fire. An on-fire leader of the opposition in the National Assembly lambasted the government. He accused it of prostrating itself before the Americans, compromising the nation's dignity and sacrificing the country's national interests.

The three issues that ignited the opposition's ire relate to the American disquiet on terrorism, proliferation and civil-military relations. It is these three curses that have brought Pakistan to the point of disaster. The policy of strategic depth led to the embrace of the Afghan Taliban and the creation of the Pakistan Taliban. The policy of coercive diplomacy spawned the jihadi outfits, the Lashkar-i-Taiba and the Jaish-i-Mohammad.

Both the Taliban and the other jihadis joined hands to wreak death and destruction across the length and breadth of Pakistan. Their victims included arguably Pakistan's most popular and committed leader Benazir Bhutto. They now threaten Quaid's Pakistan, its system and values. It is in our supreme national interest to eliminate them.

The former COAS and the president of Pakistan admitted that certain Pakistanis, albeit in their individual capacity, had been involved in proliferation. The principal architect of Pakistan's nuclear programme also spoke in a similar vein. We reassured an extremely concerned international community that we had now in place a system which fully safeguarded our nuclear assets and had plugged all possible avenues of leakage.

As for civilian control over the military, this is provided for in the constitution. We, including the military and the head of the leader of the opposition's political party, have paid a heavy price for violations of the fundamental law of the land.

In short, Pakistan is against terrorism in all its forms and manifestations, as it is against proliferation and overthrow of legitimately

elected governments. So, if the Americans have echoed our concerns why should it bother us so much? Perhaps, provisions relating to these issues could have been couched in language which was diplomatic and hence unlikely to ruffle too many feathers.

The anti-bill tirade of the leader of the opposition was, therefore, rather intriguing. That it came following a hush-hush meeting between him and the chief minister of the Punjab on the one hand and the COAS on the other has given rise to a lot of speculation. At this stage it would be pertinent to jog the collective memory of the political opposition by the following quote from the Charter of Democracy signed by Nawaz Sharif and Benazir Bhutto:

“Noting the most devastating and traumatic experiences that our nation experienced under military dictatorships that played havoc with the nation’s destiny and created conditions disallowing the progress of our people and the flowering of democracy. Even after removal from office they undermined the people’s mandate and the sovereign will of the people.”

The second salvo — the first one being that of the leader of the opposition — came surprisingly from within the establishment. Following a meeting of the corps commanders the army’s top brass expressed serious concern on the negative impact of the bill on the country’s national security. It also described its provisions as constituting a violation of the country’s sovereignty. A national response to the bill, it was stated, would be delivered after its consideration by parliament which represented the will of the people.

The military’s decision to publicly voice its concerns was both impolitic and violative of established procedures. It ran counter to the civilian government’s declaration that the passage of the Kerry-Lugar bill represented a diplomatic victory. It further undermined the president’s directive that the bill should be projected as an accomplishment of the PPP government.

Procedurally, the army should have channelled its input to the prime minister through the defence ministry and not aired it publicly. It is precisely such behaviour that conveys to outsiders the impression that there exist multiple centres of power in Pakistan.

There is, at times, a Byzantine after-taste to the whole episode. The currents and cross-currents that scar the face of the Kerry-Lugar bill could be the surfacing of underlying disagreements among principal players on

the problems facing Pakistan. It would be sad if the Kerry-Lugar bill, a good development for Pakistan, is consumed by parochial differences.

Iqbal Ahmad Khan, *Dawn* (Islamabad), October 13, 2009
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/editorial/an-intriguing-fallout-309>

KERRY-LUGAR BILL IN PARLIAMENT

After having declared that the Kerry-Lugar Bill was a “triumph” for the PPP-led government some days ago, Prime Minister Yousaf Raza Gilani has been forced on the back-foot. He has been ringing opposition leaders to inform them of “the government’s plan to pass a unanimous resolution in both Houses of Parliament, notifying the US that Pakistan would not accept any aid unless the US amended the controversial clauses”.

The widely anti-Bill media is reporting other unsavoury details, like how the government is supposed to have been pressured into agreeing to dismiss two close advisers of President Asif Ali Zardari. The prime minister is supposedly papering over another policy misstep by the president that has offended the army. Reference has been made to the “American insistence” that the ISI be placed under the oversight of the civilian government and a civilian be appointed as its head.

There’s more rubbish. While the US and the UK declare that Pakistan’s nuclear installations are safe, “special analyses” appearing in the media insist that the US is after Pakistan’s bomb and is deploying private security agencies inside Pakistan to lay a network of agents who will together assault Pakistan’s nuclear assets and convert Pakistan back into a non-nuclear state. Although Interior Minister Rehman Malik, to be on the safe side, keeps on hinting that “foreign powers” are in cahoots with the Taliban, he could still be in the crosshairs of the media for a sacking as a precondition for “good” civil-military relations.

The press is also reporting reactions from Washington. Congressmen and officials are put off by the way the Pakistani opposition has included the Kerry-Lugar Bill in its campaign to get rid of the incumbent government. Some officials feel that the “PMLN leader Mr. Nawaz Sharif stayed away from the debate, and even kept in touch with US officials from London so that his party could attack the US over the Kerry-Lugar Bill, while he kept his options open”. The PPP, of course, could not defend the Bill properly because its second-echelon leaders half-believe what the media is putting out.

So Pakistan could well achieve “unanimity” in parliament as everybody fulminates against the Bill. But the rhetoric will in fact be directed at the man the opposition wants to target in the Presidency. Now that the rumour is out that the PPP is on the wrong side of the army, the sharpness of the rhetoric will also serve to damage the interest of democracy which nearly always seems to get derailed in Pakistan.

Efforts are apparently on to get President Barack Obama to invent some way of “saving” the Kerry-Lugar Bill from Pakistani rejection. The American system itself will come under pressure if the US Congress is asked to do something it has never done. But some influential US analysts have already pointed out that American legislators need to understand that finger-waging and being patronising does not really work, especially where America’s core interests are involved.

Ironically, this is what democracy is all about. No one realises, when the rhetoric is being employed, that democracy can be a steel ball around one’s ankle. The US has had much to lose after its Republican-dominated Senate refused to ratify the Comprehensive Test Ban Treaty in which the Clinton administration had heavily invested.

Editorial, *Daily Times* (Islamabad), October 13, 2009

FUTURE OF KERRY-LUGAR BILL

As raging debate continues in the length and breadth of the country over inclusion of some highly derogatory and dictatorial clauses in the Kerry-Lugar Bill, there are visible attempts by some circles for its acceptance as a fait accompli. They are trying to portray a dismal economic and geo-strategic scene with a view to silencing the critics and create right kind of atmosphere for acceptance of the bill.

After its initial forceful defence of the bill, the Government has apparently changed its strategy in the back drop of nation-wide adverse reaction and weighty input from the Pakistan Army yet some elements are still engaged in creating a scare on the issue. Forgetting that Pakistan is more important for the United States to win the war on terror than the US aid needed by Pakistan to overcome its economic woes, these circles are repeatedly pointing out towards global economic recession and its impact on Pakistan to justify \$ 1.5 billion of annual assistance. The fact remains that apart from reimbursements under Coalition Support Fund, Americans have provided no meaningful cash grant to Pakistan despite its economic crisis that is mainly product of the war on terror. They have

only facilitated credit from the IMF, which means piling of the debt burden that is going beyond the capacity of the country to pay back. It is also regrettable that Finance Minister Shaukat Tarin is also telling the nation that the country would be in for a great trouble if it rejected the Kerry-Lugar Bill. This is despite the fact that Americans have no intention of providing cash assistance to Pakistan to bridge its budgetary deficit and would be doling out money to their own consultants and contractors as well as NGOs, who are known for eating up most of the developmental funds.

It is also ironical that Foreign Minister Shah Mahmood Qureshi has rushed back to the United States without getting input from Parliament where the two houses are engaged in debate over the bill. This speaks volumes about the significance that the Government attaches to Parliament, which is otherwise supposed to be a supreme institution. The reported remarks of the American envoy that rejection of the bill would be taken as an insult [,] also smack [s] of arrogant attitude. Some clauses of the bill are glaring example of insult to the entire Pakistani nation and there should be no egoism involved in reviewing them. In any case, if the objective of the bill was to assist Pakistani people and create goodwill for the United States then the piece of legislation in its present form has done the quite opposite. Therefore, it is in the interest of the United States itself to drop those conditionalities that impinge upon the sovereignty of Pakistan. The Government should also know that with its insulting conditions the bill would become a political liability and inflict more harm than any perceived benefit.

Editorial, *Pakistan Observer* (Islamabad), October 14, 2009
<http://pakobserver.net/200910/14/Editorial01.asp>

KERRY-LUGAR CONCERNS

One of my British professors once remarked that “you Pakistanis are not intelligent; you have native intelligence, and act clever”. I obviously hated this remark but after seeing the performance of our present rulers in response to the Kerry-Lugar bill, I am starting to have second thoughts.

The bill, passed by the US Senate on Sept 24 and the House of Representatives on Oct 1, has not landed as a UFO in Pakistan. It had been in the pipeline for a long time, and the much-criticised conditions are more of a South Asian concern.

There are many clauses in the bill that appear to be the handiwork of the Indian embassy in Washington D.C., and Indian lobbyists. These include the ones dealing with the dismantling of terrorist bases of operation in Pakistan, including in Quetta and Muridke; preventing terrorist groups, such as Lashkar-i-Taiba and Jaish-i-Mohammad, from operating in Pakistani territory and carrying out cross-border attacks on neighbouring countries; taking action when provided with intelligence on high-level terrorist targets and ceasing support — including by any elements within the Pakistan military or its intelligence agency — to extremist and terrorist groups, particularly ones that have conducted attacks against the territory or people of neighbouring countries.

What would John Kerry or Richard Lugar know about Lashkar-i-Taiba and Jaish-i-Mohammad, or about the former's headquarters in Muridke?

As opposed to the above, however, there are provisions in the bill that apparently have been instigated by the Pakistani embassy in Washington and maybe even by our present rulers. This explains the vociferous defence being put up to guard the law, as their heads are on the chopping block. Would the Americans, for instance, be interested in the security forces of Pakistan materially and substantially subverting the political or judicial processes in the country? The same legislators were supporting the security forces, led by Pervez Musharraf, until August last year. Why the sudden change of mind?

What has happened is simple. Our rulers, in their innumerable meetings with the American congressmen during the past 18 months, have repeatedly blamed the military and the intelligence agencies for the present mess, and have expressed the apprehension that the political process may very well be subverted by the military. They asked for help in the form of assurances from the Americans that they would be able to complete their tenure.

The Enhanced Partnership with Pakistan Act 2009 — as the Kerry-Lugar bill is formally known — is the maximum that the Americans can do. Many may believe otherwise but they are being naïve. The CIA director, or the US Joint Chiefs of Staff, or secretary of state will not be calling our army chief to tell him to desist from interfering in Pakistan's political affairs. This would not be considered diplomatic or polite. They convey their concerns with a carrot-and-stick approach. Defence equipment and security-related assistance will be provided, but with certain conditions. Take it or leave it.

And the military establishment at a recent meeting of top commanders has made its opinion known. The corps commanders have expressed their “serious concerns” on some of the clauses of the bill that they believe would affect “national security”. This is a golden chance for the opposition to corner the government and to create a rift between the military and the present set-up. Public sentiments are with the opposition on this issue. The chickens have come home to roost.

It is time for the ‘native intelligence’ my British professor alluded to, to surface. Millions of dollars were spent to lobby for this bill and God knows how many man-hours were spent in looking at its language. It was hailed at the time of its passage, and now the same guys are feigning innocence about where this language has come from. The bombshell has been the “serious concern” expressed by the generals.

Lest we forget, the bill was passed by the US Congress and not by the Majlis-i-Shoora. It has been passed, and it is not easy if not altogether impossible to get it modified. It is going to become law after President Barack Obama’s signature, and we cannot stop this process. However, we as a nation can at least do one thing. We can refuse the aid. We can accept assistance that comes without conditions, and politely decline the portion with the stipulations.

This does not mean that Pakistan disagrees with the principles and issues raised through the conditions in the bill. Pakistan should remain committed to eliminating terrorism, whether domestically or externally in any country, including India. There should not be any terrorist base in the country, whether in Muridke, Quetta or Wana. The military should desist from interfering in the country’s political process. But dictation from any quarter cannot, and should not, be accepted. This hurts our ego, dignity and sovereignty, and is an insult to millions of Pakistanis.

Congressmen Kerry and Lugar, while working on their next bill, should keep in mind what their own president, Theodore Roosevelt, once said: “Speak softly and carry a big stick. You will go far.”

Anees Jillani, *Dawn*, (Islamabad), October 14, 2009
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/editorial/kerrylugar-concerns-409>

LANGUAGE OF THE BILL

Why is the Kerry-Lugar bill so controversial? I would say because of its insensitive language and because it puts in words that should be left unsaid or presented in vague and general terms.

At the logical level the bill says exactly what liberal democrats in Pakistan have been saying for a long time, i.e. eliminate terrorism, keep the military out of politics, do not indulge in nuclear black-marketing and be honest in the expenditure of aid money.

I myself have written much on it but — and this is the point — we Pakistanis can say all this but foreigners cannot. If they do there is a sense of outrage even if they are giving money. After all everybody knows the money is being given in the donor's national interest too — so why make it insulting for the ego of the recipients? In any case one can gain more by placating nations rather than by annoying them.

The second point is that the language chosen is too explicit and insensitive and this will actually lower the civilian government's prestige if it is accepted. This means that the very things which the bill wants done would become even more difficult to do.

Let's see what is wrong with it. One provision is that Pakistan cooperate with the US in dismantling supplier networks relating to nuclear weapons. Keeping the A.Q. Khan story in mind this is not an unreasonable demand on the face of it. But is it necessary to rub it in explicitly?

After all, if Pakistanis feel it necessary to violate this provision they will do so. And, what is more, the Americans will turn a blind eye to it just as they did when Pakistan was actually making a nuclear device because it was in America's national interest.

My main point is that there is something upsetting about the language of the bill for many Pakistanis. Look at the way an American official is supposed to report to the US president on how Pakistan's internal control of the military is exercised.

The report will give: "an assessment of the extent to which the Government of Pakistan exercises effective civilian control of the military, including a description of the extent to which civilian executive leaders and parliament exercise oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders, civilian involvement in strategic guidance and planning, and military involvement in civil administration".

This kind of language is, indeed, offensive. While it is desirable that civilian elected leaders should control the military as happens in all democracies. Why should someone give semi-annual monitoring reports to the US authorities that this is being done? In my view this whole subsection should be withdrawn.

Now let us go back to the section which provides for certification that Pakistan is fighting terrorism and the military is not “materially and substantially subverting the political processes of Pakistan”. Again, though highly desirable, there is no need for Americans to be talking about it.

If there is a covert policy in the establishment to preserve some remnants of these terrorist groups to pursue suicidal policies like keeping India under pressure or seeking depth in Afghanistan, then no bill will change that reality. Indeed, with the civilian government under fire by the common people the older suicidal policies will be easier to revive by the reactionary elements of the military.

It is a fact that Pakistan should fight all terrorists, whether they attack cities in the country or in those of its neighbours, for its own sake. This is, indeed, our war and if we retain any link to any previous policy of fighting a proxy war with India for Kashmir or for influence in Afghanistan then we would be committing suicide.

However, as soon as the Americans say this, the public feels that we are either being bribed to help them or are killing our own people. We certainly do not want the public mood against the Taliban to change and the media to celebrate them as heroes just because the language of a document is insensitive.

As for the sub-clause about the military not interfering in politics, this is what all thinking people in Pakistan want. But the military will not be stopped by the Americans if it decides to intervene. Just before Musharraf’s coup the Americans said there would be no military coup in Pakistan but this did not matter when the military decided to move.

This is not to say that there should be no pressure on the military to obey the constitution. There should be. And one way to build it is to punish Gen Pervez Musharraf for past transgressions. Yet another way, and certainly a more effective one, is to provide good governance for the masses so as to create such strong support in the public that the military dare not intervene.

In short, the Kerry-Lugar bill should be reworded so as to assuage the hurt ego of Pakistanis. In my opinion the bill should say just this

much: ‘the US and Pakistan agree to act in accordance with the charter of the United Nations and provisions of international law and those of their respective constitutions’.

Silence and polite language camouflage just what the bill’s offensive and explicit language made public. This formula is vague so as not to annoy anybody but if someone really wants to withdraw if there is a violation (say a terrorist attack or military intervention) then the above provisions may be invoked.

If the bill is not changed our civilian leaders will appear like paid stooges of America to our masses. This will decrease their capacity to fight terrorism and that is something which the world, and not just America, cannot afford. Compromise, balance and pragmatism are the essentials of good policies not stupidity, intransigence and anger.

Dr Tariq Rahman, *Dawn* (Islamabad), October 15, 2009
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/editorial/language-of-the-bill-509>

OBAMA SIGNS KERRY-LUGAR BILL INTO LAW

US President Barack Obama on Thursday signed into law a bill that triples non-military aid to Pakistan to about \$7.5 billion over the next five years, the White House said.

The US president signed the Enhanced Partnership with Pakistan Act of 2009, also known as the Kerry-Lugar-Berman bill, without fanfare before leaving on a trip to New Orleans.

The bill has come under fierce criticism in Pakistan, which dampened the US desire to showcase the bill as a major milestone towards establishing long-term partnership with Pakistan.

Although Foreign Minister Shah Mehmood Qureshi told a news briefing in Washington on Wednesday that Mr. Obama would also attach a signing statement to the new law, the White House said that the president did not and had no intention to do so.

A signing statement underscores the way the executive intends to implement a law, which may differ from the text of the law itself.

“This law is the tangible manifestation of broad support for Pakistan in the US, as evidenced by its bipartisan, bicameral, unanimous passage in Congress,” White House spokesman Robert Gates said.

The signing followed efforts by the Obama administration and US lawmakers to allay concerns in Pakistan over conditions linked to the aid package, while making clear the legislation would not be changed.

Mr. Gibbs said President Obama wanted to engage Pakistan on the basis of a strategic partnership “grounded in support for Pakistan’s democratic institutions and the Pakistani people”.

“This act formalises that partnership, based on a shared commitment to improving the living conditions of the people of Pakistan through sustainable economic development, strengthening democracy and the rule of law, and combating the extremism that threatens Pakistan and the United States,” he said.

The White House made no mention of the controversial clauses included in the act signed on Thursday.

Meanwhile, Foreign Minister Qureshi expressed the hope that a furore at home over the aid package would ease after US lawmakers had given him written guarantees that it would not violate Pakistan’s sovereignty.

US Senator John Kerry and Congressman Howard Berman on Wednesday gave Mr. Qureshi a document stating that the plan did not impose any conditions on Pakistan or infringe on its sovereignty. The lawmakers said a statement clarifying some points in the legislation would be entered into the congressional record. The bill itself will remain unchanged.

Mr. Qureshi called the explanatory statement “historic” and a step forward in bilateral relations. He said he would convey to the Pakistani parliament that the US aid bill was a sign of friendship and not a threat to the country’s sovereignty. Mr. Qureshi visited Washington twice during the last two weeks. His last visit followed allegations in Pakistan that the US aid plan could interfere with the military and the civilian government.

Mr. Qureshi said the congressional explanatory statement had now been placed before the US Senate along with supporting letters from US Secretary of State Hillary Clinton and Defence Secretary Robert Gates. The foreign minister, who flew back to Islamabad on Wednesday evening, said the statement would be attached to the act and would have “the full force of law”. He did not explain whether the Senate would hold a vote on the explanatory note or it would be approved by a committee.

Mr. Qureshi said the explanatory statement dealt particularly with the misgivings over national sovereignty and security. During his two-day visit to Washington, Mr. Qureshi met Vice President Joseph Biden,

National Security Adviser James Jones, architects of the bill on Capitol Hill, US military chief Admiral Mike Mullen and US Special Representative Richard Holbrooke.

“This act fully recognises and respects the independence of Pakistan as a sovereign nation. The purpose of this act is to forge a closer collaborative relationship between Pakistan and the United States, not to dictate the national policy or impinge on the sovereignty of Pakistan in any way,” said the foreign minister. “Any interpretation of this act which suggests that the United States does not fully recognise and respect the sovereignty of Pakistan would be directly contrary to Congressional intent.”

Dawn (Islamabad), October 16, 2009

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/front-page/obama-signs-kerry-lugar-bill-into-law-609>

‘EXPLAINING’ KERRY-LUGAR

The government’s frantic diplomacy to defuse the domestic opposition to the Enhanced Partnership with Pakistan Act of 2009 has yielded an ‘explanatory statement’ from the US Congress that attempts to allay concerns here that the Act will undermine Pakistan’s sovereignty and national interests.

“There is no intent to, and nothing in this Act in any way suggests that there should be, any US role in micromanaging internal Pakistani affairs, including the promotion of Pakistani military officers or the internal operations of the Pakistani military.” Success snatched from the jaws of defeat by the government, then?

The answer depends on whether the issue is analysed from a political or a strategic perspective. Arguably, on the political side, the government may be able to win enough support for the Act in parliament now, which will allow the money to start flowing once the appropriations process is completed.

And given that the Pakistan Army has also indicated its intention to defer to parliament that should mean the army will abide by whatever the decision of the elected representatives of the people. Yet, the fiasco over the Kerry-Lugar aid and ‘conditionalities’ has exposed problems in the domestic sphere that will take a lot of savvy to resolve.

For one, the decision-making process of the state appears to be in tatters. Parliament was kept out of the loop and potentially influential bodies such as the cabinet committee on defence were not involved.

For another, the army has publicly intervened and contradicted the government, which bodes ill for civil-military relations. If history is any guide, more than a handful of such controversies and the democratic order itself can come under attack.

On the strategic side, the uproar over the Kerry-Lugar bill has exposed continuing differences in both the US and Pakistani establishments. Quetta, Muridke and nuclear black-marketing crept into the Act because there is a significant camp in the US, including the Obama administration that believes Pakistan is first and foremost a part of the problem, and not necessarily part of a cooperative solution to regional problems.

Meanwhile, here in Pakistan there is a camp that firmly believes the US is out to undermine the country's interests. Cooperation between the two states will continue, but so will the dissent of hawks in both countries.

Editorial, *Dawn* (Islamabad), October 16, 2009
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/editorial/explaining-kerrylugar-609>

QURESHI DEFENDS KERRY-LUGAR BILL IN NATIONAL ASSEMBLY

Foreign Minister Shah Mehmood Qureshi assured parliament on Friday no Pakistani authority had been conceded to benefit from the Kerry-Lugar bill of enhanced US aid to Pakistan as he wound up the most furious debate the present government faced in 18 months of its life. In speeches to the National Assembly and Senate to close prolonged opposition-sought discussions in the two houses hours after his return from urgent talks with US authorities, he put a brilliant defence of what President Barack Obama on Thursday signed into law as Enhanced Partnership with Pakistan Act of 2009, which will triple non-military US aid to Pakistan to \$7.5 billion over the next five years.

'Pakistan has neither conceded any of its authority nor it intends to concede anything,' he said in identical speeches in the two houses before they were prorogued after talking out the opposition motions. He extensively quoted from an explanatory statement he secured from the

two houses of the US Congress to reject charges from opposition parties and other critics that the new American law's conditionalities applicable to a still undetermined military aid would compromise Pakistan's sovereignty. In both houses, the minister was repeatedly applauded by desk-thumping by members of the PPP-led ruling alliance, particularly during an hour-long fiery speech in the 342-seat National Assembly, where only a few chants of 'Shame, Shame' and 'Bill Namanzoor' (bill not accepted) were raised from the opposition benches after Deputy Speaker Faisal Karim Kundi read out a presidential order proroguing the house after a 12-day session.

However, the foreign minister's second oration before a low attendance in the 100-seat Senate afterwards was low-pitched, and house chairman Farooq Naik rejected a demand from opposition leader Wasim Sajjad to hold another debate on Wednesday's explanatory statement, which said its purpose was 'to facilitate accurate interpretation of the text (of the act) and to ensure faithful implementation of its provisions' and that 'this legislation does not seek in any way to compromise Pakistan's sovereignty, impinge on Pakistan's national security interests, or micromanage any aspect of Pakistani military and civilian operations'. Mr. Qureshi said the explanatory statement, which also says that 'there are no conditions on Pakistan attached to the authorisation of \$7.5 billion in non-military aid' had become part of the US bill, as he appealed to parliamentarians to reach conclusions keeping in view Pakistans interests.

The note also says: 'The only requirements on this funding are financial accountability measures that Congress is imposing on the US executive branch, to ensure this assistance supports programs that most benefit the Pakistani people.' 'This is not the time for political point-scoring (because) Pakistan is facing huge challenges to its security,' the minister said, referring to the activities of terrorist organisations as well as what he called India's 'diplomatic onslaught' after terrorists attacks in Mumbai in November last year - about which he noted that seven accused arrested in Pakistan were facing trial while 20 others were absconding.

'We have to understand the environment in which we are working,' he said and asked parliament members: 'Please rise above parochial or party interests ... and unify for the sake of Pakistan. Pakistan needs your wisdom.' Mr. Qureshi took particular exception to those calling for rejecting the US bill, which he pointed out envisioned its extension for another five years that would take the total non-military aid

to \$15 billion and said: 'I can say with authority that if \$15 billion is invested in Pakistan in the next 10 years through this bill it will change the shape of social indicators.'

Right Signal

The minister said the bill would also encourage other international donors to help Pakistan. 'This is a signal. The international financial institution and many countries who want to support Pakistan were waiting to see what signal does the United States give. And the signal has given the right nod to financial institutions of the world and to other democrats and other industrialised countries of the world to come to Pakistan's assistance....'

He said those calling for rejecting the bill out of hand did not understand the economic and vital defence and security implications 'that are linked with our partnership and our bilateral relations with the United States.

While justifying conditionalities such as those relating to Pakistan's commitment to fighting terrorism, improving border controls, preventing nuclear proliferations, and strengthening civilian authority that he said were part of the country's declared policies, the minister agreed with objection taken to the language of some sections of the bill which he said Islamabad had tried its best to rectify in the face of more resourceful lobbies seeking to harm Pakistan. About fears of Pakistan's nuclear programme being hit by the conditions, Mr. Qureshi said the whole nation was united on maintaining a 'credible minimum deterrence' and there was no question of allowing any restriction on it.

The minister, who had gone to the United States after a brief appearance in the National Assembly on Oct 9 after an earlier trip to Washington, said he had minced no words in conveying reservations expressed in Pakistan and got a prompt response from the authors of the bill and other US officials in the shape of the explanatory statement to meet those concerns, which included a statement issued by an army corps commanders that 'expressed serious concern regarding clauses (of the bill) impacting on national security'.

Dawn (Islamabad), October 17, 2009

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/04-kerry-lugar-bill-supports-all-stated-policies-pakistan-qs-05>

KERRY ARRIVING ON A DIFFICULT MISSION

John Kerry, the chairman of US Senate's Foreign Relations Committee and one of the authors of the much-debated \$7.5 billion aid package, arrives here on Sunday to a warm reception by the government. But he also faces 'hot sessions' with the opposition leaders and army officials over the issue.

The government intends to praise his role in formulating the legislation and also getting it approved. He is going to be praised particularly for his efforts in helping Islamabad to secure an explanatory note that sought to allay the concerns of opposition leaders.

Senator Kerry will meet President Asif Ali Zardari, Prime Minister Yousuf Raza Gilani and Foreign Minister Shah Mehmood Qureshi. He will also have an opportunity to interact with Army Chief Gen Ashfaq Parvez Kayani, ISI Chief Lt-Gen Ahmed Shuja Pasha and PML-N leader Nawaz Sharif — all of whom have criticised the package and appear to be dissatisfied also with the explanation on the intent of the law.

Senator Kerry will try to reassure his interlocutors that the US has no intention of undermining Pakistan's interests. It will probably be the best chance for the military leadership to convey their reservations and fears about the law.

Sources say that Gen Kayani will present his point of view to Mr. Kerry. They claim that the army has decided not to publicly confront the government or the US on the issue, although it is still uncomfortable with some controversial clauses and believes that the explanatory statement attached to the bill hardly addresses their concerns.

Senior army commanders are of the opinion that, notwithstanding the clarification on the intent of the law, the issues mentioned in those clauses will create problems at later stages.

Opposition parties have also rejected the explanatory statement.

PML-N leader Javed Hashmi told reporters after a speech by the foreign minister in parliament on Friday that his party had rejected the Kerry-Lugar bill.

The sources said the government would use the occasion to discuss with Mr. Kerry the legislation on appropriations that would authorise disbursement and utilisation of the aid.

Although the Kerry-Lugar-Berman Act and the attached explanatory note is expected to be the main focus of Mr. Kerry's deliberations during his two-day stay in Islamabad, diplomatic sources

said the government of Pakistan would also raise the issue of Gen McChrystal's report on Afghanistan, which called for a change in the strategy of coalition forces and provision of about 40,000 more troops.

Islamabad is averse to increase in foreign troops in Afghanistan and says it will have a destabilising effect on Pakistan.

Dawn (Islamabad), October 18, 2009

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/front-page/kerry-arriving-on-a-difficult-mission-809>

KERRY URGES LEADERS TO MOVE ON

US Senate Foreign Relations Committee Chairman John Kerry departed on Monday after a whirlwind visit to Islamabad with the hope that the controversy over the aid legislation he had co-authored with Senator Lugar was over and Pakistan would welcome the money. However, he wasn't sure if all stakeholders were satisfied.

Senator Kerry made the trip to clarify to Pakistan's civilian and military leadership the intent of the legislation that evoked strong criticism here because of certain clauses which appeared to impinge on the country's sovereignty and national security. The language also was considered to be demeaning.

Senator Kerry, who arrived here late on Sunday night, met President Asif Zardari, Prime Minister Yousuf Raza Gilani, Army Chief Gen Ashfaq Parvez Kayani, ISI chief Lt-Gen Ahmed Shuja Pasha and PML-N chief Mian Nawaz Sharif and emphasised that the ruckus over the law needed to be cleared up and a way forward should be found, instead of 'being drawn down in an unfortunate and totally unnecessary diversion from very real challenges'.

The schedule of his meetings, in which his interaction with President Zardari was no more than a courtesy call and engagements at the Foreign Office and the finance ministry were dropped, showed that Mr. Kerry wanted to focus his visit on those who had reservations about the aid package and an explanatory statement had failed to address their concerns.

During his meetings, the senator who looked quite fatigued because of the long journey took pains to explain to some of the most bitter critics that it was a pro-Pakistan and pro-democracy legislation.

There was nothing sinister in it and it had 'no effect whatsoever on Pakistan's sovereignty'.

Explaining objective of the law that provides for \$7.5 billion socio-economic assistance for Pakistan over the next five years, he said it was designed to have a long-term engagement with the people of Pakistan and strengthen their bond with the people of the US with a desire to change wrong perceptions about America.

‘It is a very straightforward and legitimate effort to respond to the needs of Pakistan,’ Mr. Kerry said.

He was concerned that although many people understood the essence of the law, the disparagement of the Kerry-Lugar-Berman Act did not end even after the explanatory statement which was part of the act and had full force of law, having been filed along with the bill.

It could not have been clearer,’ Mr. Kerry told journalists, adding that the explanatory statement fully clarified that the US honoured Pakistan’s sovereignty and there was no effort to micromanage it.

Although he tried during his media interaction to avoid giving an impression that he was disappointed by the criticism, at one point he could not hide his frustration and hit out at the Pakistani critics, saying: ‘If you don’t want it (the assistance), say so. No one is forcing you to take it.’

His message for the political and military leadership of the cash-strapped country mired in political, economic, energy and security problems was loud and clear that they needed to be pragmatic. ‘I don’t think we should play to the galleries. We need to look at the big picture and look at it honestly and have an honest assessment of it.’

Mr. Kerry wouldn’t say if he had succeeded in allaying the concerns of the opposition and the security establishment. ‘This is for your leadership to determine. I don’t want to make a prediction.’

However, he described his meetings with Gen Kayani and Lt-Gen Pasha as positive.

He reiterated his desire that things should return to the constructive mode and hinted that a legislative process could be initiated at a later stage to address the concerns in Pakistan about the law.

‘We’ll work in a constructive way in days ahead, absolutely making certain that what happens here is the building of a relationship with the people of Pakistan in a way that the Pakistani people feel comfortable and accept it.’

GILANI

Mr. Gilani's discussion with Senator Kerry appeared to be out of sync with the strong defence of the Kerry-Lugar-Berman Act put up by the foreign minister in parliament last week after returning from Washington.

The prime minister was quoted in a press statement as having said: 'The US must take cognisance of public sentiments in Pakistan about their concerns on the Kerry-Lugar Bill and seek to address these concerns through tangible initiatives as well as effective public diplomacy.'

He stressed that Pakistan would never compromise on its sovereignty and core national security interests.

The prime minister appeared to be echoing the continuing fears in the security establishment as he expressed the hope that the conditionalities would never come in the way of the US at any stage in fulfilling its commitments to Pakistan under the legislation. 'This would constitute a real test of US credibility.'

Though the army has decided against publicly criticizing the aid package, senior commanders believe that notwithstanding the clarification of the intent the controversial clauses would create problems at some later stage.

ZARDARI

Mr. Zardari, a strong proponent of the assistance, thanked the US leadership for supporting democracy in Pakistan.

NAWAZ

The PML-N chief, in his meeting with Mr. Kerry, asked questions about the legality of the explanatory statement.

Mr. Sharif, whose party has rejected the act, urged Mr. Kerry to consider suitable measures to allay the doubts and misgivings that had arisen in Pakistan. He called for a 'genuine partnership with the people of Pakistan based on mutual respect and trust'.

Dawn (Islamabad), October 20, 2009

THE BILL EXPLAINED

The reaction in Pakistan to the Kerry-Lugar bill surprised both Islamabad and Washington. Foreign Minister Shah Mahmood Qureshi conveyed to the Obama administration the Pakistani military's unhappiness with some of the provisions of the bill.

Following the meeting with the minister, the sponsors of the bill agreed to issue a statement [,] clarifying that it was neither the intention of the US authorities to micromanage Pakistani affairs nor to do anything that would subvert the country's sovereignty.

The bill passed by the US Congress, popularly known as the Kerry-Lugar bill, seeks to restructure Pakistan's relations with the United States on a more durable basis. In the past these relations were on an 'on-and-off' basis; they were 'on' when Washington needed Pakistan in pursuit of its strategic interests and 'off' when Washington's attention was diverted away from the region of which Pakistan is a part.

While it is easy to understand why the military high command was upset with some of the provisions in the bill, the reaction of some of the politicians and a section of the press and electronic media is more puzzling. The bill, now the Enhanced Partnership with Pakistan Act of 2009, after President Obama's signature, covers a fair amount of ground: it defines the objectives the United States would like to see achieved after the large amount of assistance it is planning to provide; it has many expectations from Pakistan and includes provisos for evaluating the performance of the country in the use of the funds released by the United States.

It is worth quoting at some length what are described as the 'findings' of Congress in the bill. These usually express the sentiment in the legislative body at a given time. The bill states that "the people of the Islamic Republic of Pakistan and the United States share a long history of friendship and comity, and the interests of both nations are well served by strengthening and deepening this friendship". Only those would quarrel with this statement who would not like to have a close relationship with Washington.

Then there is the question of the orientation of the earlier help provided to Pakistan. The bill states: "Since 2001, the United States has contributed more than \$15bn to Pakistan of which more than \$10bn has been security-related and direct payments" to compensate Islamabad for the services provided to the American forces operating in Afghanistan.

One of the criticisms against American assistance in the past was that it concentrated a lot of effort on providing to the military and not for developing the economy. The bill seeks to address this imbalance by providing a much greater amount for economic development. In addition it would support the country's efforts to move towards democracy. "With the free and fair election of February 18, 2008, Pakistan returned to civilian rule, reversing years of political tension and mounting popular concern over military rule and Pakistan's own democratic reform and political development."

Once again, there cannot be any problem with this finding or with the requirement that Pakistan's continued progress towards putting in place a democratic structure would be periodically reported upon by the administration in Washington to Congress. There are also Congress's 'findings' about the progress Pakistan has made in controlling the increase in domestic terrorism. I will take up this issue in a later article.

The bill is divided into three parts, or 'titles' in the language of the American legislature. The first covers economic assistance, the second security assistance and the third accounting and monitoring. What is laudable — and should be seen as such in Pakistan — is that separate provisions are made for the two objectives of the bill: economic development and security.

A total of \$7.5bn is to be provided for developing the economy but an unspecified additional amount will be given for aiding the security forces. Neither of the two titles carries the kind of conditionality that comes with loans from the World Bank and the Asian Development Bank or the programmes negotiated with the International Monetary Fund. In those cases, the country usually commits itself to taking a number of specific steps.

Two examples illustrate this point.

When a decade ago Pakistan borrowed from the World Bank some funds to develop its power sector it agreed to restructure Wapda according to a plan essentially developed in Washington. This was implemented but it had the unintended consequence of reducing investment in the power sector. Similarly Islamabad agreed to very specific fiscal and monetary targets with the IMF when it negotiated an agreement with that organisation in November 2008. It is understood that the flow of funds would stop if these conditions were not met. The World Bank sends out supervision missions and the IMF review missions to make sure that their conditions are being met.

The American bill does not have such conditions. The only requirement is that the administration report to the various committees of Congress on the expectations it has of the policies Pakistan will adopt. The bill does not have the provision that economic aid to Pakistan will be terminated or reduced if the country does not implement some of the recommendations made by the US Congress. The World Bank and IMF support comes with this kind of contingency. However, since Congress will authorise expenditure on a yearly basis in the context of the overall bill, it is possible that a change in political system could lead to a reduction in the amounts that would be made available. This is the way the US system works. It is not peculiar to aid to Pakistan.

Shahid Javed Burki, *Dawn* (Islamabad), October 20, 2009
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/editorial/the-bill-explained-009>

FROM WASHINGTON WITH LOVE

Senator John Kerry has closed the debate on the Kerry-Lugar bill indicating, 'It is what it is'. Foreign Minister Shah Mehmood Qureshi, relying on the clarifications rather than the text of the act, has closed the debate in the National Assembly with the conclusion: 'It is not what it is'. You may agree with either of them or — since it is a free country — both of them.

It is rather embarrassing to tell someone that he doesn't mean what he says or doesn't say what he means, but that is where the long debate on the KLB has taken us to, after the Kerry-Berman clarifications of the bill. If one can find one's way out of the fog of the eloquent verbiage of the explanatory statement, one would realise that it doesn't even make an effort to clarify the provisions that need not only clarification but justification as well. To keep the discussion brief and focused I will keep it confined to only four provisions of the act that relate to matters of greater concern.

First, Section 203(b) of the act. This provides that no major defence equipment may be sold to Pakistan in a fiscal year until the US secretary of state makes a certification under the act that the Government of Pakistan is making progress on matters enumerated in Section 203(c).

Thus, the bar is not on diverting the funds provided by the US, but on purchase by Pakistan out of its own funds. The explanatory statement

offers no clarification or justification for this limitation on the purchase of arms. The statement doesn't even refer to Section 203(b).

Second, Section 301(b)(2) states that the US president shall develop a comprehensive strategy regarding terrorist threats "including by working with the Government of Pakistan and other relevant governments and organisations in the region and elsewhere, as appropriate, to best implement effective counter-insurgency and counter-terrorism efforts in and near the border areas of Pakistan and Afghanistan, including Fata, the NWFP, parts of Balochistan, and parts of Punjab".

The explanatory statement does refer to Section 301 but makes its lethal provisions — quoted above — look very innocuous. It merely says that the US government will prepare a regional security plan "for how the United States can best work with its partners for effective counter-insurgency and counter-terrorism efforts".

The statement doesn't explain what "other relevant governments and organisations" means. It doesn't explain whether implementing counter-terrorism efforts in various areas of Pakistan (virtually the whole of Pakistan) includes carrying out anti-terrorist operations within Pakistan, in collaboration with such governments as those of India and Israel, and such organisations as RAW and Mossad. If this is not what it means then what is the correct meaning of this clause?

Third, Section 302(a)(13) provides that the secretary of state in the semi-annual monitoring reports shall make an assessment "whether assistance provided to Pakistan has directly or indirectly aided the expansion of Pakistan's nuclear weapons programme whether by diversion of United States assistance or the reallocation of Pakistan's financial resources that would otherwise be spent for programmes and activities unrelated to its nuclear weapons programme".

Thus even if Pakistan supports its nuclear weapons expansion programme out of its own funds it could be argued, correctly, that those funds would otherwise have been spent for other programmes. There is, hence, no way that Pakistan could expand its nuclear weapons programme and still claim satisfactory performance within the parameters of Section 302. This makes the intent of the US Congress quite clear. Congress would like Pakistan to freeze its nuclear weapons programme to qualify for assistance under the act. The explanatory statement does not clarify that such is not the intent of Congress.

It needs to be clarified here that the secretary of state's discretion to exercise waiver applies only to the conditionalities mentioned in Section 203 but not Section 302 or any other section of the act.

Fourth, Section 302(a)(15) provides that the secretary of state would also, among other things, assess "the extent to which civilian executive leaders and parliament exercise oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders...." This is the only clause of the act about which the explanatory statement has given a clarification. It is in these words: "There is no intent to, and nothing in this act in any way suggests that there should be any US role in micro-managing internal Pakistani affairs, including the promotion of Pakistani military officers or the internal operations of the Pakistani military".

This explanation is a repetition of the assurances in the statements given by various functionaries of the governments of the US and Pakistan that the act does not impose any obligation on the Government of Pakistan. It merely requires the secretary of state to report the progress made by the Government of Pakistan on the matters enumerated in the act.

This is an evasive argument to say the least. The correct chain of reasoning is simple. Congress has laid down certain markers for good performance by the Government of Pakistan. The secretary of state has to report whether progress has been made in respect of those matters. The Government of Pakistan, in order to qualify for the continuation of the assistance, shall have to win the goodwill of the US Congress by showing progress. Thus, whatever needs to be done in Pakistan — in the opinion of Congress — will have to be done by the Government of Pakistan if it accepts the assistance under the act.

In the context of Section 302(a)(15), for example, the Government of Pakistan shall have to assert civilian control over all those matters relating to the military, including promotion of senior military officers. Some of those things would surely be resented by the military. It is, therefore, a good recipe for encouraging civil-military conflict in this conflict-prone relationship. Why, if I may ask, must the US Congress meddle in these matters?

It is fair to conclude, therefore, that the explanatory statement neither clarifies nor explains, but only reiterates the claim that everything in the act is for the good of Pakistan. Since we cannot question the higher purpose that the US lawmakers have in mind, we better try to understand

the message from Washington: it is what it is, and there is nothing that you can do about it.

Iqbal Jafar, *Dawn* (Islamabad), October 21, 2009
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/editorial/from-washington-with-love-109>

POLITICS OF KERRY-LUGAR BILL

Vice President Joe Biden has proposed the idea of “Pakistan First”, according to which the road to victory in Afghanistan lies through the targeting of the Taliban in Pakistan rather than those in Afghanistan

Pakistan is in the eye of storm because of the Kerry-Lugar Bill. Initially, the government took the view that the aid bill was the best thing that ever happened to Pakistan and the Interior Minister reportedly tried to get the federal cabinet adopt a resolution lauding it.

The opponents of the bill, especially the army, took a different view. The army believed that some of its clauses posed a threat to Pakistan’s security and expressed its reservations through the media. The government not only utterly disagreed with the assessment but was also not pleased with the army’s use of a public forum to express it.

President Zardari was so convinced of his viewpoint that he asked his ministers to go out and defend the bill with full force. At one point, the controversy became so intense that rumours emerged that he was thinking of sacking the army chief, and political pundits feared a replay of the October 1999 episode.

What is the politics behind the Kerry-Lugar controversy? Is this just an honest difference of opinion or is there more to it than meets the eye?

We begin by looking at the objectionable provisions in the bill. They require the Pakistan government to do the following: cease support to extremist and terrorist groups that have conducted attacks against the US or coalition forces in Afghanistan and to dismantle their bases in Quetta; to prevent terrorist groups such as LeT and JeM from carrying attacks from Pakistan’s territory into India and to dismantle the terrorist base in Muridke; to exercise effective control of the military including oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders, civilian involvement in strategic guidance and planning and military involvement in civil administration; and finally to desist from using or diverting the American assistance for expansion of its nuclear programme, or reallocating

Pakistan's own financial resources that would otherwise be spent for activities unrelated to its nuclear weapons programme

These provisions are apparently very innocuous because they seem to promote the same objectives that Pakistanis profess. However, on close scrutiny one finds that through the Kerry-Lugar Bill, the Obama Administration aims to advance its agenda with regard to the army, against whom it has a grouse on a number of counts.

To begin with, it accuses the army of duplicity vis-à-vis the ongoing insurgency in Afghanistan. Concretely put, it thinks that while the army has acted robustly against the Pakistani Taliban in Swat, it has failed to show the same level of commitment against the Afghan Taliban who have established "safe havens" in Pakistan from where they operate in Afghanistan. In fact, the US administration goes to the extent of claiming the presence of the entire Afghan Taliban leadership, termed the "Quetta Shura", in Pakistan. It wants the army to act against them.

Given the latter's reluctance, Vice President Joe Biden has proposed the idea of "Pakistan First", according to which the road to victory in Afghanistan lies through the targeting of the Taliban in Pakistan rather than those in Afghanistan.

Second, the Obama Administration believes that even though the Pakistani government has banned jihadi organisations like LeT and JeM, the army still considers them strategic assets to be used against India at an opportune time. The government's failure to prosecute the head of Jama'at-ud Dawa (formerly the LeT) Hafiz Saeed, who is accused of masterminding the Mumbai terrorist attack, may have confirmed this impression. Through the Kerry-Lugar, the Obama administration wants to pressurise the government to proceed against these organisations and considers the dismantlement of the Muridke base in particular, which is regarded as the GHQ of the LeT, as a test case.

The Indian lobby in the US Congress must have been instrumental in getting this provision inserted in the bill. However, it would be wrong to assume that Congress did so solely because of Indian bidding. The fact of the matter is that the US is wary of any act of terrorism in India as it wants to build India as a counterweight against China.

Third, the Obama administration wants Pakistan's military to accept civilian supremacy not only in political matters but also in matters such as oversight of the military budget, the chain of command, the process of promotion of senior military leaders, etc. It is pushing for this less out of a desire to promote democracy in Pakistan and more for

strengthening the hands of President Zardari who is highly amenable to American manipulation because he largely owes his present position to the US. If this comes about, it would open ways and means to control the army and especially the ISI, which the Americans suspect is in cahoots with the Afghan Taliban.

Finally, the Obama administration, which is opposed to Pakistan's nuclear programme (let us not forget that during the 2004 US presidential election candidate, Senator Kerry, a co-sponsor of the bill, declared that if he won, he would try to get control over Pakistani nukes) is keen to get it frozen through the bill not only by stopping the diversion of American assistance but also the reallocation of Pakistan's own financial resources to its development.

Why is the government so keen to support the Kerry-Lugar Bill?

There are two explanations for it. First, it is in dire need of money to run the affairs of the state and thinks that once the funds start flowing, it would help strengthen its hold on power, though there are some in its ranks who may be thinking of riding a new gravy train.

Second, through the Kerry-Lugar Bill, it wants to put the army under leash because this is the only source from where it feels a threat to its political longevity. It does not care if it has to join hands with the devil or the Americans (aren't two the same?) for the purpose. Let us not forget that at the time of Prime Minister Gilani's visit to the US, to please the Americans the government tried to put the ISI under the Ministry of Interior by issuing a notification to that effect, though subsequently in the face of resistance from the army it had to back down.

Why did the army go public with its reservations on the bill? It did so because it was reportedly left with no other option as it wrote to the government about its concerns and the COAS personally conveyed them to Zardari before the adoption of the bill, but to no avail. Besides, it contends that the last version of the KLB that it received on September 15 did not contain the 12 clauses that were added subsequently in the final version, which it claims it never received.

Irrespective of the controversy, the army seems to have the following objective in going public: send a loud and clear message to President Zardari that he cannot hope to control the army by aligning himself with the US; and to the US that by aligning itself with Zardari it cannot hope to use the army to promote its agenda in the region. Above all, in a clever move, it presented itself as the champion of the people's

rights by asking the government to submit the matter to the National Assembly for its decision.

What is likely to be the fallout of the episode?

It goes without saying that the army has deep distrust for the government and the Obama administration's explanatory note, that the Kerry-Lugar Bill is no threat to Pakistan's sovereignty, may not have allayed it. In fact, Sen. Kerry's statement the other day in which he revealed that the Pakistani government did not raise any concern over the bill with the congressional delegations that visited during the last several months may have deepened it. It would not be surprising if the minus-one formula that had receded into the background following the revelations by Brig Imtiaz comes to the fore again.

Ijaz Hussein, *Daily Times* (Lahore), October 21, 2009
http://www.dailytimes.com.pk/default.asp?page=2009\10\21\story_21-10-2009_pg3_2

KERRY-LUGAR BILL: THE ARMY'S OBJECTIONS

Does no one understand that they can only be strong if they enjoy the support of the people of Pakistan and, if they do, no army can 'subvert the judicial and political processes' in Pakistan?

Many analysts in Pakistan find nothing wrong with the Kerry-Lugar (K-L) Bill. Some feel that Pakistan is so desperately in need of assistance that the bill should be accepted at any cost — preconditions or consequences notwithstanding. The President is firmly behind it; the Prime Minister expressed concern initially, but soon fell in line behind the president. The opposition seems to consider this a golden opportunity to take on the government on its continued submission to the United States at the cost of our sovereignty, and while prepared to tear the government apart on the issue, is carefully refraining from criticising the US.

However, surprisingly, the army, which has been at pains to establish the principle of civilian supremacy, has not only discussed the subject in its annual corps commanders' conference, but has thereafter issued a public statement to the effect that it "has concerns...the details of which will be conveyed to the government...Pakistan is a sovereign state and has all the rights to analyse and respond to the threat in accordance with its own national interests...in the considered opinion of the forum,

it is parliament that would deliberate on the issue to enable the government to develop a national response.”

What does this statement by the army imply?

Obviously, it has reservations about the government's unconditional acceptance of the bill. It is almost certain that, having conveyed its concerns to General Stanley McChrystal, the US commander in Afghanistan, during his visit, the army must also have conveyed these to the government, but was dissatisfied with its response and, consequently, decided to express these publicly, without specifying the 'concerns'.

Moreover, it has publicly implied its dissatisfaction with government policy on this issue and, while announcing its acceptance of the supremacy of parliament, it seeks a 'national consensus'.

From a totally apolitical, democratic army chief, who has ensured so far that the army visibly stays out of politics and has attempted to erase the view that the army will always have political clout in Pakistan, this is a most unusual and unexpected move. In effect, he has reasserted the army's political role; knowing him, as I do, there must have been very compelling reasons for him to do so.

Let me state here, unequivocally, that it is the prerogative of any donor country/organisation to monitor and ensure that its donations are spent on what they are intended for. In the case of a country like ours, the issue is compounded by the fact that a) our past record of utilisation of assistance is questionable – Pervez Musharraf's recent public admissions are a case in point; and b) the current political leadership also has a dubious record which does not inspire confidence.

Having said that, it is also the right of any country not to accept donations with conditions that are unacceptable.

It is also essential to clarify that the K-L Bill is indeed a people-friendly bill intended to assist the people of Pakistan, by helping the government find a way out of the current financial crunch. It is also important to point out that there are no preconditions to the non-military assistance; preconditions apply only to continued 'security related' assistance from 2011 to 2014.

However, my first concern is that if the aid is going through USAID and NGOs patronised by the US, the overheads are going to be phenomenal. A modest estimate puts them at 50 percent, which is the sum that will go back to the US as compensation for goods and services provided by US citizens and organisations.

Nonetheless, the question still arises: should that make it acceptable to us, despite the preconditions?

As I read the K-L Bill, I find that it begins with Section 203: Limitations on Certain Assistance. It reads like an indictment in which the complicity of the Pakistan government, the army and the ISI in assisting the Taliban (against ourselves!), not in the past, but today, are a 'given' and aid is subject to all three proving their innocence. Guilty until proven innocent!

I also see two preconditions that, in my view could be of concern to the Pakistan Army. First, "the Government of Pakistan is continuing to cooperate with the United States in 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"; second, "the security forces of Pakistan are not materially and substantially subverting the political or judicial processes of Pakistan".

Not only are both conditions insultingly intrusive, they sound perilously akin to another piece of legislation that was intended to assist Pakistan — the Pressler Amendment. With such preconditions, US assistance can cease at the slightest excuse.

By what right should the American administration, which has traditionally been happier dealing with dictators, take upon itself the right to judge us and to provide "certification by the Secretary of State, under the direction of the president" that the Pakistan Army is not subverting the "judicial or political processes of Pakistan"?

There is a strong and fairly reliable rumour that certain individuals in the Pakistani political hierarchy, far from being opposed to this precondition, have been actively lobbying in Washington to ensure its inclusion. Some of them, on return, have been gloating of how the K-L Bill would 'teach the army a lesson'.

Incidentally, Pakistan's ambassador to the US virtually wrote the text of the K-L Bill in his much-publicised book *Pakistan: Between Mosque and Military*, published in 2006. If the former is correct, it would certainly explain why somebody like General Kayani would find it necessary to act in a manner that is the opposite of all that he has endeavoured so hard to stand for.

The PMLN can cry foul as much as they like but, in the post-Kargil scenario, they didn't act very differently, when Shahbaz Sharif flew to the US to obtain a statement from the then US administration to the effect

that the US would not look favourably on a military intervention in Pakistan.

I never cease to be amazed at why our politicians continue to believe that they may be elected by the Pakistani people, but can only continue to hold office with Washington's approval. No wonder that whoever is in power fails to provide the 'good governance' that could ensure his/her re-election and instead continues to kowtow to Washington. Does no one remember Nelson Mandela, Mahatir Mohammed, or even Hugo Chavez?

Does no one understand that they can only be strong if they enjoy the support of the people of Pakistan and, if they do, no army can 'subvert the judicial and political processes' in Pakistan? Don't they understand that by this act they cede even more of our sovereignty to the US than when they permit drone attacks on our soil? The drone attacks, at least, are intended against our common enemy.

Ironically, I feel most sorry for my friend, General Kayani, who has been forced to act in a manner that must be hurting him, more than it hurts me. I am glad that a meeting ground was found domestically. Ironically, had the 'Note of Clarification' been the premise of the original bill, I don't think we would have had any difficulties. As things are, I can only hope.

Shaukat Qadir, *Daily Times* (Lahore), October 22, 2009

KERRY-LUGAR: THE FALLOUT

Few foreign policy issues in Pakistan have been debated with greater intensity than the recently enacted US legislation, the Enhanced Partnership with Pakistan Act of 2009, popularly referred to as the Kerry-Lugar bill.

The act seeks to achieve the US goal of a 'balanced, integrated, countrywide strategy for Pakistan', described as a 'critical friend and ally'.

To this end, it provides for \$1.5bn in annual economic assistance for five years and renewable for another five. This is meant to 'support the people of Pakistan and their democratic government in their efforts to consolidate democracy....'

The reaction in Pakistan, however, has been hostile. Many Pakistanis believe that the US is a fair-weather friend and has shown scant regard for our sensitivities, even less for our interests. Some acknowledge

that since the US has misgivings regarding many of our policies, these have to be inserted into any framework of long-term duration.

But our anger is directed less at the Americans and more at our government. Even if we attribute some of the act's provisions to insensitivity, there is no denying that had there been a concerted effort by us, a less offensive piece of legislation would have resulted.

Notwithstanding our massive failures, the US is not giving us charity out of altruistic motives. There is no such thing as a free lunch, certainly not in the US. Any lasting relationship has to have a measure of mutual respect and common interest, as well as an understanding of each other's history, culture and ethos. This is where the US has failed, not only in Pakistan, but in other places as well. The government is, however, surprised at the objections raised. Its defenders are at a loss to understand why anyone would object to receiving this money, meant for 'the people of Pakistan', even if nearly half is likely to go back to the US in the form of consultancy fees and administrative costs.

While the Kerry-Lugar bill was under consideration, the government made no effort to brief its coalition partners, or take into confidence the other institutions, not even parliament. Its entire focus was on getting assistance, with little regard to the language or provisions of the bill. It hailed the bill's passage as a great diplomatic triumph.

No effort was made to respond intelligently to the concerns of critics. Had this been done, at least its coalition partners would not have distanced themselves from what they recognised as a disaster in the making. The army's public statement that some of the provisions raised national security concerns was even more unfortunate. This unleashed all kinds of speculation. Again, the government focused on the public nature of the statement, which was uncalled for, rather than on the fact that given our turbulent history of civil-military relations, it should have ensured that the armed forces were on board. It could have warded off the embarrassment it later faced.

Moreover, in its dealings with the US administration and Congress, the government appeared to lack an overall strategy, failing to recognise that earlier aid packages had been finalised during dictatorships, when our negotiating hands were weak, lacking as we did in both legitimacy and credibility. And yet, we had been fairly successful in resisting offensive and demeaning provisions. This time we should have done better, using the democracy card with greater skill. Since aid was being given to a democratic government, we should have impressed upon the US that

with a sovereign parliament, an independent media and an assertive civil society, it would not be possible for an elected government to accept the kind of offensive and intrusive provisions that authoritarian regimes had no hesitation in embracing. This was apparently not done.

Admittedly, the explanatory statement issued by Senator Kerry and Congressman Berman is a welcome initiative to 'facilitate accurate interpretation' of the act and to ensure the 'faithful implementation of its provisions'. Foreign Minister Shah Mehmood Qureshi hailed it as a 'historic document', but it may prove to be a case of 'too little, too late'.

In fact, for those of us who favour close ties with the US and who were encouraged by President Obama's policy of dialogue and engagement, the fallout has not only been most unfortunate but may continue to haunt us for years. On the external front, far from building trust and confidence between Pakistan and the US, as desired by both sides, the act's many conditions, especially those viewed as accusatory and intrusive, have given rise to fresh doubts and misgivings among Pakistanis. Instead of being viewed as a friend and benefactor, the US, through its apparent intentions and motives, has triggered an acrimonious debate in the country.

Even more unfortunate is that the act has earned the government no kudos, with many Pakistanis convinced that it conducted itself with little appreciation or understanding of national interests. The way it castigated the critics demonstrated a lack of commitment to the parliamentary system. But the biggest and most worrying fallout may be the impression that it failed to take into confidence the armed forces and this may turn out to be a serious error. One hopes that the US Congress will craft suitable legislation, and not be content with issuing a mere statement, to meet our doubts and misgivings. This is neither simple nor easy, but it can be done.

Tariq Fatemi, *Dawn* (Islamabad), October 22, 2009
<http://beta.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/04-Kerry-Lugar-qs-01>

TEXT OF THE KERRY LUGAR BILL

S. 1707

*One Hundred Eleventh Congress
of the United States of America*

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,
the sixth day of January, two thousand and nine*

AN ACT

To authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.

SHORT TITLE.

TABLE OF CONTENTS.

(a) SHORT TITLE.

This Act may be cited as the ‘Enhanced Partnership with Pakistan Act of 2009.’

(b) TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Findings.

Sec. 4. Statement of principles.

TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN

Sec. 101. Authorization of assistance.

Sec. 102. Authorization of appropriations.

Sec. 103. Auditing.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

Sec. 201. Purposes of assistance.

Sec. 202. Authorization of assistance.

Sec. 203. Limitations on certain assistance.

Sec. 204. Pakistan Counterinsurgency Capability Fund.

Sec. 205. Requirements for civilian control of certain assistance.

**TITLE III—STRATEGY, ACCOUNTABILITY, MONITORING,
AND OTHER PROVISIONS**

Sec. 301. Strategy Reports.

Sec. 302. Monitoring Reports.

SEC. 2.**DEFINITIONS.**

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.

Except as otherwise provided in this Act, the term ‘appropriate congressional committees’ means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.

The term ‘counterinsurgency’ means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through violent means.

(3) COUNTERTERRORISM.

The term ‘counterterrorism’ means efforts to combat al Qaeda and other foreign terrorist

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Organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 USC. 1189), or other individuals and entities engaged in terrorist activity or support for such activity.

(4) FATA.

The term 'FATA' means the Federally Administered Tribal Areas of Pakistan.

(5) FRONTIER CRIMES REGULATION.

The term 'Frontier Crimes Regulation' means the Frontier Crimes Regulation, codified under British law in 1901, and applicable to the FATA.

(6) IMPACT EVALUATION RESEARCH.

The term 'impact evaluation research' means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(7) MAJOR DEFENSE EQUIPMENT.

The term 'major defense equipment' has the meaning given the term in section 47(6) of the Arms Export Control Act (22 USC. 2794(6)).

(8) NWFP.

The term 'NWFP' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(9) OPERATIONS RESEARCH.

The term 'operations research' means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(10) SECURITY FORCES OF PAKISTAN.

The term 'security forces of Pakistan' means the military and intelligence services of the Government of Pakistan, including the Armed Forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, levies, Frontier Corps, and Frontier Constabulary.

(11) SECURITY-RELATED ASSISTANCE.

The term 'security related assistance'—(A) means—

-
- (i) Grant assistance to carry out section 23 of the Arms Export Control Act (22 USC. 2763); and
 - (ii) Assistance under chapter two of part II of the Foreign Assistance Act of 1961 (22 USC. 2311 et. seq); but (B) does not include—
 - (i) Assistance authorized to be appropriated or otherwise made available under any provision of law that is funded from accounts within budget function 050 (National Defense); and
 - (ii) Amounts appropriated or otherwise available to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32).

SEC. 3.

FINDINGS

Congress finds the following:

- (1) The people of the Islamic Republic of Pakistan and the United States share a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship.

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- (2) Since 2001, the United States has contributed more than \$15,000,000,000 to Pakistan, of which more than \$10,000,000,000 has been security-related assistance and direct payments.
- (3) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule, reversing years of political tension and mounting popular concern over military rule and Pakistan's own democratic reform and political development.
- (4) Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations.
- (5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past seven years.
- (6) Despite killing or capturing hundreds of al Qaeda operatives and other terrorists—including major al Qaeda leaders, such as Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi—the FATA, parts of the NWFP, Quetta in Balochistan, and Muridke in Punjab remain a sanctuary for al Qaeda, the Afghan Taliban, the Terikh-e Taliban and

affiliated groups from which these groups organize terrorist actions against Pakistan and other countries.

(7) The security forces of Pakistan have struggled to contain a Taliban-backed insurgency, recently taking direct action against those who threaten Pakistan's security and stability, including military operations in the FATA and the NWFP.

(8) On March 27, 2009, President Obama noted, 'Multiple intelligence estimates have warned that al Qaeda is actively planning attacks on the United States homeland from its safehaven in Pakistan..'

(9) According to a Government Accountability Office report (GAO-08-622), 'since 2003, the [A]dministration's national security strategies and Congress have recognized 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' and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 22 USC. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 22 USC. 2375 note).

(10) During 2008 and 2009, the people of Pakistan have been especially hard hit by rising food and commodity prices and severe energy shortages, with 23 of the population living on less than \$2 a day and 15 of the population living below the poverty line according to the United Nations Development Program.

(11) Economic growth is a fundamental foundation for human security and national stability in Pakistan, a country with more than 175,000,000 people, an annual population growth rate of two per cent, and a ranking of 136 out of 177 countries in the United Nations Human Development Index.

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(12) The 2009 Pakistani military offensive in the NWFP and the FATA displaced millions of residents in one of the gravest humanitarian crises Pakistan has faced, and despite the heroic efforts of Pakistanis to respond to the needs of the displaced millions and facilitate the return of many, it has highlighted the need for Pakistan to develop an effective national counterinsurgency strategy.

SEC. 4.**STATEMENT OF PRINCIPLES**

Congress declares that the relationship between the United States and Pakistan should be based on the following principles:

(1) Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and economic development of Pakistan.

(2) United States assistance to Pakistan is intended to supplement, not supplant, Pakistan's own efforts in building a stable, secure, and prosperous Pakistan.

(3) The United States requires a balanced, integrated, countrywide strategy for Pakistan that provides assistance throughout the country and does not disproportionately focus on security-related assistance or one particular area or province.

(4) The United States supports Pakistan's struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including the loss of more than 1,900 soldiers and police since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.

(5) The United States intends to work with the Government of Pakistan—

(A) To build mutual trust and confidence by actively and consistently pursuing a sustained, long-term, multifaceted relationship between the two countries, devoted to strengthening the mutual security, stability, and prosperity of both countries;

(B) To support the people of Pakistan and their democratic government in their efforts to consolidate democracy, including strengthening Pakistan's parliament, helping Pakistan reestablish an independent and transparent judicial system, and working to extend the rule of law in all areas in Pakistan;

(C) To promote sustainable long-term development and infrastructure projects, including in healthcare, education, water management, and energy programs, in all areas of Pakistan, that are sustained and supported by each successive democratic government in Pakistan;

(D) To ensure that all the people of Pakistan, including those living in areas governed by the Frontier Crimes Regulation, have access to public,

modernized education and vocational training to enable them to provide for themselves, for their families, and for a more prosperous future for their children;

(E) To support the strengthening of core curricula and the quality of schools across Pakistan, including madrassas, in order to improve the prospects for Pakistani children's futures and eliminate incitements to violence and intolerance;

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(F) To encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan, including support for institutions of higher learning with international accreditation;

(G) To expand people-to-people engagement between the two countries, through increased educational, technical, and cultural exchanges and other methods;

(H) to encourage the development of local analytical capacity to measure program effectiveness and progress on an integrated basis, especially across the areas of United States assistance and payments to Pakistan, and increase accountability for how such assistance and payments are being spent;

(I) To assist Pakistan's efforts to improve counterterrorism financing and anti-money laundering regulatory structure in order to achieve international standards and encourage Pakistan to apply for 'Financial Action Task Force' observer status and adhere to the United Nations International Convention for the Suppression of the Financing of Terrorism;

(J) To strengthen Pakistan's counterinsurgency and counterterrorism strategy to help prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan or elsewhere;

(K) To strengthen Pakistan's efforts to develop strong and effective law enforcement and national defense forces under civilian leadership;

(L) To achieve full cooperation in matters of counter proliferation of nuclear materials and related networks;

(M) to strengthen Pakistan's efforts to gain control of its under-governed areas and address the threat posed by any person or group that conducts violence, sabotage, or other terrorist activities in Pakistan or its neighboring countries; and

(N) To explore means to consult with and utilize the relevant expertise and skills of the Pakistani-American community.

TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN

SEC. 101.

AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.

The President is authorized to provide assistance to Pakistan—

- (1) To support the consolidation of democratic institutions.
- (2) To support the expansion of rule of law, build the capacity of government institutions, and promote respect for internationally-recognized human rights.

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- (3) To promote economic freedoms and sustainable economic development.
- (4) To support investment in people, including those displaced in on-going counterinsurgency operations; and
- (5) To strengthen public diplomacy.

(b) ACTIVITIES SUPPORTED.

Activities that may be supported by assistance under subsection (a) include the following:

- (1) To support democratic institutions in Pakistan in order to strengthen civilian rule and long-term stability, including assistance such as—
 - (A) support for efforts to strengthen Pakistan’s institutions, including the capacity of the National Parliament of Pakistan, such as enhancing the capacity of committees to oversee government activities, including national security issues, enhancing the ability of members of parliament to respond to constituents, and supporting of parliamentary leadership;
 - (B) Support for voter education and civil society training as well as appropriate support for political party capacity building and responsiveness to the needs of all the people of Pakistan; and

(C) Support for strengthening the capacity of the civilian Government of Pakistan to carry out its responsibilities at the national, provincial, and local levels.

(2) To support Pakistan's efforts to expand rule of law, build the capacity, transparency, and trust in government institutions, and promote internationally recognized human rights, including assistance such as—

(A) Supporting the establishment of frameworks that promote government transparency and criminalize corruption in both the government and private sector;

(B) Support for police professionalization, including training regarding use of force, human rights, and community policing;

(C) Support for independent, efficient, and effective judicial and criminal justice systems, such as case management, training, and efforts to enhance the rule of law to all areas in Pakistan;

(D) Support for the implementation of legal and political reforms in the FATA;

(E) Support to counter the narcotics trade;

(F) support for internationally recognized human rights, including strengthening civil society and nongovernmental organizations working in the area of internationally recognized human rights, as well as organizations that focus on protection of women and girls, promotion of freedom of religion and religious tolerance, and protection of ethnic or religious minorities; and

(G) Support for promotion of a responsible, capable, and independent media.

(3) To support economic freedom and economic development in Pakistan, including—

(A) Programs that support sustainable economic growth, including in rural areas, and the sustainable management of natural resources through investments in water resource management systems;

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(B) Expansion of agricultural and rural development, such as farm-to-market roads, systems to prevent spoilage and waste, and other small-scale infrastructure improvements;

(C) Investments in energy, including energy generation and cross-border infrastructure projects with Afghanistan;

(D) Employment generation, including increasing investment in infrastructure projects, including construction of roads and the continued

development of a national aviation industry and aviation infrastructure, as well as support for small and medium enterprises;

(E) Worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders;

(F) Access to microfinance for small business establishment and income generation, particularly for women; and

(G) Countering radicalization by providing economic, social, educational, and vocational opportunities and life skills training to at-risk youth.

(4) To support investments in people, particularly women and children, including—

(A) promoting modern, public primary and secondary education and vocational and technical training, including programs to assist in the development of modern, nationwide school curriculums for public, private, and religious schools; support for the proper oversight of all educational institutions, including religious schools, as required by Pakistani law; initiatives to enhance access to education and vocational and technical training for women and girls and to increase women's literacy, with a special emphasis on helping girls stay in school; and construction and maintenance of libraries and public schools;

(B) Programs relating to higher education to ensure a breadth and consistency of Pakistani graduates, including through public-private partnerships;

(C) Improving quality public health to eliminate diseases such as hepatitis and to reduce maternal and under five mortality rates;

(D) building capacity for nongovernmental and civil society organizations, particularly organizations with demonstrated experience in delivering services to the people of Pakistan, particularly to women, children, and other vulnerable populations; and

(E) Support for refugees and internally displaced persons and long-term development in regions of Pakistan where internal conflict has caused large-scale displacement.

(5) To strengthen public diplomacy to combat militant extremism and promote a better understanding of the United States, including—

(A) Encouraging civil society, respected scholars, and other leaders to speak out against militancy and violence; and

(B) Expanded exchange activities under the Fulbright Program, the International Visitor Leadership Program, the Youth Exchange and Study Program, and related programs administered by the Department of State

designed to promote mutual understanding and interfaith dialogue and expand sister institution programs between United States and Pakistani schools and universities.

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(c) ADDITIONAL AND RELATED ACTIVITIES.

(1) AVAILABILITY OF AMOUNTS FOR PAKISTANI POLICE PROFESSIONALIZATION, EQUIPPING, AND TRAINING.

Not less than \$150,000,000 of the amounts appropriated for fiscal year 2010 pursuant to the authorization of appropriations under section 102 should be made available for assistance to Pakistan under this section for police professionalization, equipping, and training.

(2) AVAILABILITY OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.

Up to \$10,000,000 of the amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102 may be made available for administrative expenses of civilian departments and agencies of the United States Government in connection with the provision of assistance under this section. Such amounts shall be in addition to amounts otherwise available for such purposes.

(3) UTILIZING PAKISTANI ORGANIZATIONS.

The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contracts, and to work with local leaders to provide assistance under this section.

(4) USE OF DIRECT EXPENDITURES.

Amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102 or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs, subject to existing reporting and notification requirements.

(5) CHIEF OF MISSION FUND.

Of the amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102, up to \$5,000,000 may

be used by the Secretary of State to establish a fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under this title or the Foreign Assistance Act of 1961 (22 USC. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes of this section, or for purposes of humanitarian relief. The fund established pursuant to this paragraph may be referred to as the ‘Chief of Mission Fund.

(6) SENSE OF CONGRESS.

It is the sense of Congress that—

(A) the United States should provide robust assistance to the people of Pakistan who have been displaced as a result of ongoing conflict and violence in Pakistan and support international efforts to coordinate assistance to refugees and internally displaced persons in Pakistan, including by providing support to international and nongovernmental organizations for this purpose;

(B) the Administrator of the United States Agency for International Development should support the development objectives of the Refugee Affected and Host Areas (RAHA) Initiative in Pakistan to address livelihoods, health, education, infrastructure development, and environmental restoration in identified parts of the country where Afghan refugees have lived; and

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(C) The United States should have a coordinated, strategic communications strategy to engage the people of Pakistan and to help ensure the success of the measures authorized by this title.

(d) NOTIFICATION.

For fiscal years 2010 through 2014, the President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of the Government of Pakistan and shall include in such notification a description of the purpose and conditions attached to any such budgetary support.

SEC. 102.**AUTHORIZATION OF APPROPRIATIONS.****(a) IN GENERAL.**

There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under this title and to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 USC. 2151 et seq.), up to \$1,500,000,000 for each of the fiscal years 2010 through 2014.

(b) AVAILABILITY OF FUNDS.**(1) IN GENERAL.**

Of the amounts appropriated in each fiscal year pursuant to the authorization of appropriations in subsection (a)—

(A) None of the amounts appropriated for assistance to Pakistan may be made available after the date that is 60 days after the date of the enactment of this Act unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees pursuant to section 301(a); and

(B) Not more than \$750,000,000 may be made available for assistance to Pakistan unless the President's Special Representative to Afghanistan and Pakistan submits to the appropriate congressional committees during such fiscal year—

(i) a certification that assistance provided to Pakistan under this title or the Foreign Assistance Act of 1961 to date has made or is making reasonable progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report; and (ii) a memorandum explaining the reasons justifying the certification described in clause (i).

(2) MAKER OF CERTIFICATION.

In the event of a vacancy in, or the termination of, the position of the President's Special Representative to Afghanistan and Pakistan, the certification and memorandum described under paragraph (1)(B) may be made by the Secretary of State.

(c) WAIVER.

The Secretary of State may waive the limitations in subsection (b) if the Secretary determines, and certifies to the appropriate congressional

committees, that it is in the national security interests of the United States to do so.

(d) SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.

It is the sense of Congress that, subject to an improving political and economic climate in Pakistan, there should be authorized to be appropriated up to \$1,500,000,000 for each of the fiscal years 2015 through 2019 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

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SEC. 103.

AUDITING.

(a) ASSISTANCE AUTHORIZED.

The Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the inspectors general of other Federal departments and agencies (other than the Inspector General of the Department of Defense) carrying out programs, projects, and activities using amounts appropriated to carry out this title shall audit, investigate, and oversee the obligation and expenditure of such amounts.

(b) AUTHORIZATION FOR IN-COUNTRY PRESENCE.

The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, are authorized to establish field offices in Pakistan with sufficient staff from each of the Offices of the Inspector General, respectively, to carry out subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.

(1) IN GENERAL.

Of the amounts authorized to be appropriated under section 102 for each of the fiscal years 2010 through 2014, up to \$30,000,000 for each fiscal year is authorized to be made available to carry out this section.

(2) RELATION TO OTHER AVAILABLE FUNDS.

Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN**SEC. 201.****PURPOSES OF ASSISTANCE.**

The purposes of assistance under this title are—

- (1) To support Pakistan's paramount national security need to fight and win the ongoing counterinsurgency within its borders in accordance with its national security interests;
- 2) To work with the Government of Pakistan to improve Pakistan's border security and control and help prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;
- (3) To work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and
- (4) To help strengthen the institutions of democratic governance and promote control of military institutions by a democratically elected civilian government.

SEC. 202.**AUTHORIZATION OF ASSISTANCE.****(a) INTERNATIONAL MILITARY EDUCATION AND TRAINING.****(1) IN GENERAL.**

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for assistance under chapter five of part II of the Foreign Assistance Act of 1961 (22 USC. 2347 et seq.; relating to international military education and training) for Pakistan, including expanded international military education and training (commonly known as 'E-IMET').

(2) USE OF FUNDS.

It is the sense of Congress that a substantial amount of funds made available to carry out this subsection for a fiscal year should be used to

pay for courses of study and training in counterinsurgency and civil-military relations.

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(b) FOREIGN MILITARY FINANCING PROGRAM.

(1) IN GENERAL.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for grant assistance under section 23 of the Arms Export Control Act (22 USC. 2763; relating to the Foreign Military Financing program) for the purchase of defense articles, defense services, and military education and training for Pakistan.

(2) USE OF FUNDS.

(A) IN GENERAL.

A significant portion of the amount made available to carry out this subsection for a fiscal year shall be for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations in Pakistan.

(B) SENSE OF CONGRESS.

It is the sense of Congress that a significant majority of funds made available to carry out this subsection for a fiscal year should be used for the purpose described in subparagraph (A).

(3) ADDITIONAL AUTHORITY.

Except as provided in sections three and 102 of the Arms Export Control Act, the second section 620J of the Foreign Assistance Act of 1961 (as added by Public Law 110-161), and any provision of an Act making appropriations for the Department of State, foreign operations, and related programs that restricts assistance to the government of any country whose duly elected head of government is deposed by military coup or decree, and except as otherwise provided in this title, amounts authorized to be made available to carry out paragraph (2) for fiscal years 2010 and 2011 are authorized to be made available notwithstanding any other provision of law.

(4) DEFINITIONS.

In this section, the terms ‘defense articles,’ ‘defense services,’ and ‘military education and training’ have the meaning given such terms in section 644 of the Foreign Assistance Act of 1961 (22 USC. 2403).

(c) SENSE OF CONGRESS.

It is the sense of Congress that the United States should facilitate Pakistan’s establishment of a program to provide reconstruction assistance, including through Pakistan’s military as appropriate, in areas damaged by combat operations.

(d) EXCHANGE PROGRAM BETWEEN MILITARY AND CIVILIAN PERSONNEL OF PAKISTAN AND CERTAIN OTHER COUNTRIES.**(1) IN GENERAL.**

The Secretary of State is authorized to establish an exchange program between—(A) Military and civilian personnel of Pakistan; and (B)

- (i) military and civilian personnel of countries determined by the Secretary of State to be in the process of consolidating and strengthening a democratic form of government; or
- (ii) military and civilian personnel of North Atlantic Treaty Organization member countries, in order to foster greater mutual respect for and understanding of the principle of civilian rule of the military.

S. 1707—12**(2) ELEMENTS OF PROGRAM.**

The program authorized under paragraph (1) may include conferences, seminars, exchanges, and other events, distribution of publications and reimbursements of expenses of foreign military personnel participating in the program, including transportation, translation and administrative expenses.

(3) ROLE OF NONGOVERNMENTAL ORGANIZATIONS.

Amounts authorized to be appropriated to carry out this section for a fiscal year are authorized to be made available for nongovernmental organizations to facilitate the implementation of the program authorized under paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 to carry out the program established by this subsection.

SEC. 203.**LIMITATIONS ON CERTAIN ASSISTANCE.****(a) LIMITATION ON SECURITY-RELATED ASSISTANCE.**

For fiscal years 2011 through 2014, no security-related assistance may be provided to Pakistan in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

(b) LIMITATION ON ARMS TRANSFERS.

For fiscal years 2012 through 2014, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 USC. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection

(c) For such fiscal year.

(c) CERTIFICATION.

The certification required by this subsection is a certification by the Secretary of State, under the direction of the President, to the appropriate congressional committees that—

(1) the Government of Pakistan is continuing to cooperate with the United States in 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;

(2) The Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and is making significant efforts towards combating terrorist groups, consistent with the purposes of assistance described in section 201, including taking into account the extent to which the Government of Pakistan has made progress on matters such as—

(A) 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 United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;

(B) Preventing al Qaeda, the Taliban and associated terrorist groups, such as Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan, including carrying out cross-border attacks into neighboring countries, closing terrorist camps in the FATA, dismantling

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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; and

(C) Strengthening counterterrorism and anti-money laundering laws; and
(3) The security forces of Pakistan are not materially and substantially subverting the political or judicial processes of Pakistan.

(d) CERTAIN PAYMENTS.

(1) IN GENERAL.

Subject to paragraph (2), none of the funds appropriated for security-related assistance for fiscal years 2010 through 2014, or any amounts appropriated to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32), may be obligated or expended to make payments relating to—

(A) The Letter of Offer and Acceptance PK-D-YAD signed between the Governments of the United States of America and Pakistan on September 30, 2006;

(B) the Letter of Offer and Acceptance PK-D-NAP signed between the Governments of the United States of America and Pakistan on September 30, 2006; and

(C) The Letter of Offer and Acceptance PK-D-SAF signed between the Governments of the United States of America and Pakistan on September 30, 2006.

(2) EXCEPTION.

Funds appropriated for security-related assistance for fiscal years 2010 through 2014 may be used for construction and related activities carried out pursuant to the Letters of Offer and Acceptance described in paragraph (1).

(e) WAIVER.**(1) IN GENERAL.**

The Secretary of State, under the direction of the President, may waive the limitations contained in subsections (a), (b), and (d) for a fiscal year if the Secretary of State determines that is important to the national security interests of the United States to do so.

(2) PRIOR NOTICE OF WAIVER.

The Secretary of State, under the direction of the President, may not exercise the authority of paragraph (1) until seven days after the Secretary of State provides to the appropriate congressional committees a written notice of the intent to issue to waiver and the reasons therefore. The notice may be submitted in classified or unclassified form, as necessary.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this section, the term ‘appropriate congressional committees’ means—

- (1) The Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives; and
- (2) The Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.**(a) FOR FISCAL YEAR 2010.**

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(1) IN GENERAL.

For fiscal year 2010, the Department of State's Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32), hereinafter in this section referred to as the 'Fund,' shall consist of the following:

(A) Amounts appropriated to carry out this subsection (which may not include any amounts appropriated to carry out title I of this Act).

(B) Amounts otherwise available to the Secretary of State to carry out this subsection.

(2) PURPOSES OF FUND.

Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used by the Secretary of State, with the concurrence of the Secretary of Defense, to build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions (except as otherwise provided in this subsection) that are applicable to amounts made available under the Fund for fiscal year 2009.

(3) TRANSFER AUTHORITY.

(A) IN GENERAL.

The Secretary of State is authorized to transfer amounts in the Fund made available to carry out this subsection for any fiscal year to the Department of Defense's Pakistan Counterinsurgency Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32) and such amounts may be transferred back to the Fund if the Secretary of Defense, with the concurrence of the Secretary of State, determines that such amounts are not needed for the purposes for which initially transferred.

(B) TREATMENT OF TRANSFERRED FUNDS.

Subject to subsections (d) and (e) of section 203, transfers from the Fund under the authority of subparagraph (A) shall be merged with and be available for the same purposes and for the same time period as amounts in the Department of Defense's Pakistan Counterinsurgency Fund.

(C) RELATION TO OTHER AUTHORITIES.

The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(D) NOTIFICATION.

The Secretary of State shall, not less than 15 days prior to making transfers from the Fund under subparagraph (A), notify the appropriate congressional committees in writing of the details of any such transfer.

(b) SUBMISSION OF NOTIFICATIONS.

Any notification required by this section may be submitted in classified or unclassified form, as necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this section, the term ‘appropriate congressional committees’ means—

- (1) The Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and
- (2) The Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

S. 1707—15**SEC. 205. REQUIREMENTS FOR CIVILIAN CONTROL OF CERTAIN ASSISTANCE.****(a) REQUIREMENTS.****(1) IN GENERAL.**

For fiscal years 2010 through 2014, any direct cash security-related assistance or non-assistance payments by the United States to the Government of Pakistan may only be provided or made to civilian authorities of a civilian government of Pakistan.

(2) DOCUMENTATION.

For fiscal years 2010 through 2014, the Secretary of State, in coordination with the Secretary of Defense, shall ensure that civilian authorities of a civilian government of Pakistan have received a copy of final documentation provided to the United States related to non-assistance payments provided or made to the Government of Pakistan.

(b) WAIVER.**(1) SECURITY-RELATED ASSISTANCE.**

The Secretary of State, in consultation with the Secretary of Defense, may waive the requirements of subsection (a) with respect to security-related assistance described in subsection (a) funded from accounts within budget function 150 (International Affairs) if the Secretary of State certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(2) NON-ASSISTANCE PAYMENTS.

The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) with respect to non-assistance payments described in subsection (a) funded from accounts within budget function 050 (National Defense) if the Secretary of Defense certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(c) APPLICATION TO CERTAIN ACTIVITIES.

Nothing in this section shall apply with respect to—

- (1) Any activities subject to reporting requirements under title V of the National Security Act of 1947 (50 USC. 413 et seq.);
- (2) Any assistance to promote democratic elections or public participation in democratic processes;
- (3) Any assistance or payments if the Secretary of State determines and certifies to the appropriate congressional committees that subsequent to the termination of assistance or payments a democratically elected government has taken office;
- (4) Any assistance or payments made pursuant to section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as amended;
- (5) any payments made pursuant to the Acquisition and Cross-Servicing Agreement between the Department of Defense of the United States of America and the Ministry of Defense of the Islamic Republic of Pakistan; and
- (6) Any assistance or payments made pursuant to section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4578).

S. 1707—16**(d) DEFINITIONS.**

In this section—

- (1) The term ‘appropriate congressional committees’ means the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and
- (2) The term ‘civilian government of Pakistan’ does not include any government of Pakistan whose duly elected head of government is deposed by military coup or decree.

**TITLE III—STRATEGY, ACCOUNTABILITY, MONITORING,
AND OTHER PROVISIONS****SEC. 301.****STRATEGY REPORTS.****(a) PAKISTAN ASSISTANCE STRATEGY REPORT.**

Not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan under this Act. The report shall include the following:

- (1) A description of the principal objectives of United States assistance to Pakistan to be provided under title I of this Act.
- (2) A general description of the specific programs, projects, and activities designed to achieve the purposes of section 101 and the respective funding levels for such programs, projects, and activities for fiscal years 2010 through 2014.
- (3) A plan for program monitoring, operations research, and impact evaluation research for assistance authorized under title I of this Act.
- (4) A description of the role to be played by Pakistani national, regional, and local officials and members of Pakistani civil society and local private sector, civic, religious, and tribal leaders in helping to identify and implement programs and projects for which assistance is to be provided under this Act, and of consultations with such representatives in developing the strategy.

(5) A description of the steps taken, or to be taken, to ensure assistance provided under this Act is not awarded to individuals or entities affiliated with terrorist organizations.

(6) A projection of the levels of assistance to be provided to Pakistan under this Act, broken down into the following categories as described in the annual 'Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance':

- (A) Civil liberties.
- (B) Political rights.
- (C) Voice and accountability.
- (D) Government effectiveness.
- (E) Rule of law.
- (F) Control of corruption.
- (G) Immunization rates.
- (H) Public expenditure on health.
- (I) Girls' primary education completion rate.
- (J) Public expenditure on primary education.
- (K) Natural resource management.
- (L) Business start-up.
- (M) Land rights and access.
- (N) Trade policy.
- (O) Regulatory quality.
- (P) Inflation control.
- (Q) Fiscal policy.

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(7) An analysis for the suitable replacement for existing Pakistani helicopters, including recommendations for sustainment and training.

(b) **COMPREHENSIVE REGIONAL STRATEGY REPORT.**

(1) **SENSE OF CONGRESS.**

It is the sense of Congress that the achievement of United States national security goals to eliminate terrorist threats and close safe havens in Pakistan requires the development of a comprehensive plan that utilizes all elements of national power, including in coordination and cooperation with other concerned governments, and that it is critical to Pakistan's

long-term prosperity and security to strengthen regional relationships among India, Pakistan, and Afghanistan.

(2) COMPREHENSIVE REGIONAL SECURITY STRATEGY.

The President shall develop a comprehensive interagency regional security strategy to eliminate terrorist threats and close safe havens in Pakistan, including by working with the Government of Pakistan and other relevant governments and organizations in the region and elsewhere, as appropriate, to best implement effective counterinsurgency and counterterrorism efforts in and near the border areas of Pakistan and Afghanistan, including the FATA, the NWFP, parts of Balochistan, and parts of Punjab.

(3) REPORT.

(A) IN GENERAL.

Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the comprehensive regional security strategy required under paragraph (2).

(B) CONTENTS.

The report shall include a copy of the comprehensive regional security strategy, including specifications of goals, and proposed timelines and budgets for implementation of the strategy.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this paragraph, the term ‘appropriate congressional committees’ means—

- (i) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and
- (ii) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(c) SECURITY-RELATED ASSISTANCE PLAN.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a plan for the proposed use of amounts authorized for security related assistance for each of the fiscal years 2010 through 2014. Such plan shall include an assessment of how the use of such amounts complements or otherwise is related to amounts described in section 204.

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SEC. 302.

MONITORING REPORTS.

(a) SEMI-ANNUAL MONITORING REPORT.

Not later than 180 days after the submission of the Pakistan Assistance Strategy Report pursuant to section 301(a), and every 180 days thereafter through September 30, 2014, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report that describes the assistance provided under this Act during the preceding 180-day period. The report shall include—

- (1) A description of all assistance by program, project, and activity, as well as by geographic area, provided pursuant to title I of this Act during the period covered by the report, including the amount of assistance provided for each program or project, and with respect to the first report a description of all amounts made available for assistance to Pakistan during fiscal year 2009, including a description of each program, project, and activity for which funds were made available;
- (2) A list of persons or entities from the United States or other countries that have received funds in excess of \$100,000 to conduct projects under title I of this Act during the period covered by the report, which may be included in a classified annex, if necessary to avoid a security risk, and a justification for the classification;
- (3) With respect to the plan described in section 301(a)(3), updates to such plan and a description of best practices to improve the impact of the assistance authorized under title I of this Act;
- (4) An assessment of the effectiveness of assistance provided under title I of this Act during the period covered by the report in achieving desired objectives and outcomes as guided by the plan described in section 301(a) and

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- (3), As updated pursuant to paragraph (3) of this subsection, including a systematic, qualitative, and where possible, quantitative basis for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;
 - (5) A description of any shortfall in United States financial, physical, technical, or human resources that hinder the effective use and monitoring of such funds;
 - (6) A description of any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any;
 - (7) Any incidents or reports of waste, fraud, and abuse of expenditures under title I of this Act;
 - (8) the amount of funds authorized to be appropriated pursuant to section 102 that were used during the reporting period for administrative expenses or for audits and program reviews pursuant to the authority under sections 101(c)(2) and 103;
 - (9) A description of the expenditures made from any Chief of Mission Fund established pursuant to section 101(c)(5) during the period covered by the report, the purposes for which such expenditures were made, and a list of the recipients of any expenditures from the Chief of Mission Fund in excess of \$100,000;

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- (10) an accounting of assistance provided to Pakistan under title I of this Act, broken down into the categories set forth in section 301(a)(6);
- (11) An evaluation of efforts undertaken by the Government of Pakistan to—
 - (A) Disrupt, dismantle, and defeat al Qaeda, the Taliban, and other extremist and terrorist groups in the FATA and settled areas;
 - (B) Eliminate the safe havens of such forces in Pakistan;
 - (C) Close terrorist camps, including those of Lashkar-e-Taiba and Jaish-e-Mohammed;
 - (D) Cease all support for extremist and terrorist groups;
 - (E) Prevent attacks into neighboring countries;
 - (F) Increase oversight over curriculum in madrassas, including closing madrassas with direct links to the Taliban or other extremist and terrorist groups; and

(G) Improve counterterrorism financing and anti-money laundering laws, apply for observer status for the Financial Action Task Force, and take steps to adhere to the United Nations International Convention for the Suppression of Financing of Terrorism;

(12) A detailed description of Pakistan's efforts to prevent proliferation of nuclear-related material and expertise;

(13) An assessment of whether assistance provided to Pakistan has directly or indirectly aided the expansion of Pakistan's nuclear weapons program, whether by the diversion of United States assistance or the reallocation of Pakistan's financial resources that would otherwise be spent for programs and activities unrelated to its nuclear weapons program;

(14) A detailed description of the extent to which funds obligated and expended pursuant to section 202(b) meet the requirements of such section; and

(15) An assessment of the extent to which the Government of Pakistan exercises effective civilian control of the military, including a description of the extent to which civilian executive leaders and parliament exercise oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders, civilian involvement in strategic guidance and planning, and military involvement in civil administration.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.

(1) PAKISTAN ASSISTANCE STRATEGY REPORT.

Not later than one year after the submission of the Pakistan Assistance Strategy Report pursuant to section 301(a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

(A) A review of, and comments addressing, the Pakistan Assistance Strategy Report;

(B) Recommendations relating to any additional actions the Comptroller General believes could help improve the efficiency and effectiveness of United States efforts to meet the objectives of this Act;

(C) A detailed description of the expenditures made by Pakistan pursuant to grant assistance under section

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23 of the Arms Export Control Act (22 USC. 2763; relating to the Foreign Military Financing program); and

(D) An assessment of the impact of the assistance on the security and stability of Pakistan.

(2) CERTIFICATION REPORT.

Not later than 120 days after the date on which the President makes the certification described in section 203(c) for a fiscal year, the Comptroller General of the United States shall conduct an independent analysis of the certification described in such section and shall submit to the appropriate congressional committees a report containing the results of the independent analysis.

(c) SUBMISSION.

The Secretary of State may submit the reports required by this section in conjunction with other reports relating to Pakistan required under other provisions of law, including sections 1116 and 1117 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1906 and 1907).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this section, the term ‘appropriate congressional committees’ means—

(1) The Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) The Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

Speaker of the House of Representatives.

Vice President of the United States and

President of the Senate.

<http://afpakwar.com/blog/2009/10/09/full-text-of-the-final-kerry-lugar-bill/>

Dawn (Islamabad), October 14, 2009

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/world/11-Text-of-the-Kerry-Lugar-Bill-il-04>

KERRY-LUGAR BILL - TEXT OF JOINT STATEMENT ISSUED BY US CONGRESSIONAL LEADERS

Joint Explanatory Statement, the following is an explanation of S. 1707, the Enhanced Partnership with Pakistan Act of 2009.

The final text of the legislation reflects an agreement reached by the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs. The purpose of this Explanatory Statement is to facilitate accurate interpretation of the text and to ensure faithful implementation of its provisions in accordance with the intentions of the legislation.

The core intent of the Enhanced Partnership with Pakistan Act is to demonstrate the American people's long-term commitment to the people of Pakistan. The United States values its friendship with the Pakistani people and honors the great sacrifices made by Pakistani security forces in the fight against extremism, and the legislation reflects the goals shared by our two governments. The legislation does not seek in any way to compromise Pakistan's sovereignty, impinge on Pakistan's national security interests, or micromanage any aspect of Pakistani military or civilian operations. There are no conditions on Pakistan attached to the authorization of \$7.5 billion in non-military aid. The only requirements on this funding are financial accountability measures that Congress is imposing on the U.S. executive branch, to ensure that this assistance supports programs that most benefit the Pakistani people.

Summary of Congressional Intent

The Enhanced Partnership with Pakistan Act of 2009 (the "Act") establishes a legislative foundation for a strengthened partnership between the United States and Pakistan, based on a shared commitment to improving the living conditions of the people of Pakistan through strengthening democracy and the rule of law, sustainable economic development, and combating terrorism and extremism.

It is the intent of Congress to strengthen the long-term people-to-people relationship between the United States and Pakistan by investing directly in the needs of the Pakistani people. This legislation is intended to fortify a lasting partnership with Pakistan based on mutual trust. The overall level of economic assistance authorized annually by this legislation is tripled over FY 2008 U.S. funding levels, with the bulk of aid intended for projects such as schools, roads, medical clinics, and

infrastructure development. The funds directly authorized by this Act – \$1.5 billion in economic and development assistance annually for five years, with a similar amount envisioned for a subsequent five years – place no conditions on the Government of Pakistan. The only requirements are accountability measures placed on the United States executive branch to ensure that the aid directly benefits the Pakistani people. This Act fully recognizes and respects the independence of Pakistan as a sovereign nation.

The purpose of this Act is to forge a closer collaborative relationship between Pakistan and the United States, not to dictate the national policy or impinge on the sovereignty of Pakistan in any way. Any interpretation of this Act which suggests that the United States does not fully recognize and respect the sovereignty of Pakistan would be directly contrary to Congressional intent. The certifications in the Act regarding certain limited forms of security assistance are consistent with previous Congressional legislation regarding security assistance to Pakistan and other nations. In all cases, they align with the aims of, and serve to reinforce the publicly-articulated positions of, the democratically-elected Government of Pakistan, and Pakistani military leaders, to combat extremists and militants. Sections 1-4: Strengthening a Relationship Founded on Mutual Respect Sections 1-4 establish the framework and context for the legislative provisions that follow. The Findings and the Statement of Principles demonstrate an unequivocal appreciation for the friendship of the Pakistani people, and for the sacrifices made by the Pakistani security forces and people in fighting extremism.

The Findings in Section 3 include:

Section 3(1): “Congress finds the following: The people of the Islamic Republic of Pakistan and the United States share a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship.”

Section 3(4): “Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations. The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past seven years.”

The Statement of Principles in Section 4 Includes:*Section 4(1):*

“Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and economic development of Pakistan.”

Section 4(4):

“The United States supports Pakistan’s struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including the loss of more than 1,900 soldiers and police since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.”

Title I: Democratic, Economic and Development Assistance for Pakistan

This Title contains the core intention of this legislation: To make a long-term commitment to the people of Pakistan by tripling non-military assistance, free of any conditions on the Pakistani government. The purposes set forth for the \$7.5 billion that is authorized here are all intended to reflect the expressed priorities of the Pakistani people. Specifically, Section 101(a) provides that: “The President is authorized to provide assistance to Pakistan to support the consolidation of democratic institutions; to support the expansion of rule of law, build the capacity of government institutions, and promote respect for internationally-recognized human rights; to promote economic freedoms and sustainable economic development; to support investment in people, including those displaced in on-going counterinsurgency operations; and to strengthen public diplomacy.” The funds authorized under Title I are intended to be used to work with and benefit Pakistani organizations. Specifically, Section 101⁽³⁾ provides that: “The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contracts, and to work with local leaders to provide assistance under this section.” Section 102 (a) makes clear that there are no conditions placed on the Pakistani government for delivery of the \$7.5 billion in assistance.

The only accounting requirements are of the U.S. executive branch. Section 102(d) makes clear that a long term commitment to increased

civilian assistance for the people of Pakistan is envisioned by stating that it is the desire of Congress that the amounts authorized for fiscal years 2010-2014 shall continue from fiscal years 2015-2019. Section 103(b) authorizes establishment of field offices for Inspectors General to audit and oversee expenditure of this assistance. It is the intent of Congress that such offices would be established in consultation with appropriate Pakistani authorities for the purpose of ensuring optimal management of resources.

Title II: Security Assistance for Pakistan

The intention of this section is to strengthen cooperative efforts to confront extremism. The purposes of security assistance are intended to be completely cooperative, and reflect the intention that such assistance be used to support Pakistan in achieving its stated objectives in winning the ongoing counterinsurgency, defeating terrorist organizations that threaten Pakistan, and strengthening democratic institutions. Specifically, Section 201(1)

“Purposes of Assistance” states that: “The purposes of assistance under this title are—

- (1) To support Pakistan’s paramount national security need to fight and win the ongoing counterinsurgency within its borders in accordance with its national security interests;
- (2) To work with the Government of Pakistan to improve Pakistan’s border security and control and help prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;
- (3) To work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and
- (4) To help strengthen the institutions of democratic governance.... ”

The provisions applied to certain limited portions of U.S. security assistance in Section 203 are intended to be fully in line with the existing policy of the Government of Pakistan. Specifically, Section 203⁽¹⁾ reflects our understanding that cooperative efforts currently being undertaken by the Governments of Pakistan and the United States to combat proliferation will continue.

Section 203⁽²⁾ reflects the intent that U.S. security assistance is used in furtherance of the purposes set forth in Section 201 above, e.g., ensuring Pakistan’s security, winning the counterinsurgency within

Pakistan, preventing territory from being used for terrorist attacks in Pakistan and elsewhere, and coordinating action against extremist and terrorist targets. This section requires a certification by the U.S. executive branch to Congress regarding the efforts and progress made in achieving these purposes, and includes a series of factors to be considered collectively by the Secretary of State in making this assessment.

Section 203⁽³⁾ includes a provision intended to express support for democratic institutions in Pakistan. Section 203(e) contains a waiver making clear that this certification could be waived if the determination is made by the Secretary of State in the interests of national security that this was necessary to continue such assistance.

Title III. Strategy, Accountability, Monitoring, and Other Provisions

The intention of this section is to ensure that there is transparency and accountability in the way authorized assistance is spent. This Title requires the U.S. executive branch to provide various reports to Congress designed to demonstrate that funds are being used for the purposes set forth in Title I and Title II; there are no requirements on the Government of Pakistan.

Section 301 “Strategy Reports” requires three reports from the U.S. executive branch that detail a plan for how U.S. assistance to Pakistan will be spent and evaluated and a regional security plan for how the United States can best work with its partners for “effective counterinsurgency and counterterrorism efforts.”

Section 302 “Monitoring Reports” reflects the need for ongoing consultation between the U.S. executive branch and Congress on monitoring U.S. assistance to Pakistan, including a “Semi-Annual Monitoring Report” where: “The Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report that describes the assistance provided under this Act during the preceding 180-day period.”

The many requirements of this report are intended as a way for Congress to assess how effectively U.S. funds are being spent, shortfalls in U.S. resources that hinder the use of such funds, and steps the Government of Pakistan has taken to advance our mutual interests in countering extremism and nuclear proliferation and strengthening democratic institutions.

There is no intent to, and nothing in this Act in any way suggests that there should be, any U.S. role in micromanaging internal Pakistani

affairs, including the promotion of Pakistani military officers or the internal operations of the Pakistani military.

The reports envisioned in this Section are not binding on Pakistan, and require only the provision of information by the executive branch to the U.S. Congress, in furtherance of the Act's stated purpose of strengthening civilian institutions and the democratically-elected Government of Pakistan.

Sen. John F. Kerry and Congressman Howard Berman, *Council of Foreign Relations*, October 14, 2009

http://www.cfr.org/publication/20422/joint_explanatory_statement_enhanced_partnership_with_p