

TESTIMONY

From Strategy to Implementation

The Future of the U.S.-Pakistan Relationship

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From Strategy to Implementation
The Future of the U.S.-Pakistan Relationship²

Before the Committee on Foreign Affairs
United States House of Representatives

May 5, 2009

Chairman and distinguished Members: Thank you for inviting me to speak on the future of the U.S.–Pakistan relationship. The findings in the Peace Act of 2009 (H.R. 1886) that the United States requires a “balanced, integrated, countrywide strategy that targets assistance throughout Pakistan and does not disproportionately focus on the military or specific area or province” are a very welcome departure from past policies toward Pakistan and are desperately needed to help strengthen Pakistani civilian institutions. There is wide concurrence that perhaps the only path to a stable Pakistan at peace with itself and with its neighbors is to ensure that the state is firmly controlled by capable civilians rather than dominated by the military directly or indirectly. I am similarly heartened by the explicit interest in ensuring transparency and effective accountability of all U.S. assistance and reimbursement to the country.

While many of the provisions of the Peace Act of 2009 to strengthen the national parliament, political parties, other civilian institutions, and the polity seem appropriately geared and indeed vital to rehabilitating a civilian-controlled Pakistan, several provisions within the legislation may undermine its intentions and diminish the United States’ ability to influence Pakistani policymaking about issues that are vital not only to Pakistan’s own interests but also to those of other regional countries and of the United States.

In my testimony today, I would like to examine some of the challenges I see in transitioning from the strategy embodied in the Peace Act of 2009 to implementing that strategy. In particular, I want to talk about what I perceive as five needs: the need for demand-driven change; the need for the United States to expand its capacity to execute programs in line with Pakistanis’ preferences; the need for Pakistan to pay for itself; the need for Pakistan’s police force to become more effective

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in dealing with security threats; and the need for a transparent and evidence-based approach to ensure Pakistani accountability for U.S. security assistance. I discuss each below in turn.

Need for Demand-Driven Change

Most of the proposed areas for strengthening Pakistan's civilian and even military capabilities presuppose—or should presuppose—some degree of effective partnering with Pakistanis who are vested in change. Without such collaborators for change, it is doubtful that these various proposed efforts will fructify. Yet actual reformers seem few and far between. Finding such partners for change when some of the proposed areas infringe on areas that Pakistan—and other nations—consider to be sovereign concerns may be difficult.

One particularly difficult area is Pakistan's educational system, where there is a clear expression in the legislation to improve it. One area of activity aimed at improving the educational system—curriculum reform—will likely be staunchly resisted on nationalist grounds. (In particular, Pakistanis have expressed considerable concern about U.S. efforts to “de-Islamize” Pakistan's schools and they are likely justifiably concerned.)

Moreover, many of the proposed activities require dealing with the Ministry of Education, which is a status quo institution that will likely resist such efforts. Under the circumstances, perhaps the United States should consider doing what it does best: foster competition by supporting private school initiatives. Work by scholars at the World Bank has found that private schools are cost-effective and provide better learning environments than public schools.³

Similarly, U.S. insistence on madrassah reform undermines those individuals within the religious and “worldly”⁴ educational system who are already seeking to reform madrassahs so that they produce religious scholars who are relevant for a modern and modernizing Pakistan. Moreover, such insistence flies in the face of the reality that madrassahs only account for a slender segment of the educational market in Pakistan; specifically, public schools account for nearly 70 percent of full-time enrollments and private schools nearly 30 percent, which means that madrassah attendance for full-time students is almost a rounding error.⁵

³ Tahir Andrabi, Jishnu Das, Asim Ijaz Khwaja, “A Dime a Day: The Possibilities and Limits of Private Schooling in Pakistan,” World Bank Policy Research Working Paper No. 4066. November 1, 2006. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=944667.

⁴ Note that Pakistanis tend not to use the word “secular” because its Urdu translation (*ladini* or *lamazhabi*) implies a lack of religion. Few will concede a demand for truly secular education. Thus, many Pakistanis use the word “worldly” to denote those subjects that confer worldly benefits.

⁵ C. Christine Fair. *The Madrassah Challenge* (USIP: Washington D.C., 2008).

These examples from the education recommendations in the legislation are merely illustrative. Similar concerns register with the judicial reform recommendations. What is lacking in this action agenda for helping Pakistan is a consultative approach in which the United States partners with Pakistan to identify areas of reform where U.S. assistance may be most constructive. The current Strategic Dialogue is neither strategic nor a dialogue. A robust strategic dialogue is needed to cultivate Pakistani buy-in and demand for reform with U.S. assistance. Although such a consultative approach is less streamlined, it may ultimately prove more productive while diminishing the inclination to reject intrusive measures on sovereignty grounds. Without upfront Pakistani commitment and buy-in, I am not convinced these funds will have their desired salutary effect.

Need for U.S. to Expand Its Capacity to Execute Programs in Line with Pakistanis' Preferences

I am also concerned that the United States may not have the capacity to execute such a vast program responsibly and with effective outcomes given the human capital challenges within the U.S. mission in Pakistan, the constricted security environment, the real danger to U.S. personnel in Pakistan, and a potential paucity of credible Pakistani reformers dedicated to the kinds of capacity-building measures outlined in the legislation. To execute this ambitious agenda, the U.S. embassy will need greater capacity to handle such output and may need to embrace greater risk management rather than risk avoidance. Without greater capacity and mobility, there will be a strong desire to provide assistance as budgetary support, because such forms of assistance are easier to manage. Yet doing so may provide the most opportunities for monies to disappear or be used unaccountably—despite the stated support for accountability in the legislation.

In addition, USAID's business model relies heavily on layers of contractors to deliver services, something that likely results in much of the funding returning to the United States, suboptimal outcomes, and greater Pakistani and American disappointment with the quality and quantity of benefits delivered to Pakistani citizens. Indeed, during my several trips to Pakistan in recent years, I have found that Pakistanis do not understand how the United States can spend so much money while they have personally witnessed so few benefits. Many Pakistanis have come to believe that the United States has purposefully encouraged corruption in Pakistan to keep it weak, which has ended up fostering more distrust rather than diminishing antipathy for the United States. Moreover, there is a perception that the United States does not deliver the most useful programs to Pakistanis. Pakistan is facing a severe electricity shortage, with major cities facing hours of

load-shedding every day. “Development” and “education” consistently rank as lower priorities than “inflation,” “poverty,” and “electricity and water.”⁶

Need for Pakistan to Pay for Itself

What I do not see in this legislation is any provision to enable Pakistan to increase its ability to raise domestic revenue through tax reform and any commitment to collect taxes that are due. (Sales taxes are regressive and disproportionately affect the poor.) Pakistan’s elected elites—many of whom are feudals or who have large land holdings—have been loathe to introduce meaningful efforts to raise revenue through property or other (e.g., capital gains) taxes or to initiate meaningful tax reform and tax collection efforts.

Given that Pakistan has been a longstanding recipient of aid, the question persists as to why such aid has been generally ineffective. (One could argue that we do not know how bad Pakistan would have fared without this assistance.) In fact, long-term aid aimed at helping the Pakistani government deliver services and provide budgetary support undermines the development of the social contract between the governed and the government, because the government has few incentives to raise revenue and redistribute these funds as services. Yet such a contract is fundamental to developing a robust democracy in Pakistan. Moreover, Pakistan is justifiably complacent about this and fully confident that its varied crises of instability make it impossible for the international community to let it lapse into further economic, social, or political decline. The cumulative effect is that the chronic interest of the international community to save Pakistan from itself has allowed the state to defer making hard choices about its budgetary commitment to an enormous defense infrastructure relative to human development and other investments focused on the well-being of its citizenry. Pakistan should be able increase its capacity to raise domestic revenue and provide for its people *and* it should be encouraged to do so.

Need for Pakistan’s Police Force to Become More Effective in Dealing with Security Threats

Pakistan is facing a grave threat from a variety of insurgent and terrorist groups. So far, the army has been the principal U.S. partner in contending with a variety of insurgent and terrorist threats in the tribal areas, the Northwest Frontier Province, and elsewhere.

⁶ See various polls by the International Republican Institute on Pakistan available at <http://www.iri.org/mena/Pakistan.asp>.

However, the scholarly and policy analytic literature consistently finds that a “police led” approach is more effective than one that is “army led.” A “police first” strategy puts the police in a lead role, makes effective use of civilian intelligence capabilities, and assigns the army a critical supporting role (e.g., protecting high-value infrastructure targets and other static duties).⁷ Despite the critical importance of police in successful counterinsurgency and counterterrorism campaigns, the legislation makes scant reference to Pakistan’s neglected police forces. Moreover, the proposed areas of police-related activity do not fundamentally address the urgent need for Pakistan’s police to become a more effective force in contending with the country’s staggering security threats. Indeed, as the United States has learned in Afghanistan, there is an urgent need to expand police numbers and quality.⁸

So far, a slim amount of U.S. funding has gone to assisting Pakistan’s police, with the vast majority going to support the military through reimbursements or assistance.⁹ Between FY 2002 and FY 2008, the accumulated outlays for INCLE (International Narcotics Control and Law Enforcement) programming have totaled \$267 million, inclusive of border security programming. This is a mere 2.2 percent of the nearly \$12 billion provided as aid or military reimbursements under the generous Coalition Support Fund Program.¹⁰ While Pakistan’s army has been hesitant to consider institutional change, key police (current and retired) leadership in Pakistan has struggled to pursue meaningful police reform, suggesting that there is demand for such effort.¹¹ This has been an enormous opportunity lost. (If

⁷ C. Christine Fair, “The Golden Temple: A Tale of Two Sieges,” in C. Christine Fair and Sumit Ganguly Eds., *Treading on Hallowed Ground: Counterinsurgency on Sacred Spaces* (New York: OUP, 2008), pp. 37–65; Seth G. Jones, Martin C. Libicki, *How Terrorist Groups End* (Santa Monica: RAND, 2008); Sumit Ganguly and David P. Fidler, *India and Counterinsurgency: Lessons Learned* (Routled: London, 2009); James S. Corum, “Training Indigenous Forces in Counterinsurgency: A Tale of Two Insurgencies,” Strategic Studies Institute, March 2006. www.strategicstudiesinstitute.army.mil/pdffiles/PUB648.pdf.

⁸ See The White House, “White Paper of the Interagency Policy Group’s Report on U.S. Policy toward Afghanistan and Pakistan,” March 27, 2009.

http://www.whitehouse.gov/assets/documents/afghanistan_pakistan_white_paper_final.pdf. Also, see the discussion of efforts to build the Afghan National Police in Kenneth Katzman, “Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,” CRS Report for Congress, March 4, 2009. <http://www.fas.org/spp/crs/row/RL30588.pdf>.

⁹ C. Christine Fair and Peter Chalk, *Fortifying Pakistan: The Role of U.S. Internal Security Assistance* (USIP: Washington, D.C., 2006); Cohen, Craig, *A Perilous Course: U.S. Strategy and Assistance to Pakistan* (Washington, D.C.: Center for Strategic and International Studies, August 2007).

¹⁰ See Table 1 “Overt U.S. Aid and Military Reimbursement to Pakistan, FY 2002-2009,” in K. Alan Kronstadt, “Pakistan-US Relations,” CRS Report, November 10 2008. <http://www.fas.org/spp/crs/row/RL33498.pdf> For FY 2009, an additional \$32 million INCLE funds have been requested out of a total \$1.2 billion. For a critique of the CSF program, see Government Accounting Office, “Combating Terrorism: Increased Oversight and Accountability Needed over Pakistan Reimbursement Claims for Coalition Support Funds,” GAO-08-806, June 24, 2008. <http://www.gao.gov/new.items/d08806.pdf>.

¹¹ See National Reconstruction Bureau, “Report of the Subcommittee on Police Reform,” N.D., http://www.ncgr.gov.pk/Forms/16-Reform%20papers/police_reform7-9.doc. Note that many of these suggestions were instituted in the Police Order 2002, which was never fully implemented. Many of the most important provisions to ensure that the police are not used as political tools were removed in the amended Police Order 2004. See the discussion in Hassan Abbas, “Police & Law Enforcement Reform in Pakistan:

the security or political environment makes this difficult, the United States could consider other partnerships to impart valuable training and equipment.)

Since 2005, insurgents and terrorists have singled out the police in suicide bombings, assassinations, and other heinous crimes. In this period, some 400 police on average have been killed. Because the police are outgunned, under-strength, poorly trained, largely unprofessional, and generally loathed, they are an easy target.

Moreover, sustained use of the army against its own citizens goes against the grain of most conventional militaries. Pakistan officers have expressed their concerns that they did not join the Pakistan army to kill Pakistanis. This suggests that the continued use of the army in these counterinsurgency activities may have an adverse effect on morale and readiness for its other duties. Therefore, I suggest a significant rethinking of the role of the army in counterterrorism and counterinsurgency engagements and of the importance of the police in securing Pakistan.¹² I am fully aware that this is a long-term transition. However, such a transition can only take place if preparations are begun now.

Finally, the legislation sometimes says “counterterrorism” (e.g., Sec.206 (b)) when “counterinsurgency” should also be included. This is very important, given the definitions for these activities provided in the bill.

Need for a Transparent and Evidence-based Approach to Ensure Cooperation and Accountability

My most significant concern about the legislation inheres in the provisions in Sect. 206 that are essentially conditionalities upon security assistance. I understand and fully support the spirit of these conditionalities. The United States is rightly concerned about Pakistan’s past nuclear proliferation and should seek maximal assurance that the activities have ceased and will not happen again. Moreover, ongoing support for numerous militant groups acting against the interests and security of the United States, the region, and the international community must stop.

But I want to stress that there are at least two approaches to securing maximum cooperation on critical issues, and conditionalities of this nature are only one such method.

Crucial for Counterinsurgency and Counterterrorism Success,” Institute for Social Policy and Understanding, 2009. <http://www.ispu.org/files/PDFs/ISPU%20-%20Police%20Reforms%20in%20Pakistan%20Report.pdf>.

¹² Hassan Abbas, “Police & Law Enforcement Reform in Pakistan.”

One approach embraces the unfortunate reality that Pakistan's past track record is not inspiring and seeks to accommodate the growing chorus inside and outside the United States that Washington needs to strike a better deal with Pakistan. This approach assumes that sweeping conditionalities may best achieve these goals. Such an approach would perhaps be justifiable if the legislation called for more extensive security assistance that aids Pakistan's conventional fight against India. However, if I have understood this legislation correctly, it has largely narrowed the focus to those forms of security assistance that buttress Pakistan's ability to effectively eliminate insurgent and terrorist threats. Thus, in a sense, the specific conditionalities are not needed, provided that the intent of security assistance is not undermined.

Indeed, the conditionalities on access to individuals involved in proliferation and the India-specific language used have had a decisively negative impact. Moreover, there is little chance that Pakistan will acquiesce to the stated demands, which puts the United States in an awkward position of having to execute waiver authority to continue funding Pakistan if needed. This continues a well-worn cycle of the United States bending its commitment to its own laws to accommodate the importance of dealing with Pakistan. It also undermines Pakistan's appreciation of the seriousness of U.S. intent because Pakistan remains ever confident that Washington cannot cut off a partner as important as Pakistan, irrespective of the severity of divergence in national priorities or policies.

Even if one prefers this conditionally-based approach, most of the conditionalities detailed in the legislation are either not very enforceable or can be finessed to the point of futility. None of the provisions provide a mechanism for verification, establish an empirical basis for testing compliance, lay out a process of consulting Pakistan on these issues, or even stating how determination of compliance can be made. This is important in establishing a system that appears fair to Pakistan and to Pakistanis. This is particularly critical given the enduring myths across Pakistan's polity about the "1990 Pressler" cutoffs.¹³ Moreover, in some cases, acquiescence to such demands would involve admitting to engaging in activities that Pakistan has heretofore denied. This too is unlikely to prove productive, even though the accusations are justified.

However, there must be accountability in how U.S. security assistance accomplishes its goals vis-à-vis Pakistan-based terrorist and insurgent groups enjoying Pakistan's support and sanctuary and vis-à-vis further nuclear proliferation. This is key because Pakistan's nuclear umbrella has facilitated its use of militancy in prosecuting its foreign policies by increasing the potential costs of punitive action and by ensuring international intervention to diffuse any crisis that emerges from

¹³ For a criticism of this popular wisdom, see C. Christine Fair, "Time for Sober Realism: Renegotiating Relations with Pakistan," *The Washington Quarterly*, Vol. 32, No. 2 (April 2009). http://www.twq.com/09april/docs/09apr_Fair.pdf.

Pakistan's use of militants. Thus, while U.S. policy tends to stovepipe these issues, they are in fact inextricably linked.¹⁴

Thus a second, and I would argue more transparent and ultimately effective approach, is one that is process-oriented and benchmark-based. It is essential that these processes and benchmarks be developed in concert with the Pakistani government. Both the United States and Pakistan must agree on how progress will be assessed and how remediation will be addressed. Pakistan must be a partner in achieving these objectives rather than an adversary being forced to acquiesce. The India-specific language in the legislation is most likely to be counterproductive, even if the stated goals of the conditions are absolutely valid. If using data-driven, transparent processes fails to achieve desired actions from Pakistan, the United States should consider provisions for cutting off security assistance.

The requirement for a transparent, evidence-based process is even more important because of the waiver-override mechanism in the legislation. While including this mechanism significantly undermines the logic of the waiver process in the first instance, I understand that congressional and administrative interpretation of the facts may vary, as demonstrated by the last eight years.

Conclusions

In conclusion, I applaud this effort to interject greater transparency into the use of funds and their impacts. Indeed, I would suggest even stronger efforts to demand accountability for how the United States disperses funds and how Pakistan uses those funds. However, I urge you to reconsider the modalities of proposed assistance, alter some of its focus, and rethink the best way to ensure maximal Pakistani collaboration with the United States in minimizing both the nuclear proliferation and militant threats. Both Americans and Pakistanis need to understand how these monies will be spent and what the outcomes of that spending are.

¹⁴ See Ashley J. Tellis, C. Christine Fair and Jamison Jo Medby. *Limited Conflicts Under the Nuclear Umbrella: Indian and Pakistani Lessons from the Kargil Crisis* (Santa Monica: RAND, 2002).