



# Asia Pacific Bulletin

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## Dealing with Davis: Inconsistencies in the US-Pakistan Relationship BY HUMA YUSUF

The nine-week standoff between the United States and Pakistan over the fate of Raymond Davis, an American arrested in Pakistan after shooting two men at a traffic stop, ended on March 16 with his sudden release from jail. Davis was freed under Islamic law, which allows a murderer to receive pardon from the family of his victims on payment of compensation, or “blood money.” Religious parties protested the decision, stating that the law had been applied incorrectly to satisfy US demands for Davis’ release. Still, media and analysts inside and outside Pakistan have termed the development a “win” for the country.

**Huma Yusuf**, Columnist for Pakistan’s *Dawn* newspaper and Pakistan Scholar at the Woodrow Wilson International Center for Scholars in Washington, discusses how US security interests underpinning US-Pakistan relations, as evidenced in the Davis case, are entrenching ISI’s paramount influence in Pakistan further to the great detriment of Pakistan’s civilian institutions.

Contrary to this “win” narrative, the handling of the Davis case reveals the extent to which the US-Pakistan relationship has been hijacked by security concerns. Davis’ release might have been a Pyrrhic victory for the Inter-Services Intelligence (ISI), Pakistan’s notorious intelligence agency, but it has dealt a lasting blow to the country’s civilian institutions.

Since Davis’ arrest on January 27, the US and Pakistani governments have publicly sparred over his fate on the basis of his disputed diplomatic status. Washington claims he has diplomatic immunity, but Islamabad left the issue up to the Lahore High Court. Fundamentally, though, Davis’ detention was the subject of a showdown between the ISI and the CIA.

According to news reports, Davis was a security contractor for a covert team of CIA agents collecting intelligence on Punjab-based militant groups, including the Lashkar-e-Taiba. A group with longstanding ties to the ISI, Lashkar-e-Taiba is held responsible for carrying out terrorist attacks in Mumbai in 2008 and alleged to have links with Al-Qaeda and the Taliban. Davis’ arrest blew the cover on the CIA’s covert operations in Pakistan’s heartland and in the process sparked a confrontation between the American agency and the ISI. Nevertheless, his sudden release indicates that the intelligence agencies are now willing to work through their differences on the scope of CIA activity in Pakistan.

Through this standoff, the ISI has gained the upper hand. Pakistani and US government officials have told the media that in exchange for Davis’ release, the ISI has defined the parameters of CIA operations on Pakistani territory. Notably, General Shuja Pasha, the director general of the ISI who was due to retire in March, also obtained an uncommon one-year extension this week.

These small victories are significant in the context of a souring relationship. In December 2010, ISI operatives leaked the name of the CIA’s top officer in Pakistan to the local media, forcing him to leave the country. The disclosure was perceived as retribution for General Pasha being named in a US lawsuit with regards to the 2008 Mumbai attacks.



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But these ISI triumphs over the CIA come at the expense of Pakistan’s civilian institutions. The coalition government led by the Pakistan Peoples Party has once again been discredited for bowing to US pressure. As Khurshid Ahmad of the Jamaat-e-Islami, a religious political party, put it, “blood money was taken not just for two men, but the whole country was sold.” Similarly, Chaudhry Nisar Ali Khan, the leader of the opposition in National Assembly, accused the government of “selling out,” echoing populist sentiment on the issue. These perceptions worsen the damage caused by leaked US diplomatic cables in December last year that revealed the extent of US interference in Pakistani politics and internal affairs.

The saga has also reiterated the Pakistani security establishment’s dominant role in US-Pakistani relations. Once it became apparent that the civilian government could not secure Davis’ release for fear of a public backlash, the United States quickly sidestepped Islamabad in favor of Rawalpindi. On February 22, a meeting between top US and Pakistani military officers—including Admiral Mike Mullen, General David Petraeus, and Pakistan’s chief of army staff General Ashfaq Parvez Kayani—took place in Oman, where the United States asked the Pakistan Army to seize control of the situation.

The Pakistani judicial system, too, has been undermined by the modalities of Davis’ release. It is true that he was acquitted according to Pakistani law during a closed hearing in Lahore, but it is also widely acknowledged that the mechanism of his release was negotiated in Islamabad and Washington. Husain Haqqani, Pakistan’s ambassador to Washington, recommended the “blood money” option to Senator John Kerry, chairman of the US Senate’s Foreign Relations Committee, and CIA Director Leon Panetta. Kerry, in turn, mooted the idea with President Asif Zardari, members of the Punjab provincial government, and ISI officials during a trip to Pakistan last month. Once Pasha and Panetta finalized the details, the courts simply had to go through the motions and implement the decision.

Independent media outlets in Pakistan were similarly manipulated. In order to publicly malign the CIA for its covert operations and keep the pressure on US officials, the ISI used Pakistan’s vibrant print and electronic news media, as well as the international press, as a convenient platform. News anchors and political talk show hosts have been encouraged to fuel anti-American sentiment by circulating extreme conspiracy theories about Davis’ work in Pakistan, but prevented from airing eyewitness accounts that corroborate Davis’ version of events.

Moreover, in late February, the ISI leaked a draft of a never-before-seen “statement” that described how the Davis case was fracturing its relationship with the CIA. In March, “official sources” provided the Pakistani media with a list of the names and passport details of other US citizens suspected of entering Pakistan under false pretenses. The media’s willingness to broadcast such leaked information has highlighted the extent to which a supposedly independent industry is beholden to the intelligence agencies.

Ironically, in the course of the Davis affair, the US State Department’s policy for engagement with Pakistan has also been compromised. For example, the Kerry-Lugar-Berman Act, which allocates \$7.5 billion in civilian aid to Pakistan over five years, emphasizes the need to strengthen Pakistan’s civil institutions and support the free media. These ideals were the first to fall victim to security differences.

More importantly, the legislation makes assistance to Pakistan conditional on its limiting the ability of groups such as Lashkar-e-Taiba to commit terrorist acts. The CIA will find its post-Davis activities within Pakistan curtailed and closely monitored. US government and military officials will also shelve difficult issues—such as the ISI’s ties to the Lashkar-e-Taiba—in the name of political expediency and an effort to retain Pakistan’s cooperation against the Taliban in Afghanistan. As a result, the United States’s broader counterterrorism goals for the region will also be waylaid. Despite much talk of “winners,” it seems as if all parties have lost out in the effort to deal with Davis.