Spy for a spy: the CIA-ISI showdown over Raymond Davis

By C. Christine Fair, March 10, 2011

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The United States and Pakistan are bound by mutual if asymmetric dependence, which generates considerable resentment among our peoples and governments alike. The Pakistan-U.S. relationship sometimes feels more like an arranged marriage than a love match: both stay in it because of larger considerations, and begrudgingly acknowledge or even outright deride the other's concerns and priorities.

This is not new: it has been the case since the partnership was renewed in the wake of the events of 9/11. The Raymond Davis affair -- in which a CIA contractor shot and killed two Pakistani men he said were trying to rob him in Lahore in late January, causing a national outcry from Pakistanis worried about armies of American spies ravaging the country -- has again brought these long-standing bilateral troubles to fore. The crisis has revealed the apprehensions, recriminations, and anger that are rife on both sides. But Raymond Davis is a symptom, not the cause, of deep tensions between America and Pakistan.

Deeper structural problems abound. The narrative goes like this. Pakistan tends to see U.S. financial support as an entitlement given that their country has sided with the United States' "war on terrorism." Many Pakistanis believe that the United States should be less niggardly in its aid and grimace at American claims of generosity. Many also blame this partnership for the security problems currently wracking their country, including a bloody insurgency that has claimed the lives of thousands of Pakistani civilians and security personnel. Pakistanis also tend to believe that their economic hardship is due to their country's alliance with the United States rather than decades of flawed economic and fiscal policies, including political elites' refusal to expand Pakistan's tax net to include their own agricultural and industrial profits.

Americans counter that Pakistan's insurgency is due to blowback from the fact that Pakistan's intelligence service (the ISI) has used Islamist militants to execute the state's foreign policies in India and in Afghanistan for nearly six decades in some form or another. Americans also note with vexation that Washington has paid Pakistan some $19.6 billion (including lucrative coalition support fund reimbursements) to fight the war on terror, while Pakistan continues to fund the very Islamist groups

that are killing Americans and their allies in Afghanistan, including the Afghan Taliban, the Haqqani network, Lashkar-e-Taiba, among many deadly others.

Both Pakistan and the United States are struggling to discern whether the other is a bothersome partner with important benefits or an enemy to be resisted and thwarted. What Islamabad and Rawalpindi, on the one hand, and Washington D.C. and Langley, on the other, decide will profoundly affect the security of both states. Should this troubled and suboptimal relationship end as it did in 1990, both countries will soon re-learn the unpleasant lessons of the past. (In 1990, the United States applied nuclear nonproliferation sanctions to Pakistan, precipitating a decade-long hiatus in bilateral ties.)

The Raymond Davis affair is symptomatic of the underlying malaise of this partnership and brings up the contrasting and conflicting strategic priorities of the United States and Pakistan. At the crux of the challenge is the simple fact that both Pakistan and the United States have divergent strategic interests. The art of sustaining this increasingly fraught geostrategic partnership amidst such stark differences is currently proving beyond the capabilities of the politicians, diplomats, and defense and intelligence leadership in both countries.

These strategic differences are most clear when it comes to Islamist militant groups, which American policymakers and citizens alike see as terrorist groups. Nearly ten years ago, the United States declared al-Qaeda an existential threat along with any group that has perceived -- much less actual -- ties to the organization. This is true even though, during the nearly ten-year war in Afghanistan, it is the Afghan Taliban and their allies in the Haqqani network, rather than al-Qaeda per se, that have killed thousands of Americans, Europeans, Afghans, and others. While groups like Lashkar-e-Taiba, which was traditionally focused on 'liberating' the disputed territory of Kashmir from Indian control, were resigned to a lower priority being "India's problem," the November 2008 Lashkar-e-Taiba rampage in Mumbai placed LeT close to the center of U.S. counterterrorism efforts.

The United States, with heroic optimism, had hoped that Pakistan could be persuaded to permanently abandon using Islamist militants as tools of foreign policy through a combination of profitable inducements and rehabilitating Pakistan, coaxing it back into the comity of nations after it had been reviled as a nuclear proliferator, a supporter of terrorism, and a state teetering on the brink of failure.

However, Pakistan sees India as an existential threat in the same way that the United States sees al-Qaeda and its murderous minions as its most menacing nemeses. Pakistan relies upon the most feared and loathed of U.S. adversaries to manage its competition with India, while the United States wants to extinguish them.

Before the Raymond Davis affair publicly exposed these differences, both sides tried to paper over them as they sought to extract as many marginal benefits from the other as possible. Neither side directly confronted how one forges a strategic partnership when both parties have divergent strategic priorities. After the Davis shooting, obfuscating these differences is no longer possible.

A spy for a spy

Raymond Davis gives face to the frustration and desperation of both sides. In the Kerry-Lugar-Berman legislation, which allocates $1.5 billion in civilian aid to Pakistan every year for five years, the U.S. Congress conditioned security assistance upon the Secretary of State's certification that Pakistan is making progress on a variety of terrorism-related issues, including limiting the ability of Lashkar-e-Taiba and other terrorist groups to act. If and when the Department of State takes up this task, as it is required to do by law, finding that Pakistan has made any meaningful effort against Lashkar-e-Taiba will be difficult to do without the most tedious of factual and interpretative splitting of legalistic hairs. This will put the United States in an awkward position: does it enforce the spirit of its laws and deny security assistance to a country that aids and abets America's enemies *or* will it, as it has done in the past, waive the conditions due to the demands of the immediate as it did during the 1980s and in the years following 9/11?

Pakistan is well aware of these conditions in the U.S. legislation. It was these conditions -- along with those regarding the army's interference in politics, nuclear proliferation and money laundering laws -- that prompted the ISI to manufacture public outrage over the law as soon as it was passed in 2009. While few Pakistanis understand the law and its intentions, the bill is seen as imperial hubris rather than a serious attempt to aid Pakistan's civilian institutions and incentivize the army to refrain from undermining the same institutions.

Which brings us back to the Raymond Davis affair. The United States intelligence community understands full well the political fallout that it will endure should Lashkar-e-Taiba commit or attempt to commit a Mumbai-like attack in the United States. After such an attack, the United States Congress will spare no agency or its leadership, given that unlike al-Qaeda's 9/11 attack, the capabilities and intentions of Lashkar-e-Taiba have long been well known.

Pakistan's refusal to do anything to take down the organization appears to have motivated the United States to take the issue into its own hands: setting up a cell in an obscure part of Punjab's populous city of Lahore to track and perhaps eliminate associates of Lashkar-e-Taiba. Davis reportedly did security and surveillance activities for the case managers of that cell.

Though the ISI knew of the operation, the agency certainly would not have approved of it. While the publics in Pakistan and to a lesser degree in the United States view the fate of Raymond Davis through the legal lens of his disputed diplomatic status -- the U.S. has consistently claimed he has diplomatic immunity, while the Pakistani government has left the matter up to the Lahore High Court -- others have a different view. According to Omar Waraich, Pakistani sources indicate that the two young men were from the ISI either as "full paid-up agents or local informants." Whatever the truth may be about Davis's victims, there can be little doubt that, at its core, it is a showdown between the countries' intelligence agencies: the ISI and the CIA. Moreover, the tragedy has allowed the ISI to regain the initiative over the CIA in Pakistan.

As evidence that the affair is "spy for a spy" rather than a diplomatic or legal tussle is the simple fact that the ISI could have made this disappear had it wanted to. In the summer of 2010 while I was in

Islamabad, a U.S. diplomat was allegedly drunk while driving and hit a young man. The small news article about the incident, which has apparently since gone missing, suggested that the driver did not stop and the young man died. The following day, while meeting with an embassy official I learned that the report was basically accurate. The alleged killer was ferreted out of the country without fanfare or outrage. Drunk driving, much less a homicide while driving drunk, is a serious crime in the United States.

Compare the brutality and indifference to Pakistanis' lives in that horrific yet downplayed account from the summer of 2010 to the mischaracterized Davis affair: the differences in how the Pakistani government reacted are obvious and illuminating. In the drunk driving incident, the media was dampened and the quick extrication of the culprit was permitted with the ostensible goal of not provoking public outrage. But Raymond Davis has become the center of an orchestrated media maelstrom, remains in Pakistani custody in Lahore, and has been prohibited from leaving Pakistan, while Pakistanis heighten demands for him to be hung.

Reports are ongoing that the CIA and the ISI are in direct discussions about Davis's fate specifically while Pakistani courts continue the circus of adjudicating an issue that is not likely a judicial concern but that of the Foreign Office. While the courts draw out this drama, Pakistani citizens continue to consume ever more strange accounts of Davis with varying degrees of veracity. Jamaat-ut-Dawa, the front organization for Lashkar-e-Taiba in Pakistan, has adeptly and ironically exploited the situation. It has organized many demonstrations that have no doubt increased its revenue and its supply of ready recruits to kill infidels wherever they may be found. The ISI doubtless wants to assert control over the CIA, limit its actions, and ensure that the CIA is not in a position to flagrantly undermine the ISI's own interests in its own country.

At best, the two organizations can seek to reset their operational relationship to the status quo ex ante before the confrontation over Davis. But this rift was long in the making. Last year, Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff, announced in Pakistan that Lashkar-e-Taiba was "a very dangerous organization and a significant regional and global threat."

Such a pronouncement by a high-ranking U.S. official against Lashkar-e-Taiba in Pakistan was unprecedented and should have signaled to Pakistan that Washington would be less indulgent of the ISI's savage acolytes. If the ISI failed to get that message, the swollen piles of delayed visa applications from Pakistanis with obscure job titles may have been a likely clue that something was brewing.

However, the ISI needs the CIA as much as the CIA needs the ISI. Pakistan is increasingly beset by militant groups and the state seems both insouciant about the nature of some of the threats to Pakistan and its citizenry and less than capable of dealing with those threats it has acknowledged and taken on.

Unless these two spy organizations can find a workable peace that acknowledges and begrudgingly accommodates the other's concerns, the security of both of our countries will be at risk. And if the recent past is any guide, Pakistanis will bear the brunt of the terrorist rampages.

C. Christine Fair is an assistant professor at Georgetown University, Center for Peace and Security Studies and the author of the political cookbook, Cuisines of the Axis of Evil and Other Irritating States *and* Pakistan's Madrassah Challenge: Militancy and Religious Education in Pakistan.