GETTING SOUTH ASIA ON TRACK: IDEAS FOR THE NEXT PRESIDENT

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During the presidential debates, the myriad policy challenges in South Asia were not discussed. Yet it is South Asia where some of the most obdurate and intractable policy challenges reside. In Afghanistan, U.S. troops continue fighting the longest war in American history. Pakistan, formally feted as an ally, continues to behave as an enemy by taking U.S. money while supporting the Taliban who kill U.S. troops and civilians as well as those of our Afghan and international allies. Pakistan also has the dubious distinction of being the world's worst nuclear proliferator, whether measured in terms of its fissile material production, bomb making, missile manufacturing, or its blatant introduction of battlefield nuclear weapons into its arsenal. Pakistan continues to extort the global exchequer with the ever-present taunt that it is "too dangerous to fail." India — despite ongoing domestic challenges with religious freedoms, caste-base violence and discrimination, as well as episodic revelations of Indians joining the self-proclaimed Islamic State — remains the most promising country in South Asia. U.S.-Indian relations have deepened and broadened since President Bill Clinton's opening to India in 1997. However, attention is needed to ensure that these important gains are not reversed.

While President-elect Donald Trump (https://s-media-cache-ak0.pinimg.com/236x/6a/c4/bd/6ac4bd404d285a160ab0b2a91a40fc25.jpg) seems most concerned with dodging his obligations (https://www.washingtonpost.com/news/business/wp/2016/11/30/trump-announces-he-will-leave-business-in-total-leaving-open-how-he-will-avoid-conflicts-of-interest/?utm_term=.d8b1c111ff65) under the emoluments cause (http://www.nytimes.com/2016/11/21/us/politics/donald-trump-conflict-of-interest.html?_r=0) of the U.S. constitution, getting his relatives appointed officially in some capacity despite anti-nepotism laws (http://www.nytimes.com/2016/11/18/us/politics/donald-trump-administration.html), selecting cabinet choices (http://www.msnbc.com/rachel-maddow-show/picking-cabinet-trump-values-wealth-inexperience) that are mind-boggling (http://www.newsweek.com/petraeus-trump-broadwell-email-lover-scandal-romney-giuliani-cia-clinton-526173), while continuing to pander to a dangerous domestic constituency (http://www.nytimes.com/2016/11/27/us/politics/steve-bannon

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white-house.html), hopefully he or Vice President-elect Mike Pence (https://i.ytimg.com/vi/rbmX0fo2hxU/maxresdefault.jpg) will turn their attentions (http://3.bp.blogspot.com/-b9Xpcyli7tQ/UTtzxJWgoDI/AAAAAAAAAvU/FDdMSQbPzF0/s1600/Screen+shot+2013-03-07+at+12.00.47.png) to this important region (http://www.pbdmuseum.org/south-asia/) sooner than later. In this essay, I lay out the most pressing policy problems and propose an array of options for the new administration. I do not address all of South Asia. Indeed, Bangladesh (http://www.latimes.com/books/jacketcopy/la-et-jc-free-speech-at-risk-bangladesh-20160425-story.html) faces threats from Islamist violence (http://www.theatlantic.com/news/archive/2016/07/dhaka-attack/489986/) and its democratic institutions are under attack by its current leadership (http://thediplomat.com/2016/07/the-downfall-of-democracy-in-bangladesh/). Sri Lanka (https://www.crisisgroup.org/asia/south-asia/sri-lanka) continues to struggle to integrate its wary Tamil population after it defeated the Tamil Tigers in 2009. Instead of these challenges, this piece will focus upon the intertwined security challenges of Afghanistan, Pakistan, and India.

Afghanistan: Normalizing our Commitment?

The problems with the current effort of Afghanistan began in the earliest phases of the war. When the United States decided that military action was necessary, it needed a port from which it could move war material into Afghanistan. There were only two options: Iran and Pakistan. Iran's President Khatami supported the U.S. effort, was opposed to the Taliban, and was constructive in international fora such as the Bonn Conference. By contrast, Pakistan supported the Taliban and Islamist militancy as tools of foreign policy. Yet, the United States chose Pakistan. As is well known, Pakistan was important in making early ar[illegible]es or kills of key al-Qaeda operatives (http://www.newsweek.com/sept-11-terrorists-list-captured-and-killed-67357). It is equally well known that Pakistan has long aided and abetted (http://www.longwarjournal.org/archives/2016/07/pakistan-friend-or-foe-in-the-fight-against-terrorism.php) U.S. enemies in Afghanistan, including the Taliban and the Haqqani Network. In fact, the United States has given Pakistan more than $33

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billion in economic and military support and in lucrative reimbursements under the Coalition Support Fund (CSF). These funds were intended to reimburse Pakistan for military operations undertaken to support the U.S. effort. However, it has become a well-established fact that Pakistan continued to aid the Taliban, the Haqqani network, and other groups such as the Lashkar-e-Taiba (LeT) operating in Afghanistan even while receiving funding from the U.S. government.

The United States has spent more in Afghanistan in real terms than it did in the entire Marshall Plan to rebuild Europe after the war. The gains are real. Afghans have enjoyed a semblance of democracy and access to education and health care as never before. Afghans also support their army, even if they are wary of the police, whom they view as corrupt. However, the situation in Afghanistan is precarious and unsustainable. The Taliban continue to make gains, particularly in the rural areas where most Afghans live. The Afghan National Security Forces continue to take casualties at an astonishing rate. The United States needs to make some serious decisions about Afghanistan as soon as possible.

At one extrema, the United States can leave Afghanistan altogether, keeping only a normalized presence at the embassy with an aid portfolio that looks like any other country. This is tantamount to handing Afghanistan back to the Taliban and their Pakistani masters. Alternatively, the United States could agree to an open-ended commitment to continue helping Afghanistan's security forces stave off the persistent predatory threat from Pakistan and its proxies. The goal should be to fund this at a level similar to that of current U.S. assistance to Israel.

But there should be strings attached. While Pakistan is a huge reason for U.S. failure in the Hindu Kush, it is not the only reason. Afghanistan suffers from pervasive corruption (https://www.americanprogress.org/issues/security/reports/2015/03/17/108613/tackling-corruption-in-afghanistan-its-now-or-never/) and some of this corruption — indeed a lot of it — has been incentivized by American (https://www.washingtonpost.com/world/national-security/afghan-corruption-and-how-the-us-facilitates-it/2012/11/05/d7fbce5c-2520-11e2-ac85-

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e669876c6a24_story.html) and international programs. This corruption has fueled the insurgency (https://www.sigar.mil/pdf/lessonslearned/SIGAR-16-58-LL.pdf). However, much of it is also driven by patronage politics that has a long history in Afghanistan. Pakistan would find it much more difficult to exploit Afghan grievances (http://www.mitpressjournals.org/doi/pdf/10.1162/isec.2008.32.4.7) if there were fewer grievances. Many of these objections stem from the abject failure of the Afghan government to govern. Its rule is defined by predatory corrupt behavior that includes institutionalized bribery, warlord-ism, and powerful men keeping young children as sex slaves. The United States should be willing to remain committed to Afghanistan, but Afghanistan must clean up its act in specific ways and on a time schedule that is feasible. At the same time, the Afghan government and the international community needs to begin re-sizing the Afghan government, expanding the tax net, and cajoling important investors to build the needed infrastructure to get Afghanistan's resources out of the ground and to market. Afghanistan will soon be connected to railheads from Iran (http://afghanistantimes.af/afghanistan-iran-railway-construction-begins/), Tajikistan (http://www.railwaygazette.com/news/infrastructure/single-view/view/afghanistan-and-turkmenistan-open-lapis-lazuli-railway.html), and Uzbekistan (http://www.rferl.org/a/Afghanistans_First_New_Railroad_On_Track/2190489.html). It simply needs the internal connectivity to those rail heads, either by road or rail links.

U.S. Afghan policy must be secure from Pakistani efforts to destabilize Afghanistan. . This means it is vital that the United States and its partners deepen its relations with Iran rather than eviscerate them as the president-elect and his senior appointees have promised to do (http://www.cbsnews.com/news/donald-trump-ending-iran-nuclear-deal-act-of-folly-cia-john-brennan/). Ir Print more in common with the United States than does Pakistan. In fact, Iran, India, and the United States generally have a shared vision for the future of Afghanistan (http://nationalinterest.org/feature/when-it-comes-afghanistan-america-should-ditch-pakistan-iran-13788). Opposition to Iran is largely driven by a desire to cater to U.S. domestic politics vis-à-vis Israel and Saudi Arabia. But Israel has no commitment to Afghanistan and Saudi Arabia, like Pakistan,

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is responsible for much of the Islamist violence that has seized the Middle East and large swathes of Asia. Success in Afghanistan will also require the United States to forge a real and effective Pakistan policy. Even if a long-term U.S. commitment to Afghanistan and Afghan commitments to doing a better job at governing occur, the United States and Afghanistan will still fail if Pakistan continues to provide sanctuary, training, as well monetary, military and diplomatic amenities to the Taliban.

Pakistan: Taming the Problem from Hell

Despite the hullaballoo every time Pakistan gets a new army chief (https://www.washingtonpost.com/world/asia_pacific/pakistan-to-get-new-army-chief-in-rare-peaceful-exchange-of-power/2016/11/26/8b4079b8-b1c7-11e6-bc2d-19b3d759cfe7_story.html?utm_term=.71df728a65ca), there will never be any substantive changes in the civil-military relationship in Pakistan. For the foreseeable future, the Pakistan Army calls the relevant shots.

The Pakistan Army has three persisting objectives. First, resist what it views as Indian hegemony in South Asia and beyond. Second, cultivate "strategic depth" in Afghanistan both to vitiate any Afghan ill-will towards Pakistan and to deny India any space from which it can destabilize Pakistan from Afghan territory. Finally, seize the portion of Kashmir currently administered by India. To secure these goals, Pakistan uses two tools. First, it has cultivated a menagerie of Islamist and non-Islamist militant groups acting as proxies on behalf of the state. Second, it has developed an ever-expanding nuclear arsenal that includes battlefield nuclear weapons.

Pakistan relies upon proxies because they are inexpensive, able to subvert even the best defenses in India and Afghanistan, offer plausible deniability of state involvement, and generally limit the investment of Pakistani security forces in direct engagement. Pakistan's military and intelligence personnel train, equip, and otherwise enable the operations of these groups and they help plan high-profile attacks. In some cases, retired personnel fulfill these roles and may even join a militant group. Pakistan's nuclear weapons enable Pakistan to use these proxies in several important ways. First, nuclear weapons raise the cost of any Indian punishment because they

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pose the risk that any conflict can escalate to nuclear use. Second, they coerce the international community to intervene after any Pakistan-sponsored terror attack in India to persuade India not to escalate. This essentially protects Pakistan from the consequences of its action. Third, they permit Pakistan to blackmail the international community to continue providing lucrative economic bailouts that allow the state to continue with these dangerous policies.

Pakistan uses terrorism under its nuclear umbrella with impunity because it works to achieve Pakistan's agenda of highlighting the "conflict" between Pakistan and India. Pakistan-backed terrorism in India inevitably provokes calls for dialogue to resolve "outstanding differences," which further legitimizes Pakistan's territorial demands At the same time, Pakistan has incurred few costs that it believes to be disproportionate to the benefits it derives from using terrorist proxies. Even the sustained blowback (https://s-media-cache-ak0.pinimg.com/236x/02/97/39/029739341021820 9b9f90fb4fb15a6a3.jpg) of erstwhile proxies since 2004 has not persuaded Pakistan to cease using jihadists as tools of foreign policy.

The only way to motivate change is by developing a coercive campaign that diminishes the advantages of Pakistan's use of militant proxies under its nuclear umbrella while also increasing the costs of doing so. The United States has been unwilling to seriously revise its Pakistan policy because of the belief that American assistance and presence staves off state collapse or prevents further nuclear proliferation. Unfortunately, Pakistan has used American assistance to further develop the very assets — nuclear weapons and terrorists — that disquiet Americans the most.

The United States underestimates the resilience of the Pakistani state and the low likelihood of its collapse should U.S. aid be terminated. The United States will not likely be able to undertake any meaningful coercive policy if it continues to believe that its resources and those of its allies and multilateral organizations are staving off an otherwise likely collapse of the state. The below recommendations assume that state collapse is very unlikely even though this fear is commonly articulated by U.S. officials. This assumption is premised upon my detailed studies of this country since 1993.

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Washington must stop providing Pakistan with incentives to produce "good jihadist assets" while fighting "terrorists of the Pakistani state." As long as Pakistan has terrorists to kill, Washington will remunerate Pakistan handsomely to do so. Pakistan's army knows the United States would be less concerned about Pakistan were it not for these militant proxies. Yet Washington has failed to tell Pakistan clearly that it must stop producing new terrorists to pursue its regional goals. The United States should incentivize Pakistan to abandon Islamist terrorists as tools of foreign policy. (https://www.foreignaffairs.com/articles/pakistan/2016-03-30/life-and-death-lahore) Doing so will require political fortitude and risk-taking. The president-elect has at least demonstrated a penchant for the latter.

Washington should not provide strategic weapons systems to Pakistan and deny the future supply of spare parts and lifetime maintenance. The sales of these systems were a grievous mistake. Withholding spare parts and maintenance could attenuate the outcome of poor decision-making in the past. However, the United States should remain willing to furnish platforms which are suited for counter-terrorist and counter-insurgency operations, provided that they offer insignificant advantages in fighting India. Washington should provide training to Pakistan's armed forces (including police) in these areas, as well as other areas that fit squarely within the rubric of domestic security (i.e. natural disaster relief). The United States should remain willing to provide police training and counter-insurgency training to Pakistan's security forces and other forms of assistance to Pakistan's shambolic justice system (https://www.cigionline.org/sites/default/files/ssr_issue_no5.pdf) should Pakistan permit the United States to do so and should the United States be able to provide meaningful assistance to these organizations.

The United States should provide *no* assi to any unit that violates human rights per the requirements of the Leahy Amendment (http://www.humanrights.gov/dyn/an-overview-of-the-leahy-vetting-process.html). Washington has, with one exception (https://www.theguardian.com/world/2010/oct/22/us-cut-pakistan-military-aid), turned a blind eye to the massive human rights abuses perpetrated by Pakistan's security forces in Balochistan (https://www.hrw.org/report/2011/07/28/we-can-

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torture-kill-or-keep-you-years/enforced-disappearances-pakistan-security), the Federally Administered Tribal Areas (http://www.amnestyusa.org/research/reports/the-hands-of-cruelty-abuses-by-armed-forces-and-taliban-in-pakistan-s-tribal-areas), and in Khyber Pakhtunkhwa as well as other areas (http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154485.htm). Such insouciance (http://www.nytimes.com/2013/06/21/us/politics/military-says-law-barring-us-aid-to-rights-violators-hurts-training-mission.html) fosters the culture of impunity in Islamabad.

The U.S. congress should terminate security-related reimbursements to Pakistan. The United States used to do this under the problematic Coalition Support Funds (http://www.gao.gov/products/GAO-08-806) program and will likely provide reimbursements under a new program (https://www.govtrack.us/congress/bills/114/s1356/text). Under U.N. Security Council Resolution 1373 (adopted in 2001), Pakistan is obligated to prevent and undermine the ability of terrorist groups from using their soil to organize, train, raise funds and recruits, and other necessary activities required to carry out attacks. It should not be compensated for undertaking its sovereign responsibilities.

Resolution 1373 is under Chapter VII of the United Nations charter (http://www.un.org/en/sections/un-charter/chapter-vii/), which means that states which fail to prevent terrorist attacks may be punished with force by the United Nations or member states. After the November 2008 (http://www.foreign.senate.gov/imo/media/doc/Fair_Testimony.pdf) terrorist attack in Mumbai and the subsequent revelations that the attack had state-sponsorship, the United States and China proactively protected Pakistan from punishment. Washington must hold Pakistan to account per its ow[illegible]and per the relevant United Nations resolutions and other agreements to which Pakistan is a signatory. It must also work to ensure that countries that China do not protect Pakistan from the consequences of its actions.

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The United States must also be willing to declare Pakistan a state sponsor of terrorism unless it undertakes specific actions immediately. Doing so will impose sweeping and devastating sanctions against Pakistan's army because it will curtail security assistance. Washington should provide a timeline of concrete steps that Pakistan must take against the various militant groups it now supports to curtail such a designation. The first such step is ceasing active support for these groups, constricting their space for operations and recruitment; ultimately, Washington should demand the elimination of the remnants. It is unlikely that Pakistan will be willing to undertake such efforts.

Should Pakistan undertake this challenge — which is highly unlikely — the international community must understand that putting down its tens of thousands of trained proxies will be a long-term project and will require a disarmament, demobilization, and reintegration (http://www.un.org/en/peacekeeping/issues/ddr.shtml) program. Assistance for any such effort should be contingent upon verification that Pakistan is no longer creating or actively supporting proxy actors.

The United States should redouble its efforts to target specific individuals for whom there is intelligence or evidence that they provide material support to terrorist groups and individuals under U.N. Security Council Resolution 1267 (https://www.un.org/sc/suborg/en/sanctions/1267). China will remain a problem. China frequently puts technical holds (http://www.firstpost.com/india/china-extends-its-technical-hold-on-masood-azhars-terror-listing-at-united-nations-3029938.html) on these designations. It will be a test of the president-elect's skills to assemble necessary international support to pressure China to behave like a responsible sovereign state.

The U.S. Department of Treasury (https://www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx) must be more vigorous in designating individuals and apply more pressure to its partners — such as Saudi Arabia and Qatar — to seize accounts of designated persons. Other steps to pressure Pakistan where it hurts include denying visas to persons in and out of

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government who support terrorist activities as well as their families. The United States may consider targeted elimination of high-value personnel whether in the ranks of Pakistani terrorist, military, or intelligence agencies.

The United States can also work to deprive Pakistan of the single-most benefit it derives from deploying militant proxies in India by refusing to lend credence to its claims on Kashmir. As I have argued elsewhere, (https://lawfareblog.com/new-way-engaging-pakistan) Washington should assiduously avoid mentioning Kashmir in its various statements about and engagements with Pakistan. When Pakistan-based terrorist organizations attack India, Washington should abandon its usual practice of encouraging India publicly to observe restraint and offering the usual calls for the both sides to resolve disputes through dialogue. Instead, Washington should aver that it stands with India in its fight against Pakistani terror and make explicit, public and forceful calls for Pakistan to stop using terrorism as a tool of foreign policy. Last but not least, the United States should reconsider its official position on the Kashmir "dispute" and officially adopt support for converting the Line of Control into the international boundary.

Consolidating Decades of Indo-U.S. Rapprochement

India and the United State have worked hard to establish firmer ties across a wide array of diplomatic, political, and military matters. This rapprochement has been fundamentally driven by a shared set of strategic interests within and beyond South Asia. One of the key motivations is a shared belief that Pakistan is a problem for both India and the United States, even if they have long disagreed about how best to manage this problem. Both countries should seize this opportunity of a new and unpredictable U.S. administration to work together and minimize the ever-present dangers posed by Pakistan. Given the unpredictability of the president-elect, the above-noted threats should be compelling to Pakistan.

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A clear demonstration that the United States sees its future with India will do much to reassure those Indian skeptics who find American behavior with respect to Pakistan to be baffling. At best, it seems unbefitting a super-power to tolerate Pakistan's perfidy

and slaughter of American troops and allies while also providing such assistance. At worst, conspiratorial Indians imagine that the United States seeks to prop up — and even arm — the two adversaries with the aim of ensuring that India remains engaged in fighting India and China and thus remains unable to challenge American preferences in its neighborhood. Making a clear departure from the past habits of appeasing Pakistan will make this possible.

The Indian and American governments have numerous working groups in place to strengthen the relationship substantively across a broad array of activities. In Trump's zeal to undo some of the Obama legacy, it may be tempting to dismantle some of the institutions our two countries have built over the last eight years. This would be devastating to this genuinely bi-partisan policy success. Instead the incoming administration should appoint career diplomats to key posts and draw from their expertise and follow their lead. In fact, if the administration focused upon managing the Afghan meltdown and taming the terrorist beast that is Pakistan, much good will may flow from Delhi. Especially if the administration can deepen the current efforts of the Obama administration to work with India in Afghanistan. The main task for the incoming administration in India is "do no harm." India watchers can live with that.

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