

Decision Brief | 2018.004 | September 4, 2018

## **Terminate the Islamic Republic of Pakistan's Status as a 'Major Non-NATO' Ally**

**Decision:** The United States should downgrade its formal alliance with the Islamic Republic of Pakistan as its primary partner in the region by terminating Pakistan's status as a "[Major Non-NATO Ally](#)" (MNNA).

**Reason:** A historic realignment is underway between states in the South Asia region, further complicating decisions concerning the future of Afghanistan and the U.S. presence there. Pakistan's conduct – notably, with respect to: the propagation of Islamic radicalism and jihadi activity; its support for activities destabilizing neighboring Afghanistan and India; its deepening bilateral partnership with China, notably through the "China-Pakistan Economic Corridor" (CPEC) project; and its uptick in military-strategic reorientation towards Russia – are all exacerbating the decline in Islamabad's relations with Washington. Indeed, these developments represent direct and significant threats to U.S. national security interests that warrant the termination of Pakistan as a "Major Non-NATO Ally" (MNNA).

**Pushback:** Some in Congress and DOD will argue that Pakistan is a key and necessary U.S. ally in the war in Afghanistan and the fight against so-called "violent extremism" and has been a valuable partner dating back to the beginnings of Operation Cyclone during the Soviet-Afghan War.

**Background:** In fact, before and since that anti-Soviet partnership in the 1980s, relations between the United States and Pakistan have [ebbed and flowed](#). In 1990, President George H.W. Bush enforced the tenets of Sec. 620E of the [Foreign Assistance Act \(FAA\)](#), popularly known as the Pressler Amendment. It banned military assistance and greatly limited economic aid as means of punishing Pakistan for its ongoing violation of the Non-Proliferation Agreement (NPT) and its resulting acquisition of weaponized nuclear capabilities.

In June 2004, however, Pakistan was [designated as a MNNA](#) under the provisions of the FAA of 1961 ([22 U.S.C. 2151](#) and elsewhere) in furtherance of the "Global War on Terror." Despite this designation, well-founded accusations of Pakistani complicity in incubating and supporting terrorism have been issued inside Pakistan as well as by Afghanistan, [India](#), and the [United States](#).



Consequently, in January of 2018, the [U.S. Department of State suspended](#) over \$250 million worth of security aid to Pakistan, citing its “failure to take decisive action” against various regional terror organizations and its material support for such violent groups. In August 2018, Congress [passed a bill](#) capping annual funding to Pakistan at \$150 million, down from a high of over \$1 billion in aid given during the Obama administration. The current administration has also [halted funds](#) used for training Pakistani military officers and has decided to allocate their reserved places in the program to different nations for next year’s program.

Bilateral ties should be further strained by evidence that the Pakistani intelligence service, the ISI, appears to have penetrated the U.S. House of Representatives – or at least had access to sensitive emails,

correspondence and other data from the offices of one-fifth of its Democratic caucus. The House Inspector General determined that a former Congressional House IT employee, Pakistan-born Imran Awan, was found to have [engaged in](#) “unauthorized access” to congressional servers.

**Governing Laws and Regulations:** The authority to terminate a country as an MNNA resides with the President, under [Title 22 US Code § 2321k](#), and requires satisfaction on three points: a 30-days notification to Congress prior to termination of designation; consistency with the purposes of the [Foreign Assistance Act](#) (FAA); and/or consistency with the [Arms Export Control Act](#) (AECA; [Title 22 US Code § 2751](#)).

The summary policy statement of [Part II of the FAA](#), under which the designation of MNNAs (section 517) falls, in part reaffirms that the efforts of the United States and other friendly countries to promote peace and security continue to require measures of support based upon the principle of effective self-help and mutual aid. This is a notion that authorizes measures in the common defense against internal and external aggression, including the furnishing of military assistance, upon request, to friendly countries and international organizations.

Pakistan’s ongoing failure to meet the standard of being a “friendly country” committed to promoting mutual peace and security, as required by Part II of the aforementioned FAA provisions, justifies the termination of Pakistan as an MNNA.

**Rebuttal of Policy Objections:** The alliance established with Pakistan in 2004 was a strategically significant move in the fight against the Sharia-supremacist al-Qaeda and Taliban groups in Afghanistan. Some will contend that the United States continues to need Pakistani help to this end. Yet, Pakistan’s known, ongoing associations with and support for such regional terror organizations are antithetical to U.S. goals in Afghanistan – a reality underscored by the



placement of Pakistan on the Financial Action Task Force's (FATF) "gray" monitoring list. This step was taken in response to [concerns over Islamabad's terror financing](#) and its [lifting of a ban](#) on Maulana Ahmed Ludhianvi, chief of the ultra-conservative Deobandi organization Ahle Sunnat Wal Jamaat (ASWJ; formerly the Sipah-e-Sahaba Pakistan), which also has a designated FTO splinter group, Lashkar-e-Jhangvi (LeJ).

Critics will also warn that ending Pakistan's MNNA status will create strategic vacuum for the U.S. in the region. In truth, [China](#) and [Russia](#) have been working assiduously for years to wean Pakistan from its relationship with America. There exists, moreover, the potential for the United States to more-than-fill any such vacuum through an alliance with New Delhi. India is, after all: the world's largest democracy; a nation that has the same acute security concerns as does the U.S. over Sharia-supremacism and the jihadist terror it commands, Chinese hegemony, and an increasingly untrustworthy Pakistani state; and a viable partner for peace in Afghanistan with whom India has very close relations.

Another pretext for inaction on Pakistan's MNNA status may be the purported promise of a revived bilateral relationship thanks to the electoral success of newly installed Prime Minister Imran Khan and his Pakistan-Tehreek-Insaf (PTI). But their well-documented association with Sharia-supremacist elements, Khan's [vocal support](#) for Pakistan's blasphemy laws, and his sympathy for the Taliban on a [multitude of occasions](#) throughout his political career – which earned him the nickname "Taliban Khan" – make likely more of the same Pakistani double-game. For example, in February of 2018, Khan's allies [provided hundreds of millions](#) of Pakistani rupees in grant funding to the Darul Uloom Haqqania, nicknamed the "University of Jihad," and the alma mater of several terrorist leaders from the Haqqani Network, al-Qaida and the Taliban. More recently, in the run-up to an election reportedly rigged in Khan's favor by his army allies, his [PTI party inducted](#) a U.S.-designated terrorist and leader of Harket-ul-Mujahideen, Fazlur Rehman Khalil, into its ranks.

**The Bottom Line:** The Pakistani government's hostile behavior and its association with radical, Islamic terror entities present significant threats to U.S. regional interests, personnel and allies. Such threats are all the more serious – and the less susceptible to mitigation – thanks to Pakistan's intensifying client-patron relationship with Communist China and Vladimir Putin's Russia. The reality that a nation with these relationships and priorities is nuclear-armed to boot requires the United States to dispense with the pretense that Pakistan is a Major Non-NATO Ally and to work on countering the strategic repercussions of its palpable playing for the other team, starting with the formal termination of Pakistan's MNNA status.