

## Issue Brief: The War on Terrorism: The Implications of Lifting Military Sanctions on India and Pakistan

### Background:

In the wake of the September 11, 2001 attacks on The World Trade Center in New York and the Pentagon in Virginia, the Bush administration has proposed the "Anti-Terrorism Act of 2001." One of the key sections in this omnibus set of proposals was the recommendation by the Bush administration of a comprehensive, five-year waiver on aid restrictions for all countries that would join the U.S.-led coalition to fight the war on terrorism. As a result of the concern expressed by members of Congress, PSR and others in the arms control community, the administration withdrew this blanket waiver. However, in a compromise that was reached on September 22, 2001, sanctions on Pakistan and India, countries seen as important allies in the war against terrorism, were lifted. U.S. military support being funneled into an unstable, nuclear-armed region raises significant concerns.

### Sanctions:

In response to nuclear tests conducted by India and Pakistan in May 1998, President Clinton directed the relevant United States Government agencies to take the necessary actions to impose sanctions on the two countries. Under these sanctions (Section 102(b)(2) of the Arms Export Control Act (AECA), "the Glenn Amendment"), the law provides for the termination of sales of defense articles, defense services, or design and construction services under the AECA, and termination of licenses for the export of any item on the United States Munitions List to Pakistan. These sanctions have been completely waived by President Bush's determination on September 22, 2001.

Additionally, the Bush administration waived the Export-Import Bank Act, which prohibits guarantees, insurance, and credits to non-nuclear states that detonate a nuclear weapon. The Pressler Amendment, prohibiting military assistance and transfers of military equipment or technology unless Pakistan assures the U.S. that it is not in possession of a nuclear explosive device, has also been waived. Pakistan was also ineligible to receive economic or military assistance from the U.S. under the Symington Amendment, which was a response to Pakistan's importing nuclear enrichment equipment without safeguards. The Presidential Determination has also waived this sanction.

Pakistan is under additional sanctions as a result of their military coup in October 1999. Section 508 of the 2001 Foreign Operations Appropriations Act bars assistance to any country whose duly elected head of government was deposed by military coup. Finally, Pakistan is restricted from U.S. aid under the "Brooke Amendment" because of arrears on debt repayments. The Senate Foreign Relations Committee removed these last remaining sanctions on October 4, 2001.

### Implications for the region:

While the U.S. proposal to resume weapons supply to Pakistan is not certain to aid in the "war on terrorism," such actions could potentially further destabilize the already extremely volatile region of South Asia. Following the September 11 attacks on the World Trade Center and the Pentagon, Pakistani leader, General Pervez Musharraf, extended total support to the United States. Many in the country, however, oppose their

### India and Pakistan Sanctions

The Glenn Amendment waives all these sanctions Prohibit assistance under Foreign Assistance Act, U.S. Government credit, credit guarantees and "other financial assistance" by departments, agencies, or instrumentalities of U.S.

- Direct U.S. to "oppose" non-basic human needs loans, financial or technical assistance through International Financial Institutions.
- Bar export licenses for U.S. Munitions List items and certain dual-use items. (Individual waiver previously granted for helicopter parts to India.)
- Prohibit government defense sales under Foreign Military Sales and Foreign Military Financing. (Individual waiver previously granted for equipment for Pakistan's forces serving in United Nations Mission in Sierra Leone UNAMSIL).

### Pakistan Only

- Export-Import Bank Act prohibits Export-Import Bank guarantees, insurance and credits to any non-nuclear weapons state that detonates a nuclear device. WAIVED. (Previously waived for India).
- Pressler Amendment prohibits military assistance and transfers of military equipment or technology unless President certifies Pakistan does not possess a nuclear explosive device. WAIVED.
- Symington Amendment blocks use of Foreign Assistance Act or Arms Export Control Act funds for economic assistance, military assistance or International Military Education and Training, assistance for Peacekeeping Operations, or military credits or guarantees to any country which receives from any

leader's promise to support the United States. Pakistan is home to roughly 140 million Muslims with 40% of its citizens below the poverty line and with 2 million Afghan refugees. Many religious parties in Pakistan support the Taliban, adhere to an extremist interpretation of Islam and have fought alongside the Mujahideen in Afghanistan. There have already been large protests in Pakistan opposing the introduction of any U.S. troops in the country.

The Taliban has threatened a retaliatory attack on Pakistan for supporting the United States in a military action. There is reason to fear that an attack on Pakistan by its neighbor would create a dangerous internal situation because of support for the Taliban within Pakistan. Internal conflict in Pakistan becomes even more worrisome when the country's nuclear stockpile is taken into account. While the exact size of the Pakistani nuclear arsenal is unknown, the county is believed to have thirty to fifty Hiroshima-size nuclear devices.<sup>1</sup>

The Pakistani government has appeased the United States by joining its coalition to combat terrorism, but in the process has created more instability in its own country. According to reports from Islamabad, thousands of Pakistani Islamic militants have already vowed to fight to the death alongside Osama bin Laden and the Taliban.<sup>2</sup> The combination of the religious militancy apparent in the country alongside the fresh arms supplies from the U.S. is cause for concern over the uncertain future of this nuclear-armed country.

An unstable Pakistan also raises regional security concerns. India and Pakistan have been engaged in frequent clashes over Kashmir for the past 50 years and have fought four wars. India is fearful of the U.S. dependence upon Pakistan for success in the "war on terrorism." The increased trade and closer alliance with the United States, India fears, could be used by Pakistan in the conflict over Kashmir. Increased tensions between India and Pakistan, both nuclear powers under U.S. sanctions for testing weapons, could have devastating results. Indeed, one of the sanctions lifted is related to imports of dual-use technology could actually aid Pakistan's nuclear weapons program.

### Long-term implications:

Given the volatile nature of the region, the United States should pay close attention to the consequences of resuming weapons supply to South Asia. The allies of today are often the enemies of the future. During the 1960s and 1970s, the United States militarily supported the South Vietnamese, hoping to keep down the communist North Vietnamese. Upon the fall of the South Vietnamese, the victors took control of considerable amounts of U.S. military equipment.

During the 1970s and 1980s, the United States militarily assisted Shah Mohammad Reza Pahlevi in Iran. At the time, his alliance was considered vital in the fight against communism. When he left office as a result of a popular uprising, the Islamic fundamentalist government that followed inherited a fleet of fighter jets and other weapons.

Perhaps most striking and significant is the U.S. support of Osama bin Laden and the Mujahideen rebels during the 1980's ousting of Soviet troops in Afghanistan. The United States, in an effort to fight the war on communism, armed and trained the Islamic rebel group, including supplying anti-aircraft missiles. When the Soviets retreated in 1989, the United States unsuccessfully attempted to buy back some of the weapons it had supplied. It is possible that many of these American weapons remain in Afghanistan today. It is likely that, if they the weapons are under the control of the Taliban, U.S. forces will face previously-sold U.S. weapons on the battlefield, as they have in Panama, Iraq, Somalia, and Haiti.

The implications of selling weapons to nuclear-armed countries engaged in regional conflicts must be examined with both a historical perspective, as well as with consideration for the future destabilizing effect.

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- Section 508 of Foreign Operations Appropriations Act bars assistance under that Act to any country whose duly elected head of government was deposed by military coup.
- Section 620 (q) of the Foreign Assistance Act and Section 512 of the Foreign Operations Appropriations Act (Brooke Amendment) bar certain assistance for countries in default on U.S. Government loans.
- Missile Sanctions under Arms Export Control Act bar U.S. Munitions List and dual-use export licenses and U.S. contracts for two years for entities involved in transfer of Missile Technology Control Regime-class missiles and technology. Imposed on specific Pakistani entities in November 2000 and September 2001.

**Source:** Information Boxes: FACT SHEET Office of the Spokesman; Washington, D.C; September 28, 2001 "Sanctions on India and Pakistan" (<http://www.state.gov/r/pa/prs/2001/index.cfm?docid=5101>)

### Links for additional information on sanctions

- [Presidential Determination waiving sanctions](#)
- [List of sanctions imposed on India](#)
- [State department fact sheet on sanctions for India and Pakistan](#)
- [The history of sanctions since their imposition](#)
- [Sanctions legislation](#)
- [Council for a Livable World - Arms Trade Oversight Project](#)
- [Center for Nonproliferation Studies](#)
- [Fourth Freedom Forum, About Sanctions and Incentives](#)

