Paper Nr. 12/ 2014:

Drone Strikes and Terrorism in Pakistan:

Rather a Part of the Problem than a Solution?

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Basically one can state that the world is experiencing in the last decades a tectonic shift in is overall security situation determined by a tremendous decline of major deadly conflicts in quantitative terms. Furthermore, there is a new kind of conflict scenarios. Doubtless the most consequential one is the 'war against terror' initiated by the US, exemplifying how the nature of war is changing in recent history. Here, the enemies are not anymore predominantly states rather irregular terrorists and other religious militant groupings like Al-Qaida as well as its networks of allies. Since most of these Islamic fundamentalists are based and/or operating in regions to which the US has only limited access (like Pakistan's Federal Administered Tribal Area, in brief FATA, at the border to Afghanistan), Washington was subsequently expanding its portfolio of military options to respond. Besides the restructuring of its armed forces – meaning the reducing of ground forces on one side and the build of up Special Operations Forces (SOF) on the other side, the build-up of capacities in the field of unmanned aerial vehicles (UAVs; or remotely piloted aerial systems/RPAS) gained prominence. Latter ones advanced to such a crucial instrument of US President Barak Obama's counterterrorism strategy that it seems Washington's whole campaign against terrorist, terrorist suspects and/or other militant opponents (insurgents) depends on the deployment of UVAs/RPAS, commonly known as drones. For example the use of drones in extraterritorial operations was increasing steeply in the immediate years after its first successful deployment in 2001.

Generally drones are used in a variety of fields, not only as a weapon platform but also as an instrument for surveillance including observation, reconnaissance, monitoring, search and rescue operations, providing disaster relief, helping to locate and identify missing persons in a natural disaster, or offering emergency communication among others.

This broad operative range shows how ambivalent drones and subsequently debates over them are. However, today's focus of public attention seems to be preoccupied with the 'lethal dimension' of the UAVs, especially since the so called target assassinations through drones have become a routine matter. Here one should mention that the debate gathered only momentum after the first US citizen abroad was killed in a drone strike. It is also interesting to note, that besides the fact that the frequency of drone strikes is declining the debate over usefulness, morally-ethical arguments, political and strategic purposes, and the existence of remarkable grew areas in international and domestic laws is gathering momentum - not only in Pakistan but also in Europe and finally also in the US. Nevertheless, it seems obviously that besides the tremendous negative facets of the deployment of drones, their use will continue. In order to understand the ambiguity in these trajectories, it is necessary to do an overall assessment of the various rationales of protagonists and antagonists of armed drone strikes.

To begin with, one should shed some light on the arguments in support of the use of UAVs which are mostly centred on the strategic value of drones as well as economic advantages. Here, the rationale is focusing on the question about the contribution of drone strikes to a mission and what is the effectiveness of the drone deployment. Having these issues in mind, protagonists are emphasizing three 'apparent' pros favouring the use of armed UAVs: First, drone missions are more precise then other weapon systems, like tanks, artillery, cruise missiles, manned aircraft among others. Second, the deployment of UAVs is creating less *(own)* human losses and less physical damage compared to the use regular forces. In this direction drones are described as an economically priced option when the targets are limited and confined, especially when they help to avoid US ground troops in an extraordinary dangerous operational environment or political sensitive area. Third, drones can give decision-makers time and space for the achievement of the overall goals of counter terrorism campaigns, like the build-up of a legitimate government and

respective political administrative infrastructures and to the greatest possible extent the protection of the population in affected areas.

However, recent developments like the emergence of so called 'home grown terrorism', rising numbers of innocent civilians deaths, and the endemic grow of terrorist groups and activities in Pakistan (and Afghanistan) is seriously questioning the arguments of the drone protagonists. This trend is getting reflected in a clear intensification of the debate regarding the usefulness of drone strikes as well as the rising protest in the region and the emergence of critical voices in Europa and US. The rising unpopularity and critic is focusing mainly on following flashpoints:

Disputable efficiency

One of the most contented issues regarding the deployment of drones is their efficiency. However, in order to evaluate the outcome of drone strikes, one should recall the initial directives of their deployment by the US: First, drone missions are supposed to deprive terrorists of operational depth in areas of limited statehood. Second, drones should eliminate high-ranking operational leaders of terrorist groups (like Al-Qaida and affiliates/partners/allies), based on the notion that their assassination undermines the planning and consequently the conducting of major terrorist attack.

By evaluating the data available, the outcome of the drone strikes with regard to the above mentioned aim looks in the best case mixed. To begin with, the US was able with the help of drones to eliminate numerous terrorists and terrorist suspects. In result, the organisational structure of Al-Qaida and several other groups got crucial weakened. But the drone strikes were mainly targeting second-tier, less important members of the terrorist network. In consequence, instead of eradicating the organisation, Al-Qaida got pushed from an operational body towards an ideological centre providing 'spiritual guidance'. The

carrying out of the concrete direct terrorist action was instead franchised to partner organisation, accepting Al-Qaida ideological leadership. In other words, Al-Qaida got in quantitative-structural terms weaker but gained qualitative-ideological leverage. Additionally, the loss of structure on the side of Al-Qaida got compensated by the gain of strength of Al-Qaida's affiliated organizations. Another point to take into account by looking at the effectiveness of drone strikes is that there are clear indications that Al-Qaida and its partners persistently acquiring knowledge to protect themselves against the threat of drone strikes. In this context, it is interesting to note that the greatest (symbolic) success in the war against terror, namely the assassination of Osama bin Laden in May 2011 in the Pakistani city Abbottabad, was largely due to the deployment of SOF and not through the use of drones.

Last but not least there is a trend to question the insufficiently reflected belief in the supremacy of UVA technology heavily determining Obama's counterterrorism strategy. As indicated above, protagonists of armed drones prefer to emphasize the precision of this weapon system. Also the Obama administration deliberately refers to the drone deployment as 'surgical' undertaking. This notion of drones is at best an Orwellian myth, or a downright dishonest metaphor. However, it is definitely not a cunning strategy to promote the use of armed drones since the reality on the ground is telling a quite different story. Doubtless, drones are less destructive and more precise than artillery, tanks, or a 'conventional air strike'. It is also quite perspicuous that der deployment of UAV systems is making sense in a variety of fields under certain (favourable) conditions. But there are also severe shortcomings (technical and human ones) attached to drone technology. Technical challenges like the phenomenon of 'latency', meaning that a movement displayed on a drone pilot's screen is still a certain period behind what the drone sees (the delay is produced because of the transmission of the signal via the satellite in space). Another reason why drones are unlike surgery is because for the effective use of drones one relies

on information on the ground which is regularly provided from local partner. But their reliability must in most cases be questioned. This increases the risk of unintended killings. In sum, the drone strikes in the Afghanistan-Pakistan region must be classified as almost completely ineffectual when it comes to the prevention of potential terrorist threats.

Changing threat scenarios of terrorism – the emergence of 'neighbourhood targets'

One should emphasize that both, the high numbers of innocent victims, and the drones as symbols of the US omnipotence and unjustified acts of violence, will serve as a catalyst of recruitment among the disgruntled and angry people suffering from the strikes of the drones. It is noteworthy, that there is not only in Pakistan but also in US and Europe a rising outrage creating new dimension of the jihadist threat, the so called 'home grown terrorism'. In other words, the targets of US counterterrorism campaigns are located not any more far away in Asia or Africa, but with its own border. Here it is interesting to note that the armed drone missions have obviously superseded the prison in Guantanamo Bay as the main recruitment instrument for religious fanatics. The 'Times Square Bomber' Faisal Shahzad, who directly referred to the deployment of armed UAVs as justification for his action in 2010 is one example for an emerging phenomenon among Islamic youth in western societies: gravitating to Islamic fundamentalist ideology and militancy. In sum, by observing the growing numbers of new terrorist among the Islamic youth beyond the areas of armed drone operations, one must state that armed drone missions produced more new militant Islamic fundamentalists than are killed by the strikes themselves. Furthermore, the emerging of new type of terrorist threats, especially at the 'home front' cannot be prevented by UAVs. This deserves different strategies and related tactics.

Socio-economic costs

Since it is in the nature of drones to take the combatant (and unfortunately innocent non-combatants too) by surprise, the people in the affected areas usually don't know when to expect a strike. Subsequently they have to live with a persistent (literally '24 hours-a-day'), omnipresent fear. This has a remarkable impact on public and social life. People avoid greater gatherings like markets or mosques, family events (weddings, funerals etc.) or don't send their children to school. Also the meetings of the assemblies of the tribal elders (jirgas) are happening in some areas in a lower frequency. This is in a tribal society a significant violation of social and cultural values, norms, tradition and needs. Furthermore, it has a negative impact on the social harmony and the traditional (self-) administration of the local population since such meetings are perceived as a place for conflict resolution and the engagement with different social issues. This is gaining significance since the institutions of the tribal elders got already under severe pressure by the Taliban focusing at the destruction of the traditional system of authority of the tribal society. Subsequently, the restrictions on the functioning of the *jirgas* imposed by the threat of drone strike are given Islamic fundamentalist and terrorist elements more leeway in public opinion making and handling of community affairs in FATA. This will make the tribes not only more rigid, conservative, and suspicious but has also the potential to create resentments towards Washington (as initiator of the drone strikes) and Islamabad (because of not stopping drone strikes). In consequence, instead of eradication terrorism, drone strikes rather help to preserve the tribal areas as safe haven for terrorist and respective suspects. Furthermore, the weakening of the traditional 'political-administrative institution' are given new political actors room to manoeuvre, like Islamist parties and other religious hardliner, who function as anti-systemic forces. This finds its expression in undermining the consolidation of democracy by questioning the core democratic values of people

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sovereignty, liberty, and equality in the targeted area. Due to the fact that the FATA remains historically in a constitutional and legal limbo turning basic political and civic rights into distant visions, the people are feeling even more victimized and left alone. Furthermore, they get the impression that the international community seems neither to have interest in the area nor in the people living there.

Additionally, the education of the youth is also hampered because pupils have to substitute lost workforce (here understood as killed family members) instead of school attendance. Further deterioration of the economic conditions is caused because farmers refuse to work in the fields out of fear of getting targeted by a drone. In sum, the deterioration of socio-economic condition of the people suffering from drone strikes will serve as an additional recruiting tool for the terrorists.

General radicalisation of people in affected areas

Another side effect of drone strikes is that they are not only serving fundamentalist as an argument for recruitment but also lead to a serious radicalisation of the people living in the affected area in general. The people feel bullied, hassled and browbeaten. Particularly the practice of 'double tap drone strikes' is outraging the people. Because these attacks are creating additional fears and predominantly killing people which are trying to help injured people of the first echelon of UVAs a getting targeted by a second attack. Having this in mind, the obvious disinterest of the Obama administration in conducting transparent investigations leading to a punishment of those responsible for killing non-combatants, the lack of adequate payment of compensation for the families of victimised innocent civilians or a sufficient access to redress is increasing the level of frustration and general radicalisation of the affected local population. This could prepare the ground for processes of radical Islamisation of the people making them vulnerable for militant activities. In result,

any continuation of armed drone mission in Af-Pak region will serve as a recruiting tool for the global jihad.

Missing transparency

Furthermore, as already indicated above, one of the major problems in the context of drone deployment is the missing transparency and accountability. Due to the fact that the US drone program is classified, obviously it is difficult to find official figures or reliable data/statistics. There are no available information for the amount of armed drone missions or the -intended or accidental - casualties, nor is there any official information regarding the process of identifying targets. Available information in the media, academic circles or "unnamed governments sources diverge considerably", are either systematically undercount or estimated on an extraordinary high level for partial interests involved. Subsequently there is a clear need to provide information regarding the decision of the individual deployment of drones (for example CIA or US armed forces), targeting process, and information on number of missions, and outcomes, namely more precise date on human and physical damage.

Nevertheless, it seems that there are some positive signs. Most noteworthy is that the 'domestic resistance' in the US against Drone strikes is getting slightly noisier and/or more articulate in these days. More concrete, there are indications for an increase in parliamentary oversight as well as more societal control through the general US public. Latter one finds its expression for example in a broadening of 'open debate' on the role of drones they play in target killings. Where initially critic got predominantly expressed as disapproval of the killing US citizens (a process which started with the extrajudicial killing of Abwar al-Awlaki in Jemen, September 2011), in recent time the rising number of non-combatants (including non-US citizens) is some space in the public discourse. However,

one should overestimate this trend, especially its impact on general continuation of the use of drones. Nevertheless, one could identify here one causal factor working towards a decline of actual drone strikes. Furthermore, since the Obama administration is keen on gaining domestic legitimacy for his 'drone war', an intense public criticism could lead to a diminishing leeway and freedom of action for the US government in drone deployment. However, one should be aware that an intense debate of legal, moral, and ethical aspects of UAVs is still primarily a non-American phenomenon.

Unclear legal status

Generally many of the objections raised by the drone antagonists are actually not UAV-specific. For example questions regarding the lawfulness of target killings or civilian collateral damages are emerging similarly in the context of the deployment of SOF, or the use of other unmanned weapon systems like cruise missiles. However, the major critic is directed towards the application of drone technology. A significant reason therefore is that the international law does not regulate the use of drones in a sufficient manner. In other words, when it comes to UAVs the international law remains as a Grew Area featured by several competitive position of different laws, for example the conflictual relation between international human rights and international humanitarian law. Also emerging tensions between concepts of legality and legitimacy remain unresolved. Or in more operational terms, can a state break internal law to maintain order? Can be an action 'reasonable' and not conform to law, meaning strictly legal? In order to deal with existing legal limbos the US is basically using UN Charter's article 51 which allows attacks in Self-Defense and the UN mandate for Afghanistan. The fact that the Afghanistan campaign is recognized as war gives the additional legitimisation of using weapon systems like drone technology. Furthermore, the Obama administration is heavily leaning on US domestic law foremost

the AUMF (Authorization for Use of Military Force Against Terrorists). This serves Washington not only as rationale for the general deployment of UAVs but also to claim the right to act pre-emptively within the boundaries of another sovereign state. In the context of the international law one has to point out that there are two critical determinants: First, the law comes with an exception if the host allows it; second, the principle of proportionality must be respected. This gives 'valid room to manoeuvre' for the arguments for the protagonists as well as antagonists. However, the alleged ignorance and disregard of Pakistan's sovereignty is a serious issue. The US government insists that former administration were actively involved in the decision on the use of drones. However, this might be true for the administration of Pervez Musharraf and Asif Ali Zardari. But it seems obviously that under Prime Minister Nawaz Sharif there is a new situation and a policy shift towards a negative perception of the drones. This is significant since this means a withdrawal of the allowance for the US to carry out attacks at Pakistani territory. Therefore, one could interpret drone strikes as clear challenge of Pakistan's sovereignty and territorial integrity - because it constitutes obviously an undue (lacking allowance by the government of Pakistan) interference in the country's internal affairs. Regarding this rationale, drone strikes would mark a violation of international law. Finally, the assessment of the principle of proportionality regarding to drone strikes remains much difficult to review because of the lack of reliable data and existing asymmetries in all facets of warfare and attached socio-economic and political implication for all actors involved. Nevertheless, besides the fact that also this aspects remains quite unclear it is at least possible to state that US would have a responsibility to act according to the standards of day-to-day behaviour in international society. However, an adequate answer to this question is beyond the scope of this article. Nevertheless, one can and must state that the US drone strikes in Pakistan are on a tremendous shaky legal ground at best.

Changed international perception of drone strikes

There is a changed perception in the international community regarding drones. The number of states and international institutions/organisations condemning the strikes by UAVs are growing. One of the most prominent examples is the condemnation of drone strikes by the European Parliament in February 2014 (Resolution on the use of armed drones; 2014/2567(RSP)). This marks a trend which the Obama administration should take more into account, especially in the context of the future development of ties between US and EU/Europe. At the moment they must be described rather as an 'uneasy, complicated relationship` than a profound 'all-weather friendship'. Remarkable difficulties to coordinate a common US-EU approach in crisis like Libya, Syria, or now Ukraine combined with the severe irritations over the NSA (National Security Agency) 'Spying Affair' indicate that the transatlantic dialogue got more difficult since the aftermath of 9/11. However, the EU will most likely not take an all too confrontational position towards the US on the issue of drone deployments in general. Because also the EU member states are identifying drones as a 'must-have' item for the modernisation of their armed forces. In other words, Europe too will *try* to increase its drone capabilities for military as well as civilian purposes. But critical points like the conflicting legal frameworks (on the domestic as well as international level) and the subsequent violation of international law, territorial integrity and sovereignty of a country, the unlawful target killings as well as lack of transparency of US missions are continuing to race grave concerns on side of EU. As such, a 'non-reflected' continuation of lethal drone operations (and ignoring international human rights laws) has the potential to be an additional burden for the quality of US-EU relations. This burden will not enhance significantly existing rifts between US Americans and Europeans. Nevertheless, it will also not help to improve the faulty atmosphere during the on-going political negotiations and accompanying public debates over the TTIP (Transatlantic Trade and Investment

Partnership). By haying said this, the decision of the European Parliament to condemn "the use of armed drones outside the international legal framework" sends at least a clear signal that Europe will not remain quite in this direction. In consequence one could point out, that today UVA missions are increasingly identified as counterproductive due to the negative perception among the international community.

To conclude, the most crucial criterion for any assessment of deployments of armed UAVs should be the question of sustainability. Therefore the essential question must be asked, what is the long-term contribution of drones for the solution of a conflict? The case of Pakistan stresses clearly that the US drone strikes do not offer a comprehensive solution to the causes of conflict, foremost the challenge of eliminating potential threats for the US originating from Pakistani soil. Nevertheless, the use of drones can be part of a solution as an element of a coherent, transparent and accountable approach including (combining) political and military elements. Hence, the notion by the US that drone strikes must be seen as the lesser evil should be carefully reconsidered. But the political realities in Washington are quite different. Basically the numbers of drone strikes are declining. But this, apparently, is not because of a fundamental change in the mind-set of security decision-makers regarding the deployment of drones.

A worrying factor in this context is the way how US politicians, especially President Barak Obama, portrays and justifies the use of drones. It hints at another, 'special' threat of 'digitised, *robotic* warfare': The inhibition threshold to undertake a military encounter/operation is much less then with manned and/or more complex/larger weapon system. In other words, since by using drones lives of human soldiers are kept out of harm's way might lower the barriers to war by promoting a certain kind of bellicosity/belligerence. Consequently, an increase in states possessing UAV capabilities (armed as well as unarmed systems) could lead also to a rising feasibility of unmanned but still 'armed' confrontation. The fact, that the drones deployment by US military and CIA did

not initiate for a long time any noteworthy debate in the US (neither in Congress nor in media) can be seen as evidence for this phenomenon. Since no human costs (own soldiers) for the US are involved, decision makers and general public obviously do not classify drone strike as war. Only the target killings of US citizen abroad were picked up as theme for discussion, but rather from legal than moral and political perspectives. Until now, this lack of general interests and awareness was resulting in a gap of parliamentary oversight, and perhaps even responsible for the exponential increase of drone deployment by the Obama administration. Taking the numerous border conflicts and disputes over territory into account, the deployment of drones will lead to further stress in bilateral relations and generate more instability in South and (South) East Asia.

By facing such an upcoming threat scenario, it is most important that one should have not too much confidence in the use of drones due numerous technical shortcomings and not calculable risks. In doing an overall assessment of the drone strikes it is important not to focus solely on the number of the death (combatants and non-combatants) as the only indicator for assessment. By measuring the efficiency of drone strikes with view on the major goal (eradicating of avoiding future terrorist attacks on the US), the concrete and wider impacts on the ground has to be taken into account, especially the social, economic, and political costs as well as the general perception of the UAVs deployment. Also the idea of great power responsibility should be part of any evaluation especially by elaborating on the issues of legitimacy and legality. In this direction there is doubtless the need for more transparency and accountability regarding the identification of targets.

However, the pace of the build-up of drone capacities in the US does indicate the continuation of the willingness in Washington of deploying them, especially regarding the use of UAVs in Pakistan (and Afghanistan). At the moment, it is getting obvious that there is no more only a one-sided armament by US and allies. Especially Asian states, like China, are keeping up in know-how and capabilities in drones. There are signs of the beginning of

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a 'classical arms race' in the area of armed and unarmed UAVs following similar patterns like the arms race during cold war regarding nuclear and conventional weapon systems. However, the actors involved in this competition seem not willing to learn the lessons of the past that the gaining of a permanent advantages in military technological over its combatant remains a myth. But the history also shows that the invention and the consequent application of such 'new revolutionary technology' as instruments for waging combat is often leading to a change of social and political structures. For example the use of the longbow by organised peasant archers not only made the British victorious over the French at the Battle of Agincourt (1415) but marked also the end of age of feudalism and a change of social composition of military organisation in Europe. Also the use of drones is accompanied with tremendous impacts on the conduct of war. It is out of question, that the 'digitising of warfare' is demanding a different kind of 'soldier' operating in distance from the theatre of conflict, instead of wearing a martial battle dress they are pinstriped and are sitting behind a tidy desk instead of struggling for survival in remote misanthropic areas. Having this in mind, many drone antagonists opine that there is not only a geographical but also emotional detachment creating an inherent immorality of relying on the use of armed UAVs to achieve military goals. However, in Pakistan it will not lead to an end of terrorism since drones are dealing just with the consequences but not with the causes of it. The resilience of Islamic fundamentalist militancy and related organisations must be seen as indication for the inefficiency and uselessness of drone strikes in eradicating the roots of terrorism in Pakistan in a sustainable manner. Nevertheless, despite all controversies, it is most likely that the use of UAVs will continue to take on an ever larger role as instruments in military conflict solutions in Pakistan and beyond.

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