

Drone war against Pakistan: An analytical study

Muhammad Saleem Mazhar*
Naheed S. Goraya

Abstract

Drones are the 21st century state of art technology. Today these Unnamed Aerial Vehicles (UAVs) have become the most effectual weaponry to be used by the sole super power of the world against Al Qaeda and the militants. Pakistan as a Non-NATO Ally in the war against terrorism has been victimized by the drone attacks and with every passing month, the civilian casualties are increasing despite the protest by Islamabad to the Washington. This paper aims at analyzing drone war that has been waged on Pakistan while exploring briefly about their legitimacy under the international law. The study will explore its future implications for Pakistan. The study will also analyze the long-term objectives of US behind the drones.

Key Words: War on terror, Drone Attacks, Unnamed Aerial Vehicles, militants, 9/11, Security,

Brief History

America changed its character of dominance and primacy with the horrific events of 9/11. It started depending much upon the deterrent war rather than the conventional diplomatic tools to deal with the security related issues. The Nine-Eleven attacks brought an opportunity for US to interpret the doctrine of self-defence in a way it wishes along with the invention of doctrine of 'Pre-Emptive Strike' to seek out the legality for use of power in self defence (Sarwar, 2009).

Osama bin Laden was held accountable for September 11 attacks. The then Taliban government in Afghanistan was asked to hand over Osama to them but they refused to do so. Resultantly, the US formed

* Authors are Chairman, Department of Persian, & Senior Research Fellow cum Lecturer and Ph.D scholar in the Centre for South Asian Studies, University of the Punjab, Lahore - Pakistan.

an international coalition, supported by United Nations Security Council Resolution 1373 (2001) on September 28, 2001 (S/Res/1373, 2001). America launched the so called 'Global War on Terror', on October 7, 2001. Apparently the war was aimed against Taliban and militants in order to eliminate and eradicate them. The 9/11 terrorist attacks put Pakistan in a Hobson's choice and consequently, Pakistan opted for a U-turn change and joined the international coalition against terrorism. The then Pakistani President General Pervez Musharraf was asked to decide whether it was with the United States or not and if not then it was to "be prepared to be bombed to the Stone Age (Jones, 2002: 5)

Just two days after the attacks, on September 13, US conveyed seven non-negotiable demands to Pakistan, "should the evidence strongly implicate Osama bin Laden and Al-Qaeda network in Afghanistan and should Afghanistan and the Taliban continue to harbor him and his network, Pakistan will break diplomatic relations with the Taliban government, end support for Taliban and assist US in the aforementioned ways to destroy Osama bin Laden and his Al-Qaeda network" (Woodward, 2002:58-59; Litwak, 2007:40; Hussain, 2002:34-35). The decision of then Pakistani President Musharraf (as Chief Executive from 1999–2001 and as President from 2001-08). In the face of impeachment, he preferred to resign on 18 August 2008 decision dragged in the storm's eye. In the span of twenty years, Pakistan for the second time became a front line state and this time in the war on terror as a major 'Non-NATO Ally'. Pakistan's decision of alliance with the United States served Pakistan's interests as well, U.S lifted all sanctions imposed on Pakistan and started providing economic aid.

The reaction of Pakistani public was dubious. US promised to support rebuilding the nation but did not bother to discuss the core issue of Kashmir. The anti-American demonstrations were held in the country by the religious political parties and other groups. Despite all that, Pakistan gave logistic and military support to America. Now it has been one decade since America started war in Afghanistan and the time came when America started dealing Pakistan along with Afghanistan. In the contemporary world politics, Pakistan and Afghanistan have become the hottest topic in the American security agenda. This situation in Pakistan has worsened due to the porous border which ultimately led to Pakistan to the label of the 'Safe Havens of Al-Qaeda and ruminants of the Taliban government'.

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The globe as well as the world order tremendously changed by the beginning of the war on terror in October 2001. This wave of terrorism/suicide bombing has killed thousands, leading eventually to a shacking economy. Every single Pakistani without any discrimination has been a victim in one way or the other. Thus today the situation has come to the point that terror insecurity reigns far and wide in the country.

Drones – Unnamed Aerial Vehicles?

Drones are 21st century state of art technology. They are fixed with highly sophisticated gadgets proficient enough of categorizing friends and foes. The Unmanned Aerial Vehicles (UAV), often referred to as drones, have been considered the most useful weaponry tools against Al Qaeda. These are piloted from remote areas and are utilized to broadcast live video from Iraq, Afghanistan and Pakistan to American forces, and to perform air strikes. Drones have become a vital part of the So-Called wars and terrorism. According to the New York Times (2011, October 21), “The Pentagon now has some 7,000 aerial drones, compared with fewer than 50 a decade ago, and has asked Congress for nearly \$5 billion for drones in 2012” (http://topics.nytimes.com/top/reference/timestopics/subjects/u/unmanned_aerial_vehicles/index.html). There have been reports in the US media that “the US has established a new drone base in the Arabian Peninsula, possibly in Qatar or Bahrain, where the U.S. has large military bases. Moreover, the U.S. has just hastily completed a “secret” drone base in Yemen. The locations will provide safe routes for U.S. drones to attack targets in Afghanistan, Pakistan, Yemen, Iraq, Libya, and soon Iran” (Bergen & Tiedemann, 2010). All these countries are Islamic and according to the US, most of them are in the Pro-American camp and its allies.

Legal position – are drone attacks justified?

Since drone attacks are made secretly, therefore, it is very important to know whether these actions are legitimately justified or not, under the International Law or not. According to the International Law experts, “Washington appears to be ordering the attacks which are based on extensive legal opinions that the US can operate in self-defence to safeguard US and its coalition forces in Afghanistan, if neighbouring countries are reluctant or incapable to attack militants”. Many legal

scholars opine, “This is *per se illegal* unless it is proved that the state is supporting or encouraging the militants” (Sarwar: Opcit)

On March 25, 2010, US for the first time took a legal position on the use of drone attacks. It was described by Harold Koh, the State Department Legal Advisor in a speech to the American Society of International Law. He spoke out about the legal justification of the drone attacks that “the United States was in an armed conflict with Al-Qaeda, as well as the Taliban and associated forces, in response to the 9/11 attacks, and may use force consistent with its inherent right to self-defence under international law. The decisions on whether to target any particular individual would depend on considerations specific to each case, “including those related to the imminence of the threat, the sovereignty of the other states involved, and the willingness and ability of those states to suppress the threat the target poses. The United States has complied in all its drone strikes to principles of the laws of war, notably the principle of distinction (only attacking those who were engaged in hostilities against it) and proportionality, not launching attacks that would cause a level of civilian casualties that was excessive in relation to the importance of the military attack. Drone strikes might be justifiable as self-defence even outside a recognizable armed conflict is in line with the position of earlier” (<http://www.state.gov/s/l/releases/remarks/139119.htm>).

Washington has claimed time and again that drone attacks are being made with the support of Pakistan which is unjustified as far as International Law is concerned. Article 20 of the United Nations’ “Responsibility of States for Internationally Wrongful Acts” states, “Valid consent by a state to the commission of an act by another state precludes the wrongfulness of the act in relation to the former state to the extent that the act remains within the limits of that consent.” (http://untreaty.un.org/ilc/texts/instruments/english/draft%20articles/9_6_2001.pdf)

Under the laws, drone attacks by the US are a clear violation of:

- The Charter of United Nations
- Rome Statue of International Criminal Court
- The Geneva Conventions of 1949

which rule out the unruly homicide. Article 2(4) of the UN Charter which states “All Members shall refrain in their international relations from the

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threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”

(<http://www.un.org/en/documents/charter/chapter1.shtml>).

The attacks also breach articles of the Additional Protocol I; Article 51(2) which states “The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations”. Article 51(5) states “Among others, the following types of attacks are to be considered as indiscriminate”:

(a) “An attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects;”

(b) “An attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”.

(<http://www.icrc.org/ihl.nsf/full/470?opendocument>)

Similarly, International Covenant on Civil and Political Rights (ICC-PR), which has been endorsed by US, rules out the extrajudicial execution. According to its Article 6(1) “every individual has the inherent right to life and no one shall be arbitrarily deprived of his life.” According to its Article 6(2) “in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.”

(<http://www2.ohchr.org/english/law/ccpr.htm>)

Jonathan Manes (2010, March 16), a legal fellow of National Security Project of the American Civil Liberty Union’s writes “The public has a right to know whether the targeted killings by predator drones being carried out in its name are consistent with international law and with the country’s interest and values...The Obama administration should disclose basic information about the program, including its legal basis and limits, and the civilian causality toll thus far” (American Civil Liberty

Union, Press Release, ACLU Seeks Information On Predator Drone Program, March 16, 2010.

<http://www.aclu.org/national-security/aclu-seeks-information-predator-drone-program>).

LATEST STORY



US claims of 'no civilian deaths' in Pakistan drone strikes is untrue
Bureau uncovers 45 civilian deaths that challenge US assertions.

<p>The CIA drone strike that rewrote the rules</p>	<p>Get the data: Twenty-five deadly strikes</p>	<p>Drone strikes rise to one every four days</p>
 <p>US policy changed after a US Hellfire missile obliterated a civilian home in August last year.</p>	 <p>Bureau identifies 25 drone strikes since August where civilians appear to have died.</p>	 <p>Massive escalation in CIA drone strikes in Pakistan under Obama administration.</p>

Source: (<http://liberalconspiracy.org/2011/07/20/the-full-extent-of-us-drone-attacks-in-pakistan-revealed/>)

CIA Director Leon Panetta, without acknowledging the extent of the drone program, has called it “very effective” and “the only game in town in terms of confronting or trying to disrupt the Al Qaeda leadership”. (Khokhar and et al. 2011, JUNE 16; Anderson, 2010, March 8).

Therefore, according to the international law, ‘To provide shelter to the militants is not by itself a alleged reason to smash the state sovereignty by use of power until and unless it leads to a hidden support of terrorists attacks by the harbouring state. The only indemnity to this rule is when the state providing protection or safe haven to the militants has lost effective writ and has been unsuccessful to blow away the menace of terrorism from its territory’ (Sarwar, Opcit).

Drone war of terror against Pakistan

Drone war against Pakistan

US is fighting a useless and aimless war since decade, that is only growing threat to world's peace and security For the first time in history, Pakistan was attacked by the US drones in 2004. According to the Global Post Reports, "This number has climbed over the years, with 38 in 2008, 52 in 2009, and 132 in 2010" (<http://www.stripes.com/news/middle-east/obama-s-hidden-war-u-s-intensifies-drone-attacks-in-pakistan-1.144343>). Now America's hidden drone war has arrived at to a new target. According to Woods (2011, October 14), since June 17, 2004 there have been 300 drone attacks identified. Out of these, 248 have occurred during President Obama's three years in office, rising to a frequency of one strike every four days.

There is a competition in number of civilian deaths caused by drone strikes. In June 2011, John O. Brennan, President Obama's top counterterrorism adviser, said that for almost a year, "there hasn't been a single collateral death because of the exceptional proficiency, precision of the capabilities we've been able to develop." Mr. Brennan later backed off that statement somewhat, but other officials say that claim still holds. Since May 2010, C.I.A. officials think, the drones have killed more than 600 militants and not a single noncombatant (*New York Times*, 2011, October 21).

It is strange enough to discuss that despite the above data published, the US denies the fact. Some media reports expose that the border along North Waziristan has been sealed completely by the US and NATO forces and troops, arms and helicopter gunship have been shifted there. It goes beyond saying that the US had been forcing Pakistan that it should take an offensive initiative against all those who are supporters of the anti-US elements. an offensive against the people of these areas as well as other parts where supporters of anti-US elements are holed up.

Following graphs give a better comparison of drone deaths in Pakistan:

Estimated Total Deaths from U.S. Drone Strikes in Pakistan, 2004 – 2011

	Deaths (low)	Deaths (high)
2011*	378	536
2010	607	993
2009	369	725
2008	274	314
2004-2007	89	112
Total	1,717	2,680

**Through November 16, 2011*

Estimated Militant Deaths from U.S. Drone Strikes in Pakistan 2004 - 2011

	Deaths (low)	Deaths (high)
2011*	362	500
2010	581	939
2009	266	502
2008	134	165
2004-2007	81	103
Total	1,424	2,209

**Through November 16, 2011*

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Estimated Militant Leader Deaths from US Drone Strikes in Pakistan, 2004-2011

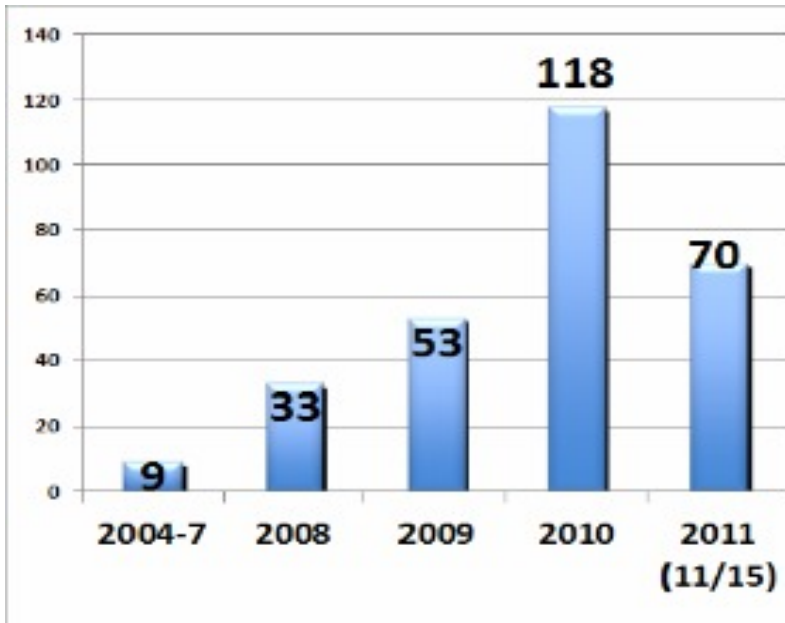
2011*	6
2010	12
2009	7
2008	11
2004-2007	3
Total	38

**Through November 16, 2011. Included in estimated militants and estimated totals, above.*

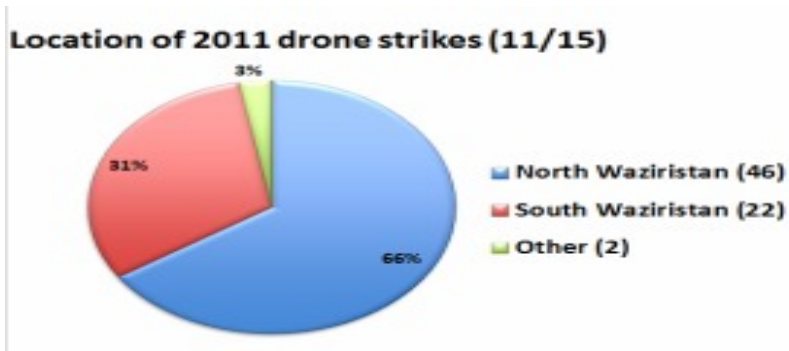
Strikes by Target

Target	2004-2007	2008	2009	2010	2011	Total
Taliban	6	12	27	42	29	116
Baitullah Mehsud(not Taliban generally)	0	1	16	n/a	n/a	17
Al Qaeda	5	10	9	8	4	36
Haqqani	1	2	4	16	5	28
Unclear/Other	0	12	4	68	33	117

Source:(<http://counterterrorism.newamerica.net/drones#2011chart>)

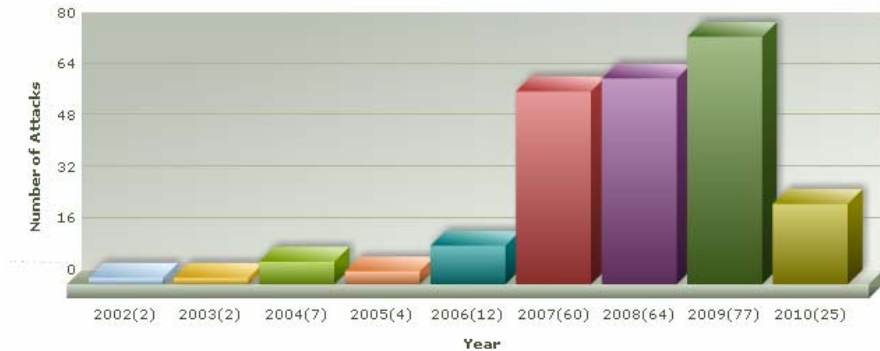


Source: (<http://counterterrorism.newamerica.net/drones#2011chart>)



Source: (<http://counterterrorism.newamerica.net/drones#2011chart>)

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Source:

(<http://counterterrorism.newamerica.net/drones#2011chart>)

Implications

US considers drone attacks an expansion of 'war' on terrorism. Consequently, "For each Al Qaeda and Taliban terrorist killed by the US drones, 140 innocent Pakistanis also had to die. Over 90 percent of those killed in the deadly missile strikes were civilians, claim authorities" (*Dawn*, 2010, January 02).

Clive Stafford-Smith, Reprieve's founder, described the human rights concerns surrounding Pakistan drone attacks as "the next Guantanamo". Nevertheless, "It is estimated as many as 2,283 people have been killed by US drones in Pakistan since 2004. Of these, only 33 were said to be "high value targets" (HVTs). Every month [the drone operators] are given a list of targets, but it is unclear how those names are gathered" (Blair, 2011, August 14).

The issue of drone attacks has remained controversial since the War on Terror started. The issue of drone attacks further became problematic between Washington and Islamabad when CIA drone hit Ditta kheil (tribal area of Pakistan) just after the release Raymond Davis (former US army soldier & contractor with CIA). Pakistan army showed grave concerns over the US spy network in FATA. Thus, the Relations between two allies reached to a deplorable edge and still under deep waters. Raymond Davis case totally disclosed the CIA

activities, as the documents, equipments, instruments, cellar sims, pictures of sensitive installations were recovered from him. As these target killings are causing serious damage to the interests of Pakistan, Islamabad has asked Washington to transfer of drone technology to Pakistan so that it could itself eradicate the militants operating on its western front. But CIA probably has its own interests which go side by side with Israeli and Indian interests. (Hassan, n.d.).

Over the past two years, America has single-mindedly focused on the eradication of Al Qaeda while tapering its goals in Afghanistan and Pakistan. In Pakistan, no issue is more contentious than American drone attacks in Pakistani territory along the Afghan border.

Ever since 2004, the regular attacks are being made in Pakistan's Pashtun tribal lands who cross into Afghanistan to battle western forces there. Apart from standoff on US forces unilateral operation that killed Al-Qaeda head Osama bin Laden on a compound of Abbottabad (Pakistan). The drone strikes are an added source of hostility between the two allies fighting a common war against terror. According to Brookings Institution, drone attacks are killing at least 10 civilian for every militant killed. In her article titled "The Rise of the Drones", Martha Raddatz, reported that the drone strikes have killed more than 400 civilians during this period (Khokhar and et.al, 2011:10, 36).

Despite American denial of time and again, the September of 2010 has been seen as the largest amount of American Unnamed Aerial Vehicle (UAV)-*Drone-Attacks* in Pakistan, and the highest rate of deaths resulting from them of any month in the decade-long war waged by the US and its NATO Allies in Afghanistan and though inadequately approved, has been gradually more in Pakistan. The relations between two allies reached to a deplorable edge and still under deep waters. Raymond Davis case totally disclosed the CIA activities, as the documents, equipments, instruments, cellar sims, pictures of sensitive installations were recovered from him. As these target killings are causing serious damage to the interests of Pakistan, Islamabad has asked Washington to transfer of drone technology to Pakistan so that it could itself eradicate the militants operating on its western front. But CIA probably has its own interests which complies and concise with the interests of Israel and India. (Hassan, n.d.).

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A strong reaction has been observed in Pakistan on the drone attacks in the tribal areas. Because it has been evident that majority of the guiltless civilians are killed amid few militants with these attacks.

The National Security Advisors of Obama have suggested him to enlarge the American hidden war in Pakistan far beyond the unmanageable tribal areas to hit at a different centre of Taliban power in, mainly in and around the provincial capital of Quetta. These preparations of CIA to use Predator drones here would further undermine security situation there and would generate a brutal domestic repercussion with in the particular area. Much of the Chinese investment has been made in this area, mainly around the Gwadar Seaport. Plans for extended and better transport links between Gwadar and Quetta and a premeditated oil pipeline connecting the port to China's western region could also be vulnerable owing to drone attacks. Nevertheless, due to well-built opposition from the Government of Pakistan, the Obama administration has dropped the plan of using predators attack inside Baluchistan. Besides, the CIA hits inside Baluchistan would also have adverse effect on Chinese activity in the region. Gwadar's potential is not novel, but geo economics of today and even more of tomorrow has transformed a national potential wealth to an international potential treasure (Mir, 2010: 178)

What is being experienced in FATA is devastating the lives and society of the FATA people, threatening the integrity of Pakistan and world peace. The US always asserts that it gives enormous financial aid to Pakistan while the reality remains that Pakistan gets only 18 to 20 percent of the all the disbursed financial aid.

Conclusion

All the U.S. wars are about resources—that's why they have strategic bases all over the world. It is about 'controlling' resources—but there are non-violent ways of controlling resources—the wars have cost the U.S. money, lives and security—instead—they could have just outbid other countries for access to resources—which might have cost as much (but probably less) without sacrificing security or lives.

Apparently, the idea of the air strikes has been to disrupt al Qaeda's outside network, but it has extensive long-term fallout on the global war on terror that has slightly shifted into Pakistan:

- Violation of International Law
- Violation of Sovereignty
- counter productive
- A big failure in winning the hearts and minds
- Death causing to Innocent civilians
- Militants becoming more reactionary
- Psychological illness
- Dangerous for world peace

Today Pakistan has:

- Traumatized Economy
- Loss of more than 60,000 people
- AT the verge of Failed State
- Inflation
- Speedy increase in the prices of POL and natural feuls
- Unemployment Crisis
- Frustration
- Intolerance
- Hopelessness about future

In the point of fact, the war on terror is against the Muslims across the globe. The sole super power has brought the world into the gulf of the war several times on the erroneous plea. Korean, Vietnamese, Iraqi & Afghani wars are a few cases in point of their double standards. US thinks that Pakistan is dependent for her military needs due to its financial crisis. They even terrorize the Pakistani Nation with the so called "Stone Age" sensitivity against backtracking the American friendly foreign policy of the last 63 years. Pakistan has lost so much in this War on Terror in so many terms.

The drone strikes mark a most important front in the US War in the region. The suicide attacks in Pakistan are a 'backlash' from the people of the Federally Administered Tribal Areas (FATA), a rejoinder to the US drone attacks in the region. Pakistan's parliament passed a resolution warning that in the event of continued drone attacks.

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The US should be disallowed from making drone operations against other countries. An impartial investigation may be started in the International Court of Justice against all those countries which contributed in making aggression on Afghanistan, Pakistan, Somalia, Yemen and other sovereign nations.

Drone strikes are no longer the most effective strategy for eliminating Al Qaeda's ability to attack us. Past American drone attacks did help reduce the Al Qaeda leadership in Pakistan to a fearful, hunted cadre that did not have the time or space to plan, train and coordinate major terrorist acts against the United States.

Indeed, there have been several instances where the U.S. government had tried to take away a diplomat's immunity because they have been involved in an assault or traffic accident where people have been killed. The arrogance in diplomacy that the U.S. shows to countries has to be stopped. This is not two equal partners, but it is a dictator dealing with a subservient government at best, and everyone in Pakistan knows it. Attacking by drones, the US is certainly increasing its foes instead of reducing them. Let me give you an example. If a drone attack kills a person's (whether man or woman) brother, father, son or even worse his children or family, do you think that person would become a US friend?

Washington should support a new security campaign that includes jointly controlled drone strikes and combines the capabilities of both countries. Together, the American and Pakistani governments can fashion a plan that meets the objectives of both without committing to broader joint campaigns that would not be politically viable at the moment.

If we are ever to reduce Al Qaeda from a threat to a nuisance, it will be by working with Pakistan, not by continuing unilateral drone attacks. "The fundamentals of Pakistan's relations need to be revisited. Pakistan should not be taken for granted nor treated as a client state". Pakistan and the US have difficult choices to make now. They can choose to defy and attack one another and end up committing mutual hierarchy. Nothing would please the militants more, except to see the two ostensible allies take on one another rather than them. Alternatively, they could cool things down, carry out a rational assessment and come out with a win-win solution.

A joint US-Pak military option - perhaps, a classic hammer and anvil operation - can be ruled out. The saner choice would be for the US and Pakistan to create the desired strategic environment, offer the right inducements and encourage the Haqqani Network to come to the negotiating table and help reach an acceptable-to-all solution. It gives the US (and its allies) a face-saving exit that they so desperately yearn for, saves Pakistan the trouble of carrying out further operations in the FATA, obviates the need for any cross-border operations by the US and its allies and, most importantly, helps find a peaceful solution to the Afghan imbroglio. If sanity does not return to this region soon, such a misadventure will tragically and most eminently become “the mother of all strategic follies”. The diplomatic pressure must be raised against the drones.

Moreover, as the drone campaign wears on, hatred of America is increasing in Pakistan. American officials may praise the precision of the drone attacks. But ‘seeing is believing’. In every case, the brutal attacks are unlawful and in overt desecration of international law. The drone attacks are the illegal use of vicious belligerence against blameless people to attain political objectives of the super power which will only lead to “boundless war without an end”.

It is even more strange to think why the human rights organizations have kept silence over such a serious crime. Therefore, this question remains very pertinent to be asked to the Sole Superpower that if the drone attacks on Pakistan lies under the law, then is it possible that other countries of the world may also use them for their vested interests.

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