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U.S. Drone Strikes in Pakistan: A Strategic Analysis

The United States adopted targeted attacks launched from unmanned aerial vehicles (UAVs), or drones, as an essential tactic to pursue those responsible for the terrorist attacks of September 11, 2001.¹ The Pentagon and the Central Intelligence Agency (CIA) have employed the controversial practice with increasing frequency since President Barack Obama assumed office in 2009. In Pakistan, the Obama administration has escalated drones strikes on al Qaeda and Taliban leadership.² A study undertaken by the New America Foundation, a nonpartisan Washington think tank, reports that although the use of drones in Pakistan was started under President George W. Bush, in his first two years in office, President Obama authorized nearly four times as many strikes as President Bush did in his eight years.³ The Obama White House points to the outcomes of these strikes as counterterrorism victories, but critics condemn the tactic on moral, legal, and political grounds.⁴ Despite the opposition, most experts expect the United States to increase its use of UAVs in the coming years as drone technology improves and the availability of financial resources and public appetite for large-scale, conventional armed conflict erodes.⁵

This paper seeks to examine U.S. strategic interests in Pakistan and the South Asian subcontinent more broadly and analyzes U.S. goals in undertaking a long-term drone strike campaign in the country. It seeks to weigh the political, economic, legal, technological, and humanitarian costs and benefits of the ongoing drone campaign and concludes that the United

¹ Jonathan Masters, "Targeted Killings," *Council on Foreign Relations*, last modified November 7, 2011, <http://www.cfr.org/intelligence/targeted-killings/p9627> (accessed January 10, 2012).

² *Ibid.*

³ "The Year of the Drone," *New America Foundation*, last modified November 16, 2011, <http://counterterrorism.newamerica.net/drones> (accessed January 10, 2012).

⁴ Masters, "Targeted Killings."

⁵ *Ibid.*

States' use of Predator drones in Pakistan establishes a precedent that will detract from U.S. strategic accomplishments and ultimately pose a long-term security dilemma.

U.S. Interests and Goals

The September 11, 2001 attacks on the United States, directed by al-Qaeda leaders based in Afghanistan, prompted prompt retaliation by U.S.-led forces and the swift ouster of the Taliban leadership.⁶ U.S. military forces, working with a NATO (North Atlantic Treaty Organization) coalition, have sought to safeguard Afghan nation-building efforts ever since. By 2009, Washington had launched a new counterinsurgency effort to try to defeat a revived Taliban to bolster the Afghan state. The Obama administration has identified Afghan stability as crucial to defeating al-Qaeda, whose leadership regrouped in neighboring Pakistan.⁷ As the U.S. looks to foster peace talks between the Afghan government and the Taliban and to withdraw its troops after more than ten years of involvement in Afghanistan, U.S.-Pakistan relations are of increasing importance.⁸

Pakistan, a nation created as a home for British India's Muslims six decades ago, today is one of the world's most troubled states.⁹ According to Daniel Markey, senior fellow for India, Pakistan, and South Asia at the Council on Foreign Relations, since its founding in 1940, Pakistan has "endured ethnic, political, and religious conflicts over national identity. It's fought a series of wars with India, it's seen decades of undemocratic rule, and it's felt the persistent weight of poverty." Pakistan, "a country that has been in crisis since its birth," has ties to militant

⁶ Robert McMahon, "U.S. War in Afghanistan," *Council on Foreign Relations*, <http://www.cfr.org/afghanistan/us-war-afghanistan/p20018> (accessed May 8, 2012).

⁷ Ibid.

⁸ Michael Moran and Brian Storm, "Crisis Guide: Pakistan," *Council on Foreign Relations and MediaStorm*, http://www.cfr.org/interactives/CG_Pakistan/index.html (accessed January 11, 2012).

⁹ Michael Moran and Brian Storm, "Crisis Guide: Pakistan."

groups and is home to some of the world's most dangerous terrorist organizations. Because it is a nuclear power, Pakistan's stability is of global importance. "Nuclear theft" in the country is a legitimate concern considering Pakistan's persistent instability and the Islamist extremist groups that call it home.¹⁰

Pakistan's legacy as the world's first Islamic state has been hampered by the ruling military's deliberate cultivation of Jihadi groups and its destruction of civil society organizations.¹¹ While the Pakistani government initially supported Jihadist groups because they viewed them as a positive, transnational extension of the country, today, Pakistan's status as a fertile breeding ground for extremist activity has tainted its international reputation. Initially, in the 1980s, the U.S. teamed up with Pakistan in support of Afghan militants in their war against the Soviet Union. Later, when the U.S. invaded Afghanistan in reaction to the 9/11 attacks, many of these same militants fled across the border into Pakistan.¹²

Bilateral relations between Pakistan and the U.S. have been characterized by "mistrust and mutual acrimony."¹³ Since 2008, when the Pakistani government first refused the U.S. permission for its drone strikes, relations between the two countries have been tense. This tension caused President George W. Bush to authorize a major legal expansion, allowing the CIA to conduct drone strikes in the country without Pakistani permission.¹⁴ Later, in 2009, the U.S. implemented a \$7.5 billion aid package for Pakistan in an effort to improve relations between the

¹⁰ Ibid.

¹¹ Michael Moran and Brian Storm, "Crisis Guide: Pakistan."

¹² Ibid.

¹³ Anne Gearan and Kathy Gannon, "Pakistan, US Assume Less Cooperation," *Time*, January 2, 2012, <http://www.time.com/time/world/article/0,8599,2103501,00.html> (accessed January 11, 2012).

¹⁴ Adam Entous et al., "U.S. Tightens Drone Rules," *Wall Street Journal*, November 4, 2011, <http://online.wsj.com/article/SB10001424052970204621904577013982672973836.html> (accessed January 14, 2012).

two countries. However, the package, which tripled non-military assistance for five years, was met with opposition when the Pakistani army claimed that the U.S. sought to impinge on Pakistan's sovereignty.¹⁵ Despite these claims, Pakistan accepted the package and undertook a long-awaited military operation in South Waziristan and the Swat Valley, during which the Pakistani army managed to wrest control of the region from the Pakistani Taliban.¹⁶

U.S.-Pakistani relations were shaken again in May 2010 when a failed car bombing in New York's Times Square led to the arrest of Pakistani-American Faisal Shahzad.¹⁷ Tehrik-e-Taliban Pakistan (TTP), a Pakistani terrorist group that has often been the target of U.S. drone strikes, and the Pakistani Taliban were "intimately involved" in the plot, according to U.S. Attorney General Eric Holder.¹⁸ In the aftermath of the failed attack, U.S. Secretary of State Hillary Clinton warned that there would be "severe consequences" for Pakistan if a successful terrorist attack in the U.S. were to be traced to the country. Thus, pressure built on Pakistan to do more to fight militancy, especially in the Federally Administered Tribal Areas (FATA)," a tribal region located in the northwest of the country.¹⁹

Bilateral relations between Pakistan and the U.S. were again shattered in January 2011, when Pakistani authorities arrested U.S. national Raymond Davis, a CIA contractor who confessed to killing two Pakistani men in Lahore in self-defense.²⁰ This resulted in a diplomatic falling out when Pakistan subsequently decided to try Davis in its courts rather than release him on the basis of diplomatic immunity. Davis was eventually released in March 2011, but not

¹⁵ Michael Moran and Brian Storm, "Crisis Guide: Pakistan."

¹⁶ Ibid.

¹⁷ Michael Moran and Brian Storm, "Crisis Guide: Pakistan."

¹⁸ Stephen Tankel, *A Pakistan-Based Terrorist Attack on the U.S. Homeland*, 3.

¹⁹ Richard L. Armitage et al., *U.S. Strategy for Pakistan and Afghanistan*, (New York: Council on Foreign Relations, 2010), 18.

²⁰ Michael Moran and Brian Storm, "Crisis Guide: Pakistan."

before his case fanned significant anti-Americanism in the Pakistani media and among the public. With relations already tense between the two countries, President Obama's announcement on May 1, 2011 that U.S. forces had killed Osama bin Laden, the al Qaeda leader responsible for the 9/11 attacks, in Pakistan brought relations between the U.S. and Pakistan to a new level of mistrust. When it was later revealed that bin Laden had been found in Abbottabad, a military town not far from Islamabad, suspicions deepened about the legitimacy of Pakistan's counterterrorism efforts, upon which increasing U.S. aid and cooperation had been contingent. Things only worsened when CIA Chief Leon Panetta said the CIA had "ruled out partnering with Pakistan [on the bin Laden mission] out of concern that Pakistanis might alert the targets," highlighting the deep distrust in the relationship." In light of this statement, Pakistani leaders, embarrassed that the U.S. had carried out the operation in their country, undetected demanded an end to U.S. drone strikes.²¹ In the U.S., lawmakers increasingly questioned Pakistan's complicity in hiding bin Laden and called for a "review of the U.S. relationship with Pakistan" in the aftermath of his death.²²

The recent breaking point in U.S.-Pakistan relations, however, came on November 26, 2011, when 24 Pakistani soldiers were accidentally killed in a NATO airstrike and Washington subsequently refused to apologize for the deaths. The event was a turning point for both countries.²³ For Pakistan, "this [has meant] less cooperation with Washington and a willingness, and in some cases eagerness, to swear off some of the American aid that [has] often made Pakistan feel too dependent."²⁴ For the U.S., this has meant lowering expectations that the Pakistanis will help end the war in Afghanistan and continue to cooperate with the ongoing

²¹ Adam Entous et al., "U.S. Tightens Drone Rules."

²² Michael Moran and Brian Storm, "Crisis Guide: Pakistan."

²³ Anne Gearan and Kathy Gannon, "Pakistan, US Assume Less Cooperation."

²⁴ Ibid.

drone strikes in their country. In the aftermath of the incident, regarding relations with the U.S., Pakistani military spokesman Gen. Athar Abbas told the Associated Press (AP) “from here on we want a very formal, business-like relationship. The lines will be drawn. There will be no more of the free run of the past, no more interpretation of rules.” Pakistan further retaliated by shutting down NATO's supply routes to Afghanistan and kicking the U.S. out of an air base it had used to facilitate drone attacks in Pakistan's FATA. Officials from both countries expect more fallout, likely in the form of additional tolls or taxes on supplies passing into Afghanistan through Pakistan. As a result of this event—and years of accumulated tension between the two countries—Pakistan boycotted the November 2011 conference in Bonn on Afghanistan’s future, and anti-American sentiment in the country reached an all-time high.²⁵

In light of the political standoff that followed the deadly NATO bombings, the U.S. temporarily suspended its “phantom” drone war in Pakistan.²⁶ However, on January 10, 2012, after a lull of about 55 days, “the valleys of Pakistan’s [FATA] reverberated once more with missile fire from stealthy U.S. air borne strikes.”²⁷ However, the drones were cleared to fire on a Pakistani senior militant leader only if there was “credible intelligence and minimal risk to civilians,” according to American officials.²⁸ The two-month lull in American drone attacks in Pakistan—the longest such pause in more than three-years—had helped embolden al Qaeda and

²⁵ Simon Tisdall and Saeed Shah, “Pakistan boycotts talks on Afghanistan and asks UK to mediate in row with US,” *The Guardian*, November 29, 2011, <http://www.guardian.co.uk/world/2011/nov/29/pakistan-boycotts-bonn-conference-afghanistan> (accessed January 14, 2012).

²⁶ Peter Bergen and Katherine Tiedemann, “The Effects of the U.S. Drone Program in Pakistan,” *Foreign Affairs*, July/August 2011, <http://www.foreignaffairs.com/articles/67939/peter-bergen-and-katherine-tiedemann/washingtons-phantom-war> (accessed January 12, 2012).

²⁷ “US drone attacks kill four militants in Pakistan,” AFP, January 10, 2012, <http://www.telegraph.co.uk/news/worldnews/asia/pakistan/9006298/US-drone-attack-kills-four-militants-in-Pakistan.html> (accessed January 14, 2012).

²⁸ Eric Schmitt, “3 Killed as Drone Strikes Resume in Pakistan,” *New York Times*, January 10, 2012, <http://www.nytimes.com/2012/01/11/world/asia/cia-drone-strikes-resume-in-pakistan.html> (accessed April 29, 2012).

several Pakistani militant factions to regroup.²⁹ Diplomats and intelligence officials posit that the “strategic pause” in CIA missile strikes offered greater freedom of movement to an insurgency that had been splintered by infighting in recent months; several feuding factions claim to have patched up their differences during the lull in attacks. Considering this information, drone strikes in Pakistan are likely to continue, although U.S. officials predict that there are likely to be far fewer strikes, and fewer casualties in the future.³⁰ The U.S. will continue to feel the ramifications of the deadly November 26 incident long into the future.³¹ As a result of the event, Pakistan has high ambitions; in return for allowing the U.S. to resume drone strikes in the country, “Pakistan wants complete knowledge of the CIA imprint in the country,” a concession that, if granted, could threaten U.S. operations.³²

Pakistan grapples with many of the challenges typical of “failing state syndrome”: “rampant militancy, a fragile economy, weak governance, an exploding population, and a society deeply divided along ethnic and religious lines.” Because of the country’s status as a nuclear power and its population’s deep-seated anti-Americanism, its resident militants, and its strategic location in a “tough neighborhood” close to Afghanistan, Iran, China, and its rival India, the U.S. has—and will continue to have—a vested interest in its challenges.³³ “Fatigued by a series of diplomatic crises,” the U.S. and Pakistan have “redefined their troubled relationship, stepping

²⁹ Eric Schmitt, “Lull in Strikes by U.S. Drones Aids Militants in Pakistan,” *New York Times*, January 7, 2012, http://www.nytimes.com/2012/01/08/world/asia/lull-in-us-drone-strikes-aids-pakistan-militants.html?_r=1&smid=tw-nytimes&seid=auto (accessed January 14, 2012).

³⁰ Eric Schmitt, “Lull in Strikes by U.S. Drones Aids Militants in Pakistan,” *New York Times*, January 7, 2012, http://www.nytimes.com/2012/01/08/world/asia/lull-in-us-drone-strikes-aids-pakistan-militants.html?_r=1&smid=tw-nytimes&seid=auto (accessed January 14, 2012).

³¹ Chris Woods, “Analysis: New rules in play as CIA drones return to Pakistan skies,” *Bureau of Investigative Journalism*, January 10, 2012, <http://www.thebureauinvestigates.com/2012/01/10/analysis-us-drones-to-hit-pakistan-again/> (accessed January 14, 2012).

³² *Ibid.*

³³ Richard L. Armitage et al., *U.S. Strategy for Pakistan and Afghanistan*, 19.

back from the assumption that common goals and shared interests can trump mutual suspicion.”³⁴ Despite the tensions between the U.S. and Pakistan, it is in the best interest of the U.S. to maintain long-term and consistent connections with civilian and military leaders in Pakistan, considered by many to be the most dangerous country in the world.³⁵ Pakistan—as a “quasi-ally” of the U.S.—poses a direct threat to U.S. interests and security.³⁶ Pakistan is a partner the U.S. may not fully trust, but one it cannot afford to lose.”³⁷

Drone Strikes as a Means of Achieving U.S. Goals

The U.S. drone program has its roots in the late 1990s, when unmanned aircraft tracked and spied on al Qaeda in Afghanistan.³⁸ After the terrorist attacks of September 11, 2001, President George W. Bush authorized the use of drones equipped with missiles to kill the leaders of al Qaeda, first in Afghanistan, then in Yemen and Pakistan. From June 2004, when the strikes in Pakistan began, to January 2009, the Bush administration authorized 44 strikes in the rugged northwestern region of the country. Since assuming office, President Obama has greatly accelerated the program, likely as a result of better on-the-ground intelligence in Pakistan. He has ordered an average of one strike every four days, compared with one every 40 days under Bush, and has expanded the CIA drone program to more than 14 “orbits.”³⁹ Each orbit usually includes three drones, sufficient to provide constant surveillance of the tribal areas of Pakistan. The U.S. government’s fleet of drones includes Predators and larger Reapers, which carry Hellfire missiles and sometimes bigger bombs, can soar to an altitude of 50,000 feet, and reach

³⁴ Anne Gearan and Kathy Gannon, “Pakistan, US Assume Less Cooperation.”

³⁵ Richard L. Armitage et al., *U.S. Strategy for Pakistan and Afghanistan*, 9.

³⁶ Michael Moran and Brian Storm, “Crisis Guide: Pakistan.”

³⁷ Anne Gearan and Kathy Gannon, “Pakistan, US Assume Less Cooperation.”

³⁸ Peter Bergen and Katherine Tiedemann, “The Effects of the U.S. Drone Program in Pakistan.”

³⁹ Adam Entous et al., “U.S. Tightens Drone Rules.”

cruise speeds of up to 230 miles per hour. The CIA employs two types of drone strikes in Pakistan: “signature” strikes that “target groups of men believed to be militants associated with terrorist groups, but whose identities aren’t always known,” and “personality” strikes that “target known terrorist leaders.”⁴⁰

The majority of U.S. drone strikes in Pakistan have targeted North Waziristan, a FATA in the northwest of Pakistan, bordering Afghanistan.⁴¹ In this region—and throughout the country—drone strikes have often taken the form of targeted killings, “premeditated acts of lethal force employed by states in times of peace or during armed conflict to eliminate specific individuals outside their custody.”⁴² Through these targeted killings, the U.S. has assassinated a number of prominent al Qaeda and Taliban leaders, including: Khan Mohammad, Maulvi Nazir's deputy commander (Oct. 2011); Janbaz Zadran, senior Haqqani commander (Oct. 2011); Abu Hafs al-Shahri, top Qaeda operative responsible for plotting attacks inside Pakistan (Sept. 2011); Atiyah Abd al-Rahman, senior Qaeda member (Aug. 2011); Ilyas Kashmiri, Qaeda's commander in Pakistan (June 2011); and Abu Zaid al-Iraqi, who managed Qaeda’s finances in Pakistan (Feb. 2011).⁴³ According to *The Long War Journal*, American drones have killed more than 1,900 Islamist insurgents in Pakistan’s FATA areas since 2006.⁴⁴

⁴⁰ Ibid.

⁴¹ “The Year of the Drone.”

⁴² “Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions,” *United Nations General Assembly*, last modified May 28, 2010, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf> (accessed January 10, 2012).

⁴³ “The Year of the Drone.”

⁴⁴ Bill Roggio and Alexander Mayer, “Senior al Qaeda and Taliban leaders killed in US airstrikes in Pakistan, 2004-2011,” *The Long War Journal*, October 28, 2011, <http://www.longwarjournal.org/pakistan-strikes-hvts.php> (accessed January 12, 2012).

As a result of these strategically significant deaths, CIA director Leon Panetta has called drone strikes the “most important weapons in the fight against terrorists.”⁴⁵ Already the Air Force is training more remote pilots, 350 in 2011 alone, than fighter and bomb pilots combined.⁴⁶ Since 9/11, the number of hours the Air Force devotes to flying missions for intelligence, surveillance and reconnaissance has gone up by 3,100 percent, most of which is from increased operations of drones. Drone attacks, which have become “more crucial than ever in fighting wars and terrorism,” provide a unique combination of stealth, impunity, standoff capability, accuracy, and lethality, allowing the U.S. to protect its strategic interests in the face of instability and extremism.⁴⁷

Costs of Drone Strikes

The U.S. has undertaken its drone strike campaign in Pakistan despite humanitarian and legal concerns. Of late, global outcry has intensified in response to collateral civilian deaths brought about by errant air strikes in the country.⁴⁸ Although official figures from the U.S. military on drone strike casualties are strictly classified, the New America Foundation estimates that approximately 17 percent of the total deaths caused by drone strikes in Pakistan were civilian fatalities—between 293 and 471 civilians in total, depending on which data is referenced.⁴⁹ The UK-based Bureau of Investigative Journalism has stated that approximately

⁴⁵ Gregor Peter Schmitz, “Are Drones Worth Their Drawbacks?” *Der Spiegel*, March 12, 2010, <http://www.spiegel.de/international/world/0,1518,682645,00.html> (accessed January 12, 2012).

⁴⁶ Elisabeth Bumiller and Thom Shanker, “War Evolves With Drones, Some Tiny as Bugs,” *New York Times*, June 19, 2011, <http://www.nytimes.com/2011/06/20/world/20drones.html> (accessed January 12, 2012).

⁴⁷ *Ibid.*

⁴⁸ Brianna Lee, “Five Things You Need to Know about Drones,” PBS, December 15, 2011, <http://www.pbs.org/wnet/need-to-know/five-things/drones/12659/>, (accessed January 10, 2012).

⁴⁹ Peter Bergen and Katherine Tiedemann, “There Were More Drone Strikes—And Far Fewer Civilians Killed,” *New America Foundation*, December 22, 2010, <http://www.new>

175 Pakistani children have been killed by U.S. drone strikes since 2004.⁵⁰ According to an analysis by Peter Bergen and Katherine Tiedemann published in *Foreign Affairs*, less than two percent of those killed by U.S. drone strikes in Pakistan have been described in reliable press accounts as leaders of al Qaeda or allied groups.⁵¹ U.S. government officials have disputed such reports, claiming that only 50 non-militants have been killed by drone strikes over the past decade in the six countries in which the U.S. is known to have used Predator drones:

Afghanistan, Iraq, Libya, Pakistan, Somalia, and Yemen.⁵²

Even if the true civilian death toll in Pakistan is relatively low, and the civilian death rate is shrinking every year, as proposed by nearly every set of data, the drone strike campaign is still detrimental to the image of the U.S.⁵³ While in some ways drone strikes benefit U.S. counterterrorism strategy, in the long-term, they may be more harmful than helpful to the U.S., especially considering that the war against Islamist terrorism is decidedly a “war of ideas.” As such, accidental civilian deaths, in particular, create “dangerous political problems” according to Daniel Bynam, a security analyst at the Brookings Institution.⁵⁴ Bynam argues: “Pakistan’s new democratic government is already unpopular for its corruption, favoritism, and poor governance. U.S. strikes that take a civilian toll are a further blow to its legitimacy—and to U.S. efforts to

america.net/node/41927 (accessed January 10, 2012).

⁵⁰ “Drone War Exposed—the complete picture of CIA strikes in Pakistan,” *Bureau of Investigative Journalism*, August 10, 2011, <http://www.thebureauinvestigates.com/2011/08/10/most-complete-picture-yet-of-cia-drone-strikes/> (accessed January 10, 2012).

⁵¹ Peter Bergen and Katherine Tiedemann, “The Effects of the U.S. Drone Program in Pakistan.”

⁵² Greg Jaffe and Karen DeYoung, “U.S. drone targets two leaders of Somalia group allied with al-Qaeda, officials say,” *The Washington Post*, June 29, 2011, http://www.washingtonpost.com/national/national-security/us-drones-target-two-leaders-of-somali-group-allied-with-al-qaeda/2011/06/29/AGJFxZrH_story.html (accessed January 11, 2012).

⁵³ Lee, “Five Things You Need to Know about Drones.”

⁵⁴ John Horgan, “Drone Assassinations Hurt the U.S. more than They Help Us,” *Scientific American*, October 3, 2011, <http://blogs.scientificamerican.com/cross-check/2011/10/03/drone-assassinations-hurt-the-u-s-more-than-they-help-us/> (accessed January 10, 2012).

build goodwill there.” Former CIA official Bruce Riedel compared drone attacks to a “double-edged sword” that have as much potential to protect American interests as they do to hurt the image of the U.S.⁵⁵ As explained by counterterrorism expert David Kilcullen, “When we intervene in people’s countries to chase small cells of bad guys, we end up alienating the whole country and turning them against us.”⁵⁶ Most notably, in June 2011, hundreds of armed tribesmen gathered in North Waziristan to protest against deadly drone attacks, chanting “Death to America” and “Stop the drone attacks.”⁵⁷ As residents of Pakistan’s FATA increasingly “live in fear of getting caught up in the strikes,” anti-Americanism has become rampant. A poll conducted by the New America Foundation last year found that only 16 percent of Pakistanis surveyed believe U.S. drones actually target militants.⁵⁸ In order to align themselves with this virulent upswing in anti-Americanism, Pakistani government officials have been known to condemn U.S. drone strikes in public, while privately telling the U.S. it has the green light—an accommodation revealed in diplomatic cables leaked by WikiLeaks last year.⁵⁹

In addition to the aforementioned humanitarian concerns associated with the U.S. drone strikes in Pakistan, the campaign also raises a slew of legal questions, the most important being: Are these attacks compliant with the norms of international law? A 2010 United Nations report by Philip Alston, UN special representative on extrajudicial killings, warned that drone attacks

⁵⁵ Ibid.

⁵⁶ Daniel L. Byman, “Do Targeted Killings Work?”

⁵⁷ Rob Crilly, “Protests against American drone attacks in northern Pakistan,” *The Telegraph*, June 20, 2011, <http://www.telegraph.co.uk/news/worldnews/asia/Pakistan/8586658/Protests-against-American-drone-attacks-in-northern-Pakistan.html> (accessed January 14, 2012).

⁵⁸ “Out of the blue: A growing controversy over the use of unmanned aerial strikes,” *The Economist*, July 30, 2011, <http://www.economist.com/node/21524916> (accessed January 14, 2012).

⁵⁹ Ibid.

are “doing grave damage to the rules designed to protect the right to life and prevent extrajudicial killings.”⁶⁰ Alston noted:

It is an essential requirement of international law that states using targeted killings demonstrate that they are complying with the various rules governing their use. The greatest challenge to this principle today comes from the program operated by the U.S. CIA...The international community does not know when and where the CIA is authorized to kill, the criteria for individuals who may be killed, how it ensures killings are legal, and what follow-up there is when civilians are illegally killed.⁶¹

In the same vein, several formal legal challenges have been mounted in Pakistan over the drone strike campaign with the help of the Foundation for Fundamental Rights, a non-governmental legal advocacy organization.⁶² Most notably, Cameron Munter, the U.S. Ambassador to Pakistan, who is known for advocating a judicious use of “signature” strikes, faces a potential lawsuit in Pakistani courts for the killing of Tariq Aziz, age 16, and Waheed Khan, age 12, in an alleged drone strike in North Waziristan.⁶³ The lawsuit is based on a new set of rules the U.S. government has put in place to ensure that the U.S. Department of State (DoS) is informed of planned drone strikes.⁶⁴ According to Shahzad Akbar of the Foundation for Fundamental Rights, if Munter pre-approved drone strikes, as stipulated in the U.S. government policy, his actions would be in violation of both the Vienna Convention on Diplomatic Relations (1961) and the Vienna Convention on Consular Relations (1963). Future legal challenges of this nature are expected in the coming weeks and months.⁶⁵ Another legal criticism surrounding U.S. drone strikes in Pakistan is that the U.S. has violated Pakistan’s sovereignty. Critics, both within the

⁶⁰ “Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions.”

⁶¹ Ibid.

⁶² Pratap Chatterjee, “US ambassador to Pakistan threatened with lawsuit over drone deaths,” *Bureau of Investigative Journalism*, December 9, 2011, <http://www.thebureauinvestigates.com/2011/12/09/u-s-ambassador-to-pakistan-threatened-with-lawsuit-over-drone-deaths/> (accessed January 14, 2012).

⁶³ Ibid.

⁶⁴ Adam Entous et al., “U.S. Tightens Drone Rules.”

⁶⁵ Pratap Chatterjee, “US ambassador to Pakistan threatened with lawsuit over drone deaths.”

U.S. and Pakistan, argue that because the U.S. has not declared war with Pakistan—but rather considers the country a “quasi-ally”—it has no right to conduct military operations within its borders.⁶⁶

When confronted with humanitarian and legal questions surrounding its use of drones in Pakistan, the U.S. government had initially flatly denied the existence of its drone program.⁶⁷ However, as drone strikes have become increasingly frequent and impossible to deny, the Bush and Obama administrations have sought to justify the strikes under both international and domestic law.⁶⁸ The Obama administration expounded its stance on drones most notably in March 2010, stating that the U.S. remains in “armed conflict with al Qaeda, as well as the Taliban and associated forces, in response to the horrific 9/11 attacks, and may use force consistent with its inherent right of self-defense under international law.” The White House continues to defend the preemptive nature of drone attacks by asserting that the United States’ right of self-defense, as enumerated in Article 51 of the UN Charter, may include targeted killings of persons, such as high-level al Qaeda leaders who are planning attacks, both in and out of declared “theaters of war.” Critics have also called into question whether U.S. drone attacks in Pakistan have abided by the Geneva Conventions stipulation requiring belligerents to use “discrimination and proportionality.”⁶⁹ In the face of such critiques, U.S. government officials have asserted that the killings are consistent with “law of war” principles, chiefly those of

⁶⁶ Ibid.

⁶⁷ Gregor Peter Schmitz, “Are Drones Worth Their Drawbacks?”

⁶⁸ Jonathan Masters, “Targeted Killings.”

⁶⁹ Peter Finn, “A future for drones: Automated killing,” September 19, 2011, http://www.washingtonpost.com/national/national-security/a-future-for-drones-automated-killing/2011/09/15/gIQAVy9mgK_story.html (accessed January 12, 2012).

distinction and proportionality.⁷⁰ As the sheer scale of the drone program has made it impossible to keep under wraps, Defense Secretary Panetta declared that despite the United States' attempts at secrecy in its drone program, "there is no question that we are abiding by international law and the law of war" on the "global battlefield."⁷¹ Domestically, the legal underpinning for U.S. counterterrorism policies, encompassing U.S. drone strikes in Pakistan, is the 2001 Authorization for the Defense of Use of Military Force (AUMF), passed by Congress in the immediate aftermath of 9/11. The law requires the U.S. president "to use all necessary and appropriate force" in pursuit of those responsible for the terrorist attacks.

Benefits of Drone Strikes

Despite criticism surrounding their use, "UAVs amounts to safer, cheaper, and more effective warfare in the United States' counterterrorism efforts in Pakistan," as consistently argued by the U.S. Department of Defense (DoD).⁷² Tactically, drones have taken on crucial tasks in the military that have often been deemed too risky for humans, namely providing surveillance for extended periods of time in areas in which human intelligence is often limited, and launching missile attacks against Pakistani insurgent leaders.⁷³ When authorized to attack, drones can better locate a specific target than a conventional piloted air strike.⁷⁴ Technologically,

⁷⁰ Greg Jaffe and Karen DeYoung, "U.S. drone targets two leaders of Somalia group allied with al-Qaeda, officials say," *The Washington Post*, June 29, 2011, http://www.washingtonpost.com/national/national-security/us-drones-target-two-leaders-of-somali-group-allied-with-alqaeda/2011/06/29/AGJFxZrH_story.html (accessed January 11, 2012).

⁷¹ Leon Panetta, "This Week," Interview with Jake Tapper, ABC, July 27, 2010, <http://abcnews.go.com/ThisWeek/week-transcript-panetta/story?id=11025299#.Tw29gSP--AY> (accessed January 11, 2012).

⁷² Lee, "Five Things You Need to Know about Drones."

⁷³ Ibid.

⁷⁴ Laurie Ure, "Gates: U.S. to use Predator drones in Libya," CNN, April 21, 2011, <http://www.cnn.com/2011/WORLD/africa/04/21/libya.drones/index.html> (accessed January 11, 2012).

“UAVs are being developed with improved flexibility, precision, and endurance.”⁷⁵ Because drones are launched from air bases in Afghanistan and Pakistan but are controlled by pilots in the U.S., in the unlikely event a drone is shot down, the U.S. is spared the death or capture of a pilot and a couple hundred million dollars from a destroyed fighter jet.⁷⁶ Hence, “within the military, no one disputes that drones save American lives.”⁷⁷

Strategically, killing terrorist operatives through drone strikes has proven effective in dismantling terrorist havens along the Pakistan-Afghanistan border.⁷⁸ Such attacks keep extremist groups on edge and disrupt their plans, because when individuals in these groups die or are wounded, new members must be recruited and less experienced leaders are forced to take over day-to-day operations. Organizations fearing a strike must also devote increased attention to their own security because any time they communicate with other cells or issue propaganda, they may be exposing themselves to a targeted attack.⁷⁹

Politically, the use of drones has allowed the U.S. to make up for the Pakistani government’s “inability to provide for the security and prosperity of its own people,” according to a publication by The German Marshall Fund of the United States.⁸⁰ Legal scholars, especially from within the U.S. government, posit that because there exists a substantial, if not direct, threat to U.S. national security from a range of militant groups in Pakistan, the U.S. is justified in its

⁷⁵ Lee, “Five Things You Need to Know about Drones.”

⁷⁶ Christopher Drew, “Drones Are Weapons of Choice in Fighting Qaeda,” *New York Times*, March 16, 2009, <http://www.nytimes.com/2009/03/17/business/17uav.html> (accessed January 11, 2012).

⁷⁷ Elisabeth Bumiller and Thom Shanker, “War Evolves With Drones, Some Tiny as Bugs.”

⁷⁸ Daniel L. Byman, “Do Targeted Killings Work?”

⁷⁹ Ibid.

⁸⁰ C. Christine Fair, “Addressing Pakistan’s Sovereignty Deficit,” *The German Marshall Fund of the United States*, June 27, 2011, http://www.gmfus.org/galleries/ct_publication_attachments/Fair_SovereigntyDeficit_Jun11.pdf (accessed January 11, 2012).

use of drones in the country.⁸¹ Accordingly, drones have been used in Pakistan not to challenge the sovereignty of the state, but to supplement the power of the weak and ineffective central government. Thus, as long as the Pakistani government lacks the interest and capability to address security threats that are not just its own, but threats to the U.S. and its allies as well, the case for U.S. drone strikes in Pakistan is self-evident.⁸² As such, according to John Brennan, White House counterterrorism advisor, preventative, unilateral action is justified in Pakistan because the Pakistani government is “unwilling or unable to take the necessary action.”⁸³

The use of drone strikes in Pakistan is also appealing because it allows the U.S. to protect its security interests in a manner that is more secretive and less damaging to U.S. morale and finances than traditional warfare. The fact that very few news outlets can report the precise details of U.S. drone attacks in Pakistan—simply because these details are considered top secret—provides a level of protection against U.S. public opinion.⁸⁴ Hence, “the exact nature of ongoing U.S. drone operations has been obfuscated by the Pakistani and American governments.”⁸⁵ As the Pentagon seeks to slash spending by nearly half a trillion dollars after a decade of war, the ability to kill with just the press of a button from CIA headquarters in Virginia is cost and technology effective.⁸⁶ Its comparatively low cost is an added benefit of the drone campaign in Pakistan. Additionally, the use of drone technology has allowed the U.S. military to

⁸¹ Laura Hughes, “Keep Them Looking Up,” *PolicyMic*, July 2011, <http://www.policymic.com/article/show?id=962&op=yes> (accessed January 11, 2012).

⁸² *Ibid.*

⁸³ Jennifer Rizzo, “US defends right to pursue threats, no matter the country,” *CNN Security Clearance*, September 16, 2011, <http://security.blogs.cnn.com/2011/09/16/> (accessed January 14, 2012).

⁸⁴ Gregor Peter Schmitz, “Are Drones Worth Their Drawbacks?”

⁸⁵ C. Christine Fair, “Addressing Pakistan’s Sovereignty Deficit.”

⁸⁶ David Alexander and Phil Stewart, “New Pentagon strategy stresses Asia, cyber, drones,” *Reuters*, January 5, 2012, <http://www.reuters.com/article/2012/01/05/us-usa-military-obama-idUSTRE8031Z020120105> (accessed January 15, 2012).

recruit pilots from a subset of individuals who may otherwise have been uninterested or unable to serve in the military.⁸⁷ These “cubicle warriors” are being recruited and trained at a faster rate than traditional military jet pilots—sparing the government many of the costs associated with conventional warfare.⁸⁸

Comprehensive Analysis

Despite certain benefits of U.S drone strikes, the ongoing campaign in Pakistan rests on morally questionable footing. Even if strikes may be legal under international law and effective in combating terrorists, because of how they are perceived, they have negative consequences in terms of the broader objectives of the U.S. government. In the long-term, ongoing drone strikes will lead not just to anti-Americanism, but also to greater local instability, less legitimacy for the Pakistani government, and higher terrorist and insurgent recruitment rates. After all, the United States’ “virtual war” in Pakistan “essentially amounts to state-sanctioned execution without clear rules.”⁸⁹

The economic, technological, and counterterrorism arguments for the use of drone strikes in Pakistan are equally questionable. While it may seem like drones allow the U.S. government to cut military personnel costs, according to P.W. Singer’s *Wired for War*, the definitive guide to “the robotics revolution,” drone pilots may face higher levels of combat stress than do some soldiers physically deployed in Afghanistan.⁹⁰ This is due in part to the fact that even though

⁸⁷ Rachel Martin, “Drone Pilots: The Future of Aerial Warfare,” NPR, November 29, 2011, <http://www.npr.org/2011/11/29/142858358/drone-pilots-the-future-of-aerial-warfare> (accessed January 15, 2012).

⁸⁸ Ibid.

⁸⁹ Gregor Peter Schmitz, “Are Drones Worth Their Drawbacks?”

⁹⁰ “Remote-control warriors suffer war stress,” AP, August 7, 2008, <http://www.msnbc.msn>

drone pilots may not be physically close to the battlefield, they view the war zone through up-close, high-definition imagery and are often instructed to linger over the target of an attack so that the damage can be assessed.⁹¹ The drone war in Pakistan threatens not just drone pilots, but also the U.S. population as a whole. As the surveillance capabilities of drones have enabled more and more video footage of on-the-ground operations to become available to the American public, viewers are more likely to be desensitized to the reality of warfare.⁹² According to Singer, the American public “can see the videos on You Tube. It’s turning war for some into a form of entertainment. The soldiers call that ‘war porn.’ We can see more but [sympathize] less.”⁹³

Another argument against the use of drone strikes in Pakistan is that the cost effectiveness of drone technology, as well as the resulting desensitization to warfare and new international legal precedent set by the strikes, will lead to more wars—especially more drone wars—in the future. Susan Brooks Thistlethwaite, a senior fellow at the Center for American Progress, a progressive think tank in Washington, argues that drones do not ultimately serve the long-term national security interests of the U.S. because they “will not reduce conflict. Their very ease of use will tempt nations—our very own included—to engage in ‘automated conflict.’”⁹⁴

Looking forward, the potential for global “automated conflict” is increasingly a reality. The U.S. is not alone in its development of drone technology. In *Wired for War*, Singer estimates

.com/id/26078087/#.TxJnWCP--AY (accessed January 15, 2012).

⁹¹ Ibid.

⁹² Lee, “Five Things You Need to Know about Drones.”

⁹³ P.W. Singer, “Spiegel Online,” “The Soldiers Call It War Porn,” *Der Spiegel*, March 12, 2010, <http://www.spiegel.de/international/world/0,1518,682852,00.html> (accessed January 15, 2012).

⁹⁴ Susan Brooks Thistlethwaite, “Drone wars: The temptation of automated conflict,” *Washington Post*, December 5, 2011, http://www.washingtonpost.com/blogs/guest-voices/post/drone-wars-the-temptation-of-automatedconflict/2011/12/05/gIQA1rilWO_blog.html?wprss=guest-voices (accessed January 15, 2012).

that at least 43 nations, notably Israel and the United Kingdom, as well as groups such as Hezbollah, have deployed or are developing drones and other robotic weapons.⁹⁵ Pakistan, too, with Chinese assistance, is in the process of developing its own fleet of drones.⁹⁶ As the global market for UAVs expands and drone technology becomes smaller and increasingly advanced, a “robotics revolution” is forthcoming, explains Singer. With drones rapidly becoming the new face of warfare, not just for the U.S. and its allies, but for its adversaries, as well, the world may be careening closer to a drone arms race.⁹⁷ Eventually, the U.S. will face a military adversary or terrorist group armed with drone technology, military analysts predict, as the globalized nature of technology will likely assist those attempting to develop drones.⁹⁸ Steven Metz, a professor at the Army War College expects that “we will see if not identical technologies, then parallel technologies being developed...we’ve reached the point where the bad guys don’t need to develop it; instead they can just buy it.”⁹⁹ Nevertheless, in a battle of the drones, the U.S. is still the undisputed powerhouse—but the hegemon must continue to ensure its superiority in this technological realm.

International actors—both states, and non-state actors organized in loose transnational networks—have followed the United States’ lead in devoting public resources and private capital to the development of drone technology, and this spending is likely to increase. Philip Finnegan, director of corporate analysis for the Teal Group, a company that tracks defense and aerospace

⁹⁵ P.W. Singer, *Wired for War: The Robotics Revolution and Conflict in the 21st Century* (New York: Penguin Group, 2009), 241.

⁹⁶ Laura Lynch, “Pakistan Building its Own Drones,” *PRI’s The World*, April 13, 2012, <http://www.theworld.org/2012/04/pakistan-building-its-own-drones/> (accessed May 8, 2012).

⁹⁷ Lee, “Five Things You Need to Know about Drones.”

⁹⁸ Scott Shane, “Coming Soon: The Drone Arms Race,” *New York Times*, October 8, 2011, <http://www.nytimes.com/2011/10/09/sunday-review/coming-soon-the-drone-arms-race.html?pagewanted=all> (accessed January 15, 2012).

⁹⁹ P.W. Singer, *Wired for War*, 240.

markets, says global spending on research and procurement of drones over the next decade is expected to total more than \$94 billion, including \$9 billion on remotely piloted combat aircraft.¹⁰⁰ As a point of comparison, the Pentagon has requested almost \$5 billion for drone research and procurement for the 2011-2012 fiscal year.¹⁰¹ China, in particular, has taken the lead in drone technology research and development. In November 2010, Chinese companies surprised some Americans when they debuted 25 different models of remotely controlled aircrafts at an air show, shown alongside video footage of a missile-armed drone striking an armored vehicle and attacking a United States aircraft carrier.¹⁰²

This technological development undertaken by Chinese companies, combined with the fact that Pakistan has recently renewed its relationship with China in the face of worsening Pakistan-U.S. relations, is a bad omen for U.S. economic and political security, and demonstrates the hypocritical nature of U.S. drone strikes.¹⁰³ As the U.S. works to disempower one group of enemies, in the long-term, it is empowering many of its other enemies and competitors, because in today's era of intensified globalization, it is impossible to keep potentially harmful technology in the hands of some international actors and out of the hands of others. Scott Shane, a national security correspondent at the *New York Times* describes the conundrum brought about by the ongoing U.S. drone strikes in Pakistan:

If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends

¹⁰⁰ Scott Shane, "Coming Soon: The Drone Arms Race."

¹⁰¹ Although exact federal spending varies from year-to-year, allocations for the procurement and development of U.S. drone technology are likely to increase as a component of long-term, discretionary spending.

¹⁰² Scott Shane, "Coming Soon: The Drone Arms Race."

¹⁰³ Anne Gearan and Kathy Gannon, "Pakistan, US Assume Less Cooperation."

drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them.¹⁰⁴

This may eventually ignite a “space race” in drone technology, leading to a world filled with drone warfare, “which is troubling primarily because of the political and legal implications of such a world.”¹⁰⁵

Upon closer examination, the nature of both U.S. drone strikes in Pakistan and the Islamist extremist groups they target points to the fact that the campaign may ultimately be counterproductive to U.S. national security interests. Counterterrorism experts argue that because of the decentralized structure of terrorist organizations such as al Qaeda and the Taliban, targeting their top leaders is ineffective. Thus, “killing terrorist leaders is difficult, it is often ineffective, and it can easily backfire.”¹⁰⁶ According to an article in *Foreign Affairs* by Peter Bergen and Katherine Tiedemann, “The majority of those killed in [drone strikes in Pakistan] are not important insurgent commanders but rather low-level fighters.”¹⁰⁷ According to Daniel Byman of the Brookings Institution, even when targeted killing *do* work to eliminate terrorist leaders, they are decidedly a “poor second to arrests” because dead men are no help in informing the U.S. of broader terrorist activities.¹⁰⁸ This accounts for the recent spike in violence among Pakistan’s resident militants, up nearly 10 percent in 2011 from the previous year.¹⁰⁹ Based on this recent upsurge in hostility, al Qaeda’s leaders in Pakistan remain preoccupied with striking America.¹¹⁰ Thus, the U.S. government should focus on getting at the root causes of terrorism, rather than playing a costly, deadly, and ineffective game of “Whack-A-Mole” against terrorist

¹⁰⁴ Scott Shane, “Coming Soon: The Drone Arms Race.”

¹⁰⁵ Brianna Lee, “Five Things You Need to Know about Drones,”

¹⁰⁶ Daniel L. Byman, “Do Targeted Killings Work?”

¹⁰⁷ Peter Bergen and Katherine Tiedemann, “The Effects of the U.S. Drone Program in Pakistan.”

¹⁰⁸ Daniel L. Byman, “Do Targeted Killings Work?”

¹⁰⁹ Eric Schmitt, “Lull in Strikes by U.S. Drones Aids Militants in Pakistan.”

¹¹⁰ Stephen Tankel, *A Pakistan-Based Terrorist Attack on the U.S. Homeland*, 3.

leaders that undermines its very efforts at counterterrorism. As stated by Byman, the killings are nothing but a “flawed short-term expedient that at best reduce the al Qaeda threat—but by no means eliminate it.”¹¹¹

Admittedly, considering the new threats posed by “asymmetric” warfare, the U.S. has “compromised [its] long-term goals for short-term access” in Pakistan.¹¹² Considering that drone strikes in Pakistan have become a long-term tactic in the U.S. counterinsurgency arsenal, reform of the program is essential. Primarily, control of the U.S. drone program in Pakistan should be transferred immediately from the CIA to the U.S. military. As Peter Bergen, CNN’s national security analyst explains:

U.S. military lawyers [would] ensure that the strikes conform to the laws of war, whereas in Pakistan, whatever vetting process the CIA observes remains opaque. In Afghanistan and Iraq, the U.S. military also tends to pay compensation for accidental civilian deaths, whereas Pakistani civilians in the tribal areas can seek little legal or material recourse from the United States when their relatives are slain.¹¹³

This transfer of power would represent one welcome step towards transparency of U.S. drone strikes in Pakistan.¹¹⁴ Additionally, superb intelligence, achieved through cooperation with the Pakistani Inter-Services Intelligence (ISI) agency, is critical to reducing the civilian death toll and regaining trust in the program. Operators must know not only where terrorists are, but also who is with them and who might be within the blast radius.¹¹⁵ Currently, “this level of surveillance is often lacking, and terrorists’ deliberate use of children and other civilians as shields” make civilian deaths even more difficult to prevent. Looking forward, “given the

¹¹¹ Daniel L. Byman, “Do Targeted Killings Work?”

¹¹² C. Christine Fair, “Addressing Pakistan’s Sovereignty Deficit.”

¹¹³ Peter Bergen and Katherine Tiedemann, “The Effects of the U.S. Drone Program in Pakistan.”

¹¹⁴ Laura Hughes, “Keep Them Looking Up.”

¹¹⁵ Daniel L. Byman, “Do Targeted Killings Work?”

humanitarian and political risks, each strike needs to be more carefully weighed, with the value of the target and the potential for innocent deaths factored into the equation.”¹¹⁶

Ongoing drone strikes do not bode well for U.S.-Pakistani relations. The operation—and its potential infringement on Pakistani sovereignty—has “left Pakistanis to wonder who controls their state and who exactly can protect them from domestic and external threats.” As the Pakistani people come to view themselves as increasingly dependent on the U.S. for defense, counterterrorism, and human development aid, they become more likely to park all the country’s “miseries and challenges at the doorstep of Washington.”¹¹⁷ In the long run, this is not good for Pakistan—and its prospects for a viable and vibrant democracy—or for Pakistan-U.S. relations. Although a complete rupture in bilateral relations between Pakistan and the U.S. is unlikely, “a further deterioration in relations could seriously compromise counterterrorism and nonproliferation interests, not to mention regional diplomatic initiatives, especially in Afghanistan.”¹¹⁸

In conclusion, although the drone strike campaign in Pakistan is in the interest of the United States, the negative effects of drone strikes outweigh the benefits. Hence, the U.S. government should consider significantly de-escalating its overall use of drone attacks in Pakistan. Doing so could help to reduce bilateral tensions, overall anti-American sentiment, and the risk of mobilizing recruits who join militant outfits out of anger or a thirst for revenge. De-escalation now could also provide greater space for a threat of re-escalation in the event leverage was needed later.¹¹⁹ Regardless, control of the U.S. drone program should be transferred from the CIA to the U.S. military, and the U.S. should attempt to maintain its advantage in the global

¹¹⁶ Ibid.

¹¹⁷ C. Christine Fair, “Addressing Pakistan’s Sovereignty Deficit.”

¹¹⁸ Stephen Tankel, *A Pakistan-Based Terrorist Attack on the U.S. Homeland*, 4.

¹¹⁹ Ibid., 10.

UAV market. It is only through such efforts that the U.S. government can hope to mitigate the security dilemma posed by its ongoing use of drones in Pakistan.

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