

THE US WAR ON TERROR AND THE DRONE ATTACKS IN FATA, PAKISTAN

Zakir Minhas*
Altaf Qadir**

Abstract

The 9/11 incident in USA has changed the entire global political framework. World Trade Centre (WTC) was regarded the hub of the corporate and capitalist world. The attack on WTC was taken as attack on the heart of the system and USA was joined by all countries of the 'free world' to avenge the attacks. Within three hours of the attack on WTC, President Bush declared that Al-Qaeda was responsible for the attacks and Afghanistan was attacked on 7 October 2001. The US war on terror took a new turn when US initiated drone strikes in FATA, Pakistan. There arose a long debate in Pakistani media, academics and parliament whether US drone strikes are approved by the Pakistani State or otherwise. Pakistani State managers have declined its approval and at initial stage the Pakistan government declared that such attacks have been carried out by Pakistan itself but later on it was revealed that the Pakistan government claim was absolutely wrong. The Drone Strikes have generated a serious legal debate across the globe and it has been discussed from various aspects. However, it is clear that drone strikes can not be carried out without the approval of the state concerned. It is proved from another fact that drones do not have any self defense system and it can be shot down by the weakest air force. There is a major diversity of opinion between Pakistan state and society on the issue of drone attacks. The state has approved the drone strike while majority in Punjab, Sindh and Khyber Pakhtunkhwa are opposed to the drone strikes. However, majority of the FATA people, though do not like drone strikes but prefer it if the alternate is military operation by the Pakistan Army.

Key Words: US, War on Terror, FATA, Militancy, Drone attacks, Al-Qaeda, Taliban

* Village Takhta Band, Post Office Mingora, Tehsil Babuzai, District Swat. Email: zakir_minhas2003@yahoo.com

** Assistant Professor, Department of History, University of Peshawar, Pakistan. Email: altafqadir@upesh.edu.pk

Introduction

The dawn of 21st century is marked with terrorism which is a different phenomenon for all people. The 9/11 incident in USA brought terrorism to the top most concern of international agenda which had its roots in previous centuries, more particularly in the multi-national anti-soviet *Jihad*. The most alleged terrorist organizations, the Al-Qaeda and the Taliban, having their sanctuaries in Afghanistan and Pakistan Tribal areas became an excuse for the US and her allies to attack Afghanistan and to start an indiscriminate war on terror after 9/11.

The Pak-US alliance in the war on terror has multi-dimensional implications. As the war in Afghanistan prolonged, the Taliban and the Al-Qaeda members infiltrated into Federally Administered Tribal Area (FATA) and from there they started launching their operations against the NATO forces in Afghanistan. As the American post 9/11 security strategy provides pre-emptive and preventive strikes, Central Investigation Agency (CIA) turned to drone strikes to target Taliban and Al-Qaeda network in FATA. However, the use of drone in an undeclared war zone has raised legal questions and concerns Worldwide. The Americans defend the drone campaign on the basis of its efficiency and on the prospect of self-defence. The Pakistani officials have adopted a dual standard by saying that drone strikes are the violation of Pakistan's territorial sovereignty and on the other hand they privately support these strikes. Indeed it has come to the surface that there exists a secret deal between US and Pakistan over the use of drones in FATA but the situation is still not clear because the Pakistani Parliament has passed unanimous resolutions to stop the CIA drone campaign in FATA. The Americans, however, ignored both Pakistan's Parliament resolutions and the International opposition to the drone strikes and continuously target their 'enemy'.

Background

The English word terror, first used in 14th century, is a Latin phrase 'terrere' which means to frighten, to scare and to terrify. But a famous predated Chinese proverb, 'kill one and frighten ten thousand' reflects the primitiveness and existence of the concept of terrorism. Scholars present a number of difficulties and constraints in the objective perception of the term. The simple fact is that terrorism means different things to different people. Famous saying that one man's freedom fighter is other man's terrorist is the reflection of this complexity.¹ Therefore, it is necessary to establish how the word is used in this paper. To that end, terrorism is defined as a form of political violence that is carried out by individuals, by non-governmental organizations or relatively small groups of covert government agents that specifically target civilians and that use clandestine attack methods.²

Al-Qaeda, the US projected group, originally created by Abdullah Azzam and his protégé Osama bin Laden to sustain the momentum of the anti-Soviet multinational Afghan Mujahidin campaign. Since its inception on September 10, 1988, it has sought to position itself as a pioneering vanguard of the *Jihad* group worldwide.³ But with the withdrawal of Soviet forces from Afghanistan in February 1989, Al-Qaeda's role changed. As the international community neglected Afghanistan and Pakistan both became the international centre for ideological and physical war training of Islamists guerilla and terrorist groups.⁴ With the formation of World Islamic Front for *jihad* against the Jews and Crusaders in February 1998, Al-Qaeda morphed from a group into a network by providing training, finances, weapons and ideology to desperate *jihadi* groups in Afghanistan, it earned the respect of likeminded groups.⁵ Several Islamist groups, principally Al-Qaeda and the Islamic Movement of Taliban trained 70000 to 130000 *Mujahidin* until the intervention of the US led coalition to Afghanistan in October 2001.⁶ The activities of Al-Qaeda have provoked by the US general support to Israel and the presence of US forces in the Middle East especially those in Saudi Arabia near the holy sites of Muslims in Makkah and Madinah.⁷

9/11 and the US Declaration of War on Terror

The US intelligence sources consider Osama and his Al-Qaeda group to have been behind most of anti-American terrorist attacks since 1992. According to Central Intelligence Agency (CIA) and Federal Bureau of Investigation (FBI), the coordinated bombing of the American embassies in Kenya and Tanzania on 7 August, 1998, the attacks on American and UN forces in Somalia, the failed attack on an American destroyer in Aden Port in 1992, the Ramsi Yousaf attack on the World Trade Centre in New York in 1993, Yousaf's and 'blind sheikh' Abdul Rahman's attack on a New York tunnel and bridge in the same year, and the attack on the US Cole in Aden in October 2000 were launched and financed by Al-Qaeda.⁸ In fact before 9/11, the US never mounted a serious attack against Al-Qaeda and Osama or his men in Afghanistan and Pakistan. Yet after 9/11, it was Osama who was the most wanted person by the American, with a \$ 30 million reward on his head.⁹

After 9/11 US started putting pressure on Taliban to expel Osama bin Laden and close his training camps in Afghanistan. But the Taliban government always denied the existence of such camps and they proposed to trial bin Laden by Afghan Sharia Court which the US always refused, insisting on his being handed over to America to stand trial there. Apart from others, the tension between the Taliban and the US in the aftermath of events of 9/11 led to the bombing and the occupation of Afghanistan by the US in October-November 2001.¹⁰

American New Security Strategy

Following the terrorist attacks in US on September 11, 2001, pre-emptive and preventive attack became the subjects of extensive policy attention and debate as the US embarked on a global campaign against Al-Qaeda, its associated groups and their sponsors and supporters. US recast the national security strategy to place greater emphasis on the threats posed by violent non-state actors and by states from which they might acquire nuclear, biological, or chemical weapons and promised that they US would take advantage of opportunities to strike at potential adversaries before they attacked. This doctrine was put forward by President Bush.¹¹ The doctrine of pre-emptive and preventive strikes was approved by the US Supreme Court which stated that if an operation occurs in a location where Al-Qaeda or an associated force has a significant and organized presence and from which Al-Qaeda or associated force, plan attacks against US citizens and interests, the operation would be part of the non-international armed conflict between the US and Al-Qaeda that the Supreme Court recognized in Hamdan.¹² Moreover, such an operation would be consistent with international legal principals of sovereignty and neutrality if it were conducted, for example, with the consent of the host nation's government or after a determination that the host nation is unable or unwilling to suppress the threat posed by the individual targeted.¹³

Pakistan's alliance with the US in the war on terror

In the aftermath of 9/11, President Bush told Musharraf that he had to decided whether Pakistan is with the US or otherwise, thus leaving Pakistan with no other choice but to join the global alliance on war on terrorism albeit half-heartedly.¹⁴ US and its allies War on Terror in the aftermath of 9/11 exerted as profound an impact on Musharraf's Pakistan as had the Soviet invasion of Afghanistan on Zia's regime a generation ago. In both instances, Pakistan found itself a front-line state in a struggle whose ramifications reached far beyond the region.¹⁵ Pakistan has been central to success of coalition military operation in Afghanistan i.e. Operation Enduring Freedom and the US War on Terror. By providing transit, logistical and basing support to coalition forces and by cooperating in the apprehension of several hundred terrorist suspects, including some very senior Al-Qaeda operatives, Islamabad has garnered lavish praise from Washington for its 'absolutely magnificent' assistance.¹⁶

Pakistan's case is an interesting one, because apparently it is one of the key allies in the war against Al-Qaeda and the Taliban and the people of that nature. At the same time, it gave rise to, and nurtured, funded and in many ways created, the infrastructure of Al-Qaeda and the Taliban. The fact was that Pakistan's state institutions - particularly its intelligence apparatus were largely responsible for making sure that those people got what they were supposed to and were able to fight.¹⁷

Al-Qaeda and the Taliban Bases in FATA

9/11 and the consequent war on terror has far reaching impacts on Pakistan. The US was less pleased by Pakistan's spotty efforts at blocking large number of retreating Taliban and Al-Qaeda fighters escaping across the border and taking refuge in FATA, North-West Frontier Province (now Khyber Pakhtunkhwa) and Balochistan. Former Taliban fighters were identified as residing in different places in Pakistan along with their leaders. There were reports of training camps and anti-Kabul insurgents located inside Pakistan, sponsored by extremist groups with the knowledge of Pakistan military.¹⁸ The war in support of the Northern Alliance drove Taliban and Al-Qaeda fighters from eastern Afghanistan into the tribal areas of Pakistan, where they settled beyond the immediate reach of US or Pakistani forces.¹⁹ The US and its allies prepared for military operation in tribal areas of Pakistan but the preferred option for them was to push Musharraf regime to pursue an aggressive policy against the militants, operating from the tribal areas.²⁰ Afghan Taliban from bases in Waziristan increasingly infiltrated into Afghanistan as the West diverted its attention to Iraq. For a number of years, Afghan Taliban leaders freely operated from Quetta—the so called Quetta Shura.²¹

The US policymakers dealing with FATA are routinely torn between short term objectives, which are primarily oriented around preventing attacks on US and NATO forces in Afghanistan. On March 25, 2010, Harold Koh, a legal advisor to the Department of State offered the US government's first explicit public defense of covert drone strikes by saying that the country has been attacked and countries to be threatened both at home and abroad by Al-Qaeda and its allies, who are operating out of bases in FATA. It, therefore, considers itself at war with them and can legitimately employ lethal force in self defence. Insofar as the Pakistani government is unwilling or unable to take action to eliminate this threat, it falls to the US to defend itself and its allies. There is indication that Al-Qaeda continues to plan and support attacks against the US and its allies and that the Taliban continues to protect Al-Qaeda, permitting it to pursue such attacks.²² Moreover it is clear that the Afghan Taliban including Quetta Shura under Mullah Omar, the Haqqani network and *Hizb-i-Islami* continue to carry out attacks on the US and ISAF forces in Afghanistan using rear staging areas in Pakistan.²³

Drone Strikes in FATA

As the war in Afghanistan and the fight against transnational terrorism wage on with no immediate end in sight, US forces have increasingly turned to drone strikes to target Taliban and Al-Qaeda operatives especially in Pakistan's tribal areas of North and South Waziristan.²⁴ The CIA drone programme began quietly under Bush with one strike in Yemen in 2002, and then a smattering of strikes in Pakistan between 2004 and 2007 before a more sustained campaign in 2008. During his two terms in office, Bush authorized a total of 48 strikes in Pakistan.²⁵ Upon taking office in January 2009, President Barack Obama almost

immediately made drones one of his key national security tools. By mid-April 2013, he had already authorized 307 strikes in Pakistan, six times more than the number of strikes carried out during Bush's entire 8 years in office. Under Obama, the drone programme accelerated from an average of one strike every 40 days to one every 4 days by mid 2011.²⁶

Drones which are usually operated hundreds or thousands of miles away from their actual operative locations can remain in the air for around 20 hours and provide live videos including infrared and synthetic aperture radar. Initially designed for surveillance purposes, the combat models currently used i.e. MQ-1 Predator and the MQ-9 Reaper may be equipped with 100-pound Hellfire missiles and in the case of Reaper, even with 500-pound bombs.²⁷ It was President Bush who assigned a Secret Memorandum of Notification that gave CIA the right to kill members of Al-Qaeda in anticipatory self-defence virtually anywhere in the World.²⁸ As antiterrorist activities have spread from Afghanistan to Iraq, Yemen and Pakistan, the US has come to rely heavily on drones in these countries.²⁹

Using reports from a variety of reliable news outlets, the New American Foundation—a non-partisan think tank in Washington, D.C. has calculated that some 2003 to 3321 people were killed by drone strikes in Pakistan between 2004 and mid-April 2013.³⁰ The year 2010 with a record 122 strikes in Pakistan marked the most intense period of the Obama drone campaign in Pakistan.³¹ Between 2004 and mid-April 2013, the drone campaign in Pakistan has killed 55 militant leaders whose deaths have been confirmed by at least two credible news sources. While this represents a significant blow to the militant chain of command, these 55 deaths account for only two percent of all drone related fatalities in Pakistan.³² According to a report from Dawn, every militant killed in a drone strike in 2009, 140 Pakistani civilians also died that the civilian casualty rate for that year was more than 90 percent. Major General Ghayur Mahmood, a commander of Pakistani troops in North Waziristan conceded publically in March 2011 that 'myths and rumours about US Predator strike and the casualty figures are many, but it's a reality that many of those killed in these strikes are hardcore elements, a sizeable number of them are foreigner.'³³

Reporters from Waziristan suggest that CIA has access to a network of spies. Tribesmen have told time of agents who drop microchips, locally known as *pathrai* near targets; the drone can look onto these to guide their missiles or bombs with pinpoint precision. Press reports that CIA is paying Pakistani agents for identifying Al-Qaeda target by placing electronic microchips at farmhouses supposedly inhabited by Al-Qaeda officials, so that they can be bombed by predator planes.³⁴ Declan Walsh, the Guardian's correspondent for Pakistan and Afghanistan narrates that 'the CIA is equipping Pakistani tribesmen with secret electronic transmitters to help target and kill Al-Qaeda leaders in North-Waziristan tribal belt. The mysterious electronic devices have become a source of fear, intrigue and fascination. 'Everyone is talking about it', said Taj Muhammad

Wazir a student from South Waziristan, ‘people are scared that if a *pathrai* comes into your house a drone will attack it.’³⁵ Drone attacks have made the lives of the local tribesmen miserable in two ways. Firstly living under constant fear of a possible drone strike on their houses, shops and vehicles, and secondly fear of being killed at the hands of the Taliban on suspicions of spying for the US. A number of cases were found where innocent people were given stern punishment by various local militant outfits, under charges of alleged spying for the Americans to guide their strikes in the region against suspected militant’s leaders.³⁶ The Taliban say that drones are ineffective without ground spying.³⁷

The Rationale behind Drone Attacks

Critics of the drone campaign have nonetheless attacked it on main three grounds. First, officials in Pakistan have frequently objected to the campaign as a violation of Pakistan sovereignty. On 4 November 2008, for example, President Asif Ali Zardari complained, ‘it is undermining my sovereignty, and its not helping win...the hearts and minds of the people.’ Second some international experts, Non Governmental Organizations and international organizations have criticized the strikes as illegal. Prof. Chritine Gray of international law at Cambridge University, has described the strikes ‘as a return to its pre-1976 policy of CIA assassinations.’³⁸ While Gabor Rana, the legal Director of Human Rights has described the strikes as violations of the international laws of war.’ Third, critics have also raised concerns that the strikes may be disproportionate in the number of civilians they kill and for that reason may violate the criteria of both just war theory and humanitarian law.³⁹ In a letter to Obama challenging the legality of targeted killing of suspected terrorists, the American Civil Liberties Union argued that ‘the entire World is not a war zone, and war time tactics that may be permitted on the battlefields in Afghanistan and Iraq cannot be deployed anywhere in the World where a terrorist suspect happens to be located.’⁴⁰ While at the other end of the spectrum the analysis that has been promoted by international lawyers in the US, and by John Brennan, President Obama’s nominee to head the CIA, to the effect that Western democracies are engaged in a global war against a stateless enemy, without geographical boundaries to the theatre of conflict and without limit of time. This analysis is heavily disputed by most states, and by the majority of international lawyers outside the USA.⁴¹

The CIA drone attacks have raised important legal questions about the role of targeted killings in the fight against the Taliban and Al-Qaeda. Administrative officials contended that such killings are legal under established principles of self-defence, international laws of armed conflict and the authorization for use of Military Force—the so called ‘law of 9/11’ passed by Congress following the 2001 attacks.⁴² Harold Koh, the State Department’s legal advisor, defended the administration’s use of unmanned aircrafts for targeted attacks, ascertaining that the US ‘may use force consisted with its inherent right to self-defence under international law.’ CIA Director Leon E. Panetta called drone strike ‘the only game in town in terms of confronting and trying to disrupt

the Al-Qaeda leadership'.⁴³ In September 2012, Obama told CNN that drone strikes were only used in 'situations in which we can't capture the individual before they move forward on some sort operational plot against the US.'⁴⁴ President Obama made his first public comments about the covert drone programme on 30 January 2012, when he told participants of a Google + Hangout that the US only conducts 'very precise precision strikes against Al-Qaeda and their affiliates, and we are very careful in terms of how it's been applied.' The administration also maintains that international law does not prohibit the use of lethal force against an active enemy 'when the country involved consents or is unable or willing to take action against the threat.'⁴⁵

Washington Post's report says 'behind the stepped-up predator missions is a secret understanding between the US and Pakistan about the use of these drones. Given Pakistani sensitivities about American meddling, this accord has been shielded in the deniable words of intelligence activities.'⁴⁶ It has been alleged that Musharraf had allowed the US to set up a secret CIA base inside FATA in January 2008 to plan missile strikes by drones on militants. On 9th January, 2008, Mike McConnell, Director of the National Intelligence visited Islamabad where they discussed a plan to make operational in FATA a secret CIA base that could meant attacks on militants by drones armed with missiles. However, Musharraf has denied the secret agreement during his tenure that allowed drone attacks on Pakistani soil. **Hamid Mir Column reference about Hayatullah Khan, Salim Shehzad murder**). Despite the denial of Musharraf, military high ups and other public officials, one can question the presence of drones at Shamsi airbase if there is no secret deal.⁴⁷ Over the use of Shamsi airbase, Shah Mahmud Qureshi, the former foreign minister said that Pakistan bases were not being used for US drone attacks in FATA. But former defence minister Ahmad Mukhtar said on 11 December 2009 that US was still using the Shamsi airbase, however, the government was not satisfied with the payments for its use.⁴⁸

Indeed it has now come to light that despite their public protests, some senior Pakistani office bearers such as former President Zardari privately supported the drone strikes. In a 2008 State Department cable that was made public by Wikileaks, Zardari signed off on the drone programme in a discussion with US officials saying, 'kill the seniors. Collateral damage worries you Americans. It does not worry me.'⁴⁹

Further confirmation of official Pakistani support for the strikes came in mid-April 2013, when Musharraf acknowledged to CNN that his government has signed off on drone strikes, the first public confession by a senior Pakistani official to such a deal. Musharraf claimed that Pakistan's government signed off on those strikes 'only on a few occasions, when the target was absolutely isolated and no chance of collateral damage.'⁵⁰ Many analysts believe Pakistan has quietly condemned at least some drone strikes while not doing so publically for fear of heightening anti-Western tension in the country. While some argue that

US drone strikes within Pakistan's border would be illegal if the Pakistani government has not expressly approved them.⁵¹

History is evident that throughout their relations, the US never intended to build long term and equitable bilateral relations with Pakistan. It always saw Pakistan as a tissue paper to use and dispose off when the need is fulfilled.⁵² Now a day, Washington reads Musharraf's decision of partnership in the war on terror as a total compliance that it was to enforce later with coercive diplomacy, large intelligence presence and drone attacks.⁵³ Drone strikes can also be seen as straightforward use of brutal force to destroy those who would threaten the US or its allies.⁵⁴

Pakistan's Parliament Resolution against the Drone Strikes

Beginning in 2012, Pakistani officials rarely based their criticism of US drone strikes on the incidence of civilian casualties and have instead pointed quite reasonably, to other objection: the US violation of Pakistan's national sovereignty.⁵⁵ However, the Parliament of Pakistan passed a joint resolution and later on the Senate of Pakistan endorsed, unanimously another resolution against drone strikes. Leader of the House Raza Rabbani tabled it to condemn the US attacks. He assured the house that the US ambassador would be summoned to register Pakistan's protest. The resolution said strike were unfortunate and gross violation of Pakistan's territorial sovereignty. It further underlined that continued incursions were harming the government's efforts to seek a political solution through dialogue. The house said such strikes were an effort to undermine parliament. It called on the government to implement parliament's early resolution against US drone rather than merely passing resolutions.⁵⁶

Justification of drone strikes by US on the basis of Pakistan's consent has no bearing. It is, by the way established that there is a Pakistan's consent, it is evident that it has been obtained either by coercion or by undue influence...and it cannot be considered a valid consent under article 21 of the UN Charter. A valid consent of a nation should have been in written form. After litany of unequivocal denials from Pakistani authorities on any agreement with US and the US failure to produce anything of substance, it shall aptly be presumed that there is no consent at all. Resolutions of the Parliament of Pakistan are very clear in this regard that drone attacks are detrimental to Pakistan's sovereignty.⁵⁷

International Opposition to the US Drone Programme

Using drones in an undeclared war zone questions its legality and that issue is now gaining momentum internationally after China and Russia jointly released a statement at the UN Human Rights Council condemning drone attacks.⁵⁸ The issue has also become the focus of increasing attention and concern in Europe. In a recent opinion poll, people in all European countries sampled were opposed to the use of drones to kill extremists outside the battlefield and a majority of European legal experts reject the legal justification offered for these attacks.⁵⁹ A poll of 21 countries in 2012 also found widespread global opposition

to the CIA drone programme. Muslim countries such as Egypt 89% and Jordan 85% expressed high level of disapproval, while countries with non-Muslim majority and close allies of US also registered significant displeasure with the programme – Germany and France 59% and 63% respectively.⁶⁰ In US, a significant percentage i.e. 56% supported the drone attacks in countries such as Pakistan, Yemen and Somalia.⁶¹ Polls conducted in FATA in which a huge majority of FATA residents opposed American drone strikes in FATA. Indeed only 16% suppose that these strikes accurately target militants; 48% suggested that largely civilian are targeted and another 33% feel that these kill both civilians and militants. Nearly 9 out of 10 of the people of FATA opposed the US military pursuing Al-Qaeda and Taliban in their region. Nearly 70% of the FATA residents instead wanted the Pakistani military alone to fight Taliban and Al-Qaeda militants in the tribal areas. Almost six in ten believed that suicide attacks are justified against the US military.⁶²

Costs and benefits for the US

There are many reasons for expanding the drone campaign in FATA. Firstly, it is critical for the US to make rapid and decisive progress in Afghanistan, and that requires neutralizing safe sanctuaries in Pakistan. Secondly, the drone strikes are relatively low-cost tactic not only in terms of US blood but also in terms of international criticism they have occasioned. No American lives are known to have been lost in the strikes themselves.⁶³ Thirdly, the drone campaign has been highly successful in neutralizing Al-Qaeda and Taliban operatives. Indeed, it has been described by many intelligence experts as ‘America’s single most effective weapon against Al-Qaeda’.⁶⁴ Leon Panetta has remarked, ‘those operations are seriously disrupting Al-Qaeda.... And that we really do have them on the run.’⁶⁵ Fourthly, the expanding drone campaign may be critical in obtaining cooperation from the Pakistani government.⁶⁶ In short, the drone strikes are the only viable tactic available to the US government and potentially eliminating safe heavens in Pakistan. They are secretly supported by the Pakistani government and tolerated by international community.⁶⁷ Pakistan is likely to make symbolic protests for political reasons, but is unlikely to make any serious measures to prevent the US from using the drones to target Taliban and Al-Qaeda targets in FATA. If Islamabad is willing to play along, why should Washington be worried and stop this? Especially, when they consider it as a military success against the Taliban and Al-Qaeda.⁶⁸

Apart from the above benefits for the US, critics argue that drone might instead strengthen Al-Qaeda. They provide the terrorists with powerful grievances against the US and narratives of US cruelty that can be utilized to win the support of the local population, to garner resources, and to recruit supporters and militants.⁶⁹ Drone strikes are fuelling anti-American sentiment and spurring more terrorism. Critics point to Faisal Shahzad, the Pakistani immigrant living in Connecticut who tried to set off a car bomb in New York’s Time Square.

Shahzad, who pleaded guilty, suggested US drone strikes in Pakistan and elsewhere helped and motivated him.⁷⁰

Conclusion

On the basis of the partial facts studied on the subject, we may conclude that despite its efficiency in neutralizing the Al-Qaeda and its supporters, the CIA drone programme is causing undue civilian casualties and undermining Pakistan's territorial sovereignty. The US drone strikes in FATA are fuelling anti-Americanism and militant tendencies which the Americans want to get an excuse for staying long to fulfil their strategic and economic interests in the region. While on the other hand, Pakistan is failed to stop the violation of its territorial sovereignty due to incompetent and/or unelected government as well as heavy economic dependency on US. The Pakistani officials have only contended to symbolic protests and they are unlikely to take any serious step to put an end to the use of drones. In fact, the existence of Pak-US secret treaties and the support and collaboration of the security institutions is the basic rationale behind the CIA drone campaign in FATA. Moreover, the CIA drone programme is an undeclared warzone is a threat to international peace and the violation of international laws and human rights. The right of self defence is legal only in case when the enemy's attack is inevitable whereas attacking someone on the prospect that he could attack in future is nonsense and can not be justified. Then the drone strike in FATA are also in contrast with the US new security strategy and the authorization of US Supreme Court for striking first in case of when the State concerned is 'unwilling or unable' to suppress the supposed threat because Pakistan is willing and able; and fighting a war against terrorism.

However, it is pertinent to note that if given option of military operation and drone strikes, the majority prefer the drone strikes as it rarely disturb their social fabric and political economy. The military operation on the other hand causes huge displacement of the inhabitants of the area and destruction of their properties. Furthermore, none of the military operations has been successful so far despite many claims by public figures in Pakistan. The citizen in general and inhabitants of the Pukhtun region in particular doubt the military operations and questions all previous operations in the last one decade. The public opinion usually refers to the control instead of peace where the military operation has been conducted.

REFERENCES

- ¹ Muhammad Imtiaz Zafar, *Violence, Terrorism, and Teaching of Islam*. Islamabad: Higher Education Commission, 2006, 5-6. Henceforth Zafar, *Violence, Terrorism and Islam*.
- ² John J. Rourke, *International Politics on the World Stage* (Boston: McGraw Hills, 2005), 317. Henceforth Rourke, *International Politics*.
- ³ Gerard Chaliand and Arnaud Blin, (eds.) *The History of Terrorism from Antiquity to Al-Qaeda*, tr. Edward Schneider, Kathryn Pulver & Jesse Browner (Berkeley: University of California Press, 2007), 420. Henceforth Chaliand & Blin, *The History of Terrorism*.
- ⁴ Ibid., 423.
- ⁵ Ibid., 420.
- ⁶ Ibid., 423
- ⁷ Rourke, *International Politics*, 324.
- ⁸ Nabi Misdaq, *Afghanistan: Political Frailty and External Interference* (London: Routledge Taylor and Francis Group, 2007), 241-42. Henceforth Misdaq *Afghanistan*.
- ⁹ Ibid., 243.
- ¹⁰ Ibid. 243-44.
- ¹¹ Karl P. Mueller *et al*, *Striking First: Preemptive and Preventive Attack in US National Security Policy* (Santa Monica: Rand Project Air Force, 2006), iii. Henceforth Mueller *et al*, *Striking First*.
- ¹² NBC News, *Department of Justice White Paper (US Supreme Court)*, 5. http://msnbcmedia.msn.com/i/msnbc/sections/news/020413_DOJ_White_Paper.pdf
- ¹³ Ibid.
- ¹⁴ Murad Kasi, "Reopening of NATO Supply Routes: A Case of Pakistan's Flawed Use of Leverage", *Jahangir's World Times* (Lahore), August 2012, 34. Henceforth Kasi, "Reopening of NATO Supply Routes".
- ¹⁵ Ian Talbot, *Pakistan: A New History* (Karachi: Oxford University Press, 2012), 171.
- ¹⁶ Richard J. Ellings, Aaron L. Friedberg and Michael Wills (eds.) *Strategic Asia 2003-04: Fragility and Crisis* (Washington: The National Bureau of Asian Research, 2003), 212.
- ¹⁷ *Confronting Terrorism Financing: American Foreign Policy Council* (Lanham: University Press of America, 2006), 47.
- ¹⁸ Moonis Ahmar (ed.), *The Challenge of Rebuilding Afghanistan*, 2nd ed. (Karachi: University of Karachi, 2006), 173.
- ¹⁹ Joshua T. White, *Pakistan's Islamist Frontier: Islamic Parties and US Policy in Pakistan's North-West Frontier* (Arlington: Centre on Faith & International Affairs, 2008), 103.
- ²⁰ Daniel Byman, *The Five Front War: The Better Way to Fight Global Jihad* (New Jersey: John Wiley & Sons, Inc., 2008), 129.

-
- ²¹ Talbot, *Pakistan*, 175.
- ²² Avery Plaw and Mathew S. Fricker, “Tracking the Predators: Evaluating the US Drone Campaign in Pakistan”, *International Studies Perspective* (2012), 348. Henceforth Plaw, “Tracking the Predators”.
- ²³ Ibid.
- ²⁴ Michael N. Schmitt, “ Drone Attacks under the Jus ad Bellum and Jus in Bello: Clearing the Fog of Law”, *Yearbook of International Humanitarian Law*, Vol. 13 (December 2010), 311. http://journals.cambridge.org/abstract_S1389135911000109
- ²⁵ Peter Bergen, “Drone Wars: The Constitutional and Counter-Terrorism Implications of Targeted Killing”, *New America Foundation* (April 23, 2013), 2. Henceforth Bergen, *Drone Wars*.
- ²⁶ Ibid.
- ²⁷ Robin Geib and Michael Siegrist, “Has the Armed Conflict in Afghanistan Affected the Rules of Hostilities?”, *International Review of the Red Cross*, Vol. 93, No. 881 (March 2011), 44.
- ²⁸ Daniel Brunstetter and Megan Braun, *The Implications of Drone s on the Just War Tradition*, 340. Henceforth Brunstetter, *The Implications of Drones*.
- ²⁹ Ibid.
- ³⁰ Bergen, “Drone Wars”, 2.
- ³¹ Ibid., 3.
- ³² Ibid., 4.
- ³³ Ibid., 8.
- ³⁴ Asif Mahmood, *Drone Attacks: International Law Burns in “Hellfire”* (Islamabad: International Institute of Strategic Studies and Research, June 2010), 14. Henceforth Mahmood, *Drone Attacks*.
- ³⁵ Ibid., 15.
- ³⁶ Ihsanullah Tipu Mehsud, *Drone Spies in Waziristan: An Enigmatic Reality* (SISA: Centre for International and Strategic Analysis, SISA Report No. 5-2013, 4. Henceforth Mehsud, *Drone Spies in Waziristan*.
- ³⁷ Ibid., 5.
- ³⁸ Plaw, “Tracking the Predators. 349.
- ³⁹ Ibid.
- ⁴⁰ Thomas J. Billitteri, “Drone Warfare”, *CQ Researcher*, Vol. 20, No. 28 (August 6, 2010), 659. www.cqresearcher.com
- ⁴¹ Ben Emmerson, “UN Special Rapporteur on Counter—Terrorism and Human Rights Concerning the Launch of an Inquiry into Civilian Impact, and Human Rights Implications of the use of Drones and other form of Targeted Killing for the Purpose of Counter-Terrorism and Counter-Insurgency”, *News Release: United Nations Human Rights Office of the High Commissioner*, 3.
- ⁴² Billitteri, “Drone Warfare”, 656.
- ⁴³ Ibid.

-
- ⁴⁴ Bergen, “Drone Wars”, 4.
- ⁴⁵ Ibid.
- ⁴⁶ Mahmood, *Drone Attacks*, 37.
- ⁴⁷ Ibid., 35.
- ⁴⁸ Ibid., 36.
- ⁴⁹ Bergen, “Drone Wars”, 10.
- ⁵⁰ Ibid.,
- ⁵¹ Billitteri, “Drone Warfare”, 658.
- ⁵² Abdul Rashid, “Pak-US Relations”, *Jahangir’s World Times* (June 2010), 22.
- ⁵³ Tanvir Ahmad Khan, “Negotiating with America”, *Press Review* (May 2012), 65.
- ⁵⁴ Jacqueline L. Hazelton, *Drones: What Are They Good For* (2013), 32. http://www.strategicstudiesinstitute.army.mil/pubs/parameters/issues/WinterSpring_2013/4_Article_Hazelton.pdf
- ⁵⁵ Bergen, “Drone Wars”, 10
- ⁵⁶ Mahmood, *Drone Attacks*, 38.
- ⁵⁷ Ibid., 49-50.
- ⁵⁸ Mehsud, *Drone Spies in Waziristan*, 4.
- ⁵⁹ Anthony Dworkin, “Drones and Targeted Killing: Defining A European Position”, *Policy Brief: European Council on Foreign Relations* (July 2013), 2. http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf
- ⁶⁰ Bergen, “Drone Wars”, 10.
- ⁶¹ Ibid., 11.
- ⁶² Peter Bergen and Patrick C. Doherty, “Public Opinion in Pakistan’s Tribal Regions”, *New America Foundation* (September 28, 2010). Henceforth Bergen, “Public Opinion in Pakistan”.
- ⁶³ Plaw, “Tracking the Predators”, 355.
- ⁶⁴ Ibid., 356.
- ⁶⁵ Megan Smith and James Igeo Walsh, “Do Drone Strikes Degrade Al-Qaeda? Evidence from Propaganda Output”, *Terrorism and Political Violence* Vol. 25, No. 2, April-June, 2013, 31-327..
- ⁶⁶ Plaw, “Tracking the Predators”, 356.
- ⁶⁷ Ibid., 357.
- ⁶⁸ Bergen, “Public Opinion in Pakistan”.
- ⁶⁹ D. Suba Chandran and Kate Swanson, “Drones of War: American Strategies Across the Durand Line”, *IPCS Issue Brief No. 111* (July 2009), 4.
- ⁷⁰ Billitteri, “Drone Warfare”, 665.