

US Drone Strikes in Pakistan: Ineffective and Illegitimate

Shazad Ali and Chris Abbott

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Strikes by unmanned combat air vehicles, or armed drones, have become the tactic of choice in US counterterrorism efforts in Yemen, Somalia and Pakistan. But lack of transparency, dubious effectiveness, civilian casualties and negative consequences for US national security means that Washington needs to re-evaluate its approach.

It is the controversy over drone strikes in northwest Pakistan that has brought the issue to public attention. Leaving aside the wider issue of the extrajudicial nature of these killings and the questions over the legality of repeatedly breaching Pakistani airspace, it is the level of civilian casualties that is prompting the most concern.

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In a 23 May 2013 national security speech, President Barack Obama asserted that only terrorists are targeted by drones and that ‘there must be near-certainty that no civilians will be killed or injured’ before any strike is taken. However, independent reports contradict his claims.

From 2004 to date, there have been 376 known US drone strikes in Pakistan. According to the UK-based [Bureau of Investigative Journalism](#) (BIJ), 407 to 926 civilians, including 168 to 200 children, have been killed in these strikes. According to a leaked Pakistani government report cited by the BIJ, at least 147 of 746 people killed in the 75 drone strikes in Pakistan between 2006 and 2009 were civilians. Of those killed, about 94 were children.

Controversial tactics

The high level of civilian casualties is attributable to two key elements of the US drone strike programme: double-tap strikes and signature strikes.

Double-tap strikes use follow up strikes to deliberately target rescuers and first responders who are coming to the aid of those injured in an initial strike. The UN special rapporteur on extrajudicial executions, Christof Heyns, and the UN special rapporteur on counterterrorism and human rights, Ben Emmerson, have [described the use of double-tap strikes as a possible war crime](#). Ironically, terrorists in Pakistan are now using their own version of the double-tap strike to target law enforcement personnel in cities such as Karachi: an initial low-intensity blast is used to draw in the emergency services, who are then targeted in a second much larger explosion.

Signature strikes target individuals based on predetermined ‘signatures’ of behaviour that US intelligence links to militant activity. In other words, people are targeted merely on the basis of their behaviour patterns. This is different to

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personality strikes, which use intelligence to target specific terror suspects. In a June 2013 report that cited classified documents, [NBC News revealed](#) that one in four people killed in drone strikes in Pakistan between 3 September 2010 and 30 October 2011 were classified as 'other militants' by CIA. This means the CIA were unable to determine the affiliation, if any, of those killed.

Intelligence failures

However, even those strikes directed by intelligence are fallible. Such strikes rely on a mixture of signals intelligence and human intelligence from assets on the ground in Pakistan. The local CIA operatives are notoriously unreliable sources of intelligence.

The doubts over the accuracy of US intelligence have some credence, as there are several cases in which a militant was reported killed in a drone strike only to be declared dead again following a later strike.

For example, the alleged al-Qaeda leader in Pakistan, Ilyas Kashmiri, was reportedly killed in a drone strike in January 2009 and then again in September 2009, though he gave an interview to a Pakistani journalist the next month. Civilians are known to have been harmed in these unsuccessful attacks. In the January attack, [14-year-old Fahim Quersh](#)i lost an eye and suffered multiple injuries. In the September 2009 attack, [15-year-old Sadaullah Wazir](#) lost his both legs and an eye. Three of his relatives died in the same attack. Kashmiri was again declared dead in July 2011, which is also contested.

The United States has indeed managed to kill many militants in drone strikes in Pakistan, but these have been mostly low-level targets. According to a [September 2012 study by Stanford Law School and New York University's](#)

School of Law, only 2% of militant casualties in drone strikes between 2004 and 2012 were high-value targets.

Justification

There is an important question over congressional oversight of US drone strikes. The Obama administration has refused to provide legal justification of drone strikes to the Senate Select Committee on Intelligence despite several requests, according to committee chair Senator Dianne Feinstein. This has created an accountability vacuum and is a significant hurdle in congressional debate on the use of drones.



Following the 9/11 attacks, the US Congress gave the president sweeping powers through the Authorisation to Use Military Force (AUMF). It allows the president to:

‘use all necessary and appropriate force against those nations, organisations, or persons he determines planned, authorised, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harboured such organisations or persons.’

In that context, drone strikes against al-Qaeda and the Afghan Taliban are authorised under US law. But it is hard to justify under the AUMF attacks in Pakistan against organisations not involved in 9/11, such as the Tehrik-i-Taliban Pakistan and the Haqqani network – notwithstanding the transnational nature of and blurred boundaries between some of these groups.

It is also difficult to justify such attacks under the right to self-defence, which cannot be applied prospectively without limit. Nor does it warrant the repeated violations of Pakistan's airspace, as Pakistan has not been shown to be responsible for any attacks against US interests. According to a [leaked US diplomatic cable](#), Pakistan had, at one point, consented to drone strikes but it is not known whether Washington continues the strikes with Islamabad's tacit agreement. Publicly, the Pakistani government has denounced the drone strikes, saying they are illegal and a violation of their country's sovereignty. In September 2013, Pakistani Prime Minister Nawaz Sharif [told the UN General Assembly](#) that US drone strikes violated his country's borders and were detrimental to Pakistani counterterrorism efforts. But, in reality, Pakistan has at times been deliberately ambiguous on the issue and the complex nature of civil-military relations in Pakistan and the known links between the ISI and various militant networks make things more complicated.

Unintended consequences

Whatever the legal status of the US drone strike programme in Pakistan, it is clear that it risks several unintended consequences. The United States might have made a prudent military choice in using armed drones rather the special forces for counterterrorism strikes in Pakistan. But the use of drones has backfired in a strategic sense and resulted in serious 'blowback'.

Chief among these is the radicalising impact US drone strikes are having in Pakistan. Repeated strikes are stoking anti-American sentiments and are a propaganda and recruitment gift to the extremist groups. Pakistan is being destabilised, as the strikes are [undermining chances of peace talks between the state and Taliban groups](#). There are now increasing numbers of terrorist attacks against the Pakistani government by Taliban militants who believe

Islamabad has failed to maintain the country's sovereignty. Furthermore, the United States may be risking further attacks in its own backyard along the lines of the failed [2010 Times Square attack](#) by Pakistani-born US citizen Faisal Shahzad.

Drone strikes in Pakistan may also be complicating the US withdrawal from Afghanistan, as they have resulted in attacks on US forces. The [2009 Camp Chapman attack](#) is a case in point. The al-Qaeda and Tehrik-i-Taliban Pakistan suicide attack used a double agent to target CIA personnel and contractors inside Forward Operating Base Chapman who were responsible for providing intelligence for drone strikes against targets in Pakistan. The attack on the base in Khost province was in revenge for the [deaths of three al-Qaeda and Pakistani Taliban leaders who were killed in US drone strikes](#).

The use of drones by the US has increased the danger of proliferation. Seventy six countries are known to have unmanned aerial vehicles, with approximately 20 countries possessing armed drones (though estimates vary widely). The United States has lowered the threshold for the use of lethal force and pushed back the limits of counterterrorism efforts to include the targeted killing of its enemies abroad. In doing so, they have set a dangerous precedent – one that could easily be followed by other countries. In a [September 2013 study](#), Open Briefing identified 29 different models of armed drone in use with China, India, Iran, Israel, Russia and Turkey – each of which have external security concerns that could justify drones strikes under doctrine modelled on the US approach.

Time for change

The use of double-tap and signature strikes must be ended, as they result in unjustifiably high numbers of civilian casualties. They are the most

controversial elements within the already controversial US drone strike. Beyond that, it is time to begin winding in Washington's unchecked ability to target individuals around the world without due process. Central to this is the revocation of the post-9/11 Authorisation to Use Military Force. For 12 years this has allowed the spread of US military and intelligence operations around the world without accountability and transparency. These operations are increasingly straying from targeting those who 'planned, authorised, committed, or aided the terrorist attacks that occurred on September 11, 2001' to simply targeting suspected militants, regardless of their links to al-Qaeda or the Taliban.

Washington can address the democratic deficit inherent in its drone programme by moving responsibility for it from the CIA to the usual chain of command within the US Department of Defense. There must also be proper congressional and judicial oversight of the drone programme, with monitoring by Congress's intelligence and armed services select committees, in order to remove absolute executive power for the targeted killings.

For its part, Pakistan can retract any tacit approval of US drone strikes and be unequivocal in its opposition to further strikes. This will allow the United Nations and key US allies to use whatever influence they have to press the United States to enact the much needed changes to its drone programme.

Shazad Ali is a contributing analyst at Open Briefing. He is a journalist in Pakistan and pursuing a PhD in European Studies at the University of Karachi. He has been the assistant editor of the Vienna-based journal Perspectives on Terrorism and now serves as a member of its editorial board.

Chris Abbott is the founder and executive director of Open Briefing. He is an Honorary Visiting Research Fellow in the School of Social and International Studies at the University of Bradford and the former deputy director of Oxford Research Group. <http://www.openbriefing.org>

Featured image: MQ-1 Predator on patrol Source: [Air Force Reserve Command](#)

Image: An MQ-9 Reaper takes off on a mission from Afghanistan.

Source: [Wikimedia](#)

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