

THE MORAL, LEGAL, AND DIPLOMATIC IMPLICATIONS  
OF DRONE WARFARE IN PAKISTAN

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# THE MORAL, LEGAL, AND DIPLOMATIC IMPLICATIONS OF DRONE WARFARE IN PAKISTAN

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## ABSTRACT

This thesis examines the political, moral, legal, and diplomatic controversy of the Central Intelligence Agency's (CIA) fast-growing drone program in the Afghanistan-Pakistan (Af-Pak) border region. First, this thesis provides a general overview of the covert drone program intended to thwart militant and terrorist planning and activity and how it has become so controversial since its inception in 2004 under the George W. Bush administration and grown considerably since the inauguration of Barack Obama in 2009. Second, this thesis examines how drone strikes influence U.S.-Pakistan relations and Pakistani civilians' perceptions of the United States' presence in the Af-Pak border region where the strikes take place. Next, this thesis examines how drone strikes are viewed in the context of international law. Third, this thesis explores how drone strikes both help and hurt efforts by the United States to improve diplomacy in Pakistan and to understand the religious and cultural motivations behind terrorist activity. To present a well-rounded perspective on the aforementioned subjects, this thesis relies on a range of news articles, opinion pieces, international legal declarations, and consistently updated statistics about drone strikes provided by the non-partisan public policy institute the *New America Foundation*.

This thesis finds that drone strikes impact U.S.-Pakistan relations in such a way that is difficult to quantify, mostly because of attempts by the CIA to keep the program as covert as possible and because of the Pakistani government's ambiguity towards the program. The CIA's drone program also plays a major role in the international legal arena not only because drones are being used in an undeclared war zone, but also because of the complicated, nomadic nature of terrorist threats and the risk of civilian casualties. Last, this thesis finds that in terms of diplomacy, awareness, and strategic gains, both Pakistan and the United States could benefit from implementing faith-based initiatives in the Af-Pak border region as part of a broader outreach to win the support of Pakistani civilians. Such support could also be gained if the CIA and the Pakistani government decided to make the intentions of and information about the drone program more transparent to civilians living in the border region.

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## INTRODUCTION

The use of unmanned aerial vehicles—more commonly known as drones—by the United States in Pakistan to kill suspected terrorists and militants is subject to a great deal of moral, legal and political controversy. But the contentious issue also has its fair share of proponents who tout drones as a precise, effective, and alternative type of warfare that minimizes loss of military and civilian life. Drones have become a polarizing issue ever since the Obama administration began authorizing more strikes in 2009, resulting in hundreds of suspected militant and terrorist deaths and a disputed number of unintended civilian casualties. As of October 4, 2010, research from the public policy institute New America Foundation estimates between 1,171 and 1,799 deaths by drones since the program’s inception in 2004 under the Bush administration.<sup>1</sup> Though the United States does not officially comment on or take responsibility for drone strikes in Pakistan, it has been widely reported that the Central Intelligence Agency (CIA) is at the heart of the campaign, “operat[ing] under a veil of secrecy in the tribal areas of Pakistan” and eliminating suspected militants and terrorists using remote-controlled missiles.<sup>2</sup> While the U.S. Military also uses drones, theirs are used

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<sup>1</sup> Peter Bergen and Katherine Tiedemann, “The Year of the Drone: An Analysis of U.S. Drone Strikes in Pakistan, 2004-2010,” New America Foundation, <http://counterterrorism.newamerica.net/drones/2010> (accessed October 7, 2010).

<sup>2</sup> Council on Foreign Relations, “U.S. Drone Activities in Pakistan,” Council on Foreign Relations Web site, [http://www.cfr.org/publication/22659/us\\_drone\\_activities\\_in\\_pakistan.html](http://www.cfr.org/publication/22659/us_drone_activities_in_pakistan.html) (accessed October 7, 2010).

for “support as surveillance missions in Afghanistan” as opposed to combative purposes *and* reconnaissance.<sup>3</sup> Unpiloted, remote-controlled aircrafts that can operate for up to twenty-four hours at a time, CIA drones are meant to survey and hit specific targets with missiles in the hopes of minimizing collateral damage to surrounding, non-targeted areas and people.

Though the United States is technically at war in Afghanistan, the fight against terrorism has proven to be nomadic and chameleon-like, with planning cells and terrorist strongholds changing locations quite frequently. Much of the focus today is on the Afghanistan-Pakistan border region, with drones specifically targeting the mountainous Pakistani tribal region of North Waziristan. Al Qaeda, both the Pakistani and Afghan Taliban, and various other associated networks are known for operating out of and coordinating attacks from the mountainous border region. Though drone strikes have broadened considerably since 2009, their main purposes have remained the same since 2004: to cripple militant and terrorist efforts, to protect U.S. and allied forces in the border region, and to put pressure on enemy combatants who operate in the region. In response to a major surge in drone attacks at the end of September 2010, one U.S. official told CNN, “our operational tempo has been up for a while now, we have good information driving it, and given the stakes involved, we hope to keep the

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<sup>3</sup> Ibid.

pressure on as long as we can.”<sup>4</sup> Additionally, “the rising number of drone strikes is designed to deprive the Afghan Taliban of ‘strategic depth’ as the Obama administration's campaign to defeat the insurgency enters a crucial phase and tighten the noose on the senior al Qaeda leadership.”<sup>5</sup>

A foiled terrorist plot against several European countries in late September 2010 was attributed to the major surge drone strikes that killed up to eighteen people at a time, most of whom were believed to be linked to the plot. The plot is alleged to have originated in Pakistan and been approved by Osama bin Laden. Information from a man recently arrested for having connections to the plot also suggests the attacks were intended to be carried out in the form of the 2008 Lashkar-e-Taiba-orchestrated Mumbai attacks that lasted three days and killed 166 people.

Drones are most commonly used in the Pakistani border region, but reports have surfaced about probable drone use in Yemen, where the Nigerian man accused of attempting to bomb a Detroit-bound airliner on Christmas Day 2009 was recruited. However, al Qaeda in Yemen (AQAP) is “not feeling the same heat [as al Qaeda in Pakistan]—not yet anyway,” one U.S. official told CBS News.<sup>6</sup> Another

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<sup>4</sup> Pam Benson, Paul Cruickshank, and Tim Lister, “U.S. Warns of Mumbai-style Attacks in Europe,” CNN Web site, September 29, 2010, <http://www.cnn.com/2010/WORLD/asiapcf/09/28/pakistan.drone.intel/index.html> (accessed October 5, 2010).

<sup>5</sup> Ibid.

<sup>6</sup> David Martin, “C.I.A. Drones May Target Yemen Terrorists,” CBS News Web site, August 25, 2010,

counterterrorism official from the Washington Institute for Near East Policy added that “what makes AQAP a danger to the United States is the fact that it not only has the capability, but it has the interest in carrying out attacks beyond its immediate region.” In short, like al Qaeda and the Taliban in Pakistan, AQAP is “a direct threat to the [United States].”<sup>7</sup> By sharing intelligence with the Pakistani government, U.S. counterterrorism officials seek to destabilize the Taliban and al-Qaeda and other groups such as the Haqqani network in the northwest Af-Pak border region. Though Pakistan is considered a United States ally, the relationship between the two countries is fragile, and the drones program has unquestionably impacted relations, the extent to which is at the core of the controversy surrounding the program. Despite the fact that the Pakistani government publicly condemns but privately permits the attacks, the drone war is “one reason for the fraying of ties” between the two countries.”<sup>8</sup>

Additionally, the aforementioned statistics about deaths by drones do not factor into civilians’ perceptions of the attacks, which—by most accounts—are at the heart of the opposition to drone strikes. Many Pakistani civilians are not privy to or informed of

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<http://www.cbsnews.com/stories/2010/08/25/eveningnews/main6805610.shtml>  
(accessed October 5, 2010).

<sup>7</sup> Ibid.

<sup>8</sup> Tony Karon, “Why a Terrorist Strike on Europe Risks Geopolitical Meltdown,” *Time Magazine*, October 6, 2010, <http://www.time.com/time/world/article/0,8599,2023847,00.html#ixzz11aNJ71t2> (accessed October 6, 2010).

these statistics, particularly those who live in the Federally Administered Tribal Areas (FATAs) of the border region, where most drone strikes occur. As a result, it is possible they believe more civilians are killed in the strikes than actually recorded and that the overall American presence in the region is unnecessary. The same data indicates that drones are effective when it comes to tracking down a specific person or group of people, but a survey conducted by staffers from the same think tank that produced the statistics also indicates that residents of FATA where drones are most often used are unanimously opposed to the program and to the fact that the United States government is in control of it, not their own government.<sup>9</sup> Despite indicating in the same survey that they oppose al Qaeda, FATA residents are more aggravated by America's military presence and covert, seemingly devious operations in the region. In an opinion piece by two staffers from the New America Foundation and a staffer from public opinion center Terror Free Tomorrow, it appears that "much of the antipathy to the United States stems from the anger against CIA-directed drone attacks on militants living in the area."<sup>10</sup> Based on a survey conducted by the same staffers, "more than three-quarters of FATA residents oppose the drone strikes. Only 16 percent think these strikes accurately target militants, while 48 percent think they largely kill civilians and

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<sup>9</sup> Peter Bergen, Patrick C. Doherty, and Ken Ballen, "U.S.-Led Drone War is Self-Defeating," New America Foundation, <http://www.newamerica.net/node/37742> (accessed October 1, 2010).

<sup>10</sup> Ibid.

another 33 percent feel they kill both civilians and militants.”<sup>11</sup> The men added that America is missing the point when it comes to lending a hand to the border region, meaning residents in that area strongly oppose drones and much prefer help in the form of “humanitarian aid and visas to work or study in the United States.”<sup>12</sup> Nevertheless, “while hating the American drones above them, the people of FATA would welcome the chance to have the ground of America beneath their feet.”<sup>13</sup> This statement implies that Pakistani civilians welcome an American presence in the form of grassroots and faith-based diplomacy initiatives such as setting up more schools in the impoverished border region and using education as a tool to steer vulnerable children away from radical training camps.

Also in opposition to the drones program are human rights activists, prominent leaders of the United Nations, and some terrorism experts and political figures. Such opponents decry the lack of accountability, the number of civilian casualties, and their belief that drones are further damaging America’s image in Pakistan and among other countries in general. Drones are also controversial when it comes to international law. According to U.S.-based think tank Council on Foreign Relations:

Although targeting terror suspects with UAVs in official combat areas is deemed legal, the use of the technology outside a declared zone of combat--i.e., Iraq and Afghanistan--has brought international criticism.” Another factor

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

“complicating the picture in Pakistan is that the UAV-targeting program is believed to be operated by the CIA...[and] the distinction between military applications and covert CIA use of drones has become a point of contention, as are issues pertaining to collateral damage and legal justification.”<sup>14</sup>

The United Nations is also critical of the program, with one official describing it is "a vaguely defined license to kill" that has created "a major accountability vacuum."<sup>15</sup> Others, such as terrorism analyst Peter Bergen, acknowledge the precision of drones but wonder why al Qaeda continues to have “a stash of number threes waiting in the wings.”<sup>16</sup> The implication is that drones only cause minor setbacks and that regardless of how many top al Qaeda and Taliban leaders and members are killed, the groups are usually able to replenish their ranks and continue to plan attacks.

Proponents of drones, on the other hand, consider them a major—and successful—part of the United States’ counterterrorism efforts. They view drones as better alternatives to more conventional warfare such as bomber jets, handheld and car bombs, and machine guns. Since drones can be operated remotely from almost anywhere in the world and since it is reported that Pakistan has permitted drones to take off from its air bases, far fewer military lives are put at risk. And since the United

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<sup>14</sup> Greg Bruno, “U.S. Drone Activities in Pakistan,” Council On Foreign Relations, [http://www.cfr.org/publication/22659/us\\_drone\\_activities\\_in\\_pakistan.html](http://www.cfr.org/publication/22659/us_drone_activities_in_pakistan.html) (accessed September 28, 2010).

<sup>15</sup> Peter Bergen and Katherine Tiedemann, “Drone war hitting its targets,” CNN Web site, June 9, 2010, [http://articles.cnn.com/2010-06-09/opinion/bergen.drone.war\\_1\\_drone-strikes-abu-laith-al-libi-militants?\\_s=PM:OPINION](http://articles.cnn.com/2010-06-09/opinion/bergen.drone.war_1_drone-strikes-abu-laith-al-libi-militants?_s=PM:OPINION) (accessed September 25, 2010).

<sup>16</sup> Ibid.

States does not comment on drone strikes, accountability is minimized, or at least swept under the rug. Though civilian casualties are incurred, drones are known for their precision when targeting terrorist strongholds and appear to cause fewer accidental casualties than any other weapon. Essentially, drones are “capable of reconnaissance, combat and support roles in the hairiest of battles,” meaning that “in a worst-case scenario, if a Predator [drone] is lost in battle, military personal can simply ‘crack another one out of the box’ and have it up in the air shortly...without the trauma of casualties or prisoners normally associated with an aircraft going down.”<sup>17</sup> The Obama administration also defends the use of drones, albeit implicitly. The State Department’s Legal Adviser Harold Koh remarked to a group of international legal scholars in March 2010, “In this ongoing armed conflict, the United States has the authority under international law, and the responsibility to its citizens, to use force, including lethal force, to defend itself, including by targeting persons such as high-level al Qaeda leaders who are planning attacks.”<sup>18</sup> Other legal experts add that because the United States is acting in self-defense and because it has signed but not ratified certain amendments from international law documents such two important supplements

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<sup>17</sup> Robert Valdes, "How the Predator UAV Works," HowStuffWorks, <http://science.howstuffworks.com/predator.htm> (accessed October 10, 2010).

<sup>18</sup> Keith Johnson, “U.S. Defends the Legality of Killing with Drones,” *Wall Street Journal*, April 5, 2010, <http://online.wsj.com/article/SB10001424052702303450704575159864237752180.html>, (accessed September 29, 2010).

to the Geneva Conventions that are applicable to drone strikes, it is not violating any human rights statutes.

The issue of drones is important not just because of the politicization of the issue and the obvious controversy over civilian casualties and legal jurisdiction, but also because of how they affect America's already delicate relationship with Pakistan. An article from *Time* published on October 6, 2010 described how the unearthed terrorist plots against Western Europe and subsequent increase in drone strikes in Pakistan make the future of U.S.-Pakistan relations bleak. For example, a recent misunderstanding between North Atlantic Treaty Organization (NATO) forces and Pakistani troops resulted in the accidental death of three Pakistani troops and thus the government's closing of the Khyber Pass border, a crucial supply route to the NATO mission Afghanistan. Such a misunderstanding is means "tensions could rise from both ends, should a successful attack be staged in Europe."<sup>19</sup> Perhaps even more important than the controversy and arguments is the fact that recent and major increases in drone strikes in Pakistan highlight the large presence of militants in the Af-Pak border region and the growing threat of terrorist attacks to Western countries. Some intelligence officials say that an increase in drone strikes is essentially proportional to an increase in tangible threats.

Though official combat in Iraq ended in September 2010 and Afghanistan is the sole country in which the United States is technically at war, terrorist safe havens and

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<sup>19</sup> Karon, "Why a Terrorist Strike on Europe Risks Geopolitical Meltdown," October 6, 2010.

recruiting grounds continue to change locations. Because this is not a war against a particular country, but rather a group of people and their cause, it is bound to unfold beyond the borders of Afghanistan more than it has already done. Despite the large number of militants killed in Pakistan drone strikes, al Qaeda in particular is able to reach out to its many other places of operation and, if necessary, pass on the baton, so to speak. Nevertheless, they are a critical part of U.S. counterterrorism efforts, especially since strikes are anything but arbitrary and instead based off of intelligence shared among U.S., European, and Pakistani agencies. Known for their precision and ability to quickly eliminate a detected target, drones are an essential part of self-defense when it comes to alleviating existing threats and preventing attacks before they are realized.

This thesis explores the CIA's drone program in Pakistan in the context of public opinion, U.S.-Pakistan relations, international law, and grassroots diplomacy. Each of these aspects is important because they impact the drone program in a different way, yet at the same time, are all inextricably linked by the common threads of influence and controversy. On a specific level, drones can directly impact an individual's perception of terrorism and of the United States, while on a more vast yet important level, drones have broader implications on the future of law, diplomacy, and foreign relations.

Using news reports and data collected by research organizations and think tanks, this paper will examine the purpose of the drone war and how it affects

America's relationship with Pakistan, Pakistani perceptions of the United States, international law, and grassroots diplomacy efforts. By using a compare-and-contrast method to examine various arguments and data on drones, this thesis will address the question of whether or not the flaws of the CIA drone program trump its achievements. If supplemented with more diplomatic efforts in the Af-Pak border region, *and* made more transparent than secretive, the drone program could have a more positive impact on both civilian perceptions and U.S.-Pakistan relations. Ultimately, this thesis will argue that, for all of its weaknesses, the drone program is still a crucial element of the United States' efforts to thwart the operations of al Qaeda, the Taliban, and other associated networks.

## **CHAPTER 1**

### **PURPOSES OF DRONES AND THEIR EFFECTS ON U.S.-PAKISTAN RELATIONS**

#### **Introduction**

One of the major reasons drone strikes in Pakistan occur so frequently is because the United States is not at war with a particular country, but rather with a group of people. Thus, this precise type of warfare allows for U.S. intelligence services to track down who they are looking for and to put considerably fewer non-targeted lives, homes, landmarks and general infrastructures at risk. Unlike the Carpet Bombings of Dresden or the atomic bombs dropped on Hiroshima and Nagasaki during World War II, for example, drone strikes are more avant-garde than conventional warfare of past conflicts. They work in accordance with but also go beyond human intelligence—without undermining it or defeating the purpose of it—one of many reasons why Afghanistan is a different kind of war. During World War II the United States fought the Axis Powers via a formal declaration of war and because hundreds of thousands of soldiers from both sides were fighting, battles were far bloodier and more scattered. And while the United States never officially declared war on Vietnam, President Johnson's Gulf of Tonkin Resolution was essentially a free pass for the armed forces to do anything to stop the spread of communism. Afghanistan is less conventional than these wars as U.S. armed forces and allies avoid the free-for-all approach, but it is also complicated because while it is clear that terrorists and militants

are the enemy, it is harder to spot them and to not venture into murky territory—meaning beyond the borders of Afghanistan. Drones undoubtedly complicate things, especially since they are used in the border region mostly on Pakistani soil, an area in which the United States is technically not at war. Adding to the controversy is the belief by critics that “international law does not recognize the right to kill without warning outside an actual armed conflict,” thus arguing that [the] “attacks cannot be justified under international law...[especially since] drones launch missiles or drop bombs, the kind of weapons that may only be used lawfully in an armed conflict.”<sup>1</sup> Hoping to temper critics’ voices, drone proponents underscore the precision with which drones operate and the belief that the United States is adhering to international legal standards—that is, for example, observing certain clauses that allow countries to act in self defense. Proponents also equate more drone strikes to less combat and fewer military deaths on the ground. Though one drone costs between three and five million dollars to produce, drones seem to be very cost efficient because they do not require a large military presence on the ground; in fact, they have allowed U.S. “ commanders [to] so far [avoid] a major offensive in North Waziristan [border region], arguing that gains elsewhere need to be consolidated to prevent their troops from being stretched

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<sup>1</sup> Mary Ellen O’Connell, “Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2004-2009,” Social Science Research Network, April 28, 2010, <http://ssrn.com/abstract=1501144> (accessed October 2, 2010).

too thin.”<sup>2</sup>

## **History and Functions of Drones**

The United States created remote-controlled drones “during or right after the Second World War and were ready for use by the 1950s” and by the time of the Vietnam War were “fitted with cameras...and deployed...for reconnaissance.”<sup>3</sup> Drones are lightweight but can fly for up to 24 hours in one mission and, depending on the size of the drone, can carry between 450 and 10,000 pounds. The use of the MQ-1 Predator drone—meaning the “multi-role version which is used for armed reconnaissance and interdiction”—is equipped with Hellfire missiles and has been “operational in Bosnia since 1995 in support of [North Atlantic Treaty Organization], [United Nations] and [U.S.] operations and as part of Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom.”<sup>4</sup> According to one report, “back in Washington, the technology is considered such a success that the U.S. military has been positioning Reaper drones at a base in the Horn of Africa.”<sup>5</sup> The Reaper drone is armed and has

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<sup>2</sup> Hasbanullah Khan, “U.S. Drone Strike Kills 4 Militants in Pakistan,” Google News, September 27, 2010, [http://www.google.com/hostednews/afp/article/ALeqM5h3KMIq34IT-H\\_HIsmgkB-BgM\\_i8g](http://www.google.com/hostednews/afp/article/ALeqM5h3KMIq34IT-H_HIsmgkB-BgM_i8g) (accessed October 2, 2011).

<sup>3</sup> O’Connell, “The International Law of Drones,” April 28, 2010.

<sup>4</sup> Net Resources International, “Predator Rq-1 / Mq-1 / Mq-9 Reaper - Unmanned Aerial Vehicle (UAV),” New Resources Air Force Technology, <http://www.airforce-technology.com/projects/predator/> (accessed December 1, 2010).

<sup>5</sup> Adam Entous, “Special Report: How the White House Learned to Love the Drone,” Reuters, May 18, 2010,

reconnaissance capabilities. Should drones be positioned in the Horn of Africa, “the aircraft can be used against militants in Yemen and Somalia, and even potentially against pirates who attack commercial ships traversing the Gulf of Aden and the Indian Ocean.”<sup>6</sup>

Drones with attack and reconnaissance capabilities are used in the Af-Pak border region and are equipped with special technology that “can give real-time imagery of the enemy position to a command post well before the first troops or vehicles arrive.”<sup>7</sup> These “models are outfitted with additional intelligence gear that has enabled the CIA to confirm the identities of targets even when they are inside buildings and can't be seen through the Predator's lens.”<sup>8</sup> Additionally, predator drones are relatively quiet and they have endurance, operating up to twenty-four hours in one mission. One of the many advantages of having the RQ-1 is that the “kind of information [it produces] allows field commanders to make quick and informed

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<http://www.reuters.com/article/idUSTRE64H5SL20100518> (accessed October 2, 2010).

<sup>6</sup> Ibid.

<sup>7</sup> Robert Valdes, “How the Predator UAV Works,” HowStuffWorks, <http://science.howstuffworks.com/predator.htm> (accessed October 10, 2010).

<sup>8</sup> Greg Miller, “U.S. Missile Strikes Said to Take Heavy Toll On Al Qaeda,” *Los Angeles Times*, March 22, 2009, <http://articles.latimes.com/2009/mar/22> (accessed October 5, 2010).

decisions about troop deployment, movements and enemy capabilities.”<sup>9</sup> Of course, “the greatest advantage of using the Predator is that it has all the advantages of a traditional reconnaissance sortie without ever exposing the pilot to a hostile environment.”<sup>10</sup> According to one report, “the [drone] offensive has been aided by technological advances and an expansion of the CIA's Predator fleet.”<sup>11</sup> Though they “take off and land at military airstrips in Pakistan,” drones “are [remotely] operated by CIA pilots in the United States” from command centers on U.S. soil.<sup>12</sup> In the same report former intelligence officials said “some of the pilots—who also pull the triggers on missiles— are contractors hired by the agency.”<sup>13</sup> Highlighting the literal distance between pilots and the drones they operate, a feature in the November 2010 issue of *Esquire* magazine chronicled the lives of several men who pilot and control drones over Afghanistan and Iraq but have never actually been to those countries. Working grueling hours, they undergo training and operate in remote areas of the United States such as out of the Reaper Command Center at Creech Air Force Base in Nevada, but do not need to set foot on foreign soil when it comes to the actual operation. According

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<sup>9</sup> Valdes, “How the Predator UAV Works.”

<sup>10</sup> *Ibid.*

<sup>11</sup> Miller, “U.S. Missile Strikes Said to Take Heavy Toll On Al Qaeda,” March 22, 2009.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

to the feature, the crews that operate the Predators and Reapers “can't keep up with demand,” one reason being that [in 2008], armed UAVs circled Iraq and Afghanistan for 135,000 hours — about fifteen years of nonstop flight time.”<sup>14</sup>

### **Combating the Terrorist Threat in the Border Region**

While the United States is in charge of drone operations in the Af-Pak border region and often calls the shots from thousands of miles away, Pakistan has recently taken “baby steps” to play a more assertive role.<sup>15</sup> For example, in “2009 Islamabad purchased unarmed Falco reconnaissance drones from Italy for use in Pakistan’s Swat Valley...while in Karma, [Pakistan], a state-owned defense enterprise is developing technology to make drones that are Pakistan’s own.”<sup>16</sup> Such proactive steps signal—at least from the standpoint of some—that Pakistan is a “country desperate to develop its own fleet to better combat a home-grown militancy.”<sup>17</sup> Reuters news agency also reported that Pakistan, though officially opposed to the strikes, is providing more behind-the-scenes assistance than in the past. Helping the CIA go “beyond the human intelligence that [it] relies on to identify targets, Pakistani agents are sometimes present

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<sup>14</sup> Brian Mockenhaupt, “We've Seen the Future, and It's Unmanned,” *Esquire Magazine*, November 2009, <http://www.esquire.com/features/unmanned-aircraft-1109> (accessed November 10, 2010).

<sup>15</sup> Alex Rodriguez, “Pakistan Turns to Drones of Its Own,” *Los Angeles Times*, October 9, 2009, <http://articles.latimes.com/2009/oct/09/world/fg-pakistan-drones9> (accessed November 11, 2010).

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

at U.S. bases, and are increasingly involved in target selection and strike coordination.”<sup>18</sup> But even with such small signs of cooperation and progress, “Pakistani military has [still] refused to stage its own ground offensive against the militant mini-state” in the tribal region.<sup>19</sup> One report quotes Imtiaz Gul, author of the book *The Most Dangerous Place*: “Pakistan’s resistance to go into North Waziristan stems from the fact that mostly, Pakistani militants are nestled under the banner of Siraj Haqqani and Gul Bahadur and Al Qaeda,”<sup>20</sup> As a result, this has become known as a largely lawless area over which Pakistan has little control and by which the country is intimidated. Even though “the drone strikes have tightened the reins on this Taliban and al Qaeda stronghold, a 2006 peace agreement between Islamabad and border tribes had allowed the [Taliban] network to shore up its finances, resume training operatives and reestablish connections with satellite groups” over the last four years.<sup>21</sup> This gesture was interpreted by many as a concession of power and sign of

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<sup>18</sup> Entous, “Special Report: How the White House Learned to Love the Drone,” May 18, 2010.

<sup>19</sup> Kay Johnson, “Pakistan Says U.S. Seeking to Expand Drone Strikes,” Yahoo! News Web site, November 20, 2010, [http://news.yahoo.com/s/ap/20101120/ap\\_on\\_re\\_as/as\\_pakistan](http://news.yahoo.com/s/ap/20101120/ap_on_re_as/as_pakistan) (accessed November 28, 2010).

<sup>20</sup> Owais Tohid, “U.S. Drones Are Pounding Pakistan’s North Waziristan. Here’s Why,” *Christian Science Monitor*, September 16, 2010. <http://www.csmonitor.com/World/Asia-South-Central/2010/0916/US-drones-are-pounding-Pakistan-s-North-Waziristan.-Here-s-why> (accessed October 5, 2010).

<sup>21</sup> Miller, “U.S. Missile Strikes Said to Take Heavy Toll On Al Qaeda,” March 22, 2009.

weakness by the Pakistani government, which was already being criticized for being too soft on terrorism.

When drones strikes in the Af-Pak region began during the Bush administration they were far less frequent than they are today. At the time, the border region was not as popular of a hideaway or planning spot. However, the intent of the program was largely the same as it is today: to find suspected militants and terrorists who were either plotting attacks or seeking refuge from attacks already committed. According to data collected from the New America Foundation (NAF), between 2004 and 2007 the administration authorized a total of eight attacks, and in 2008 alone a total of thirty-four attacks. From 2004 to 2009 the same analysis showed the non-militant fatality rate to be approximately 28 percent, which is the percentage of non-targets who are believed to have died in the strikes.<sup>22</sup> When it comes to differentiating between a target and a non-target, or civilian, the NAF refers to targets as individuals who are “described as militants in reliable press accounts.”<sup>23</sup> It states on its website that in “an effort to be as transparent as possible with our sources and analysis,” the NAF “draws only on accounts from reliable media organizations with reporting capabilities in Pakistan,” including, but not limited to, the *New York Times*, *Wall Street Journal*,

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<sup>22</sup> Peter Bergen and Katherine Tiedemann, “The Year of the Drone: An Analysis of U.S. Drone Strikes in Pakistan, 2004-2010,” New America Foundation, <http://counterterrorism.newamerica.net/drones/2010> (accessed October 7, 2010).

<sup>23</sup> Ibid.

CNN, ABC, the BBC, and some of Pakistan's major English-language newspapers such as the *Daily Times*.”<sup>24</sup> In terms of concrete, quantitative data, the NAF analysis most likely contains the most reliable and frequently updated statistics available to the public. Because of the sensitivity of the issue, U.S. intelligence and other high level officials are not authorized to comment on drone strikes, only speaking about the issue in a very general yet scrupulous manner. This in turn means nearly all of the information on drones comes from off-the-record commentary distributed by media outlets. Defense Secretary Robert Gates and President Obama are some of the high-level officials who have—in vague words—defended drone strikes but have not cited or claimed responsibility for specific attacks. Peter Bergen and Katherine Tiedemann, the two individuals who compiled the data for the NAF, are both well-versed in terrorism and Af-Pak border issues. In 1997 Bergen interviewed Osama bin Laden and wrote a book about his experiences entitled *The Osama bin Laden I know*. He is also CNN's leading terrorism analyst. Tiedemann is a policy analyst at the NAF and co-editor of the AfPak Channel. According to more of their data, the predator drones' biggest target is the Taliban—both from Pakistan and Afghanistan. Second and third are al Qaeda and the Haqqani Network, respectively. One target that was particularly sought after and accounted for a high number of deaths in the 2009 strikes is Baitullah

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<sup>24</sup> Ibid.

Meshoud group.<sup>25</sup> And of course in many of the strikes the specific target is unknown.

The reason for the large militant presence in a concentrated area is that many groups did not originate in the tribal belt but instead flocked there after major offensives in their respective regions. Additionally, the Pakistani military does not have a presence in the dangerous theater of Waziristan, one of the many reasons it is branded a terrorist safe haven. While a concentration of targets in one area allows intelligence officials to zoom in on their efforts and narrow down some searches, this has also caused different groups—some former foes, in fact—to band together and form a dangerous and strong network. And even though the high-tech capabilities offered by drones provide more of a chance at finding targets, the border region of North Waziristan is a mountainous and remote territory in which these groups have found a planning and hiding safe haven. Some of the militant and terrorist groups are supporting one another and working together in the area, which by most accounts serves as the current nucleus of terrorism and religious extremism. Many local tribesmen have joined the groups, aided them, or at the very least supported them. As previously mentioned, al Qaeda and the Taliban have the largest presence in the area, with the Taliban's Tehrik-e-Taliban Pakistan (TTP) operating as the main “umbrella group” there.<sup>26</sup> The surge in presence of the TTP can be attributed to “last year’s

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<sup>25</sup> Ibid.

<sup>26</sup> Tohid, “U.S. Drones Are Pounding Pakistan’s North Waziristan,” September 16, 2010.

(2009) military crackdown in South Waziristan, adding to the already mixed crowd of militants seeking shelter there post-9/11. And despite diverse nationalities, they appear able to work in sync.”<sup>27</sup> Azam Tariq, TPP spokesman told the *Christian Science Monitor*, ““our bonding force is our common cause of waging jihad in Afghanistan.””<sup>28</sup> Another group, the, Punjabi Taliban “now operate[s] out of North Waziristan and fight[s] alongside Pakistani Taliban and Al Qaeda.”<sup>29</sup> On top of that, militant and terrorist “commanders use their old jihadi contacts to recruit young warriors into their own training camp. The head trainer usually belongs to Al Qaeda, but now contacts are broadening to create a more complicated network of alliances.”<sup>30</sup> Also included in the network are Uzbeks, Chinese Uighurs, Chechens, and Tajik militants collaborating in North Waziristan.”<sup>31</sup> Another sign of growing cohesion in the region is that “tribesmen say they have attended at least two marriages of Uzbek commanders to local girls.”<sup>32</sup> These “intermarriages between the foreign militants and tribal families indicate that the

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

bonding has strengthened cross-recruitment and connections.”<sup>33</sup> The “unity [among groups] has prompted the United States to urge Islamabad to again crack down – this time, on North Waziristan.”<sup>34</sup> But, Pakistani security officials are hesitant to get involved there” because they fear their resources are already thinly stretched. A senior Pakistani security official was quoted as saying, ““you have to hold the ground permanently after cleaning up the militants rather than leaving the footprints of boots,”” citing military operations in Swat, Bajaur, South Waziristan, and other areas, as well as the Army’s commitment to help victim’s of the country’s [recent] devastating floods.”<sup>35</sup> “That reluctance” has frustrated U.S. officials and “appears to have driven a new [U.S.] predator battle against Al Qaeda and Taliban commanders and militants who turned North Waziristan into what analysts are calling one of the most dangerous places in the world.”<sup>36</sup>

### **Drones and U.S.-Pakistan Relations**

In terms of the United States’ relationship with Pakistan, many critics argue that drones hurt and even sabotage a partnership that is already shaky. Though at the beginning the Pakistani government gave the CIA the green light to go ahead with the strikes, the *Los Angeles Times* reported that in August 2008 the Bush administration

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

“made a previously undisclosed decision to abandon the practice of obtaining permission from the Pakistani government before launching missiles from the unmanned aircraft.”<sup>37</sup> The decision was made immediately after then-Pakistani president Pervez Musharraf forcibly resigned from office. This was not a haphazard decision, but instead one that was made because of “growing alarm over [a]l Qaeda’s resurgence in Pakistan’s tribal belt” and frustration felt by the Bush administration that it “had been constrained by its close ties with Pakistani President Pervez Musharraf, who argued against aggressive U.S. action.”<sup>38</sup> But [eventually], “after a series of disrupted terrorist plots in Europe had been traced to Pakistan, there were calls for a new approach”—to stop seeking Pakistan’s permission to strike—which went into effect immediately following Musharraf’s forced resignation in August 2008.<sup>39</sup> The United States’ decision to stop seeking permission at first glance seems like a move that would send Pakistan over the edge and create a diplomatic nightmare. While some critics agree this is the current state of affairs, there has undoubtedly been a good deal of unspoken cooperation from Pakistan on the drone issue. Musharraf’s successor Asif Ali Zardari has even sanctioned the strikes, but only privately because of the sensitive nature of the issue among Pakistani civilians and criticism from across the globe. This

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<sup>37</sup> Miller, “U.S. Missile Strikes Said to Take Heavy Toll on Al Qaeda,” March 22, 2009.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

is the main reason why publicly, Pakistan continues to oppose the drone strikes. The country also receives a great deal of humanitarian aid from the United States, which could be seen as part of an exchange and trade off for tolerating the drone strikes. But reports also contend that some Pakistani civilians support the strikes, regardless of what the resounding consensus appears to be. One op-ed in Pakistan's *Daily Times* by a member of the Aryana Institute for Regional Research and Advocacy claimed that the people of Waziristan "welcome" the attacks and that because [they] are suffering a brutal kind of occupation under the Taliban and al Qaeda...they would welcome anyone, Americans, Israelis, Indians or even the devil, to rid them of the Taliban and al Qaeda."<sup>40</sup> And while both groups "have done everything to stop the drone attacks by killing hundreds of innocent civilians on the pretext of their being American spies...their fellow Pakistanis condemn the killing of the terrorists but fall into deadly silence over the routine murders of tribesmen accused of spying for the US by the terrorists occupying their land."<sup>41</sup> This alleged support is certainly not a part of the generally held view that neither the Pakistani government—at least publicly—nor Pakistani civilians support the strikes.

But drone opponents believe that Pakistan "officially considers [the strikes]...a

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<sup>40</sup> Farhat Taj, "Drone Attacks: Challenging Some Fabrications," *Daily Times* (Pakistan), January 2, 2010, [http://www.dailytimes.com.pk/default.asp?page=2010%5C01%5C02%5Cstory\\_2-1-2010\\_pg3\\_5](http://www.dailytimes.com.pk/default.asp?page=2010%5C01%5C02%5Cstory_2-1-2010_pg3_5) (accessed December 1, 2010).

<sup>41</sup> Ibid.

violation of its sovereignty.”<sup>42</sup> Critics who “condemn the program as amounting to assassinations that violate international law” also back this stance. U.S. Officials made clear “that the surge in strikes has less to do with expanded capabilities than with the decision to skip Pakistani approval.”<sup>43</sup> ‘We had the data all along,’ said a former CIA official who oversaw Predator operations in Pakistan. ‘Finally we took off the gloves.’<sup>44</sup> This new approach is effective but it has undoubtedly incited ill will towards America and Western allies on the part of Pakistani civilians, and it has painted the Pakistani government’s stance on the issue in a very ambiguous light. While Pakistan “privately tolerates the strikes along its northwestern border as a ‘necessary evil,’ it publicly condemns the strikes to act in accordance with the overall view held by Pakistani civilians.”<sup>45</sup> This stance is not likely to help critics’ perception of Pakistan as being fickle when it comes to joint Western-Pakistani counterterrorism efforts, but it is nothing new or out of the ordinary, either. A request by the United States to expand its drone program in Pakistan was recently denied even though, according to a Pakistani intelligence official, the request was the result of a desire “to

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<sup>42</sup> APNews, “Pakistan Says U.S. Seeking to Expand Drone Strikes,” Town Hall, [http://townhall.com/news/world/2010/11/20/pakistan\\_says\\_us\\_seeking\\_to\\_expand\\_drone\\_strikes](http://townhall.com/news/world/2010/11/20/pakistan_says_us_seeking_to_expand_drone_strikes) (accessed January 3, 2011).

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

enlarge the current boxes and establish new ones outside the tribal zone where senior Taliban and [al Qaeda] operatives are suspected to be operating.”<sup>46</sup> A *Washington Post* report identified one [of the new areas] as around Quetta, the capital of the southwestern province of Baluchistan, where Afghan Taliban chief Mullah Mohammad Omar is believed to operate.”<sup>47</sup> Pakistan's Foreign Ministry spokesman Abdul Basit [recently] condemned any suggestion of expanding the American drones' range, saying Pakistan “will not in any case accept the expansion of the area of these drone attacks,” and “repeated the official line that Pakistan wants all the missile attacks to stop.”<sup>48</sup> But the same report by the *Washington Post* indicated Pakistan “had agreed to more limited measures, including an expanded CIA presence in Quetta, where the American spy agency would work with the ISI to hunt down Taliban leaders.”<sup>49</sup> Though Basit claimed the report was false, two different public and private stances of Pakistan on drones have made the issue more complicated.

While critics of drone strikes accuse the U.S. government of corruption, the position of the government when it comes to counterterrorism policies is clearly stated. If there is difference of opinion within the U.S. intelligence communities of how to

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<sup>46</sup> Ibid.

<sup>47</sup> Johnson, “Pakistan Says U.S. Seeking to Expand Drone Strikes,” November 20, 2010.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

carry out counterterrorism policies, it is kept under the radar. Of course, there are heated debates on Capitol Hill about such policies, but the discrepancy between public and private opinions seems nowhere near as great as that of the Pakistani government. For example, the Inter-Intelligence Service (ISI), Pakistan's largest intelligence branch, has been criticized for having ties to the Islamic militant group Lakshar-e-Taiba (LET). The extent of the ISI's links to the LET have been disputed by terrorism analysts and government officials, but if anything the organization's reputation has been clouded by this perception. The LET, which is based in Pakistan and has had suspected ties to the ISI, claimed responsibility for the 2008 terrorist attacks in Mumbai. While the LET has not posed a huge threat to U.S. security and is not generally known to be targeted in drone strikes, its ties to the Pakistani intelligence service and attacks such as those in Mumbai make the possible connection troubling for U.S. intelligence communities. The acts have also alarmed Afghan intelligence agencies. While "Afghanistan's relations have improved with Pakistan since Zardari took over...Afghan and [U.S.] officials [still] charge that rogue elements in Pakistan's military and intelligence services are supporting Taliban and Al-Qaeda extremists," a claim that Zardari denies.<sup>50</sup> In a May 2009 interview with CNN Zardari "remarked [that] all intelligence agencies have their sources in militant organizations but that does not translate to

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<sup>50</sup> Jayshree Bajoria and Eden Kaplan, "The ISI and Terrorism; Beyond the Accusations," Council on Foreign Relations, <http://www.cfr.org/pakistan/isi-terrorism-behind-accusations/p11644> (accessed October 25, 2010).

support.”<sup>51</sup> He asked: “Does that mean CIA has direct links with al-Qaeda? No, they have their sources. We have our sources. Everybody has sources.’ ”The return of the Taliban is because we did not address the question of sanctuaries in time. Unfortunately, today, Pakistan is suffering with us massively as a consequence of that.”<sup>52</sup>

Numerous U.S. officials have also accused the ISI of supporting terrorist groups, even though the United States has authorized extensive funding to the Pakistani government in the past. In a May 2009 interview on CBS’ *60 Minutes*, U.S. Defense Secretary Robert Gates said he believed that “to a certain extent, they [the Pakistani government] play both sides,” while Gates adds that “the ISI maintains links with groups like the Afghan Taliban as a ‘strategic hedge’ to help Islamabad gain influence in Kabul once U.S. troops exit the region.”<sup>53</sup> These allegations surfaced yet again in July 2010 when [whistleblower site Wikileaks.org] made public trove of U.S. intelligence records on the war in Afghanistan. The documents described ISI’s links to militant groups fighting U.S. and international forces in Afghanistan.”<sup>54</sup> Again, these allegations were denied, with Pakistan “citing as evidence its cooperation in the U.S.-led battle against extremists in which it has taken significant losses both politically and

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<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

on the battlefield.”<sup>55</sup> Some U.S. diplomats agree. William Milam, former U.S. ambassador to Pakistan said, "I do not accept the thesis that the ISI is a rogue organization. It's a disciplined army unit that does what it's told, though it may push the envelope sometimes."<sup>56</sup> Others agree that because of the large size of ISI—“with a reported staff of ten thousand”—the organization is “hardly monolithic.”<sup>57</sup> Frederic Grare, a South Asia expert and visiting scholar at the Carnegie Endowment for International Peace, adds that "like in any secret service, there are rogue elements.”<sup>58</sup> He points out that many of the ISI's agents have ethnic and cultural ties to Afghan insurgents, and naturally sympathize with them.

Not helping matters with possible rogue elements in the ISI is that the United States experiences similar frustrations with the Karzai administration in Afghanistan, which is by proxy a part of the drone war. While Karzai and Obama often put on a united front during meetings and photo ops, relations between the two leaders are strained. Contradictory and sometimes incendiary comments from Karzai about the war and overall U.S. and NATO presence in Afghanistan have caused rifts in relations, although U.S. military and political figures publicly continue to label Karzai as a crucial asset to success in the region. On one hand Karzai says he supports the troop

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<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

presence in Afghanistan, yet on the other hand he has threatened to join Taliban forces out of frustration with the West. While it is clear Karzai does not want to be a puppet of the West just as Ngo Dinh Diem was during the Vietnam War, he also sends mixed signals about his desire to cooperate with the Western presence in Afghanistan. In 2010 he publicly insulted United Nations envoy Peter Galbraith and accused him of rigging that year's elections in Afghanistan. This came after Galbraith expressed concerns about Karzai's mental stability and his alleged "fondness" for opium.<sup>59</sup> Around the same time, Karzai made threats to join the Taliban "if he continued to come under outside pressure to reform."<sup>60</sup> While "lawmakers dismissed...the comment as hyperbole" and said [he did it because] they felt Karzai was pandering to hard-line or pro-Taliban members of parliament and had no real intention of joining the insurgency," the White House was still "frustrated" by the remarks.<sup>61</sup> The irreverent comments also coincided with an upcoming official visit by Karzai to the White House and forced the Obama administration to consider rescinding the invitation. While these issues are not directly related to the drone strikes in Pakistan, they are nevertheless a large part of the overall challenges the United States faces in the Middle East. And because of the proximity of Afghanistan to Pakistan, having the support of both nations

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<sup>59</sup> Ibid.

<sup>60</sup> MSNBC, "Karzai to lawmakers: 'I might join the Taliban,'" MSNBC Web site, [http://www.msnbc.msn.com/id/36178710/ns/world\\_news-south\\_and\\_central\\_asia/](http://www.msnbc.msn.com/id/36178710/ns/world_news-south_and_central_asia/) (accessed October 10, 2010).

<sup>61</sup> Ibid.

is crucial to the success of the United States in both places. When asked in an ABC *World News Tonight* interview about the drone strikes in the Af-Pak border region and reports of similar strikes on Afghan soil, Karzai denied knowledge of kill drones but acknowledged the presence of surveillance drones. As for the deadly strikes on the border, Karzai took the popular stance of supporting the strikes for their ability to target militants but condemned the civilian casualties.<sup>62</sup>

The mixed opinions about drones and the many troops in the Af-Pak border region are also the result of several military deaths in the last year. As mentioned before, the September-October 2010 scuffle between NATO forces and Pakistani soldiers ensued after NATO helicopters “strayed into Pakistani territory while chasing Taliban militants from Afghanistan,” resulting in the deaths of three Pakistani soldiers who were working at a military checkpoint.<sup>63</sup> President Zardari “condemned the cross-border incident as ‘unacceptable,’” and although the supply route reopened on October 12 and a meeting was held in Brussels between NATO Secretary General Anders Fogh Rasmussen and Pakistani Minister Shah Mehmood Qureshi, NATO-Pakistan relations

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<sup>62</sup> ABC News, “ABC's Diane Sawyer Interviews Afghan President Hamid Karzai: Full Transcript,” ABC News Web site, <http://abcnews.go.com/WN/Afghanistan/abcs-diane-sawyer-interviews-afghan-president-hamid-karzai/story?id=9544477> (accessed April 3, 2011).

<sup>63</sup> BBC News, “Pakistan Drone Attacks Kill Nine Suspected Militants,” BBC News Web site, <http://www.bbc.co.uk/news/world-south-asia-11458921> (accessed October 10, 2010).

were nevertheless strained after the soldier deaths and convoy attacks.<sup>64</sup>

### **Working Through U.S.-Pakistan Issues**

In an attempt to talk through pertinent issues and vent frustrations on both sides, high-level U.S. and Pakistani officials held a meeting in Washington the week of October 25, 2010. While the meeting might have been seen as futile, others might have seen it as a mutual attempt to work on the rocky relationship between the United States in Pakistan. In an opinion piece in *The News International*, Pakistan's largest English-language daily paper, U.S. Defense Secretary Robert Gates wrote that he "sought to reassure Pakistani citizens that Americans had a long-term interest in their country, not just in a short-term strategic gain across the border in Afghanistan."<sup>65</sup> For the most part, however, the futile outlook seems fitting for some as, according to an opinion piece unrelated to Gates' op-ed, "US taxpayers [continue to] ask why Washington is giving billions to a country they see as a breeder of terrorism. [While] Pakistanis, having been burned by America's fair-weather friendship before, expect their fragile trust in the US to be shattered again."<sup>66</sup> This seems to be one of many problems that

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<sup>64</sup> BBC News, "Militants Attack NATO Tanker Convoy in Pakistan, BBC News Web site, <http://www.bbc.co.uk/news/world-south-asia-11463490> (accessed October 10, 2010).

<sup>65</sup> Elisabeth Bumiller, "U.S. Offers Pakistan Drones to Urge Cooperation," *New York Times*, January 21, 2010, under "Islamabad," [http://www.nytimes.com/2010/01/22/world/asia/22gates.html?\\_r=3](http://www.nytimes.com/2010/01/22/world/asia/22gates.html?_r=3) (accessed October 10, 2010).

<sup>66</sup> Mansoor Ijaz, "A Game Changer For U.S.-Pakistan Relations," *Christian Science Monitor*, October 18, 2010,

inhibit progress in U.S.-Pakistan relations. Just as public perception on the Pakistani civilian side complicates relations, so goes the public perception on the American civilian side. What is troubling, too, is that it can be difficult to discern exactly what public opinion is. Regular polls released in the United States are a generally good indicator of general public sentiment, but in Pakistan the public outcry over drones is much more powerful than the small—but in this case, equally—important civilian population in the border region. The majority of residents in Islamabad might oppose the strikes because, for example, they oppose any Western presence in their country. Residents of small village in Waziristan, however, might support the strikes because they feel safer from a militant-infested region, but for a range of possible reasons they are left out of the actual poll.

Though U.S.-Pakistan relations are sometimes more warmly referred to as a friendship, it is not necessarily one of stability, especially when the majority of citizens and leaders from both countries seem to have little faith in the other one. Samuel J. Rascoff, a law professor at New York University and former intelligence chief at the New York Police Department, notes that no matter how people perceive or trust one another, “the [drone] killings can alienate the people of Pakistan and Afghanistan...[and] they might simultaneously be powerful tools at motivating our

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<http://www.csmonitor.com/Commentary/Opinion/2010/1018/A-game-changer-for-US-Pakistan-relations> (accessed October 20, 2010).

enemies.”<sup>67</sup> From a diplomatic and military point of view, this could be very dangerous. He claims that even though drones are “effective...from a counterterrorism standpoint...from a counter from a counterinsurgency standpoint, they raise lots of questions.”<sup>68</sup> They say the drone attacks increase the number of Pakistanis who support extremism, and that for every enemy killed, more are created.”<sup>69</sup> And in an area already known for its large presence of *madrassas*, religious schools that teach young children, it is troubling that Rascoff says he hears "reports ... including from homegrown terrorists, that drone attacks against villages in Pakistan and Afghanistan are part of what is motivating them to engage in violence.”<sup>70</sup> This belief is hugely different from the aforementioned op-ed piece in the *Daily Times* that said people in Waziristan welcome the strikes because they feel safer. It is possible, however, that individuals living outside of the border region become outraged by the attacks and, if not join militant forces, at least support them. The decision to join militant forces is also in many cases motivated by anti-Western sentiment that predates the drone strikes. This sentiment could have existed well before the war in Afghanistan or the 9/11 attacks, with the drone strikes being the tipping point in the decision.

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<sup>67</sup> Dina Temple-Raston, “U.S. Drone Strategy in Pakistan Under Scrutiny,” NPR, <http://www.npr.org/templates/story/story.php?storyId=127377657> (accessed October 20, 2010).

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

## Summary

Regardless of how drones influence civilian decisions to support militant causes and public opinion of the United States, one opinion piece in the *Christian Science Monitor* points out that “the strategic alliance between Pakistan and the United States remains too vital to global security interests to fail, and the modernization of Pakistan’s government, economic infrastructure, and social fabric is a crucial bulwark to keep Muslim radicalism from taking root.”<sup>71</sup> This means that as long as the proxy war in nearby Afghanistan and the Af-Pak drone strikes continue, relations between the United States and Pakistan need to be kept afloat for the sake of both diplomacy and security.

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<sup>71</sup> Ijaz, “A Game Changer for U.S.-Pakistan Relations,” October 28, 2010.

## CHAPTER 2

### LEGAL AND MORAL CONTROVERSY OF DRONES

#### Introduction

One of the biggest controversies facing the CIA's drone program is whether or not the program violates standards of international law. The legal and moral issues stem largely from the fact that the United States is technically not at war with or in Pakistan, and because of the large presence of al Qaeda and other networks in the region, the boundaries of drone strikes are becoming less and less clear. Critics contend that the strikes violate Pakistan's sovereignty and international humanitarian law statutes such as those cited in the Geneva Conventions, while supporters contend that the strikes are a necessary act of self-defense that are in accordance with international standards. Just as the U.S. Constitution is still debated at length in everywhere from history classes to the Supreme Court, so are international legal clauses, especially when they are interpreted in the context of controversial, real-world issues. Those publicly arguing for or against drone strikes are not necessarily Presidents Obama and Zardari—as neither leader likes to speak straightforwardly on the issue—but instead are legal experts, professors, politicians, and aid workers—just to name a few. But because there is no legal framework in place for the drone program, it becomes very difficult to choose sides in the debate without acknowledging valid points from both perspectives. One person might support the strikes because he or she believes drones

are a preemptive and protective measure for both Pakistani civilians and others whose countries are threatened by terrorists, while another might oppose the strikes solely based on legal standards without taking into account the results produced from the strikes.

Even though before his election Obama was a vocal critic of the Bush administration's wartime policies, he shifted gears once elected and boosted U.S. troop presence in Afghanistan and drone strikes in the border region. He continued with the Bush administration's decision to not seek permission from Pakistan for each drone strike and to instead entrust the job to the CIA. Though the Iraq War has simmered down and the transition of power is now taking place under the Obama administration, by all means U.S. intelligence and military activity in the neighboring Af-Pak region has only increased.

### **The Obama Administration's Legal Justification of Drones**

Much of the criticism of the current administration's support of the drone program came with Obama's appointment of Harold Koh as Legal Adviser to the State Department. This decision was met with particular anxiety by those who favor the preservation of national sovereignty over the implementation of international law, meaning it was generally assumed that Koh would advise against further drone strikes because of the belief by many that Pakistan's sovereignty is being violated and that civilians are being put at risk. Prior to Koh's confirmation, he was a vocal critic of the Bush administration's wartime policies, arguing that they not only breached international war laws, but they also outwardly violated international human rights

standards. In his March 25, 2010 address at the Annual Meeting of the American Society of International Law, however, Koh made clear his belief that since taking office, President Obama has made significant strides upholding of human rights norms with respect to drones and other issues. He also defended the administration's current wartime policies, arguing that it has turned away from the illegal detention policies and the inhumane treatment of prisoners—such as what was revealed a few years earlier at both Guantanamo Bay and Abu Ghraib—and is moving towards a policy aimed at upholding international war standards even while continuing the use of military force and specifically the use of drones in Pakistan. Koh has “defended drone killings as lawful because of the armed conflict with al Qaeda and because of the nation's right to self-defense.”<sup>1</sup> During his speech, Koh acknowledged that despite the recent transition of administrations, the United States is still at war. He referenced an excerpt from Obama's Nobel Prize acceptance speech in which Obama said, “we lose ourselves when we compromise the very ideals that we fight to defend. And we honor ideals by upholding them not when it's easy, but when it's hard.”<sup>2</sup> Koh used this quote presumably to make light of the administration's efforts to adhere to moral and legal standards in the midst of compromising situations, such as the one in Pakistan. Koh

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<sup>1</sup> Charlie Savage, “U.N. Report Highly Critical of U.S. Drone Attacks,” *New York Times*, June 2, 2010, <http://www.nytimes.com/2010/06/03/world/03drones.html> (accessed October 10, 2010).

<sup>2</sup> Harold Koh, “The Obama Administration and International Law” (lecture, annual Meeting of the American Society of International Law, Washington, DC, March 25, 2010), <http://www.state.gov/s/l/releases/remarks/139119.htm> (accessed March 25, 2011).

continued by citing specific examples of how Obama has improved the human rights standards of the United States during war, particularly with his many—albeit unsuccessful—efforts to close the Guantanamo Bay prison via executive order. Koh also defended the administration’s current military tactics—including drone strikes—by insisting that the United States has “obeyed legal limits on the use of force when selecting targets” and not violated the law of armed conflict.<sup>3</sup> The law of armed conflict “applies to situations involving an armed, hostile conflict that is not a civil or internal matter.”<sup>4</sup> Someone like Koh would likely cite the drone strikes and how they apply to U.S.-Pakistan relations as an internal matter. The reason for continued military action on behalf of the United States ultimately is to ensure its own self-defense during a military conflict against tangible threats to U.S. security at home and abroad.

Because clauses are open to interpretation, legal experts have a range of opinions about legal experts believe certain legal clauses such as those found in Geneva Conventions allow for the use of predator drones by the United States on foreign soil. In terms of humanitarian issues, the United States contends that drones ultimately keep civilians safer than if militants were allowed to operate freely in the Af-Pak region. And by implementing faith-based and other grassroots initiatives in the region with the help of non-governmental organizations (NGOs) and U.S. federal aid, the United States is taking steps to improve diplomatic relations on a civilian-to-civilian level, not just on

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<sup>3</sup> Savage, “U.N. Report Highly Critical of U.S. Drone Attacks,” June 2, 2010.

<sup>4</sup> Legal Definitions, “Military Law,” <http://legal-definitions.info/Military-Law> (accessed March 4, 2011).

the executive level.

In further defense of the Obama administration, Koh has evaluated and put into context the following four opinions that are frequently cited when opposing the administration's current military policy with respect to drones: one, the act of targeting a specific leader of an enemy force violates international war standards; two, the use of advanced weapons systems in order to kill combatants is strongly discouraged in the international arena; three, the killing of specific targeted individuals disregards the "process" that should be followed and therefore can be constituted as extrajudicial killing; four, targeting and killing high-level leaders disobeys the domestic ban on assassinations.<sup>5</sup> Koh argues against these specific stances by claiming that these technologically advanced weapons such as drones allow the United States to seek out individuals of interest, which in turn diminishes the number of innocent civilians and U.S. soldiers that are killed. That alone is one of the strongest and most loaded moral and ethical defenses of the drone program. Though drones are not always perfect in their target, the fact is they do not require a military presence on the ground, and there is no question that they are more accurate than conventional warfare that could be used to indiscriminately bomb the homes and villages of suspected militant and terrorists.

With regards to the highly advanced technology used to operate drones and find targets, Koh claims "there is no prohibition on the use of technologically advanced weapons systems in armed conflict...so [they are okay] as long as they are employed

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<sup>5</sup> Koh, "The Obama Administration and International Law," March 25, 2010.

in conformity with applicable laws of war.”<sup>6</sup> Such a defense is slightly tricky because the situation in the Af-Pak is by many not considered an armed conflict, but because of its proximity to the war in Afghanistan many supporters argue that Pakistan is a proxy war and thus part of an armed conflict. Koh added that the targeting of enemy leaders is justified when it is done in the name of self-defense or during an armed conflict.<sup>7</sup> Koh makes a good case, although in the days following his speech he received some backlash from legal scholars and in editorials for failing to acknowledge other criticisms of the strikes and for his belief that Pakistan is part of an armed conflict. Koh’s speech is so important because it is one of—if not the—only speeches in which a high-level official discusses the strikes at length. Thus it is important to extrapolate and examine the meanings and rationales behind what he says, especially since he is speaking on behalf of the Obama administration. His speech is fascinating because, not only is it at the cornerstone of the administration’s legal and moral rationale behind the strikes, but it is also carefully crafted so as not to accept responsibility for the strikes or to address head-on the issue of targeting militants outside of a declared war zone. One aptly titled Huffington Post article—*Are Drone Strikes Legal? Koh Offers Assurances, Not Answers*—points out that while Koh’s comments were “welcomed by many” because of the longtime secrecy of the issue, his “mere assertions of the program’s

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

legality fail to provide the accountability that is urgently needed.”<sup>8</sup> For moral, legal, and political reasons it is understandable that critics are demanding more accountability, but, as will be discussed later in this chapter, it seems that transparency is what is needed most—and that accountability will be incidental.

Koh’s carefulness of word choice regarding the strikes is worth taking note of because, again, while his comments are some of the few coming directly from representatives of the administration, they are still quite vague. For example, he makes it clear that the use of force is solely aimed at al Qaeda, the Taliban, and “associated forces.”<sup>9</sup> Although limiting attacks to al Qaeda, the Taliban, and other syndicated groups seems like an obvious acknowledgement, this statement is in fact ambiguous because it completely ignores the territorial issue of where military action is justified. Typically, according to international law, the use of military action is valid only within the states involved in the armed conflict. Thus, depending on how the situation is viewed, it is ambiguous as to whether or not the drones used on Pakistani territory can be legally legitimized. Not only is the issue of whether or not the terrorist planning—and violence in Pakistan and using drones to combat the situation—complicated, but the fact is the neighboring war in Afghanistan and the fight against terrorism is not a conventional war. In this case, the United States isn’t fighting an established government or state, it is fighting non-state groups. By targeting rogue organizations

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<sup>8</sup> Chris Rogers, “Are Drone Strikes Legal,” Huffington Post, April 3, 2010, [http://www.huffingtonpost.com/chris-rogers/are-drone-strikes-legal-k\\_b\\_524115.html](http://www.huffingtonpost.com/chris-rogers/are-drone-strikes-legal-k_b_524115.html) (accessed March 20, 2011).

<sup>9</sup> Koh, “The Obama Administration and International Law,” March 25, 2010.

on non-U.S. soil without declaring war on the country in which the targets are being sought, the legality of the fight becomes much less clear-cut than it would be in a conventional battle. And when the enemies operate just outside of the previously determined war zone—in the this particular case, Afghanistan—it becomes difficult to discern whether or not the fight is just. Further complicating matters is that the Af-Pak border region in which drone strikes occur and most militant violence is taking place is essentially an ungoverned territory, which enables the enemies to almost freely move between territorial borders.

In a *National Journal* article entitled “Are Drone Strikes Murder?”, Shane Harris emphasizes the difficult nature of determining the legality of the use of drones in territories that haven’t officially been deemed war zones. He states that the ambiguity lies in “whether a state of armed conflict—usually a prerequisite for the legal use of violent force—actually exists in places outside Afghanistan where the United States is using drones to kill its enemies.”<sup>10</sup> And, as discussed in great length in the previous chapter, fact that the Pakistani government has not publicly condoned the drone attacks on its territory is also an area of contention with respect to diplomacy, sovereignty and legality.

Given Koh’s past record of defending human rights standards and criticizing the Bush administration’s wartime policies, it is interesting that his viewpoints—at least in terms of the situation in Pakistan—have taken a different turn in the last few

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<sup>10</sup> Shane Harris, “Are Drone Strikes Murder?” University of Texas Web site, <https://webspace.utexas.edu/rmc2289/LT/Shane%20Harris%20in%20NLJ%20on%20Drones.pdf> (accessed May 5, 2011).

years, but perhaps this is not necessarily because of a genuine change of heart. Given his position as Legal Adviser to the Obama administration, it is no wonder that Koh justifies the administration's actions in legal terms. President Obama's supposed change of heart could be speculated about as well. It is very possible that after being elected president he became privy to much more information about the terrorist threat in Pakistan. Or, he might have been urged by military and intelligence officials to continue the strikes for a variety of reasons. And if Koh were not politically linked to the Obama administration, there is a chance he might not voluntarily and publicly defend the administration's use of drone warfare publicly, but at the end of the day his job is to defend who and what he represents—which includes drone strikes.

### **International Law and Drone Warfare**

As for the actual origins and meaning of the law of armed conflict and international humanitarian law, the terms date back to the turn of the twentieth century when international meetings were held to draw up treaties relating to war and conflict, in particular the Hague Conventions of 1899 and 1907, and the four Geneva Conventions, the first of which was drawn up in 1863. Oftentimes international humanitarian law and the law of armed conflict are used separately, but in fact they are interchangeable, along with the term “law of war.” International law, of which international humanitarian law is a part, is defined as “a body of rules that control or affect the rights of nations in their relations with each other.”<sup>11</sup> The legality of CIA

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<sup>11</sup> Merriam-Webster Dictionary, s.v. “International Law,” Merriam-Webster Online Dictionary, <http://www.merriam-webster.com/dictionary/international%20law>

drones in Pakistan is most often debated within the context of the laws of armed conflict, which stem from the four Geneva Conventions of 1949 and two supplemental agreements relating to the protection of victims of armed conflict, entitled the Additional Protocols of 1977.<sup>12</sup> The International Committee of the Red Cross (ICRC) describes international humanitarian law in the following way:

International humanitarian law is a set of rules which seek, for humanitarian reasons, to *limit the effects of armed conflict*. It protects persons who are no longer participating in the hostilities and restricts the means and methods of warfare... International humanitarian law applies to armed conflicts. It does not regulate whether or not a State may actually use force; this is governed by an important, but distinct, part of international law set out in the United Nations Charter... [Humanitarian law] does not cover internal tensions or disturbances such as isolated acts of violence. The law applies only once a conflict has begun, and then equally to all sides regardless of who started the fighting.<sup>13</sup>

The ICRC adds that international humanitarian law covers two areas: “the protection of those who are not, or no longer, taking part in fighting; [and] restrictions on the means of warfare—in particular weapons—and the methods of warfare, such as military tactics.”<sup>14</sup> The Geneva Conventions and their supplements—known as the Additional Protocols—that are often mentioned during wartime or when discussing issues such as drones strikes—are described by the ICRC as “international treaties that

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(accessed March 21, 2011).

<sup>12</sup> International Committee on the Red Cross, “What Is International Humanitarian Law?” International Committee on the Red Cross Web site, <http://tinyurl.com/3ulcfpg> (accessed March 20, 2011).

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

contain the most important rules limiting the barbarity of war. They protect people who do not take part in the fighting (civilians, medics, aid workers) and those who can no longer fight (wounded, sick and shipwrecked troops, prisoners of war).”<sup>15</sup>

### **Principles of Distinction, Proportion, and Military Necessity**

Three very important and disputed principles of war—all of which are applicable to the drone controversy in Pakistan—that pertain to laws about weapons are the “principles of distinction, proportion and military necessity.”<sup>16</sup> The British Red Cross (BRC) describes each of the three principles in concise yet helpful terms. The principle of distinction is “is all about identifying and respecting the very important difference between [combatants and military targets and civilians and civilian objects]. Civilians should be protected against military operations. They should not be targeted for attack. The use of weapons in ways that do not preserve that difference is likely to be illegal.”<sup>17</sup> This also involves sparing as many civilian lives as possible, which segues into the principle of proportion. Proportionality means “that the loss of civilian life or damage to civilian property must be proportional to the military advantage

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<sup>15</sup> International Committee on the Red Cross, “The Geneva Conventions of 1949 and Their Additional Protocols,” International Committee on the Red Cross Web site, <http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm> (accessed March 21, 2011).

<sup>16</sup> British Red Cross, “Weapons of War,” British Red Cross Web site, <http://www.redcross.org.uk/What-we-do/Teaching-resources/Teacher-briefings/Weapons-of-war> (accessed March 21, 2011).

<sup>17</sup> Ibid.

anticipated.”<sup>18</sup> The BRC adds that “It follows that if an army acts to achieve its military objectives, and keeps civilian casualties to a minimum, it can be acting lawfully.”<sup>19</sup> Proportionality is often used in two different ways when it comes to the defense of drone strikes. First, one might argue that because drone strikes and their precision lead to fewer civilian and military deaths on the ground, the damage done by the belligerent to the target is hardly comparable to damage done on the ground. Second, when thinking of drones as more of a preventive measure or a self-defense tool, one popular belief is that “the proportionality of drone strikes must be viewed relative to the threat that they are designed to counter.”<sup>20</sup> A write-up in the *Harvard National Security Journal* adds that “ostensibly, the U.S. Government is attacking [al] Qaeda operatives intent on unleashing catastrophic terrorist attacks against the United States and Taliban insurgents determined to kill agents of the Afghan, Pakistani, American and other NATO governments. When considered relative to the available policy alternatives, few analysts dispute the proportionality of drone strikes.”<sup>21</sup> Viewing proportionality in terms of lives that could be lost as a result of an undetected plan is one of the stronger and more valid arguments in favor of drone use, especially if

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Harvard National Security Journal, “NSJ Analysis: Turning Off Autopilot: Towards a Sustainable Drone Policy,” *Harvard National Security Journal*, March 6, 2010, <http://harvardnsj.com/2010/03/nsj-analysis-turning-off-autopilot-towards-a-sustainable-drone-policy/> (accessed March 21, 2011).

it can be proven that the drones have struck the intended target. To argue that drone strikes cripple efforts by al Qaeda and Taliban operatives and are thus capable of preventing a repeat of the September 11 attacks is another stance that drone supporters have taken when justifying the program. During his speech about drones, Harold Koh “pointed to the international law principles of distinction and proportionality, asserting that American drone attacks were limited to military targets and that incidental civilian casualties were proportional to the military advantage gained.”<sup>22</sup>

The third principle—military necessity—refers to certain acts that “serve a military purpose” that qualifies “certain attacks [that] may be acceptable in law, always bearing in mind the requirement of proportionality.”<sup>23</sup> For example, “using weapons to attack civilian structures – such as roads, bridges or television stations – is [not] necessarily illegal,” as long as they serve a purpose.<sup>24</sup> Essentially this principle implies that civilian structures should not be destroyed indiscriminately and that if these structures are hit, it must be in the name of achieving a greater military or strategic aim. This principle applies less to the drone strikes than the principles of proportionality and distinction, because most of the damage incurred from drone strikes is minimal compared to damage incurred from traditional warfare such as

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<sup>22</sup> Harvard National Security Journal, “Obama Administration Offers Legal Defense Of Drone Attacks,” Harvard National Security Journal, March 28, 2010, <http://harvardnsj.com/2010/03/obama-administration-offers-legal-defense-of-drone-attacks-targeted-killing/> (accessed March 25, 2011).

<sup>23</sup> *Ibid.*

<sup>24</sup> British Red Cross, “Weapons of War,” online.

bombs. Since drones are intended to hit a very specific target and not, for example, several groups of people in a small village, the principle of military necessity in terms of civilian structures is not as applicable to legal arguments for or against CIA drones.

### **Drones and International Treaties**

The Geneva Conventions are often considered the backbone of international law, but the United States is in somewhat of a tricky position because while it ratified all four of the Geneva Conventions from 1864 to 1949, it did not ratify the Additional Protocols of 1977, which were added to further protect civilians during wartime. The point of the Additional Protocols is to “strengthen the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts and place limits on the way wars are fought.”<sup>25</sup> In terms of Pakistani civilians *and* the untraditional nature of the drone strikes and the overall terrorist situation in the border region, that the United States did not ratify the 1977 amendments gives drone supporters some leverage when they attempt to legitimize the strikes via legal and sometimes moral means. If the Geneva Conventions of 1977 are the foundation of international law, then the Protocol I and II amendments are what modernize and keep it sturdy, so not being tied to the amendments is seen as an advantage for drone proponents.

The United States also ratified the Hague Conventions of 1899 and 1907 which, like the Geneva Conventions, are a “group of international treaties that emerged from

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<sup>25</sup> International Committee on the Red Cross, “The Geneva Conventions of 1949 and Their Additional Protocols,” online.

Hague conferences in 1899 and 1907,” at which “various points including a ban on types of war technology, and the adoption of the Convention for the Pacific Settlement of International Disputes, which created the Permanent Court of Arbitration,” were established.”<sup>26</sup> The Council on Foreign Relations notes that the “two Conventions established a model for multilateral meetings to hash out international law, influencing the formation of the League of Nations in 1919.”<sup>27</sup> The Hague Conventions are not cited as often when discussing drone strikes as they do not carry the same weight as the Geneva Conventions, but it is still worth noting that their focus is on the restriction of certain weapons. Some critics also charge that drone strikes violate Article twenty-five of the Hague Convention of 1907, which states that “the attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.” This article of the Convention has less to do with a particular weapon and more to do with the civilian aspect of wartime. In the case of drones, the threat to civilians and loss of life incurred by the strikes has been a point of contention since the program started, but drone supporters would take the stance that while drones might not be perfect in their targets, they are nevertheless better alternatives to more conventional weapons such as bombs and machine guns. They would also argue that the drones are more precise than any other weapon and thus greatly minimize loss of civilian life. Adding to the argued obsolescence of the Hague Conventions is that while

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<sup>26</sup> Council on Foreign Relations, “Hague Conventions, 1899 & 1907,” Council on Foreign Relations, <http://www.cfr.org/international-law/hague-conventions-1899-1907/p9597> (accessed March 25, 2011).

<sup>27</sup> Ibid.

the Conventions were followed up with several amendments in later years, they are still not as applicable to modern conflicts such as the one taking place in the border region.

Another legal and moral obstacle to the CIA's drone program is the United Nations, which is known for its peacekeeping measures and for its humanitarian efforts. A 2010 report by the United Nations Human Rights Council was highly critical of the drone strikes, charging that the program is "undermining global constraints on the use of military force. [It] warned that the American example would lead to a chaotic world as the new weapons technology inevitably spread."<sup>28</sup> The report also calls for more transparency and accountability from both Pakistan and the United States. If the drone strikes are to continue, the report "calls on Pakistan to publicly disclose the scope and limits of any permission granted for drone strikes on their territories. It also calls on drone operators like the United States to disclose the legal justification for such killings, the criteria and safeguards used when selecting targets, and the process for investigating attacks that kill civilians."<sup>29</sup> Being more transparent about the CIA drone strikes would not only mean more accountability, but it would also mean more information about the exact purposes of the strikes would be available to the Pakistani public. Of course, however, the challenge to unveiling more

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<sup>28</sup> Charlie Savage, "U.N. Report Criticizes American Drone Attacks," *New York Times*, June 2, 2010, <http://www.nytimes.com/2010/06/03/world/03drones.html> (accessed March 26, 2011).

<sup>29</sup> *Ibid.*

information about the drone campaign could jeopardize certain aspects of the program that need to remain cover, such as specific locations and names of targets. The report, spearheaded by Philip Alston, the United Nations special representative on extrajudicial executions, takes the call for accountability even further by “[calling] on the United States to stop using [CIA]-operated drones and limit the technology to regular military forces because they are open and publicly accountable for their conduct — for example, by investigating missile strikes that kill civilians.”<sup>30</sup> While the likelihood of this happening is slim due to the sensitive and clandestine nature of the drones issue, Alston’s proposal is worth considering because of the diplomatic, moral and strategic gains that could result from Pakistan and the United States showing more transparency about the program.

### **Law of War: Too Outdated or Still Applicable?**

In an attempt to answer the question of whether the law of war is suited to modern conflicts, The ICRC completed a nearly two-year long study on the current state of international law and determined that “international humanitarian law, in its current state, especially in non-international armed conflict, does not always offer satisfactory legal responses to the needs observed on the ground.”<sup>31</sup> When applying this statement to drone strikes a supporter would say that it perfectly sums up one of

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<sup>30</sup> Ibid.

<sup>31</sup> International Committee on the Red Cross, “Is the Law of War Suited to Today’s Conflicts?” International Committee on the Red Cross Web site, September 21, 2010, <http://www.icrc.org/eng/resources/documents/interview/ihl-development-interview-210910.htm> (accessed March 20, 2011).

the many problems of the legal argument against drones. He or she would likely argue that modern-day conflicts such as the fight against terrorists are not applicable or malleable to treaties that were drawn up nearly a century ago. *Or*, it is possible a supporter might disagree with this statement and, as Harold Koh did, cite the principles of distinction and proportionality as legal rationale for the strikes. Even so, it is hard to argue that the drone strikes are *not* part of a conventional battle, as it is rare to see a nation take on a group of people—not even government dissidents or rebel factions—who are constantly uprooting themselves and not necessarily affiliated with or supported by the government of the country in which they plan their next move. In this case, the ICRC’s study is perfectly on point. The study also concluded the following:

New responses under international humanitarian law must be devised to better protect people deprived of liberty in non-international armed conflict, people displaced within their own countries (IDPs), and the natural environment, and also to help better enforce international humanitarian law and make reparations to those who suffer the effects of violations.<sup>32</sup>

Assuming statutes of international law are not rewritten to tailor to modern-day conflicts for the foreseeable future, legal experts are left to work with what they have and to battle what the *Harvard National Journal* calls “the most intractable legal question concerning drone strikes, [which] is what type of law should apply to them.”<sup>33</sup> Instead of offering one solution to determine the legality and morality of drone strikes, the *Journal* proposes a few, as follows:

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<sup>32</sup> *Ibid.*

<sup>33</sup> Harvard National Security Journal, “NSJ Analysis: Turning Off Autopilot: Towards a Sustainable Drone Policy,” March 6, 2010.

In practice, strikes must be evaluated on an individual basis under a regime that reflects the nature of the target being pursued and the theater in which the strike occurs. Strikes against terrorists and insurgents on the periphery of a war zone will inevitably be held to a different standard than strikes against other actors in other parts of the world. The search for a single over-arching legal regime to govern the use of drones may be inhibited by the diversity of theaters and uses to which drones have been applied.<sup>34</sup>

Determining the legality of drone strikes on a case-by-case basis would be a painstaking process, but it could prove more useful and comprehensive than treating nearly eight years worth of strikes as one entity. Adding to the insight of the aforementioned quote, strikes that happen in the Af-Pak border region cannot be treated the same way as, say, a drone strike by Israel in Gaza. But when strictly looking at the CIA program in Pakistan, it is more possible to examine the legality of those strikes as one major campaign than it is to examine CIA drone strikes in the same debate as drone strikes in other war zones or countries.

### **Measuring the Efficacy of Drones**

One of the most recent, concise, informative, and straightforward discussions on the drone strikes in Pakistan comes from Peter Bergen, Director of the National Security Studies Program at the New America Foundation—at a panel discussion on drones held at Arizona State University in February 2011. At the seminar, entitled “Drones, Remote Targeting and the Promise of Law,” Bergen both quantified and qualified the efficacy of drones by looking at numbers such as civilian deaths and the change in violence in both Pakistan and Afghanistan over the years. Bergen did not touch much on the moral and legal controversy of the CIA’s program, but his

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<sup>34</sup> Ibid.

comments and insight greatly factor into how many of the moral and legal arguments about the program are formed.

Bergen cited a study about violence in Afghanistan, Pakistan and the border region that found that violence in those areas has not gone down in recent years. He said that if using violence in those areas as a tool to measure the efficacy of drones, then “the drone strikes don’t seem to be having that much of an effect on violence in Afghanistan and Pakistan.”<sup>35</sup> In fact, as mentioned in Chapter 1, Bergen helped conduct a poll to determine how the Pakistani population in the border region feels about the strikes. The poll determined that “only nine percent of Waziristan residents approved of the strikes,” despite “anecdotal suggestions that people in Waziristan actually like the drone attacks.”<sup>36</sup> Bergen and the Peshawar-based non-governmental organization that conducted the poll “did not find that to be the case.”<sup>37</sup> This finding contrasts heavily with the opinion piece cited in Chapter 1 in which a Pakistani citizen claimed that the population in the border region welcomes the drone strikes because they feel safer as a result. In terms of exactly who and how many are killed in the strikes, Bergen found the following:

Ninety-four percent of the people being killed in these attacks are lower-level militants, and about four, maybe up to five percent are civilians. We found over

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<sup>35</sup> USTREAM, “Drones, Remote Targeting and the Promise of Law 1,” USTREAM Web site, Online video clip, <http://www.ustream.tv/recorded/12908026> (accessed April 1, 2011).

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

time that the civilian casualty rate has dropped from about 25 percent to about five percent today, which obviously has implications from a legal, ethical and moral point of view.<sup>38</sup>

If this finding were more readily available to the Pakistani public, such an enormous decrease in the rate of civilian deaths over the last six years could be a game changer for the popularity of drone strikes. The number one reason for civilian opposition to the drone strikes is the civilian deaths incurred, but most of the population in the border region does not have access to the technology and resources that would make them privy to this type of information. Of course, five percent is still not zero percent, so no matter what there will always be some opposition, but it is still one-fifth of the initial civilian death rate. But despite the low civilian death rate, that does not necessarily mean drones are always hitting the major players of al Qaeda and the Taliban. Bergen cites the “low rate of leadership who’ve been killed in these attacks...only about two percent can be described as leaders of al Qaeda or the Taliban.”<sup>39</sup> While drone strikes might not directly influence levels of violence in the border region, they also “don’t necessarily lead to an increase in militant violence, either.”<sup>40</sup> Bergen cites the Red Mosque attacks of 2007 in which Islamic militants went head-to-head with Pakistan’s government, led by then-President Pervez Musharraf. This incident, Bergen says, “preceded the ramp up of the drone attacks starting in the

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<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

summer of 2008 [and] was a much more important reason for the violence in Pakistan taking off.” Even if one, as Bergen puts it, “would expect that as the drone program had gone on, that violence in Afghanistan would be suppressed,” it is possible that the CIA’s priority is not decreasing violence within Pakistan but instead is tackling what it sees as a more far-reaching, global threat.<sup>41</sup> If drone strikes do not really influence violence in Pakistan one way or the other, perhaps this is because any internal violence has little to do with the CIA’s broader effort to thwart plans to attack Western targets.

There is some evidence that suggests even if drone strikes are not hitting major targets like Osama bin Laden and Ayman al-Zawahiri, they are nevertheless slowing down efforts by terrorist groups to disseminate their messages. In a February 2011 article by Paul Cruickshank, the CNN terrorism analysts cited data provided CNN by IntelCenter, an American company that tracks al Qaeda statements, [that states] that Zawahiri two years ago managed to get messages out as quickly as [ten] days after a news event. But in the past year, his fastest response time was [thirty-two] days, suggesting that intensified U.S. drone strikes in the tribal areas of Pakistan may have pushed him into deeper hiding.”<sup>42</sup> If this is the case then at the very least the strikes are forcing high-level operatives to continually uproot themselves. This could cause severe disruption to planning efforts, setting back or crippling well-thought out plans.

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<sup>41</sup> Ibid.

<sup>42</sup> Paul Cruickshank, “Analysis: Why Arab Spring Could be Al Qaeda’s Fall,” CNN Web site, February 21, 2011, <http://www.cnn.com/2011/WORLD/meast/02/21/arab.unrest.alqaeda.analysis/index.html?hpt=C1> (accessed March 2, 2011).

The most fascinating part of Bergen's remarks came at the very end when he said the "drone program is the world's worst kept secret," and that "the secrecy that surrounds the program is sort of self-defeating."<sup>43</sup> Much like Philip Alston's report, this is Bergen's way of saying that there should be more transparency surrounding the program. Bergen rightfully points out that such transparency could "serve American policy goals." Another implication is that there would be less moral and legal controversy surrounding the strikes *and* more availability of information. He makes what is perhaps one of the most valid points about the confusion and misinformation surrounding drone strikes, which is that "if it is indeed the case that the United States is killing zero percent civilian casualties, this would be an enormously useful thing to demonstrate in some fashion to the Pakistani public, where quite the reverse is believed."<sup>44</sup> If the United States and Pakistan are looking for more public support for and understanding of the strikes, this is unquestionably one of the best ways to do that. Bergen goes on to suggest that maybe if CIA released videos of strikes to human rights watchers to demonstrate [the low to zero percent casualty rate]" and if it was "demonstrate[d] to the Pakistani public that the Pakistani government is deeply involved in this program, and that the program itself serves Pakistan's interests," it would be far less unpopular in the civilian arena.<sup>45</sup> Not only that, but secrets about the

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<sup>43</sup> Bergen, "Drones, Remote Targeting and the Promise of Law 1," February 24, 2011.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

drone strikes are already out in the open, as evidenced by Senator Dianne Feinstein’s remarks about drones being done with Pakistani help, and with the number of “images available on Google,” just to name a few.<sup>46</sup>

### **Summary**

Whether or not the United States was a signatory of the 1977 amendments to the Geneva Conventions, the drone strikes would not have been precluded solely on that basis—or on the basis of any other international legal document, for that matter. Perhaps it is because statutes in the Conventions are enforced verbally more so than they are physically, but when nations do not adhere to those rules they often face no consequence other than verbal recourse, or perhaps the nations are charged with an offense that very rarely leads to real punishment. And of course the fact that the United States never ratified Protocols I and II gives the government more flexibility when it comes to debating certain issues in international law. In the past, leaders of other nations have attempted to charge members of the George W. Bush administration with war crimes, but for a range of reasons, they have never been brought to trial. And in terms of the drone strikes, Pakistan is not exactly calling for the United States to be brought to justice, despite some public outcry. If Pakistan is tacitly supporting the strikes, as they are widely reported to be doing, then supporters have the better argument. Not only can they use the premise of acting preemptively and in self-defense, but they also have the secret support of the nation in which the strikes are

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<sup>46</sup> Ibid.

taking place. While no one on either side is advocating for civilian casualties, it can be argued that the strikes severely reduce the loss of civilian life, not only in the Af-Pak region, but also on a preemptive basis because the strikes are crippling planning efforts.

Even if the United States did ratify the 1977 amendments, there would still be people who would argue that drone warfare minimizes collateral damage so much that observation of humanitarian law is a non-issue because they feel drones are that effective. On the other hand, others would argue that even though drones may not kill people in droves, the inevitable deaths of even a small handful of civilians and the destruction of property without recompense is as much a violation of human rights as, say, the Abu Ghraib and Guantanamo incidents. Although innocent civilians have undoubtedly been killed as a result of drone warfare, it seems that the United States does in fact assess the potential collateral damage prior to executing these attacks. An article written for the New America Foundation, entitled *The Drone War*, claims, “It is possible to say with some certainty that since the summer of 2008 U.S. drones have killed dozens of lower-ranking militants and at least ten mid-and upper-level leaders within Al-Qaeda or the Taliban.”<sup>47</sup> This statement might seem contradictory to the aforementioned comments by Peter Bergen regarding the low number of high-level

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<sup>47</sup> Peter Bergen and Katherine Tiedemann, “The Drone War,” New America Foundation, June 3, 2009, [http://www.newamerica.net/publications/articles/2009/drone\\_war\\_13672](http://www.newamerica.net/publications/articles/2009/drone_war_13672) (accessed March 2, 2011).

operatives killed in the strikes, but relatively speaking, ten is not a high number compared to the whole number of deaths resulting from the strikes.

The push for more transparency and accessibility seems to be one of the missing strategic and diplomatic links in U.S.-Pakistan relations. If it is possible to better inform the Pakistani public about the accomplishments of the drone strikes without compromising the CIA's ability to continue to track down operatives, then the legal and moral controversy surrounding the program would be far less heated.

## CHAPTER 3

### DRONES AND DIPLOMACY: CAN THEY WORK TOGETHER?

#### Introduction

The September 11, 2001 attacks brought to life the once seemingly distant threat of terrorism and religious extremism. Not surprisingly, after the attacks U.S. foreign policy dramatically changed and everyone from religious scholars to politicians to diplomats to ordinary citizens expressed the fundamental need take action—whether that meant going to war to fight terrorism or altering the way in which America engaged other nations, particularly those in the Middle East. Those who pressed for a shift in U.S. diplomatic efforts abroad came forward with proposed solutions to what appeared to be a major clash of cultures between the secular West and Muslim Middle East. Though many Americans have long prided their country on being a beacon of religious freedom and a place where separation of church and state serves as an example other nations should follow, it became clear that some viewed America as the exact converse. After 9/11, however, America became embroiled in two wars in countries where sectarian violence and religious strife ran rampant, and understanding the religious factors that contributed to the conflicts became imperative to achieving success. In addition to understanding the religious importance in nations such as Iran and Iraq, Pakistan has also emerged as a nation whose citizens place a great importance on Islam, whether that means praying regularly and observing holidays and supporting

a religiously-based constitution, or, on another level, embracing extremist religious teachings that promote violence and anti-Western sentiment.

Despite the unpopularity of the Iraq and Afghanistan wars, and the lesser—but still prominent—criticism of using CIA drones in Pakistan, many still believe that the invasions and the U.S. presence in the Af-Pak region are justifiable, while other critics believe the invasions and drones have only fueled even more of a deep-seated anti-Western sentiment from radical groups and the threat of religious extremism. Others attribute the rise in terrorism and extreme religious ideologies “to the collision of globalization with traditional values, often embedded in religion...or to [the lack of understanding] of religious actors” in non-secular nations.<sup>1</sup> To better identify and eventually rectify these cultural rifts and misunderstandings, several studies have been released and books written, particularly since the start of the wars in Iraq and Afghanistan—both products of the 9/11 attacks and a hard-line foreign policy approach by the former Bush administration. Getting to the root causes of what incites religiously and culturally motivated violence such as the 9/11 attacks and the Christmas 2009 attempted bombing is crucial to understanding why the United States has a diplomatic and military presence abroad, and why so much of terrorist activity is fueled by anti-Western sentiments and a perceived misunderstanding of Islam on the behalf of Western nations. It is also crucial to understanding what motivates terrorist

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<sup>1</sup> Douglas Johnston, “Faith-based Diplomacy: Bridging the Religious Divide,” International Center for Religion and Diplomacy, <http://www.icrd.org/storage/icrd/documents/bridging.pdf> (accessed May 1, 2010).

activity and how diplomatic initiatives and the promotion of religious understanding can help bridge such cultural differences, and maybe eventually help phase out things such as drone strikes.

### **Drones and U.S. Diplomacy and Strategy**

A great deal of the CIA drone program's unpopularity stems from the belief among critics that it negates diplomacy efforts by the United States in Pakistan. Supporters of President Obama hoped that his being elected would repair the United States' reputation among other nations, but critics feel that the vast increase in drone strikes authorized by Obama in Pakistan are a step backward and merely a continuation of one of the former Bush administration's unpopular tactics. While the strikes are literally a continuation of Bush's policies, they are also figuratively associated with what many critics referred to as "Cowboy Diplomacy," referring to the "muscular, idealistic and unilateralist vision of American power" conveyed by George W. Bush during his two term presidency.<sup>2</sup> Bush "aimed to lay the foundation for a grand strategy to fight Islamic terrorists and rogue states by spreading democracy around the world and pre-empting gathering threats before they materialize," but much of this plan backfired, and efforts to promote democracy were overshadowed by two unpopular wars and other perceived yet unrelated hiccups during his presidency.<sup>3</sup>

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<sup>2</sup> Romesh Ratnesar, "The End of Cowboy Diplomacy," *Time Magazine*, July 9, 2006, <http://www.time.com/time/magazine/article/0,9171,1211578,00.html> (accessed March 28, 2011).

<sup>3</sup> Ibid.

For this reason and others it is worth examining the CIA drones program through the prism of broader diplomatic and strategic efforts in Pakistan. The unpopularity of hard-line strategy and diplomacy has overshadowed grassroots efforts by everyone from non-profit groups to the State Department, the U.S. Government's diplomacy-making wing. By examining the number of faith-based initiatives that are being undertaken in the region, it becomes clear that drones are not the only aspect of the American presence in Pakistan. Diplomacy initiatives in the form of setting up schools, expressing interest in learning about said country's religious makeup, and teaching young children and adults about other alternatives to joining extremist causes are not only good for winning the support of the Pakistani public, but they also help the United States in its strategic aims. Taking a quid pro quo approach, the United States could continue to pump a considerable amount of aid into Pakistan in exchange for being able to use Pakistani air space to track down al Qaeda and Taliban operatives. This is not an easy task, however. The diplomatic aspect—or lack thereof, depending on how the issue is viewed—of drones is multifaceted, but the two most important components of making it succeed or gain recognition are grassroots efforts and, as Peter Bergen noted in his remarks at Arizona State University, transparency.

As mentioned in Chapter 1 and at the end of Chapter 2, the poll conducted by the New America Foundation shows that Pakistani civilians—particularly the population of North Waziristan—would prefer help by the United States in the form of aid and education. This right there is precisely the missing component of the drone

strikes. Some policy analysts suggest a more diplomatic approach to the problem, such as implementing faith-based diplomacy initiatives into U.S. foreign policy. Taking more of a soft power, grassroots approach in which education of Pakistani civilians and concern for their long-term well being is a smart way to balance out and complement more hard power initiatives such as the CIA drone program. Not only do grassroots initiatives take some of the heat away from the moral and legal controversy of drone strikes, but many argue that they in fact can help to minimize the radicalization of Pakistani youth and homegrown terrorism in the region.

### **Engaging Non-Secular Communities Abroad**

Iraq, Afghanistan, and the proxy situation in Pakistan remain controversial, yet supporters and opponents of the U.S. presence in those nations continue to come forward with ideas on how to maintain or improve U.S. foreign policy, particularly when it comes to engaging religious communities overseas. With Pakistan at the heart of the CIA's drone campaign, *and* with the border region serving as a safe haven for training and planning terrorist activity, finding ways to incorporate softer, less controversial diplomacy while continuing to target operatives in the region is one of the biggest challenges facing U.S. foreign policy today.

Some of the major names in this debate are former Secretary of State Madeleine Albright, Chicago-based think tank Chicago Council on Global Affairs, and Washington-based research center International Center for Religion and Diplomacy (ICRD). Each one offers numerous and unique perspectives on faith-based

diplomacy—moving beyond traditional, state-to-state relations—but together they unequivocally believe that America needs to revamp its foreign policy at the executive and grassroots levels to be more effective in terms of dealing with non-Western, non-secular nations such as Pakistan. Many such efforts were jumpstarted in the mid-2000s because, as the Chicago Council on Global Affairs points out, “after decades of assuming that religion had only a waning influence, policymakers in the United States have gradually become more aware of religion’s role in many dilemmas and developments around the world.”<sup>4</sup> This finding is crucial when it comes to evaluating America’s relationship with Pakistan, particularly since it is viewed as unstable, largely in part to the ambiguity surrounding the CIA drone strikes but also because of the less than favorable view Pakistani citizens have of the U.S. presence on their turf. Through various outlets such as books, studies, speeches, and forums, Albright, the Chicago Council, and the ICRD all arrive at the consensus that a too-secular U.S. foreign policy will only feed religious extremism and cultural strife, and that the U.S. government “lacks the framework and infrastructure” to properly engage nations whose governments do not separate their constitutions from religion.<sup>5</sup>

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<sup>4</sup> R. Scott Appleby and Thomas Wright, “Engaging Religious Communities Abroad: A New Imperative for U.S. Foreign Policy,” The Chicago Council on Global Affairs, [http://www.thechicagocouncil.org/UserFiles/File/Task%20Force%20Reports/2010%20Religion%20Task%20Force\\_Full%20Report.pdf](http://www.thechicagocouncil.org/UserFiles/File/Task%20Force%20Reports/2010%20Religion%20Task%20Force_Full%20Report.pdf) (accessed May 1, 2010).

<sup>5</sup> David Waters, “‘God gap’ impedes U.S. foreign policy, task force says,” *Washington Post*, February 24, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/23/AR2010022305103.html> (accessed May 1, 2010).

The Chicago Council released a nearly 100-page study in February 2010 on why it believes American foreign policy is too secularized, and how that undermines attempts by its military and diplomats to strengthen ties with non-secular nations. The study, divided into four sections and conducted by a task force of religious scholars, diplomats, and former government officials, clearly states its aims by introducing its purpose and assessing the current state of U.S. foreign policy, identifying the strategic challenges the United States faces, and proposing a way to move forward with and implement faith-based diplomacy. Religious conflict is prevalent in countries ranging from Pakistan to Sri Lanka to Sudan, so the study provides a general framework for engaging not one specific nation, but many nations. The study acknowledges that although many of its proposals and “examples in [this] report have to do with Muslim communities,” the models for faith-based diplomacy are applicable to a range of non-secular nations, including “Evangelical Christian nations in Africa, Pentecostal countries in Latin America, and religious minorities in the far East.”<sup>6</sup> This one-size-fits-all mold might sound generic, but the Chicago Council is confident it is better than the status quo of minimal engagement and that America’s role in these countries should be consistent. Another reason why the task force’s recommendations are meant to work for various nations is because even though the religious conflicts might be different in one country than they are in another, the United State should take a well

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<sup>6</sup> Ibid.

laid out approach, especially since “the terrorist attacks of September 11, 2001 led to a surge in interest in religion, but subsequent U.S. government responses were uncoordinated, under resourced, haphazard, and often counterproductive.”<sup>7</sup> But if the faith-based initiative continues to keep the attention of Americans and in turn receives better funding and support, especially in countries where religious conflict is prevalent *and* the United States has vested interests—be they economic, strategic, or diplomatic—then the role of non-state actors will help balance out and counteract the viewpoint that America relies too heavily on its defense policies, such as the CIA drone program.

One major obstacle that faith-based diplomacy proponents face is that the United States does not have enough religious experts capable of engaging non-secular communities. Although the 9/11 Commission—one of the first of its kind to advocate for more engagement of religious communities abroad—pushed for more funding to find and train the right people, religion is still, nearly nine years later, the “missing dimension of statecraft.”<sup>8</sup> Albright laments in her 2006 book *The Mighty and the Almighty* that she did not have religious expertise at her disposal when she was at State: “with the notable exception of Ambassador [Robert] Seiple, I did not have

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<sup>7</sup> Appleby and Wright, “Engaging Religious Communities Abroad,” 21.

<sup>8</sup> International Center for Religion and Diplomacy, “Intellectual Basis,” International Center for Religion and Diplomacy Web site, [http://www.icrd.org/index.php?option=com\\_content&task=view&id=15&Itemid=44](http://www.icrd.org/index.php?option=com_content&task=view&id=15&Itemid=44) (accessed May 1, 2010).

similar expertise available for integrating religious principles into our efforts at diplomacy. Given the nature of today's world, knowledge of this type is essential."<sup>9</sup> She also argues that such knowledge must be available just as much as economic, nuclear, nonproliferation and arms control, and of course linguistic experts are available.

Though much of the time it appears that religious groups such as the Muslim Sunnis and Shias have reached an ideological and religious impasse, Albright underscores the importance of being persistent in trying to understand what divides them and translate this understanding into action, as opposed to assuming that military action and traditional diplomacy can solve their problems. If we ignore "religious motivations," such as any that propel terrorist planning and activity, America could very well see another uprising just as it did in 1979 in Iran with the shah.<sup>10</sup> Albright fears that such "motivations do not disappear simply because they are not mentioned; [contrarily,] they lie dormant only to rise up again at the least convenient moment. As our experience in Iran reflected, the United States has not always understood this well enough."<sup>11</sup> Even before 9/11, the United States was still indirectly involved in religiously motivated conflicts, such as the aforementioned Iranian Revolution when the secular, U.S.-backed shah was overthrown by Iranian Muslims who wanted a

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<sup>9</sup> Madeleine Albright, *The Mighty and the Almighty: Reflections on America, God, and World Affairs* (New York: Harper Perennial, 2007), 75.

<sup>10</sup> *Ibid.*, 73.

<sup>11</sup> *Ibid.*

religious *and* political leader—particularly one who they saw as the antithesis of a puppet of the West. Though Albright does not mention him in her book, she would probably draw some similarities between the U.S.-backed shah and the U.S.-backed government of Hamid Karzai in Afghanistan, and perhaps on a smaller scale the U.S.-supported Asif Ali Zardari government of Pakistan. She might also urge caution when it comes to dealing with certain Afghan and Pakistan civilians who favor an Islamist leader and sharia law over a more secular, Western-like constitution. And while Pakistan in 2009 arranged a deal with certain communities in the border region that allowed them to implement sharia law, this appeared to be more of a deal cut out of intimidation from pro-Taliban community leaders. Because the border region is considered a Taliban stronghold, leaders and trainees have used the territory as a planning center and breeding ground for terrorists. When deeply religious communities express desire for a spiritual and political leader—known as a *caliph*—to turn to, they often become disillusioned by secular governments that appear to suppress religiously based law, and this is often how the United States is viewed. That is one reason why faith-based initiatives in Pakistan—particularly in the virtually lawless tribal regions that prefer sharia leadership—are tricky, because it is hard to draw the line between expressing a genuine interest in helping and being perceived as meddling in another country’s affairs.

Though recent behavior and troubling remarks made by Karzai have led the Obama administration to “pointedly [decline] to call Karzai a U.S. ally,” they

“typically [refer] to him as a ‘partner’ in its efforts to fight terrorism, and see him as the best alternative to a country that is constantly threatened by insurgents.<sup>12</sup> But the problem with Afghanistan and its neighbor Pakistan is that so many of their citizens are deeply religious, as are terrorists who have cells and active operations in these countries. Advocates of faith-based diplomacy argue that even though these countries are home to religious extremists, there are also ordinary citizens who still want to see sharia law implemented because their faith guides their way of life. In fact, in August 2009 Karzai took heat from Western allies and human rights groups when his parliament signed into law an agreement that allowed Afghan Shias to practice sharia law. Karzai ostensibly did this to placate an underrepresented base in a largely Sunni country, but groups like the U.N. Development Fund for Women were outraged, “[stating] that the legislation... ‘legalize[d] the rape of a wife by her husband’ by allowing men to force sexual intercourse on their spouses.”<sup>13</sup> However, “because of the focus on religion’s role in the ‘war on terror,’ religion’s increasing visibility in political life [is] cast too often as a ‘problem’ or threat, something to be seen only through the

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<sup>12</sup> Michael Shear, “White House hints it might cancel Obama meeting with Afghan president next month,” *Washington Post*, April 7, 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/04/06/AR2010040602175.html> (accessed May 1, 2010).

<sup>13</sup> Atia Abawi, “Karzai: Afghanistan to review criticized sharia law,” CNN Web site, April 4, 2009, <http://www.cnn.com/2009/WORLD/asiapcf/04/04/afghanistan.womens.rights/index.html#cnnSTCText> (accessed May 1, 2010).

lens of terrorism and counterterrorism strategy.”<sup>14</sup>

Along the lines of counterterrorism strategy, many critics of the U.S. presence in Iraq, Afghanistan and Pakistan believe that U.S. foreign policy has become too militarized and that traditional diplomacy has fallen by the wayside, meaning too few efforts have been made to use State Department Foreign Service officers (FSOs) and other diplomats as a complement to the Pentagon’s war effort and to the CIA’s drone program. While progress in counterterrorism efforts is crucial to long-term success abroad, faith-based diplomacy advocates also believe that strategy is much more all-encompassing in that success also includes winning support from the citizens of the country in which there is a foreign presence. Again, because the two wars have put U.S. foreign policy focus mostly on Iraq and Afghanistan—Afghanistan in particular—many of the critiques from those who favor faith-based diplomacy are linked to the wars, but the general sentiment is that a military presence abroad is one of many—but not the sole—elements to achieving stability and improving relations. This is where the use of State Department resources becomes crucial; if more FSOs are trained in religion just as they are in second, third and fourth languages, and more mediators trained in religion they might be able to put themselves in the position of those they or others are fighting and become better at targeting terrorists. Albright wholeheartedly believes that is one aspect of faith-based diplomacy that can serve the interests of the United States. In terms of helping others, this can be done much more effectively by

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<sup>14</sup> Appleby and Wright, “Engaging Religious Communities Abroad,” 21.

promoting understanding of religious practices and thus becoming better mediators and negotiators. Take the Arab-Israeli conflict, for example. Though the Americans will never fully understand the hurt and anger both sides feel toward one another, they can at least try to by getting to the core—nuances and all—of their religious beliefs—something author and conflict resolution expert Marc Gopin suggests.

Forging lasting partnerships with heads of state *and* local religious communities is a huge challenge, and the Defense and State Departments alone cannot be expected to bear the full brunt of these responsibilities—at least not according to the Chicago Council and the ICRD. While all three groups acknowledge the challenges that lie ahead, the Chicago Council and ICRD in particular have identified these exact challenges in hopes of making the United States better prepared to build lasting partnerships with and gaining the respect of religious communities. While some efforts have been made over the last twenty years, very few of the recommendations put forth by these organizations have been implemented. Because of America’s many bilateral alliances and tendency to support autocratic regimes and dictatorships in favor of communist governments, these groups urge caution when it comes to dealing with many of these nations that are known for violating human and civil rights, such as China. Additionally, when it comes to nations that convert from non-democratic to democratic governments, “there is a concern that the introduction of elections in certain countries could result in the empowerment of parties and movements often

defined in religious terms, with an expressed anti-American agenda.”<sup>15</sup> These strategic challenges must be recognized before the United States can press forward in implementing faith-based diplomacy, according to the ICRD and Chicago Council.

### **Grassroots Initiatives in Pakistan and Neighboring Countries**

When it comes to other solutions, Albright, the Chicago Council, and ICRD are in general accord. But Albright’s and the Chicago Council’s suggestions differ slightly from those of the ICRD in that they advocate for greater use of the State Department’s diplomats, namely FSOs, as opposed to efforts coming from the grassroots level—although to be clear, both Albright and the Chicago Council *do* push for grassroots initiatives, just not with the same voracity as the ICRD. Training FSOs to be as well-versed in religion as they are in foreign languages would lead to a greater diplomatic presence that would complement the overriding military presence in places like Iraq and Afghanistan. While the ICRD would likely not disagree with this, it would argue that an increase in diplomatic presence is not enough and is even out of touch, considering most of its missions involve efforts from non-state actors such as non-governmental organizations (NGOs) that deal with human rights and environmental issues, teachers, and community leaders. It might also add that while no one can dispute the skills and intelligence of FSOs, they still exude an “elitist” presence and are too far removed from “ordinary” citizens to make an impact at the grassroots level. Most diplomats are stationed in capital cities and conduct relations with other

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<sup>15</sup> Ibid., 43.

diplomats and leaders, so on an executive level there might be change, but it would be one that could easily go unnoticed by ordinary citizens, such as those living in the tribal regions of Pakistan. That is one of the reasons why current Secretary of State Hillary Clinton recently stressed the importance of citizen journalists and social media outlets such as Twitter and Facebook. Such encouragement gives credence to Albright's point that that the State Department must adapt to the changing political and religious climate by not only bringing on FSOs who know just as much about certain faiths as interpreters know about a certain language, but also by supporting efforts at a much more "Main Street" level. Essentially, America as a whole must be ready to remold itself with the changing political, social, religious, and technological world. But religious adaptation might be the most difficult task of all, as policy-makers must, according to Albright, "harness the unifying potential of faith, while containing its capacity to divide. This requires, at minimum, that we see spiritual matters as a subject worth studying."<sup>16</sup> Albright also writes that in order for the U.S. "to lead internationally, American policy-makers must learn as much as possible about religion and then incorporate that knowledge in their strategies."<sup>17</sup> Her assessment is spot-on, especially given the fact that the U.S. is fighting two wars against religiously motivated terrorist groups. While religion will never justify the acts of 9/11, an understanding of Islamic fundamentalism, for example, will at least help diplomats and mediators make

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<sup>16</sup> Albright, *The Mighty and the Almighty*, 66.

<sup>17</sup> *Ibid.*, 74.

better sense of the rationale behind such actions. However, Albright warns of the sensitivity and difficulty of this practice: she cites “Bryan Hehir...[who] has compared this challenge to brain surgery—a necessary task, but fatal if not done well.”<sup>18</sup>

Despite Albright’s recommendation to amp up funding for the State Department, she also agrees with the Chicago Council and the ICRD on the need for “soft power,” meaning not just relying on the American military to engage other nations. Soft power could even include the use of FSOs, but many other tools as well. The Obama administration’s emphasis on soft power and winning the “hearts and minds” of nations like Afghanistan and Iraq is a departure from the Bush administration’s reliance on the clout of the U.S. armed forces, especially given the President’s desire to change the way America is perceived by all foreigners, not just the Middle East. This use of soft power can be used not only towards nations where there is a large military presence, but in all non-secular nations as well. In a 2006 speech in Brussels, ICRD president and founder Douglas R. Johnston said that “the purposeful exclusion of elements that clearly play a central role in some situations has left foreign policy practitioners with an inadequate frame of reference for dealing with problems of communal identity that manifest themselves in the form of ethnic conflict, tribal warfare, and religious hostilities.”<sup>19</sup> Some specific examples of ICRD initiatives

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<sup>18</sup> Ibid.

<sup>19</sup> American Institute for Contemporary German Studies, “Foreign Policy and Cultural Engagement,” American Institute for Contemporary German Studies Web

in Pakistan include working with teachers at *madrassas* to “secure a better future for the children of Pakistan and to enhance global security in a meaningful way.”<sup>20</sup> The ICRD adds that it is “helping teachers of Pakistan’s *madrassas*...by conducting teacher-training workshops” as described below:

[That] encourage expansion of the *madrassas* curriculum to include the scientific and social disciplines, with a special emphasis on religious tolerance and human rights (particularly women’s rights); encourage the adoption of pedagogical techniques that can promote critical thinking skills among the students; convey conflict resolution and dialogue facilitation skills; and equip newly-trained teachers with the skills to train other previously uninvolved *madrassas* leaders in these same areas.<sup>21</sup>

Echoing the sentiments of the ICRC during a speech in 2008 at St. Anselm College, Johnston discussed reforming Pakistan’s *madrassas*. Many of these schools, he said, have become increasingly anti-Western, with instructors citing passages from the Qur’an to incite and justify violent behavior. Many students, Johnston notes, do not even understand what they are reading but because they are indoctrinated with extremist teachings at such a young age, Islamic fundamentalism becomes an inextricable part of their identity. To give credence to the aforementioned steps being taken by ICRD workers in *madrassas*, Johnston claims one former “hard-line”

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site, <http://www.aicgs.org/analysis/c/djohnstonoct06.aspx> (accessed December 20, 2010).

<sup>20</sup> International Center for Religion and Diplomacy, “Our Projects: Pakistan,” International Center for Religion and Diplomacy Web Site, [http://www.icrd.org/index.php?option=com\\_content&task=view&id=83&Itemid=104](http://www.icrd.org/index.php?option=com_content&task=view&id=83&Itemid=104) (accessed December 20, 2010).

<sup>21</sup> Ibid.

madrassas in Karachi “that had spawned the two most violent anti-Shiite terrorist groups and that was thought to be the chief supplier of fighters for Kashmir and Chechnya,” the school completely changed and essentially defected from Islamic extremist ways.<sup>22</sup> Despite other incidents of misappropriation of funds to Pakistan in the past, which will be discussed later in this chapter, the United States continues to support grassroots efforts in the region, though most of these efforts are overshadowed by the strikes and militant violence in the Af-Pak region. For example, in the 2009 Kerry-Lugar-Berman bill, the U.S. committed to tripling economic assistance to Pakistan, setting aside a total of more than three hundred million dollars for the fiscal year 2010. According to the *Foreign Policy* website, “the point of funneling so much money into Pakistan’s is to prevent religious extremism in the area.”<sup>23</sup> In tribal areas of Pakistan, where many of the drone strikes take place, “Pakistani madrassas undeniably continue to impact security in the region...madrassas established in refugee camps in this region were in part responsible for educating and training the Taliban's leadership

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<sup>22</sup> Douglas Johnston, “Faith-Based Diplomacy: Bridging the Religious Divide,” James A. Baker III Institute for Public Policy, <http://www.bakerinstitute.org/publications/REL-pub-JohnstonFaithBasedDiplomacy-2009.pdf> (accessed March 25, 2011).

<sup>23</sup> Corinne Graff and Rebecca Winthrop, “Busting Pakistan's Madrassa Myth,” The AfPak Channel, July 1, 2010, [http://afpak.foreignpolicy.com/posts/2010/07/01/busting\\_pakistans\\_madrassa\\_myth](http://afpak.foreignpolicy.com/posts/2010/07/01/busting_pakistans_madrassa_myth) (accessed March 25, 2011).

during the Afghan-Soviet war, and some militants continue to recruit in these schools.”<sup>24</sup>

One of the hopeful end results of such a partnership between the ICRD and madrassas administrators is not only greater understanding among different sects of Islam, but also a greater appreciation for and understanding of grassroots diplomacy efforts by Western organizations. The ICRD quoted one madrassas administrator as saying, "I felt all the anger and rage I have carried for so many years about the Americans washed away from my being . . . the ten days spent on learning and in reflection helped me put the pieces together to reach out in peace instead of constantly burning with anger.”<sup>25</sup> The “anger” the administrator feels is ostensibly towards either the overall American presence abroad, or perhaps more specifically in his own country of Pakistan. One thing that is clear is that that ICRD seems to think its training programs with madrassas administrators have had a positive effect on U.S.-Pakistan relations, even if it is on an individual level. The organization boasts:

Graduates of these teacher-training workshops have demonstrated a commitment to the principles of peacemaking and have asked for training in conflict resolution skills that will enable them to reach out in peace to other sects and to other countries as well. Notably, certain madras[s]a leaders who formerly preached the need to fight America are now preaching the need for reconciliation and peaceful coexistence.

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<sup>24</sup> Graff and Winthrop, “Busting Pakistan, Madrassa Myth,” July 1, 2010.

<sup>25</sup> International Center for Religion and Diplomacy, “Our Projects: Pakistan,” online.

One of the aims of working with madrassas educators is to shift the curriculum from being fueled by a religiously based desire to fight Western nations that are seen as compromising their religious autonomy. Just as the use of FSOs is an integral part of soft power, so is faith-based diplomacy and the concerted effort to include into the process a range of non-state actors; in fact, the two are almost interchangeable, especially given three recent speeches—two made by President Obama and another made by former commander of the U.S. Central Command, retired General Anthony Zinni. When Obama spoke in December 2009 to students at West Point about his new strategy for Afghanistan and Pakistan, he noted that “[America’s] security and leadership does not come solely from the strength of our arms.”<sup>26</sup> The President also “conveyed a new smart power view of security that ‘derives from our people [including] ... Peace Corps volunteers who spread hope abroad, and from the men and women in uniform who are part of an unbroken line of sacrifice.’”<sup>27</sup> Six months earlier in June 2009, Obama addressed students at the University of Cairo and expressed his desire to reach out to Muslim communities and make a clear distinction between America’s Muslim allies and Muslim extremists. The speech, noted by both the Chicago Council and the ICRD, was largely seen as a door-opener to forge friendships

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<sup>26</sup> David Caprara, “Obama’s Smart Power Surge Option,” Brookings Institution Up Front Blog, December 8, 2009, [http://www.brookings.edu/opinions/2009/1208\\_volunteering\\_caprara.aspx](http://www.brookings.edu/opinions/2009/1208_volunteering_caprara.aspx) (accessed May 1, 2010).

<sup>27</sup> Ibid.

and understanding between the United States and Muslim communities, *and* as a genuine outreach to those who see the American involvement in Iraq, Afghanistan and Pakistan as an assault on Islam as a whole. In December 2009, Gen. Zinni spoke to an audience at the ICRD, where he “pointedly noted that hard power alone cannot fight terrorism; economic and social factors of terrorist populations should be addressed... he further noted that empowering faith-based approaches ‘is a tremendous asset to inform the ways we mediate and find common ground ... to figure out what the other side of smart power means.’”<sup>28</sup> So even though Obama’s continuing of Bush’s drone program might seem contradictory to his messages in his aforementioned speeches, it shows an effort to try and reconcile both hard power with diplomacy and religious understanding. Although he is over halfway done with his term, it seems that Obama has made strides in bridging the gap between a more hard-line policy such as the CIA drone program and a softer one such as the promotion of religious understanding abroad.

Adding to Obama’s push for soft power and faith-based diplomacy is the argument by Albright, the Chicago Council and the ICRD that the United States needs to better understand the “fissures” within religious communities as opposed to looking at situation through a macroscopic perspective.<sup>29</sup> Studying the nuances and complicated history behind many religions and religious communities will lead to a

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<sup>28</sup> Ibid.

<sup>29</sup> Appleby and Wright, “Engaging Religious Communities Abroad,” 47.

better understanding of the source of many religious conflicts and, in turn, more feasible solutions for reconciliation. An example of this is understanding the fractures between Sunnis and Shias and how that contributed to the expansion of al Qaeda. The Chicago Council cites the “rise of al Qaeda is a consequence of an ideological civil war within Islam...and the Shia revival in the Middle East [as] an historic phenomenon with causes and momentum internal to the Muslim world.”<sup>30</sup> After al Qaeda in Iraq (AQI) claimed responsibility for bombing of the Golden Mosque in Samarra in 2006, this became the group’s “ticket to civil war” and led to a major turning point in the Iraq conflict that “American officials almost entirely ignored.”<sup>31</sup> One former senior U.S. State Department official described the Iraqi national security advisor’s daily brief a few days after the attack as “a dialogue of the deaf...a detailed, very jargon-filled and intricate PowerPoint brief on the latest trends, followed by a strictly quantitative assessment of progress...The Americans were mainly interested in active kinetic operations against insurgents and terrorists [than they were in the attack]...[They] all looked satisfied.”<sup>32</sup> Essentially, by either ignoring such conflicts and their religious overtones or by “naively weighing in on theological arguments when [individuals] lacks the expertise and the means to do so...the results can be counterproductive.”<sup>33</sup>

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<sup>30</sup> Ibid.

<sup>31</sup> Ibid., 15.

<sup>32</sup> Ibid., 15.

<sup>33</sup> Ibid., 48.

When it comes to going beyond picking apart the perceived problems with U.S. foreign policy and offering suggestions other than greater resources in the State Department and more religion-friendly rhetoric a la the Obama administration, the Chicago Council and the ICRD offer the greatest number of concrete solutions and recommendations. They go beyond the inclusion of faith-based theories and principles and rhetoric, and offer solutions that can be put into action and yield tangible results. In 2006 presentation at the State Department, Johnston pushed for more “alternatives” and for more cultural engagement of religious communities as a way to “complement [U.S.] military action,” because he felt the United States [did] not “have any ability to deal with demagogues like bin Laden or [Slobodan] Milosevic who manipulate religion for their own purposes, and because we “have...little ability to deal with religious differences in a hostile setting,” Johnston says it is imperative to find alternatives.<sup>34</sup>

To further underscore the influence of faith-based diplomacy at the grassroots level versus the executive level, Johnston also noted in his lecture at St. Anselm how just after 9/11 the U.S. government gave Pakistan \$100 million to reform its school system, with focus on the madrassas. Johnston claims this money was essentially wasted and never properly used, and that dealing with issues such as reforming local Pakistani schools should be dealt with on a much more person-to-person, organization-to-organization level. By focusing more on people-to-people—not just state-to-state—interactions, the ICRD believes reconciliation is much more feasible and that

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<sup>34</sup> Ibid., 2.

government bureaucracy and wasteful spending are bypassed. Even though the intentions of the Bush administration were good, handing the Pakistani government a lump sum of money did little or nothing to remedy the madrassas issue, ostensibly because the money was never used for its intended purpose or was poorly distributed.

Though the Chicago Council stresses efforts at the grassroots level, it also stresses the need for better organization within the U.S. federal government as a prerequisite for properly engaging religious communities abroad. First and foremost is the recommendation “that the effort to address the role of religion in world affairs be directed by the National Security Council (NSC), which [would] serve as the guardian of [the religion] issue and the definer of the strategic parameters of engagement.”<sup>35</sup>

Though other agencies would be involved in the effort, they would serve under the auspices of the NSC to ensure coordination and prevent overlap and bureaucracy. And adding to Albright’s suggestions of engagement at the diplomatic level, the Chicago Council cites a direct passage from her *The Mighty and the Almighty* book to support its recommendation: “In the future, no ambassador should be assigned to a country where religious feelings are strong unless he or she has a deep understanding of the faiths commonly practiced there.” The appointment of religious experts should be considered in a number of countries in which religion plays a major role, including—but not limited to—Afghanistan, Brazil, China, Egypt, India, Kenya, Malaysia,

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<sup>35</sup> Appleby and Wright, “Engaging Religious Communities Abroad,” 56.

Nigeria, Saudi Arabia and the Vatican.<sup>36</sup> Some other recommendations at the diplomatic level include piggybacking on President Bush's appointment of a special envoy to the Organization of the Islamic Conference (OIC), preferably a Muslim American; providing mandatory training to FSOs, military, and development sectors on the role of religion in the world; supporting the White House Office of Faith-based and Neighborhood Partnerships, and continuing to consult the Defense Department's counterinsurgency manual, which was rewritten during the Bush years "to take account of cultural factors, including religion."<sup>37</sup>

Also supportive of these types of recommendations is current Defense Secretary Robert Gates, who "cautioned: 'Never neglect the psychological, cultural, political, and human dimensions of warfare, which is inevitably tragic, inefficient, and uncertain.'"<sup>38</sup> Though these recommendations might evoke bureaucracy and elitism to some, the Chicago Council maintains that in the past—when such recommendations have been implemented, even on a smaller scale—"the successes of religious engagement [have been] entirely ad hoc," meaning the result is produced at the individual level and on a case-by-case basis.<sup>39</sup> Though the suggestions apply to multiple countries, the formulas for success of religious engagement are discovered as

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<sup>36</sup> Ibid., 57.

<sup>37</sup> Waters, "God gap' impedes U.S. foreign policy, task force says."

<sup>38</sup> Appleby and Wright, "Engaging Religious Communities Abroad," 60.

<sup>39</sup> Ibid., 26.

said diplomat or ambassador becomes more and more familiar with his or her post, as long as he or she is willing to go beyond the confines of the embassy to make the discovery. One way to train these diplomats is to “integrate and nurture the skills and expertise of military veterans and civilians returning from Iraq and Afghanistan” into the learning process. This suggestion speaks for itself; by using war vets to draw on their own experiences, the training process is given a much more human face.<sup>40</sup>

### **Critiques of Faith-Based Diplomacy**

Inevitably, faith-based diplomacy has its critics. Much of the criticism of faith-based diplomacy comes from policymakers who advocate state-to-state relations as the best way of engaging any foreign country, secular or not. Because many of the recommendations from everything from the 9/11 Commission to the recent study by the Chicago Council have not been implemented, criticism is not as prevalent as it would be otherwise. The use of faith-based diplomacy and other methods of soft power might take away from America’s overall strategy, whereas governing more forcefully will reinforce America’s spot as a world superpower. In 2003 Johnston devoted an entire book to this subject, penning the appropriately titled *Trumping Realpolitik: The Case for Faith-Based Diplomacy*. The book’s title implies that faith-based diplomacy goes against the principles of realpolitik and the reliance on state-to-state relations as one of the few means to an end. Johnston believes that if realpolitik advocates for the use of “rational” actors in foreign policy, then “the question then becomes which of

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<sup>40</sup> Ibid., 61.

these two positions comes closest to the ‘real’ meaning of *realpolitik*, dogmatic self-limitation or a rational willingness to see the world whole?”<sup>41</sup> It is fair to say that based off the title alone critics believe that including faith-based diplomacy and soft power in foreign policy weakens and complicates diplomatic efforts along with America’s stance on terrorism. One college professor in Japan who participated in a public symposium at Harvard University on soft power believes that the concept [of soft power] underlies the philosophy of the ancient Chinese strategist Sun Tzu’s adage ‘It is best to win without fighting.’” This implies that a country can craft successful foreign policy and “obtain the outcomes it wants not through coercion or rewards but through its attractiveness—specifically, the attractiveness of its culture, political values, and policies.”<sup>42</sup> Joseph Nye, “the man who coined the term ‘soft power,’ cites one of many instances in which image and perception matter: “A good example is Turkey’s refusal, out of concern for domestic anti-American sentiment, to permit U.S. forces to make use of bases in Turkey, which significantly limited U.S. forces’ options for its 2003 Iraq invasion.”<sup>43</sup> Even though this example is not a reflection of religiously based rifts, it is easy to see how faith-based diplomacy is one of the many components

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<sup>41</sup> American Institute for Contemporary German Studies, “Foreign Policy and Cultural Engagement,” online.

<sup>42</sup> Yasushi Watanabe, “Revisiting Soft Power,” The Center for Global Partnerships, <http://www.cgp.org/index.php?option=article&task=default&articleid=342> (accessed May 1, 2010).

<sup>43</sup> Watanabe, “Revisiting Soft Power.”

of soft power. Perhaps Turkey had other reasons for not allowing the U.S. to use its bases, but what Nye is trying to say is that he feels if nations make efforts to improve their image in the eyes of other nations, they could forge stronger partnerships and fulfill mutual economic, political and social interests.

On a visceral and ideological level, it will be very challenging to convince diplomats and politicians with Realist views on international affairs that faith-based diplomacy is a workable part of U.S. foreign policy, especially when contrasting it with scenarios such as the war in Afghanistan or the CIA drone program. On a practical level, it will be even tougher to implement tangible solutions, largely because the United States is already thinly stretched in Iraq and Afghanistan, and thus foreign policy efforts remain very centralized. Finally, and perhaps the biggest obstacle faith-based diplomacy faces is pointed out by The Center for Global Partnership, which says that even though soft power is in theory very palatable, “America [always] turns to hard power” because ultimately it stands to gain the most from hard-line policies that best serve its own interests and goals.<sup>44</sup> Engaging other nations and in turn patching up America’s image abroad *while* achieving personal gain is a challenge all powerful nations have struggled and will continue to struggle with. But by the same token, many are convinced that “religious contributions to conflict mediation, open political debate, intercultural dialogue, and the search for common ground in a religiously plural setting will help enormously to build the social and cultural infrastructure necessary to give

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<sup>44</sup> Ibid.

life to universal principles of justice, fairness, human and civil rights, gender equality, economic opportunity, and the rule of law.”<sup>45</sup> The push for faith-based diplomacy and engagement of religious communities abroad seems today to have more momentum than ever before, especially since a senior Obama administration official said the issue “has high senior level attention,” but it remains to be seen if it will move to the forefront of U.S. foreign policy.<sup>46</sup>

### **Summary**

Given the above analysis of faith-based initiatives and grassroots diplomacy, it is clear that trying to get soft and hard power to work in harmony with one another is not an easy task, but they do have potential to work hand in hand or, at the least, complement one another so that one does not completely overshadow the other. For this reason it is worth revisiting the poll mentioned in Chapter 1 in which Pakistanis said they would welcome an American presence in the tribal region in the form of humanitarian help but that they disapprove of how America goes about conducting its affairs on their turf, namely referring to drone strikes. Based on this information it is hard to tell whether Pakistanis would be more tolerant of the strikes and the CIA’s presence in the border region if they were given more access to humanitarian aid and to information about the drone strikes. But if American NGOs and FSOs brought more religious understanding and education initiatives to Pakistan, the United States could

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<sup>45</sup> Appleby and Wright, “Engaging Religious Communities Abroad,” 51.

<sup>46</sup> Waters, “‘God Gap’ Impedes U.S. Foreign Policy.”

achieve several diplomatic and strategic gains, one of which might be taking some of the heat off of the drone strikes. An increase in faith-based diplomacy would not even necessarily be for the sole purpose of deterring Pakistanis' thoughts, but it would also demonstrate an effort on the United States' part to have more than a covert presence embroiled in legal and moral controversy.

If it is true that many civilians living in the tribal regions and frontiers—those who are most affected by the strikes—do not support the strikes because they feel the strikes are a death sentence for the civilian population in the border region, then why not make findings and statistics such as those Bergen presented more available to the public, *while* incorporating other faith-based and soft power initiatives into U.S.-Pakistan relations? In the past much of the aid to Pakistan from the United States has been unaccounted for, so the doling out of funds to efforts involving something other than military and covert operations must be met with compliance by the Pakistani government to avoid misuse and poor distribution. While some hard-line policy analysts might argue that distribution of aid and promotion of religious understanding and education are a waste of money, and that channeling resources into a more concrete cause will heed more tangible results, it is not necessarily too idealistic to think that both soft and hard power can be effective team players in the regions.

## CHAPTER 4

### FINAL THOUGHTS

While it is clear that the CIA drone strikes in Pakistan will continue for the foreseeable future, it is less clear how exactly they will continue to impact U.S.-Pakistan relations, public opinion, and diplomacy efforts in the border region. The current program appears to be a sustainable one in terms of precision but, like any controversial action, it faces a number of challenges, especially if the United States seeks to become more favorably received by Pakistani civilians and to convey a genuine desire to better understand the religious, cultural and social motivations behind terrorist activity. The *Harvard National Security Journal* writes that if the CIA wants “to preserve the legitimacy and effectiveness of drones as an instrument of U.S. security policy, it is essential that government officials carefully evaluate and address the legal, moral, practical, and strategic concerns of critics.”<sup>1</sup> Analysts such as Peter Bergen believe the United States is “unlikely to stop the drone program whether it’s efficacious or not” for several reasons, one being that the “Pakistani military has highest favorability rating [of a government entity in Pakistan], yet they refuse to

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<sup>1</sup> Harvard National Security Journal, “NSJ Analysis: Towards a Sustainable Drone Policy: Turning Off Autopilot,” *Harvard National Security Journal*, March 6, 2010, <http://harvardnsj.com/2010/03/nsj-analysis-turning-off-autopilot-towards-a-sustainable-drone-policy/> (accessed April 1, 2011).

intervene in North Waziristan” where the strikes take place.<sup>2</sup> The implication here is that the United States is doing some of the dirty work that Pakistan refuses to do— either out of respect for the essentially autonomous yet lawless border region, or out of intimidation and bullying by terrorist networks with strongholds in the region. Bergen adds that the strikes are “unlikely to extend beyond the tribal region.”<sup>3</sup> From a legal standpoint, drones seem to be in the clear for the time being. No upheaval by legal experts decrying the use of drones has been so great that the United States will face tangible consequences anytime soon. Additionally, the legal defense of drones is strong and has the backing of the Obama administration. Citing self-defense and the principles of proportion and military necessity seem more applicable to drone strikes than international legal documents such as Protocols I and II to the Geneva Conventions so, at the moment, legal proponents of drones appear to have the edge in the debate. That said, some non-legal arguments against drones still hold their own. For example, the Center for a New American Security fellows David Kilcullen and Andrew Exum argued in a joint opinion piece that “the U.S. preoccupation with killing terrorist leaders both distracts from and undercuts what should be the core American mission in Pakistan — reducing Taliban and al Qaeda success at intimidating the

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<sup>2</sup> Peter Bergen, “Drones, Remote Targeting and the Promise of Law 1,” USTREAM Web site, <http://www.ustream.tv/recorded/12908026> (accessed April 1, 2011).

<sup>3</sup> Ibid.

Pakistani populace into submission.”<sup>4</sup> One proposed way of doing this, as discussed in Chapter 3, is starting at the grassroots level and working with vulnerable citizens on a daily basis, teaching them basic skills, lessons on human rights and religion, and learning to cohabitate with people from different and after warring sects of their own religion. Doing this might not weed out the already trained and focused terrorists, but it could help deter more youth from growing up and being lured into extremist causes.

Aside from continuing to cripple and thwart Taliban, al Qaeda, and syndicated networks’ plans, the biggest long-term hurdle that drones face is—without question—the diplomatic implications. From a diplomatic and political standpoint, perhaps Pakistan and the United States would gain more support for the program by making the drone campaign more public and less seemingly devious, especially if civilian casualty rates are as low as claimed to be. Since the *New America Foundation*’s statistics show that civilian casualties have significantly dropped in the last five years, it is possible that civilian opinions about drones *can* be swayed. Opinions aside, the United States should also consider the influence that drone strikes have on other nations that are intrigued by the cutting edge technology of the program and whether use of drones by other nations will effect the CIA’s operation. The *Harvard National Security Journal* suggests as follows:

It is not too early for the United States to begin thinking about what it should be doing today to deal with the eventuality that other states and even non-state

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<sup>4</sup> Ibid.

actors will employ drones against U.S. interests. Should the United States seek to establish norms of use and non-use as it did with nuclear weapons, pursue a policy of counter-proliferation as it did after the advent of the cruise missile, or resign itself to the design of tactical counter-measures to address the inevitability of enemy drones? These important questions should be considered alongside the more immediate moral, legal, and practical considerations discussed....<sup>5</sup>

While it is not guaranteed that other nations will pursue their own drone programs, it is absolutely a possibility that the United States must consider. Should, say, China begin using drones equipped with missiles and downplay dodge any accountability such as the CIA does, then it might be forced to enact new policies to defend itself and other allies. But currently the United States does not seem too concerned about this, as it is going ahead full-speed with drone strikes in Pakistan. Additionally, the United States appears content with the results of the strikes. Given the low civilian mortality rate and little risk posed to U.S. military lives, it is hard to argue there is more effective and precise weapon available at the moment.

Despite their precision, drone strikes still cause diplomatic and political hurdles for the United States. If the civilian death rate is considerably lower than it is with conventional warfare, as reported by the *New America Foundation*, then the Pakistani population needs to be made aware of these facts and be given access to whatever type of diplomacy or aid the United States chooses to implement in Pakistan, or else these efforts will be fruitless. As Bergen and Tiedemann note, it seems that the drone strike

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<sup>5</sup> Harvard National Security Journal, “NSJ Analysis: Turning Off Autopilot Towards a Sustainable Drone Policy.”

policy is “the least bad” option available in terms of concrete military action, and that the policy is a necessary—albeit imperfect—component of U.S. foreign policy.<sup>6</sup> But if this hard-line element of U.S. foreign policy is better integrated with more soft power, diplomatic initiatives by the likes of the State Department and NGOs, then the strengths of the drone program—minimal loss of civilian and military life, precision of operation, strong legal justification—might eventually outshine the criticisms.

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<sup>6</sup> Bergen and Tiedemann, “Drone War Hitting Its Targets,” June 9, 2010.

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