

Utilisation of Drones and Resulting Strain: Evidence from Pakistan's Case

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Abstract: Introduction of Unmanned Aerial Vehicles, also called drones, by the United States to target militants and terrorists in order to eliminate threat posed to the US interests, resulted in criticism by various actors. The main hurdle that results in such response is the absence of clarity regarding the legitimacy, legality and efficacy of the use of automated weapons. Due to an exhaustive spree of strikes since 2004, highest in any zone so far, Pakistan assumed position as an essential case that confronted the issues emerging as a result. The paper attempts to highlight those issues and to identify the causes, understanding of which can encourage appropriate shifts in strategies, rules and norms governing neutralisation of militants with the help of unmanned weapons.

Keywords: Drones, Legitimacy, Efficacy, Criticism, Latent Irritants.

Received: March 12, 2018. **Accepted:** July 10, 2018. **Published:** October 31, 2018.

Ever step on ants and never give it another thought? That's what you are made to think of the targets – as just black blobs on a screen. You start to do these psychological gymnastics to make it easier to do what you have to do – they deserved it, they chose their side. You had to kill part of your conscience to keep doing your job every day – and ignore those voices telling you this wasn't right.

Michael Haas, Life as a Drone Operator, The Guardian, November 2015

Introduction

Increasing use of drones as a preferred military option in several conflict-ridden areas is indicative of improved military options by the United States in fighting terrorism and militancy. Various benefits emerge due to increasing reliance on drones to combat threats, including less costly development and placement, safety of soldiers and military personnel, acquisition of continuous voluminous data, swiftness and agility of response, stealth and precision, as well as ability to transgress areas difficult to reach. With drone operators sitting in remote locations, the combat zones have become easily accessible as well as borderless, a situation that is preferable for the intelligence and military men.

Although, use of drones dates back to World War I when the remote control of aircraft for single mission translated into multi-tasked drones in World War II, the current use and understanding of the term 'drone' traces back its origin to the first strike in Kandahar,

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Afghanistan on October 7, 2001.¹ Sending tremors in the fabric of international canons, this preferred strike option raises monumental challenges that demand greater attention of researchers and scholars. Pakistan presents a useful case as a country where strikes through drones or signature strikes (strikes in the combat zones as a result of identifiable patterns of militant presence among other individuals) have been highest, continuing from 2004 onwards.

Challenges that emanate from automation of warfare cannot be relegated merely as threat oscillations between targets and operators. Regardless of the acute conspicuous asymmetry between both,² there are a number of actors that are confronted with and regulated by dilemmas posed by drone strikes.³ In the absence of confrontationist activity, the nebulous cocoon of anonymity shelters the drone operators from precarious immediacy of judgments on the ground or in proximate hostile arena. In sterilizing retaliatory capability of enemy, the haze surrounding the remote drone operators generates generalized fear as well condemnation of the United States as a perpetrator of violence. Consequently, the ensuing legal, ethical, psychological, political and security issues are confounded by established norms of use of force and warfare.⁴

The main themes that can be traced in current literature on the use of drones in warfare revolve around a few major issues. Firstly, the replacement of a tangible, identifiable and quantifiable individual by virtual patterns of information and data, in a pronounced dehumanized context, where violence guided by alleged apathy dictates the rules of asymmetric warfare. Secondly, the absence of human judgment resulting from ease, economy and pervasive appeal of drones is indiscriminately unethical, especially when Artificial Intelligence (now or in future) decides when a strike is triggered. Finally, tactical and strategic issues intertwined with political and operational priorities are desiccating the essential role of foreign policy objectives, relegating primacy to data interpretation and decision-making. As a result, projections of distant targets are judged in the light of immediate cartographical points and inflections. It is, therefore, essential to discuss major issues and arguments prevalent in the current discourse, expose the assumptions that seem to discredit the rational basis, and understand how these issues need to be grasped by examining the case of drone strikes in Pakistan.

Fallout of Drone Use in Warfare

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- 1 Plow, Avery, Matthew S Fricker, and Carlos S Colon, *The Drone Debate* (Rowman & Littlefield, 2015), 345.
 - 2 As opposed to confrontation or artillery exchange on ground, the enemy is exposed while the drones are invisible with no one identifiable as target of militants.
 - 3 The emergency service providers, for example, fail to provide timely services in many of the tribal areas in Pakistan where signature strike is carried out because of the uncertainty of repeated attack (which is largely based on the activity patterns than identity of individuals).
 - 4 Christine Agius, "Ordering without Bordering: Drones, the Unbordering of Late Modern Warfare and Ontological Insecurity," *Postcolonial Studies* 20 (3) (2017): 370–86.

Changed methods of conducting warfare have also affected the traditional delegation of responsibilities within the state structure. Aerial attacks have remained the sole domain of air force in conventional wars. With the proliferation of drone as a preferred tool for neutralization of threat actors, a significant deviation from the established competence is evident in the emergence of newly militarised actors.⁵ The CIA, instead of the US Air Force, primarily has been responsible for carrying out signature strikes in Pakistan's tribal areas, taking in loop the Department of Defence from 2016 onwards. Expected risk of such dispersion of command bemoans likely utilization of similar technology by the threat actors, who may not have adopted reliance on drones parallel to the states so far but remain keen to overcome such disproportionate handicap. Concerns have already been expressed for greater transparency in the use of the Internet and IT platforms by intelligence and military services of the states. This is evident in an increasing momentum for building consensus to check digitized communication revolution in warfare by declaring Internet as a public utility, and subject to public regulation and control, so that the ease of targeting from remote and indirect apathy is checked.⁶

Side by side, increasing reliance on drones as a preferred tool of warfare has established a precedent that emanates risk of emulative proliferation by other states, and warrants greater attention. It is naïve to assume that the US shall continue to maintain its monopoly over the signature strikes. There is sufficient evidence that other states are mounting their expertise and arsenal, aspiring to gain the efficacious supplementation of traditional conflict management tools with drones and other practices adopted by the US and allies.⁷ Several states are already engaged in chalking out possibilities of future use of drones, thanks to the United States acting as a catalyst.⁸ Justification of use of drones through discourse moralization does not seem to offer the US any exclusive ethical advantage. Use of drones as weapons for protection of innocent lives and ensuring peace, as touted by the US, is in the contemporary securitized world a euphemism for a license to kill, which has a lure for both China and Russia, for example. By blurring the distinction between the state of war and state of peace, the legitimacy of drone-use seems to be juggling between legality and illegality. Apart from the complexity in labeling use of drones as a mode of warfare, the apparently lax and foggy criteria for attacking threat actors seems to have evoked condemnation of unfettered aggression and extravagant use of force with negligible politico-moral constraints. In addition, a conniving definitional

5 It is immaterial whether there is discontent among the CIA operatives in manning drones, which is often highlighted in the wake of whistle-blowers' rejection of unmanned targeting.

6 Vincent Mosco, "Weaponized Drones in the Military Information Society," *Science as Culture* 26 (02) (2017): 276–81.

7 Already, Russia has been using contractors to carry out action on behalf of the state in Crimea or Georgia, for example, as does the US (Black Water etc.).

8 Sarah Kreps, "The Democratic Deficit on Drones," *Intelligence and National Security* (May 9, 2017). UK, Pakistan and Israel among others have already used drones. Iran and China, while they may not have used them, do possess them. States that are likely to be gearing up their drone arsenal include Russia, India and South Korea, among others.

laxity undermines casual categorization of a militant or threat actor, encouraging action without remorse.

Complex Case of Pakistan

Having borne the highest number of signature strikes, Pakistan emerges as a useful state to identify and assess the impact of drone strikes and the issues emerging as a consequence. Though, it is logical to take into account measures taken by the US and Pakistani state after September 11, 2001 attacks; meaningful trajectory can only be traced from the year 2004 when regular intense signature strikes in tribal areas of Pakistan became a regular feature for targeting militants seeking refuge from Afghanistan. It may, however, be noted that major difficulty that exhibits the complexity of drone use in Pakistan results from diversified nature of conflicts that continue to intersect. The resultant disorder and violence cannot be simplified as a single insurgency with distinct and identifiable goals.

Any Counter Insurgency (COIN) strategy, adhering to globally recognized principles of eliminating a specific group or a set of actors, cannot produce meaningful outcomes in a theatre marked by a plethora of conflicts. Diverse political and ideological motives of non-state actors, cooperating with each other for mutual advantages, continue to strive for materialisation of their separate goals in Pakistan. En bloc singular categorisation cannot take into account the dynamics of sectarian, religious, political, ideological, regional and global interests at play. Consequently, measures adopted by the Pakistani state, much to the chagrin of the West and the US, remain cognisant and accommodative of the complex array of interests.

Dismissing smaller conflicts, in a bid to cater to the urgency of resource prioritization, still leaves Pakistan with formidable major conflicts that have deep foundational ingress.⁹ Adding to this complexity is a latent disconnect between the military strategy and political imperatives. The third element of Clausewitzian Trinity, politics, seems to be a degree detached from the military and citizenry nodes. COIN doctrine applicable in Pakistan, on closer examination, exhibits historical paranoia, resulting from repeated usurpation of governmental authority by the military. Such civil-military imbalance, punctuated by internal and external factors, results in disparate preferences for intelligence agencies

⁹ The US action against Afghanistan post-9/11 resulted in a number of high value militants crossing the border to move to Pakistan's tribal areas. These areas do not only prove to be militant sanctuaries due to the nature of terrain but also pose less challenges to the militants due to the almost non-existent writ of the state (as the tribes continued to preserve their preferred form of governance under a separate set of regulations, as was the practice in colonial times.). The second front is Balochistan where the nationalist movements seek separation of the province from the state on the grounds that their natural resources are allegedly exploited by other provinces while little attention is paid to development of the region. The third major front for conflict revolves around the unresolved Kashmir dispute between Pakistan and India. Various organisations that had previously been engaged in helping Muslims there also turned against the state, particularly after the Red Mosque operation by the state against militants in 2007. This resulted in formal formation of Tehrik-e-Taliban Pakistan, with diverse actors belonging to different organisations, swearing allegiance against the Pakistani state.

and the military (who continue to identify and neutralize militants) and the political representatives (who are dictated by local, regional and global policy imperatives).

Criticised by the US for duplicity in accommodation of the unfavourable organisations, the misunderstood but prudent Counter Terrorism (CT) policy (not based on singularly focused global best practices largely derived from the US), is, in essence, a combination of strategies catering to the aforementioned complexity of conflicts, maintaining elasticity within the prioritization margin available to Pakistan.¹⁰ This explains why the government of Pakistan has openly condemned the drone strikes carried out by the US in Pakistani territory while tacit approval by the government through military and intelligence agencies is accorded.¹¹ This also explains why sovereignty issue makes it difficult for the Pakistani state to own such action, unlike Syria.¹² As long as the request of Pakistani authorities to transfer the burden of drone strikes to the state is not accorded to, such tacit operational acquiescence of signature strikes is likely to coincide with public condemnation of sovereignty denigration caused by strikes within Pakistani territory.¹³ This precarious balance of acceptance and denial shall be even more difficult to maintain if the drone warfare theatre is changed or expanded geographically from combat to non-combat zones (like towards Balochistan or Kashmir), even if the US intention is altruistic in assisting Pakistani state to strengthen its multipronged COIN effort.

Political Strain and Ethical Hindrances

Will of the people experiences socio-political strain in a democracy when the internal task of elimination of indigenous threats is undertaken by external and global interests instead, especially when the tacit cooperation of the target state cannot be acknowledged. Negative assessment of foreign action is a natural outcome in such circumstances when militants are targeted by ally states, even without being at war or the state not being a failed one. It is even more difficult when US-driven drone strikes inside Pakistani territory result in collateral damage, in the name of neutralization of militants and insurgents for peace. Recent developments regarding assessments of Pakistan's contribution in eliminating militants in Afghanistan and tribal areas seem to indicate that future signature strikes will find resistance not only from the locals but also from the state as a result of pressure, and non-cooperation by the US despite military operations by Pakistan may force the state to lodge formal protest in the United Nations for illegality of such strikes, especially in the absence of any clear permission of the Pakistani state.

10 Samir Puri, "Brinkmanship, not COIN, in Pakistan's post-9/11 Internal War," *Small Wars & Insurgencies* 28, No. 1 (February 17, 2017), accessed November 30, 2017.

11 Brian Glyn Williams, "Private Approval, Public Condemnation: Drone Warfare's Implications for Pakistani Sovereignty," Jamestown Foundation (April 4, 2013). <https://jamestown.org/program/private-approval-public-condemnation-drone-warfares-implications-for-pakistani-sovereignty/>.

12 Pakistan has so far not lodged a formal complaint against the US for breach of sovereignty.

13 Christine Agius, "Ordering without Bordering: Drones, the Unbordering of Late Modern Warfare and Ontological Insecurity," *Postcolonial Studies* 20 (3) (2017): 370–86.

Missing tactful interaction with Pakistani state is likely to pose greater challenges for Pakistan if the drone warfare in the tribal areas continued. Even though most democratic states prefer inertial continuity of policies, the changing political and foreign policy imperatives may result in taking paths less traveled by and different from accommodation in the past. However, leaving aside speculation, any futuristic analysis demands an examination of the current concerns and apprehension of the past. At the same time, it is worthwhile to point out that policymakers, on the other hand, favor short-term goals to retain political legitimacy throughout their limited tenures and may undermine future strategic cooperation with other states for gaining immediate political scores.

In Pakistan's case, policymakers may find it hard to sustain short-term non-strategic options to combat militants due to military activism, whereas in the US, on the other hand, strategic investment spanning decades are no less inimical to political representatives. The need for quick results, therefore, justifies swift result-oriented drones to attack all threats posed to the integrity and security of the US.¹⁴ President Bush remained hasty in international military operations in Afghanistan and Iraq, President Obama remained keen to exterminate al-Qaeda (including Osama bin Laden) and increase drone strikes in Pakistan manifold, regardless of non-combatant casualties, and President Trump expected quick results by increasing signature strikes while revoking aid guarantees for fighting terrorists.¹⁵ The necessity for the spectacular within the elected tenures is a shortcut to justification before the global public. For the US citizens, saving lives of the Americans as well as of the foot soldiers (who are expensive assets for the US and allies) is a naturally preferred outcome. Citizens of the drone-warfare areas in Pakistan, on the other hand, find it hard to justify selective airstrikes if not carried out in aid of boots on the ground, even if they are American. The resultant political strain in such circumstances undermines the efficacy of drone warfare.

In Pakistan's case, therefore, despite the short-term killing of certain militants, it cannot be denied that increased reliance on drones has in general exacerbated anti-US sentiment. In areas where radicalization potential of the militant groups was high, such unwelcome increase could be quantified simply as an amplified number of militants in the long-run. Failing to distinguish between the hierarchical positions of the militants, most of the strikes have resulted in elimination merely of low tier militants.¹⁶

14 The only justification available to the US to take any action.

15 Bill Roggio and Alexandra Gutowski, "2017: A Record Year for US Counterterrorism Strike," *Long War Journal* (2018) <https://www.longwarjournal.org/archives/2018/01/2017-a-record-year-for-us-counterterrorism-strikes.php>.

16 Peter Bergen and Jennifer Rowland, "Drone Wars," *The Washington Quarterly* 36 (03) (2013): 07–26.

Legitimacy and Sovereignty Issue

While the use of drones may have given certain edge and satisfaction to the US, it is likely to cause problems in future as use of drones for airstrikes increases in various militancy theatres.¹⁷ Mere analysis of the huge data being collected through drone surveillance is posing a challenge to the interpreters and analysts for distillation of targets. The potential for inaccuracy due to voluminous raw information is evident from the fact that laborers, guests at weddings and vehicles in troubled areas, entirely innocent, were killed on the basis of patterns generated through drone surveillance data.¹⁸ In supplementing the previous question of whether drone strikes render the US and militants to be considered in a state of war (in the absence of boots on the ground), another question that seeks answer is how drone strikes can be seen as legitimate acts. Such legitimacy ought to require clear identification of combatants, in a defined arena, during war, against whom violence inflicted through the skies is justifiable, in a territory willingly extended by the state. This issue of regularisation of violence is not ultra vires when placed in the conventional context of international law norms between belligerents.

In such circumstances, it seems difficult to ignore the innocent individuals killed merely as an unintended consequence of war. Seeking refuge in use of force being not directed against those who happen to get killed collaterally is a debatable issue. Many critics have overgeneralised the number of non-combatant civilians to have been killed to be equal, if not more than the actual targets.¹⁹ There is a discrepancy in the number of innocent civilians killed as a result of drone strikes, partly emerging from how you define your targets, but there is sufficient data to establish that technological precision may, after all, not be a useful tool to reduce collateral damage.²⁰ Perhaps, the fact that civilians who come to aid the militants or assist them in combatant or non-combatant zones are equally liable to be targeted under the laws of the armed conflict needs crystallisation as a strategic rule.²¹ Nevertheless, there is a need for greater clarity for engagement rules on this front, especially when targeting civilian in a non-combat zone. In Pakistan's case, the hatred and radical behaviour against the US when they rely on drone strikes is dictated by the non-combatant civilians killed, rather than actual militants.

17 Somalia, Iraq, Afghanistan, Syria, Libya and Pakistan.

18 Ahmed Rashid, John Kael Weston, Dennis Blair, and Norton Schwartz, "The U.S. Drone Program is Fatally Flawed," *Intelligence Squared* (2013) <https://www.intelligencesquaredus.org/debates/us-drone-program-fatally-flawed>.

19 Mahmood Ahmad, "The Legality of Unmanned Aerial Vehicles Outside the Combat Zone: a Case Study of the Federally Administered Tribal Areas of Pakistan," *Defense & Security Analysis* 30 (3) (2014): 245–53. <https://doi.org/10.1080/14751798.2014.921448>.

20 The Bureau of Investigative Journalism has compiled data online, according to the year of strikes, up to 2017. 969 civilians have been reported killed in 429 strikes. Children reported killed so far in Pakistan in 207 while range of militants killed is 2500 to 4000. <https://www.thebureauinvestigates.com/projects/drone-war/pakistan>.

21 Thomas Gregory, "Targeted Killings: Drones, Noncombatant Immunity, and the Politics of Killing," *Contemporary Security Policy* 38 (02) (2017): 212–36. This is more pronounced in case of second and third strikes repeated to isolate non-combatants from combatants.

Limitations of Drone Use

While the pundits of technological effectiveness in warfare may have reasons to remain hopeful for efficient management of war through drones, there are serious limitations that question the effectiveness of drones as a tool to complement COIN efforts, especially in states like Pakistan. The requirement of identification of the target within well-known terrorist organizations is gradually replaced by suspicious behavior and acts of individuals in the areas under surveillance. Those who continue to emanate risky indicators as a result of estimated action are effectively the targets, which explains why the number of innocent casualties is greater than expected. Since there is greater reliance on standardization and patent formation, the narrow and rigid measures to categorize individuals as risky, and then elimination of risky behavior rather than the precise, actual or potential militants and threats, highlights dispassionate detachment from the war obligations and pursuit of accepted norms. If the militants and terrorist do not confront forces of a state in conventional way, and resort to deceit and surprise, the drone strike are in no way superior to the tactics of the former.

Weapons are neither ethical nor subjective. The use of weapon determines what is to be achieved and how that may be achieved. The contemporary reliance by the United States on signature strikes is a manifestation of hard power, as opposed to what Joseph Nye calls the smart power, who advocated that hard military force ought to be used in conjunction with soft power for persuasive foreign policy dividends. His criticism of Obama administration's excessive reliance on drone in an indiscriminate manner raises the need to target those who perpetrate acts against the United States or allies.²² It is obvious then that the goals and methods of drone war are out of sync. The goal of global peace through prevention of terrorist acts seems to be in fact resulting in expansion of the war arena, signifying gradual loss of control over clarity and focus. In other words, while military successes (through quantification of militants and terrorists killed) may give the impression that effort against militancy and terrorism is proving useful, the strategic goal of persuasion as indicated by Nye, nevertheless, falls short of being in grasp so far. This is further complicated by the absence of any positive development towards jurisprudence related to drones. The secret deals for use of drones while publicly condemning them also highlight that definitions of consent and sovereignty differ for Pakistan and the US.²³

22 John Nye, *Too Much Use of Drones*, BBC (2013). <https://www.bbc.com/news/av/world-radio-and-tv-22481585/joseph-nye-too-much-use-of-drones>.

23 Robert P Barnidge, "International Law and Drone Strikes in Pakistan: The Legal and Socio-Political Aspects," *Journal on the Use of Force and International Law* 03 (01) (2016): 171–77.

Conclusion

Although there has been an incessant growth in the evolution of autonomous weaponry, it has not been matched with corresponding ease and confidence in their use. Some of the hesitations can be understood because blindfolded nature of objective data does not take into account the subtleties emerging around broad virtual parameters. Technical intelligence is considered subjugated to the human intelligence, if only because eliminating conflict, particularly by elimination of unidentified enemy within populations, requires human control and judgment to take into account the unforeseeable nuances. The issue revolving around the use of drones at this stage is not merely about a human being pulling a trigger in some remote and safe locations to strike.²⁴ It relates to higher issues about sovereignty, legitimacy, *jus cogens* and justifiable environment. A corollary issue is a deliberate secrecy maintained in revealing details of doctrine that guide the US military and the CIA in drone strikes. Greater details of actual casualties with objective categorization of targets neutralized and innocent civilians killed is likely to garner acceptance of drones as a logical extension of military revolution, a process that cannot be halted. Future of the globe is increasingly dictated by technology. The autonomous cars introduced in the market, run completely with the help of artificial intelligence, is an indication of the general trajectory humans are defining for themselves in self-regulation. It is impossible not to envision corresponding changes in the warfare arena. The dilemma in such a scenario emanates from the ethical question of who should decide when to kill another person? Should it be left to systems run on artificial intelligence or whether continuity of human control, no matter how autonomous, should be retained as an essential requirement for warfare? James Wirtz believes that future use of drones shall see new forms and venues of warfare, which shall ultimately encourage competitors to adopt the trend.²⁵

The role of the international community cannot be undermined in ensuring that zones which are now confronted with conflicts are made stable and peaceful. This requires a common understanding and collective effort to neutralize threats. Greater engagement by the US with states that are allies, like Pakistan, should not only restore respect for their sovereignty but should also result in sharing the responsibility of fight against militants. Putting an end to unilateral action can encourage a healthy trend of paying heed to the concerns of different states. Not only is it likely to result in a reduction of anti-US sentiment quantum but shall also avoid setting a precedent where any state can use such autonomous weapons in order to protect their interests. Moreover, there is a need for the US to protect the moral integrity of drone usage through restriction of parameters that justify a strike so that the ultimate goal of the US is not undermined but guided in a precise

²⁴ It is possible that evolution of hostile environments and denial of access may in future lead to reliance on completely autonomous drones.

²⁵ James J. Wirtz, "The 'Terminator Conundrum' and the Future of Drone Warfare," *Intelligence and National Security* 32 (04) (2017): 434–35.

manner, understood by the global community, to cause minimum collateral damage.

Pakistan, on the other hand, needs to continue to maintain the momentum of military operations that have proved successful in eliminating tribal areas from militants. There are a number of people who believe drone strikes are useful and have helped the cause of war against militants and terrorists.²⁶ Recent steps to fence Durand Line and to build effective intelligence liaison between neighboring and ally states should result in accelerated reduction of militants. Moreover, the establishment of military courts for handling apprehended terrorists in Pakistan has plugged the loopholes in the criminal justice system that militants used in the past to escape penalty. Long-term strategies to deal with other conflicts should result in waning need for drone strikes.

²⁶ Christine Fair and Ali Hamza, "From Elite Consumption to Popular Opinion: Framing of the US Drone Program in Pakistani Newspapers," *Small Wars & Insurgencies* 27 (04) (2017): 578–607.

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