

Drones, Ethics, and Pakistan

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Abstract

The following article provides an ethical appraisal of the use of armed drones within the Federally Administered Tribal Areas of Pakistan by the Central Intelligence Agency through the prism of Just War theory. This paper argues that the inability of the United States to conduct these strikes in an ethical manner stems from an utter lack of transparency surrounding the program, and by extension the Central intelligence Agency's ability to employ lethal force unilaterally. Furthermore, this paper critiques the standard discourse surrounding the negative impact these drone strikes have had on US security interests. This analysis makes several policy recommendations to both the United States and Pakistan to improve ethical outcomes of future drone operations.

Introduction

At the same time former President Obama graciously accepted the coveted Nobel Peace Prize award in 2009, his administration was escalating a bloody new phase in the Global War on Terror. Unmanned Aerial Vehicles, better known as drones, were originally designed for long-term surveillance of high-value targets. However, once their role had been controversially expanded to include lethal targeted strikes, drones quickly became the centerpiece of the US counterterrorism strategy. Their use outside of traditional theatres of war has ignited a fierce debate regarding their ethical implications and effectiveness in eradicating terrorism. The goal of this paper is to add to this robust discussion by providing an ethical appraisal of the use of drones by the Central Intelligence Agency (CIA) to conduct targeted killings of terrorists within the Federally Administered Tribal Areas (FATA) of Pakistan. This paper will argue the use of targeted strikes is ethically problematic and does not satisfy the principles outlined by Just War theory. Additionally, the argument will be made that the prevailing discourse surrounding the negative security impacts of drones is misplaced. Based on this analysis, policy recommendations will be offered to better improve ethical outcomes in future drone operations. This emerging technology has transformed the way the War on Terror is fought and will continue to have far-reaching implications not only on the future of counterterrorism, but also on the very foundation of Just War Theory itself.

Drones Over Pakistan

First introduced in 1994, Unmanned Aerial Vehicles (UAVs), better known as drones, were originally designed to loiter for hours and provide real-time surveillance of high-value targets from afar. It was not until 2000 that the decision to endow the drones with lethal force was made at the behest of Clinton-era counterterrorism officials. Although drones were now capable of striking targets with lethal force, lingering debates surrounding their impact forced their shelving. Indeed, former CIA head George Tenet criticized the ethics and legality of their use, raising concerns about opacity within the chain of command and the consequences of CIA control over the program; however, any

lingering apprehensions about lethal drone deployment quickly evaporated following the cataclysmic events of September 11, 2001.¹

In the years preceding 9/11, the Clinton administration made it a point to implement greater oversight and regulations on lethal covert action. While Clinton himself authorized covert lethal actions against al-Qaeda officials, approval for a killing underwent a thorough series of checks and balances. These measures were quickly undone as the Bush administration sought to expand its powers to pursue potential threats wherever they might reside, and the tragic 9/11 attacks enabled them to do exactly that. The unprecedented capability to wage a global war was granted to former president George W. Bush by the House and Senate on September 14, 2001. After passing the Authorization for the Use of Military Force (AUMF), Congress bestowed upon the president remarkable latitude to “use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.”² This, in conjunction with several equally vague executive orders, was successful in removing many existing oversight and regulatory mechanisms regarding the use of covert lethal action.³ It was within this atmosphere of fear, governed by hawkish ideologues determined to expand America’s military range, that armed drones were dusted off and officially brought into the fold as a legitimate counterterrorism strategy.

The first covert drone strike publicly reported as conducted by the CIA occurred in Yemen in 2002, killing the alleged mastermind of the 2000 *USS Cole* bombing, Qaed Sinan Harithi. The Yemeni strike was the first of its kind outside of a traditional theatre of war, setting the precedent for the use of drones in Pakistan.⁴ By the time armed drones set their sights on FATA, these lawless lands would have already become the front line on the war on terror.⁵

Comprised of seven agencies, FATA is plagued by widespread illiteracy and insufficient infrastructure, consistently lagging every other Pakistani province in all development indicators. This is a place where one third of the entire population still draws water from a well and where paved roads are nearly nonexistent.⁶ The three million residents of FATA are still governed by the archaic Frontier Crimes Regulations (FCR), a century-old policy passed by the British in 1901 which is still upheld and enforced by “political agents,” hand-picked by the central Pakistani government. The FCR affords no constitutional, civic, or political rights to the inhabitants of FATA and continues to reinforce the Tribal Jirga system that is used to settle disputes and violations tribal code. Perhaps the one most shocking aspect of governance is that all independent access to the territories by all NGOs, journalists, foreign governments, human rights organizations, and political parties is strictly forbidden.⁷ Devoid of any semblance of central governance or authority, FATA served as the perfect incubator for militant extremists. After US and

¹ Brian Glyn Williams, “The CIA’s Covert Predator Drone War in Pakistan, 2004-2010: The History of an Assassination Campaign,” *Studies in Conflict & Terrorism* 33 (2010): 873.

² Jeremy Seahill, *Dirty Wars: The World is a Battlefield* (New York: Nation Book, 2013): 17–19.

³ *Ibid.*, 22.

⁴ James Cavallaro, Stephen Sonnenberg, and Sarah Knuckey, *Living Under Drones: Death, Injury, and Trauma to Civilians from US Drone Practices in Pakistan* (Stanford: International Human Rights and Conflict Resolution Clinic, Stanford Law School; New York: NYU School of Law, Global Justice Clinic, 2012): 11.

⁵ Chris Woods, *Sudden Justice: America’s Secret Drone Wars* (New York: Oxford University Press, 2015).

⁶ Woods, *Sudden Justice*, 97.

⁷ Ahmed Rashid, *Descent into Chaos: How the War Against Islamic Extremism is Being Lost in Pakistan, Afghanistan, and Central Asia* (London: Allen Lane, 2008), 266.

coalition forces made quick work of the feeble Taliban regime in 2001, the main escape pipeline out of Afghanistan ended across the border within the notorious Pakistani badlands,⁸ quickly transforming the region into what Ahmed Rashid refers to as “al-Qaeda’s Bolt-Hole.”⁹

The first drone strike within FATA occurred on June 18, 2004, targeting Pakistani Taliban commander Nek Muhammad.¹⁰ Muhammad had deeply embarrassed Pakistani forces during a failed military operation to root out extremists earlier that year and emerged out of the debacle as a hero, emboldening him to more brazenly oppose the Pakistani state.¹¹ However, although Muhammad had pledged allegiance to al-Qaeda,¹² he was not a direct threat to US security interests. This first strike can thus be thought of as a “good will” kill, a gift to the Pakistani state.¹³ Drones were beginning to become the commodity of choice between Pakistani intelligence services and those of the US, a type of “you-scratch-mine-I-scratch-yours” arrangement where the currency of exchange was the bodies of Islamic militants.¹⁴

By 2008, Pakistan proved to be an inconsistent ally at best in the War on Terror. Al-Qaeda essentially established a state-within-a-state in FATA,¹⁵ and the Pakistani government was caught in a vicious cycle of indiscriminate military operations and failed peace agreements that bordered on acquiescence.¹⁶ The Musharraf regime fell victim to its own backwards policy of distinguishing between “good” Taliban and “bad” Taliban, targeting foreign militants in urban centers to appease American demands, while shielding those insurgents fostered by Pakistani Intelligence within the tribal territories to conduct an asymmetric war against India.¹⁷ This allowed al-Qaeda to find sanctuary amongst other militant groups, enabling them to conduct cross-border raids against American and NATO forces in Afghanistan.¹⁸

This deadly double-game did little to satisfy Musharraf’s American benefactors and in response, President Bush dramatically increased the rate of drone strikes. Indeed, thirty-eight of the fifty-one drone strikes carried out by the Bush administration came in the final year of his presidency.¹⁹ It is reported that the degree of certainty needed to authorize a lethal strike had dropped from 90 percent to a shockingly low 50 percent by the end of Bush’s final term. As the administration grew more trigger-happy, large-scale civilian casualties due to drone strikes began to surface; however, at this point the program was relatively free from public scrutiny, as both the US and Pakistan continued to deny its existence. It was under this cloak of uncertainty that members of the intelligence community began pushing for what they called “Signature Strikes,” the targeting by drones of individuals believed to be enemy combatants based

⁸ Woods, *Sudden Justice*, 97.

⁹ Rashid, *Descent Into Chaos*, 265.

¹⁰ Williams, “The CIA’s Covert Predator Drone War in Pakistan,” 874.

¹¹ Rashid, *Descent Into Chaos*, 271.

¹² Williams, “The CIA’s Covert Predator Drone War in Pakistan,” 874.

¹³ C. Christine Fair, “Drones, Spies, Terrorists, and Second-Class Citizenship in Pakistan,” *Small Wars & Insurgencies* 25, no. 1 (2014): 207.

¹⁴ *Ibid.*, 214.

¹⁵ Williams, “The CIA’s Covert Predator Drone War in Pakistan,” 874.

¹⁶ Rashid, *Descent into Chaos*, 271-282.

¹⁷ Wood, *Sudden Justice*, 108-111.

¹⁸ Rashid, *Descent into Chaos*, 269.

¹⁹ Jack Serle and Abigail Fielding-Smith, “Monthly Updates on the Covert War,” *The Bureau of Investigative Journalism*, October 15, 2016, accessed November 28, 2016, <https://www.thebureauinvestigates.com/2015/10/05/monthly-drone-report-total-drone-strikes-under-obama-in-pakistan-somalia-and-yemen-now-491-after-september-attacks/>.

on patterns of behavior.²⁰ Yet, it was under the Obama administration that this new brand enjoyed its real coming-out party.

While on the campaign trail in 2008, then presidential-hopeful Barack Obama masterfully paid lip service to the disillusioned American public, promising to undo intrusive Bush-era counterterrorism policies; however, astute observers of both his campaign and picks for Cabinet noted that Obama would only deepen and strengthen those measures enacted by the Bush administration to aggressively peruse threats from Pakistan. Thus, the arrival of the Obama administration was more of the same regularly scheduled programming, and his actions reflected this.²¹ Drone strikes became the defining feature of the “Pakistan Good Enough Doctrine” that sought to mitigate the myriad of threats emanating from Pakistan with minimal involvement,²² and signature strikes were a key feature of this renewed reliance on armed Drones. Based on “pattern of life analysis,” armed drones would target groups of men whose behaviors were consistent with the actions of terrorist organizations or those engaged in terrorist activity. While continuing to openly deny the program’s existence,²³ the Obama administration was busy increasing the number of drone strikes since the Bush era by 631 percent. This dramatic escalation mirrored deteriorated relations with Islamabad as well as the rise of questions on the program’s efficacy and accuracy.²⁴

As public scrutiny continued to build against drone strikes, a plethora of scholarly work discrediting the campaign as unethical began to proliferate. In response to mounting public pressure, the Obama administration acknowledged the targeted killing program and provided justification for its use in an address given at the Wilson Center by John Brennan, the Assistant to the President for Homeland Security. The crux of the argument was that the use of unmanned aerial vehicles to conduct targeted killings of terrorists provided the most discriminate and proportionate response to terrorism while fulfilling the requirements for military necessity.²⁵ This meager step towards transparency was exactly that: meager. Too many questions surrounding the program remained, and as such, efforts to legitimize an institutionalized assassination program through the ethics of Just War theory remain unconvincing.

Framework

Given that Obama White House officials have used the principles outlined by Just War theory to legitimize the use of drones,²⁶ this paper uses the same ethical foundation for critique. An expansive canon of thought that spans nearly the entire history of mankind, Just War theory at its core “is a coherent set of concepts and values which enables moral judgment in wartime”²⁷ with the aim of limiting both the destructiveness and incidences of war.²⁸ Traditionally, the theory is split into two broad categories that offer guiding principles for behavior before (*Jus ad Bellum*) and during

²⁰ Woods, *Sudden Justice*, 114.

²¹ Scahill, *Dirty Wars*, 230–244.

²² Fair, “Drones, Spies, Terrorists,” 208.

²³ *Ibid.*

²⁴ Cavallaro, Sonnenberg, and Knuckey, *Living Under Drones*, 10.

²⁵ John Brennan, “The Efficacy and Ethics of U.S. Counterterrorism Strategy,” (conversation, The Wilson Center, Washington, DC, April 30, 2016), Transcript accessed November 28, 2016, <https://www.wilsoncenter.org/event/the-efficacy-and-ethics-us-counterterrorism-strategy>.

²⁶ International Crisis Group, “Drones: Myths and Reality in Pakistan,” *Crisis Group Asia Report*, May 21, 2013, 18, <https://d2071andvip0wj.cloudfront.net/drones-myths-and-reality-in-pakistan.pdf>.

²⁷ Brian Orend, *The Morality of War* (New York: Broadview, 2013): 10.

²⁸ *Ibid.*, 33.

(*Jus in Bello*) war.²⁹ Just War theory demands adherence to a strict series of criteria which must be met if a war is to be considered just, and by extension, moral.

The set of criteria as outlined by *Jus ad Bellum* deal largely with providing ethical justification for initiating a war. Failure to meet any of the six standards (Just Cause, Right Intention, Public Declaration by Proper Authority, Last Resort, Probability of Success, and Proportionality) morally compromises the act of war and may render the cause to be unjust.³⁰ If it is determined that a state has satisfied the requirements of a just war, it must then comply with principles of *Jus in Bello*. This second category seeks to limit the destructiveness of war while supplying additional criteria to ensure wars do not spill over into surrounding territories.³¹

This paper is not intended to detail each one of the criteria as laid out in *Jus ad Bellum* and *Jus in Bello*, nor will it explain the diverse array of problems that arise when each are applied to the CIA drone program. Rather, it will focus analysis on those used by the previous administration to justify the program. It will evaluate assertions that drone strikes respect the principles of distinction, proportionality, and necessity,³² and will then raise additional areas of ethical concern that compromise adherence to Just War standards. This paper will address each of these in turn while challenging conventional wisdom surrounding effects of drone strikes on US security interests.

Analysis

Drones as a discriminate form of counterterrorism

Discrimination can be thought of as the heart and soul of *Jus in Bello*. Distinguishing between combatants and non-combatants is an essential duty of all states that undertake the decision to fight a war.³³ Although some civilian casualties are to be expected in conflict,³⁴ the aggressor must demonstrate that everything possible was done to avoid such disastrous results.³⁵ In his address, John Brennan stated that, “With the unprecedented ability of remotely piloted aircraft to precisely target a military objective while minimizing collateral damage, one could argue that never before has there been a weapon that allows us to distinguish more effectively between an al-Qaeda terrorist and innocent civilians.”³⁶ Indeed, targeted drone strikes are far more discriminate than many of the ill-fated Pakistani military operation in FATA that have killed thousands, displaced millions, and destroyed entire cities.³⁷ Thus, drones comparatively satisfy the principle of discrimination to a certain degree; however, I find this type of moral relativism unsatisfying. Simply because drones are more discriminate than another form of warfare does not absolve them of wrongful civilian deaths. Furthermore, acknowledgment of the loss of any civilian life demands a thorough investigation into whether or not due process was taken to avoid such consequences. Affirmation that this was done was notably absent from Brennan’s address. The vague definition of the combatants as all males within a strike zone until proven otherwise does little to convince observers that everything possible was done to avoid civilian casualties. While at least some officials suggested that this definition was discarded, there has been no public rebuttal of the practice, which falls

²⁹ Ibid.

³⁰ Ibid., 34.

³¹ Ibid., 111.

³² Brennan, “The Efficacy and Ethics of U.S. Counterterrorism Strategy.”

³³ Orend, *The Morality of War*, 113.

³⁴ Harry van der Linden, “Drone Warfare and Just War Theory,” in *Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues*, ed. Marjorie Cohn (Northampton: Olive Branch Press, 2015): 170.

³⁵ Orend, *The Morality of War*, 113.

³⁶ Brennan, “The Efficacy and Ethics of U.S. Counterterrorism Strategy.”

³⁷ International Crisis Group, “Drones,” 11.

short of satisfying the principles of distinction.³⁸ Although the United States has taken the brunt of the responsibility for the program's short comings, the Pakistani state is also culpable. As discussed earlier, the Pakistani Army and Inter-Intelligence Services (ISI) strictly regulate all movement in and out of FATA, and these restrictions extend to the movement of information. The army prevents any independent access to FATA, banning all individual observers, human rights organizations, NGOs, and US government trips to the region outside of their watchful eye. This blatant act of obfuscation has helped stoke the flames of the most contentious aspects of the CIA's drone program, the number of civilian casualties.³⁹

The United States government has repeatedly claimed that there have been no more than ten civilian casualties from drone strikes from 2009 to 2012, while independent observers have placed casualties as high as 600.⁴⁰ This variance highlights the difficulties associated with accurate data collection within FATA. Most civilian casualty estimates are based on reports from Pakistani and international media, sourcing their information from the US government or the Pakistani Army, each who have a vested political interest in under/over reporting the number of casualties.⁴¹ Moreover, intimidation from both the Pakistani Army and Islamic militants prevent accurate and unbiased accounts from locals on strikes. These factors, in conjunction with the refusal of the United States to outline the criteria used to determine targets, the ludicrously broad definition of male combatants, CIA control of the program, and the Pakistani government's informational stranglehold on all accounts emanating from FATA, have also prevented an accurate and meaningful assessment of the true civilian cost. However, this does not change the fact that drone strikes have undeniably claimed innocent lives.⁴² Refusal by both American and Pakistani elements to allow a transparent analysis on the loss of civilian life leads me to conclude that despite the technological prowess of drones, the CIA's program in Pakistan does not meet the principle of distinction, a result of the failure to demonstrate that due care was taken to avoid the loss of innocent lives.

Proportionality

In addition to discrimination, the Obama administration argued that drones satisfy the Just War principle of proportionality. This claim is puzzling given that proportionality represents one of the most contentious issues within the Just War tradition. A requirement of *Jus ad Bellum*, proportionality mandates that states considering engagement in a just war must "weigh the expected universal, not just selfish national, benefits of doing so against the expected universal costs."⁴³ Only if the potential benefits outweigh the potential costs, such as civilian casualties, can the act of war proceed.⁴⁴ Walzer points out that there is no available method to making such proportionality judgement and wrestles with this concept at length. As Just War theorist Brian Orend puts it, "The manifest, and manifold, difficulties involved in proportionality calculations cause vexation for just war theorists, and rightly so."⁴⁵

Oddly, Brennan supported his claim of proportionality by pointing out that "By targeting an individual terrorist or small numbers of terrorists with ordnance that can be adapted to avoid harming others in the immediate vicinity, it is hard to imagine a tool that can better minimize the risk to civilians than remotely piloted aircraft."⁴⁶ This

³⁸ International Crisis Group, "Drones," 7.

³⁹ Fair, "Drones, Spies, Terrorists," 220–221.

⁴⁰ International Crisis Group, "Drones," 7.

⁴¹ *Ibid.*, 9.

⁴² *Ibid.*, 11.

⁴³ Orend, *The Morality of War*, 62.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Brennan, "The Efficacy and Ethics of U.S. Counterterrorism Strategy."

obsession with the technical ability of drones to justify their use feeds into what Daniel Brunstetter and Megan Braun refer to as the “drone myth,” the belief that the advancements in drone technology increase the probability of success, thus suggesting that drones are an ethical means of warfare.⁴⁷ A more convincing argument would have reasserted that inaction in the Tribal Areas in Pakistan allowed the development of a sanctuary for al-Qaeda, and in fact several plots against the United States and Europe can trace their origin back to the tribal areas. The emergence of FATA as a haven for terrorist cells also helped to expedite the recruitment process. Well-connected would-be terrorist could be in contact with training facilities throughout FATA within a matter of weeks, as opposed to months.⁴⁸ I concede that drones can offer governments a proportional response to the threat of terrorism;⁴⁹ however, within the context of Pakistan, the ethicality of drones as supported by the principle of proportionality is more convincingly argued when attention is drawn to the concrete consequences of both inaction in the region (i.e. terrorist attacks planned in FATA) and Pakistan’s duplicitous policy on extremists. Yet, taking this stance would suggest that the roots of extremism in FATA go far deeper than drone strikes could possibly hope to effect and that the strikes merely address the symptoms of extremism, not its causes.

Military necessity

The use of lethal force when necessary is one of the most important ideas in the humanitarian restriction of warfare. One manifestation of this principle is the concept of military necessity, the requirement that targets have definite military value.⁵⁰ In his address, Brennan reiterated that any individuals who are part of al-Qaeda or its affiliates constitute legitimate military targets; therefore the United States is authorized to exercise lethal force against its members and leaders.⁵¹ This position draws its legal justification from the AUMF, passed in 2001, and “the inherent right of individuals or collective self-defense” as codified by Article 51 of the UN Charter. As it stands today, the United States views itself engaged “in non-international armed conflict with al-Qaeda and its associates”, and as such would be justified in targeting al-Qaeda’s leaders and members.⁵² Yet there are several highly problematic areas despite being granted supposed legal permission.

First, it becomes more and more difficult for the United States to assert that it can, more than a decade later and outside a traditional theatre of war, still be in open conflict with those it claims responsible for 9/11 and invoke the laws of war when targeting them.⁵³ Second, the US has justified its use of drones as an appropriate act of self-defense in response to an imminent threat by using a vague, broad, and judicially untested definition of “imminence.”⁵⁴ A standard of broader necessity,⁵⁵ imminence of a threat may allow for a state to engage in an anticipatory strike. The criteria for such a strike are when the targets have demonstrated that they are a determined enemy with a manifest to injure and have actively prepared to make the intent a positive threat, as well as when the cost of doing nothing greatly increases the likelihood of attack.⁵⁶ Broadly, al-

⁴⁷ Daniel Brunstetter and Megan Braun, “The Implications of Drones on the Just War Tradition,” *Ethics & International Affairs* 25 (2011): 338.

⁴⁸ Rashid, *Descent into Chaos*, 265–280.

⁴⁹ Brunstetter and Braun, “The Implications of Drones,” 343.

⁵⁰ Larry May, *Contingent Pacifism: Revisiting Just War Theory* (Cambridge: Cambridge University Press, 2015): 90.

⁵¹ Brennan, “The Efficacy and Ethics of U.S. Counterterrorism Strategy.”

⁵² International Crisis Group, “Drones,” 14–15.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ May, *Contingent Pacifism*, 92.

⁵⁶ Orend, *The Morality of War*, 79.

Qaeda certainly possesses all three of the conditions necessary for a drone strike to be justified; however, as we saw with discrimination, a void of transparency prevents a meaningful assessment of whether these strikes are truly necessary and if their targets pose an actual threat to the US.

The Obama administration refused to explain how and why targets are chosen.⁵⁷ Indeed, the first strike ever conducted in Pakistan was against a threat to Pakistani security, not American. Although Nek Muhammad had pledged allegiance to al-Qaeda,⁵⁸ mere malintent is not sufficient for an anticipatory strike to be justified.⁵⁹ The trouble here is that the CIA program primarily targeted threats to Pakistani interests and not American.⁶⁰ Although these strikes may have contributed positively to overall security considerations, the justification of armed drones by necessity to US security interests, when examined through the context of FATA, is highly problematic. As such, the CIA program has failed to satisfy this principle.

Consequences of secrecy

As it currently stands, all drone operations carried out over FATA are done so as “Title 50” operations. This special distinction ensures that all the measures of the drone program are done covertly and far away from the public eye.⁶¹ This lack of transparency prohibits verification of the drone program as in accordance with principles of Just War theory, thus rendering it morally unsound. Although it may seem tangential to the overall point since this conflict is already well underway, I argue that the inability to carry out the program ethically stems from its failure to satisfy the *Jus ad Bellum* principles of Public Declaration by Proper Authority. This requires that the target state or entity be publicly informed that they now face war and its substantial hazards; however, central to adherence is that such declaration should be done so publicly and that escalation of conflict be acknowledged. Burying a war in purposely vague legislation or refusing to acknowledge such action is taking place in the face of overwhelming evidence warrants a violation of Public Declaration. Furthermore, war must be declared and carried out by the proper authority within a given political system. The CIA’s control of the program blurs the chain of the command and allows room for unethical unilateral action.

When examined through the standards of Just War theory the CIA program, due in large part to a lack of transparency, is highly problematic. Furthermore, secrecy surrounding the program makes it impossible to verify claims that everything is being done to ensure that it is carried out in adherence with the Just War principles employed to justify its existence. Thus, the use of this theory by the Obama administration to justify its use of targeted killings remains unconvincing, as transparency is the most potent tool for ensuring overall justice during wartime.⁶² However, what is less clear is the impact of the drone program on US security interests. In the next section I explore a few of these impacts while critiquing the standard discourse of the program’s effects.

Strategic considerations and the future of drones

Although I have argued that drones violate the ethical code of Just War theory, I will break with the standard discourse that claims drones have caused widespread blowback, endangering US security interests. The crux of this assertion is two-fold: first, that drones kill more civilians than terrorists, and second, that drones radicalize the affected local population. However, both arguments are based on

⁵⁷ Cavallaro, Sonnenberg, and Knuckey, “Living Under Drones,” ix.

⁵⁸ Fair, “Drones, Spies, Terrorists,” 207.

⁵⁹ Orend, *The Morality of War*, 79.

⁶⁰ Fair, “Drones, Spies, Terrorists,” 214.

⁶¹ *Ibid.*, 207.

⁶² Orend, *The Morality of War*, 53–54.

inconsistent evidence, if any at all.⁶³ The structural governance blockades to accurate reporting within FATA cast doubt upon claims of widespread civilian casualties. Furthermore, many reports ignore the very real conflict of interest associated with civilian casualty numbers.⁶⁴

The claim of radicalization is more puzzling. A 2014 Pew Data Poll shows that 67 percent of those Pakistanis interviewed opposed drone strikes; however, it is important to note that this data is aggregate, and in fact the areas with the highest approval rating of drone strikes were North and South Waziristan. Since 2004 al-Qaeda and its affiliates have slaughtered thousands of FATA tribal elders, killed scores of civilians, and have effectively squashed any chances of a decent life in FATA. Drones are more efficient and effective in countering militancy than the indiscriminate Pakistani military operations. These operations disrupt life in FATA more than drones strikes ever had or ever will.⁶⁵ Given that drones have been remarkably successful in disrupting the ability of militants in planning and executing large scale attacks,⁶⁶ it is far from surprising that support for drones exists amongst FATA residents. Considering this, the claim that the Pashtuns living within FATA are radicalized by drone strikes due to their tribal characteristics is preposterous, empirically invalid, and reflects dated colonial understanding of society within FATA.⁶⁷ Although revenge is an aspect of the Pashtun honor code, it does not explain the mass murder of innocent civilians. A more careful analysis would point out that Pashtuns are one of the most globalized ethnic groups in Pakistan and that the process of radicalization in FATA is much more complicated than identity politics. The drone program produces a myriad of negative effects and problems, including adverse effects on mental health of residents. Its traumatizing effects should not be ignored but there is no basis to suggest that drones have motivated widespread radicalization of the affected population.

The Pakistani drone operation reached its apex in 2010 with 128 strikes.⁶⁸ Since then, the number of drone strikes carried out by the CIA in Pakistan has dramatically decreased and Obama himself, perhaps ironically, has expressed his concern about the CIA's paramilitary capabilities.⁶⁹ This policy back-peddle was certainly in response to mounting international pressure, deteriorating relations with Islamabad, and a marked decrease in the number of top al-Qaeda officials within FATA. Moreover, Obama's pivot on drones also reflects US concerns regarding the proliferation of the technology to actors such as China, Russia, and Iran. Although the CIA program in Pakistan has come to inconclusive end, the program has already set several problematic precedents for the unethical operation of armed drones in future conflicts, and the conclusion of the program does not absolve the unethicality of its practices. Thus, the Trump administration's recent move to give the CIA greater latitude to use targeted

⁶³ Aqil Shah, "Drone Blowback in Pakistan is a Myth. Here's Why," *Washington Post*, May 17, 2016, accessed November 28, 2016, https://www.washingtonpost.com/news/monkey-cage/wp/2016/05/17/drone-blow-back-in-pakistan-is-a-myth-heres-why/?utm_term=.ed327d0d52c7.

⁶⁴ Fair, "Drones, Spies, Terrorists," 223.

⁶⁵ Shah, "Drone Blowback in Pakistan is a Myth."

⁶⁶ Audrey Kurth Cronin, "Why Drones Fail," *Foreign Affairs* 90 (2013): 46.

⁶⁷ Fair, "Drones, Spies, Terrorists," 226.

⁶⁸ "Pakistan: Reported US Strikes 2010," *The Bureau of Investigative Journalism*, November 8, 2011, accessed April 3, 2017, <https://www.thebureauinvestigates.com/drone-war/data/obama-2010-pakistan-strikes>.

⁶⁹ Kanishka Singh, "Trump Gives CIA Authority to Conduct Drone Strikes: WSJ," *Reuters*, March 13, 2017, accessed April 3, 2017, <http://www.reuters.com/article/us-usa-trump-cia-drones-idUSKBN16K2SE>.

strikes⁷⁰ risks exacerbating the deadly precedents set by the Obama administration, and will further jeopardize America's moral standing within the international community.

Concluding Remarks

In summary, the overall effects of the CIA drone program are very complex. On one hand, claims made by the Obama administration to justify armed drones through the prism of Just War theory are unsatisfying and a lack of transparency prevents a meaningful assessment of the impact of drones. On the other hand, drones have proven effective in dismantling the ability of militant groups within FATA; however, the ends do not justify how drones were used. Reforms are in order if the United States is to avoid similar ethical dilemmas in future drone operations. Washington should first and foremost prevent the CIA from utilizing drones to conduct targeted killings. The realities of covert operation prevent accurate ethical assessments and implicate the United States government in a variety of potential moral violations. Second, the United States should pressure Pakistan to formally reintegrate FATA into the political mainstream. By providing government services and infrastructure, residents will be less likely to turn to militant groups for primary needs. Furthermore, Pakistan should allow independent access to FATA for NGOs and other monitor groups. Third, the United States should explain the criteria used to select targets and increase the overall transparency of the program. Lastly, the United States must utilize its standing as an international norm setter to push for global governance on the use of drones to prevent future ethical abuses as the technology proliferates.

⁷⁰ Gordan Lubold and Shane Harris, "Trump Broadens CIA Powers, Allows Deadly Drone Strikes," *Wall Street Journal*, March 13, 2017, accessed April 3, 2017, https://www.wsj.com/articles/trump-gave-cia-power-to-launch-drone-strikes-1489444374#_=_.

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