



RESEARCH PAPER

The Obama Administration Policy of Drone Strikes in FATA

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ABSTRACT

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One of the most prominent features of the Obama administration policy towards Pakistan was the use of drone strikes. It was the linchpin of the administration counter-terrorism strategy in Pakistan's tribal areas. His administration inherited the drone programme from his predecessor, but it had massively increased the use of drone strikes in Pakistan's tribal areas. The US government had been using the September 2001 Authorisation to use military force Act as legal cover. When President Bush left office in January 2009, the US had used 45 drone strikes in Pakistan, by targeting high-profile terrorists. On the other hand, President Obama carried five times more drone attacks in Pakistan during his first tenure. The US' forceful execution of the drone attacks in Pakistan had succeeded in targeting many high-profile terrorists associated with the Taliban and Al-Qaeda, but it increased differences and reduced the level of intelligence cooperation between Islamabad and Washington.

Introduction

One of the most prominent features of the Obama administration policy towards Pakistan was the use of drone strikes. It was the linchpin of the Obama administration's counter-terrorism strategy in Pakistan's tribal areas. The Obama administration had tremendously increased the use of drone technology as a "target killing weapon" against the alleged enemies, who are suspected of posing an imminent threat to the security of the United States (Cronin, 2013). His administration inherited the drone programme from his predecessor, but it had massively increased the use of drone strikes in Pakistan's tribal areas. The US government had been using the September 2001 Authorisation to use military force Act as legal cover, which empowered the president to "All necessary and appropriate force" against nations,

organisations who committed the September 11 (Bellinger 111, 2012, Washington Post). When President Bush left office in January 2009, the US had used 45 drone strikes in Pakistan, by targeting high-profile terrorists with the help of the Pakistani government. On the other hand, President Obama carried five times more drone attacks in Pakistan during his first tenure (*The Long War Journal*). The US' forceful execution of the drone attacks in Pakistan had succeeded in targeting many high-profile terrorists associated with the Taliban and Al-Qaeda, but it increased differences with Pakistan and profoundly reduced the level of intelligence cooperation between Islamabad and Washington (Mckelvey, 20th November 2012, *The Daily Beast*).

There are some important questions related to the United States' drone strikes in Pakistan's tribal areas, which are essential in order to comprehend the effect of drones on terrorism in FATA. First, it is crucial to elaborate whether the United States' drone strikes in tribal areas were part of a strategy or they were simply there, because Washington did not have other options to attack the Taliban in FATA. The evidences available in the existing literature support the claim that drone strikes were part of a comprehensive strategy towards the Taliban and Al-Qaeda in Pak-Afghan bordering region are mix and baffling. The United States policy of drone strikes in tribal areas of Pakistan were as effective as any other tool of counter-terrorism by creating fear among the terrorist leaders, killing their top leadership and significantly reducing risk to US servicemen, but there were also some disadvantages of the programme, which should had been addressed in order reduce the support for terrorism in tribal areas.

There were two types of drone strikes the United States had been using in Pakistan and Afghanistan: "signature" and "personality" strikes. Signature strikes were based on the "pattern of life" analysis, targeting groups or people who bore certain characteristics associated with terrorist activities, but whose identities were not known. "The *Times* reported that some in the Obama administration joke that when the CIA sees "three guys doing jumping jacks," they think it is a terrorist training camp" (Becker & Shane, *The New York times*, 29th May, 2012). Personality strikes were targeting alleged high-profile leaders of terrorist organisations. President Bush was more focused on the personality strikes; whereas the Obama administration did not only include more people to the list of high-value targets, but also exponentially increased signature strikes in Pakistan's tribal areas. According to news reports, the CIA may have given these strikes a new name: terrorist-attack-disruption strikes (TADS) (Becker & Shane, *The New York Times*, 29th May, 2012).

The US had two kinds of drone missions in Afghanistan and Pakistan. In Afghanistan drones were used by the Pentagon for surveillance and reconnaissance activities to help the US and NATO forces against the Taliban. On the other hand, the drone mission in Pakistan was under the auspices of the CIA, which was a much closer

and secret programme than the Pentagon's one. There was a consensus in the Obama administration on the use of personality strikes in Pakistan, but signature strikes were controversial. Sometimes, these strikes produce bonanza, as in June 2011, a signature strike killed Illyas Kashmir, a dangerous operative of Al-Qaeda. However, the State Department and the US embassy in Islamabad were not happy with the cost-benefit ratio of the signature strikes and wanted a veto over it (Ignatius, 20th June 2012, *The Washington Post*).

Drones as tactic or a Strategy

There was a conflict in the Obama administration between the CIA and the State Department over the use of drone strikes in Pakistan: it was exposed publicly when the United States' ambassador to Pakistan Cameron Munter resigned from his job prematurely in May 2012. It invoked a bigger debate on who should have final authority over the use of drone strikes in Pakistan. Ambassador Munter wanted the authority to block a drone strike if necessary, whereas the then-CIA Director Leon Panetta, a confidant of the President, did not want any 'check and balance' over the use of drone strikes in Pakistan. The State Department and particularly the US former envoy to Pakistan and Afghanistan, the late Richard Holbrook, were in favour of diplomacy and engagement; whereas the White House and the CIA were resorting to the use of force and coercion. Instead of diplomacy, Washington was increasingly employing brass-knuckle techniques, such as threatening to cut back on aid: "When I get calls from White House, they say, 'Dial up the pain' Munter said to me". The State Department was stressing upon the judicious use of the drone attacks putting high value on its relationship with Pakistan: "Munter thought the strikes should be carried out in a measured way. 'The problem is the political fallout,' he says. 'Do you want to win a few battles and lose the war?'" (Mckelvey, 20th November 2012, *The Daily Beast*).

The CIA, however, had a different approach: treat Pakistan by "Moscow's rules", meaning don't give an inch to it. The conflict between the embassy and the CIA station chief became worse when a CIA employee, Raymond Davis was arrested after killing two Pakistanis in Lahore. The CIA wanted to play tough and was not ready to accept any resolution except the total release of its agent, whereas the US embassy in Islamabad preferred to settle the issue amiably. Eventually, the embassy resolved the Raymond Davis case by paying "blood money" to the victims' families (Ignatius, 20th June 2012, *The Washington Post*). The increasing number of signature strikes in Pakistan's tribal areas shows that the CIA had more influence than the State Department on the US policy towards Pakistan.

The effect of drone strikes on terrorist organisations

There is no doubt that the US drone strikes were militarily useful against Al-Qaeda and the Taliban. These attacks did not only kill top leadership of the Taliban and Al-Qaeda, but also significantly disrupted the FATA-based local, regional and international terrorist capacity to attack either the US forces in Afghanistan or successfully execute an attack in the United States.

“According to an Obama administration official, the U.S. eliminated at least twenty of al-Qaeda’s 30 top leaders from 2009 to 2012 in Afghanistan and Pakistan. In Pakistan alone, according to The New America Foundation, drone strikes killed 51 militant leaders, including 28 senior al-Qaeda operatives, between 2004 and early 2013. They have also killed several high-level Pakistani and Afghan Taliban and al-Qaeda-affiliated leaders. TTP leader Baitullah Mehsud was killed in August 2009; Wali Mohammed Toofan, head of the Pakistani Taliban’s suicide wing, on 6 January 2013; South Waziristan Taliban leader Maulvi Nazir Wazir on 2 January 2013; Badruddin Haqqani, third in command of the Haqqani network, on 24 August 2012; and Harkat-ul Jihad al-Islami (HuJI)’s Ilyas Kashmiri, a senior al-Qaeda operative, on 3 June 2011.” (Asia Report 247, 21th May 2013).

A former British intelligence official attributed a significant reduction in terrorist attacks against the UK and Europe to the disruption of Al-Qaeda’s operational leadership from FATA through drones (Somaiya, 2013). Even Pakistan’s former Army Chief General Kayani and former DG ISI General Pasha acknowledged the military significance of drone strikes against Al-Qaeda and the Taliban. According to a leaked cable dated 19th February, 2009 published on NDTV, “Kayani knows fully well that the [drone] strikes have been precise (creating few civilian casualties) and targeted primarily at foreign fighters in the Waziristans” and General Pasha said to the Abbottabad Commission that drone strikes were beneficial, but they were against the sovereignty of Pakistan. A well-informed Pakistani journalist who has extensively covered FATA and the Taliban also said “drones are the only thing militants fear” (Asia Report 247, 2013). This was further established in a video of Hakimullah Mehsud, who was chief of the Pakistani Taliban and killed in a drone strike, which was released after his death. The continuous killing of high value Al-Qaeda and Taliban leadership did not only increase distrust among the Taliban, but also forced them to avoid using modern telecommunication system (Shah, 27th February, 2012).

Drone strikes and radicalisation in FATA

One of the key component of Pakistan’s national discourse on terrorism was “to distance itself from the US war” in order to get legitimacy in the country generally and in FATA particularly. Pakistan’s political and military leadership tried hard to

avoid the impression especially in FATA that it was fighting an 'American War', that the Army works as mercenary of the United States' to kill its own people for the sake of dollars. They presented the war against the Taliban and Al-Qaeda as 'Pakistan's indigenous war', because they (the Taliban and Al-Qaeda) had killed more than 50,000 civilians and 10,000 Army soldiers, attacked Pakistan's military installations; Mehran Naval base, Kamra Air base, and Army general headquarters, blew up Pakistan's mosques and schools and wanted to impose their version of Sharia in Pakistan. Therefore, the Taliban and Al-Qaeda qualified as Pakistan's enemy and posed a serious threat to the stability and security of the country.

The US drone strikes, according to Pakistan, undermined its narrative and strengthened the militants' one who local people that there is no difference between the American and Pakistani soldiers, they both are fighting for the same purpose, to kill Muslims and eliminate Islam. The Pakistani administration believed that the Taliban and Al-Qaeda narrative got public support when there were joint operations of Pakistan's Army with the US' or when there were American tags on any policy. The consistent presence of drones in FATA's sky and the signature strikes, which sometimes killed innocent people, reinforced the impression that Pakistan and the US were allied and fighting against a single enemy, Al-Qaeda and the people of FATA. Therefore insurgency in the tribal areas, which initially started in North and South Waziristan, spread to all seven agencies and the Pakistani Taliban emerged as a formidable threat that now seriously challenges the writ of the Pakistani state in FATA.

The Obama administration had adopted a closed program on drone strikes and refused to answer even the basic questions regarding the use of this technology. Secondly, most of the drone strikes were taking place in areas which were not accessible for independent observers and human rights organisations. Therefore, it is difficult to establish a final opinion over its legal status. The Obama administration justified drones strikes under Article 51 of the United Nations Charter, which recognises the inherent right of individual or collective self-defence. John Brennan, director of the CIA and former chief counter-terrorism adviser to President Obama, had argued that "there is nothing in international law... that prohibits us from using lethal force against our enemies outside an active battlefield, at least when the country involved consents or is unable or unwilling to take action against the threat" (Brennan, April 2012).

Similarly, the Obama administration like its predecessor used the September 2001 Authorisation of the Use of Force Act [AUFCA] as legal cover. There were several legal experts and human right activists, especially Cristof Heyns, the UN special rapporteur on extra-judicial executions, who criticised the Obama administration's decade old act as a justification for the use of drone strikes outside a battlefield against

people they considered responsible for the event of 9/11. There were some serious legal questions raised on the health of the Obama administration's drone program, which could create problems in future like the Bush administration's counter-terrorism techniques at the beginning of the war on terror. The Obama administration refers to its 'right of self-defence' against an 'imminent threat' to the United States' national security. Those principles are vague, broad and had to be subjected to judicial processes. "Instead, where an armed conflict exists, the legality of U.S. drone strikes hinges on each individual strike's adherence to basic humanitarian law principles: those of humanity, distinction, proportionality and military necessity (Asia Report 247, May 2013, p.16).

Pakistan's domestic reactions to drones were best reflected in a cable leaked in the Dawn newspaper on 20th May 2011. It is true that Pakistan's national leaders were not too concerned with the US drone program, but it was difficult to support the violation of Pakistani sovereignty publicly. Even Pakistani anti-terrorist secular liberal political parties such as the Mutahida Quomi Movement (MQM); a Karachi-based urban political party, and the Awami National Party; a Pashtun nationalist political party, that suffered heavy casualties due to its anti-Taliban public posture, could not support the US drone program. According to WikiLeaks, all political parties including liberal and secular one like Awami National Party leadership started opposing drone strikes on the basis of its civilian casualties. The former Chief Minister of NWFP, Muhammad Akram Khan protested against the drone strikes and warned that their expansion to settled areas would have serious consequences for Pakistan's domestic stability (Dawn, 20th May, 2011).

In the 2013 election, a socially liberal and political conservative political party led by cricketer-turned-politician Imran Khan emerged as the second biggest party in Pakistan and formed a government in the Khyber Pashtunkhwa province which is adjacent to FATA, who is now ruling the country. Most of the NATO supply line passes through this province and it played a profoundly important role in countering talibanisation in settled areas and FATA due to its geographical contiguity and cultural similarity. Imran Khan had two prominent issues in his manifesto: removal of corruption and an end to the war on terror particularly to the drone strikes. Drone strikes had become the hottest political issue in the country and were considered responsible for the Talibatisation and radicalisation of FATA. Since the formation of PML (N) government in Pakistan, there was a significant decline in the US drone strikes, particularly in the signature ones. Although the US had achieved its objective by killing most of the Al-Qaeda and Taliban high value targets, but it would not end Al-Qaeda and the Taliban only by killing their top tiers. There had to be a comprehensive counter-terrorism policy to stop new recruitment, distance the moderate from the hardliners, accommodate those who are victims of the US and

Pakistan policies, address the genuine grievances of the area, isolate the terrorists from the population, and defeat their narrative particularly in tribal areas.

Conclusion

Did Pakistan cooperate with the United States in the war against Al-Qaeda? Yes. Was it successful? No. There were three factors responsible for the failure of the bilateral cooperation against the Taliban and Al-Qaeda. First, the decision to kill or arrest Al-Qaeda and the Taliban members in Pakistan was a difficult one. The different ethnic groups living in Pakistan don't share anything with each other except Islam. Islam has been the basic factor that keeps the Pakistani united and together. Islamic political parties and religious schools are considered the most loyal section of Pakistan. There has always been an alliance between the Pakistan's powerful military, intelligence establishment, and the religious forces. This relationship has further strengthened after the break-up of East Pakistan on ethnic basis in 1971. The Pakistani establishment started extra focus on the religious identity and marginalised the liberal and modern forces of Pakistan. The Islamic forces and infrastructure don't only serve Pakistan's army domestic interest, but also promoted its strategic interest in Afghanistan and Kashmir. The jihadist factory, which the United States demands from Pakistan to eliminate, was basically created with the help of Washington to defeat the Soviet forces in Afghanistan. Later on Pakistan's army converted these non-state forces from Afghanistan to Kashmir, which kept Indian 500,000 forces engaged in Kashmir for ten years in 1990s. Therefore, it was a difficult decision for Pakistan to target all those forces which were promoting its interest domestically and strategically. Even President Musharraf took decision to attack them, but it was not implemented at the lower level rigorously.

The second factor that constrains the bilateral relationship was Pakistan's strategic interest in Afghanistan. As Pakistan doesn't like liberal and ethnic forces domestically, it also doesn't have good feeling for nationalist forces inside Afghanistan especially the Pashtun nationalists. Pakistan's army realises the danger of a stable Afghanistan to Pakistan's integrity. Although, the Pashtun population is well integrated with Pakistan now, but there is still a danger if Afghanistan gets stabilises, it will again claim on the Pashtun population of Pakistan who were historically part of Afghanistan. The only force that doesn't threaten Islamabad to claim the Pashtun population or support the nationalist elements inside Pakistan is 'the Taliban', therefore, Pakistan doesn't compromise on the Afghan Taliban. If Pakistan's army defeats the Pakistani Taliban, who doesn't serve any interest of Pakistan, the United States will start pressuring Islamabad for military operations against the Afghan Taliban, who are an important strategic asset of Islamabad. Thus, Pakistan maintained a status quo until the United States policy toward Afghanistan defeated in 2020. It again started supporting the Taliban more actively once the United States forces

withdrew from Afghanistan. The maintenance of status quo kept the United States' pressure for military operation against the Afghan Taliban away. It also avoided a direct confrontation with the United States, because if the Pakistani Taliban were removed, the United States would have pressured Pakistan for Afghan Taliban, in case of refusal, could have precipitate more unilateral interventions from the United States. And the Maintenance of status quo also kept the United States money coming to Pakistan. The United States finances the Pakistan's military operations in FATA through coalition support fund, and also provided economic and military assistance of \$1.5 billion per year from 2009 to 2014.

The third factor that did not let them work smoothly was the 'mutual distrust'. There is a section of society in Pakistan especially in its intelligence and army establishment who believed that the United States was not interested in finishing the Taliban and Al-Qaeda. They believed that United States wanted to occupy and destabilise this region especially the Muslim countries under the pretext of terrorism. They suspected that the United States with the help of Israel and India wanted to promote anarchy and chaos in Muslim world through war on terror. The US invasion of Iraq further confirmed their suspicions that the United States was interested in something bigger than terrorism. In case of Pakistan, they argued, the United States was interested in its nuclear weapons. They also suspected that United States' CIA supported the Pakistani Taliban through Afghan National Directorate of Security (NDS) to damage Pakistani state and distort its image internationally to create a scenario that its nuclear weapons are not safe. On the other hand, there were forces in United States who always blamed Pakistan for everything. It might be true that some elements in Pakistan's army and intelligence were supporting the Taliban, but the United States list of political mistakes in Afghanistan was also not short. The United States ignored Afghanistan for seven consecutive years from 2002 to 2009. If the US had focused on Afghanistan and Pakistan instead of occupying Iraq, it would have had a different scenario today. The suspicion in Washington also did not allow it to engage Pakistan strategically. If the United States believed that Pakistan's role in Afghanistan was important, it should have accommodated Islamabad's concerns at the beginning of new political dispensation in Kabul.

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