DRONES: NATION-UNBUILDING IN PAKISTAN AND THE US

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Stanford's International Human Rights and Conflict Resolution Clinic and NYU's Global Justice Clinic have joined the debate on drones with a long report presenting what it argues are the counter-productive aspects of drone strikes. It argues:

- The US has downplayed the number of civilian casualties
- Even short of drone deaths, those living under drone surveillance suffer other harm from them, most notably terror
- Evidence that drone strikes have made the US safer is ambiguous
- Drone strikes undermine rule of law

To remedy these problems and bring about a real debate, the report calls for more transparency from the Administration so we can debate the real effects of the drone war, and more discipline on the part of reporters in reporting drone strikes.

Some of what the report describes will be familiar to regular readers of this site. The report is most important, I think, for its discussion of the way drones undermine society in both Pakistan and the US.

Unbuilding Pakistan

While some of this has been discussed with

regards to Pakistan (and Yemen), the report cites FATA residents (who were interviewed outside of the FATA) describing drones impacting commerce.

> One college student from North Waziristan explained that "Because of these drones, people have stopped coming or going to the bazaars. . . . [I]t has affected trade to Afghanistan."578 The owner of a shop selling toys in a North Waziristan market stated that ever since the drone strikes began, "It's very hard for us, we just barely get by [with what we make in the shop]. . . . People are afraid of dying. They are scared of drones."579 One man, who once owned a car that he used to transport goods to and from the rest of Pakistan, said that in the past he would agree to be hired for 200 rupees a day. 580 Now, however, because of drones and the risks associated with their presence, "nobody is even willing to work for 500 rupees."581

And the Jirga system of problem resolution.

> One of the most troubling community-wide consequences of the fear of gathering is, in several interviewees' views, the erosion of the jirga system, a community-based conflict resolution process that is fundamental to Pashtun society.584 Khalil Khan, the son of a community leader killed in the March 17, 2011 jirga strike, explained that "everybody after the strike seems to have come to the conclusion that we cannot gather together in large numbers and we cannot hold a jirga to solve our problems."585 Noor Khan, whose father Malik Daud Khan presided over that jirga and was killed, confirmed this account:
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>> Everybody is scared, especially the elders. . . [T]hey can't get

> together and discuss problems . . .
> [I]f a problem occurs, they can't
> resolve it, because they are all
> scared that, if we get together, we
> will be targeted again. . . .
> Everybody, all the mothers, all the
> wives, they have told their people
> not to congregate together in a
> jirga. . . . [T]hey are pleading to
> them not to, as they fear they will
> be targeted. 586
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> The jirga is a vitally important part of
> Pashtun communal and political life,
> providing opportunities for community
> input, conflict resolution, and
> egalitarian decisionmaking.587 Hampering
> its functions could have serious
> implications for the communal order,
> especially in an area already devastated
> by death and destruction.

In addition, the report focuses on how drones
encourage Pakistan to become even less
democratic.

> The focus on drones also risks
> undermining Pakistan's development by
> incentivizing undemocratic decision-
> making and fostering instability. In
> 2009, Anne Patterson, US Ambassador to
> Pakistan, discussed the risks of the US
> drone strategy in a cable sent to the
> Department of State. She noted,
> "Increased unilateral operations in
> these areas risk destabilizing the
> Pakistani state, alienating both the
> civilian government and military
> leadership, and provoking a broader
> governance crisis within Pakistan
> without finally achieving the goal [of
> eliminating the Al Qaeda and Taliban
> leadership]." 766 Pakistan High
> Commissioner to the United Kingdom Wajid
> Shamsul Hasan told The Bureau of
> Investigative Journalism (TBIJ):

> What has been the whole outcome of these drone attacks is, that you have rather directly or indirectly contributed to destabilizing or undermining the democratic government. Because people really make fun of the democratic government— when you pass a resolution against drone attacks in the parliament, and nothing happens. The Americans don't listen to you, and they continue to violate your territory. 767
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> The US strikes have also contributed to the delegitimization of NGOs that are perceived as Western, or that receive US aid, including those providing much-needed services, such as access to water and education, and those administering the polio vaccine; this perception has been exploited by Taliban forces. 768

While there are plenty of other factors undermining democracy in Pakistan which deserve discussion, this report is one of the first that focuses on how drones lead to a decline in credibility in Pakistan's government, while destabilizing the already unstable FATA.

Unbuilding the US

At the same time, the report questions the effects of drones on our own country, particularly in terms of democratic accountability.

> The ways in which the US has used drones in the context of its targeted killing policies has facilitated an undermining of the constraints of democratic accountability, and rendered resort to lethal force easier and more attractive to policymakers. The decision to use military force must be subject to rigorous checks-and-balances; drones, however, have facilitated the use of

killing as a convenient option that avoids the potential political fallout from US casualties and the challenges posed by detention. Senator Saxby Chambliss of Georgia, the top Republican on the Senate Intelligence Committee, stated: "[The Obama administration's] policy is to take out high-value targets, versus capturing high-value targets. They are not going to advertise that, but that's what they are doing." 792

[snip]

A combat veteran of Iraq explained why drones may alter the calculus of warfare: "[t]here's something important about putting your own sons and daughters at risk when you choose to wage war as a nation. We risk losing that flesh-and-blood investment if we go too far down this road." 795 A 2011 British Defense Ministry study of drones raises these challenging questions:

> If we remove the risk of loss from the decision-makers' calculations when considering crisis management options, do we make the use of armed force more attractive? Will decision-makers resort to war as a policy option far sooner than previously? 796

Peter Singer insightfully describes how these questions also affect democratic accountability: "when politicians can avoid the political consequences of the condolence letter—and the impact the military casualties have on voters and on the news media— they no longer treat the previously weighty matters of war and peace the same way…. [drones are] short-circuiting the decision-making process for what used to be the most important choice a democracy could make." 797

> [snip]
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> In 1848, President Abraham Lincoln
> warned about the peril of granting such
> unrestrained power to the executive:
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>> Allow the President to invade a
>> neighboring nation, whenever he
>> shall deem it necessary to repel an
>> invasion, and you allow him to do
>> so, whenever he may choose to say he
>> deems it necessary for such purpose
>> and you allow him to make war at
>> pleasure. 799
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> With policymakers making critical
> decisions about US policy outside the
> public's view, and an utter lack of any
> real transparency and accountability,800
> the rule of law is undermined and a
> democratic deficit created.

Of course, many military people will say this is
a benefit. I have no problem with keeping our
men and women out of danger.

The problem is when you combine these two
effects: if drone strikes destabilize already
volatile regions and delegitimize what partners
we have, it will likely lead to more instability
in the long run.

These issues are part of what I was trying to
get at in these two posts. Let's hope that with
such institutions as Stanford and NYU raising
similar issues, we can finally include these
larger issues in the discussion about drones.