

PAKISTAN UNDERCUTS AMERICA'S DRONE WAR

The UN's Special Rapporteur on Human Rights and Counterterrorism, Ben Emmerson, just released a press release on his trip to Pakistan which is part of his inquiry into the use of drones.

The Pakistanis appear to have used Emmerson's visit to undercut the legal basis for our drone war there.

During the visit, the Government emphasized its consistently-stated position that drone strikes on its territory are counter-productive, contrary to international law, a violation of Pakistan's sovereignty and territorial integrity, and that they should cease immediately.

The Special Rapporteur was informed by the Government that Pakistan does not consider the situation in FATA to amount to an armed conflict (whether international or non-international). To the contrary, Pakistan considers that its own military forces operating in the region are engaged in a law enforcement operation aimed at countering terrorism in support of the civilian administration.

And even mocked the "unwilling or unable" language we use to claim our strikes there are legal.

The Special Rapporteur was informed in the clearest possible terms that Pakistan's Government and Parliament unequivocally rejects any suggestion that its authorities and armed forces, acting together, are either "unable or unwilling" to tackle the problem of terrorism effectively on the sovereign territory of Pakistan.

Emmerson's statement spends a lot of time laying out the efforts the Pakistanis have made to get the Americans to stop the drone strikes.

Officials stated that reports of continuing tacit consent by Pakistan to the use of drones on its territory by any other State are false, and confirmed that a thorough search of Government records had revealed no indication of such consent having been given.

Officials also pointed to public statements by Pakistan at the United Nations emphasizing this position and calling for an immediate end to the use of drones by any other State on the territory of Pakistan.

In addition, the Ministry of Foreign Affairs informed the Special Rapporteur that since mid-2010 (and to date) the Government has regularly sent Notes Verbales to the US Embassy in Islamabad protesting the use of drones on the territory of Pakistan and emphasizing that Pakistan regards these strikes as a violation of its sovereignty and territorial integrity, and requiring the US to cease these strikes immediately.

There are several more paragraphs describing legal efforts to get us to stop the drones.

Emmerson's release undercuts every single legal claim the US has made about the strikes.

Here's the trick, though: Emmerson did not meet with Pakistan's military or ISI, who are presumably our partners in the drone war. Instead, the civilian government just assured Emmerson they would have said the same things the civilians were saying.

During the course of the visit the Special Rapporteur met with officials from the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Human Rights and other relevant entities

including a senior representative of the Secretariat of the Federally Administered Tribal Areas (FATA) and the Chairman of the Senate Standing Committee on Defence and Defence Production. He is particularly grateful for the assistance that was provided by the Minister for Foreign Affairs Hina Rabbani Khar and by the Foreign Secretary during his meetings with them.

The Special Rapporteur regrets that he did not have the opportunity to meet with representatives of the Pakistan Military or the ISI. However, he was informed that their position would be adequately reflected by consultations with the Ministry of Foreign Affairs, the Ministry of Interior and the Ministry of Defence.

Apparently, the Pakistanis also only addressed the risk from extremists in the FATA in terms of the TTP, not Afghan Taliban or Al Qaeda hiding there.

The Government, including the Foreign Minister, emphasised to the Special Rapporteur that the principal threat posed by the Pakistani Taleban (TTP) and other terrorist groupings operating in FATA is directed at military and civilian targets of Pakistan itself and that the country has sustained very heavy losses and damage through acts of terrorism.

What the release does, then, is lay out in stark contrast the degree to which Pakistan's civilian and military authorities are sending different messages.

I'll probably have more on this later (the release offers an interesting set of numbers on deaths from terrorism and deaths from drone strikes).

But for now, know that the civilian government of Pakistan has just given CIA Director John Brennan a bit of a headache for his drone strikes.