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**DILEMMA OF WEAPONISED DRONE TECHNOLOGY:
THE ARGUMENT AND JUSTIFICATION FOR THEIR DEPLOYMENT**

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Declaration

I, Tsuku Sibasa Lita Fani, hereby declare that this thesis has been written by me and is a result of my own work. That all sources and literature used in this thesis are duly indicated and listed in the appended bibliography.

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To my family and friends – I would not have done it without your unwavering support, love and prayers. Ndibulela ngongazenzisiyo!!!!!!

In remembrance of my father, Jackson Nkosemntu Fani

Abstract

The thesis employs critical discourse analysis to map the debate regarding the deployment of armed Unmanned Aerial Vehicles (UAVs) in warfare and analyses the arguments that legitimise drone strikes and those which criticise their deployment. It also identifies the contentious issues regarding new technologies in warfare. The thesis is aimed at examining the kinds of arguments and justifications that have been provided by different actors for the deployment of armed drone strikes by the United States in Pakistan over a fifteen-year period, beginning with the first strikes in June 2004. It focuses on the bureaucratic debates regarding the strikes and how political leaders have framed the rationale for their deployment. Consequently, it is important to critically analysis how the strikes by United States have been interpreted by different voices and whether the actions of the United States and its drone policy can or cannot be normatively and ethically justified. The thesis sets out by identifying the common themes that emerge from the public discourse and sets out to answer one key question that assesses the intertextual framework that has bounded the official discourse, the wider political, academic and public debate regarding armed unmanned drone strikes. That is: **How have the US drone campaigns in Pakistan been framed and justified?**

Keywords

Targeted killings, signature strikes, high-value individuals, self-defense, al Qaeda, FATA, drones

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List of Abbreviations

AUMF	Authorization for the Use of Force
CIA	Central Intelligence Agency
FATA	Federally Administered Tribal Areas
NATO	North Atlantic Treaty Organisation
NWFP	North-Western Frontier Province
PPG	Presidential Policy Guidance
RMA	Revolution in Military Affairs
ROA	Remotely Operated Aircrafts
RPV	Remotely Piloted Vehicle
TBIJ	The Bureau of Investigative Journalism
UMS	Unmanned Military Vehicle
UN	United Nations
US	United States
UAMS	Unmanned Aircraft Military Systems
UAV	Unmanned Aerial Vehicle
WW1	World War 1
WW2	World War 2

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INTRODUCTION

The deployment of weaponised Unmanned Aerial Vehicles (UAVs), hereafter referred to as drones, can be seen through the prism of the changing nature of war. The change is not just in the actors involved in the conflict, but is also in the technology that is deployed to wage the war. The September 11 attacks on the United States (US) marked the turning point for the deployment of armed drones in conflict situations. Before then, the deployment of drones was primarily for surveillance and intelligence gathering purposes. Singer (2009) makes the observation that unmanned aircraft with intelligence and surveillance capabilities and piloted by operators on the ground have been in use since the 1950s. With the declaration of the “war on terror” the US has deployed armed drones in Afghanistan, Somalia, Yemen and Pakistan in targeted attacks aimed at “high-value” individuals.

Following the US-led invasion of Afghanistan in 2001, the Al Qaeda leadership fled the country to the Federally Administered Tribal Areas (FATA) region in Pakistan, a move that was facilitated by the lawlessness of the region and the porous border between Afghanistan and Pakistan. The area northwest of Pakistan provided refuge to Al Qaeda and its leadership, including the US’s number one terrorist Osama bin Laden, from where they have been leading global jihad campaigns. Gunaratna and Nielsen (2008) suggest that the volatile FATA region, together with the adjacent North-Western Frontier Province (NWFP), has aided the proliferation of al Qaeda and other terrorist groups such as the Pakistan Taliban, adding to the complexity of the threat posed by al Qaeda. According to them, the reason al Qaeda and the Afghan Taliban have been able to flourish in the FATA region and Afghanistan, respectively, can be linked in part to

the lack of institutional governance as well as the failure of the Pakistani military operations in the FATA region to eliminate Taliban and Al Qaeda bases. The FATA region is semi-autonomous and the absence of sustainable development has led to the repression of civilians and the fostering of militancy. The resultant instability and presence of terrorists in the region lends credence to the assessment of scholars that acts of terrorism are strongly linked to social and political injustice. Therefore, in instances where people perceive social, political or historical wrongs to have been committed choose, they will choose terrorism as they tend to believe that the violence justifies the ends in relation to these injustices.

It is evident from the US foreign policy that it is determined to disrupt the activities of terrorists operating in Afghanistan and Pakistan through all means necessary to do so. The determination to do this is further elucidated by President Barack Obama's speech at National Defence University in May 2013:

'First, we must finish the work of defeating Al Qaeda and its association forces. Our mission will come to an end. And we will work with the Afghan government to train security forces, and sustain a counterterrorism force, which ensures that al Qaeda can never again establish a safe haven to launch attacks against us or our allies'. (Obama, 23 May 2013)

However, US operations have not been as easy to execute because of the Pakistani government's opposition to US military forces operating or deploying ground forces in the country (Williams, 2010). Nonetheless, the drone strikes were initiated with the tacit cooperation and support of the Pakistani Government, under Pakistani president

General Pervez Musharraf, which yielded to US pressure following September 11. In return, since 2002, Pakistan has received as much as USD 33 billion in aid from the US government, which the US has used as leverage to coerce the Pakistan government to accede to its demands (Reuters, 2017). However, the signing of a peace agreement between Pakistan and the Taliban government in Afghanistan in 2006, which included the cessation of Pakistani military operations in the country brings to question the Pakistan governments' commitment to helping the US in fight against terrorism and insurgency. Further, the recent posture of Pakistan regarding the US drone strikes has been less cooperative, with the Pakistani government publicly condemning the strike, labelling them a blatant violation of Article 2.4 of the United Nations (UN) Charter and consequently Pakistan's sovereignty and territorial integrity. Even with such condemnation, Pakistan has proved valuable to the US in its fight to bring down the Taliban government in Afghanistan and al Qaeda, although the US has at times accused the country of harbouring the terrorist groups and providing them with safe havens.

Studies about drone strikes have been conducted globally and regionally looking at the various aspects of it (Casey-Maslen, 2012; Knoop, 2012; Schmitt, 2012). In the studies, only two aspects of the drone debate are highlighted, these being the argument and justification for their deployment, falling short of an extensive debate on the dilemma of weaponised drone technology versus their perceived utility in warfare. Specific to Pakistan, studies on drone strike have focussed on the legal and ethical perspectives with regards to US attacks on this country (Mahmood et.al, 2015; O'Connell, 2010). The extensive literature shows a bias towards international law

(Smith and Walsh, 2013); drones as a weapon of war designed to degrade and disrupt terrorist organisations is still an underdeveloped area.

Albeit reports suggest that as much as fifty-eight per cent of Americans are in support of the US drone campaigns (Pew Research Centre, 2015); after the killing of American citizen Anwar al-Awlaki, in Yemen in 2011, the drone strikes program has received great condemnation domestically. Specifically, because an American citizen, however dangerous, had been a victim. Despite the condemnation, the issue of loss of American lives in foreign wars is one that the American people grapple with and one that weighs heavily on their conscience as drone strikes have come to take priority over the loss of civilian life. Notwithstanding this, the overwhelming support of the drone strikes by the American people versus their domestic condemnation is indicative of the dilemmatic nature of drone campaigns. Ceccoli and Bing (2014) submit that the tremendous support could be as a result of ignorance of the complexities that arise as a result of the drone programme. They posit that the American people could also be ignorant of the presence of other alternatives that could serve the same intended purpose as drones. They attribute this ignorance to how the problem has been framed by politicians as well as the media. Internationally, the US drone strikes have also attracted extensive debate and remain a contentious issue, raising questions about the legality of the killings and whether countries such as the US are well within their rights in deploying armed drones in conflict situations. Public discourse about moral and legal considerations continue to beleaguer the US, with questions abounding about the normative implications of such acts and the future of the use of force in conflict situations. The targeted killings raise issues of possible violation of the norms of International Humanitarian Law given that

these killings are extra judicial and often result in the killing of non-combatants and civilians, contrary to the norms and codes of warfare. The precision of these laser guided missiles remains untested, raising the risk that the wrong people might be targeted. The dominant justification provided for the deployment of armed drones in President Obama's administration has been advanced as a means of last resort given what is perceived as the lack of any other alternatives available to protect the American people, from the terrorist threat emanating from Al Qaeda in Pakistan and its alliances.

Strawser (2015), makes the case that since time immemorial, human beings have invented several methods to kill each other. The methods have varied from slings, guns, planes and cruise missiles. He adds that, through technology, a new dimension of being able to kill from a distance has been added, resulting in the emergence of drones – unnamed aerial vehicles (UAVs) or unmanned aircraft military systems (UAMS) capable of killing targets with unmatched efficiency and lethality. He posits that drones have become common practice and a weapon of choice for a few Western military forces, and predominantly the United States. Article 2.3 of the United Nations Charter implores all member states to settle their disputes through peaceful means to maintain international peace, security and justice (UN, 1945). However, Article 51 of the Charter recognises the right of individual or collective defence where an attack has taken place against a member, although this must take place guided by the principles of just war (UN, 1945). Thus, any action that states take in self-defence must satisfy the requirement of necessity and proportionality as well as be a just act of last resort. Although Just War theory is not within the scope of this thesis and is not discussed further in the thesis, it is important in understanding the actions of the US.

The exploration of the argumentation and justification advanced for the US armed drone strikes in Pakistan and whether there is a political basis for their deployment provides the impetus for the formulation of the main research question:

RQ: How has the deployment of armed drone strikes by the United States in Pakistan from 2004 to 2015 been framed and justified?

In answering the research question, the thesis will trace the official and wider political debate and how this has been framed and justified. Central to the research question is critical reflection on how armed drone warfare has been justified in certain conflict situations and how this has been framed politically within the context of Critical Security Studies and International Law. Additional to this, is the legitimacy of armed drone warfare and the kinds of security threats it is responding to, and whether their deployment and the resultant targeted and non-targeted killings are guided by clear normative guidelines and rules.

The analysis presented in this thesis will contribute to wider understanding of the social and political impact of drone strikes, as they become the key component of American counterterrorist efforts in Pakistan and elsewhere. Understanding how the drone debate has been framed by political leaders and the media is important as it begins to question the validity of existing norms towards killing and the conduct of states in conflict situations, particularly as the actors to conflicts have changed. This therefore requires a relook of the behaviour of states in conflict and whether the use of drone technology runs contrary to expected and established norms and standards. This thesis does not consider in depth the Pakistani government's criticism of the drone campaigns but

rather analyses what the US government views as being problematic in the criticism of the drone strikes. It will also not look at the Pakistani media's framing of the problem.

Following the introductory section, the succeeding section looks at how new technologies intersect with the conduct of war. Further to this is how, with new technologies, questions of legality and morality emerge. The historical perspectives of drones are presented tracing the origins of drones and how they have evolved through time. Secondly, the section looks at when and where were the first drones deployed. Following the historical perspective, the next section will examine the criticism and support that bounds the drone debate. The last section will then analyse 5 discursive categories that have been used by the Bush and Obama administrations as legitimisation for the drone strikes in Pakistan from 2004 to 2015. Although the thesis covers both the Obama and Bush terms of office, it is more biased towards Obama's term because of the level and extent of transparency regarding the US drone programme. Further, because of the extent and scale of the campaigns under President Obama's leadership.

NEW TECHNOLOGIES AND WARFARE

This section looks at how new technologies have influenced the conduct of modern warfare. It will also study the challenges faced with the introduction of these new technologies. In considering the case for and against the deployment of armed drone technology, one must consider the argument why certain kinds of weapons are allowed in the conduct of warfare while others are not and the moral considerations there to. It is accepted that even though new technologies create opportunities in the conduct and prevention of war, in the same vein, they also create dilemmas.

The agreement in literature is that at least for the era following the second World War, technology developments have changed the nature and essence of war and that these changes pose a challenge to pre-existing norms and standards that regulate the conduct of states in warfare. Sagan (2016) alludes to how strategies aimed at improving national security lead to the development of more effective and destructive technologies of war. In tandem with these technology developments, motivations exist to legally and morally constrain violence in war, which include the protection of non-combatants. Therefore, while the character of war has changed overtime because of technological advances, it has also enabled a form of violence that is not consistent with the normative description of war. Although drones have been praised for their strategic and operational advantages a dilemma exists in their deployment as a means of war, highlighting the tension that exists in the opportunities and challenges that are inherent in new technologies. Granting drones are alleged to enable the discriminate use of violence and operational efficiencies, concerns have also been raised about their potential to increase the temptation to use military force even where there is no clear justification to do so. According to Mahnken (2008), as early as the Vietnam War, the US saw technology as a key catalyst in the development of revolutionary capabilities in the conduct of military operations and envisaged a situation where there would be little need for large ground forces. He argues that the "American way of war" imagined a situation where technology would allow for precision in locating and launching enduring air strikes against the enemy from great distances while denying him the opportunity to strike back. Mahnken concludes that from World War II through the Cold War and until recently, the American way of war has pursued a strategic culture that has relied on advanced technology as a central pillar in planning and waging war. However, Colin Gray (2005) challenges a strategic culture that is dependent on technology to dictate

tactics regardless of the political context, calling it dysfunctional. He does however regard as functional the innovative exploitation of technology as a vital asset for strategy and war.

Detractors of drones argue that countries such as the US and Israel have used new technology to adapt drones into unmanned killing machines that kill with impunity under the control of operators sitting in remote offices in the US and elsewhere. However, Witt (2014) argues that drone technology can be used under the right circumstances provided there is transparency in its use and the intended purpose. He locates the drone argumentation within the context of the evolution of new technologies in warfare and the resultant condemnation of those technologies based on moral grounds. Hajjar suggests that there is a clear moral argument against the use of dangerous weapons such as nuclear weapons and that this is not a function of technology but rather the inability of these weapons to discriminate between combatants and civilians. (Hajjar, 2013). Thus Voguel (2010) argues that drones should not be treated different from any other weapon or any other method of aerial delivery. His view is that the same rules of necessity, distinction, proportionality, and humanity that are applicable to fighter planes, surface-to-air missiles, or any means of warfare, should apply to drones.

Objections to new technologies of warfare are not new or an anomaly, as human beings have been inclined to always do so on moral grounds, from the use of longbows to rifled weapons to dum-dum bullets and chemical and nuclear weapons in both world wars (Witt, 2014). He sees the objections as a strategy emanating from the eighteenth

century, which has been used by those with an interest in wanting to regulate and constrain particular kinds of warfare without consideration of the underlying causes of the conflict. He carries on saying that these objections are likely to be effective only when there is low strategic usefulness of the new technologies to powerful states. Leading from this, because the US views its deployment of armed drones as perfectly legal and having a moral bias, its actions are likely to be sustained as the US has harnessed the strategic and operational utility of drones. This has enabled the US to target and kill certain individuals as well as disrupt the activities of Al Qaeda with a certain level of precision without having to deploy troops on the grounds. Further, the notion that the technology reduces collateral damage when compared to other weapons platforms or military tools, whilst also reducing combatant casualties, buttress the actions of the US. The US National Military strategy released in 2015 recognises the importance of globalisation and technology in driving change. The National Security Strategy of the same year speaks of a military “whose might, technology and geostrategic reach is unrivalled in history” (DoS,2015). Technological advances, which have their roots in the military, have changed how states conduct their military affairs in relation to each other.

Drones offer the operational utility of being able to kill enemy combatants over vast geographical distances while removing the risk to which soldiers on the ground would be exposed. Supporters of drone technology as a means of war elucidate about the precision in targeting as well as the advantages offered by the endurance and timeliness of drones. Mahadevan, (2010) challenges that the technical limitations and advances in technology will confine the military potential of drones. He further states that as a result

of the extant military doctrine, the future of drones as a replacement to manned aircraft in the battlefield will be limited. Nevertheless, even though drone technology has been around for a while, the deployment of armed UAVS in conflict situations can be seen as rather presenting a new dimension in the means and methods of warfare. This is despite the fact that non-combatants and civilians end up being casualties of these strikes

The media framing of the role of technology in warfare echoes that of academic scholarship with contrasting views on how technology will shape the future of warfare versus the moral and legal criticism of this type of technology. On the one hand, armed drone technology has been credited with making war humane and acceptable to the American public with the perception that their use places limitations on casualties of war while at the same time they are dealing with an imminent threat. On the other hand, the secrecy around the number of civilians killed together with the lack of transparency about the overall drone programme raises moral and legal objections. According to Ronconi, Batista & Merola, (2014) drones have the potential to be game changers as any country that possesses them could decisively win in the battlefield, but not necessarily the war. They therefore suggest that the interconnectedness of drones, as a means of warfare, with the associated country's military doctrine and its tactical implementation, is a very important aspect of warfare.

HISTORY OF DRONES

The term 'drone' was first utilised in 1936 and it referred to aerial targets. (Ronconi, Batista & Merola, 2014). Since then drones have come to be known by several names including (or uninhabited), aerial vehicles (UAVs), unmanned military systems, remotely piloted vehicles (RPVs) and remotely operated aircrafts (ROAs). The Oxford

English Dictionary defines a drone as ‘a remote-controlled pilotless aircraft or missile’, the etymology being the Old English word for a male bee. In Pakistan, they are called “mosquitos” or “bangana” by the Pashtun tribesman, meaning thunderclap in Pashto, and denotes the sound of the impact of the Hellfire missile detonated by armed drones (Walsh, 2010).

Drones in modern warfare can be traced back to World War I (WWI) where they were deployed by the US military and were criticised for being unreliable and inaccurate (Valavanis, 2007), which belies their current potential and impact they have had in warfare. Aircrafts were first used on the battlefield during WW1; furthermore, the period between WW1 and WW2 was marked by a series of inventions which included aerial torpedoes and unmanned flying bombs (Ronconi, Batista & Merola, 2014). The end of World War II and the beginning of the Cold War brought along with it traction and tangible results in the development of UAV projects. According to Blom (2010), the Korean War was the catalyst that led to the development of the first operational unmanned helicopter (QH-50) by the United States, which was followed by the extensive use of drones in reconnaissance missions during the Vietnam War. With time and technological advances, these unmanned aircrafts have evolved to carry out military operations. And so, drones have evolved from being remotely piloted vehicles of the 1950s and 1960s to lethal unmanned aerial vehicles of modern warfare (Sullivan, 2006).

The advent of drones is one that oscillates between being a revolution in military affairs (RMA) and merely being evolutionary. Sullivan (2006) argues that drones are not revolutionary but are rather evolutionary having been used for target practice since the

1930's and remotely piloted vehicles (RPVs) being flown over Vietnam to gather intelligence. Mahadaven, reading from the distinction between a (RMA) and an evolution in military technology and having considered the historical trajectory of technology and what he interprets as a gradual change in operations, systems and practices, draws a conclusion that the current prominence of drone usage is rather an evolution. In assessing the capabilities of drones over manned aircraft, his view is that the technology in drones was responding to specific needs which allow them to engage in missions that are not suitable for manned aircraft, particularly in respect of the battle conditions. He ends by saying that this should not be seen as revolutionary, but rather evolutionary to correspond with the times.

Although drones were deployed in Operation Desert Storm in 1991 and Bosnia, Herzegovina and Kosovo in the 1990s as well as in the Gaza Strip by Israel against Palestinians, the first drone strikes to draw international attention were the 2002 Yemen drone strikes. They targeted a vehicle carrying an al Qaeda operative said to have been involved in the bombing of the USS Cole (Schmitt, 2011). But, the defining moment that changed the perception of drones and how they could be deployed in the battlefield were the events of September 11 as well as their successful deployment in the ensuing war in Afghanistan and Iraq (Valavanis, 2007). Even with other instances of drone deployments which have not been restricted to the US and Israel only, the drone strikes in Pakistan have dominated public discourse. The early adoption of the technology by the US, and subsequently Israel and the United Kingdom, lies in the US's technological power and supremacy fueled by huge investment in the military as well as Research and Development. The US has invested massively in the procurement, research and

development of military UAVs with a total budget of \$4.61 billion in the 2017 financial year (Gettinger,2016), an increase of approximately 600% ¹from a total budget of \$660.7 million in 2000 (Valavanis, 2017). Globally, the increase of the number of countries investing in UAVs is growing, with more than 70 countries owning them for different purposes with additional countries having plans to develop them. This mounting interest has been spurred on by the US's success with military drones, and the resultant desire to change military strategies (Wan and Fin, 2011). To this effect, 23 countries² are developing armed UAVs. While the leading exporters of UAVs remain Israel and the US, China Pakistan and Iran are some of the other countries also developing competencies in armed drones. Zenko (2013) alludes to the precedent that has been set by the US which could result in the proliferation of armed drones and unilateral strikes without the necessary concomitant development of international standards and rules founded in international law.

THE ARMED UNMANNED DRONE DEBATE: criticism and support

The armed drone debate is a dilemmatic one with two opposing sides to the debate. This dichotomy can be linked to how the opposing actors have framed the debate in public discourse as well as their power positions and interests. Proponents of armed drones argue that because terrorists do not respect the rules of war and can therefore not be trusted, it stands to reason that states will do all that is possible within their capacity to protect their citizens and interests. The Special Rapporteur on extrajudicial, summary or arbitrary execution, Philip Alston spoke of the recharacterisation of criminal acts under

¹ Own calculation

² These include: China, France, Germany, Greece, India, Iran, Israel, Italy, Lebanon, North Korea, Pakistan, Russia, South Africa, South Korea, Spain, Sweden, Switzerland, Taiwan, Tunisia, Turkey, United Arab Emirates, United States and United Kingdom.

the guise of terrorist threats to enable states to justify their actions under the law of armed conflict. (UNHCR, 2010). He proffers the view that the deployment of drones to deal with the perceived threats have made it easy for states to kill in what may be the flagrant violation of related legal frameworks applicable to the use of force and human rights law. Sharkey (2011) refers to the failure of the US to provide legal justifications and apportionment of culpability for the targeting and killing of targets, citing the need to maintain confidentiality of covert operations and protection of national security. A review of the US drone policy under Obama's presidency by the Stimson Centre report card further castigates the administration for failing to take the lead in developing international rules and standards to guide the use of armed drones outside of traditional battlefield.

Opponents of drone strikes have condemned what they perceive to be the ease of killing that is enabled by drones and how, consequently and because of the reduced risk to a given state, the decision to go to war could be an easy one to take, without the consideration of the implications or possible consequences. Invariably, drone strikes enable a war that has no limitations and one which is not bounded by time. Hajjar (2015) likens the use of drones in war to perfidy, which is deliberate deception in war, and which is an illegal act in war and is considered a war crime. Strawser, (2012) disagrees with Hajjar, rather proposing that much like camouflage and disguise, drones are a means to distance oneself from enemies and are therefore legal. This could be read to mean that the advantages provided by the deployment of these systems has certain benefits, which include the ability to conduct war from great physical distances without putting attacking soldiers in harm's way both physically and psychologically. While

drones offer the advantages of psychological distance, it has been suggested that the risk of a “PlayStation” mentality to killing developing in operators is increased (Alston, 2010).

Armed drone technology has been consistently described as the best alternative to support and drive the US’s counterterrorism strategy and operations. This supposes that for as long as the threat of terrorism abounds and continues to be a threat to US national interests and security, drones will be here to stay. Roboticist Ronald Arkin is in favour of the development and use of drones, supporting the assertion that lethal autonomous systems are here to stay as much as warfare will continue to be a feature of the future. He further qualifies this by suggesting that with advances in technology, lethal autonomous systems would be more likely to adhere to the principles of the Law of War which protect and restrain against unnecessary harm to non-combatants, the destruction of private property and the perpetuation of war atrocities against the enemy better than soldiers on the ground. Departing from Clausewitz’s *On War*, which advocates that progress in civilisation would not change the goal of warfare, which is the destruction of the enemy, he contends that it is human fallibility when it comes to horrific situations, that leads to wanton destruction (Arkin, 2010).

The contentious issues around the drone debate centre around whether the “signature strikes” that are said to be targeted at militants or groups believed to have associations with terrorist groups or believed to be acting in a suspicious manner, have a moral basis or not (Entous et al, 2011). The identities of these targets cannot always be verified, and the attacks are initiated based on a certain pattern of behavior that has been

observed in areas controlled by insurgents, making it difficult to make a distinction between combatants and non-combatants. The existing disputation by supporters of drones is that they have strategic utility and offers an operational advantage in the absence of other alternatives. This is contrasted with the view of drone critics that assumed advantages are at a heightened risk to civilians and non-combatants. Crawford (2015) argues that because of the introduction of the MQ-1 Predator drone, which has the capacity to fire up to four Hellfire missiles and two laser-guided 500 pounds bombs, the weapons payload has become deadlier and with technological advances is likely to become more so. Bayman (2013) offers a contrasting assessment, which claims that the weapons payload of drones is lower than that of other forms of weaponry such as a Tomahawk cruise missile and thus the ratio of civilian to militant deaths is reduced in drone attacks. Schmitt (2011) supports the idea that the deployment of drones reduces the risk of misidentifying a target or causing collateral damage to civilians and civilian property when contrasted with manned aircraft or ground-based systems. He attributes this to the ability of the drone to attack only when a target is removed from civilians. This inconsistent debate regarding the weapons payload of drones versus other normatively accepted weaponry challenges the narrative of the precision of drone targeting and the resultant impact on those within the radius of the strike impact. The Stimson Task Force on Drone Policy report card questions the reported efficacy or utility of drones, and asks how this has been evaluated as well as how the desired outcome has been determined (Stohl, 2016). Data from the think tank New America Foundation puts the number of al Qaeda operatives killed in the US drone strikes at an estimated 2227. This includes approximately 410 leaders of the organisation (New America Foundation, 2017). As a measure of the efficacy of drones, the number of those killed could serve as an indication that drones work. However, Cronin (2013)

denounces this claimed effectiveness, arguing that even though key Al Qaeda leaders have been killed, compared to other terrorist groups, the group has remained resilient. She attributes this resilience to a decentralised and networked organisational structure that functions independently of its leaders as well as the adaptability of the group both in terms of operational survival and locations of operations.

Other than the physical destruction to humans and property is the lingering psychological impact of continuous surveillance. Crawford (2015) views drone strikes as exploits that, while they are intended to disrupt and annihilate terrorists and their networks, end up causing a disruption and destroying civilian life. Critics of drone strikes also advance the view that instead of solving the issue of terrorism, it rather perpetuates it (Cronin,2013). To support this view, a study by Smith and Walsh (2013), using al Qaeda propaganda output as a measure of the organisational resilience and activity of the group and while admitting to limitations of the study, concludes that rather than achieving the reported efficiencies of drones on terrorist activities, the reverse is true and that the drone strikes provide the terrorists with evidence of US cruelty to use in their recruitment of supporters). This is an antithesis to the views of the Central Intelligence Agency (CIA), which is responsible for the command and control of US as drone campaigns. In 2009, the CIA Director Leon Panetta publicly upheld the view of the US government that the airstrikes in Pakistan have been effective and precise in targeting at al Qaeda leaders, with limited collateral damage (Panetta, 2009).

The departure point for analysing the justifications by the US government for its war on terror and the subsequent deployment of drone strikes is located in the definition of

terrorism as an act of war as opposed to being an act of criminality and therefore the responsibility of law enforcement. President Obama, in outlining the criteria for deploying drone strikes and laying out the basis for the US drone policy has framed the policy as an act of last resort to be used in situations where the US has been unable to capture or prosecute individuals that it viewed as posing a continuing and imminent threat to the American people (Obama, 2013). The US views itself as the solution for addressing the terrorist threat, particularly in circumstances where it views other governments, including the host government, have been unable to act effectively against the threat posed by terrorists. However, given the 15-year period from September 11 where after the war on terror was proclaimed, the immediacy of the threat posed by al Qaeda becomes a point of interpretation. The issue is not so much the drone technology but is in how they are used. The furtiveness of the US drone policy is what aggravates the tension between supporters and condemners of the drone campaigns. The US has not been forthcoming about how and on what basis the decision to kill is decided including the number of civilians and targets killed by the drone strikes nor the location and indication of the US agencies involved. What is key in considering the future of armed drones and their proliferation is the extent to which the US is seen to be acting in a responsible manner by the international community, including non-state actors.

THEORETICAL AND METHODOLOGICAL FRAMEWORK

THEORETICAL PERSPECTIVES

The two theories Realism and Liberalism discussed in this chapter are an attempt to deconstruct and analyse the armed unmanned drone debate within the context of International Relations, however it is important note that International Relations theories do not lend themselves well to explaining the Discourse Analysis paradigm.

Having said that, the two theories are used to examine the manner in which they view the utilisation of new technologies in warfare. Realists are rational and look upon new technologies as a useful technology to entrench power in the international system. Therefore, ethics would not feature in the decision on the type of technology to use in warfare. Thus, the ethical dilemma is almost completely overlooked in the realist approach. On the other hand, the ethical dilemma is important for Liberals and they would argue for moral and ethical reasons why certain kinds of weapons should not be used. This liberal argument is based on the existence of norms and institutions whose purpose is to establish some form of arms control mechanism.

The two theories offer contrasting frameworks for understanding the actions of states in warfare and how they use their power to create their own normative frameworks as suggested by the UN Special Rapporteur on extrajudicial, summary or arbitrary execution on one hand; and on the other hand, how interdependence and cooperation can be an answer to addressing the collective international problems posed by terrorism. Thus, even as realism and liberalism exist on opposing ends of the International Relations spectrum, they are an essential debate in International Relations. In using them as a framework for the analysis of the US drone campaigns is an attempt to ring the issue of drones as a weapon of warfare closer to the discipline.

Realism

Donnelly (2005) suggests that, for realists, the current anarchic international system, state egoism and power politics compel states to seek absolute political power and authority, using all means available to them. Accordingly, the main actors in politics are states, which signifies the struggle for power. The role of states is to defend their

sovereignty and borders; enforce laws; and protect its citizens, which is different to how they see their roles in international politics. According to John. J Mearsheimer, (2013), most realists believe in an effective central authority as an answer to the problem of order and the anarchic self-help international system in which states are always looking for opportunities to take advantage of each other. Supporters of realism argue that war presents states with the necessary tools to protect their interest and people, thus the argument that moral values are not applicable to international relations. Consequently, this builds upon the foundation of the State, which focuses on protecting itself, very egocentric in nature and assure its survival, even at the expense of other states falling, also known as 'absolute gain' (Heywood, 2011). Thus, Realism's core tenet is the use of force or the threat thereof by powerful actors in the international community as states seek to secure their interests.

Realists like Mearsheimer and Stephen M Walt believe that because states are rational actors, belligerents should seek other alternatives other than violent conflict. Therefore, realists 'see that conflict is in part situationally explained, but ... believe that even were it not so, pride, lust, and the quest for glory would cause the war of all against all to continue indefinitely (Donnelly, 2005). Campbell (2014), charges that the US counterterrorism strategy and key policies of unilateral action; acting beyond the confines of the rule of law; and an elevated sense of national security that is prioritised over universally acceptable international norms, is indicative of a realist approach to the threat. Since 2004, the United States has carried out covert drone campaigns in Pakistan in the FATA, which until 2013 had remained top secret amidst denials by the US government. This places limitations on how the drone debate can be analysed and the

meaning and intent of state action deconstructed. Ergo, the deployment of armed drones in conflict have provided the US with the capability to limit the scope and carnage of war even as the country had been consistent in its refusal to acknowledge the existence of such a policy and that of targeted killings. Although the Pakistani government has claimed the use of an indigenously produced drone against suspected terrorists in north-western Pakistan (Craig,2015); the largely unilateral action of the US against terrorist groups and individuals in the FATA region is congruent with the realist tradition of maintaining national security through using the hard power offered by conventional weapons, with little or no consideration for the moral imperatives that flow from its actions.

Realism is often criticised for its limited pronouncement on the threats that states face, whether it be from other states or from non-state actors, as well as the resultant state actions. Further, is its lack of alternatives for managing and dealing with security issues other than adopting a belligerent posture. Tied in with this is the lack of any explanation for the decisions that states' representative make as well as why these decisions are made. The realist approach that focus on the state as the key actors in the international system is one of the glaring shortcomings of the theory as it excludes non-state actors as possible actors in the international system. Realism also has difficulty in differentiating between securities for the state and security for the individual (Malik, 2015), and it is against this background and cause for concern that Liberal Theorists strive. Realism and Liberalism provide conflicting views of war and peace. The classical realist support for drones is premised on the maintenance of national security and the prioritisation of the

benefits provided by drone technology over considerations of human rights violations or the killing of civilians (Pease).

Liberalism

Liberalism is founded on the liberty of the individual and advocates for limited state interference and freedom from arbitrary state power (Burchil, 2015). The focus of classical liberalism is on the individual and individual rights which include universal rights to life and liberty and are based on the values of international interdependence, cooperation economic ties diplomacy while shunning violence or isolation (Sterling-Folkner, 2013). Accordingly, as opposed to states being the primary actors, Liberal theory recognises individuals and privately constituted groups as the fundamental actors in the international system, with self-governing preferences. Consequently, the relations between states are premised on state preferences as opposed to power (Moravcsik, 1992). Liberals are averse to states using their power and engaging in violent conflict that might threaten or violate fundamental universal rights of all human beings. Liberal thinkers such as Norman Angell view the settling of disputes through war as irrational and inhumane and propose that rather, prevention of war should be the principal priority in politics (Angell, 2001). In the modern international system, Angell's beliefs and support for collective security and the rule of law in international relations as a means to maintaining international peace and security can be said to be redundant though they were reflective of the times when states were the only actors and the possibility of non-state actors was an unimagined concept.

Liberal Theorists view the US campaigns as legitimising the undermining of existing international norms in the use of violence and consequently, the moral high ground and

authority which the US has established since the end of World War 2. Liberalism questions the killing of civilians in the fight against terrorism as well as the carrying out of targeted killings, which they view as the arbitrary deprivation of life without providing individuals with recourse to justice and courts of law. Liberals also view the deadly drone strikes in Pakistan as being contrary to the principles of cooperation and interdependence in addressing the threat posed by terrorists to international peace and security and further regard these to be a violation of the sovereignty of Pakistan. This has been echoed by the Pakistan government, which begs the questions how the US has been able to launch strikes from within Pakistan if this was not with the consent of the government.

Liberalism is criticised for its assumption of interdependence between states to mean equality and the universality of interdependence as a means towards collective security. The basis of this refutation is constructed on the idea that because of the unequal interdependence and the uneven distribution of relative gains from trade and cooperation states may elect to forgo these absolute gains in favour of their relative security.

ANALYTICAL FRAMEWORK

Van Leeuwen (2007) offers categories of legitimisation such as authorisation which is related to vested authority vested by law, custom, tradition or institutionally; moral evaluation which is linked to the value systems; rationalisations and mythopoesis. Reyes also proposes the following as strategies that political actors use to legitimise and justify their actions when they to seek public support or approval for a certain goal, further suggesting that these can be use individually or in combination. The legitimation

categories include legitimation through: emotions; a hypothetical future; rationality; voices of experts; and altruism.³ Included as part of the legitimation process is the use of certain language to gain the support for particular actions (Reyes,2001).

The Critical Discourse Analysis paradigm says we construct the meaning of certain things, phenomena and events through language within which lies power. That how we construct the meaning of the world around us affects our actions and, by extension, international politics. In the aftermath of 9/11 President Bush was very articulate in his choice of words, constructing a war on terror and positioning the US as a country under attack. In this speech, President's Bush employed text such as "war" democracy" as part of his power making strategy in a bid to ensure that America had the support of its citizens and the rest of the world as it prepared to carry out its political strategy in Pakistan and other areas.

Methodology

A Foucauldian order of discourse - Michael Foucault's (1970) thesis *The Order of Discourse* begins with the hypothesis that '...in every society the productions of discourse is at once controlled, selected organised, and redistributed by a certain number of procedures whose role is to ward off its powers and dangers, to gain mastery over its chance events, to evade its ponderous, formidable materiality'. Foucault raises the issue of how the production of discourse in society is controlled by institutions as a means of exclusion in order to evade the power of the scrutiny of discourse. According

³ Reyes, A. (2011). *Strategies of legitimization in political discourse: From words to actions*. In: *Discourse & Society*, vol. 22, issue 6, 781807. SAGE Journals

to Foucault, there are three procedures for controlling discourse which are a means of exclusion. These include prohibition on the rights to speak about anything including sex and politics; rejection of what we perceive to be to be coming from a madman; and the difference between that which is true and that which is false. According to Foucault, discourse by its nature is a powerful tool that is an object of desire. Through his genealogical work, Foucault traces the development of discourse in specific historical periods and how language as a reflection of power relations within societies has been used to govern and shape social groups and by default how they view the world. Foucault's thesis provides a good framework for understanding how the US controlled the discourse regarding the "war on terror" and the resultant drone programme, and how it initially managed to avoid close examination of its actions in foreign locations. By positioning drone programme as a matter of national security the US could classify information and shroud its actions in secrecy. Notwithstanding this, existing institutions both within and outside the control of the US, including the media, continue to question the narrative offered by the government. Further to challenging the official narrative, these organisations offer an alternative reality, which is at times at odds with that of the US government.

Van Dijk (2008) defines critical discourse studies as the discursive critical analysis of the interplay between power abuse and social inequality. He describes it as a way of studying structures and strategies of text, through the analysis of speech acts, news reports, parliamentary debates and lectures etc. Mutlu and Salter (2013) describe discourse analysis as the tool required to understand the political, social and cultural nature of language from which we are able to derive meaning about the social world. In

examining the patterns of both spoken and written text through discourse analysis, views of the world, differences and identities are created (Paltridge, 2006). Essentially, to understand the political actions of states and to derive meaning from the actions, one has to look at the language that has been used over time on a specific issue. In analysing the text, questions that arise include how the US government has framed the issue of national security and the threat of terrorist groups such as the Al Qaeda as well as an assessment of the kind of words that have been used to communicate with the American people and the rest of the world; how metaphors and phrases have been used to highlight the gravity of the situation; and how imagery has been used to bring to reality the devastation brought on by terrorism. Finally, the manner of communication is key in analysing the discourse around the drone strikes. Thus, the question of who within the US government has addressed the issue of drones and how have they done this; and how the rhetoric has influenced the views of the American people, is pivotal.

The thesis pays attention to the speech acts of the securitising agents such as President Obama and his legal and security advisors, the United Nations Security Council and as well as the media. The focus is on how Al Qaeda as a terrorist organisation has been securitised through speech acts, official statements and press conferences, which have provided justification for the deployment of drone strikes in Pakistan. Government policies on terrorism and nation security also provide the basis for the analysis of the armed drone strikes. Conclusions that can be drawn could be an appreciation of the extent the US is willing to go to protect its citizens as well as how the US has managed to take advantage of its technological power to fight emerging conflicts. Further, would be the actions of the US in mitigating the damage caused.

Objective of the study

The hope is that with the analysis and interpretation of the justifications and criticism of lethal drone strikes as well as the legal and moral grounding thereof will provide an insight into the future of warfare and the means and methods thereof. Further that it will provide an assessment of the normative framework of warfare that might require the setting of new international norms and codes of conduct in warfare

Data and Sources

The intertextual model focuses on official discourses and not so much on the wider political debate. And therefore, primary data is sources from official speeches from the US government and government agencies such as the military and the CIA. Sources are drawn from US official documents regarding drone strikes; statements made by senior US government officials, including the two presidents of the United States under whom the drone campaigns have been carried out; security and legal advisors; publications, newspapers such as the New York Times, as well as analysis of official US government publications; and policy documents. The thesis will also use data collected from the UN and other international organisations dealing with international peace and security and humanitarian law, respectively.

CONTEXT: US “WAR ON TERROR” and US DRONE STRIKES IN PAKISTAN

To be able to analysis the legitimisation of the US drone strikes in Pakistan, it is important to contextualise the political and legal frameworks that underpin the “war on terror”. The US views the ‘war on terror’ as an unconventional armed conflict waged against an unconventional enemy that it considers as lacking established conventional boundaries, which require the observance of rules of armed conflict (Johnson,2012).

The US locates its argument for its conduct within certain precepts of domestic and international law and uses this as justification for the means of warfare it has used in the war on terror.

In examining the legal basis for the actions of the US outside of combat zones subsequently its drone program in Pakistan, the thesis looks to two key documents that have formed the basis for the justification of US counterterrorism efforts. Domestically, the US relies on the Authorization for the Use of Military Force (AUMF) to validate the decision of the President to use force against those said to be responsible for the September attacks. It also looks to the constitutional powers vested in the President in his capacity as the Commander-in-Chief of the US military. To validate its actions in international law, the US looks to the provisions of the UN Charter and the principle of self-defence.

Domestic Law as the basis for action

Three days after the September 11, 2001 attacks on the US, Congress passed a joint resolution justifying and authorising the use of military action, as a response to the attacks, against those it deemed responsible. President George W. Bush signed the Authorization for the Use of Military Force (AUMF) into law on 18 September 2001, following the congressional approval of 14 September 2001. The AUMF authorises the President to "use all necessary and appropriate force against those nations, organisations, or persons he determines planned, authorised, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organisations or persons, in order to prevent any further acts of international terrorism against the United States by such nations, organisations or persons" (AUMF, 2001). While the AUMF has

been framed as the basis for the justification and continuance of US military actions, the text of the AUMF is not specific regarding the terrorist groups it is targeting. Neither does it specify a certain locus nor place geographical limitations to military action in response to the terrorist threat, save to indicate that its intention is the protection of US citizens both at home and abroad. In interpreting the reach and extent of the AUMF and of the authorisation, the framework for the use of the US military force overseas released in December 2016 construes the authorisation to be specific to Al Qaeda as the organisation the US believes to have been responsible for planning, authorising, committing and aiding terrorist attacks of September 11. Included in this determination is the Taliban, which the framework designates as the organisation that has been responsible for harboring al Qaeda, as well as certain other terrorist groups that are affiliated with al Qaeda and the Taliban. The framework for the use of military force advises that, in addition to the AUMF, Article II of the United States Constitution empowers the President to use military force abroad without having to seek prior approval of Congress, however, the president must report to Congress within 48 hours after armed forces have been introduced into hostilities or instances where the hostilities are imminent. It argues that the power to use military force without Congressional approval is pursuant to his role as the commander -in chief of the US military.

International Law as the basis of action

Article 2.4 and Article 51 of the United Nations Charter (the Charter) serve as the basis for justifying the actions of the US in international law. According to Article 2(4) of the Charter “all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state...” (UN,1945). However, Article 51 of the Charter, specifies that “nothing in this Charter shall impair the inherent right of individual or collective self-defence if an armed attack

occurs (UN,1945). Departing from these two provisions of the Charter, the US considers the use of force in the territory of another sovereign state and therefore its drone campaigns to be consistent with international law based on the principles of self-defence; and the lawful use of force with the consent of the territorial state. While the Charter does not make a distinction between self-defence against a state or a non-state actor, the US contends that the right of self-defence is not limited to state actors only, but includes non-state actors. The UN Security Council Resolution of September 2001, UN SC Res. 1368, reconfirmed the recognition of the individual and collective rights of states to self-defence in instances where terrorists disturb international peace and security

Disrupting and degrading al Qaeda

The US views itself as a nation at war, which carries the responsibility of protecting its citizens first and advancing its strategic interests against threats posed by al Qaeda and its affiliates (DoD,2010). The AUMF provides the president with the authority to use force against terrorist groups responsible for the 9/11 attacks and serves as the basis for the drone strikes. The *US National Strategy for Combatting Terrorism* under President Obama U.S. identified al Qaeda as the main terrorist organisation with whom the US is at war. The counterterrorism strategy also broadens this identification to include the Taliban and al Qaeda affiliated which is defines as those organised groups that are fighting and are involved in hostilities with al Qaeda against the US. The overarching goal of the strategy includes “disrupt, dismantle, and defeat al Qa’ida and its affiliates and adherents” and places great emphasis on al Qaeda in Afghanistan, Pakistan, Yemen and Africa (US Department of State, 2006). The narrow focus of the strategy and its prime emphasis on al Qaeda together with how terrorist groups have adapted to the

changing security environment has been blamed for the failure of the strategy to destroy and eliminate al Qaeda and terrorism in general.

The US foreign policy aimed at disrupting and defeating the al Qaeda leadership in the FATA region allows for the targeted killings of senior Al Qaeda leaders with drone strikes (Smith and Walsh, 2010). The 2010 Quadrennia Defense Review report makes reference to the potential of unmanned systems in the use of force, making particular reference to the precision, persistence and autonomy of these systems. It also refers to the need to align US policies with the requirements for the use of force. The confidence that the US has displayed about the efficacy of drones stems from the success achieved in the defeat of the Afghan Taliban, the resultant denial of safe havens for Al Qaeda in Afghanistan and the killing of Osama bin Laden in Pakistan in 2011. Nevertheless, the declared success is overshadowed by claims contained in secret documents released by Wikileaks and viewed by the New York Times that the drone strikes in Afghanistan have been less successful than officially portrayed (Chivers, et al., 2010). The failure is further confirmed by the *National Strategy to win the war against Islamist Terrorist*, which falls under the Homeland Security Committee, also makes the admission that over the 16-year period since the events of September 11, the challenge has also been the progression of the terrorist threat beyond the Middle East into Africa. According to the strategy, the threat has mutated from just being a threat from al Qaeda to other terrorist organisations and al Qaeda affiliates. The reported low of success can be attributed to technical failure of some of the drones, which has resulted in crashes or collision, requiring US troops to retrieve the weaponry at high risk.

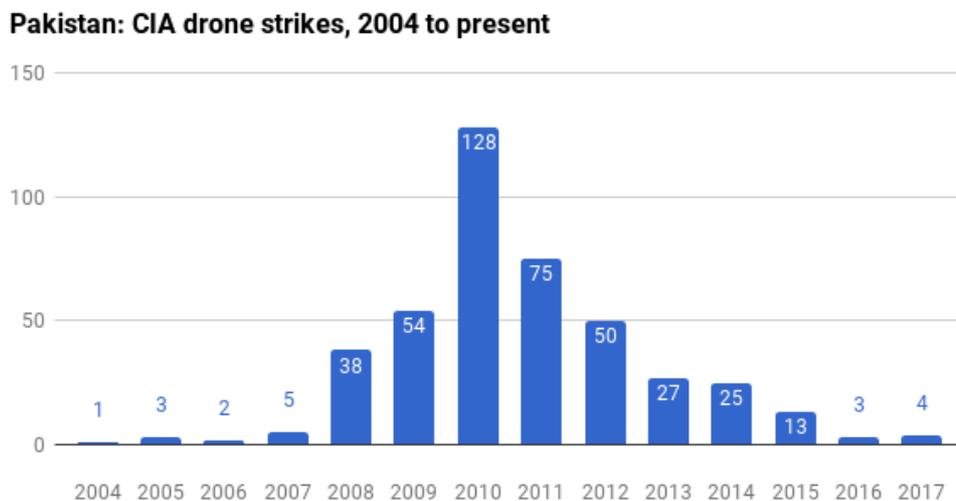
Enemark (2014) points to other strategic interest that the US is attempting to protect by using lethal force in Pakistan, which include maintaining the power balance in the region that would be threatened by instability in Pakistan, particularly given Pakistan's nuclear status; advancing, upholding and championing international norms of war. Regional stability, in which Pakistan plays a significant role in South Asia, is one of the pillars of the Departments of Defense strategic framework (DoD, 2014).

US Policy on the deployment of drones

The US drone strikes have been conducted by the CIA under Title 50 of the US code on war and national defense which allows for covert actions and removes the responsibility to legally account or acknowledge any such actions. By their nature, covert actions do not need to be made public or acknowledged (USC,2011). According to US Federal legislation adopted in 2012, the term 'unmanned aircraft' means 'an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft'. The US has flown MQ-1 Predator and MQ-9 Reaper drones in Pakistan equipped with Hellfire air-to-surfaces missiles drones capable of loitering above the altitude of most air defenses, remaining in flight for extended hours and possessing the ability to undertake reconnaissance and surveillance for long periods of time as well as firing in extremely difficult circumstances and terrain (Mahnken, 2008). The US has been quick to declare targeted killings as not being assassinations premised on the belief that it is well within its rights to legitimate self-defence to protect itself against the imminent threat posed by terrorist groups and in particular, al Qaeda. Whetham proposes that the use of specific language to deny the killings as assassination is located in the banning of this form of killing by President Gerald Ford.

In its quest to annihilate the Al Qaeda leadership in the FATA region, the US has launched more strikes in Pakistan than any in other country other than Afghanistan with most of these strikes launched during the Obama administration. Although the total number of strikes and civilians killed as a result of the drone strikes remains contested and difficult to verify, The Bureau of Investigative Journalism (TBIJ) reports that since 2004, and until the end of 2015, the CIA has launched approximately 421 military drone strikes from within and outside Pakistan (TBIJ,2017). **Figure 1.** illustrates the number of CIA sponsored strikes in Pakistan from 2004 to 2017 based on data provided by TBIJ, which according to the TBIJ, has been collated from reports by the US and Pakistani government, military and intelligence officials, and by the media and academic sources.

Figure 1: Pakistan: CIA drone strikes, 2004 to present



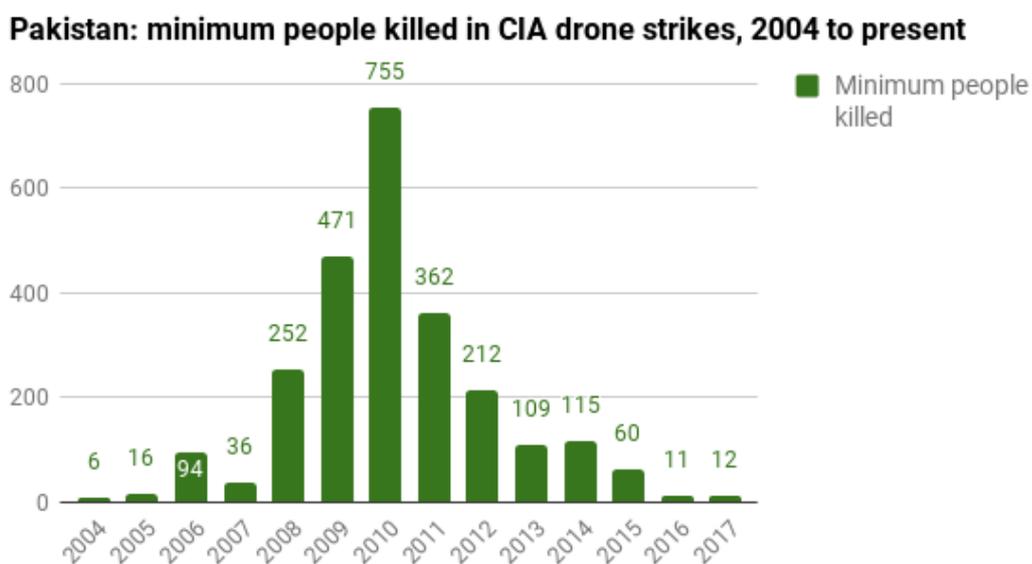
Source: The Bureau of Investigative Journalism (TBIJ.com)

During President Obama’s presidency, the drone strikes in Pakistan intensified and increased by 631 per cent from 50 drone strikes to about 365 drone strikes when compared president Bush’s term of office. The fact that the US has reduced its drone

campaigns from 128 drone strikes in 2010 to 13 in 2015 should not be read as an indication of the success in disrupting the activities of terrorists, but should be read within the context of continued international and domestic condemnation of the US and its drone campaigns. Added to this is the increased accusation of violations of sovereignty by the Pakistani government, which is in contrast with the liberal democratic principles, which the US so vehemently supports and propagates. Tellingly, the US National Terrorism Strategy refers to the potential of terrorism to undermine democratic principles and the rule of law.

Figure 2. shows the number of people that have been killed by the drone strikes from 2004 to 2017. As many as 3989 people have been killed with almost a quarter of killed being civilians; children constitute more than twenty per cent of the number of civilians killed.

Figure 2: Pakistan: Minimum people killed in CIA drone strikes (2004 to 2015)



Source: *The Bureau of Investigative Journalism (TBIJ.com)*

Although the US drone policy is targeted at those individuals the US adjudges to be posing a threat to US national security and interests, civilians and non-combatants have been killed in the process. The actual number of civilians killed by CIA-led strikes is a highly contested issue and one that cannot be determined with certainty due to the lack of independent data and the veil of secrecy over the US drone campaigns. As the strikes have intensified, so have the civilian casualties leading to increased domestic and international condemnation of the campaigns. With this intensification and the killing of key al Qaeda leaders, the general view expressed by US government officials has been that the group and other terrorist groups operating in the FATA region have been degraded and disrupted, thus reducing the threat posed by Al Qaeda in particular. An inference in respect of this assertion can be drawn from the reduction of US strikes, which decreased by approximately ninety per cent in 2015 when compared to 2010, which was the peak of drone activity.

Criticism of the US Drone campaigns in Pakistan

The US drone policy as a foreign policy tool has been critiqued for its lack of transparency, accountability and not having set a constructive international precedence for future drone use. The significant critique is that the lethal drone strikes have not been consistent with the liberal democratic principles, which the US has espoused and propagated as a global leader, as well the US Constitution and international law. The Obama administration more than the Bush administration has come under fire for its failure to provide a clear legal justification for its drone policy in Pakistan, particularly because the US is not at war with the country. Another issue has been what is viewed as the failure to ensure accountability and Congressional oversight for military operations conducted against terrorist targets located outside the US. Additionally, the US has come under great criticism from both the domestic front as well as the international

community for the endangerment and killing of civilians, though this is an unintended consequence of its drone campaigns. The killing of civilians is evaluated against how American lives are removed from any possible physical harm as an embodiment of domestic politics that call for the preservation of American lives against the harm that is caused to non-combatants in foreign lands. US politics would not support the deployment of ground forces in the FATA region, even if the Pakistani government allowed this, particularly after the deployments in Afghanistan and Iraq, which saw thousands of American troops killed. Enemark (2014) questions the validity of this type of war where there is an absence of a fight or a duel on the scale imagined by Carl von Clausewitz. He concludes by maintaining that the US drone strikes are nothing but a tool to enable violence that is no different to violence carried out for law enforcement or murderous purposes.

The justification that drone campaigns can bring an end to terrorist organisations and individuals with no cost to American lives can be traced back to the North Atlantic Treaty Organisation (NATO) victory in the Kosovo War and the air power debate. Byman and Wayman (2000) argue that the assertion that single coercive instruments alone can be the only factor in bringing the surrender of the enemy is flawed. Basing their argument on the capitulation of the Serbian President Slobodan Milosevic after the NATO air strikes in Kosovo, which saw no ground troops or the loss of American lives, they suggest that as an instrument of statecraft, air power is critical amongst other coercive instruments such as ground campaigns and diplomacy.

The criticism that drone strikes lack moral grounding because by its nature killing in a conflict should be an act of final resort is countered by the US insistence that in the mitigation and disruption of terrorist threats, lethal action is only carried out when the capture of the targeted individuals is not possible and no other reasonable alternative exists (DoD,2014). The validity of the claim that the capture of those posing a threat to American lives is antecedent to the use of lethal force cannot be determined with certainty because of the secrecy surrounding the US drone policy. In May 2013, the Obama administration released the previously top secret Presidential Policy Guidance (PPG) document, which establishes the standard operating procedures for the lethal and non-lethal use of forces against terrorist targets located outside American soil. The granting of public access to the PPG was the first attempt to make available to the public official documents regarding the US drone program after the US government first acknowledged the killing of American citizens in drone strikes in foreign countries. Although the PPG alludes to a process to be followed in determining if an individual is a legitimate target, it is silent on the criteria to be used in determining this, save to say the individual must be posing an imminent threat to American lives. The PPG also says nothing about the circumstances under which it is acceptable to launch drone strikes. Even with the release of redacted previously classified documents on the US lethal drone program, including the PPG, much of the information regarding the criteria for targeting certain people and the evidence required to support that decision remains classified. In addition, even with the existence of these procedures, the secrecy around the drone campaigns coupled with the lack of Congressional oversight over the Executive gives rise to concerns about the level of compliance with these procedures by the CIA.

JUSTIFICATION OF US DRONE STRIKES IN PAKISTAN

The thesis identifies discursive categories that have formed the basis of the justification provided by the US for its drone strikes campaigns in Pakistan. It builds upon the strategies of legitimisation and delegitimation that have been suggested by Leeuwen and Reyes, as being useful for analysing political discourses. The entire narrative of the justification and legitimisation of drones can be structured along these discursive categories and legitimisation techniques. The thesis uses these themes to analyse how the US government has used language and text to construct meaning for these deployments. Having identified the discursive categories, the focus is now on the how text and language has been used to gain a power position as well as garner public support and opinion. In the present case, how text has been used in the political process to promote the support and deployment of armed drones in the “war on terror” against al Qaeda. The intertextual model focuses on official discourses and not so much on the wider political debate.

The question here is not where or not drone strikes are legal or illegal nor it is whether they are moral or immoral. The question is how the US has legitimised and continues to legitimise the deployment of drones in areas outside of active hostilities. While the US has used the moral and legal argument, the purpose of the thesis is to analyse how, in advancing its political argument, the US has used and constructed their legitimising position to win public support and opinion for its drone campaigns. In employing Discourse Analysis as a methodological approach, the intention is to categorise the themes that appear in the language used to legitimise the drone strikes. The analysis starts by tracing the origination of the “war on terror” and positions the armed drones strikes as a consequence of this declaration.

Threat construction and declaration of “war on terror”

According to Leeuwen (2007), legitimation provides the answer, to the question of ‘Why’ – ‘Why should we do this?’ and ‘Why should we do this in this way?’. Excerpts taken from President George W Bush’s speech on the night of September 11, immediately following the attacks on the World Trade Centre and the Pentagon, which was the process of legitimation itself, is the genesis for the declaration of a “war on terror” and the source for the subsequent drone strikes in Pakistan:

“Today, our fellow citizens, our way of life, **our very freedom came under attack** in a series of deliberate and deadly terrorist acts...” Thousands of **lives were suddenly ended by evil, despicable acts of terror**”. (Bush, 11 September 2001)

The choice of the words in the text ascribes certain qualities to the terrorist group responsible for the attack on America, that would later be revealed as Al Qaeda, that resonate with the horror that unfolded on 9/11. By deliberately using words such as attack “**deadly**”, “**deliberate**”, **evil**” and “**despicable**” to characterise those responsible for the attacks, a wicked and malicious persona is conjured up, which is intended to invoke some form of emotional response in the citizens such as fear, sadness or revenge. This strategy has both a manipulative and a trust building element. Manipulative in that the horror of that day and the subsequent linking of al Qaeda to the events of that day will be ingrained in the minds and hearts of Americans for a long time to come. Words and phrases in the same speech such “**danger**”, “**our grief**”; “**enemies of freedom**”; “**act of war**”; and “**murderers**” is calculated to create a lasting sense of revulsion for Al Qaeda in the American people, which would forever serve as a grim reminder of the day when “night fell”.

President Bush's speech to the Joint sitting of Congress on 20 September, 2001 where he explicitly identifies al Qaeda as the terrorist group responsible for the September 11 attacks, continues with the rhetoric of an evil threat and enemy of American values:

‘Americans are asking: Who attacked our country? The evidence we have gathered all points to a collection of **loosely affiliated** terrorist organizations known as **al Qaeda**. Our war on terror begins with al Qaeda, but it does not end there. **It will not end until every terrorist group of global reach has been found, stopped and defeated.**’ (Bush, 20 September 2001)

The identification of al Qaeda as the enemy and the declaration of a war on terror so soon after the attacks can be interpreted as a strategy to remove any doubt and leave no room for interpretation as to who might have been responsible for the attacks; as well as how the US would respond. It also created an environment of necessity, legitimisation and expediency. In presenting Al Qaeda as an evil and dangerous organisation determined to cause harm to the American people and threaten democratic principles provided legitimacy for any action that the US was to take, which it deemed necessary. The reference to the group as ‘a collection of loosely affiliated terrorist organizations’ grossly undermines the group and takes away any reputational gains it might have earned as a result of the attacks. In making the speech President Bush accomplished two things; the negative portrayal of al Qaeda served to undermine and degrade any legitimate reasons that the group might have had and continue to have for their actions, closing any course for negotiation, thus the standing avowal that the US will not negotiate with terrorists under any conditions. Secondly, the speech served to entrench his leadership both domestically and internationally.

The “war on terror” speech is interspersed with references to ‘we’, ‘us’, ‘fellow citizens’, ‘defend our freedom’ and ‘our’ to signify that the reach of attack was not just limited to those who had died. Americans in their entirety, including American Muslims and American Jews were under attack and would be called upon to defend American values. This also serves to unite American people. To create a clear delineation between ordinary citizens of the world and terrorists, the text of the speech uses ‘enemies of freedom’, ‘they’, ‘them’, ‘murders’ and ‘they’.

The President also uses text to intertextuality link the discourse on terrorism to other discourses such as inequality, dictatorship and universal human rights:

“Afghanistan's people have been brutalized - many are starving and many have fled. Women are not allowed to attend school. You can be jailed for owning a television. **Religion can be practiced only as their leaders dictate.** A man can be jailed in Afghanistan if his beard is not long enough.” (Bush,20 September 2001)

The use of the text in President Bush’s, transitioned the US from a country that had fought its wars on foreign soil to one having to defend itself on home soil as well as defend the very freedom upon which the country is founded. Having constructed the threat and advising that the war on terror had the intended purpose to demonstrate would be like no other in preparation for what was to come, President Bush was quick to advise the American people and the world that the war on terror would be like no other, and would be a lengthy one. By invoking values of democracy and freedom President Bush was appealing to the emotions of the American and the international

community and was a way of cementing support for any and all measure taken to disrupt and destroy Al Qaeda and other terrorist groups

On taking office in 2009, President Obama sustained the rhetoric of the continuing and threat emanating from al Qaeda, building upon the fear first experienced in 2001. He emphasises the danger that American is facing should al Qaeda continue to find refuge in the FATA region as its refuge, labeling the situation as perilous. In his speech on the New Strategy for Afghanistan and Pakistan, asserts his position as the President and his responsibility to protect the American people. Additionally, he speaks of a clear and focused role intended to disrupt, dismantle and defeat al Qaeda:

..."**Al Qaeda** and its allies -- the terrorists who **planned and supported the 9/11 attacks** -- are in Pakistan and Afghanistan. Multiple intelligence estimates have warned that **al Qaeda is actively planning attacks on the United States homeland from its safe haven in Pakistan.**". (Obama, 27 March 2009)

The new Director of the CIA, Leon Panetta, advances the imminent threat rhetoric aimed at sustaining fear about al Qaeda in the American Public. This is valid given that the Pakistan drone strikes have been carried out by the CIA.

"**Al-Qaeda remains the most serious security threat** that we face, most serious security threat to America and to U.S. interests and our allies overseas. **Its leaders in Pakistan continue to plot against us**" (Panetta, 18 May, 2009)

In constructing the danger faced by American, both President Bush and Obama interchangeably used strategies of legitimisation and delegitimization that are aimed at

portraying the US as the victims and therefore in a positive light while depicting al Qaeda as the villains and aggressors.

Legitimation through a hypothetical future

Reyes suggests that one of the legitimation techniques use by political actors is to exert their power by posing a threat in the future that requires action in the present. President Obama uses the conjunction ‘if’ to create a future of gloom should the threat go unopposed

And **if** the Afghan government falls to the Taliban -- or allows al Qaeda to go unchallenged -- that country will again be a base for terrorists who want to kill as many of our people as they possibly can”. (Obama, 27 March 2009)

The statement made by Jeh Charles Johnson in his capacity as the General Counsel of the US Department of Defense points to a future state that requires actions today if it is to be a reality. He suggests that, until al Qaeda and its affiliates no longer pose a threat to US national security, the country will continue to use all means available and necessary to annihilate the organisation.

“**At a certain point**, the United States will degrade and dismantle the operational capacity and supporting networks of terrorist organisations like al-Qa’ida to such an extent that they will have been effectively destroyed and will no longer be able to intercept, attempt or launch a strategic attack against the United States. At that point, there will no longer be an ongoing armed conflict between the United States and those forces” (Johnson, 30 November 2012.)

Legitimation through Authority

President Bush uses the speech of 11/9 to reassure America and the world of the resilience of the institutions of the country as well as to assure the American people that the military is at hand to protect them. He refers to the military as ‘powerful’ to remove any doubt about the might of the military and its readiness. As demonstration of resilience

‘Our first priority is to get help to those who have been injured and **to take every precaution to protect our citizens at home and around the world from further attacks.**’ (Bush, 11 September 2001)

In outlining a solution for the present and envisaged future both Presidents allude to their vested responsibility as presidents, which they affirm as the duty to protect the American people. According to van Leeuwen and Wodak, this authorisation legitimisation is an answer to the implicit and explicit question of “Why is it so” (Van Leeuwen, and Wodak, 1999).

Legitimisation through emotion

According to Reyes legitimisation through emotion looks to the past to invoke strong emotions and construct a future that spells doom, should it not be addressed urgently in the present. The emphasis by both presidents on the number of citizens killed is geared to invoke deep emotion of fear, sadness and other sorrowful emotions. Strong feelings of anger towards al Qaeda are also mostly likely to develop:

‘These are the same folks that came and killed about **3,000 of our citizens.**’ (Bush, 10 January 2007)

‘we did not ask for this fight. On September 11, 2001, nineteen men hijacked four airplanes and **used them to murder nearly 3,000 people...** As we know,

these men **belonged to al Qaeda** – a group of extremists who have distorted **and defiled Islam**, one of the world’s great religions, **to justify the slaughter of innocents**’. (Obama, 1 December 2009)

As part of the legitimization through emotion is the claim that drones save lives and limit the number of civilian casualties when compared to conventional weapons is one that has been a consistent narrative advanced by President Obama and his counterterrorism and security advisors. In these claims, there is no voice given to the argument that these strikes are extrajudicial nor is there a clear assumption of responsibility. This implies that the most important element of the drone strikes has been their effectiveness in removing an enduring threat to the American people, thereby saving more lives. This subordination of the loss of life in favour of killing Al Qaeda militants is expanded upon by president Obama on his May 2013 speech at the National Defence University:

‘Dozens of highly skilled al Qaeda commanders, trainers, bomb makers and operatives have been taken off the battlefield. Plots have been disrupted that would have targeted international aviation, U.S. transit systems, European cities and our troops in Afghanistan. **Simply put, these strikes have saved lives.**’(Obama, 23 May 2013)

The emphasis of the text is not so much on the number of civilians killed, but strong emphasises is placed on the gains that have been achieved through drone strikes. The text prevaricates and shies away from ascribing a value to the number of civilians killed or lives saved, particularly as the number of civilians killed is disputed by all sides and the details remain classified or publicly unavailable.

President Obama continues, declaring drones to be precise in their targeting, a claim that is yet to be tested:

‘Conventional airpower or missiles are far less precise than drones, and are likely to cause more civilian casualties and more local outrage.’ (Obama, 23 May 2013).

This contention of precision and therefore more lives are saved than if this were a conventional military operation serves a dual purpose, firstly to subdue voices of protests from organisations such as Amnesty International and to make the killing of innocent people palatable to domestic and other interested parties. Secondly, to imply local support for the drone programme, contrary to the disagreeing voice of government. Paradoxically, in true realist fashion, even while admitting that the conflict with Al Qaeda is a tragedy, which by inference should be avoided, Obama uses the following statement to suggest that even though the hand of the US has been forced, the US still abides by the principle of distinction:

‘Yes, the conflict with al Qaeda, like all armed conflict, invites tragedy. But by narrowly targeting our action against those who want to kill us and not the people they hide among, we are choosing the course of action least likely to result in the loss of innocent life.’ (Obama, 23 May 2013)

The proclaimed and assumed adherence to the principle of distinction is important as it distinguishes the actions of the US from terrorist organisations which are indiscriminate and whose modus operandi has been to target civilians, as was the case with September 911. It is also important as it serves as an implicit rejection of the idea that drones have created an environment where killing has become easy.

Legitimation through rationality

One of the ways the US has legitimized its drone strikes in Pakistan is by alleging that they are efficient and linking their usage to limitations in collateral damage; arguing that this is due to the precision of and process of identification that is undertaken before strikes are launched. The claim of effectiveness can be associated with the strategy of legitimization through rationality proposed by Reyes, which insinuates that the decision to take a certain action has been preceded by a well-considered and thorough process

“For the most part, they have been **very precise, precision strikes** against Al Qaeda and their affiliates. **We are very careful in how they are applied.**”

(Obama, 31 January 2012)

John . Brennan, in his capacity as Assistant to the President for Homeland Security and Counterterrorism and speaking about drones, uses the same metaphor of a cancer as President Obama, to refer to the utility of drones to destroying al Qaida. Brennan extends the rational legitimization by also appealing to the emotions of his audience. Cancer by its nature is one of the most horrific illnesses that can afflict any human being. In addition, tissue surrounding a cancerous tumor can still be healthy and useful and in this case the word is used to denote civilians.

“It’s this **surgical precision**, the ability, with **laser-like focus**, to eliminate the cancerous tumor called an al-Qaida terrorist while **limiting damage** to the **tissue** around it, that makes this counterterrorism tool so essential”

(Brennan, 30 April 2012)

In justifying the drone strikes in Pakistan, Obama attributes the demise of key al Qaeda leaders to the use of this technology, intimating that drones are the most practical and pragmatic tool to fight the one thing that is most perilous to Americans - terrorism.

‘Today, the **core of al Qaeda** in Afghanistan and Pakistan is **on the path to defeat.**’ (Obama, 23 May 2013)

Quoting bin Laden gives credibility to the claim that drone have been effective. To a certain extent it serves as an independent assessment of their utility, however it also serves as a strategy to escalate the threat as it implies that the group will have to strengthen their position to defend themselves against drones.

‘To begin with, **our actions are effective.** Don’t take my word for it. In the intelligence gathered at bin Laden’s compound, we found that he wrote, “We could lose the reserves to enemy’s air strikes. We cannot fight air strikes with explosives.”’ (Obama, 23 May 2013)

President Obama uses his speech in acceptance of the Nobel Peace Prize awarded in 2009 to reaffirm the US position in relation to al Qaeda. What is significant about the speech is the confirmation that the US is not going to halt its actions against the group. It also serves to reconfirm how the US views the group and perpetuates the long-held view that the group is irrational and not capable of adhering to rules, thus it cannot be trusted. He presents the use of force as the only alternative capable of dealing with al Qaeda.

“Negotiations cannot convince al Qaeda’s leaders to lay down their arms. To say that **force may sometimes be necessary** is not a call to cynicism... (Obama, 10 December 2009)

The significance of the speech also lies in the fact that the award was awarded *‘for his extraordinary efforts to strengthen diplomacy and cooperation between people’* and Obama uses the opportunity to add validity to the actions in Pakistan. He invokes emotion by reminding the audience how the world rallied around America after the 9/11 attacks, further reminding them that the world had to resort to violence to defeat Hitler. Both these moments are terrible reminders of two very historic moments. This comparison and association with Hitler has the effect of embedding the us-and-them divisive stance that is meant to clearly define al Qaeda as the enemy

The argument that drones have operational utility is not one which has been used extensively in the official speeches justifying the Pakistan drone campaigns even though it has been used by drone proponents as one of the key arguments. By indicating the precise location where drones are used, Obama is once again addressing the perception that drones enable wanton destruction and is an indication of a move of last resort. He gives reassurances that proper processes are undertaken in making the decision to deploy drones:

“Beyond the Afghan theatre, we only target al Qaeda and its associated forces. And even then, the use of drones is heavily constrained. **America does not take strikes when we have the ability to capture individual terrorists;** our preference is always to detain, interrogate, and prosecute.” (Obama, 23 May 2013)

The argumentation of operational utility lies in the ability of drones to carry out operations that traverse the limitations of geography, time and human capability. locate targets and kill enemy combatants over vast geographical distances while removing the risk to which soldiers on the ground would be exposed.

‘Targeted strikes are wise. Remotely piloted aircraft, in particular, can be a wise choice because of geography, with their ability to fly hundreds of miles over the most treacherous terrain, strike their targets with astonishing precision and then return to base’. (Brennan, 30 April 2012)

In addition, the operational utility argument is at times paired with the argument that drones save lives and would remove all risks that troops could be exposed to; as well as the magnitude of intelligence that drones can collect.

...’this allows us to gather valuable intelligence that we might not be able to obtain any other way. In fact, the members of al-Qaida that we or other nations have captured have been one of our greatest sources of information about al-Qaida, its plans and its intentions’. (Brennan, 30 April 2012)

The argument that drones have operational utility is on the ways in which they are legitimised thought rationality

“In an armed conflict, lethal force against known, individual members of the enemy is a longstanding and long-legal practice. What is new is that, **with advances in technology, we are able to target military objectives with much more precision**, to the point where we can identify, target, and strike a single military objective from great distances” (Koh, 25 March 2010)

.... ‘a lot of these strikes have been in the FATA and going after al Qaeda suspect who are up in very rough terrain along the border between Afghanistan and Pakistan. **For us to be able to get them in another way, would involve probably a lot more intrusive military actions than the one we are engaging in**’(Obama, 31 January 2012)

Legitimation through altruism - Protection of the American and people and democratic principles

Reyes writes about legitimation through altruism proposing that it is a legitimation technique usually used by political leaders who are motivated by helping those less fortunate than them or in a lesser position to take action. In their speeches, both presidents defer to their personal authority to assure the nation of their protection. By so doing, it can be said they are motivated by altruism. With the following statement Bush, uses “we” to show that the defense of the American people will be a collective effort. And can be seen in a number of ways, one being the invocation of article 5 of the NATO treaty which refers to collective defense of alliance members:

‘We will take defensive measures against terrorism to protect Americans’
(Obama, 8 April 2016)

Echoing the unilateral military strikes in Pakistan:

‘And the challenge for me as Commander-in-Chief has consistently been how do you think about this new technology in a way that is consistent with morality, ideals, laws of war, but is also consistent with my **first priority as President**

and Commander-in-Chief, which is to keep all of you safe, including you”⁴

(Obama, 8 April 2016)

Brennan carries on with the justification about saving American lives, going as far as to suggest that Americans would not oppose the use of advanced technology if it means saving American troops and destroying terrorists. To a great extent, this sentiment has been confirmed by the significant support of the drone campaigns by Americans.

‘...in order to prevent terrorist attacks on the United States and to save American lives, the United States Government conducts targeted strikes against specific al-Qaida terrorists, sometimes using remotely piloted aircraft, often referred to publicly as drones’ (Brennan,30 April 2012)

CONCLUSION

The dominant argument for the use of drones both the Bush and Obama administrations has been advanced as the need to protect the American people from the imminent and ongoing threat posed by Al Qaeda and its associates, while upholding the domestic and international law. It is against this background that the country has been vociferous in its insistence that despite the unconventionality of the conflict, its application of lethal force in response to the threat posed by al Qaeda should be and *is*⁵ premised on conventional legal principles of proportionality, necessity and distinction. The continued justification of the deployment of drones against al Qaeda and its affiliates questions the validity of the rallying narrative of an imminent or continuing threat against the US, especially because terrorist organisations will remain a key element of

⁵ Own emphasis

the international system. More than 16 years after 9/11, and given that the overarching premise of the Obama administration was the demise of al Qaeda and given claims that the drone strikes have killed the top al Qaeda leader, questions abound about whether al Qaeda still pose a threat to the United States and will continue to do so. In addition, the endurance of terrorists notwithstanding the absence of key leaders, questions the effectiveness and necessity of drones.

The position of the CIA and the US Department of Defense towards drones confirms that for the US, armed drones will continue to serve as the chosen alternative for its counterinsurgency strategy. It further confirms the assertion by the US government that its actions are just and legal within both domestic and international law and serves to legitimise its actions in Pakistan both domestically and internationally. Drones can be said to have provided the US with a cheaper alternative as well as strategic and operational utility, than having “boots on the ground” in its fight against terrorism. The future of drones as an operational tool of the US is apparent in the possibilities that key US officials see in the strategic and operational advantage that drones are said to enable. However, the deployment of armed drones in warfare and conflict situations remains a highly contested one. The jury is still out on whether there is a legal or moral basis for their deployment, as well as the extent to which their deployment violates or does not violate international law

Having analysed texts that allude to the US drone strikes in Pakistan, common amongst all the texts is how terrorism and terrorist groups have been recontextualised and elevated to a global threat. Part of this elevation is their inclusion as a key participant in

the international system. The strategies of legitimation and justification for the US drone strikes in Pakistan present a United States of America that upholds domestic and international law as well as respects democratic principles such as suffrage, freedom of religion, freedom of speech as well as in addition to universal human rights. However, because of the threat from Al Qaeda emanating from the FATA region, the country has had to resort to this type of technology as a means of last resort to save American lives and protect international peace and security. The text used presents the US in a positive light while presenting Al Qaeda as a nefarious entity that is unwavering in its determination to cause harm to the American people and US interests. Nowhere is any of the corpus of political statements or official documents analysed is there reference to any grievances that Al Qaeda or other groups might have, whether legitimate or not. And so, focus is not on what gave rise to such a grave or what led to their actions on September 9/11 apart from alluding their actions to wickedness and an unfounded hatred of American people and all they represent. The US government has tried to justify its actions based on discursive categories that include the five that are discussed in this thesis. This can be seen as a strategy to structure the discourse in a manner that will create a political advantage for the US. The discursive strategies of legitimation presented in this thesis create rich discourses for analysis and justification as they challenge established universal norms and standards.

BIBLIOGRAHY

- Angell, N. (2001) 'Realism', in Griffiths, M. (ed) *Fifty Key Thinkers in International Relations*. London: Taylor & Francis
- Arkin, R. (2010) 'The Case for Ethical Autonomy in Unmanned Systems', *Journal of Military Ethics*, vol. 9, no. 4, pp332-341
- Blom, J., D. (2010) '*Unmanned Aerial Systems: A Historical Perspective*', Kansas: Combat Studies Institute Press
- Brennan, J. (2012). "The Ethics and Efficacy of the President's Counterterrorism Strategy', (Transcript), Available <https://www.wilsoncenter.org/event/the-efficacy-and-ethics-us-counterterrorism-strategy>
- Burchill,S.,Linklater,A.,Devetak,R.,Donnelly, J., Paterson,M.,Reus-Smit,.C. and True,J. (2005) *Theories of International Relations*, 3rd edition, London: Palgrave Macmillan.
- Bush,G.,W. (2001) ' 9/11 Address to the Nation',(Transcript), *CNN*, 11 September 2001, Aval able at <http://edition.cnn.com/2001/US/09/11/bush.speech.text/>
- Bush,G.,W. (2001) 'Address to a Joint Session of Congress and the American People'. (Transcript), Available <https://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010920-8.html>.
- Bush,G.,W. (2007) 'President's Address to the Nation' (Transcript), Available <https://georgewbush-whitehouse.archives.gov/news/releases/2007/01/20070110-7.html> January 10, 2007
- Byman, D. (2013). 'Why Drones Work: The Case for Washington's Weapon of Choice. *Foreign Affairs*, vol.94, no2 pp 32-43 Available at <https://www.brookings.edu/articles/why-drones-work-the-case-for-washingtons-weapon-of-choice/>
- Campbell, B. (2014) 'Realist or Liberal?: Theoretical Interpretations of the Obama Administration's Counterterrorism Strategy' Available <http://hreak.srce.hr/143306?lang=en>
- Casey-Maslen, S. (2012) 'Pandora's Box? Drone Strikes under *jus ad bellum*, *jus in bello*, and international human rights law. *International Review of the Red Cross*, vol. 94 ,no 886, pp597 - 625
- Ceccoli,S. and Bing, J.(2014) 'Explaining Divergent Attitudes Toward Lethal Drone Strikes', *Studies in Conflict & Terrorism* vol. 38 ,no2 , page 146-166

Chivers, C.J., Gall, C., Lehren, A., W., Mazzetti, M., Perlez, J. and Schmitt, E., (2010). View is Bleaker than Official Portrayal of War in Afghanistan. *The New York Times*, 25 July, Available

<http://www.nytimes.com/2010/07/26/world/asia/26warlogs.html?pagewanted=all>.

Congress, (2001) 'Public Law 107-40, 107th Congress', Available

<https://www.congress.gov/107/plaws/publ40/PLAW-107publ40.pdf>

Congress, (2016) 'A National Strategy to Win the War Against Islamist Terror.

Washington: Homeland Security Committee Available at

<https://homeland.house.gov/wp-content/uploads/2016/09/A-National-Strategy-to-Win-the-War.pdf>

Craig, T., T (2015) 'Pakistani Military Says Its Drone Killed 3 Suspected Militants' *Washington Post*, 7 September, Available

https://www.washingtonpost.com/world/pakistan-begins-drone-warfare-on-its-own-soil/2015/09/07/b7c56858-553a-11e5-8bb1-b488d231bba2_story.html?post-share=3871441720787606.

Cronin, A., K. (2013) 'Why Drones Fail. When Tactics Drive Strategy', *Foreign Affairs*.

Available <https://stratsight.files.wordpress.com/2013/02/whydronesfail.pdf>

Crawford, N.C. (2015) 'Accountability for Targeted Drone Strikes Against Terrorists?', *Ethics & International Affairs*. Carnegie Council for Ethics in International Affairs. pp. 39-49

Department of Defense, (2010) *Quadrennial Defense Review Report*, Washington.

Available

https://www.defense.gov/Portals/1/features/defenseReviews/QDR/QDR_as_of_29JAN10_1600.pdf

Department of Defense. (2014) 'Report on Process for Determining Targets of Lethal or Capture Operations', Washington. Available

https://www.aclu.org/sites/default/files/field_document/8.5.16_report_on_process_of_determining_targets_of_lethal_or_capture_operations.pdf

Department of Defense. (2014). Quadrennial Defense Review Fact Sheet. Available

https://www.defense.gov/Portals/1/features/defenseReviews/QDR/20140302_FINAL_QDR_Fact_Sheet_v13_CLEAN.pdf

Department of State, (2006) *National Strategy for Combatting Terrorism 2001 - 2009*, Washington. Available <https://2001-2009.state.gov/s/ct/rls/wh/71803.htm>

Department of State, (2015) 'National Security Strategy', Available

https://obamawhitehouse.archives.gov/sites/default/files/docs/2015_national_security_strategy.pdf

- Donnelly, J. (2005) *Realism: Theories of International Relations*, 3rd Edition, New York: Palgrave Macmillan
- Enemark, C. (2014). Drones, Risk and Perpetual Force. *Ethics and International Affairs*. Carnegie Council for Ethics in International Affairs vol.28. no.3. pp 365-381
- Entous, A., Gorman, S., and Barnes, J., E. (2011) 'U.S. Tightens Drone Rules', *Wall Street Journal*,
- Foucault, M. (1970) 'The Order of Discourse: Inaugural lecture at the College de France', edited by Young, R. Massachusetts: Routledge & Keagan Paul.
- Gettinger, D. (2016) 'Drone Spending in the FY17 Defense Budget' Center for the Study of the Drone at Bard College. Available http://dronecenter.bard.edu/files/2016/03/DroneSpendingFy17_CSD_3-1.pdf
- Hajjar, L. (2015) 'Is Targeted Killing War', in Strawser, B.J. (ed). *Opposing Perspectives on the Drone Debate*, New York: Palgrave Macmillan
- Heywood, A., 2011. *Global Politics*. 1st ed. Hampshire: Palgrave Macmillan
- Jeh Johnson, J (2012). 'National Security Law, Lawyers and Lawyering in the Obama Administration' (Transcript), Available http://ylpr.yale.edu/sites/default/files/YLPR/johnson_national_security_law_lawyers_and_lawyering_in_the_obama_administration.pdf
- Johnson, J.C. (2012) 'The Conflict against Al Qa'ida and Its Affiliates: How Will It End?', (Transcript). Available at <https://www.state.gov/documents/organization/211954.pdf>.
- Knoops, G.,J.,A. (2012) 'Legal , Political and Ethical Dimensions of Drone Warfare under International Law', (transcript), *International Criminal Law Review* vol.12, 4: pp697-720
- Koh, H.,H., (201) 'The Obama Administration and International Law (Transcript), Available at <http://www.state.gov/s/l/releases/remarks/139119.htm>).
- Mahadevan, P. (2010) 'The Military Utility of Drones,' *Centre for Security Studies*. Zurich . Available <http://www.css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/CSS-Analyses-78.pdf>
- Mahnken, T. (2008) *Technology and the American Way of War since 1945* Colombia, New York: University Press
- Mahmood, A., Farroq, S., and Karim, A. (2015) 'US Drone Attacks in Pakistan: An International Law Perspective', *International Journal of Business and Social Science*, vol. 6(6).

Malik, S. (2015) 'Challenging Orthodoxy' *Critical Security Studies*, Milton Park: Routledge

Mearsheimer, J.J. (2013) 'Structural Realism', in Dunne, T., Kurki, M. and Smith, S. (ed) *International Relations Theories*, Oxford: Oxford University Press.

Moravcsik, A. (1992) *Liberalism and International Relations Theory*. Massachusetts: Harvard University.

Morgenthau. (2001) 'Realism', in Griffiths, M. (ed) *Fifty Key Thinkers in International Relations*, Abingdon, Oxon: Taylor & Francis.

New America Foundation, (2017) 'US Drone Strikes in Pakistan' Available <https://www.newamerica.org/in-depth/americas-counterterrorism-wars/pakistan/>.

Mutlu, C. and Salter M. (2013) 'The discursive turn', Routledge. p 114.

Obama, B.,H.,(2009) 'The New Way Forward - The President's Address', (Transcript), Available at <https://obamawhitehouse.archives.gov/blog/2009/12/01/new-way-forward-presidents-address>.

Obama, B.,H.,(2012) 'Obama Addresses Drone Strikes During "Hangout", (Video), Available <https://www.youtube.com/watch?v=2rPMPMqOjKYt> .

Obama, B. (2013) 'Remarks at the National Defence University on the Administration's Counter-Terrorism Policy' (Transcript), Available at www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defence-university.

Obama, B. (2013). *Prepared remarks at the National Defense University* President of the United States. Available at <http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>.

Obama, B.,H.,(2016) 'Remarks by the President in a Conversation on the Supreme Court Nomination, (Transcript), Available at <https://obamawhitehouse.archives.gov/the-press-office/2016/04/08/remarks-president-conversation-supreme-court-nomination>.

O'Connell,M.,E. (2010) 'Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2004-2009', *Notre Dame Law School Legal Studies Research Paper* , no. 09-43.

Panetta,L.,E.,(2009) Remarks of Director of Central Intelligence Agency at the Pacific Council on International Policy, Available <https://www.cia.gov/news-information/speeches-testimony/directors-remarks-at-pacific-council.html>

Paltridge, B. (2006) 'Discourse Analysis an Introduction', London: Continuum Discourse Series

- Pew Research Centre. (2015) 'Public Continues to Back U.S. Drone Attacks'. Available <http://www.people-press.org/2015/05/28/public-continues-to-back-u-s-drone-attacks/>
- Ronconi,G.B.A Batista, T.J & Merola,V. (2014) 'The Utilization of Unmanned Aerial Vehicles (UAV) for Military Action', UFRGSMUN | UFRGS Model United Nations, ISSN: 2318-3195 | v.2, pp. 137-180
- Reid, T. (2006) 'We'll bomb you to Stone Age, US told Pakistan', *The Times*, 22 September.
- Reyes, A. (2011) 'Strategies of legitimization in political discourse: From words to actions', *In: Discourse & Society*, vol. 22, issue 6, pp 781-87 781807. SAGE Journals
- Roche,A.(2017) 'Pakistan decries drone strikes on its soil, as U.S. considers more'. *Reuters*, 22 June 2017 Available <http://www.reuters.com/article/us-pakistan-drones-idUSKBN19D1V8>
- Sagan, S. (2016) 'Ethics, Technology & War', *Daedalus. Journal of the American Academy of Arts and Sciences*, Available https://www.amacad.org/multimedia/pdfs/publications/daedalus/fall2016/16_Fall_Daedalus.pdf
- Schmitt, M.N (2011) 'Drone Attacks under the Jus ad bellum and Jus in bello: Clearing the 'Fog of Law'', Durham University
- Schmitt, M.N.(2012) 'Unmanned Combat Aircraft Systems (Armed Drones) and International Humanitarian Law'
- Section 331(8), FAA Modernization and Reform Act of 2012, signed into law by the US President on 14 February 2012.
- Sharkey, N. (2011). 'The Automation and Proliferation of Military Drones and the Protection of Civilians', *Law, Innovation and Technology*, vol 3:2, pp229-240
- Singer, P. W. (2010) 'The Ethics of Killer Applications: Why Is It So Hard To Talk About Morality When It Comes to New Military Technology?', *Journal of Military Ethics*, vol. 9, no. 4, day and month, pp 299-312
- Smith, M. and Walsh, J.I. (2013)'Do Drone Strikes Degrade Al Qaeda? Evidence from Propaganda Output', *Terrorism and Political Violence*, vol.25, no.2, pp 311 - 327
- Sterling-Folkner. (2013) 'Neoliberalism', in Dunne, T., Kurki, M. and Smith, S. (3rd) *International Relations Theories*, New York: Oxford University Press
- Strawser,B.J.(2010) 'Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles', *Journal of Military Ethics* , vol.9,no.4,pp342-368 DOI: 10.1080/15027570.2010.536403

Strawser, B. J., and McMahan, J. (2012) *'Killing by Remote Control: The Ethics of an Unmanned Military'*, Oxford: *Oxford University Press*

Strawser, B., J. (2015) *'More Heat Than Light: The Vexing Complexities of the Drone Debate'*, New York : *Palgrave Macmillan*

Stohl, R. (2016) *'The Obama Administration's New Declaration on Export and Use of Drones'* *Stimson Centre*, Available: <https://www.stimson.org/content/rachel-stohl-statement-obama-administration-new-drone-export-declaration>

Sullivan, J.M (2006). The Evolution or Revolution? The rise of UAVS, *IEEE Technology and Society Magazine*, vol.25, pp43-49

The Bureau of Investigative Journalism. (2017). Pakistan 2004 onwards US Drone Strikes. Available <https://www.thebureauinvestigates.com/category/projects/drones/drones-graphs/>

The White House. (2016) *'Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations'*. Available <https://fas.org/man/eprint/frameworks.pdf>

United Nations. (1945) *'Charter of the United Nations'* UNTS XVI. Available at: <http://www.un.org/en/sections/un-charter/chapter-i/>

UN Human Rights Council, *Report of the UN Special Rapporteur on extrajudicial summary or arbitrary executions, Philip Alston. (2010) 'Targeted Killings'*, 28 May 2010, Available <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>

UN Security Council, Security Council Resolution 1368. (2001). *Threats to International peace and security caused by terrorist acts*. 12 September 2001, S/RES/1368 Available at

US Military (2015) *'The National Military Strategy go the United States of America'*, Available http://www.jcs.mil/Portals/36/Documents/Publications/2015_National_Military_Strategy.pdf

'US airstrikes in Pakistan called 'very effective', *CNN*, 18 May 2009, Available at <http://edition.cnn.com/2009/POLITICS/05/18/cia.pakistan.airstrikes>

United States Code, (2011) *' Title 50—War and National Defense'*. Available <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title50/html/USCODE-2011-title50.htm>

'Predator drones and unmanned aerial vehicles (UAVs), (2012)), *The New York Times'* Updated 5 March 2012, Available at:

http://topics.nytimes.com/top/reference/timestopics/subjects/u/unmanned_aerial_vehicles/index.html.

Valavanis, K.P. (2007) *Advances in Unmanned Aerial Vehicles: State of the Art and the Road to Autonomy*, Netherlands: Springer International Publishing

Van Dijk, T. (2008). *Power and discourse*. Palgrave Macmillan. p1-3

Van Leeuwen, T. (2007). Legitimation in discourse and communication. *Discourse & Communication* Sage Publications

Van Leeuwen, T. and Wodak, R. (1999) 'Legitimizing Immigration Control', A Discourse-Historical Analysis. *Discourse Studies*, vol. 1, 83-118 [cit. 2017-04-05], SA

Voguel, R.J (2010) 'Droning On: Controversy Surrounding Drone Warfare Is Not Really About Drones', *Brown Journal of World Affairs*, vol. 19,

Walsh, D. (2010) 'Obama's enthusiasm for drone strikes takes heavy toll on Pakistan's tribesmen,' *The Guardian*. 7 October. Available <https://www.theguardian.com/world/2010/oct/07/pakistan-drone-missile-obama-increased>

Wan, W., and Finn, P. (2012) 'Global Race on to Match US Drone Capabilities. *Washington Post*, 30 April. Available https://www.washingtonpost.com/amhtml/world/national-security/global-race-on-to-match-us-drone-capabilities/2011/06/30/gHQACWdmxH_story.html

Walt, S.,M. (1998) 'One World, Many Theories', *Foreign Policy*, No. 110, Special Edition pp. 29-32+34-46Published <http://www.jstor.org/stable/1149275> .

Whetham, D. (2013). *Drones and Targeted Killing: Angels or Assassins*. Oxford Scholarship online. Available

Williams, B.G.(2010) 'The CIA's Covert Predictor drone war in Pakistan, 2004-2010: The history of an assassination campaigns', *Studies in Conflict and Terrorism* vol 33, issue 10

Witt, J.F. (2015) 'Is Targeted Killing War', in Strawser, B.J. (ed). *Opposing Perspectives on the Drone Debate*, New York: Palgrave Macmillan

Zenko, M (2013) 'Reforming US Drone Strikes Policies'. *Council on Foreign Relations.*, Council Special Report No. 65, Available:

