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DECLARATION

I, Maren Inga Hauso Ward, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....

Date.....

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Maren Inga Hauso Ward

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ABSTRACT

The purpose of this thesis is to address how the American drone campaign in the Federally Administered Tribal Areas (FATA) of Pakistan has influenced the legitimacy of the Pakistani government. The study has been two-folded; the first part is founded in a local perspective, i.e. how drone strikes affect the local populations of North and South Waziristan. The second part has a more broad perspective, focusing on the government's standing on the campaign, their vocal opposition and tacit consent, as well as the security situation today and how this had been affected by the drone strikes.

The thesis is founded on the concept of legitimacy and second-hand sources on the FATA and the drone campaign; archival studies has been applied for collecting these data, which consists of scholarly articles, books, reports, official documents and news paper articles.

The first part of the thesis finds that the drone campaign influences the local populations on several points; through breaches in human security, in an economic perspective, and through impacting mental health by creating fear, anticipatory fear, and a change in behavior due to constant surveillance. The legitimacy of the government is affected negatively by the drone campaign; the government fails to provide an environment where the citizens can feel secure. The thesis also identifies how the government could maintain or increase its legitimacy.

The second part of the discussion demonstrates the government's standing on the issue; how it publically opposes the drone campaign whilst covertly cooperating with the CIA. The consequences of this is discussed, along with why this distance between what is said and done by the government decreases their legitimacy, and what *could* have been done to improve the situation. Further, the importance of public perceptions is discussed, along with the consequences decreasing legitimacy has on the newly democratic Pakistan. Finalizing the discussion, the thesis touches upon the security situation over the last decade, and asks whether the drones increase security or undermines it.

ACRONYMS

FATA – Federally Administered Tribal Areas, also referred to as “Tribal Areas”

FCR – Frontier Crime Regulations

HVT – High Value Target

ICS – Indian Civil Service

IDP – Internally displaced people

IHL – International Humanitarian Law

ISI – Inter-Services Intelligence

ML – Muslim League (political party)

PA – Political Agent

PPP – Pakistan People’s Party (political party)

PTI – Pakistan Tehreek-e Insaf, Pakistan Movement for Justice (political party)

TBIJ – The Bureau of Investigative Journalism

TTP – Tahreek-e-Taliban Pakistan, also referred to as “Pakistani Taliban”

UAV – Unmanned Aerial Vehicle, also referred to as “drone”

WOT – War on Terror

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1.0 INTRODUCTION

The American drone campaign in Pakistan began in June 2004 as part of the War on Terror. The campaign centered on the FATA, the Tribal Areas of Pakistan bordering to Afghanistan, with the initial goal being targeting so-called high value targets; al Qaeda members and their affiliates associated to the 9/11-2001 attacks on the World Trade Centre and Pentagon, and considered a threat to the US. The permission to use drones was given to the CIA by President Bush, with orders to act in “anticipatory self-defense” (Brunstetter & Braun, 2011).

The drone campaign has spurred a debate on both the legal and moral consequences of the use of drones, and is for the proponents of their use often seen as legitimate self-defense (against Taliban), efficient counterterrorism (against al Qaeda) and as a new, precise technology that can seriously decrease the number of civilian casualties through precise targeting achieved by live video-feeds. Or as former CIA director Leon Panetta stated; “it is the only game in town in terms of confronting and trying to disrupt the al-Qaeda leadership” (Panetta cited in Gregory, 2011a:190; CIA, 2009). Those criticizing the use of drones in military operations highlights distance (between operator and target) as a cause for concern as it makes killing too casual, or too much like a video game. They also point to the flaws in the technology that blurs the distinction between combatant and civilian, and see the use of CIA for conducting strikes outside a defined war zone (like in Pakistan) as extra-judicial killings (Gregory, 2011a; Wall & Monahan, 2011).

When I began researching for this thesis, it was with an interest in the new war technologies of the 21st century and how this could be related and used in a just war tradition. I was interested in the rationale behind using drones to target al Qaeda members in the Tribal Areas of Pakistan, and whether this could be justified legally and morally.

As I browsed through hundreds of news articles, scholarly arguments and books, I found the articles depicting innocents killed or injured by drones; children and youth that had been targeted for being at the wrong place at the wrong time, sometimes seen as combatants because of their age, gender, activities or their associations. I began wondering if drones could be an effective weapon in counterterrorism, or if it actually increased the problem at hand by killing civilians and creating an environment of anti-Americanism.

Much has been written on how the US loses legitimacy when conducting drone strikes through the CIA, without transparency and bordering on breaching International Humanitarian Law. What is often lacking is how the Pakistani government is affected by this. Though some reports and news articles discuss whether the drone campaign has been performed with or without Pakistani consent, few discuss how the government and its standing in the Pakistani society are actually affected.

There is no simple answer to how the government and its legitimacy is affected; the drone campaign is a covert, small-scale military operation outside a defined theatre of war, and the US government denied its existence for the longest time, until 2006. This means that the public, in the US, Pakistan and elsewhere are left in the dark when it comes to issues of targeting individuals, who are the decision-makers and who are actually killed. This is also true for the cooperation between the US and the Pakistani governments, as it has generally been quite unknown for the public, especially after 9/11.

This thesis then, moves away from the discussion on the legality or morality of drone warfare, and concentrates on the issues faced by the local population, especially in North and South Waziristan in the FATA as the majority of the strikes have occurred in these areas, what the long-term implications are for the society as a whole, and how this affects Pakistan and Pakistan's legitimacy to its own population.

Its main purpose is to address how drones affect the legitimacy of the Pakistani government; Pakistan has suffered much instability since partition from India in 1947, with military coups and coup d'états that have shaken and to a large degree destroyed the possibilities for a democratic regime form. It will discuss if and how the drone campaign affects this unconsolidated democracy.

The thesis question is quite fluid; *legitimacy* may be understood in a number of ways, and even when defined, measuring the legitimacy of the Pakistani government is challenging. An overreaching, large-scale quantitative study focusing on public opinions towards the government could be a possible solution, though the format is too large, difficult to accomplish and time- and resource consuming for this thesis. Therefore, this thesis will be theoretically based upon how legitimacy can change within a particular context, and more specifically how legitimacy of the Pakistani government is affected in this particular case by the drone campaign.

1.1 STATE OF THE ART

This section will give an overview over previously done research, and what has been the primary focus of scholars in the past, to give an indication of their contents, validity and purpose in this thesis.

1.1.1 DRONES

Drones represent a shift in technology; on the humanitarian side, they can be a new way of dealing with crises through simplifying the opportunities for surveillance. On the military side, they represent a possibility of conducting small-scale operations without risking own soldiers, as well as more precise targeting than for example traditional aerial bombing. At the same time, drones create inequality in the already skewed relationship between states with great aerial power and technological possibilities, and states without. The power relations between Pakistan and the US are skewed, and this is intensified through the use of drones; the US has the upper hand because they can monitor on-ground activities in Pakistan, whilst Pakistan does not have the option of doing the same, or stopping the action.

Gregory (2011b) claims that “war is everywhere”, thus referring to the *global battlefield*; a multidimensional battlefield with no there are “no front or back” and where “everything becomes a site of permanent war” (Graham, 2009:389 cited in Gregory 2011b:239). In the case of drone use in the FATA, drones redefine the battlefield because they are not part of a declared war between two actors or states, and thus differentiate from for example the use of drones in Afghanistan. It can also be argued that the drone campaign redefines what we understand to be the battlefield; the battlefield moves with the drones, in theory making the whole world “subject to the application of the laws of armed conflict and the consequences which flows from it” (Lubell & Derejko, 2013:2). How the global battlefield is understood also forms the basis for whether the actions of the US are legitimate or not; if the drone campaign is understood as actions outside a declared war and a defined battlespace, it is difficult to maintain the notion that the campaign is legitimate. On the other hand, if the drone “moves” or changes the battlefield or our understanding of it, the actions might be legitimate (Lubell & Derejko, 2013).

There has as mentioned been done extensive research on the moral/normative side of drone warfare, including legal analyses and analyses in a just war context¹. The arguments used by pro-drone proponents often revolve around the effectiveness, low cost and civilian lives spared compared to traditional weapons², whilst those opposed to it often refer to the US' lack of justification, the secrecy and lack of transparency, and the failings concerning proportionality and distinction of combatants/non-combatants³. On the moral side drone warfare is discussed in terms of extra-judicial killings, as a “PlayStation” kind of war where the targets are dehumanized into “bugsplats” (Benjamin, 2013:160)⁴. Another concern is that drones lower the threshold for using military force

Some scholars have sought to identify the impacts the drones have on the local population, for example the report *Living under Drones* by Stanford International Human Rights and Conflict Resolution Clinic (IHRCRC) and Global Justice Clinic (GJC) at NYU School of Law (2012)⁵ and *Will I Be Next? US Drone Strikes in Pakistan* By Amnesty International (2013). There are also several Pakistani institutes and think tanks researching the issue from different angles, among others the Islamabad-based *FATA Research Centre* and *Foundation for Fundamental Human Rights Pakistan*.

1.1.2 LEGITIMACY

An essential norm in IR has traditionally been the concepts of non-interference and sovereignty of the state, what we can call the “Westphalian” sovereignty where each state recognizes other states and their right to rule their territory in whatever way they see fit. This view then is based on the traditional notion that the state itself is the provider of human security. After the Cold War ended this view changed to a more human-centered logic of sovereignty, and at the 2005 World Summit states committed to the principle of *Responsibility to Protect* (R2P), containing the following pillars:

¹ See for example Vogel, R. J. (2010). Drone warfare and the law of armed conflict. *Denver Journal of International Law and Policy*, 39 (1):101-138 for a thorough review of the legal aspects and just war tradition applied to drone warfare.

² Scott Shane explores this view in the article “The Moral Case for Drones” in the New York Times, 14.07.2015. Available at: <http://www.nytimes.com/2012/07/15/sunday-review/the-moral-case-for-drones.html>

³ See for example Benjamin, M. (2013). *Drone Warfare: Killing by Remote Control*. London, Verso; Brunstetter, D. R. and Megan Braun (2011). “The Implications of Drones on the Just War Tradition”, *Ethics & International Affairs*, 25:3, 337–58; Kreps, S. & Kaag, J. (2012). ‘The Use of Unmanned Aerial Vehicles in Contemporary Conflict: A Legal and Ethical Analysis’, *Polity*, 44:2, 260-285.

⁴ The US Defense Department developed a video game to help the drone operators see the human cost of a drone strike. However, the casualties in the game bore a resemblance to splattered insects, and the operators began referring to the them as “bugsplats” (Benjamin, 2013:160).

⁵ Referenced in text as IHRCRC & GJC, 2012. In Bibliography: Stanford International Human Rights and Conflict Resolution Clinic (IHRCRC) & Global Justice Clinic (GJC) at NYU School of Law (2012).

- I) The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement;
- II) The international community has a responsibility to encourage and assist States in fulfilling this responsibility;
- III) The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations (UN Office of the Special Adviser on the Prevention of Genocide, s.a.).

This replaced the Westphalian state-centered view of security with a more human-centered focus. This means that *the people* are the reference object of security rather than the state.

The thesis will argue that if a state intervenes on another states territory, outside the Responsibility to Protect, the legitimacy of the invaded state decreases, because it cannot protect its own borders, and thus its sovereignty.

Legitimacy, the main concept of this thesis, has always been an important concept within the field of IR, though it is difficult to conceptualize because every definition will lack some aspects of the concept. Here, the thesis will discuss what has been said in terms of legitimacy previously; how can states build or lose legitimacy domestically, for example towards own population..

Legitimacy is important because it lays the foundation for rule by consent, not coercion. A state's legitimacy can be rejected by its citizens due to a number of causes. For example repression or violence, or failing to deliver welfare or improving standards of living, which leads to negative experiences for the public, can affect legitimacy. Legitimacy has a number of sources; Weber (1964:130-132) identifies three, namely traditional, charismatic and legal-rational, and uses them to explain how distinct forms of authority generate distinct types of rules or governance. OECD (2010) finds that there are four main sources of legitimacy, namely “*input or process legitimacy*; [...] *Output or performance legitimacy*, defined in relation to the effectiveness and quality of public goods and services; [...] *shared beliefs* [...] and “charismatic” leaders; and *international legitimacy*, i.e. recognition of the state's external sovereignty and legitimacy” (OECD, 2010:8). *Output legitimacy* will be interesting in the case of the thesis, if we understand security of the citizens as a public good or service, and thus a lack in providing this will decrease the legitimacy of the government. Also

international legitimacy is interesting, as Pakistan is clearly recognized as a sovereign state, though this has not been respected by the US through the drone campaign.

These notions of legitimacy all has to do with the *beliefs* of the citizens towards the state, and is largely concerned with how the citizens *perceive* the government; whether they perceive the government to be legitimate. Legitimacy is also closely related to democracy; a democratically elected leader is needed to get the public's acceptance. The connection between democracy and legitimacy will be further developed in section 3.2.

To give account of all perspectives of legitimacy is an impossible task, as the understandings and applications are as numerous as the scholars researching and writing about it, though the section *theoretical framework* will provide a general overview over the debate.

Often debated within the topic of this thesis is the legitimacy of the US; whether the strikes themselves are legitimate, whether the targets are legitimate, and whether the US is losing legitimacy when using drones in the manner they do⁶. Often mentioned in literature on the topic is also the effect the drone campaign has on the legitimacy of the Pakistani government, though this point is seldom elaborated on. It is this research gap this thesis will address. Much has been written on legitimacy in the international relations literature, and can thus provide a strong framework for discussing legitimacy in this particular case. This thesis then, will address the connection between the American drone campaign and the legitimacy of the Pakistani government through using previously done research on the drone campaign, the Tribal Areas and legitimacy as a concept.

1.2 RESEARCH QUESTIONS

The main question this thesis will address is as following:

How is the legitimacy of the Pakistani government to its population affected by the American drone campaign, and how can this affect the stability in the country?

I will address this question through three sub questions, namely:

In what ways do drones affect the daily life of individuals in Waziristan, and what are the long-term consequences of this?

⁶ See debates on the drone campaign in a just war context; for example Kreps & Kaag (2012).

How have the government vocalized their stand on the drone campaign, how has this affected the relations with the public?

How is the drone campaign affecting Pakistan's internal security situation, and what capacity does the government have in handling this?

The first sub-question will address the effects drone strikes and surveillance have had on the population of North and South Waziristan, more specifically with a focus on death, injury, loss of home, and long-term consequences such as mental health impact, societal and economic impact. There is no clear distinction between these factors, as they affect one another (e.g. mental health issues may disrupt social or work life). Continuing, it will also briefly discuss the cultural impact, in form of attendance in traditional, tribal customs.

Issues of radicalization in relation to drones will also be mentioned, though not as a major point of this thesis, as it is problematic to study radicalization as a separate phenomenon only affected by drones because it is difficult to see a true correlation between the two unaffected by other variables.

The first sub-question, then, will address the main question through showing what the presence of drones actually does to the population, and link this to how the legitimacy of the Pakistani government is affected when they lack the resources or will to protect a part of their own population and provide them with basic rights and services.

The second question will be focused on a much broader perspective than the first; by focusing on the bilateral Pakistani-American relationship, the focus moves away from an individual-based narrative to a more International Relations (IR) focused approach on how drones have affected the legitimacy of Pakistani government. It will focus on the cooperation between the US and Pakistan on the drone issue, more specifically on the "tacit consent" given by the Pakistanis, whilst outwardly opposing the strikes to a large extent. It will also discuss the perceptions of the public towards the government and how this can affect the legitimacy of the government.

Continuing, it will seek to address how the large differences in public announcements from Pakistani officials are part of undermining the legitimacy of the Pakistani government, and how this undermining of legitimacy is harmful to Pakistan's new, unconsolidated democracy.

The third sub-question will address Pakistan's increased terror-linked violence over the last decade, and discuss whether the government can handle with this without American assistance, as well as if and how the government can bring the drone campaign to a halt.

These questions will be part of addressing the main question in different ways. The local-perspective question touches on the core of the issue; how the affected population experiences the drone campaign, and how this external (perceived) violation of their security affects the perception of the government that has the main responsibility to protect them. The second question demonstrates the government's tacit consent and how the deceiving of the public by remaining unclear on the cooperation with CIA affects the relations with the public. The final question highlights how the drone campaign has affected the security situation, and whether the government can handle this without American support; if they cannot, this may have serious implications for their legitimacy, as a state has the responsibility to protect their own citizens.

1.3 LAYOUT OF THESIS

As the main research question is addressed through three sub-questions, the thesis will be divided likewise to avoid confusion and ensure an orderly layout and subsequently answer the questions asked.

The introduction (1.0) has given an overall briefing on the topic in general, and set it in a context familiar to the reader. Continuing, the research questions have been discussed; their limitations and how they will be addressed throughout the thesis. Thereafter follows a section on the process of researching and writing the thesis, as well as a short overview of the method used and a reflection on the value and pitfalls of this kind of method (2.0).

The theoretical framework (3.0) consists of a conceptualization of what legitimacy is according to different definitions as well as how it will be understood in this thesis, along with a description of what a state's responsibility is towards its people, and more specifically what Pakistan's responsibility is. Hence, this section aims at giving a framework to work within, as well as provide an overview over what the state should do.

The background (4.0) contains an overview over Pakistan's regime forms from 1947 until present, followed by an outline over the development of drones, and what part drones have played in Pakistan. It starts out with the first drone strike in 2004, and gives a brief description of the situation until today. Following is an outlining of North and South Waziristan; its

history and culture. This latter part belongs to the individual-based sub-question, as the next section will discuss the impact drones have had on the population of Waziristani, and what the long-term consequences are.

The first part of the discussion (5.0) will directly address the research question and the first sub-question, starting with the consequences for the Waziristani population; how the individual is affected by the drone campaign. Following, it discusses how the Pakistani government's legitimacy is challenged by the lack of protection of its own citizens.

The second part of the discussion (6.0) will demonstrate how the government vocally opposes the strikes, whilst to some extent cooperating with the CIA on the matter, as well as the perceptions of the public and the role of the media in shaping these. It will also discuss how democracy as a regime form is affected by the drone campaign and by the lacking legitimacy of the government. The discussion is finalized by the third sub-question discussing the security situation today and how the government can manage this, including a working definition on terrorism.

Finally, there will be a summary briefly going over the main points, as well as a conclusion related directly to the thesis' research question and core findings (7.0). The thesis is finalized with final remarks and an outlook on the future.

1.4 RESEARCH LIMITATIONS

There are some limitations to this thesis, primarily the lack of first-hand information through a field work. This will be compensated for through the use of reports relying on first-hand interviews with drone victims, eye witnesses and relatives of victims. Following, there are some limitations to the second-hand information from research done in the area; this is due to a lack of transparency, safety and reliance on official reports and statistics as a major source of references. To compensate for this, the thesis uses a range of different sources to get a fair estimate over the situation – through triangulation of sources, as will be demonstrated in sections 2.2 and 2.3.

Third, the official information from both the American and Pakistani governments is limited, and as a consequence the number of civilian/combatant casualties is no more than an estimate.

An issue concerning research on the use of drones in Waziristan is lacking official, trustworthy reports. This stems from the American reluctance to provide official information

on the drones and their targets, as well as the Pakistani government's and the media's lacking possibility to provide correct, uninfluenced information. The Tribal Areas are also a region especially difficult to assess information from, as there is limited reporter access and reporters rely on intelligence (that might have flawed information) as a major source of information (Lewis 2014). There are also limitations when it comes to reliable material in relation to the Pakistani government's consent or opposition to the drone campaign, though official statements have been given on the position of the government. These, which largely consist of announcements of opposition, will be referenced in this thesis, along with the opinions of scholars, the UN, and publications based on documents from WikiLeaks.

These limitations are not only interesting for this thesis, but also for a more general discussion on the topic; the limitations in research and lack of reliable sources deter the public debate from being open and democratic, thus pointing to another flaw of the campaign and its effect on the Pakistani government's legitimacy to its citizens.

1.5 TOPIC LIMITATIONS

The general topic for the thesis is drones, though it will not address what has commonly been discussed, namely the *American legitimacy* and its role as a hegemon and norm entrepreneur. It will neither address nor discuss the just war theory or public opinions outside Pakistan. Hence, the main discussion, as reflected in the research question and its sub-questions, will be the legitimacy of the Pakistani government to its population, not towards the international community. This is because the drone campaign is primarily a domestic concern as well as a strain on the bilateral cooperation between Pakistan and the US, and the legitimacy towards the international community would to a larger extent revolve around the US' legitimacy and its role, a topic already much analyzed and discussed.

2.0 PROCESS & METHODS

The social sciences has two major forms of methodical approaches; quantitative and qualitative methods (Johannesen et.al, 2011). In a quantitative approach the selection of survey units is relatively large. The interest here is in width and statistics, and the researcher and the actor (unit) has an I/it relationship. This will give representation for a larger population than the one studied. A common method is questionnaires, and data is registered through numbers (Johannesen et.al, 2011). A qualitative approach is characterized by closeness to the source of data. The selection of units is smaller in order to get depth and meaning in the material. Interviews, observations, written documents and sound- and picture material can be used as methods. The data from qualitative methods is more complex than data from quantitative methods, and must be interpreted by the researcher (Holme & Solvang, 1996; Johannesen et.al, 2011).

Some argue that theory should come before empirical research; a *theory-before-research model* (Frankfort-Nachmias & Nachmias, 2007 cited in Berg & Lune, 2014: 24). Others are concerned with the opposite, a *research-before-theory model*, claiming that empirical research is more than testing theory; it helps shape the theory (Merton, 1968 cited in Berg & Lune, 2014). However, Berg and Lune (2014) argues for a different model that draws on the two mentioned, where the research is not linear, but rather takes two steps forward and one or two back again. This model is called *the spiraling research approach* (Berg & Lune, 2014:25). This model allows for more flexibility insofar as one goes back and forth, creating a dynamic where the research questions might be changed during the research process, though the focus remains the same. I will to some extent use this approach, thus the research questions and the thesis itself has not been set in stone throughout the research and writing process.

2.1 ARCHIVAL STUDIES

This thesis is done through archival studies, meaning that its primary foundation is the use of documents, and to some extend movies and video clips. There has been used no *private archives* (e.g. letters, autobiographies, diaries, home movies), but rather *official archive*, which is material published for a (specific) audience (Berg & Lune, 2014). The advantage of using archival study is the vast amount of data available, though there is need for careful triangulation of the data to ensure its quality and reliability in accordance with the topic and research question, as we shall see in the following section.

In archival studies the data is usually unobtrusive, though there are some ethical concerns also using this type of methods. For example, unnecessary identification should be avoided (Berg & Lune, 2014:296). In this thesis, all names of drone victims, witnesses, relatives and such have been made anonymous by the authors of the reports (e.g. *Living under Drones*), therefore the issue lapses in this case. Officials will however be named because of their position.

2.2 DATA TRIANGULATION AND VALIDITY

Triangulation is important to ensure the validity of the data; Validity is concerned with how well, or how relevant the data represents what we want to research. Reliability, on the other hand, is about the trustworthiness of data (Berg & Lune, 2014).

Trustworthiness of a research study comes through rigor. This means that research needs to be conducted with different methods, sources and analysis, as well as self-critique and critique of data. This is what we call *triangulation*; a cross-checking of data by examining it from different angles, thus eliciting more complete data (Berg & Lune, 2014). Triangulation can be done by using different research strategies (qualitative, quantitative), different sources (texts, people, events, etc.) or multiple researchers (when conducting interviews).

2.3 TRIANGULATION OF SOURCES

In this research there has been used multiple sources, though all are founded in an archival study approach. This means that although all data found is text (and to some extent movies/documentaries), the sources are different in authors, publication way, and intended audience. By using reports consistent of conducted interviews, official UN documents, news paper articles, scholarly articles and official statements, triangulation is completed. The data used also consists of both qualitative methods (such as interview-based reports) and quantitative data (such as statistics). I will thus mention some of the sources used as to exemplify how they are valid sources and can be used for triangulation.

2.3.1 BACKGROUND SOURCES

Farhat Taj has criticized much recent literature on the Tribal Areas, accusing it to be incorrect information that is often repeated by others, creating a circle of reproduced misinformation. This is due to the low number of scholars doing research and interviews themselves in the

FATA, rather relying on second and third-hand information and sources (Taj 2012)⁷. For the background chapter I have tried to rely on scholars with in-depth knowledge of the area, with time spent in the FATA, as to avoid the concerns raised by Taj (2012).

Akbar Ahmed's book *The Thistle and the Drone* (2013) is one of the main sources on the background chapter for several reasons. First and foremost, he is a scholar and a Pakistani citizen, with a close, personal relationship to the area of Waziristan, where he was the political agent (PA) in the late 1970s. Along with language knowledge and shared religion and customs, this gives valuable insights to how things were in the past – and what they have changed in to. Ahmed gives information on the cultural aspects of Waziristan, though his texts should be read carefully, and always in supplement with other, more generalized texts that also explores other aspects of the conflict more carefully.

Hopkins and Marsden's (eds.) book *Beyond Swat* (2013) consists of articles centered on Swat, but also includes writings on Afghanistan and the FATA. The articles vary from topics such as linguistics, to history and culture. The thesis makes especial use of Hugh Beattie's *Custom and Conflict in Waziristan: Some British Views*, for general information on Waziristan and its population and customs. Beattie has a long record of Middle Eastern and Islamic studying behind him, focusing especially on Afghanistan and Waziristan. Also Khan (2013) has some interesting views on the FATA in his PhD thesis. The background history of the FATA will be further developed in section 4.3.

For a more general history on Pakistan, the thesis uses Jaffrelot (2002) and Lieven (2011) supplemented with the more statistical observation from the CIA World Factbook (s.a.).

2.3.2 A LOCAL PERSPECTIVE ON DRONES

The 165 page long report *Living Under Drones* (2012) from International Human Rights and Conflict Resolution Clinic at Stanford Law School and the Global Justice Clinic at the NYU School of Law is based upon approximately 130 interviews with drone victims, witnesses, current and former officials of Pakistani government, experts, medical professionals, academics and journalists amongst others, as well as documentary sources and physical evidence.

⁷ See for example Taj, F. (2011). *Taliban and Anti-Taliban*. Cambridge Scholars Publishing.

The report consists of five main chapters giving valuable insight on a variety of issues, ranging from legal analysis to retelling of particular strikes. This thesis takes primarily use of the *Background and Context*-chapter, the core findings in the *Living Under Drones*-chapter, and to some extent the *Strategic Considerations* of the final chapter.

Living under Drones is a rare exception when it comes to research of the drone campaign in Waziristan, as interviews has been made with drone victims from Waziristan. It also backs its harsh critique of the US and the CIA by using eyewitness accounts and professional opinions. The report has been cited frequently by newspapers, and also by scholars and researchers.

I have chosen to use this report to a large extent as a supplement for my own lacking fieldwork, as it utilizes a sound methodology, and relies on a range of interviews and professional researchers from either Stanford or NYU.

2.3.3 OTHER LITERATURE

As the drone campaign itself lacks transparency at all levels, I have relied to some extent on articles published by renowned news papers and their contributing journalists, mainly American and Pakistani. News articles are valuable because they show significant events and interests in the world, as well as being investigative. This means that they portray the interests of the public, as well as frequently providing updated information on topics that change swiftly.

There is of course a possibility of bias; this can be towards a certain government, political party or other factors. I have tried to avoid getting caught in this through a critical view of the sources, in addition to using different news articles from different papers, journalists and countries, as well as supplementing with a variety of scholarly articles, reports and books.

2.4 REFLECTIONS

This thesis could have ensured triangulation of the data to a much larger extent than what is the case; through a field work consistent of interviews of officials, victims and so forth, there would have been *triangulation of methods*. A field work would have taken place in Pakistan, though not in Waziristan (due to issues of safety and accessibility). This was not done due to a lack of resources and time; though possible informants in Abbottabad and Islamabad had been contacted, the time was too short to do a proper fieldwork by the time the visa for Pakistan was ready. I therefore decided to rely on a range of second-hand written sources instead of a

small number of first-hand sources that arguably would have been too few to make any kind of general assumptions.

Interviews could also have been conducted through e-mail or Skype with Pakistani NGOs, think tanks or research centers. This could have given new data material, but was not accomplished due to lack of response from contacted actors. Some interviews could have taken place, but as with the fieldwork, I chose not to carry them out as they would have been too few to make any assumptions of the population in general. Instead, the thesis draws on large-scale interviews and polls that can be generalized to the population.

Also, as mentioned previously, there is always a possibility of literature being biased. Much written on the drone campaign is normative; it is political and written for an audience. Using a larger number of references accounts for possible bias as researchers with diverse professional backgrounds take different stands on the topic. Another issue is the limitation of access of texts; presumably, there are valid sources in Pakistani writers, especially locals, but I have used sources in only English, thus excluding texts in Urdu and Pashto.

3.0 THEORETICAL FRAMEWORK

The aim of this section is to provide a framework in which we can address the research question. Hence, it will discuss different approaches to the concept of legitimacy, before it narrows down to a discussion on legitimacy in democracies, and more specifically Pakistan. Finally, it will mention the functions and responsibilities of a state.

3.1 LEGITIMACY

David Beetham claimed *legitimacy* to be “the central issue in social and political theory” (Beetham, 1991:41), whilst Bernard Crick (1950) asked “what is meant by legitimacy or legitimate authority? That is the master question of politics...” (Crick, 1950:150). It is certainly a master question; legitimacy as a concept is heavily contested, in both its criteria and meanings, and there are competing interpretations and uses in both meaning and effect. Legitimacy can consist of many aspects, and no conceptualization of the term can include all; it can be “a resource to be held or claimed, a perception to be described, an authoritative judgment, or a tool of imperialistic exclusion” (Mulligan, 2005:352)⁸.

In understanding legitimacy it is important to remember that no definition will entail all aspects of meaning, and that it can be applied to states, the international system, institutions or actions, and that the *audience* of legitimacy is not fixed; it can be a community of states or the population within a state, or there can be no audience, i.e. when legitimacy is “a universal or objective concept” (Mulligan, 2005:367).

The word legitimacy has its roots in the Latin word *lex*, meaning *law* or *statute*. It was used as a reference to a specific law, i.e. to declare a specific law was to legitimize it. Though used in Rome, the concept is quite new in International Relations writings. E.H. Carr barely mentions it in *The 20 Years Crisis* (1939), and the same stands true for *Anarchical Society* (Hedley Bull, 1977). Waltz (1979) has no mention of it at all. However, in the 20th century the concept was applied to competing claims over a territory, thus not as a state or condition but rather as a matter of conscious collective decision, highlighted by Wight’s (1977) statement that

⁸ See Lifin, K.T. (1997). Sovereignty in World Ecopolitics, *Mershon International Studies Review* 41 (1997); Hurd, I. (1999) Legitimacy and Authority in International Politics, *International Organization* 53 (2); Wight, M. (1977). International Legitimacy, in Bull, H. (ed.). *System of States*. Leicester, Leicester University Press, or Clark, I. (2001) Another ‘Double Movement’: The Great Transformation after the Cold War?, *Review of International Studies*, 27, Special Issue (2001),

“[international legitimacy refers to] the collective judgment of international society about rightful membership of the family of nations” (Wight, 1977:153; Clark, 2005).

Legitimacy is often associated with concepts such as *authority*, *justified*, *accepted*, *sovereign* and so on, though these are similes, not synonyms to legitimacy. Mulligan (2005) sees these as a common act represented with legitimacy; “an act referred to as approval or acceptance or promotion, conducted with an attitude of favor, preference, devotion or faith” (Mulligan, 2005:368).

Max Weber (1964:130-131) discusses three sources of legitimacy. *Tradition* is the first; when a political order has lasted for a long period of time, people may have faith in it. *Charisma* is how faith in the ruler(s) creates legitimacy, and finally, when the public trusts the *legality* (rule of law). This is a descriptive concept of legitimacy. A normative concept refers to accept and/or justification of the political power or authority.

One cannot differentiate between the concept of sovereignty and for example the stability, acceptance or obedience it generates or causes. Gilley (2006) defines *legitimacy* as how power is used in ways that citizens consciously accept, or more specifically “a state is more legitimate the more it is treated by its citizens as rightfully holding and exercising political power” (Gilley, 2006:501).

Mark Suchman defines legitimacy as “a generalized perception or assumption that the actions of an entity are desirable, proper, appropriate within some socially constructed system of norms, values, beliefs, and definitions” (Suchman, 1995:574).” As we see in this definition, legitimacy is utterly reliant on social perception and recognition, and no action can be (described as) legitimate if it is not socially recognized as rightful (Reus-Smit, 2007). This means that “an actor can be said to command legitimacy, therefore, when its decisions and actions are socially sanctioned” (Reus-Smit, 2007:158).

Continuing, we see that legitimacy is “the glue that binds ruler/rule and its right, and directing the behavior of subjects according to what is right” (Mulligan, 2005:375). However, legitimacy can also be used to create a division between the rule and the right, in order to overthrow either and replace them. We use the concept of legitimacy for regimes “in order to persuade people (or states) to accept it and we criticize it as “illegitimate” in the hope of undermining its authority” (Bodansky, 1999:602). This means that for claiming an illegitimate regime, dissatisfactions is more important than notions of fair and just (Mulligan, 2005:367).

It is however possible to challenge a rule or ruler termed legitimate, but to do so one needs to reestablish the claim with new rules or priorities, and so deny the present legitimacy on the basis of other. This means that one must deny the legitimacy in order to reject it; to seek legitimacy simply is not enough; it must be legitimacy *over* another (Mulligan, 2005). On the other side, it is also possible for an entity to have power without being legitimate: in such a case the entity will be in power as long as the commands given are followed to a certain extent. We differentiate between power and legitimacy, and understand power as material might and legitimacy as an addition to this (Reus-Smit, 2007:160).

When legitimacy of an entity exists, the entity may diverge from the societal norms and still be legitimate; the public may ignore the occasional anomaly, or it might go unnoticed (McDowell, Rasual, Shaikh & Gul, 2013). However, when legitimacy is lacking, the state is more vulnerable to collapse or being overthrown, because as resources go into maintaining the regime rather than efficient governance, the public support is reduced, as there are less perceived benefits for the population (Gilley, 2006).

A broad definition of legitimacy would include both an explanation of why the use of power by a specific entity is permitted, and why the public should obey the commands given by this entity. In this understanding there is no obligation to obey the commands given if the source of authority does not fulfill the conditions of legitimacy.

3.2 LEGITIMACY IN A DEMOCRACY

Today, democracy and legitimacy are closely linked, so much that Bodansky (1999:596) claims that “democracy is the touchstone of legitimacy.” Thus, democracy is needed in order to get the public’s acceptance.

A range of countries today have democratic regimes, but no two democracies are exactly alike (Acemoglu & Robinson, 2006:16). Acemoglu and Robinson (2006) specify that in a democracy the majority of the adult population have a right to vote, they have a right to express their political preferences, and the government shall represent the wishes of all of the population. They use the Schumpeterian definition of democracy, claiming that a country is democratic if certain political processes occur, and free and fair elections and the opportunity to contribute in the political life is present (Acemoglu & Robinson, 2006:17-18).

Przeworski (2004) sees democracy as a regime form with public participation, were the losing side or party voluntarily steps down. The transition from democracy to autocracy occurs

through specific patterns, whilst the transition from democracy to autocracy is characterized by a number of different factors.

The normative argument for exercising democracy is founded in the notion that a legitimate rule must be based in the will of the people, expressed through liberal democracy. Article 21 of the 1948 Human Rights Declaration states that

The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures (UN, s.a.).

This reflects universal demands, and many claims that also good governance has value in its own, and that states therefore must reflect the Weberian principles of a clean, efficient public administration, legislation and decision-making. A democracy also has instrumental benefits. That the people chose leaders and keep them responsible is considered important for whether the government will act in the interest of the people. The liberal democracy is considered crucial for development, because the people may express their demands, keep the public responsible and depose corrupt, incompetent leaders (Norris, 2012).

This thesis will then be based upon the conventional notion that democracy (in some form) is the desired regime form, following the line of reasoning of the Human Rights Declaration, the mentioned benefits and as normative stand. This also applies to Pakistan.

Governments have claimed legitimacy in different ways over time and in different places in the world. In the past, kings claimed legitimacy from "God's will", or what we call the *Divine Right of Kings*. Today, most democratic governments claim their legitimacy on the grounds that they won a fair, free election (Spritzler, 2012).

Pakistan is a federal republic, and a democracy in name, if until recently little else. In a federal republic there is division of power between the federal government and the sub-divisional governments, in Pakistan this is the provinces. What we know is that democracy is weak in Pakistan; it is new and not yet consolidated. An unconsolidated democracy has a much higher chance of becoming an autocracy than a consolidated democracy. This means, as Pakistan is a very new democracy, that there are many pitfalls that could lead to a regime change yet again.

Lieven (2011:209) cites a 1990 interview with Admiral Gilani saying that:

Democracy has failed – it is not suited to our temperament. It took Western countries hundreds of years to develop and we have only had forty. The military is the only force in the country which has some discipline, which can guarantee stability and economic growth [...]

25 years later, there has been some developments in Pakistan's democratic history, though the statements serve as an illustration of the struggles of regime form that was in the past and follows also into the future. The Sharif government has been voted in an election deemed "relatively fair", with the highest turnout of voters (at nearly 60 %) since the 1977 elections (Newsweek, 2013; EU Election Observation Mission Pakistan, 2013). The fact that the election was "relatively fair and free" gives legitimacy in itself to the government, so does the high percentage of voters.

3.3 CRISIS IN LEGITIMACY

Legitimation is the social and political process in which actors strive to create legitimacy for themselves (or for the rule/ruler).

Reus-Smit (2007) discusses *crisis of legitimacy*, defining it as "engendered by insufficient or failing legitimacy, by a deficit of social recognition or entitlement [...] a crisis in an actor's ability to achieve their ends, or an institution's capacity to enlist norm-compliant behavior" (Reus-Smit, 2007:161).

Legitimacy is important for an entity or actor in terms of *power*. If one rules without right, he is dependent upon the self-interests of others (avoid harm, further own interests and weakness to bribery), and will thus rule through "the maintenance of a regime of credible threats", there must always be something given back for compliance. The power structure will be unstable in this scenario, because the power is vulnerable to changes in the interests of others (Reus-Smit, 2007:163). The opposite occurs when a ruler has legitimacy; he will have active supporters as well as those who simply comply with the rules and decisions, and transaction costs will be down because of low levels of opposition.

3.4 APPLYING THE CONCEPT OF LEGITIMACY

The use of the concept *legitimacy* is often followed closely by a conceptual clarification, as it will also in this thesis. It is important however to recognize that any definition of the concept will surely leave out or lose some aspects of the meaning.

Legitimacy is not based on free and fair elections alone, but also on how the government is perceived to use their power for the benefits of the people. *Legitimacy* will in this context refer to the belief (by the Pakistani public) that the government has the *right* to govern the country, i.e. the belief about the *rightfulness* of the state's authority. Continuing, it is the judgment by the individual and the group about the *rightfulness* of the hierarchy between ruler and subject. As it is a fundamentally normative concept, it is the *belief* that is in the centre, i.e. legitimacy of the government exists (or lacks) in the belief of the Pakistani public. Any group of people that are (or perceives to be) alienated is likely to express less support for the political system. Low levels of support undermine legitimacy, and may result in collapse for new or unconsolidated democracies (Cho, 2007).

Rightfulness refers to what is "in accordance with what is right, proper or just" (Gilley, 2009:3), and right is "in accordance with accepted standards of moral or legal behavior, justice, etc." (Hanks, 1986:1314-1315). Thus, a rightful rule is "a rule consistent with the moral expectations of a political community" (Gilley, 2009:4).

There will be three main components of legitimacy, namely legality (a states exercise of power according to established laws), justification (reflecting a society's moral consensus) and consent (actions that express citizens recognition of the state's right to rule) (Gilley, 2009).

Legitimacy is in this thesis applied to a state, namely Pakistan, and the audience of legitimacy will be the Pakistani population, e.g. legitimacy will *not* be a "universal or objective concept."

3.5 STATE FUNCTIONS AND RESPONSIBILITIES

Ghani, Lockhart and Carnahan (2005) points to ten core interrelated functions a state must fulfill⁹. The one that has generally been the primary function is the *monopoly on the means of violence within its territory*. This criterion has often been reduced to not include all of the territory and sometimes just the capital, though it is the public's *perception* of the monopoly that is relevant rather than the actual amount of land under government control. If the public do not acknowledge the monopoly as legitimate, the monopoly is unstable. It should also be balanced by credible institutions that can be a checks and balances on the use of force (Ghani, Lockhard & Carnahan, 2005). Continuing, *investment in human capital* is an important state function. This is because without investments, different groups in the population will be disenfranchised, which will undermine the national economy in a long-term perspective. To overcome the gap in opportunities between groups in society and especially urban and rural populations, *provision of infrastructure services* is important.

Rule of law can be a good criterion for whether the formal and informal rules of the game are unified. Measures of rule of law are, among others, the succession of rulers based on rules, and the persistence of policies from one government to another. The system is stable when officials on various levels are voted in and out based on the established rules (Ghani, Lockhard & Carnahan, 2005). The authors claim that if one or more of the state functions are absent, there will be a vicious circle ending with the creation of competing centers of power, contradictory and inefficient decision-making processes, loss of trust in the state and delegitimization of institutions, and eventually this will resort to violence (Ghani, Lockhard & Carnahan, 2005).

Continuing, every state has some general precepts of responsibility in relation to its population, as stated in the *Outcome Document* of the 2005 United Nations World Summit:

The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement (UN Office of the Special Adviser on the Prevention of Genocide, s.a.).

⁹ The ten functions are as follows: Monopoly on the means of violence; administrative control; management of public finances, investment in human capital; delineation of citizenship rights and duties; provision of infrastructure services; formation of market; management of state assets; international relations and rule of law (Ghani, Lockhard & Carnahan, 2005).

This in itself does not point to Pakistan having a responsibility to oppose and prevent American drone strikes in the FATA, but if we consider some of the strikes war crimes, the pipe gets a different tune¹⁰. The government has a responsibility to actively prevent violations of the laws of war, and crimes against humanity.

Pakistan does need to ensure the integrity and sovereignty of its territory, as well as provide security for its population, as states have a fundamental obligation to protect their citizens, as we see in the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (1998), stating that

Each state has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice (UN Human Rights, 1998).

3.5.1 STATE RESPONSIBILITY IN PAKISTAN

Pakistan is an interesting case when it comes to state responsibility, for two main reasons. The first is that the country has its supreme law in the 1973 Constitution, which guarantees fundamental rights and security for the individual Pakistani citizens. However, the Tribal Areas of Pakistan are *not* included in the Constitution; hence they do not enjoy the same rights as ordinary Pakistanis, and are not protected under the same fundamental laws.

The Frontier Crime Regulations (FCR) is the administrative regulations in FATA that impose collective responsibility clauses on the population (Khan, 2013:9; Fair, Kaltenthaler & Miller, 2014:7). Fair, Kaltenthaler and Miller (2014) claims that one of the largest controversies with FCR is the wide-scale coercive powers it affords the state for “controlling, blockading, and taming a ‘hostile and unfriendly tribe’” (Fair, Kaltenthaler & Miller, 2014:9; Siddique, 2012). Continuing, the authors claim that the people of the FATA are “second-class citizens”, because they lack a number of rights the rest of Pakistan enjoys. These rights include the right

¹⁰ So-called “double taps”, when a drone strikes twice within a short period of time killing eyewitnesses on the scene running to rescue the first victims, have by some been characterized as violations of the laws of war, as the Geneva Convention states that citizens assisting the wounded shall be protected. See for example Benjamin (2013), Boone (2013) or McKelvey (2013) for further discussion.

to appeal, the right to legal representation and the right to present reasoned evidence in ones defense (Siddique, 2012:13). The FCR has been in place since 1901 with few amendments made since 1901 (with the exception of the 2011 amendments, entailing a loosening of the collective responsibility clause, though these changed have yet to be implemented).

The second reason for the interesting case on Pakistani state responsibilities is the strong military. Pakistan has historically had a very strong and active military taking part in shaping the country, as reflected in its history. Not only has it overthrown civilian governments, it has waged war with India over Kashmir, and historically had a close cooperation with the US. The military has also cast itself in the role of Pakistan's defender, of its ideology, interests and integrity, as it might be the most efficient organization in the country (Shah, 2011; Bell, 2014). As the civilian government is weak, the military gets stronger because (of a perception that) the civilian rule is corrupt and inefficient. This means that the legitimacy of the government is crucial, as the military in the past have proved strong and able to overthrow governments.

Inter-Services Intelligence (ISI, established in 1948), the primary intelligence service in Pakistan, also has a very strong hold in the country, both inside the military and in general. It has been claimed to be "the intellectual core and centre of gravity of the army [...]" (Hamid cited in Lieven, 2011:188). It has also had close links with the US, especially since the Soviet invasion of Afghanistan (1979), when the financial aid was administered by the ISI which then got its own financial base as well as a boost in power inside the military and in the state in general (Lieven, 2011:189; Jaffrelot, 2002). Some claim the ISI is "a state within a state"; it has so much autonomous power and cannot be controlled by Prime Minister or President that it has free reins to do as it sees fit (Global Security, 2011).

Because the Tribal Areas are governed under FCR, the discussion on the Pakistani government's responsibility is more complex than similar cases; what are the responsibilities of the state towards this part of the population not included in the Constitution?

Pakistan does have obligations to its citizens, included in the constitution or not. The state has an obligation to enforce the human rights laws and ensure that its citizens have their rights. Dr. Faqir Hussain argues that the fundamental rights in the Constitution of Pakistan also apply to the citizens of the Tribal Areas, as they are indeed part of the country. The issue however, is that the enforcement of these rights are hindered by "the bar to the jurisdiction of the courts [high courts and Supreme Court] in such territory" (Human Rights Commission of Pakistan,

2005:3). Continuing, he claims that there is lack of compatibility between the Constitution and the FCR. This thesis will be founded on the notion that fundamental rights apply to *all* of the state and include *all* citizens, hence also the population of the FATA, regardless of the separation of the region in the Pakistani Constitution.

4.0 BACKGROUND: THE DRONE CAMPAIGN IN PAKISTAN

This chapter will give introductory information on three main topics. The first is the short history of Pakistan and its political system, followed by a brief history, first of drones in general and then the American drone campaign in Pakistan. The section ends with a description of the history and culture of North and South Waziristan, as to give a backdrop for further discussion.

4.1 PAKISTAN 1947-PRESENT

This very brief introduction to Pakistani history from 1947 does not give justice to the complex situation in the country, nor does it try to. It is merely an attempt to demonstrate how fragile the different governments have been, from time of partition until today. This is important to keep in mind when discussing the legitimacy of the government today; Pakistan has a long history of coup d'états and a strong military seizing power, which points to a porous system and perhaps a will to more rapidly change the system of power than in more stable, consolidated democracies.

Pakistan has since the 1947 partition from India been in a state of insecurity when it comes to political system and regime form. Its first President-Speaker was Muslim League-leader Muhammad Ali Jinnah (known as Quaid-e-Azam; *The Great Leader*), whilst the Prime Minister was Liaquat Ali Khan. Jinnah died after only a year in office, meaning that the turmoil that would characterize Pakistani for the following half century, started only a year after independence (Jaffrelot, 2002:19). Khan succeeded Jinnah, though the post went to Nazimuddin in 1951 (1951-53) and later Bogra (1953-55), as Khan was assassinated in (Jaffrelot, 2002).

The country became an Islamic republic in 1956 after years of lobbying and changed name to the *Islamic Republic of Pakistan*. However, there were no democratic elections until 1970 because of the martial law implemented under President Iskander Mirza (1955-58, Republican Party)¹¹. Mirza was replaced by General Ayub Khan (Pakistan Muslim League), before Yahya Khan consolidated the power from him in 1969. The presidential system was formed in 1962 (Lieven, 2011:58-59; CIA World Factbook, s.a.).

¹¹ Martial law refers to when the highest ranking officer becomes Head of State, removing former judicial, executive and legislative branches of government.

After the 1970 first-ever democratic elections in Pakistan, President Khan refused to give over power to the winning party, the East Pakistani Awami League. The attempt to regain control over East Pakistan resulted in genocide, and the War of Liberation (what the West-Pakistanis saw as civil war) begun and ended in 1971 with East-Pakistan gaining independence and becoming the country of Bangladesh.

President Khan was replaced by Zulfikar Ali Bhutto (PPP), whom became Prime Minister after the 1973 Constitution was promulgated, and democracy ruled (with Fazal Ilahi Chaudhry as President) until the 1977 military coup that left General Zia-ul-Haq the presidency from 1978. With Zia, religious zeal sprung up in the country, and became part of the politics as well (Khan, 2011:209). Zia died in an accident a decade later (in 1988), and Bhutto's daughter Benazir Bhutto (PPP) became the country's first female Prime Minister. The following years was marked by strong competition and alternation of office between PPP and Muslim League, until the 1999 coup d'état by General Pervez Musharraf. From 2001 to 2008 he led the country as President. Resigning in 2008, Musharraf was followed by Asif Ali Zardari, with Yousaf Raza Gillani as Prime Minister. In the 2013 general elections, the Muslim League and Nawaz Sharif won with almost supermajority, and Sharif became Prime Minister with the first democratic transition to power.

Pakistan's instability also has a lot to do with its geopolitical position. To the east, it neighbors to India, and the relationship is characterized by both the lasting tensions of partition and the Kashmir conflict that has escalated into three wars (in 1947, 1965, and 1999). In the west, the 2500 kilometers long Durand Line, the Af-Pak border, has created an environment of free flows of goods and people between the two countries, especially in the Tribal Areas (Mezzera & Aftab, 2009).

Along with its relationship with India and Afghanistan, the relationship between Pakistan and the US continues to be of great significance. As an ally against the Soviet Union during the Cold War, Pakistan received vast assistance from the US, peaking with the Soviet invasion of Afghanistan in 1979 when Pakistan supported Afghan resistance against the Communist invaders. The aid diminished with the 1998 nuclear test, but this changed yet again with 9/11 and the beginning of the War on Terror. Pakistan then came in the frontline as a key ally to the US as the country's strategic importance was "rediscovered" (Mezzera & Aftab, 2009:12; Yamin & Malik, 2014).

4.2 THE HISTORY OF DRONES

The technology for using unmanned aerial vehicles (UAVs), commonly referred to as *drones*, has existed since World War I, and was used by the United States as guided missiles in World War II and the Korean War (1950-53) (Benjamin, 2013). A drone is a pilotless aircraft geared with cameras (and if armed; with missiles), often used for either surveillance or reconnaissance, or in military operations as weapons. There are dozens of different types of drones, and dependent on size and type of drone, they can stay in the air for approximately 24 hours, and is controlled remotely or fully by an operator virtually anywhere in the world (ICAO, 2011; US Air Force, 2010a & 2010b; BBC, 2012).

The prototype for the Predator Drone, the most commonly used armed drone, was built by Israeli aviation engineer Abraham Karem in the 1980s. In Bosnia, the drones were developed further so that each would have its own satellite communication system instead of communication going through a ground station before reaching a satellite. This new kind of drone is what we today call a Predator. However, the drones in Bosnia were used as a surveillance tool, and the idea to arm them came later; in the late 1990s, during the NATO campaign in Kosovo. After 9/11 the decision to arm drones was put to use, as President Bush gave CIA the right to kill members of al Qaeda in “anticipatory self-defense”, with the first strike taking place against al Qaeda leader Qaed Senyan al-Harhi in Yemen (Brunstetter & Braun, 2011; Williams, 2010).

A lot of money is being spent on developing new drone technology, not only on armed drones but also drones for surveillance, search operations, in humanitarian crises and even for spraying pesticides. After 9/11, the drone industry exploded in the US; Pentagon had fewer than fifty drones in 2000 and almost 7500 in 2010, ranging from mini-drones for surveillance to bigger drones up to the size of commercial jets. Today, there have been developed drones in all shapes and sizes, though the most commonly used in Pakistan is the 27-foot Predator with Hellfire missiles and the more powerful Reaper (Benjamin, 2013; US Air Force, 2010a).

At present time, the US still have the monopoly on armed drones, though also Israel and the United Kingdom posses them. It is, however, difficult to predict how many countries have or are developing the technology as the programs are often secretly conducted (Kreps & Zenko, 2014).

4.2.1 DRONES IN PAKISTAN

With the 9/11-2001 attacks at the World Trade Center and Pentagon, the US initiated a large-scale military operation against terrorist organizations, what we today refer to as the “War on Terror”. *Operation Enduring Freedom* and the war on Afghanistan begun in October that year, after the Taliban refusal to deliver Osama bin Laden to the US. Prominent members of al Qaeda and Taliban began crossing the porous Durand Line from Afghanistan into the Tribal Areas of Pakistan. These areas, mainly North and South Waziristan, became a safe haven for al Qaeda/Taliban members, whom for some time stayed untouched by Pakistani and international forces.

The groups primarily targeted in the drone campaign are al Qaeda, Tahreek-e-Taliban Pakistan (TTP) and the Haqqani network, as well as affiliates of these (Johnston & Sarbahi, 2015:6). Estimates assert that there is between 150 and 300 al Qaeda members in Pakistan. TTP is a local group, not directly affiliated with al Qaeda but with a primary goal of replacing the Pakistani government with an Islamic emirate (similar to Taliban in Afghanistan). The Haqqani network works closely with the Afghan Taliban and is in both countries, and share similar ideologies with al Qaeda and TTP (Johnston & Sarbahi, 2015:7).

From 2001, predator drones was used in Afghanistan, not Pakistan, where they were used for surveillance only until 2004 (Williams, 2010:874-75). The first drone strike on Pakistani soil was carried out on June 18th 2004, but Pakistani media neglected to report it as an American attack, leaving the public with the illusion that the killing of Taliban leader Nek Muhammad Wazir was a national operation. Williams (2010) claims that this was in order to avoid the “negative public relations fallout” that would certainly come if it was acknowledged that a foreign power killed Pakistani citizens in their own interest. This decision sat future precedence for the drone campaign; the US was given implicit consent from the Pakistani government to carry out drone strikes against al Qaeda and Taliban members in Waziristan, as we shall see in section 6.1 (Williams, 2010; The Bureau of Investigative Journalism (TBIJ), 2015a).

The Pakistani government continued to remain silent on the topic, and when Haitham al Yemeni (an al Qaeda weapons expert) was killed in a drone strike, the Pakistani Information Minister said that “no such incident took place near the Pakistan-Afghanistan border” (Priest, 2005).

If the Pakistani government had been quiet on the topic and there was no public objection about the first strikes, this changed drastically in 2006. On January 13th, a predator drone aiming at killing bin Laden's second in command Ayman al-Zawahiri, struck two buildings labeled "safe houses", killing 18 civilians, including five children, and missed the target completely (Williams, 2010). This led to a public uproar sparking skepticism against the US. This hostility continued eight months later, with the killing of nearly eighty Islamic students/militants in a *madrassa*, although there were no civilian casualties this time. The *madrassa* strike led to an acknowledgement that it was in reality the US that controlled the drones (Williams, 2010).

By 2009, 53 drone strikes had been carried out on Pakistani soil, with the greatest "success" being the killing of Baitullah Meshud, head of Pakistani Taliban, in August 2009 (Williams, 2010:878). In the following year, this number more than doubled, to about 118 strikes in 2010 (Kreps & Kaag, 2012:263). 2010 had the highest number of drone strikes and consequently the highest number of deaths as well. However, there seems to be a declining number of civilian casualties from 2009-2010. In 2013, 27 drone strikes were carried out in Pakistan, killing approximately 153 people, and 22 strikes occurred the following year (New America Foundation, s.a.).

From 2004 until present, the Bureau of Investigative Journalism assesses that the total number of deaths range between 2442 and 3942, with 421 to 960 being civilians and 172 to 207 children. The number of injured people range from 1142 to 1720 individuals. There has been conducted a total of 413 strikes in Pakistan, according to the Bureau, with more than two thirds of these strikes happening under the Obama administration (TBIJ, 2015b)¹².

North and South Waziristan are the agencies most affected by the drone campaign. During Bush's presidency (2004-2009), there were 51 strikes in the Tribal Areas, a large majority of these in North Waziristan (29 strikes) and South Waziristan (19 strikes), with only a few occurring elsewhere, like in the Bajaur Agency and Bannu (TBIJ, 2011a). This trend continued under the Obama administration, and in 2009 a large majority of the strikes occurred in primarily South Waziristan (25 strikes) and North Waziristan (19 strikes), though also previously untouched agencies were hit, like Kurram Agency and Orakzai Agency (TBIJ, 2011b). This distribution of the strikes has continued until present.

¹² These numbers are from March 2015.

4.3 WAZIRISTAN – HISTORY AND CULTURE

The Federally Administered Tribal Areas (FATA) has a population of approximately 3.5 million inhabitants, where 99, 5 % are Muslim. The area is 27.220 square kilometers (Khan, 2013:5). The FATA is considered the “last tribal area” in the country, with much autonomy though it is still regarded as part of Pakistan. It joins Pakistan and Afghanistan together, as it lies in the North-Western part of Pakistan along the Durand Line. The districts in the FATA are called agencies, and North and South Waziristan are two of seven agencies, forming the southern part of the FATA. There are also six frontier regions (Fair, Kaltenthaler & Miller, 2014:7).

North and South Waziristan together consists of about 800 000 Pashtuns, and has in the past as in present time, been a secluded place with little outside influence. The region was avoided by the great conquerors Alexander the Great and the Mughal emperors Akbar and Aurangzeb. It is an extreme environment, with high mountains, deserts, soaring temperatures in the summer and freezing in the winter, leaving it inhospitable to strangers (Ahmed & Akins, 2013). It remained, as Beattie (2013a) notices as “a largely independent land of insolence”, difficult to maintain control over.

With the British rule on the Indian subcontinent in the late 19th century, a political agent (PA) was appointed to each tribal agency to represent the government to the tribes. After the 1947 division of India and Pakistan, the founding father of Pakistan Quaid-e-Azam maintained the structure of PAs in the Tribal Areas, though with limited influence on the population (Ahmed & Akins, 2013). It was also the British that implemented the previously mentioned Frontier Crime Regulations (FCR) – a system the Tribal Areas still follows today (Khan, 2013:9; Fair, Kaltenthaler & Miller, 2014:7).

4.3.1 THE TRIBES AND THE WAZIRISTAN MODEL

The region consists of a majority of Pashtuns that divides into tribes or tribal confederations based upon a supposed shared decent from a common ancestor (Beattie, 2013b:209). These tribes can be divided into four major groups, where Meshuds/Mashuds live in the centre of the region, Darwesh Khels Wazirs or Wazirs live in the North and North-West towards the bottom left hand corner. The Bhattanis live to the east between the administered areas and the Wazirs and Meshuds, whilst the Dawars live in Dawar, in the lower Tochi Valley. Wazirs and

Meshuds are the largest tribes, with the Meshuds dividing into Alizais, Bahlolzais and Shaman Khels, and Wazirs into Utmanzais and Ahmedzais (Beattie, 2013b:209-210).

Ahmed (2013) divides Pashtun tribes into two categories: *nang* (honor) and *qalang* (tax, rent). The first, the nang tribes, live in remote areas with subsistence agriculture, have no strong leaders and an acephalous segmentary lineage system. The qalang tribes live in more centralized areas with landlords, and are based in irrigated agriculture that produce surplus. The tribes of Waziristan belong to the first group – the nang tribes (Beattie, 2013a:4).

The tribes live by *Pashtunwali* – a set of precise traditions including *melmastia* (hospitality), revenge and honor, and preservation of women’s honor covering some of the most important parts of Pashtun life. Khan (2013) claims that Pashtunwali consists of three main pillars, namely manhood and honor, protection of women’s honor and “matters related to social order and household geography” (Khan, 2013:5). *Jirga* is the traditional, customary law that governs everyday life, including conflict resolution through mediation (Ahmed & Akins, 2013; Jaffrelot, 2002).

What Ahmed (2013) refers to as the *Waziristan model* consists of three pillars, or three sources of authority. The first is the political agent (PA), whom from the early 20th century is a “half ambassador-half governor” reporting directly to the central government and had complete administrator authority. He usually came from the military or the ICS (Indian Civil Service), though even after the partition this tradition continued, as Muhammad Ali Jinnah (Quaiz-e-Azam) withdrew Pakistani troops from Waziristan, promised to honor agreements made with the tribes and make no change without consulting them first (Ahmed, 2013).

The second pillar of the model was the tribal elders – the *maliks*, and the third the religious leaders – the *mullahs* (Ahmed, 2013). The maliks have traditionally had an important role in leading the jirga, thus being a viable part of conflict resolution and forming of agreements. The mullahs have had a less prominent role, though this have changed in the more recent years, as there has been a movement of power from the maliks to the mullahs, among other things due to the TTPs killing of many prominent maliks.

4.3.2 SOCIO-ECONOMIC DEVELOPMENT

The FATA has long been ignored by the Pakistani state, resulting in a clear lacking in human development. Overall, the FATA has a literacy rate of approximately 20 % for men and 10 % for women, which is well below the national rate (Dawn, 2014). Along with Khyber-

Pakthunkwa and Balochistan, the FATA is the poorest region in Pakistan, with an agriculture-dependent economy. Over 60 % of the population lives under the national poverty line (Shinwari, 2012:xii).

The FATA have seen few developments, and even fewer large-scale development schemes have been operationalized since the partition from India, with the exception of the Gomal Zam Dam that has been under construction for over a decade (Khan, 2013:10). However, Prime Minister Bhutto initiated some development-oriented policies in the region, including the provision of job opportunities and a separate ministry for the FATA at the federal level (Khan, 2008; Khan, 2013). Most development plans have been short term, corrupt and the money has ended up “in the pockets of parliamentarians and a few ‘favorite’ local contractors” (Khan, Z., 2011 cited in Shinwari, 2012:xii). This leaves the large majority of the population marginalized, especially women, but also youth and minorities.

In 2000, the army started a welfare program in the FATA for the development of roads, schools, and health clinics, after almost completely ignoring it since 1947 (Khan, 2011:225). The program was well received in the Tribal Areas, but came to a halt after 9/11 and the following War on Terror.

5.0 DISCUSSION PART I: A LOCAL PERSPECTIVE FROM WAZIRISTAN

This chapter will primarily address the impact the American drone strikes and drone surveillance have had on the population of the Tribal Areas and more specifically in North and South Waziristan over the last decade. It will include immediate threats to human security, economical consequences and health impacts posed by drones. It will use Ken Booth's (2007) definition of security as "survival-plus", i.e. security is not merely survival but also "freedom from life-determining threats, and thus some life choices" (Williams, 2013b; Booth, 2007).

The primary objective of this chapter will then be to highlight the consequences of drone strikes on a local level, and draw the line to how these local consequences has implications for the legitimacy of the Pakistani government more generally: it will discuss how legitimacy is challenged when a state cannot protect its population from harm caused by other states.

5.1 IMMEDIATE THREATS TO HUMAN SECURITY

As in any violent conflict, the civilian population of Waziristan also suffers from breaches in human security¹³. The most immediate and visible one is death. Death of family members or friends is a terrible experience, especially when there are children involved. TBIJ has estimated that between 168 and 204 children have died in drone strikes (TBIJ, 2015b).

The right to life forms the basis of all human rights and the Human Rights Convention (1948). When civilians outside a defined combat zone or theatre of war are killed by an ally, the time has come to question the consequences of these actions. For the individual, the consequences are obvious; sorrow, fear, and a need for recognition and answers from the perpetrators. For the state, the consequences are a lack of ability to protect their territorial integrity and sovereignty. This is what forms the basis of the modern state; its ability to protect its defined area and maintain its monopoly on violence within this area. Pakistan can clearly not protect its area, and has no viable options when it comes to countering the drone campaign.

In a 2011 report of the FATA, 29, 9 % of the responders said that the state was unable to protect the basic amenities required for life, i.e. basic human services (Shinwari, 2011:10).

¹³ Human Security is a 1990s concept of security that focuses on the security of the individual rather than the state (differs from traditional security perspectives). It has been criticized for being too vague, but will here be understood as security of the individual in the state, using the 1994 UNDP definition that includes seven factors, inter alia economic security, health security and personal security (UNDP, 1994).

This should be a major concern as the ability to provide basic rights is one of the core foundations for state legitimacy. FCR may exclude the FATA residents from the Constitution, but it is still the central government that should (and has the authority to) protect their basic rights. As Cho (2007) argues, an alienated population is less likely to support the political system in place. This means that the Waziristani population, whom are indeed alienated and separated from the rest of the population, have lower levels of support. This might be true also for the general population, as they perceive that part of their population is treated poorly and is not protected from another state's military operation.

Also the destruction of home and house as well as loss of livestock is a very visible factor in drone strikes. It is evident that going from having a house one day and not having one the next, must have great consequences for a family. The Waziristani population is focused around the tribe, the extended family and the relationship between them. This could mean that social structures give those who lose their homes a network that can provide them with roof over their heads. However, the population is relatively poor, and the cost of rebuilding a house has major impact on a family's economy, as will be discussed in section 5.2.

For Pakistan the campaign has grave consequences beyond the local level. A state should protect its citizens from insecurity, breaches in their human security and human rights. When failing to do so, Pakistan becomes a "weak state" according to for example Robert Rotberg's definition (2004), meaning that it lacks the resources, infrastructure and/or political system to defend its citizens from an external threat¹⁴.

I will argue that the status of the killed is more irrelevant in this case; drone strikes are a breach in Pakistan's territorial control whether the casualties consists of civilians or high/low level targets: they are still citizens of Pakistan and thus under Pakistani protection. However, the issue is certainly highlighted in those cases where it is clear that the drones have not taken out high-value targets (HVT), but rather children or women, who are clearly defined civilians¹⁵. These deaths illustrate clearly how the US conducts actions the government cannot deter, which is also highlighted by the media, as will be discussed in section 6.3.

¹⁴ Rotberg includes geographic location, physical or economic constrains, internal disputes, management flaws, greed, despotism, external attacks, infrastructure deterioration and falling economic indicators as some of the factors affecting weak states (Rotberg 2004).

¹⁵ The definition of a civilian, according to IHL is an individual that is not a combatant, nor a member of an organized armed group of a party in the conflict. If there is doubt to the status of an individual, *he/she shall be considered as a civilian* (innocent until proven guilty) (Lewis, 2014).

5.2 ECONOMIC CONSEQUENCES

The Tribal Areas has long been the poorest and most underdeveloped part of Pakistan, with approximately 60 % of the population living below the national poverty line. This means that drones alone are not responsible for the economic situation today, but has had an overweighing negative impact (Farrukh, 2014; IHRCRC & GJC, 2012).

The majority of the population is dependent upon subsistence agriculture, manual labor, local shops and businesses or remittances from family members working abroad or in other parts of the country (IHRCRC & GJC, 2012).

5.2.1 PERSONAL AND COMMUNITY ECONOMY

Drones have several negative impacts on economy in Waziristan, both at an individual and a community level. At the individual level, we find property destruction first and foremost. After a drone strike, the house targeted is in ruins, in some cases including the surrounding houses.

Rebuilding a house in Waziristan is expensive and difficult, as average income is 250 USD per year, and the average prize on a house is, according to one source, approximately 10.500 USD (IHRCRC & GJC, 2012). This means that finding the money or financial aid to rebuild a house is close to impossible. When a house is destroyed, the residents of that house needs to relocate and live with other members of the extended family. This might mean more mouths to feed for the head of household, as well as poor living conditions as more people live closer together on limited space.

Second, the loss of land and livestock impacts the individual economy. The land per se is not destroyed by a drone strike, but the harvest might be ruined, as well as extra work concerning clearing the fields of drone shrapnel, part of houses or stones/dirt from surrounding land. Continuing, the intended targets of drone strikes are usually military-aged males, whom are also the heads of household and/or the earner in the family (it is customary in the FATA to follow *pardah* – the separation of men and women, e.g. women usually stay in the house). If the head of the household is killed, the family will surely struggle economically.

A third issue is the medical bills that come with the survivors of drone strikes. As the FATA lacks some basic infrastructure and hospitals, and there is a want on medical personnel, the

injured victims are often taken to hospitals in Peshawar, which leaves the family with vast medical bills and travel expenses.

The Pakistani government has no compensation program for the victims of drone strikes. As we will see in the following sections, compensation is important for the healing process and clearing the family name if the killed is innocent, but it is clearly important also for economic considerations.

Considering a community based perspective of the economy, drones are bad for business. Fear of attacks might hamper trade because people fear to follow their regular routines. Also, Waziristan has a reservoir of marble, copper, limestone, coal and especially chromate in North Waziristan that has yet to be extracted. This could be a viable solution to some of the financial issues of the region, and provide the basis for public development. The industrial exploration of these minerals is lacking, though there is limited unorganized mining in some areas (Federally Administered Tribal Areas, s.a.).

In this regard, the security situation in the FATA is in the interest of the Pakistani government as well. A secure environment could give the country the opportunity to build mining systems and extract valuable resources that could be a dear contribution to the national economy.

Using the extraction of minerals would also give the central government an incentive to include the Tribal Areas into the general population to a much larger degree. This could be a step on the way to seriously change or possibly abolish the FCR, which arguably would improve the government's legitimacy to its population. Including the FATA into Pakistani general would also seriously hinder the drone campaign, as the government would have a more clearly defined responsibility towards its citizens.

5.3 MENTAL HEALTH IMPACT OF DRONE STRIKES

Dr. Metin Basoglu, former Head of Trauma Studies at the Institute of Psychiatry of King's College in London and co-author of *A Mental Healthcare Model for Mass Trauma Survivors* (2011), links the use of drones with torture, and point to equal factors between the two. Drone strikes compare to torture in several ways, according to Basoglu; there is *prolonged exposure* to unpredictable and uncontrollable stressor events, *helplessness* that arise from the lack of control over stressor events, and the *immediate* and *long-term responses* to helplessness (Basoglu, 2012).

Drones can be perceived as unpredictable because it is difficult to see who and why someone is targeted. The US has been accused of targeting all “military-aged males”, and often base targeting upon patterns of behavior, so-called *signature strikes* (Becker & Shane, 2012; Eviatar, 2012). This means that the individual in Waziristan may have difficulties understanding the rationale of the targeting, so that it is unclear whether they themselves are targets. This notion of insecurity in understanding the rationale behind a strike, one can presume, is only enhanced by the killings of civilians and especially children.

Another issue highlighted by Basoglu (2012) is the difficulty of escape. Waziristan is a poor region; there are severe travel restrictions in and out of the region, as well as dangers for the individual posed by the military and the different militant groups.

Basoglu and Salcioglu (2011) states that “the lack of redress for trauma, such as investigation of human rights violations, uncovering of truth, punishment of those responsible for human rights violations, and commemoration compensation is believed to aggravate social and psychological problems and impede healing process in survivors” (Carmichael et.al, 1996; Gordon, 1994; Lagos, 1994 cited in Basoglu & Salcioglu, 2011:57). This quote points to a difficulty in the healing process from mental distress enhanced by lacking investigation and acknowledgement of the situation for the local populations in North and South Waziristan. With a recognition of the damage caused and compensation for the family members of the deceased or the injured (as given by the US government in Afghanistan), the healing process could arguably be easier, though the option of this is not off the table, as the campaign is still active (Amnesty International, 2013).

Victims of armed conflict and militant and terrorist attacks in Pakistan in general receive compensation from the government through the Conflict Victim Support Program, which also investigates the attacks. On the issue of drone strikes, the government has no such policy (Lewis, 2014; Open Society Foundations, 2014:3). Lewis (2014) argues that improvement in the assessment of civilian casualties is necessary for the US, both in order to improve current practices and limit casualties, but also to *show concern* and thus guard or improve the US’ reputation in Pakistan. Lewis (2014) claims that assessment (of casualties) is key in showing concern; it can be a factor for reducing the number of (civilian) casualties, it can guard the US’ reputation (if the statements made are more coherent with reality on the ground), in Afghanistan the US gave apologies and/or compensation to drone victims (though with no admission of guilt) and the author argues this should be done in Pakistan as well. This thesis

argues that showing concern is also significant for the Pakistani government; all the factors mentioned here are also important for the legitimacy of the Pakistani government; for their reputation, and as a tool in limiting civilian casualties and lessening radicalization, because it would create a sense of the government valuing the lives of their citizens and taking their responsibilities seriously.

When the government refrains from giving compensation to drone victims and their family members, they not only leave them in difficult economic situations, but also denies them acknowledgement of the importance of what they have lost. They also deprive the families the possibility of clearing the names of their relatives (rather than being perceived as militia affiliates or al Qaeda members, irrespective of the truth). This concurs poorly with the government's repeated statements that it takes an official stand against the drone campaign. Giving compensation would send a message that the situation for the citizens of the Tribal Areas and the drone victims in particular, is a major concern and the responsibility of the government. Not doing so points to the often discussed notion that the government has given its "tacit consent" to the American campaign, thus creating yet again a gap between what the government says and what it does.

5.3.1 ANTICIPATORY FEAR AND FEAR IN NON-IMMEDIATE VICTIMS AND COMMUNITIES

The report *Living under Drones* (IHRCRC & GJC, 2012) highlights *anticipatory fear* as a major concern. This consists of fear/anxiety of life-threatening events. With basis in the stories of torture survivors, Basoglu claims that "anticipation of a life-threatening event is among the most fear-evoking stressors in a war setting" (Basoglu, 2012). Continuing, the author claims that fear can generalize, meaning that personal experience is not needed in order to experience fear of drones. Following the media or hearing about others' trauma can contribute significantly to fear. It is also common to overestimate how likely it is to re-live the same event, thus the fear is maintained even if there is no immediate threat of a drone strike (Basoglu, 2012). In practice, this means that all people that live in an area of drone surveillance or in relative closeness to it (so they have heard about it) possibly live in fear. This notion is intensified by the uncertainty of who is targeted.

The Pakistani government could avoid this fear in a large fraction of the FATA population by conducting investigations on who is in fact killed; this would demonstrate that a majority of

the drones do primarily surveillance, and would also assure the population that a large majority of those killed are al Qaeda or Taliban members or associates.

Another option would be to negotiate with or pressure the US (through international organizations, for example the UN) to give clear characteristics of the people targeted, or explain how the targets are chosen. This, of course, could make militia and terrorist affiliates change behavior, but drone surveillance has to be complemented by other kinds of intelligence nonetheless.

5.3.2 SURVIVIOR'S GUILT

Teenager Saddam Hussein gives a telling quote in Madiha Tahir's documentary *Wounds of Waziristan* (2013). He states "I feel guilty about being alive... My sister-in-law is dead. Why am I alive? I should be dead too... That would be good. I wish I also had been martyred that day. Death would have been better than this kind of life" (*Wounds of Waziristan*, 2013). Hussein lost his sister-in-law and a baby-niece in a drone attack on their house in March 2010. Whilst Hussein's death could have been claimed a "military death" due to his age and gender, it is impossible to claim the same for his sister-in-law and the baby.

Hussein expresses guilt over being alive when other family members died; this sentiment is not uncommon among survivors of catastrophes, and can have serious impact on mental health. In addition, Hussein is a teenager; he is more impressionable than an adult.

I have used Hussein merely as an example to understand the consequences for the survivors of drone strikes.¹⁶ A strike will have severe consequences for children and adolescents such as Hussein; not only have he lost close relatives, they have been killed by a technology unfamiliar to him, by a country he has no connection to, without getting aid or compensation from his own government, for a reason he have not been told – and probably will never know. This gives Hussein a poor starting point for adult life; he lives in a world where people can be killed and no one is held accountable. Again we see that the *words* of the government has little value; their acknowledgment could presumably make a difference for Hussein and his family, along with a recognition that his relatives were unlawfully killed, but their vocal opposition without following actions does not inspire faith in the government.

¹⁶ I have no other information on Hussein or his family, thus the following statements are *presumed*, i.e. based on what other interview objects have said and a general notion on the situation, it seems likely that this could reflect Hussein's situation.

5.3.3 CONSEQUENCES OF AROUND THE CLOCK SURVEILLANCE

Most people in Waziristan have not and will never be physically affected by a drone strike personally or through the loss of friends or relatives. Many of them will, however, face *living* with drones overhead, hearing the buzzing sound, and be monitored and watched doing their daily tasks. This monitoring has some severe consequences. For the drone operators, this is part of their duty; they do surveillance and collect intelligence in order to map people's movement, learning who is who, and who is a potential target. For the people being monitored, however, it seems clear that being watched 24/7 by a stranger you cannot see comes very close to "big brother" and George Orwell's vision of what 1984 would be like. We know that constant surveillance has rigorous impact on the mental health of individuals.

However, it seems unclear whether the population can see *all* the drones hovering above. Some have argued that the population on the ground cannot hear nor see any drones because they fly at least 20.000 feet up, like the US Ambassador to Pakistan, Richard Hoagland, claiming that "[...] that's not actually true, because drones fly at such a high altitude they can't be seen or heard" (Hoagland cited in Naiman, 2012). This seems a foolish notion when considered in the light of a large number of eyewitnesses claiming to see the drones, including Pulitzer-winner David Rohde. Rohde spent seven months in Waziristan in 2008-9, and later said that "the drones do not suddenly appear over the horizon, carry out the attack and leave. At any given time of the day, at least four are hovering in the sky, emitting a distinctive and menacing buzzing sound" (Rohde cited in Naiman, 2012). Hence, the population might not see or hear all drones (because of the altitude) but it seems clear that they see a large enough majority to make the assumption that there is *always a drone present*.

With drones doing constant surveillance on the population, people's right of basic privacy is breached. As stated in the Declaration on Human Rights, Article 12, we see that

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks (UN, s.a.).

In taking away the basic privacy, a sense of constant insecurity is created; one can never act without being seen or have a perception of being seen, which logically changes a person's pattern of behavior.

This culture of self-censorship that comes with perpetual surveillance can have serious consequences on a cultural level as well as the mental health impacts already discussed. If the fear of drone strikes and the feeling of surveillance are strong, the population might seek to avoid normal activities and social gatherings they previously enjoyed. These activities range from visiting friends, going to the bazaar to more culturally-based phenomena such as funerals and burial traditions. If the population fears taking active part in their traditional customs, the social glue that holds the community together might start to break apart. This might also have consequences for other aspects of society; people refrain from sending children to school, thus continuing the vicious circle of illiteracy in the region, and maintaining the low development rate (IHRCRC & GJC, 2012:vii). It can also affect economically, if people stop going to the bazaars or local shops out of fear.

All of the mental health impacts of drone strikes reflect poorly on the Pakistani government. They cannot ensure the safety and perception of safety of part of their population. Continuing, they allow for an environment where an ancient culture with a specific system of power is being eroded, which takes away the basic foundation of the societies in the FATA¹⁷. When the traditional roots are tampered with, social want and instability is created. This can lead to poverty, underdevelopment in a region already underdeveloped and perhaps even be a contributing factor to radicalization.

Underdevelopment can have constrains on legitimacy, among other things because the state are not fulfilling its responsibilities of providing basic services to the population. When basic services are lacking, the population might lose faith in the political system that fails to bring their region or community up to the same development level as the rest of the country.

5.4 CONCLUSION OF DISCUSSION I

This part of the discussion has addressed how the drone campaign, strikes and surveillance, affects the local population of North and South Waziristan in particular, as these agencies are the most affected by the campaign.

First and foremost, it is clear that the campaign affects the security or perception of security the population has. The central government fails in providing an environment where the citizens can feel secure, and though they may not be able to stop the drone strikes, a possible

¹⁷ This is not only because of drone strikes and surveillance. The erosion of the Waziristan model is also in large part due to TTPs killing of the maliks; what is referred to here is the people not attending traditional rituals and customs.

solution to the fear and anticipatory fear in the population could be investigations into how the US conducts these strikes and marks potential targets. This would show the population that the government has concern for their citizens, and at the same time demonstrate that the US is primarily targeting (perceived) members or affiliates of terrorist organizations.

The discussion also addresses how death, loss of home and livestock affects the population and how the government loses legitimacy when it cannot provide basic services and basic rights for the residents of FATA. Compensation to drone victims and their families would be a good step in physically showing the opposition to the strikes, and would give the affected residents the possibility to rebuild their lives, and at the same time have it acknowledged that they are not the targets of the drones, and that they have the support of their government.

6.0 DISCUSSION PART II: CONSENT, OPPOSITION AND PUBLIC PERCEPTIONS

This part of the discussion will address the main question of this thesis through discussing the two final sub-questions, namely how the government has vocalized their stand on the campaign and how this has affected its relations with the public, and how the campaign affects the security situation in the country, and whether or to what extent the government has the capacity needed to handle this situation.

6.1 PAKISTANI CONSENT TO DRONE STRIKES

There are few publically available documents depicting the Pakistani government's support or opposition to the drone campaign from 2004 until present, thus the information about the Pakistani government's standing is based primarily on news articles, especially those referring to and commenting on quotations by politicians. The cooperation on drones between the US and Pakistan has also to a large degree been conducted in secret.

If the Pakistani government did not initially support the US drone strikes in Waziristan, they at least refrained from acknowledging them as American drone strikes, and denied all knowledge and part-taking in using them. Pakistan and the US were allied in the War on Terror, and the Pakistani government alone did not have the resources or will to eliminate the threat from run-away al Qaeda and Taliban members in the Tribal Areas. The tone was different in the US, where President Bush had given the CIA the right to kill members of al Qaeda in "anticipatory self-defense" in 2001, a right which later would extent to Pakistan's Tribal Areas (Brunstetter & Braun, 2011; Williams, 2010).

6.1.1 TACIT CONSENT AND VOCAL OPPOSITION: 2004-2015

As previously mentioned, Taliban leader Nek Mohammad was killed in the first American drone strike on Pakistani soil. Pakistani newspaper *Dawn* reported that it was Pakistani "security forces" that killed him and four other militants, though the article suggested that it could have been performed by an American drone (Khan, 2004 cited in Williams, 2013a). According to Williams (2013a), Pakistani military claimed that it was not an American strike, trying to avoid criticism for working with the CIA. The first strike is then also the first time the Pakistanis denied cooperation with the US, though the status of consent remains unclear even today.

What is clear is that there must have been some form of cooperation between Pakistan and the US, or at least between some government officials or CIA/ISI officials, at least for parts of the ten year period. Williams (2013a) claims that there has indeed been collaboration with the CIA, and that the Pakistani government have gone to great lengths to conceal this; One example is the killing of Hayatullah Khan, a local journalist mapping drone strikes that had not been publically acknowledged, whom was kidnapped and later found shot, bound with handcuffs used by the government (Williams, 2013a:51-52).

Others claim that the strikes have occurred without specific cooperation with the Pakistanis. According to a NBC source, the CIA Counterterrorism Center had been given clear signal that they could “fire at will” in Pakistan, without the prior approval for each specific case by American or Pakistani government (Williams, 2013a; MSNBC, 2005).

For the first few years of the campaign, it remained unclear to the public who was in charge of the strikes, though this changed in 2006. In January that year there was an unsuccessful attempt on Ayman al Zawahiri’s life; between 13 and 30 people were killed, the majority of them civilians, including both women and children. After this, it became clear that the CIA was in charge of the drone strikes, and the Pakistani government did not try to deny it, though they condemned the strikes to the US ambassador. The public wanted Musharraf’s resignation, but the President remained at his post and continued to be loyal to the US, though more subdued than before (Williams, 2013a). This seems to be an indicator of the Pakistani-US relationship; the cooperation between the two has been ongoing through the years, though more or less covert due to Pakistani public opinion of both the US and its own government. It also seems as the Pakistani government’s lack of will to acknowledge and condemn the strikes not only allowed the US to continue, but also intensify the campaign (Williams, 2010:876).

The Pakistani government continued to condemn the drone strikes over the years, though the US claimed at home that they occurred with consent and support from the “entire Pakistani population” (Iqbal, 2009). This seems to be an overstatement: the strikes might have happened with the consent of the government, but certainly not with the Pakistani population, were, according to a 2012 poll, only 17 % supported the strikes for combating extremists (Pew Research Center, 2012).

In December 2010, a WikiLeaks document demonstrated that Pakistani officials were not unhappy with the strikes, and also claimed that Prime Minister Gilani in 2008 said “I don't

care if they do it as long as they get the right people. We'll protest in the National Assembly and then ignore it" (Lister, 2010). This statement clearly shows the point at hand; that the Pakistani government actually concurred to the strikes, but publically denounced them (to the extent of going to the National Assembly) in order to avoid conflict with the population that opposes the strikes. It is also telling that it is possible to "ignore it", pointing to an inefficient National Assembly that can easily be persuaded to change course on certain matters. Also in 2012 this view of tacit consent was displayed by a Wall Street Journal report claiming that CIA would fax ISI once a month, outlining the general areas of drone strikes to come. The Pakistanis did not respond to this claim, as they publically oppose the strikes. This silence, the report states, is interpreted as a "yes" by the CIA (Entous, Gorman & Perez, 2012; Dawn, 2012).

Other sources also claim that cooperation between ISI and CIA happened without the approval of either the Bush or Obama administration, though it is not known whether the Pakistani government knew or agreed to this. Landay (2013) claims a mutually beneficial relationship between the two agencies, where ISI would help CIA target al Qaeda members and affiliates and in return the CIA would target TTP members – so called low-level targets. This cooperation eventually ended, as the goals of the two were too different (Landay, 2013).

UN Special Rapporteur Ben Emmerson visited Pakistan in March 2013, and the statement published following his stay claims that Pakistan sees the American drone campaign as a "violation of its sovereignty and territorial integrity, and [require] the US to cease these strikes immediately" (UN Human Rights, 2013). Continuing, it states that Pakistan have sent *Notes Verbales* to the US Embassy opposing the drone campaign in Pakistan (UN Human Rights, 2013; The Guardian, 2013).

Later in 2013, former president Musharraf admitted to allowing drone strikes on Pakistani territory in a television interview with Nic Robertson, though he claimed that this occurred "only on a few occasions, when a target was absolutely isolated and [there was] no chance of collateral damage" (Robertson & Botelho, 2013). This was the first time that any Pakistani official had publicly admitted to giving permission for drone strikes. In October, it became clear that Pakistan approved strikes from 2007-2011, as leaked CIA documents and Pakistani diplomatic memos revealed direct communication between Pakistani officials and CIA (Kutsch, 2013; Miller & Woodward, 2013). Current Prime Minister Sharif said that the strikes were "a continued violation of our territorial integrity", and "the war against terrorism must

be waged within the framework of international law [...] I have urged the US to cease these strikes, so that we could avert further casualties and suffering”, and that there was “[...] need for an end to such strikes” (Kutsch, 2013). Although Sharif arguably could not be held responsible for the former government’s decisions, this demonstrates yet again the dissonance between what has happened and what has been publically acknowledged.

In brief; the drone campaign started in 2004, though it was not until 2006 that it was known that it was led by CIA. Pakistan has thoroughly condemned the strikes and publically announced that they are against the country’s explicit will, though cooperation with the US has existed in some form, as acknowledged by Musharraf.

6.1.2 CONSEQUENCES OF TACIT CONSENT ON LEGITIMACY

In a way, Pakistan is caught between a rock and a hard place; primarily, the country would clearly have great difficulties in capturing or killing the al Qaeda and Taliban runaways in the Tribal Areas; the many military interventions in later years have shown that the military is not equipped to successfully take control over the region. Continuing, the TTP and affiliated groups carry out terrorist attacks at a frequent rate, with the latest being the school massacre in Peshawar, killing 132 students and nine staff members at the Army Public School (BBC, 2014)¹⁸. The first notion, the targeting and killing of al Qaeda members, is an issue on the international agenda, leaving everyone’s eyes on Pakistan; the issue of TTP carrying out terrorist attacks within the country is an internal concern the country is struggling to manage, leaving hundreds of casualties every year (South Asia Terrorism Portal, 2015).

In a sense, the US drone campaign might be a welcomed contribution to Pakistan; not only does it play a vital part in the War on Terror, it takes out low level militias and Taliban leaders that are primarily a Pakistani problem. However, the conundrum is two-folded: the drones kill civilians, and the drones are controlled by an external entity.

Weber (1964) defines a state as an entity with monopoly on legitimate use of (physical) violence within its territory. Because the drone campaign is led by CIA, the Pakistani state loses its monopoly on legitimate violence within its borders. This is a very basic concept of legitimacy: a state does *not* have the monopoly on legitimate violence if the public do not have a perception that it does, or acknowledges that it does (Weber, 1964:156). One can thus argue that the government is losing legitimacy because it should have the ability to uphold

¹⁸ See section 6.5 for a definition of terrorism.

law and order by itself; to have the monopoly on violence within its territory. Following this line of reasoning, one could argue that the Pakistani state might be better off acknowledging the drone campaign, rebranding it as “cooperation” between Pakistan and the US, rather than having it as it is today; an intrusion of the Pakistani monopoly on force. To acknowledge the campaign might have been a viable option if it had been done from the beginning; as it is now, it has been branded as a sort of violation of Pakistani sovereignty and integrity.

The issue of civilian deaths would have been equal if the Pakistanis had called the campaign cooperation rather than integrity breach, though a reasonable assumption is that the public anger around these casualties could have been damped by first and foremost acknowledging them, then given compensation to relatives/injured, and finally conducted investigations in order to improve the performance of the drones for the next strike. In doing this, Pakistan would have shown in more than words that the strikes are illegal in their eyes.

To acknowledge and support the drone campaign at present time seems as a poor option for the government. After a decade of opposing the strikes publically, changing directions would demonstrate an unsteady and indecisive government that makes decisions because they cannot stop the campaign, and thus abides the US.

The main consequence this tacit consent has on the legitimacy of the government is the lack of transparency; the government is not open to the public about their “deals”. The public (or at least a part of it) knows about the strikes, they know that their government knows about the campaign, but the possible negotiations that have been made with the US or CIA are “under the table”, leaving it impossible for the public to in any way influence or approve of the decisions made. This means that the “will of the people” is not the authority of government (as stated in Article 21, the Human Rights Declaration), i.e. the people is not taking part in the decision-making on how the government should confront this issue, and the state and its functions are not transparent. Without transparency, accountability is also difficult; when the people cannot hold their leader responsible, it is arguably not given that the government will act in the interest of the people. This is a slippery slope; if the government continues to act outside the wishes of their population, they will continuously lose legitimacy.

6.2 PERCEPTIONS AND PUBLIC RELATIONS

Even as the true figures and statistics behind the American drone campaign remain unclear to this day, it can be assumed that it has caused what one could call a public relations disaster for

both the Pakistani government and the US government, though the focus will be on the former in this discussion.

Fair, Kaltenthaler and Miller (2014) refer to the 2010 poll from PEW Research Center, demonstrating that a majority of the Pakistani public is not familiar with the drone campaign, though those who are familiar with it claim it is not a necessary measure to defend Pakistan from extremists. Almost 50 % believe that they are conducted without the approval of the Pakistani government; 33 % think they are conducted with its approval (Fair, Kaltenthaler & Miller 2014; Pew Global Attitudes Project, 2010). These figures demonstrate that it is not clear to the public what the status of consent is. What is clear is that they think drones kill too many civilians.

New American Foundation also found that three quarters of the population in the Tribal Areas opposed to the campaign, with only 16 % thinking that the drones strike militants, and 48 % thinking they largely kill civilians (New America Foundation, s.a. cited in Williams, 2013a:206). We know that a majority of the killed are not civilians, though the status of many individuals remains unclear. Again this thesis argues that investigations and clarifications over who the targets are could have a positive impact on the public's view of the government, as they would have seen that few civilians are killed, though this would not change the notion that the government cannot stop the strikes.

Williams (2013a) points out that a concern in these polls is that participants in the surveys might be frightened by militants into changing their answers (Williams, 2013a:206). Following, Williams claims that the actual number of civilians killed (which he claims to be "relatively low") is less relevant than the *perception* of the Pakistani public in affecting the government's legitimacy. The perception is that a high number of civilians are killed, thus this is what forms the perceptions they have of the government or the US. The author also claims that misinformation, a lack of available reports on strikes and "exaggerated rhetoric" makes changing this perception of high civilian casualties difficult, if not impossible (Williams, 2013a:207).

If Williams (2013a) is correct, and the perception of the public cannot be or is unlikely to be changed, the government can still reclaim legitimacy through compensating the victims of drone strikes, and investigate them to see whether civilians have been killed. By doing this, without supporting the strikes, they can send a powerful message that they will ensure that civilians (innocents) killed are not criminalized or labeled terrorists or terrorist affiliates, and

thus say that the strikes are unlawful. They will also ensure that the US is held accountable and put the responsibility for killing civilians on them through investigations and documentation of the strikes, even if this is not pursued further. These measures could be an option for changing the public's perception, not necessarily about the number of civilian casualties, but about their government.

Both Pakistan and the US are losing the war when it comes to public perceptions of what is happening. The US seems to be the “bad guy”, killing civilians and breaching Pakistani territorial sovereignty, thus not winning “the hearts and minds” of the Pakistani population. The government of Pakistan on the other hand, is perceived as either allies of the US government or as too weak to end the strikes, or simply too weak to stand up to the US and say “no”. This is true in a sense; Pakistan might not be able to stand up and end the strikes, and they are clearly, in some aspects at least (for example in the war on terror), allies of the US.

This also has consequences for the relationship between the central government and the Tribal Areas; local Pashtuns may turn against the government as their region is “invaded” by an external force and the government is not participating in solving the issue. This can also lead to locals joining TTP or other militia groups, as they cannot turn to the government for help, though the correlation between feeling alienated by the government and radicalization is not clear¹⁹.

6.3 THE ROLE OF THE MEDIA

It is clear that the media has an important role when it comes to generating transparency and accountability in a society, as well as undermining or increasing the legitimacy of the Pakistani government, as it has with all governments in countries with a relatively free press. The media should act as a *watchdog* by providing a check on different sectors of society and monitor public interests and it should be a *gatekeeper* by including all groups of society in public debate. Finally, it should also be an *agenda-setter* in raising awareness of social problems, concerns and needs (GSDRC, 2015). It is thus fair to assume that the media does not reflect reality; rather it shapes and filters it. Also, when a few subjects are prominent in

¹⁹ Some scholars emphasize the link between drones and radicalization, though the theme is understudied and the arguments are often conceptually rather than empirically based. In discussion radicalization, there is always a possibility of overemphasizing one factor as “root cause”, though there are many factors playing part in a radicalization process.

the media, the public perceive these issues to be more important than others (GSDRC, 2015)²⁰.

Perceptions are formed by the individual's predispositions, the characteristics of the object and communication with others. People can perceive the same object differently, because they are based on the environment and one's prior experiences (Donsbach, 2008). Perceptions can also be affected by the media; frequently cited views are seen as more relevant than others, whilst at the same time the media is believed to represent, at least to some extent, the beliefs and thoughts that exists "out there".

Fair, Kaltenthaler & Miller (2014:2) claims that "one of the major reasons why the drone strikes have become such a salient issue among so much of the Pakistani general public is that there is a large amount of media coverage of the drone issue". Continuing, they state that the killing of al Qaeda and TTP members gets coverage in Pakistani newspapers (both in English and Urdu), television and radio. However, also the killing of civilians receives substantial column inches in the media, with scenes of destroyed homes and killed people, and witnesses claiming the innocence of the victims (Fair, Kaltenthaler & Miller, 2014:2). This kind of footage might be biased *against* the drone strikes, as it often focuses on the death and despair left after a strike, and a more "clinical" depiction of the killing of militants. Williams (2013a) is concerned that the media exaggerates when it comes to the number of civilian casualties; hence they promote anti-American sentiments in the Pakistani population (Williams, 2013a).

Whether the media is biased against the drone strikes is difficult to assess, though it is clear that it performs its duties as both a watchdog and an agenda-setter. By including both sides of the campaign (the killing of al Qaeda members *and* the killing of civilians) the media gives a relatively nuanced picture of the situation. Giving a more clinical description of the killing of militants is not only about bias; the killing of civilians evokes stronger feelings in the public, and the media simply communicates these feelings through a more "personal" coverage of these cases. Further, the newspapers and television channels are dependent on the number of readers and viewers, which means that they will likely try to focus on the interests of the public. As the media shapes reality rather than reflect it, one can argue that a focus on civilian casualties might cause anti-American sentiments in the population, but this is not given; the media might only highlight what the population already feels towards the drone campaign.

²⁰ This is part of the "agenda setting theory" developed by McCombs & Shaw (1968).

The government cannot and should not control what media focuses on, though doing some of the things mentioned (giving compensation and starting investigations) would likely get media coverage and depict the government as “doing something” for the victims. Perceptions of the public are a key factor in gaining or maintaining legitimacy, and the media is a primary source for changing perceptions. I argue then that some actions could lead to a more favorable media coverage, and thus to a more favorable public perception.

6.4 CONSEQUENCES FOR DEMOCRACY

There are many strains on the US-Pakistan relationship, but Fair, Kaltenthaler and Miller (2014) argue that drones are often the most important irritants. This is because the Pakistani government knows about the strikes, and publicly oppose to them. Continuing, it is argued that drones strikes lead to more radicalization than they eliminate, hence seriously questioning the efficiency of the campaign.

If the US could indeed win the hearts and minds of the Pakistani people, they would contribute in restoring the legitimacy of the Pakistani government; if the drone campaign is not perceived to be a violation of Pakistan’s sovereignty and integrity, but rather some form of “assistance” in combating insurgencies and terrorism in the country, Sharif could avoid the public relations disaster that has followed the governments through the campaign, and as a bonus it would probably improve the Pakistani-American relationship in general, as the public would have a more favorable view of the campaign.

The Human Rights Clinic at Columbia Law School states that

Drone strikes undermine the legitimacy of fragile governments in the countries where they occur, as we have seen in the cases of Pakistan and Yemen. In Pakistan, drone strikes contribute to a crisis of confidence in a civilian government that, to its own citizens, appears powerless to stop U.S. drone strikes or assert Pakistani interests (Columbia Law School Human Rights Clinic, 2013).

This statement demonstrates a major concern for the Pakistani government; as of now, the government is democratically elected, but shows weakness to its own population. This creates a perception that there is a correlation between being an authoritarian regime and a strong regime (as a direct opposition to being a democratic and weak regime), though this is not necessarily true. Under Musharraf (not democratically elected) the drone strikes occurred with high frequency, though he did not have the same responsibility towards the population as

Nawaz Sharif has at present as a democratically elected leader that should be held responsible by the population. Boyle (2013) argues that when the government cannot stop the strikes, rivals of the government are emboldened to act out against them with violent means, thus challenging the existing leadership.

Sharif is the current Prime Minister, and the first to have a democratic transition to power since 1977. He has a new kind of responsibility – to consolidate and ensure the future of a democratic Pakistan. To do this, he needs legitimacy, and can, according to Ahmad (2013a) only maintain this “as long as he remains firm and, should the attacks continue, backs his words with credible measures, such as referring the case to the International Court of Justice or blocking the passage of NATO convoys” (Ahmad, 2013a). Sharif can indeed take his case to the ICJ, which would probably give a judgment on the legality of the strikes, i.e. if they are consistent with international law (Ahmad, 2013b). However, if we assume that Sharif is cooperating with the CIA or the US, or has some kind of agreement with either, this seems an unlikely move at best.

Achieving and maintaining legitimacy is not an easy task, as the Pakistani government is already unpopular for corruption, favoritism and poor governance (Byman, 2009). The way for a legitimation process to occur is through showing that the actions of the government are right, live up in practice to what is expressed in words, and thus change the public’s perceptions. This cannot be done by opposing and eventually setting the drone campaign at a halt alone, but through consolidating the democracy of Pakistan through Weber’s legal-rational regime, i.e. through established rules (a bureaucracy) that is consequent and equal for all, without nepotism, favoritism or corruption. However, these issues are structural and take time and resources to change, and a consolidation of democracy takes time. The drone campaign is only *one* issue, though I argue it could be a good step on the way to legitimating the government; it is also probably among the most uncomplicated and straightforward ways to improve legitimacy (compared to for example corruption).

The problem of ending the drone campaign, if this is the desired goal of the government, is *how* to do this. In April 2012, the Parliament passed a series of resolutions on the issues of the drone campaign, called *The National Assembly of Pakistan’s Guidelines for Revised Terms of Engagement with USA, NATO, ISAF and General Foreign Policy*. The resolution states that “Pakistan’s sovereignty shall not be compromised”, and “the relationship with USA should be based on mutual respect for the sovereignty, independence and territorial integrity of each

other” (Council on Foreign Relations, 2012). Continuing, it calls for an immediate cease in drone strikes in the country, and states that neither the government nor any of its entities may give verbal agreements to foreign governments; agreements should be made with specified ministries and parliamentary bodies, and former agreements should cease to be valid (UN Human Rights, 2013; Council on Foreign Relations, 2012). This seems to be a critique directed at the US, as it implies that the relationship is not currently based on “mutual respect”. It is also interesting because it clearly states that former agreements ceases, i.e. agreements made with officials or ISI are no longer valid. Also, verbal agreements are no longer valid, meaning that ideally they would have to be written, which would make keeping track of who agrees to what more orderly, and might arguably be good for transparency. The resolutions are also another way for the government to demonstrate for its citizens that it is indeed against the strikes, and more powerful than public statements. I argue that it is a good beginning of a legitimacy process, though this resolution alone is not enough. It needs to be followed up by *action*.

It seems unlikely at best that Sharif will go beyond the resolutions, and for example take this case to the International Court of Justice or the UN Security Council, as has been suggested by Haroon (2013). First of all, the government has previously (to an unknown extent) approved strikes and cooperated with the CIA, secondly, the drones can be considered useful for the government, as we shall see in the following section.

6.5 THE SECURITY SITUATION TODAY

For this section, it is important to clarify what is meant by terrorism and terror-related violence, as these concepts are heavily debated both in academia and in the political sphere. The debates revolve around how to define terrorism, what it constitutes for different people, and who is actually a terrorist (exemplified by the well-used adage “one man’s terrorist is another man’s freedom fighter”). Terrorism, in its most basic definition, is “the threat of violence and the use of fear to coerce, persuade and gain public attention” (NACCJSG, 1976 cited in Rogers, 2013:223). This can be done by individuals or groups, for or in opposition to the established authority. It is actions designed to create extreme anxiety or fear in a larger group than the immediate target – and force the group into according to political demands (Rogers, 2013).

A terrorist act, as defined in the 1997 Anti-Terrorist Act, is “[t]he use or threat [...] designed to coerce and intimidate or overawe the Government or the public or a section of the public or

community or sect, or create a sense of fear or insecurity in society”. Continuing, it includes a number of actions that falls within the act, making the possibility of many different interpretations of it. These actions include “grievous violence [...], the doing of anything that is likely to cause death or endangers a person’s life [...], [creating] a serious risk to safety of public”, and so on (Federal Investigation Agency, s.a.). Thus, this thesis will understand terrorist-related violence in Pakistan following the Pakistani definition, i.e. terrorism is the use of threats or violence to coerce or overawe the public or the government, through measures such as violence or threats to a group of people, or creating serious risks to the safety of the public. This definition is the most useful in a discussion on terrorism in the country, though it is necessary to acknowledge that there can be fluid barriers between who is a combatant (or terrorist), a sympathizer, a supporter or a civilian not opposing the actions of terrorists. These issues, of defining who is a terrorist and who is not, are equal to the ones faced in the drone campaign; the lines between civilian and combatant are blurred, as combatants blend in with civilians, making distinction between active members, sympathizers and civilians difficult.

With one of the highest terrorist incident rates in the world, the security situation in Pakistan is not only dire in the FATA, but also in other regions of the country. The last decade has been extreme in form of increased violence overall, especially violence related to groups such as TTP and their affiliates (Council on Foreign Relations, s.a.). Though the assassination attempt on student Malala Yousafzai is the most famous attack by TTP, there have been many others; the 2008 attack on the Marriott Hotel in Islamabad where 60 people died, the 2009 Continental Pearl Hotel in Peshawar killing seventeen, or the latest massacre at the Army Public School in Peshawar (Laub, 2013; BBC, 2014). Altogether, there have been approximately 30.000 casualties related to terrorist violence (South Asia Terrorism Portal, 2015).

The drones are used to target potential threats to the US, but have as we have previously seen, also been used to target threats to Pakistani security. Overall, the majority of the targeted and killed are low-level militias, and it can be assumed that these individuals are not a threat to the US (TTP has no “far enemy” like for example al Qaeda, but rather focuses on the local and domestic), but to Pakistan. Since the first drone strike in 2004, between 2449 and 3949 people have been killed in drone strikes. Between 421 and 960 of these were civilians (TBIJ, 2015b). This means that a large majority of the killed were *combatants* (or in some cases the status is “unknown”). The question is; have the strikes then caused *less* violence through killing combatants, or *more* through creating an environment where radicalization is more likely?

Former US Secretary of Defense Donald Rumsfeld once asked “are we creating more terrorists than we are killing?”²¹ (Hunt, 2013). The question is not for this thesis to answer; addressing it would require intensive large-scale qualitative (and quantitative) research. However, it is something we should reflect upon. We know that there has been an increase in violence the last decade, and that much of this violence is connected to terrorism and groups like TTP, that have their foundation in the Tribal Areas²².

It is reasonable to assume that the US government does not trust the Pakistanis handling the situation in the Tribal Areas and targeting potential threats to the US. This might be by virtue of several reasons: the varying degree of success of Pakistani military operations in the FATA, the unclear loyalty of the government (for example its association with the Haqqani network), and the fact that local insurgents and TTP members and affiliates conducting terrorist attacks within Pakistani territory is more important to the government than al Qaeda affiliates that might be considered a threat to the US and terrorism conducted there. The Pakistanis have also been accused of “not doing enough”, a statement that in a way legitimizes the drone campaign - for the Americans, at least (Al Jazeera, 2011). If the government could improve their counterinsurgency and counterterrorism strategies to an extent that radicalization and terrorism could be decreased, the US would have less incentives to continue the campaign.

However, as the military has operations in the FATA, it seems unclear how and to what extent they could improve their practices to such an extent that the drones would be “unnecessary” in the eyes of the US. Continuing, it is obvious that Pakistan has a problem concerning terrorism. The violence in the country has increased as 30.000 people have been killed in terrorist violence in the last decade, with the number of cases peaking in 2010 and going down somewhat since then (South Asia Terrorism Portal, 2015). The question is whether Pakistan is equipped to deal with this without American drones, or if drones contribute to radicalization, i.e. that in ending the campaign, Pakistan would face less terror-related violence. It can be argued that the damage is already done; it is likely that the terrorist violence that begun as a consequence of the drone campaign, will not simply end because the campaign ends. It will take time to reverse the radicalization process, though an ending of the

²¹ The question was raised as a concern of the invasion of Iraq, but bears relevance also here.

²² The incident with Faisal Shahzad in 2010 gives witness to how drones can have an effect on radicalization; Shah attempted to bomb the Times Square, and later claimed it was retribution for the Afghanistan and Iraq wars, and the drone strikes (Shifrel, Gendar & Martinez, 2010).

campaign would likely have a positive effect in the future, as an important recruitment tool would disappear²³.

When the Pakistani government opposes drone strikes, they lose legitimacy when they cannot follow up words with action. A drastic solution would be, like PTI politician Imran Khan claimed he would do if elected; shoot the drones down in order to ensure Pakistani legitimacy and the safety of their proper citizens (Crilly, 2012). A more viable option would be in the political sphere; to negotiate a deal with the Obama administration, get funding and training for counterterrorism, and thus deal with the issue themselves in a way that would satisfy the Pakistani public, and also the US government in their War on Terror.

²³ This argument follows the notion that there is a correlation between drone strikes and radicalization.

7.0 SUMMARY

This section will very briefly sum up the main findings of this thesis. First to be addressed is how the drone campaign has affected the local populations of the Tribal Areas, and more specifically North and South Waziristan, then follows the section of the two final sub-questions.

What does the drone campaign do to local populations?

The drone campaign has several implications for the daily life of individuals in Waziristan. It causes immediate threats to human security, primarily through fear and seemingly “random” targeting killing both militants and civilians, as well as killing and injuring family members. It also destroys homes, infrastructure, restrain education and work possibilities, and contributes to large scale negative mental health implications. Of the mental health implications, this thesis have highlighted anticipatory fear, also among non-immediate victims, due to the ignorance about how targets are chosen, the constant surveillance and the lack of response from the Pakistani government (and the US). The thesis argues that the legitimacy of the government is negatively affected by the drone campaign because it cannot defend its own citizens from an external force, nor can it provide basic services and human rights to all of the population. Continuing, it argues that *recognition*, *compensation* and *investigation* could be useful measures for the government in order to back the claims that it opposes the strikes against its population.

The government’s position

The second part of the discussion highlights the Pakistani government’s vocal opposition to the drone campaign through news articles and statements, though it also pinpoints how it seems obvious that the government has tacitly given their consent to the strikes, demonstrated particularly through former president Musharraf’s admission of allowing various drone strikes.

Following this, the discussion highlights why this distance between what is said and done by the government decreases their legitimacy, along with what *could* have been done to improve it.

Sections 6.2 and 6.3 argue that *public perceptions* are more relevant than facts, and that they are influenced by the (biased) media representation of the campaign.

For democratically elected Sharif, it is important to regain the legitimacy lost over the drone campaign; Pakistan has a long history of regime changes and is not yet consolidated as a democracy, thus the country is vulnerable when the democratic government is weak. The thesis argues that ending the drone campaign might be easier than conducting more structural changes in society. Further, vocal opposition to the campaign is not enough to ensure legitimacy if the words are not followed by actions.

Finalizing the discussion, the thesis touches upon the security situation over the last decade, and asks whether the drones increase security or undermines it. It also argues that Pakistan might not be equipped to handle the internal security situation (especially in the FATA) by itself, but that drones might not be the solution to this issue; rather increased focus on training and equipping of the Pakistani counterterrorism measures is needed, along with a focus on anti-radicalization initiatives.

7.1 CONCLUSION

The legitimacy of the Pakistani government

I will argue that there is a range of issues that affects the legitimacy of the Pakistani government. First and foremost, history itself, with coup d'états and military rule sets a poor predicament for the current Sharif government. Further, Pakistan faces problems with its development, as it has experienced less development than countries with similar economic growth. The low literacy rate among women points to structural issues as well as cultural and religious, and makes social and economic development difficult.

Also, the on-going conflict with India has taken its toll on the country, especially economically. The instability of the region in general, and with the War on Terror particularly, has left Pakistan in an on/off-relationship with the US, with 1979 and 2001 being the main turning point for greater financial assistance, whilst 1998 was an absolute low in aid reception.

However, also the American drone campaign in the FATA has taken its toll on the government's legitimacy. While many of the other factors are structural, the drone campaign is a relatively new issue (starting in 2004), and still on-going. This means that the government can more easily do something about status quo, at least in theory. The perception of the Pakistani public is, however, that nothing is done. While the government publically announces its opposition to the drone strikes, it remains somewhat unclear whether they have

given (tacit or explicit) consent in the past, though this seems likely. This opposition is not followed up by action; this could be official talks with the US or “shooting down the drones” as Imran Khan has suggested in the past, or even pleading to the UN for help or condemnation of the campaign.

Investigations of the particular strikes would reveal the status of the people killed, whether they are civilians or combatants, as well as give insight to whether the US have been violating international war laws in some cases. When nothing of this is accomplished, the Pakistani public is left with the notion that the government is weak because it cannot keep Pakistani citizens safe, nor maintain the country’s territorial integrity from another state.

This said, the drone campaign have also eliminated a number of high value targets, and other militants, and in that way fulfilled the American objective in WOT at least partly. The correlation between an increased number of drone strikes and increase in radicalization of individuals and terrorist attacks is difficult to pinpoint. Scholars disagree; some claim drones are a useful counterterrorism measure in the FATA whilst others see it as creating more terrorists than it kills.

Violent radicalization and terrorism is, whether drones are one of the causes of it, a serious threat to the government’s legitimacy. It seems clear that the Pakistani government is not equipped to control and crack down on these actions. This leaves the government in a difficult position; they lose legitimacy when opposing the drone campaign, but can arguably not defend their own population from the terrorist threat.

All in all, the government’s legitimacy is negatively affected by the drone campaign; it cannot protect its own sovereign territory, nor its citizens within it. There are, however, too many factors playing part in the legitimation process to say that managing to stop the drone campaign would significantly change the perceptions of the public by itself. However, it would certainly be a step in the right direction; it would demonstrate the government’s vigor and devotion both to stand up to the US, and to protect their own citizens.

7.1.1 FINAL REFLECTIONS: POSSIBILITIES FOR THE FUTURE

The best scenario for the Pakistani government would likely be that the US stopped the drone campaign in the country and at the same time provided the assistance necessary to deal with the TTP and the violence in the country. Simultaneously, the government has other issues it needs to work on in order to be perceived as fully legitimate; it must provide equality for all

its citizens (with the removal or adjustment of the Frontier Crimes Regulations as one priority), remove corruption and ensure development to all areas.

This thesis has provided an overview on how the use of drones outside a defined theatre of combat or warzone can affect the legitimacy of the host state in a severely negative way. The US sets the standard for how to use drones; it is a hegemon with influential power that reaches far, also when it comes to military operations. They exemplify a use of unmanned aerial vehicles that can breach with international humanitarian law, and thus creates a change in the norms for use of force in the international community.

Pakistan should serve as an example of how *not* to use drones; drones can be a cheaper, more efficient way to conduct small-scale military operations, but the practice should be maintained within a theatre of war or with the explicit consent of the host state. If not, there is a risk that other unstable regimes or unconsolidated democracies becomes even more fragile, or, in a worst-case scenario, transitions to military rule or autocracy through overthrowing the regime or coup d'états.

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