

The Drone War

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The drone war against Al Qaeda's leaders--and, increasingly, their Pakistani-based Taliban allies--has been waged with little public discussion or congressional investigation of its legality or efficacy, even though the offensive is essentially a program of assassination that kills not only militant leaders, but also civilians in a country that is, at least nominally, a close ally of the United States.

The Al Qaeda videotape shows a small white dog tied up inside a glass cage. A milky gas slowly filters in. An Arab man with an Egyptian accent says: "Start counting the time." Nervous, the dog starts barking and then moaning. After flailing about for some minutes, it succumbs to the poisonous gas and stops moving.

This experiment almost certainly occurred at the Derunta training camp near the eastern Afghan city of Jalalabad, conducted by an Egyptian with the nom de jihad of "Abu Khabab." In the late 1990s, under the direction of Al Qaeda's number two, Ayman Al Zawahiri, Abu Khabab set up the terrorist group's WMD research program, which was given the innocuous codename "Yogurt." Abu Khabab taught hundreds of militants how to deploy poisonous chemicals, such as ricin and cyanide gas. The Egyptian WMD expert also explored the possible uses of radioactive materials, writing in a 2001 memo to his superiors, "As you instructed us you will find attached a summary of the discharges from a traditional nuclear reactor, among which are radioactive elements that could be used for military operations." In the memo, Abu Khabab asked if it were possible to get more information about the matter "from our Pakistani friends who have great experience in this sphere." This was likely a reference to the retired Pakistani senior nuclear scientists who were meeting then with Osama bin Laden.

In the pandemonium following the fall of the Taliban in the winter of 2001, Abu Khabab disappeared into the badlands on the Afghan-Pakistani border. The United States put a \$5 million bounty on his head and, in January 2006, attempted to kill him and Zawahiri while they were believed to be in the Pakistani hamlet of Damadola, targeting them with a missile launched by a drone aircraft.

Initial press reports said that Abu Khabab was killed in the strike, but, when the dust cleared, 25 civilians, including a half-dozen kids, were dead--and Abu Khabab was not among them. Unsurprisingly, the civilian death toll sparked protests in the region. In one, several thousand tribesmen chanted "Death to America," and the issue of innocents killed by U.S. rockets quickly became a potent Pakistani Taliban propaganda point. A couple of weeks after the botched missile strike, Zawahiri himself appeared in a videotape, saying that the Damadola strike was a "failure" and taunting President Bush as a "butcher."

More than two years later, on July 28, 2008, a U.S. drone finally killed Abu Khabab in the Pakistani tribal region of South Waziristan (along with two other militants and three boys who happened to be in the strike zone). The assassination of the WMD expert marked the beginning of a vastly ramped-up program to take out Al Qaeda's leaders using missiles launched by U.S. drones. President Obama has not only continued the drone program, he has ratcheted it up further. In 2007, there were three drone strikes in Pakistan; in 2008, there were 34; and, in the first months of 2009, the Obama administration has already authorized 16.

The drone war against Al Qaeda's leaders--and, increasingly, their Pakistani-based Taliban allies--has been waged with little public discussion or congressional investigation of its legality or efficacy, even though the offensive is essentially a program of assassination that kills not only militant leaders, but also civilians in a country that is, at least nominally, a close ally of the United States. Nor has there been a substantive debate about whether the gains of winnowing the ranks of Al Qaeda's leadership outweigh the fact that the inevitable civilian casualties are a superb recruiting tool for the Pakistani Taliban. Indeed, the drone strikes have pushed militants deeper into Pakistan and given them an excuse to strike the heartland of the

country, further destabilizing the already rickety government in Islamabad. All of which raises the question of whether the drone campaign, however useful in the short term, might fatally undermine U.S. efforts to stabilize the region and to win the long-term war against Al Qaeda and its allies.

Officially, the United States does not assassinate people. In the aftermath of the Church Committee investigations--which uncovered eight plots to kill Fidel Castro--Presidents Ford and Carter both signed executive orders banning assassinations. In practice, however, presidents have signed off on missions to kill political leaders who have ordered attacks on Americans. Ronald Reagan authorized air strikes on one of Muammar Qaddafi's residences in 1986, after Libyan agents bombed a German bar frequented by U.S. military personnel. And President Clinton ordered a cruise missile attack on an Al Qaeda camp after learning that the terrorist network was responsible for the 1998 bombings of the American Embassies in Kenya and Tanzania.

Legally, successive administrations have justified these exceptions by arguing that the assassination ban does not apply to enemy commanders. Under this interpretation, Al Qaeda and Taliban leaders are fair game. President Bush authorized several targeted killings in the first years after the September 11 attacks. In November 2001, a drone strike near Kabul killed Mohammed Atef, Al Qaeda's military commander. Atef, whose daughter married one of Osama bin Laden's sons, was a close confidante of the Al Qaeda leader. A year later, one of the suspected planners of the 2000 attack on the USS Cole, Abu Ali Al Harethi, was killed by a drone in Yemen--the first such strike outside of Afghanistan. Also killed in the attack was Kamal Derwish, an American in cahoots with Al Qaeda and the first U.S. citizen to die in a CIA drone strike.

The relatively slow pace of drone attacks against Al Qaeda's leaders quickened dramatically in the waning months of the Bush administration after it had become clear that the terror group was reconstituting itself in Pakistan's tribal regions. In July 2007, the 16 agencies that make up the U.S. intelligence community released a National Intelligence Estimate assessing that Al Qaeda was resurging and warning that it "has protected or regenerated key elements of its Homeland attack capability, including a safe haven in Pakistan's Federally Administered Tribal Areas (FATA)."

What particularly alarmed Bush administration officials was the mounting evidence that Al Qaeda and affiliated groups were using the FATA to train Westerners for attacks on American and European targets. For instance, the masterminds of the July 7, 2005, attacks in London, which killed 52 people, had trained in the tribal regions. So too had the leaders of the summer 2006 plot to use liquid explosives to bring down seven Canadian and U.S. passenger jets leaving Heathrow. Two Germans and one Turk who were planning to bomb the U.S. Air Force base in Ramstein, Germany in 2007 had trained with an Al Qaeda affiliate in the tribal areas. And, during this period, both bin Laden and Zawahiri, who are generally presumed to be living in or around the FATA, continued to release a stream of audio- and videotapes demonstrating that the Al Qaeda leadership was very much intact.

At the same time, despite "peace agreements" that the Pakistani government had negotiated with the Taliban in 2005 and 2006, the number of attacks into Afghanistan by militants crossing the border was increasing exponentially. And the violence from the FATA-based groups began blowing back into Pakistan itself. More Pakistani citizens died in militant violence in 2007 than had died in the six previous years combined.

By early 2008, the Bush administration had tired of the Pakistani government's unwillingness or inability to take out the militants in the FATA, and in July the president authorized Special Operations forces to carry out ground assaults in the tribal regions without the prior permission of the Pakistani government. On September 3, 2008, a team of Navy SEALs based in Afghanistan crossed the Pakistani border into South Waziristan to attack a compound housing militants. Twenty of the occupants were killed, most of them women and children. The Pakistani press picked up on the attack, and the assault sparked vehement objections from Pakistani officials, who protested that it violated their national sovereignty. Army chief of staff Afshaq Parvez Kayani bluntly said that Pakistan's "territorial integrity ... will be defended at all costs," suggesting that any future insertion of American soldiers into Pakistan would be met by force.

In the face of the intense Pakistani opposition to American boots on the ground, the Bush administration chose to rely on drones to target suspected militants. Bush ordered the CIA to expand its attacks with Predator and Reaper drones, and, according to a former Bush administration official familiar with the program, the U.S. government stopped notifying Pakistani officials when strikes were imminent or obtaining their "concurrence" for the attacks. As a result, the time that it took for a target to be identified and engaged dropped from many hours to 45 minutes.

The Predators and Reapers are operated by a squadron of pilots stationed in Nevada and are equipped to drop Hellfire missiles and JDAM bombs, respectively. More than two-dozen feet in length, the drones linger over the tribal areas looking for targets. Between July 2008 and the time he left office, President Bush authorized 30 Predator and Reaper strikes on Pakistani territory, compared to the six strikes that the CIA had launched during the first half of the year, a fivefold increase.

The Taliban consistently have claimed that those killed in the attacks are civilians, while U.S. and Pakistani officials generally say that they are militants. The truth is, of course, a mix of both, but it's impossible to give an accurate breakdown of the death toll because the militants live among the civilian population and don't wear uniforms. Based on our analysis of reliable accounts in the Pakistani and U.S. press, the drone attacks have killed around 600 militants and civilians since 2006, two-thirds of them in the past two years. This figure is roughly the same as the number that Amir Mir, a well-regarded Pakistani terrorism expert, arrived at for the same time period. Mir puts the total number of deaths caused by drone attacks during the past three-and-half years at 700, although he asserts that the vast majority of casualties have been civilians, something that is, in fact, impossible to establish definitively.

It is possible to say with some certainty that since the summer of 2008 U.S. drones have killed dozens of lower-ranking militants and at least ten mid-and upper-level leaders within Al Qaeda or the Taliban. One of them was Abu Laith Al Libi, who orchestrated a 2007 suicide attack targeting Vice President Dick Cheney while he was visiting Bagram air base in Afghanistan. Al Libi was then described as the number-three man in the Al Qaeda hierarchy, perhaps the most dangerous job in the world, given that the half-dozen or so men who have occupied that position have ended up dead or in prison.

Other leading militants killed in the drone strikes include Abu Sulayman Al Jazairi, an Algerian jihadist; Abu Khabab, the WMD expert; Abdul Rehman, a Taliban commander in South Waziristan; Abu Haris, Al Qaeda's chief in Pakistan; Khalid Habib, Abu Zubair Al Masri, and Abdullah Azzam Al Saudi, all of whom were senior members of Al Qaeda; Abu Jihad Al Masri, Al Qaeda's propaganda chief; and Rashid Rauf, a British national who is a key suspect in the 2006 plot to bring down U.S. and Canadian airliners (though there is some debate about whether Rauf is actually dead).

One consistent target of the drone attacks has been the South Waziristan strongholds of Baitullah Mehsud, the leader of the Pakistani Taliban. American and Pakistani officials identify Mehsud as the mastermind of Benazir Bhutto's assassination in December 2007. So far, Mehsud has managed to evade death. None of the strikes has targeted bin Laden, who seems to have vanished like a wraith.

The pace of drone attacks increased further during the waning days of the Bush administration--likely a legacy-building effort to dismantle the entire Al Qaeda top leadership. Cheney seemed to acknowledge this in an interview with CNN eleven days before Obama took office, saying optimistically of efforts to kill bin Laden, "We've got a few days left yet." A week earlier, the Bush administration had received the welcome news that Osama Al Kini and his lieutenant, Sheik Ahmed Salim Swedan, had been killed by a Hellfire missile launched from a drone over Waziristan. Al Kini and Swedan played a central role in planning the 1998 bombings of the two American embassies in East Africa. In one of his many exit interviews, Bush told Larry King with a slight smirk that bin Laden would eventually be found "just like the people who allegedly were involved in the East African bombings. Couple of them were brought to justice recently."

Officials in both the Bush and Obama administrations have been leery of discussing the highly classified drone program on the record, but a window into their thinking was provided by the remarks of then-CIA director Michael Hayden on November 13, 2008, as the drone program was in full swing. "By making a safe haven feel less safe, we keep Al Qaeda guessing. We make them doubt their allies; question their methods, their plans, even their priorities," he explained. Hayden

went on to say that the key outcome of the drone attacks was that "we force them to spend more time and resources on self-preservation, and that distracts them, at least partially and at least for a time, from laying the groundwork for the next attack."

This strategy seems to have worked, at least in terms of the ability of Al Qaeda and other FATA-based militant groups to plan or carry out attacks in the West. Since the summer of 2008, law-enforcement authorities have uncovered no serious plots against U.S. or European targets that have been traceable back to Pakistan's tribal regions.

Privately, American officials rave about the drone program. One former Bush administration official said that the drones had so crimped the militants' activities in FATA that they had begun discussing a move to Yemen or Somalia. Two officials familiar with the drone program point out that the number of "spies" Al Qaeda and the Taliban have killed has risen dramatically in the past year, suggesting that the militants are turning on themselves in an effort to root out the sources of the often pinpoint intelligence that has led to what those officials describe as the deaths of half of the top militant leaders in the FATA.

Daniel Byman, who runs the Security Studies program at Georgetown, has studied the effects that targeted assassinations have on terrorist groups. For years, the Israeli government has mounted assassinations against the leaders of groups like Hamas. Byman found that the dead leaders were replaced by more junior members of the group, "who are not as good; you drive down the age and experience of the leadership." A similar problem appears to be affecting Al Qaeda, according to Dennis Blair, the Director of National Intelligence. In February, he testified to Congress that "replacing the loss of key leaders, since 2008, in Pakistan's Federally Administered Tribal Areas has proved difficult for Al Qaeda."

One way of measuring the pain that the drone program has inflicted on Al Qaeda is the number of audio-and videotapes that the terrorist group has released through its propaganda arm, As Sahab ("the clouds" in Arabic). Al Qaeda takes its propaganda operations seriously; bin Laden has observed that 90 percent of his battle is waged in the media, and Zawahiri has made similar comments. In 2007, As Sahab had a banner year, releasing almost 100 tapes. But the number of releases dropped by half in 2008, indicating that the group's leaders were more concerned with survival than public relations. However, since the beginning of 2009, Al Qaeda is on track to produce a record number of tapes, suggesting that its media arm has moved from the FATA deeper into Pakistan, likely to cities such as Peshawar.

Such a move would be something of a reverse migration. Between 2002 and 2004, Al Qaeda leaders generally preferred the perceived safety of Pakistan's teeming, anonymous cities. In fact, typical urban activities like making cell phone calls or dialing up Internet connections provided many important clues to the whereabouts of Al Qaeda operatives, according to Pakistani intelligence officials. As a result, in the first three years after September 11, key Al Qaeda operatives were captured in cities such as Karachi, Peshawar, Quetta, Faisalabad, Gujrat, and Rawalpindi. Following those arrests, the Al Qaeda leadership largely migrated to the relative safe haven of FATA. Now that haven is safe no more.

While there is little doubt that the strikes have disrupted Al Qaeda's operations, the larger question is to what extent they may have increased the appeal of militant groups and undermined the fragile Pakistani state. Such an outcome would be ultimately a lot more worrisome than anything that could happen in Afghanistan, given that Pakistan has dozens of nuclear weapons and will soon be the fifth most populous country in the world. A militantly anti-American Pakistan would be a major strategic problem for the United States and the West in general.

There is little doubt that the drone program is deeply unpopular among Pakistanis, who see it as an infringement on their sovereignty and who are, in any case, generally anti-American. Today, the United States is viewed favorably by fewer than one in five Pakistanis, and a poll released last year found that 52 percent of respondents blamed the United States for the violence in their country, while only 8 percent blamed Al Qaeda. The militants have actually used the drone attacks as an excuse to strike the Punjabi heartland of the country. In taking credit for the March attack on a Lahore police academy that killed 18 people, Baitullah Mehsud, the leader of the Pakistani Taliban, said it was "in retaliation for the continued drone

strikes by the U.S. in collaboration with Pakistan on our people."

The one place the drone strikes do seem popular is in the FATA itself. The Aryana Institute for Regional Research and Advocacy, a Pakistani think tank that does work in the tribal regions, found that more than half the people it polled in the FATA say the drone strikes are accurate and are damaging the militant organizations. Fewer than half said that anti-American sentiment in the area had increased due to the drone attacks. This is perhaps less surprising than it might initially seem; if a bunch of heavily armed religious nutcases took over your neighborhood, you too might not mind if occasionally they were whacked by mysterious missiles falling from the sky, whatever their provenance.

Pakistani officials, however, conscious of how unpopular the drone attacks are among the general population, have been at pains to distance themselves from them. In New York last November, President Asif Ali Zardari protested, "It's undermining my sovereignty, and it's not helping win the war on the hearts and minds of people." And, in January, Prime Minister Yousuf Raza Gilani told CNN that there was no agreement between his government and the Americans to allow the strikes. The next month, though, Senator Dianne Feinstein, who is privy to the most sensitive briefings as head of the intelligence committee, inadvertently let the inconvenient truth out of the bag when she said of the drones, "As I understand it, these are flown out of a Pakistani base."

For Pakistani politicians, the drone program is a dream come true. They get to posture to their constituents about the perfidious Americans even as they reap the benefits from the U.S. strikes. They are well-aware that neither the Pakistani Army's ineffective military operations nor the various peace agreements with the militants have done anything to halt the steady Talibanization of their country, while the U.S. drones are the one surefire way to put significant pressure on the leaders of the Taliban and Al Qaeda. This is called getting to have your chapati and eat it too.

Just three days into his presidency, Obama authorized a near-simultaneous pair of drone strikes against targets in North and South Waziristan. Since he took office, there have been a total of 16 airstrikes, or roughly one per week. Our analysis shows that these attacks have killed some 170 people, but only one has killed an important Al Qaeda or Taliban leader, presumably because many of them have decamped from the tribal areas. The ramped-up drone program seems to have hit the point of diminishing returns.

There has been some speculation in the press that the CIA might extend the drone attacks to other parts of Pakistan, in particular the southwestern Pakistani province of Baluchistan where the Afghan Taliban is headquartered, but this seems unlikely. The western tribal regions, which have lived under their own legal and social codes for centuries, have never fully been part of Pakistan proper. In fact, the Urdu word for the tribal regions is *ilaga ghair*, or "foreign area." By contrast, Baluchistan is part and parcel of the Pakistani state. U.S. drone attacks there would almost certainly provoke the same fierce Pakistani pushback that the SEALs' ground incursion into the tribal regions did last year. Shuja Nawaz, the author of *Crossed Swords*, the authoritative history of the Pakistani military, says, "Any drone attack in provinces outside of the tribal regions would be disastrous, totally destroying the American relationship with the army."

There is widespread consensus among national security experts that the drone program is the least bad available option to pressure the Al Qaeda leadership and its Taliban allies. This is because the Pakistani government--divided between a barely functional civilian arm and a strong but unelected army--has wavered between ineffective punitive expeditions against the extremists and appeasement. Neither the military nor the political establishment has articulated an effective plan to rid the country of its jihadist militants. And so, for the moment, the drones are the only game in town.

But the drone program is a tactic, not a strategy. Bruce Hoffman, a professor at Georgetown widely regarded as the dean of terrorism studies, says, "We are deluding ourselves if we think in and of itself the drone program is going to be the answer," pointing out that the 2006 U.S. airstrike which killed the leader of Al Qaeda in Iraq, Abu Musab Al Zarqawi, did not exactly shut down the organization. Following Zarqawi's death, violence in Iraq actually accelerated.

And militant organizations like Al Qaeda are not like an organized crime family, which can be put out of business if most or

all of the members of the family are captured or killed. Al Qaeda has sustained and can continue to sustain enormous blows that would put other organizations out of business because the members of the group firmly believe that they are doing God's work.

Effectively challenging the militants will require a sea change in the views of Pakistani citizens and their leaders, who have been conditioned by decades of war and tension with India to believe that the real danger lies to their east instead of their west. Fortunately, if there is a silver lining to the militant atrocities that have plagued Pakistan in the past year and a half, it may be that such a change has begun. The Taliban's assassination of Benazir Bhutto; Al Qaeda's bombing of the Marriott hotel in Islamabad; the attack on the visiting Sri Lankan cricket team in Lahore; the widely circulated video images of the Taliban flogging a 17-year-old girl; a cell phone video recording of militants executing a couple for supposed adultery--each of these has provoked real revulsion among the Pakistani public, which is, in the main, utterly opposed to the militants.

In fact, future historians may record the Taliban's decision to move from the Swat Valley into Buner District, only 60 miles from Islamabad, as the tipping point that finally galvanized the sclerotic Pakistani state to confront the fact that the jihadist monster it had spawned was now trying to swallow its creator. Indeed, lost in all the disturbing pictures of the Taliban advancing on Islamabad are three seismic shifts in the Pakistani political landscape whose importance is rarely discussed today in the U.S. press. First is the lawyers' movement, which lies outside of the control of Pakistan's traditional hidebound party system and was instrumental in pushing dictator General Pervez Musharraf out of power last year. Second is the explosion in independent Pakistani TV stations, which are largely pro-democratic and secular. Third, the alliance of pro-Taliban religious parties known as the MMA was trounced in the 2008 election, earning a miserable 2 percent of the vote, while support for suicide bombing among Pakistanis has plummeted from 33 percent in 2002 to 5 percent in 2008.

Although the political will necessary to wipe out the Taliban is beginning to emerge in both the public and the political establishment, the Pakistani army remains mired in conventional approaches to this unconventional conflict. The fact that hundreds of thousands of refugees have streamed out of Buner and Swat as the army engages the Taliban with artillery and air power indicates that the Pakistani military still lacks the capability and doctrine for successful counterinsurgency operations. Until that changes, U.S. drone operations will likely continue in Pakistan for the foreseeable future because building the capacity for robust counterinsurgency operations takes years, as the U.S. military found to its cost in Iraq. In the meantime, the civilized world can take solace in the fact that Abu Khabab and some of his peers are no longer with us.

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