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DRONE STRIKES

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JCSP 41

Exercise Solo Flight

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EXERCISE *SOLO FLIGHT* – EXERCICE *SOLO FLIGHT*

DRONE STRIKES

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DRONE STRIKES

“The problem with the Americans is that the only instrument up their sleeve is the hammer, and they see everything as a nail.”

– Anonymous American official quoted in the Guardian¹

INTRODUCTION

The global war on terror started within minutes after 9/11 wherein the US national media immediately reported with “War on America²”. The grief initially turned to anger and then, immediately to resolve. Three days after the 9/11 attacks, Congress voted to authorize the President to use all “necessary and appropriate force” against all elements whom he determined, planned, authorized, committed or aided” the attacks, or who harboured the terrorist persons or groups³. Within a week, the Authorization for Use of Military Force (AMUF) was signed and enacted a law and war on Afghanistan quickly followed. The ensuing battle rapidly spread into neighbouring tribal regions of Pakistan. In these rugged tribal areas, not only was the terrain extremely rugged and difficult, but the enemy was also indeterminate.

The negative impact of war casualties which US had learnt from Vietnam war, and high bar set by negligible casualties suffered during the first Gulf war had bearing on evolution of American way of war. Use of unmanned aerial systems in modern fighting against terrorism during Clinton’s era was a precedent. By ordering cruise missiles strikes during his term of office against Sudan and Afghanistan, he demonstrated preference of

¹ Brian Glyn Williams, *Predators : The CIA’s Drone War on Al Qaeda* (Potomac books, Washington D.C. USA, 2013),205.

² Douglas Kellner, *The Media In and After 9/11*(International Journal of Communication 1/2007, Creative Commons, LA, 2007),126.

³ Lloyd C.Gardner, *Killing Machine : The American Presidency in the Age of Drone Warfare* (The New Press, USA. 2013),1.

unmanned systems over foot soldiers⁴. Restrained by domestic political considerations, use of unmanned aerial vehicles aided with sophisticated intelligence and surveillance means emerged as an easy and readily available alternate to human life in rugged tribal areas of Afghanistan and Pakistan. This was the start point of use of drones in the ongoing war on terror.

The first drone attack inside Pakistan territory was reportedly conducted in 2004 and according to Bureau of Investigative Journalism (BIJ) approximately 381 drone attacks have at least been conducted in the country thus far⁵. Initially thought to be of great help, they later raised serious questions on the efficacy of war effort. Aim of this paper is to analyze the usefulness of drone strikes in ongoing war on terror in Pakistan during last decade (2004 – 2014). The paper would argue that use of drones has caused more harm to American interests at strategic level despite gaining tactical victories.

USEFULNESS OF DRONES

The major argument for drones in Pakistan during war on terror is that they carry out targeted surgical strikes against High Value Targets (HVTs), which is essential in breaking the backbone of Taliban leadership. The use of unmanned aerial target has pushed the terrorists out of their sanctuaries. It simply saves civilian lives by making it nearly impossible for them to plan terror attacks, “when they themselves are being terrorized⁶.” Those slaughtered terrorists would otherwise have played havoc with their ability to target civilians in major urban centres of the world. The exact measure of

⁴ *Ibid.*,129.

⁵ Bureau of Investigative Journalism, *October 2014 Update on the Covert War*
<http://www.thebureauinvestigates.com/2014/11/03/october-2014-update-us-covert-actions-in-pakistan-yemen-and-somalia/>

⁶ Brian Glyn Williams, *Predators : The CIA's Drone War on Al Qaeda* (Potomac books, Washington D.C. USA, 2013),170.

civilian lives saved from these drone strikes cannot be measured and therefore cannot be put on table with credibility, but analogies can certainly be drawn. Had the FATA-trained Faisal Shehzad been successfully able to set off his bomb in Times Square New York, or Taliban leaders like Bait Ullah Mehsud or Qari Hussain (who have been killed in precise strikes) still alive and bombing schools and markets in Pakistan, the cost of innocent civilians in the war would definitely have been much higher. Resultantly, many of anti-drone voices could have been muted, one may argue.

Additionally, the drone strikes have made Taliban leadership ineffective as they cannot undertake simple tasks such as drive in convoys or communicate using mobile devices, thereby restricting them only to rely on human messengers⁷. Drones have instilled fear in them and it is now increasingly harder for Taliban leadership to move, plot, communicate, train and attack. The terrorists are bound to keep their information strictly on “need to know” basis and even senior leaders don’t know precise location of regional commanders. Deliberate planning is much redundant due to extremely careful handling of information and virtually “nothing is planned in advance in order to avoid leaks⁸”. The overwhelming need to retain utmost secrecy has negatively affected the quality of Taliban’s planning and operations. Moreover, as a result of effective targeting of large number of Taliban leadership, younger and inexperienced operatives are filling leadership positions quickly, thereby reducing the effectiveness of organization as a whole. The results of drone warfare demonstrated against Taliban organization and leadership on the battle field, exemplify tactical victories for drone warfare.

⁷ *Ibid.*,177.

⁸ *Ibid.*

HARM CAUSED BY DRONES

Loss of Civilian Life

The overriding argument against drone warfare is the unintended loss of civilian life. Even though accurate military intelligence is being used before employing drones against specific military targets, it still does not resolve the problem of loss of innocent lives. The issue is much more complex. First, having accurate intelligence picture does not guarantee the understanding of events on ground. A satellite imagery of known terrorists accompanied by couple of “military aged men” carrying weapons may appear a legitimate target but may not actually be. To avoid collateral damage, there has to be good degree of understanding of tribal culture wherein every tribal male carries a weapon. Moreover, the pashtunwali code honours the centuries old tradition of granting shelter (or asylum) to any outsider who seeks assistance. This most valued tradition has stood the test of time and multiple wars over centuries. Simply put in words of a tribal, “It is the way of the Pathans. We have melmestia, being a good host, nanawatai, giving asylum, and badal, vengeance. We live by these things⁹.” Even though, tribal elders have been educated that this specific tradition does not fit into larger problem solving picture against the war on terror, it would still be illogical to assume that this tradition would go away in just a decade. Maybe a better picture would develop when the newer generation takes over the decision making tribal eldership in at least another decade.

The immediate rebuttal on American behalf usually is that the reports of loss of human lives are exaggerated. There certainly is a conflict in reports of loss of civilian life

⁹ Leonard Schonberg, *Morgen's War*, (Sunstone Publisher, 2005), 218

in drone attacks, a fact admitted by President Obama himself¹⁰. New America Foundation claims a loss of 152-191 civilians (along with 130-268 unknown deaths) have been suffered in a total of 1584-2716 militants being killed. The Long War Journal which has put larger weight of its research work on the word of mouth of “unnamed US intelligence officials” claims civilian loss at 138. Interestingly it does not give any details on the deaths of militants, with the exception of very few HVTs. The BIJ reports the loss of 474-881 civilians out of a total of 2562-3325 deaths. Ironically in BIJ's report, the unaccounted “others” turn out to be 2269 – a huge number¹¹.

Multiple factors could explain huge discrepancy in loss of civilian life. Other than under-reporting and non-reporting¹², there is now a revised definition of “civilian” adopted by US government to count casualties. According to this definition, all military aged males in the combat zone are considered combatants unless there is explicit evidence which posthumously proves them innocent civilians¹³. Ironically there is no one to release the names of those killed, let alone the idea of posthumously providing explicit evidence. In fact US government has classified all details of drone attack programs and is yet to provide any definite toll, either on number of strikes or on loss of human lives¹⁴. An independent research comparing deaths of known HVTs against reported killings by BIJ comes out to be only 1.6% as HVTs out of total deaths¹⁵. (By the same report, 76.3%

¹⁰ President Obama address to National Defence University, Washington D.C.
<https://www.youtube.com/watch?v=sk7fD5umakg>

¹¹ Stanford Law School Report, *Living under drones : Death, injury and trauma to civilians from US drone practices in Pakistan* (Sep 2012),45-46.

¹² *Ibid.*,41.

¹³ Bureau of Investigative Journalism report, *Obama embraced redefinition of civilians in drone wars* (May 29, 2012). Also, *All military aged males in strike zone are considered guilty*; see <https://www.youtube.com/watch?v=L9Trh8iwNt8>

¹⁴ Michael J. Boyle, *The costs and consequences of drone warfare* (The Royal Institute of International Affairs, 2013)

¹⁵ <http://drones.pitchinteractive.com/>

are unaccounted deaths, 16.7% are civilians and 5.4% of the total deaths are children). The huge discrepancy in reports and large number of unaccounted deaths signify a very sorry state of affairs, which raises grave concerns over collateral damage resulted due to the loss of civilian life.

As a result majority of Pakistanis think that distrusted Americans are carrying out a campaign of extrajudicial execution of their countrymen in a unilateral hunt for anti-American terrorists¹⁶. The prevalent Pakistani belief that majority of those who are being executed by drones are civilians only deepens American distrust¹⁷. PEW research group found that nearly all (93%) of those familiar with the strikes say they are a bad thing¹⁸. Nine out of ten Pakistanis (90%) think that they kill too many innocent people¹⁹ - an alarming figure that rose to 97% in 2011²⁰.

Even if we agree that civilian casualties are “exaggerated” as claimed by US government and that drone strikes are a tactically effective weapon against militant ranks, the bitter fact is that America is clearly losing the war in information and psychological domain. The anti-drone voices in Pakistan are getting louder, irrespective of being factually correct or not. The loss of civilian life, however small, is causing severe damage to American interests, which supersedes the tactical gains from killing hundreds of Al-Qaeda and Taliban operatives. Strategic cost of drone campaign is sharp rise in anti-American rallies and frequent desecration and burning of American flags. In words of

¹⁶ Brian Glyn Williams, *Predators : The CIA's Drone War on Al Qaeda* (Potomac books, Washington D.C. USA, 2013),205.

¹⁷ *Ibid.*,206.

¹⁸ PEW Research Global Attitudes Project, *Concern about Extremist Threat Slips in Pakistan* (Washington D.C. PEW Research Centre, July 29, 2010)

¹⁹ PEW Research center, *Pakistani Public Opinion Ever more critical of US* (PEW Research Centre 2/2012), Available at <http://www.pewglobal.org/2012/06/27/pakistani-public-opinion-ever-more-critical-of-u-s/>

²⁰ Declan Walsh, *US extends drone strikes to Somalia*, Guardian, June 30, 2011.

former US Director of National Intelligence, Dennis Blair, drone campaign plays well on domestic front due to its low human cost and is therefore politically very advantageous thing to do, but is highly unpopular in target countries and would therefore damage long term American national interests²¹. It therefore becomes clear that if objective of war is the elimination of Taliban, the drones may be effective, but if the final objective is security of American national interest worldwide, then drones are not a pretty effective weapon.

Cause of Extremism, Rather than the Cure

This section would try to determine how effective the use of drones has been in elimination of Taliban and extremism. It would argue that drones have caused a rise of extremism as an unfortunate by-product²². Local tribal people in drone hit areas hardly knew America before 2004 and now drone – the ambassador of death – is their only direct contact with USA. It makes them extremely vulnerable to rise up against America. Killing one terrorist (causing civilian and or unknown deaths) inadvertently produces many others extremists. The silent support for extremism builds up and the drones help recruiting new extremists to replenish the dead ones. In fact a relationship was found to exist between drone strikes and terrorist attacks from 2004-9. A study by Middle East Policy Council identified that “drone strikes provide motivation for retaliation and there is a substantive relationship between increasing number of drone strikes and increasing number of retaliation attacks²³”. FATA trained Faisal Shehzad, who tried to

²¹ Bureau of Investigative Journalism report, “Obama embraced redefinition of civilians in drone wars”, May 29 2012.

²² Stanford Law School Report, *Living under drones : Death, injury and trauma to civilians from US drone practices in Pakistan* (Sep 2012),133-6.

²³ Leila Hudson, Colin S. Owens & Matt Flannes, *Drone Warfare: Blowback from the New American Way of War* (Middle East Policy Council),122-126. Available at <http://www.mepc.org/journal/middle-east-policy-archives/drone-warfare-blowback-new-american-way-war>

unsuccessfully bomb Times Square, was a byproduct of drones itself. During his trial, he was questioned by judge whether he considers the people he was about to kill as innocent? Shehzad only replied that they had elected US government. When asked again specifically about children, he replied, “When drones hit they don’t see children. I am therefore part of the answer to the US killings.²⁴” Shehzad was from tribal region which had been under CIA drone attacks and had known people who were killed in these strikes²⁵. He had also declared his aspiration to retaliate for “those innocent people being hit by drones from above²⁶.” Similar views are shared by locals of Waziristan as well. A native tribesman expressed his opinion that a lot of people who previously did not support the Taliban are now joining their ranks and they “support them [Taliban] now because the Americans are killing innocent people²⁷”. By joining Taliban, they at least can avert one danger to themselves – threat from Taliban. In words of Gen Stanley McChrystal, “we should not be upset when someone responds with their equivalent, which is a suicide bomb in Central Park, because that’s what they can respond with.²⁸”

Another research by Institute for the Study of Labour (IZA) concludes that there is a negative impact in first and second weeks after a drone strike in Pakistan, if the number of terrorist attacks by Taliban is being examined²⁹. Taliban, who consider themselves wronged by CIA and Pakistan Army also increase their attacks by labelling

²⁴ Brian Glyn Williams, *Predators : The CIA’s Drone War on Al Qaeda* (Potomac books, Washington D.C. USA, 2013),127.

²⁵ *Ibid.*,126.

²⁶ William Dalrymple, “*Why are the Taliban Winning in Afghanistan*”, New Statesman, June 22 2010.

²⁷ Brian Glyn Williams, *Predators : The CIA’s Drone War on Al Qaeda* (Potomac books, Washington D.C. USA, 2013),216.

²⁸ McChrystal on drones: 'a covert fix for a complex problem' Politico. 15 Feb 2013. <http://www.politico.com/blogs/media/2013/02/mcchrystal-on-drones-a-covert-fix-for-a-complex-problem-157126.html>.

²⁹ David A. Jaeger and Zahra Siddique. *Are Drone Strikes Effective in Afghanistan and Pakistan* (IZA DP No. 6262, December 2011, Bonn Germany),2.

Pakistan Army as a stooge of American interests, a very popular narrative in tribal region. Director General Public Relations of Pakistan Army, Major General Athar Abbas mentioned that while US Army may have achieved tactical gains but in the process have contributed negatively to Pakistan's struggle to fight extremism against Taliban. He also mentioned that success of Pakistan Army lies with public support and for that we should take into account the influences and perceptions which the public carries³⁰. The problem of different approaches by different two major players (CIA and Pakistan Army) is negatively affecting the fight against extremism by being cause of extremism itself, rather than the remedy.

The American usual counter argument focuses on the need to educate Pakistani public regarding the positives and urgency of drones. It emphasizes an effective IO campaign highlighting the need to continue drone program – despite the costs – so as to expel militancy from the region. Unfortunately, the idea does not sell much. The public presumes that drones are not a strategic necessity and is part of unilateral hunt against those targets which America considers a threat. When a diplomatic row between Pakistan and USA emerged in Jan 2011, wherein an American diplomat Raymond Davis was caught in Pakistan for espionage and surveillance activities, the drone program came to a halt. Despite a drone strike every third day, the longest pause in drone strikes was observed during this period, only to begin the very next day after his release i.e. 17 March 2011. The event was taken very negatively by Pakistani public making it clear that drones are not as urgent when compared to life of one American³¹.

³⁰ Brian Glyn Williams, *Predators : The CIA's Drone War on Al Qaeda* (Potomac books, Washington D.C. USA, 2013),210.

³¹ *Ibid.*,124.

Illegal and Immoral

Another argument against drones, being harmful to American national interest and values is on the grounds of moral and legal question. The morality argument comes from the fact that there is no such thing as an acceptable number of civilians being targets for any war for whatever reason, to any nation. Even one innocent child is too many. Civilians at one place may not be sacrificed for civilians at another place to survive, which is shameless manifestation of selective sense of morality. The legal basis comes from the fact that it is against sovereignty of a state and anarchic to international laws for one state to pursue targets in another state, whom it considers harmful to its national interests. While tacit approval was provided to US government to conduct drone strikes at the beginning of drone operation by Pakistani President for one strike only³², the permission was explicitly withdrawn at behest of public outcry against civilian casualties. Senator Raza Rabbani, Chairman of Pakistani Parliamentary Committee on National Security, said that in order to protect the nation's sovereignty and territorial integrity, US military must stop drone strikes³³. Pakistani government had to repeatedly clarify it publicly in response to angry and violent demonstrations from public. Concerned US officials had been summoned in Pakistani Ministry of Foreign Affairs officially to convey that drones are unlawful, against international law and are gross violation and disregard of human values³⁴. Pakistani parliament also categorically termed them unacceptable to

³² Express Tribune, “*Only gave permission for one drone strike : Musharraf*” The Express Tribune on 25 Nov 2014. <http://tribune.com.pk/story/796953/only-gave-permission-for-one-drone-strike-musharraf/>

³³ BBC News, *US admits mistakes over killings of Pakistan troops*, 22 Dec 2011. As quoted in Stuart Casey-Maslen, *The War Report : 2012* (Oxford university press, United Kingdom, 2013),229.

³⁴ BBC News, *Pakistan summons US envoy over drone strikes*, 5 June 2012. Available at <http://www.bbc.com/news/world-asia-18331827>

Pakistani people by unanimously voting against drone strikes³⁵. The American counter argument usually is that drones do not defy Pakistani national sovereignty – Talibans do. Drones help regain sovereignty by killing Taliban. The fact on the other hand, is that Taliban never were against Pakistan Army or public in the first place ever since 1947. In fact there were no security issue or suicide bombings in Pakistan before 9/11. It is only after American intervention that the question of sovereignty has emerged. Therefore, stopping American intervention should automatically silence Taliban.

From a legal military standpoint, drones defy rule of proportionality and caution, which must be respected in any law of armed conflict. It is certainly ambiguous to assess measure of proportionality for legitimate military target, but according of rule 14 of 2005 study of International Committee of Red Cross on International humanitarian law, “an attack which may be expected to cause incidental loss of civilian life, injury or damage to civilians” falls under violation of law of proportionality³⁶. Consider example of hunting Taliban leader Baitullah Mehsud, wherein CIA killed a mid-ranking Taliban leader Khwaz Wali Mehsud and plotted to “use his body as bait” to locate and kill Baitullah Mehsud, as it was almost sure that he would not miss the funeral. The funeral was attended by five thousand people, which included not only Taliban fighters but also many civilians including his relatives, local tribal elders and children. The drone strike killed 83 people, 45 of them were civilians which included ten children and four tribal elders. The prime target however escaped unharmed³⁷. Such like incidents are enough to raise serious

³⁵ Global Research, *Obama's 2012 Pakistan Drone Strikes*, 4 Sep 2012. Available at <http://www.globalresearch.ca/obamas-2012-pakistan-drone-strikes/5303227>

³⁶ Jean-Marrie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law* (vol 1: Rules, ICRC, Cambridge University Press, Cambridge, 2005)

³⁷ Stuart Casey-Maslen, *The War Report : 2012* (Oxford university press, United Kingdom, 2013),234.

questions about the respect for use of proportionate and discriminate force in drone warfare.

Another frequent US legal counter argument has been : The drone strikes are an exercise in self defence³⁸. US officials have insisted that their government has a legitimate right to pursue and assassinate anyone, anywhere in the world, whom they believe to be threat to America, without the need to be at war with the opposing state and without the need to present evidence. In fact, US government according to Los Angeles Times report does not even know the identities of a lot of those whom it is slaughtering³⁹. However, as per law of the land (Pakistan), it is considered illegal. Internationally, had it been legal or moral, it would have right for another state to do the same inside United States. Just to draw an analogy, how legal or moral would Chinese attempt to send a missile drone in Manhattan to kill ethnic Uighur activist would appear⁴⁰? Or, Russian attempt to assassinate known Cuban American terrorist Luis Posada Carrilles, living in Miami.⁴¹ What if Cuba seeks Russian assistance to carry out a hot pursuit operation to kill Posada Carrilles in Florida? By no standards, it can be declared as moral or legal.

CONCLUSION

War is never an end in itself but a means to achieve political goals. The US prime goal in the war against terror is to secure its own national interest and safeguard the security of its citizens. In doing so, eliminating current Taliban leadership emerges as an intermediate means to achieve the goal of security of its citizens. By employing drone

³⁸ Medea Benjamin, *Drone Warfare : Killing by Remote Control* (OR Books New York, 2012),128.

³⁹ *Ibid.*,129.

⁴⁰ *Ibid.*,145.

⁴¹ Posada has been convicted of masterminding 1976 bombing of a Cuban airliner that killed 73 people and has openly admitted of carrying out acts of terrorism with the explicit intent of overthrowing Cuban government including fatal use of force multiple times, including an attempt to kill Fidel Castro. *Ibid.*,145.

warfare in Pakistan, US has killed countless civilians which have increased anti American sentiment in Pakistan. Even though it has made Taliban ineffective to great extent but in the process has made American people more vulnerable. There is a phenomenal rise in radicalization of the society, wherein a lot of people have actually felt motivated to join Taliban ranks. Moreover, by being illegal and immoral, the drone program raises questions on spread of democracy and freedom - fundamental American values. In addition there is no mention or research on stress disorders amongst locals, property damage or economic impact of drones and the loss of public trust on American nation and values, which all have not only undermined the US credibility in the region once again after the Afghan war, but have also set dangerous precedents in the world idealized by democratic values. The situation clearly indicates that drones despite being tactical success, are a strategic blunder for United States in overall objectives of securing their own interests.

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