

Understanding The Drone Campaign in FATA, Pakistan

An investigation of Pre-emptive and Preventive warfare

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Abstract

The purpose of this thesis was to investigate the difference between Pre-emptive and the Preventive use of force in a low-intensity conflict to which the drone campaign is a critical part of. Northern Pakistan has borne the brunt of the U.S. led drone campaign, and the Obama administration has exponentially increased the number of strikes that continues to target armed non-state entities in the tribal areas. The study employed the Just War theory and the New War thesis in order to explore the differences between the two doctrines. To fully understand the uses of force, the study does also examine the drone campaigns driving factors. The research revealed that the U.S. has reinterpreted a variety of International treaties on the use of self-defence. The official U.S. government memorandum, the 'White-Paper', views Pakistan as either 'unable or unwilling' to suppress the threats that emanate from the tribal areas. Moreover, the drones that target Tehrik-I-Taliban Pakistan conform to the Pre-emptive use of force and are based on 'incontrovertible' evidence such as the history of attacks and operational leadership. The reinterpretation of the magnitude and the gravity of the threat have rendered the threats of an armed non-state entity to remain instant and overwhelming. **Keywords: New Wars, Drones, FATA, Pakistan, TTP, Just-War, Pre-emptive, Al-Qaeda.**

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List of Abbreviations

AQ	Al-Qaida
AQAP	Al-Qaida in the Arabian Peninsula
CIA	Central Intelligence Agency
DOJ	Department of Justice
DOD	Department of Defence
ETIM	East Turkestan Islamic Movement
FATA	Federally Administered Tribal Areas
FCR	Frontier Crimes Regulation
GC	Geneva Convention
IMU	Islamic Movement of Uzbekistan
ICRC	International Committee of The Red Cross
JWT	Just War Theory
NWT	New War Thesis
NATO	North Atlantic Treaty Organization
NSS	National Security Strategies
TTP	Tehrik-I-Taliban Pakistan
PA	Political Agent
UAV	Unmanned Aerial Vehicle
WOT	War on Terror

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1. Introduction & Background to the Study: FATA and The Drone Campaign

The Federally Administered Tribal Areas (FATA) account for 3.4 % of Pakistan's landmass and they lay adjacent to the Durand line, a contentious border that separates Pakistan from Afghanistan¹. FATA is divided into seven tribal agencies and they have remained semi-politically autonomous. The agencies are sparsely populated and they bear no political weight, a lack of governmental influence has generated socio-economic challenges that have been compounded by the gradual proliferation of armed non-state entities that have found a sanctuary in the tribal areas². The Tehrik-e-Taliban Pakistan, a militant network with ties to Al Qaeda, has since the last decade spearheaded a violent insurgency against the state of Pakistan. Since 2008, the Obama administration has answered the threat of these non-state entities with surgical strikes. Drone strikes offer devastating consequences and surgical interventions come without running the risks of deploying boots on the ground³. However, ample evidence indicates that drone strikes have caused the deaths of innocent civilians and they have continuously violated the territorial sovereignty of Pakistan⁴. The Obama administration justifies the presence of drones as a result of the federal state's inability to quell the threat and activity of TTP and AQ. Previous academic inquiries have examined the drone campaigns legal and civilian implications; a great amount of attention has also been directed towards Pakistan in the wake of security related events⁵. I, on the other hand, intend to analyze the differences between the Pre-emptive and Preventive use of force, and I attempt to identify the doctrine that accompanies with the drone campaign in Pakistan. Furthermore, I would also progress the research if I were to outline the factors that drive the drone campaign in FATA⁶. Indeed, ever since the region assumed international and

¹ Rahi, Arwin. (2014) "Why the Durand Line matters. It is time for Kabul to accept the legality of the border." The Diplomat.

² Nawaz, Shuja, et al. (2009) Pakistan – Consequences of deteriorating security in Afghanistan. FOI

³ Leonard, Mark. (2016) Connectivity Wars: Weaponizing Interdependence. The International Relations and Security Network

⁴ "Drone strikes aggravate the local population and lead to spikes of extremism" For more, see O'Connell, Mary. (2010) Unlawful Killing with Combat Drones - A Case Study of Pakistan, 2004-2009. University of Notre Dame The Law School: P.19

⁵ Nawaz, Shuja, et al. (2009) Pakistan – Consequences of Deteriorating Security in Afghanistan FOI: P. 25

⁶ This title was supported by statistical observations that analyzed terror-related incidents from 2007 to 2013. For more, see Zahid, Farhan. (2015) "The Successes and Failures of Pakistan's Operation Zarb-e-Azb." Terrorism Monitor Volume 13 Issue: 14. The Jamestown Foundation

scholarly significance, it would be fruitful to analyse the conditions that have transformed FATA into the epicentre for militancy and drone attacks⁷.

1.1 The Aim and Purpose of Study

The present study is inspired by the remarks of Karl Deutsch, who in the introduction to Quincy Wright's study of war, wrote: "war, to be abolished, must be understood. To be understood, it must be studied⁸." In order to understand and discern the differences in the use of force during the U.S. led drone campaign in FATA; the primary aim of this thesis is to examine the underlying differences between the Pre-emptive and Preventive use of force. Two theories contribute to the current study; the *Just War Theory* (JWT) examines the ways and the methods that initiate and govern warfare. Its theoretical insights enhance this study's understanding of the Pre-emptive and Preventive use of force, and how they are discernable in FATA. With regards to the current context, the increased levels of strikes that target armed non-state entities can either rely on a Pre-emptive or a Preventive use of force⁹. Secondly, the *New War Thesis* (NWT) has deepened this study's understanding of why armed non-state entities ought to receive theoretical credence; it has enabled the research to analyze the transformative shifts that have altered the terrain of modern conflicts. The NWT replaces state-centric assessments with a '*clash of conflicting identities*'; it includes religion and tribalism as the primary variables during '*New Wars*'. The NWT states the necessity of incorporating such narratives during the analysis of intra-state conflicts. It encroaches on my area of study as it examines the significant rise of modern conflicts, and *why* and *how* they occur inside a state's territory. It could outline the factors that drive the drone campaign¹⁰. Since the Obama administration's term is coming to its end, it would be significant to analyze one of its most criticized foreign policy instruments, namely the use of drones in Pakistan and the factors that drive it¹¹.

⁷ The depth of radicalization remains driven by the political agents inability to ensure its citizens basic necessities and protection; the latter is eroded by the absence of effective governance which non-state actors benefit from. For more, see Wilkens, Ann. (2011) *Suicide Bombers and Society - A Study on Suicide Bombers in Afghanistan and Pakistan*. FOI P.13

⁸ Deutsch, Karl W. (1965) "Introduction", in Quincy Wright, *A Study of War*, 2nd Edition. Chicago: University of Chicago Press P.2

¹⁰ Groll, Elias & Dreazen, Yochi. (2015) *Botched U.S. strike highlights risks of Obama's drone war*. Foreign policy: foreignpolicy.com/2015/04/23/botched_us_drone_strike_kills_two_western_hostages/

¹¹ Coll. (2015) *Warren Weinstein and the Long Drone War*. The New Yorker

1.2 Research Questions

In light of the foregoing purpose, this research aims to answer the following questions:

- What are the prevailing differences between the Pre-emptive and Preventive use of force and to what extent can such differences impact on internal conflicts?

The following sub-questions will support the overarching research question

- Which particular doctrine has accompanied the US-led drone campaign in Pakistan?
- What are the drone campaign's main driving factors?

2. Methodological Preferences: The Case Study Research Design

The following chapter will outline why the research was designed the way it was. This study was executed through a case study research design, which is the *'investigation of an issue examined through one or multiple cases, within a limited setting or context'*¹². The study's exploratory nature is demonstrated as the research questions begin with a *'what'*. The research analyses a contemporary phenomenon, namely the drone campaign, which has remained within a *'real-life'* context. Moreover, this is also one of the advantages of the case study design. Similarly, exploratory case studies are also complemented by a *'descriptive'* case study design¹³. Indeed, I seek to understand and describe the differences between Pre-emptive and the Preventive use of force, and how they have impacted on internal conflicts. I also intend to describe the drone campaigns driving factors. It is imperative to note that case studies are fruitful to pursue when one seeks to contribute to the better understanding of a certain *'political phenomenon'*. Lastly, the research design has been an advantageous choice for the variety of topics that are covered by Political Science. Case studies are particularly favored during a context that deals with a *'full variety of material'* ranging from books to academic articles¹⁴.

¹² Creswell, J.W. 2007. *Qualitative Inquiry and Research Design. Choosing Among Five Approaches*. London/New Delhi: Sage Publications. P.73

¹³ Yin, Robert. (2003) *Case Study Research- Design and Methods*. Second edition. Applied Social Research Methods Series Volume. Sage Publications. 5. P.1

¹⁴ Yin, Robert. (2003) *Case Study Research- Design and Methods*. Second edition. Applied Social Research Methods Series Volume. Sage Publications. 5. P.8

2.1 Selected Material

One of the greater strengths of the aforementioned design lies in its ability to deal with a variety of evidence. With regards to this particular study, they include documents; textbooks; academic articles and speeches¹⁵. This thesis is predominantly built as a document-based study wherein I investigate a single phenomenon by delving into the multitude of empirical evidence. Most importantly, I have based my study on empirical evidence that concern the drone campaign in FATA. The material is drawn from think-thanks, academic books and online journals such as '*Foreign Affairs*' or '*Foreign policy*' that have not only analyzed the drone campaign, but also similar violent conflicts that have occurred within a state's territory. There is a difficulty in securing primary sources on the drone campaign. Therefore, this study will concentrate solely on a majority of secondary sources, and for the sake of reliability, I intend to compare and cross-check primary facts with a variety of comparable secondary sources. The preceding selection is complemented by official government material; memoranda's, speeches and interviews, and they are primary sources that were '*recorded at the time of the event*'¹⁶. Further, interviews have the ability to complement and clarify the understanding of official documents such as the National Security Strategy, which is the official document that outlines the current administration's foreign policy objectives. Furthermore, I will utilize on assessments by media agencies such as *The Guardian* or *Al-Jazeera*. Secondary sources are viewed differently, they base their analysis on the foundations that are built by primary sources, and they are based a '*few steps away*' from the actual event. They can analyze the area under study out of the scopes of their own interpretation. As such, I consider journals, articles, and books from think-thanks as secondary sources¹⁷. With regards to the opaque nature of the drone campaign and its status as a sensitive topic, this study is pursued with the understanding that both secondary and primary sources may remain altered by the preconceptions of the values

¹⁵ Yin, Robert. (1994) Case Study Research – Design and Methods (2nd edition) Sage Publications

¹⁶ Michigan State University (2016) Political Science / Public Policy Resources

¹⁷ Barnidge, Robert Jr. (2012) A Qualified Defense of American Drone Attacks in Northwest Pakistan under International Humanitarian Law. Boston University International Law Journal: VOL 30:409

and the environment that surrounds the author¹⁸.

2.2 Qualitative Text Analysis

By adopting a qualitative text analysis, I view certain text passages far more thoroughly than other parts of the text. This selected methodology has guided this research through the extensive analysis of a variety of documents, and it asserts that the researcher should throughout the course of reading, direct questions to the text itself. According to Esaisasson (2010), there are two vital questions that a researcher must bear in mind as they allow the author to be aware of the text and its value for answering the research question(s)¹⁹.

1. What is the objective of the text?
2. Is the objective supported by the text?

The text analysis has enabled the research to capture viable information that is crucial for progressing the current study²⁰. Lastly, I intend to adopt a systematic approach wherein I clarify the thought structure of important actors; this approach has enabled the essential parts of the text to be brought to light²¹.

¹⁸ Princeton University (2015) What is a Primary Source: Available at: www.princeton.edu/~refdesk/primary2.html

¹⁹ Esaisasson, Peter, Giljam, Mikael, Oscarsson, Henrik, Wägnerud, Lena: Metodpraktikan: Konsten att studera samhälle, individ och marknad Nordstedt juridik: Stockholm 2010 PP. 233-253

²⁰ Esaisasson, Peter, Giljam, Mikael, Oscarsson, Henrik, Wägnerud, Lena: Metodpraktikan: Konsten att studera samhälle, individ och marknad Nordstedt juridik: Stockholm 2010 PP. 233-253

²¹ Esaisasson, Peter, Giljam, Mikael, Oscarsson, Henrik, Wägnerud, Lena: Metodpraktikan: Konsten att studera samhälle, individ och marknad Nordstedt juridik: Stockholm 2010 PP. 233-253

2.3 Motivations and Limitations

Understanding the operational ability of an internationally oriented armed non-state entity, and the methods of countering it are important in order to understand how the “*war on terror*” has developed inside Pakistan. Long before the Syrian civil war, FATA was often considered the primary theater for international and regional terrorist plots. It did also belong to one of the few areas in the world in where armed non-state entities had grown so powerful. The traditional theories of international relation’s school of thought have proved to be insufficient to apply on the current context, they fail to shed light on ‘contextual identity’ and ‘socially constructed dynamics’²², which also touch on collective constitutions of ‘subjects and objects’²³. Hitherto research on the drone campaign in Pakistan has emphasized on the legal, security and political implications of targeting armed non-state entities with surgical strikes. By writing this thesis, I aim to provide an alternative insight and knowledge on the separations between the Preventive and Pre-emptive doctrine, and on the factors that drive the drone campaign. As such, this case study delimits itself to the primary analysis on the differences of the use of force, which is highlighted in the examination of the Obama administration’s drone campaign that took place in FATA during the years 2008-2014. The theoretical assistance is granted with the JWT and the NWT, they have the ability to explain the differences between the use of force and the factors that allow TTP and its foreign associates to hold ground in FATA. The development of the militancy in northern Pakistan affects the security developments in Afghanistan. The drone campaign continues to be of a particular interest for the European States, most notably Sweden, who has contributed to the multilateral mission in Afghanistan, which in turn is directly affected by the activities of armed non-state actors in FATA²⁴. Moreover, the distressing

²² Pervez, M. (2013) *Security community in South Asia: India-Pakistan*. Abingdon: Routledge.

²³ Shafique, A. (2011) *The Case for Constructivism in Analyzing the India-Pakistan Conflict* E-international students.

²⁴ Nawaz, Shuja. Et Al. (2009) *Pakistan – Consequences of Deteriorating Security in Afghanistan* FOI P. 25-33

implications of the selected drone campaign have also served various militant networks the ideal recruitment narrative; this has further fuelled militancy in the Middle-East & South Asia²⁵. My research does also progress analytical generalization, which is the inquiry that *'strives to generalize a particular set of results to some broader theory'*²⁶. Therefore, the current analysis will help to determine whether the findings can explain the realities in other areas that have also been targeted by drones.

2.4. Structure of Study

The structure of this thesis begins with Chapter one, which introduces the study, the research questions and the underlying motivations for examining the drone campaign in FATA. The chapter does also highlight the importance of discerning the differences between Pre-emptive and Preventive force. Chapter two elaborates on the study's methodological preferences, and why and how they suit the current research. Chapter three introduce the study's theoretical point of departures and how they make inroads into my selected area of concern. It is here that I explore the New War Thesis, which presents its analysis on modern forms of conflict. Thereafter, the Just War Theory explores Pre-emptive and the Preventive use of force, which sets the stage for the ensuing analysis of the U.S. led drone campaign in FATA. Chapter four examines how the two theories and the use of force are distinguished and applicable in FATA. This is complemented with empirical facts that enable the research to address the initial primary of purpose, and ultimately, the research questions in a greater detail. Chapter five summarizes the study and presents findings that propose additional research on areas of a comparable concern.

2.5. Ethical Considerations

The research is marked by the absence of interviews and field studies. I have not had the opportunity to pursue the recommended ethical guidelines by the Swedish Research Council. Instead, I have compiled a document-based case study with the methodological assistance of a text-analysis. However, a great deal of emphasis has been directed

²⁵ Zahid, Farhan. (2015) TTP Evolve under Pressure. Terrorism Monitor Volume 13 Issue: 20 Jamestown.

²⁶ Yin, Robert. (1994) Case Study Research – Design and Methods. 2nd edition. Sage publications P.36

towards ensuring a correct style of quotation and citation; this is done in order to correctly represent the empirical and theoretical material.

3. Theoretical Framework Introducing the New War Thesis

A substantial body of research on the Cold War exhibits a general agreement: the end of the Cold War transformed the shape of warfare and the following chapters will provide both theoretical and empirical assistance to this claim. The research outlines theoretical viewpoints that suggest that the intensity of inter-state conflict, or wars between states, have changed and been replaced by intra-state wars, wars that occur inside states. Intra-state wars appear to occur far more frequently and they result in unprecedented levels of collateral damages, which consequently lead to civilian displacement²⁷. The fall of the wall generated shifts that ultimately transformed ‘*old wars*’ into ‘*new wars*.’ These shifts have the ability to decrease a state’s capacity to exert influence inside its territory and they have led to the ‘privatization of violence’, which in the ‘new’ setting incorporates a ‘myriad of transnational actors’²⁸. Against this background, the analysis of conflict ought not to be confined to normative restrictions that only analyze armed encounters between two or several states²⁹. The NWT suggest that armed non-state entities are able to mobilize around tribal and religious narratives, which includes religious; ethnic and tribal affiliations that this thesis regard as primary analytical factors that are salient during the analysis of ‘*newer*’ forms of conflict³⁰. The research does not view the NWT as an empirical description of the contemporary forms of conflict, but as an ideal type that advances the theory’s contention that there are outdated assumptions on the assessments of modern conflict, and the need for a new approach has remained imperative³¹. With that being said, I am able to further the

²⁷ Sarkees et al. “Inter-State, Intra-State, and Extra-State Wars: A Comprehensive Look at Their Distribution over Time, 1816–1997”, op. cit., p. 65.

²⁸ Nils Petter Gleditsch, Peter Wallensteen, Mikael Eriksson, Margareta Sollenberg, and Havard Strand. “Armed Conflict 1946–2001: A New Dataset”, *Journal of Peace Research*, Vol. 39, No. 5 (2002), PP. 615–637

²⁹ Chojnacki, Sven. (2006) *Anything New Or More of the Same? Wars and Military Interventions in the International System, 1946–2003*

³⁰ Newman, Edward. 2004. *The New War debate - a Historical Perspective is needed*. UN University Tokyo Japan PP: 1-2

³¹ Kaldor, Mary. (2013) *In Defense of New Wars*. PP-1-16. Published by Stability

attempts to elucidate a coherent logic that is necessary in order to understand 'new' conflicts³². Conclusively, Snow & Boulder (1996:100-102) explain that the former logic is necessary in order to examine and discern between the forms of warfare that occur in the tribal areas³³. Therefore, the following section employs the NWT as a theoretical lens and this will enable the study to examine how the factors that are covered by the NWT have enabled FATA to transform into the '*epicentre for regional violent extremism*'³⁴.

3.1 The State and Its Dismantlement

The NWT underscores a necessity of venturing beyond the legalist model of International Relations, a model in where '*the sovereign state is the basic unit of exploration and examination*'³⁵. Indeed, state-centric assessments emphasize the importance of factors that involve sovereignty, equality among states and the importance of non-interference. In point of fact, prior to the end of the Cold War, the clashes between a state and an armed non-state actor would have been viewed as a '*war of secession*'. However, such assessments remain rigid, and they are not fruitful for my area of research, which examines a '*multidimensional conflict*'. Serving as a theoretical point of departure, the NWT asserts that a number of factors have outmoded state-centric assessments. They are out of touch with the altered realities of modern conflict, which has since the end of the Cold War revolved around factors that concern the state's declining ability to exert influence inside its territory. The decline of the traditional, cold war clash of state-sponsored ideologies, can explain why the state is no longer the focal point to examine during the analysis of modern conflicts, which according to the NWT, instead occurs *inside* a state (Kaldor 2013; Newman 2004:187). '*New Wars*' are triggered by the decline of the state's ability to exert influence and exercise a legitimate monopoly of violence. Consequentially, this paves the way to the '*privatization of violence*', which is a transformation that generates corruption and other inefficiencies within the state's territory. This is compounded by the collapse of its legitimacy; the

³² Newman, Edward. 2004. The New War debate - a historical perspective is needed. UN University Tokyo Japan PP: 1-2

³³ Snow, Donald M. (1996) Uncivil wars: International Security and the New Internal Conflicts. Boulder: Lynne Reiner Publishers. PP:(100-102)

³⁴ The title refers to the period 2002-2011. For more, see: Sethi. Kabir. (2009) New Wars Old, New war, Understanding Global. Jihad Macalester College.

³⁵ Chaterjee, et al. (2013) The Ethics of Preventive Warfare. Cambridge University Press P.17

NWT does also incorporate the advent of globalization as a factor that underpins these dynamic shifts that can occur within a state. This touches most importantly on the decline of its authority and inability to deliver public goods. (Kaldor 2001:8; Snow 1996: 100-102) The vacuum created by the decline of a state's political legitimacy, and monopoly of violence does also impinge on a state's political agent (PA) and its ability to ensure the basic expected social order within its territories³⁶. According to Nawaz (2009) the PA's in FATA have been unable to maintain their principal function that sets out to uphold the areas law and judiciary³⁷. These preceding developments have given birth to the rise of alternative loci's of power that have the ability to occupy the spheres that were once governed by the state³⁸. The previously described theoretical narratives touch on my area of study, and they are significant to apply on in FATA. The consequences of Pakistan's political establishment has together with a spill-over effect by the insurgency in neighboring Afghanistan served to create a vacuum that has allowed a myriad of armed non-state entities the opportunity to embed and establish a presence within FATA's civilian infrastructure³⁹. The introduction of alternative modes of governance have also been evident in FATA, and they are accompanied by a transformation that outline how 'New Wars' are fought and financed. (Henderson & Singer (2007:167). During 'New Wars', political institutions disintegrate and these developments can enable armed non-state entities to replace and challenge the state in the territories under contest. It is during similar circumstances that armed non-state actors develop particular narratives, which are implemented to further their objectives, such as to terrorize the local population. These objectives are driven with the purpose of further dismantling the state's presence in the areas under turmoil. The coming chapters will outline how TTP engages in 'predatory practices in social environments' and it allows the NWT to encroach on developments that have bearing on my area of study⁴⁰. Similarly, armed non-state entities have also employed cross-border raids that have further hampered social and political developments in FATA, and they have ultimately generated the renewal of conflict. According to the Uppsala Conflict Database (UCDB), intra-state wars are characterized by the violence that occurs within the boundaries of an internationally recognized border. This is determined by examining the level of violence,

³⁶ Examples assessing the security conditions in the Balkans during the mid 1990's contend that the decreasing role of the Political agent, who was expected to enforce social order, led to deteriorating conditions that remain part of the intrastate war paradigm. For more, see Kaldor, Mary. (1999) *New and Old Wars – Organized Violence in a Global Era*. Stanford University Press. P 53

³⁷ Nawaz, Shuja, et al. (2009) *Pakistan – Consequences of Deteriorating Security in Afghanistan*. FOI: P. 68

³⁸ Oberg, et al (2016) *The New Wars Debate Revisited. An empirical evaluation of the atrociousness of New Wars* Uppsala research papers No 9. Department of Peace & Conflict. Uppsala University, Sweden.

³⁹ Kaldor, Mary. (1999) *New and Old Wars – Organized Violence in a Global Era*. Policy press. P 1-20

⁴⁰ Malantowicz, Artur. (2016) *Civil War in Syria and the 'New wars' Debate* Amsterdam Law Forum P.53

skirmishes, and attacks against the civilian infrastructure. Accordingly, such developments generate a breathing ground for armed non-state entities, which according to the NWT, rallies around identities that aim to establish alternative forms of centralized governance⁴¹. Bellamy and Williams (2007:7) suggests that identities can transform if, and when the structures that uphold their social world are threatened. The next chapter will assess the rise of ‘Identity Politics’, and it can explain why and how armed non-state entities have been able to consolidate their presence inside FATA.

3.2 Identity and Modern Conflict

The previous chapter elaborated on the consequences when a state is unable to exert political and social monopoly inside its territories. This chapter will build on these consequences, which set in motion the disintegration that blurs the distinction between combatants and non-combatants. According to the NWT, ‘Identity Politics’ thrives during the circumstances where the corrosion of the state's political legitimacy is evident. Failure as Kaldor (1999) suggests, allows: *“backward looking projects to gain strength in the vacuum created by the absence of forward-looking projects, that is a reason to why a state’s erosion is inherently exclusive and tends to fragment.”* The NWT explains that the Cold War era's ideological rivalry has been replaced by a clash of identities, and this remains a part of the explanations on the development of *‘New Wars’*⁴². The NWT contends that globalization is a primary factor and it assesses the underlying factors to contemporary forms of conflict. Indeed, globalization has progressed the rifts between the adherents of *exclusive* identities from the followers who advance *inclusive* identities⁴³. ‘Identity Politics’ were evident during *‘old wars’*; they belonged to a state and its interest's when it advanced a forward-looking project, which encapsulated a vision of how society ought to develop. Conversely, the NWT contends that ‘Identity Politics’ have changed. Instead to belong to state's that advance their geopolitical interest, which utilizes on the notions of identity, a *‘newer’* shape promotes a rift that is based on the clash of religious, tribal and linguistic narratives. This transformation has generated the clash between the adherents that follow an inclusive *‘multicultural’* camp against the followers of a *‘particularist identity’* According to

⁴¹ Chojnacki, Sven. (2006) Anything New Or More of the Same? Wars and Military Interventions in the International System, 1946- 2003 P.39

⁴² *‘Bipolar Rivalry’* refers to the ideological struggle that defined the relationship between the Soviet Union and the United States. For more, see: Dempsey, Judy. (2012) The United States and China: The Return of a Bipolar World.

⁴³ Snow, D. (1996) Uncivil Wars: International Security and the New Internal Conflicts. Boulder: Lynne Rienner. P.100-102 S

Kaldor (1999:6-7), the claim to power during ‘*New wars*’ revolve around the basis of a particular identity. With regards to this study’s context in FATA, these factors have been predominantly based on religious and ethnic factors. They are labels that bear the ideas of a societal and political transformation, or ‘*idealized*’ representations of the past. As such, they are relevant in the circumstances that involve the disintegration of the state, and they are conducive for the resurgence of ‘controlled’ narratives of ancient hatred. As described by Norell (2010:14-15), the tribal areas have since last the decade endured both poverty and illiteracy, and these are factors that have been compounded by FATA’s overall exclusion from the federal state’s political procedures⁴⁴. A combination of the previous developments has transformed FATA into a fertile ground for extremism and militancy. This is mainly driven by a rigid Islamic interpretation that with the absence of a forward-looking project fills the vacuum that is left open by a PA, which has failed to deliver “*societal and public goods*” in FATA⁴⁵. Moreover, the level of instability inside a state can further be influenced by the conditions that the neighboring state is embroiled in⁴⁶. As argued by Pollack (2016), the current realities of Afghanistan have the ability to exacerbate the circumstances in FATA. Civil wars bear a degree of ‘flexibility’ and the ability to spill into neighboring countries. These suggestions can be applicable in the current context in FATA, where a large number of Afghan refugees have crossed into Pakistan from the porous border, and with them have a considerable amount of armed non-state entities joined. The latter advance ideas and identities that promote militancy and armed secession. During New Wars, the monopoly of violence that once trickled from above, provided by the rules and institutions of a state, do now emanate from below. Undeniably, the current realities in FATA involve the grammar of ‘*New wars*’ and they illustrate a different scenario. Accordingly, the goals pursued by the variety of armed non-state actors are fermented by identities that touch on religion, tribalism and ethnicity. Non-state actors who promote identity-based narratives do so by advancing their interests through “*organizationally deconstructed wars of aggrandizement*”⁴⁷.” Such scenarios are frequent within rather than between states. Factors as nationality, religious beliefs, and linguistic barriers could also be linked to the narratives that uphold ‘Identity Politics’, and they play a prominent role during this particular context. It is during similar circumstances that Henderson & Singer (2007)

⁴⁴ Norell, Magnus. (2010) Militancy in the Pakistani Federally Administered Tribal Areas (FATA and Afghanistan) FOI: P.14-15

⁴⁵ Kaldor, Mary. (1999) *New and Old Wars – Organized Violence in a Global era*. Policy press. P 80.

⁴⁶ Pollack, Kenneth. (2016) *Fight or Flight. America's Choice in the Middle East*. Council on Foreign Relations.

⁴⁷ Oberg, Erik & Hall, Jonathan. (2016) *The 'New Wars' Debate Revisited: An Empirical Evaluation of the Atrocity of 'New Wars.'* Uppsala Peace Research Papers No.9 Department of Peace and Conflict Research: P.7

urge on the importance of incorporating identity as a variable during the analysis of the circumstances that involve armed non-state entities that attempt to cleanse the territories that are under their control. The case that surrounds the drone war in Pakistan purport the ousting of perceived adversaries that belong to different identities and religions, and they are theoretically analyzed through the viewpoints of the NWT⁴⁸. Therefore, the notion of 'Identity Politics' remains central to the NWT, and when elevated as a primary lens, my research is able to analyze the circumstances that combine a U.S. led drone campaign that targets non-state entities inside the territory of Pakistan. Evidently, Wilkens (2011:14) suggest that the armed non-state entities that occupy the tribal belt do no longer require the foreign presence that would boost the durability of their cause. TTP promote a narrative that transforms the Pakistani leadership as accomplices in the perceived and continued '*subjugation*' of Muslims in Pakistan. Further, the TTP has transformed into a '*trans-boundary*' actor that is highly capable of materializing attacks inside Pakistan, and plot attacks against 'Western interest'. As such, TTP has since 2008 been targeted by the U.S. led drone campaign across the areas it controls⁴⁹. These are the circumstances that enable my research to comprehend the central aspects of the NWT and the understanding of armed non-state entities. According to the NWT, militants such as the TTP are highly decentralized, and they operate through a mixture of confrontation and cooperation. Simultaneously, the "*People war*" concept incorporates the existence of a blurred line, which does no longer separate combatants from non-combatants. Against this background, TTP benefits when it remains indistinguishable from the civilian infrastructure. Its pursuit of unconventional warfare has also granted it many victories, which has further enabled it to consolidate its presence across the large swathes of the tribal territories.

⁴⁸ Henderson, Errol, Singer, J. (2007) – New War and Rumors of New Wars. *International relations* 28:2: PP.165-190

⁴⁹ Wilkens, Ann (2011) *Suicide Bombers and Society - A Study on Suicide Bombers in Afghanistan / Pakistan*. FOI: P.14.

3.3 Why Non-State Entities Rise

The decline of effective governance has allowed armed non-state entities the opportunity to replace the state in areas of unrest and remain mobilized around identity-based narratives as opposed to ideologies. They challenge the state in order to achieve political control that leads to its decline⁵⁰. According to the NWT, it is during these circumstances that internal displacements and the deliberate targeting of civilians increase; it is here that one may witness the breakdown of public authority, which blurs the distinction that separates the public from the private domains of violence. A telling example is the *1999 UN High Commissioners Report of the State of the Worlds Refugees*, which, besides being related to victimization in times of war, illustrates an overall increase in forced displacements and an increase of the deliberate targeting of civilians. The report reiterates the claim that there has been a transformative shift that has altered the dynamics of civilian displacements⁵¹. The aforementioned discussions are part of the *Critical Security Studies school of thought* that view the individual as the primary analytical template as opposed to relying on explanations that tend to favor the role of the state and its interest⁵². During ‘*New wars*’, armed non-state entities are able to control the territories through the implementation of political means, which includes terror and forced subjugations inside the territories they control (Hynek 2013:47; Kaldor (2013.)). While the traditional means of guerrilla warfare emphasises on the notions of uniting and securing the hearts and minds of the population that is under the control of guerrilla movements, the circumstances that illustrate ‘*New Wars*’ purport a different development. It involves the scenarios in where armed non-state entities attempt to sow fear, hatred and a perpetual state of violence inside the territories they control or aspire to control⁵³. Evidently, Henderson & Errol (2007) reiterate Holsti’s “*People Wars*” as it examines a similar intrastate scenario that incorporate clashes that are difficult to discern. They include unevenly matched belligerents that are surrounded by ‘*vague*’

⁵⁰ Wirtz, James & Russell James. (2003) US POLICY ON Preventive War and Pre-emption. *The Non-proliferation Review* / Spring 2003 P: 113

⁵¹ United Nations High Commissioner for Refugees. (2000) *The State of the World’s Refugees: Fifty Years of Humanitarian Action*. Oxford: Oxford University Press: P. 276-280

⁵² Hynek, Nils. (2013) *No Emancipatory Alternative, No critical security studies*. Department of International Relations & E.U studies. Metropolitan U. Prague: P.47

⁵³ Newman, Edward. 2004. *The New War Debate. A Historical Perspective is needed*. UN University, Tokyo Japan.

demarcated battle lines⁵⁴. The former bear a theoretical resemblance to the NWT that connects its development to the decline of the state's influence and legitimacy. The ensuing vacuum has the ability to transform and privatize violence⁵⁵. As such, the NWT and the analytical lens of the "*People war*" concept has further enabled my research to encroach and possibly understand the nature of the conflict, and the type of warfare that occur in FATA⁵⁶.

3.4 Concluding the New War Thesis

The preceding chapters have assessed the realities of intrastate conflicts. The NWT outlined '*complex amalgams*' of social, political and human elements that have eased this study's understanding of the security condition in FATA. The NWT was utilized as it attempts to challenge conspicuous assumptions of modern conflicts. It remains vital to revise the 'spectre' of understanding contemporary warfare, which the drone campaign is a part of⁵⁷. A variety of factors have led to the increase of *intrastate* conflicts and to the decrease of *interstate* conflicts. These explanations are grounded in the theoretical standpoints that touch on the dismantlement of the state and on the decrease of its monopoly of violence. According to the NWT, these factors are far from a rare phenomenon. The study assumes that they are structural factors that are part of the contemporary international system. This claim is also supported by '*The International Commission on Intervention and State Sovereignty*' which states that: "*the most marked security phenomenon since the end of the Cold War has been the proliferation of armed conflicts within states*⁵⁸". Indeed, '*New wars*' have a towering physical presence in FATA, an area that was once considered the primary theater for drone strikes⁵⁹. The discussion directs the research to several understandings: globalization and the end of the Cold War have increased the possibilities of a weakened PA, which may now be

⁵⁴ Henderson, Errol, Singer, J. (2007) – New War and Rumors of New Wars. *International relations* 28:2: PP.36-38-170

⁵⁵ Holsti. (2010) *The State, War, and the State of War*. University of British Columbia: P. 36

⁵⁶ Sethi, Kabir. (2009) *New World, New War*. Understanding Global Jihad. Macalester College

⁵⁷ Malantowicz, Artur. (2016) *Civil War in Syria and the 'New wars'* Debate Amsterdam Law Forum: P 60

⁵⁸ International Commission on Intervention and State Sovereignty. (2001) *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*. International Development Research Centre.

⁵⁹ Chojnacki, Sven. (2006) "*Anything New or More of the Same?*" *Wars and Military Interventions in the International system, 1946-2003*. Taylor and Francis Online: P 2

unable to perform inside the volatile environments of a ‘*weak*’ state. This hamper the ability and legitimacy of the state to provide public goods through its PA, and it does also generate a power vacuum that has enabled armed non-state entities to challenge the state (Snow 1996:57). According to the NWT, ‘*Identity*’ continues to play a crucial role during ‘*New wars*’. This is in stark contrast to earlier geopolitical, state-centric assessments that were prevalent during ‘*Old wars*.’ By addressing these assessments, my research is able to discern notable characteristics that belong to the NWT. They touch on: forced displacements and the deliberate targeting of civilians. In order to avoid ‘premature conclusions’ on the dynamics of modern conflicts, the study aims to test the NWT and its applicability by further examining the course of events in the tribal areas.

3.5 The Importance of the Just War Theory

This chapter will draw theoretical inspiration from the Just War Theory (JWT), which examines the use of force and self-defense. It complements the NWT that assessed and addressed the reasons to why modern conflicts appear to occur far more frequently within states. The JWT examines the decisions to employ measures related to self-defence and whether those measures are justified. The theory is useful when I assess empirical circumstances of conflict wherein states have employed force related to self-defence. Smith (2013) suggest that the JWT belongs to a certain form of statecraft, critics like Williams (2013) suggest that it ought to be viewed as a school of thought that is associated with political ethics, which prescribe and direct a perceived ‘*right*’ conduct in the societal affairs which warfare is a part of. According to Elshtain (2013) the JWT is ahead of ‘Westphalian’ preconceptions that concern on the right of state sovereignty. As this chapter will demonstrate, there are instances in where the use of force could exceed the rights of a state⁶⁰. However, it remains imperative to note that both the NWT and the JWT regard the conduct of warfare as a societal affair. This view was supported earlier by the NWT, which explained the factors behind the revolution in the societal affairs of modern warfare⁶¹. The notions of “*Just*” and “*Right*” derive from

60 Chatterjee, et al. (2013) *The Ethics of Preventive Warfare*. Cambridge University Press P.17

61 Chojnacki, Sven. (2006) *Anything New or More of the Same? Wars and Military Interventions in the International System, 1946–2003*, *Global Society*, 20:1, P.43

Western philosophical schools of thought, and they were developed by the likes of St Augustine and Grotius; each sought to answer the inquiries on the moralities of warfare, and the abilities of a state to pursue self-defense, both morally and justifiably⁶². In simpler terms, the JWT assist this research with an on-going analysis that examines the reasons to why force is given credence; the way it is employed, and whether its usage could differ in nature. The latter is essential as I attempt to answer the study's primary research question⁶³. In order to progress the study, I intend to draw on the principle of *Jus In Bello* and underlying principles: '*Distinction*', '*Proportionality*' and '*Necessity*'; they ease the study's understanding of self-defence⁶⁴. '*Necessity*' assesses a proportional level of force for self-defense, which is employed to address a variety of threats that could become '*Imminent*', and whether the response is sufficient enough to meet the threat or the impending attack. The concept of '*Imminence*' assesses the credibility of a threat and the possibilities of its realization⁶⁵. '*Proportionality*' complements '*Distinction*' as it analyses the required force for preventing unreasonable amounts of collateral damage. In order to apply the former, I will exemplify on the use of self-defense by referring to empirical scenarios that involve a state that has employed force against another state, or against armed non-state entities. Therefore, this chapter will briefly examine the structures that a state might lean on if it were to exhaust measures related to self-defense. By structures, I refer to the principles of *Jus In Bello* and international conventions that are associated to the UN charter, which governs the use of force and self-defense. The indiscriminate use of force is covered in Article 51 (5) (B) of the UN Charter; it deals with breaches of peace and acts of aggression. The Article asserts that "*an attack which may be expected to cause incidental loss of civilian life; injury to civilians and civilian objects is excessive in relation to the concrete and direct military advantage anticipated*"⁶⁶. Article 51 emphasizes limited force that does not cause indiscriminate damage to the civilian infrastructure, the contrary would otherwise prohibit the use of force⁶⁷. Evidently, technological achievements have in the field of 'autonomous weapon systems' elevated the possibility that increases the levels of accuracy. This conforms to 'new forms' of warfare, which can consequently cater to the principle of '*Distinction*'.

62 Smith, Patrick. (2013) A Drones Eye View: Global Anti-Terrorism and the Existential Crisis of Just War Theory. The Advent of Drone Warfare - JCRT 12.3 Spring 2013: PP. 84-119

63 O'Hara William. (2010) Drone Attacks and Just War Theory. The Small Wars Foundation: PP 2-14

64 O'Hara William. (2010) Drone Attacks and Just War Theory. The Small Wars Foundation: PP 2-14

65 Zahid, Farhan. (2015) Tehrik-e-Taliban Pakistan Evolves Under Pressure Terrorism Monitor Volume: 13 Issue: 20 The Jamestown Foundation.

66 United Nations: Chapter VII (2016) Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression. Charter of The United Nations.

67 O'Hara, William. (2010) Drone Attacks and Just War Theory. The Small Wars foundation: P.5

Drones might certainly have the ability to reduce the levels of collateral damages and indiscriminate attacks, yet the aforementioned possibilities for accuracy purport feasibility and not an enhanced level of moral discretion. Therefore, technological achievements may not equate to ethical breakthroughs. It remains imperative to be aware of the fact that the trigger remains in the hand of a human being. Such achievements manifest the requirements of understanding the reason and the ways drones are utilized. It is with this logic in mind that I will evaluate the strategy of deploying drones through the auspices of self-defense⁶⁸.

3.6 Categorizing Self-defence

This chapter will analyze the underlying doctrines that are part of the JWT's understanding on self-defence. Unquestionably, hostility exists against Preventive war. One could examine Preventive war by exploring the threats that are directed against the threatened state, which enable the latter to either consider or hold the option of selecting a Preventive use of force. However, legal principles demand as Chatterjee (2013) explains, that states '*articulate their cases to an impartial international community*' before they initiate force⁶⁹. Additionally, I elaborate on the importance of the doctrines, and on their traceability throughout history. Historical events have shaped the developments of the JWT and the theory did not merely develop through a historical vacuum⁷⁰. Indeed, the Preventive use of force can be traced back to the writings of Thucydides, who in the 5th century B.C examined Sparta's attack on Athens. Sparta attacked Athens, its adversary, without any credible evidence since it feared that it would in a near-distant future upset the prevailing balance of power that separated the two city-states. However, state's that pursue the doctrine do so without the consent of the international community. This view is reflected in Article 2 (4) of the U.N Charter: "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations⁷¹." Nevertheless, there are interpretations that enable exemptions to the previous Article, which surround the distinctions between the two

⁶⁸ Smith, Patrick. (2013) A Drones Eye View: Global Anti-Terrorism and the Existential Crisis of Just War theory. The Advent of Drone Warfare JCRT 12.3 spring 2013: P.9

⁶⁹ Chaterjee, et al. (2013) The Ethics of Preventive Warfare. Cambridge University Press: P.5

⁷⁰ Chaterjee, et al. (2013) The Ethics of Preventive Warfare. Cambridge University Press: P.16

⁷¹ This was tellingly the case when the State of Israel unilaterally bombed an alleged non-operational nuclear facility in Iraq. Israel viewed the construction as a potential existential threat. However, empirical evidence portray another picture, which contends that the strike only motivated Saddam Hussein to elevate his determination of developing a credible deterrent against future strikes. For more, see Kahl, Colin. (2012) "An Israeli attack on Iran would backfire - just like Israel's 1981 strike on Iraq." The Washington Post

doctrines and they remain open to interpret⁷². Understanding the differences between the two doctrines are imperative in order to understand the current drone campaign in FATA, and I intend to provide a preliminary classification to the various dimensions of actions that fall under the analysis of a credible scenario that may involve a state that adopts a Preventive or a Pre-emptive approach to self-defense. This is possible by either assessing

- The threat and its urgency
- The notion of ‘*Imminence*’
- The context and the response that the threat may warrant

Would the response involve a mere strike or could it be part of a broader military campaign? The third dimension treats the target, is it an armed non-state entity or a sovereign state? A variety of drone strikes could also conform to a military operation that strikes a specific target, or remain part of a broader campaign, which can conform to a series of strikes that revolve around a coherent objective. Therefore, a target can either be linked to a non-state entity or a state. The latter has the ability to enforce and exercise control over a population inside a demarcated, recognized territory⁷³.

Conversely, the NWT illustrated that armed non-state entities are either decentralized or part of a centralised network of individuals that adhere to violence and terror, which they deem are necessary in order to realize their aspirations. Non-state entities are also characterized to “*have the capacity of undertaking armed attacks against the state or terrorist networks, rebel groups or other similar organized armed groups*” As asserted by Deeks (2012), states that employ self-defense against armed non-state entities, who are found in the territory of another state, ought to assess factors that concern geography, sovereignty and the intensity of the targets operational capability. Several factors include the proliferation of multiple training camps and they could remain part of the non-state actor's objective of further plotting and executing attacks both regionally and globally. It is imperative to assess the density of armed non-state actors and their operational ability, which would elevate the understanding of the sophistication of the organization, and the understanding of the urgency of a threat⁷⁴. These considerations have permeated the U.S. understanding of the threat of armed non-state entities in FATA, and it will be a

⁷² Chatterjee, et al. (2013) *The Ethics of Preventive Warfare*. Cambridge University Press: P.17

⁷³ Pick, Anthony. (2011) *The Nation State*, an essay.

⁷⁴ Deeks, Ashley. (2012) *Unwilling or Unable - Toward a Normative Framework for Extraterritorial Self-Defense*. Virginia Journal of International Law Association. P.521

part of the empirical chapters that assesses Pakistan's ability to suppress the activities of TTP and its foreign associates. The JWT and its underlying categorizations that concern Preventive and Pre-emptive use of force are established in the UN Charter, which aspires to drive the level of international violence to zero⁷⁵. As stated in Article 51: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security"⁷⁶. UN conventions and SC resolutions are helpful in my area of concern; they outline the conditions of striking armed non-state entities that are found in the territories of another state. The events of 9-11 drastically altered the terrain for self-defense and the consequences made clear that self-defense encompasses armed non-state entities such as terrorist organizations. Evidently, the SC authorized the binding Resolution 1368 that labeled the 9-11 attacks as a "threat to international peace and security," and it ascribed the Member States their "inherent right of individual or collective self-defence in accordance with the U.N. Charter."⁷⁷ More significantly, the SC had already stated that "in accordance with Article 2, paragraph 4 of the Charter of the United Nations, every state has a duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed toward the commission of such acts, when such acts involve a threat or use of force"⁷⁸. Under Article 2 (4) of the U.N. Charter, it is a fundamental obligation for every Member State to refrain from employing force against other states. Yet the question of whether it is legitimate to employ force on an armed non-state entity that operates inside the territory of a third-party state remained blurred until the events of 9-11. As noted by Mueller et al (2006:67-71) the former Article constrains Member States to actively or passively assist armed non-state entities in any manner. However, a state would not violate the preceding obligation if it ceased to actively assist non-state entities, this is despite the fact that an armed non-state entity would continue to operate inside its territory. The consequences of 9/11 enabled the international community to implement additional restraints such as Resolution 1973, which forces Member States to "refrain from providing any support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists; deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens and prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those

⁷⁵ Delahunty, Robert & Yoo, John. (2008) The Bush Doctrine – Can Preventive War be justified. Harvard Journal of Law and Public Policy: Vol.32 P. 849.

⁷⁶ United Nations, Chapter VII. (2015) Article 51 - Charter of the United Nations. United Nations

⁷⁷ United Nations. (1970) Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations: P. 122

⁷⁸ United Nations. (1992) Resolution 748 of 31 March 1992. U.N. SCOR, 47th Sess., 3063d Mtg., U.N. Doc. S/RES/748: P. 52

purposes against other States or their citizens⁷⁹.” This demonstrates the extraordinary pressure that is delegated to states that actively or passively are ‘burdened’ by the presence of armed non-state entities that operate inside its territories. Therefore, Resolution 1973 forces Member States to actively commit to prevent armed non-state entities to remain active inside their territories. Would a state try, but fail, it could result in the failure of meeting the imperatives of the resolution. Such developments would entail that the state has failed to prevent ‘*terrorists from operating within its territory*,’ and could thus sanction a threatened state to attack the non-state entity under the sponsorship of self-defence⁸⁰. Deeks (2012) contends that a state can only contemplate on the use of force against an armed non-state actor if that entity is prepared to engage in additional attacks, or demonstrate an intent of inflicting damage that might bear a similar magnitude that could trigger the right to self-defense. This is evident in the preceding Articles, and such rhetoric was and continues to be visible during the aftermaths of 9/11. It is suggested that the first publicly debated drone strike that targeted a senior AQ operative in Yemen 2002 was part of the current campaign, which was pursued in conformity with the previous Articles that were outlined earlier above⁸¹. This is also visible in *The National Security Strategy* (NSS: 2010:19) that was released by the Obama administration, especially in the paragraphs that elaborate on the use of self-defence:

”As a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed⁸²”

”To defeat violent extremists who threaten both of our countries, we will strengthen Pakistan's capacity to target violent extremists within its borders and continue to provide security assistance to support those efforts. We also will strengthen our own network of partners to disable al-Qaida's financial, human, and planning networks; disrupt terrorist operations before they mature; and address potential safe-havens before al-Qaida and its terrorist affiliates can take root.⁸³” The Obama administration's NSS (2010) turns away from the unilateral rhetoric that was advanced by the former administration⁸⁴. However, its underlying structures that are part to self-defence are equally similar to the Bush administration's view on ‘*detecting and disrupting*’ threats before they develop. This is evident when force is directed against potential threats that are states that ‘*willingly or unwillingly*’ harbor non-state entities, or states that fail to

⁷⁹ Mueller, et al. (2006) *Striking First - Pre-emptive and Preventive attack in U.S. National Security Policy*. The RAND Corporation:P.67-71

⁸⁰ *Ibid*: P-67-71

⁸¹ Miller, Greg. (2011) *U.S. Drone Strike in Yemen is first since 2002*. The Washington Post

⁸² The White House. (2010) *The National Security Strategy*. P.4

⁸³ The White House. (2010) *The National Security Strategy*. P.19

⁸⁴ Unilateralism and the grammar of Preventive warfare were evident in the Bush Doctrine. For more, see Jervis, Robert. (2003) *Understanding the Bush Doctrine*. *Political Science Quarterly*: P 366-388

fulfill their general norms & expectations that are required by the International Community. Therefore, the study can contend that the U.S. was and continues to remain willing to eliminate terrorist threats that have yet to unfold⁸⁵. By employing drones, the NSS, whether released by the current or the previous administration, justifies the actual targeting of armed non-state entities⁸⁶. This is evident in the rhetoric outlined by the NSS which was released 2010 by the Obama administration. It clearly stated that the U.S. remains willing to “*disrupt potential terrorist operations before they mature*”⁸⁷ Moreover, in matters related to peace and security, by connecting drones to the changing natures of warfare, Chatterjee et al (2013:4) contends that the previous and current NSS blur the distinctions that separate Pre-emptive from the Preventive use of force⁸⁸. This may ultimately illustrate a mixture of the two doctrines. With that in mind, a blurred distinction could justify the Preventive use of force or regard it with an acknowledged mandate, which can create a major source of controversy. During the on going WOT, there are strong indications that there have been ‘mistakes’ whilst assessing the likelihood of perceived threats. This is especially with regards to a perceived threat's ‘*Necessity*’. Brown (2013) contends that a ‘*rule-based justification for pre-emption is not likely to be feasible in today's uncertain world*’⁸⁹. As argued by Leonard (2016), ‘*some countries undermine the International system by pushing for a selective application of rules*’⁹⁰. Therefore, the U.S. led drone campaign may be a part of the self-proclaimed authority that the United States projects as it unilaterally relies on Preventive military measures which are designed for self-defence under the broad auspices of global security and self-defence.

⁸⁵ Sauer, Tom. (2004) The Preventive and Pre-emptive use of force. To be legitimized or De-legitimized? Institute for International and European Policy Department of Politics: P: 4

⁸⁶ Keller, William, et al. (2006) Preemption, Prevention, Prevarication. Graduate School of Public and International Affairs. University of Pittsburgh.

⁸⁷ The White House. (2010) The National Security Strategy. The White House: P.21

⁸⁸ Chatterjee, et al. (2013) The Ethics of Preventive War. Cambridge University Press: P. 27-46

⁸⁹ Chatterjee, et al. (2013) The Ethics of Preventive War. Cambridge University Press: P 27-46

⁹⁰ Leonard, Mark. (2016) Connectivity Wars: Weaponizing Interdependence. The International Relations and Security Network

3.7 Outlining the Pre-emptive Doctrine

During the Canadian insurrection of 1837, the ‘Caroline’ incident generated and clarified the use of self-defence⁹¹. The incident was part to a series of events that aggravated the tensions between the United States and the United Kingdom. The ensuing consequences led to the understanding that ‘Necessity’ triggers the pretence for self-defence, which considers a threat both ‘*instant and overwhelming and leaves no moment for deliberation*’⁹². Doyle (2008 P: 12) contends that an attack ought to respond to an overwhelming threat that in its ‘Necessity’ leaves a concerned state little deliberation to respond to it⁹³. The variables that separate Pre-emption from Prevention are clear when the likelihood of ‘*Imminence*’ and ‘*Necessity*’ are attributed to the threat⁹⁴. Pre-emption is driven by the logic that a threat is about to unfold, and there is evidence to believe in its credibility and necessity⁹⁵. The principles of ‘*Necessity*’ and ‘*Imminence*’ demonstrate the factors that drive the Pre-emptive doctrine and they create favorable circumstances and less damaging repercussions if the adversary, a state or a non-state entity, is targeted before the threat is materialized. Prior to a Pre-emptive attack, Mueller (2006) suggest that the policymakers of a particular state should assess the degree of ‘*Imminency*’, i.e., ‘*the greater the risk, the lesser the opportunity to deter it*’⁹⁶. However, would a state be unable to address a looming threat, the failure of responding to it would potentially result in the destabilization of its territorial integrity and political independence. Further, Barnes & Stoll (2007) regard the Pre-emptive doctrine as “*the taking of military action against a target when there is incontrovertible evidence that the target is about to initiate a military attack*”⁹⁷. The U.S. Department of

⁹¹ Collings, Edward & Rogoff, Martin. (2009) The Caroline Incident of 1837, the McLeod Affair of 1840 -1841, and the Development of International Law. American Review of Canadian Studies: Volume 20, Issue 1, 1990.

⁹² Webster, Daniel. (1842) Letter to Lord Ashburton, British Special Minister. Treaties and Other International acts of United States of America: PP. 449. Available at http://avalon.law.yale.edu/19th_century/br-1842d.asp

⁹³ Doyle, Michael. (2008) Traditional Counter-Strategies against Today’s Dynamic Threats Fail: Therefore, Unilateralism must be considered. Striking First: Pre-emption and Prevention in International Conflict: PP. 20-23

⁹⁴ Sauer, Tom. (2004) The Preventive and Pre-emptive use of force- to be legitimized or delegitimized? Institute for International and European Policy Department of Politics. PP: 1-14.

⁹⁵ Sauer, Tom. (2004) The Preventive and Pre-emptive use of force - to be legitimized or delegitimized? Institute for International and European Policy Department of Politics: P.4

⁹⁶ Mueller, et al. (2006) Striking First - Pre-emptive and Preventive attack in U.S. National Security Policy. The RAND Corporation: P.45

⁹⁷ Barnes, Joe & Stoll, Richard. (2007) Pre-emptive and Preventive War: A Preliminary Taxonomy. The James A Baker III Institute for Public Policy. Rice University: P. 7

Defense (DOD) regard that Pre-emptive force is shaped by a degree of ‘*Imminence*’, a principle that assesses the decision-making behind initiating the use of force. States that intend to launch a Pre-emptive attack ought to remain certain that the threat is ‘*credible*’ and that an attack is ‘*Imminent*’⁹⁸. The benefits of Pre-empting an adversary may decide the differences between victory and defeat (Mueller et al (2006:6-7)). Below are clarifying hypothetical scenarios that highlight the foundations of the Pre-emptive use of force: the U.S. intercepts a radio transmission between senior Al Qaeda members. Upon the discovery of the ‘*Imminent*’ threat that has the ability to materialize on US soil, the U.S. decides to respond to the threat before it turns into an attack. As such, Pre-emptive force is employed on an armed non-state entity. In light of the foregoing theoretical debate, the preceding discussion may enable my research to apply these discussions on the current context where the TTP:

A. Operates from the territory of a sovereign state.

B. Operates as a trans-boundary armed non-state actor. (Barnes & Stoll 2007 P: 14)

According to Westphal (2003), striking trans-boundary armed non-state entities that are “*dispersed across territories*” fail to result in decisive gains⁹⁹. Instead of a single strike, Doyle (2008) conclusively suggests that such threats should instead be addressed by being part of a broader military campaign¹⁰⁰.

3.8 Outlining the Preventive Doctrine

The Preventive use of force is visible when it is employed against *less* immediate threats¹⁰¹. As stated earlier above, the use of force is employed during scenarios where the balance of power between the two adversaries is expected to tilt, and could ultimately favor a states adversary. This is possible by differential rates of development¹⁰². Delahunty & Yoo (2008:863) argue that Preventive force could be

⁹⁸ Mueller, et al. (2006) Striking First - Pre-emptive and Preventive attack in U.S. National Security Policy. The RAND Corporation: P.6

⁹⁹ Westphal, Steven. (2003) Counterterrorism: Policy of Pre-emptive action. USAWC Strategy Research Project: Define Pre-emption and Pre-emptive strikes in the Context of Their Potential Military Applicability and Efficacy: P.10

¹⁰⁰ Doyle, Michael. (2008) Striking First: Pre-emption and Prevention in International conflict. Princeton, N.J Princeton University press

¹⁰¹ Barnes, Joe & Stoll, Richard. (2007) Pre-emptive and Preventive war: A Preliminary Taxonomy. The James A. Baker III Institute for Public Policy Rice: University. P 14.

¹⁰² Mueller, et al. (2006) Striking First - Pre-emptive and Preventive attack in U.S. National Security Policy. The RAND Corporation: P.8-9

utilized if an armed non-state entity, through either statements or recent conduct, threatens the ‘*mass destruction of innocent civilian lives*’ and additionally, operates within a state that is either ‘*unwilling or unable*’ to suppress its activity¹⁰³. Whilst assessing the threats that might unfold, the forecasting involves uncertainty. This is especially true whilst assessing the capabilities of armed non-state entities that operate ‘in the dark’, and who are able to carry out attacks that are rarely visible¹⁰⁴. Therefore, the estimation of looming threats can emphasize on general specific patterns that are attributed to the adversary’s objectives. A similar estimation may take into account the history of aggression, ideology and operational leadership. If these factors point towards a credible threat, only then could a threatened state initiate a strike or a military campaign against a particular adversary. The DOD views ‘*Preventive war*’ as “*a war initiated in the belief that military conflict, while not imminent, is inevitable, and that to delay would involve greater risks*”¹⁰⁵. By pursuing Preventive force, a state would draw criticism that would come in the forms of sanctions from the international community. Preventive force breaks mutually accepted conventions and agreed upon norms of behavior. Moreover, Article 51 of the U.N Charter prohibits unilateral pursuits of force. States that pursue the Preventive doctrine are required to assess the ‘*certainty*’ behind their adversary’s alleged motives, and justify their Preventive measures on the grounds that involve the absence of deterrent measures. Additionally, Delahunty & Yoo (2008:849) incorporate the understanding that the former charters view on self-defense may in fact sanction U.N Member States to address imminent threats before they initiate, and it may render the use of force as an act of self-defense. Blake (2013) contends that Preventive attacks are viewed as attractive options that hold self-securing advantages, this is especially if they are compared to ‘*self-perceived*’ existential threats. This was tellingly the case that surrounded Israel’s unilateral strike on Iraq’s non-operational nuclear reactor, “*Ossiraq*” June 7, 1981¹⁰⁶. Clearly, with the knowledge that some states have the advantages of striking first, the ambiguities that surround the nature of terrorism are debatable. The principle of ‘*Last Resort*’ suggests that it remains adamant to exhaust non-violent measures before relying on an attack. However, the previous principle is difficult to pursue when faced against elusive, armed non-state entities. According to Falk (2013), states ought to consider ‘*alternative measures*’ that could deal with threat

¹⁰³ Delahunty, Robert & Yoo, John. (2008) The Bush Doctrine – Can Preventive War be justified. Harvard Journal of Law and Public Policy Vol.32: P. 863.

¹⁰⁴ Mueller, et al. (2006) Striking First - Pre-emptive and Preventive attack in U.S. National Security Policy. The RAND Corporation: P.57

¹⁰⁵ See also Freedman, Lawrence. (2003) “*Prevention, Not Pre-emption*,” The Washington Quarterly, Vol. 26: No. 2. PP. 105–114.

¹⁰⁶ Ibid. P 14.

diplomacy that consists of a variety of non-lethal approaches¹⁰⁷. The previous acts and behavior of non-state entities are also attributed to states that have little or no ability to influence threats through traditional means of deterrence. It is important to acknowledge that threats by similar entities may remain ‘*undeterable*’. Displayed ‘*Imminent*’ threats may loom larger than they did in the past.¹⁰⁸ As such, the boundaries that separate wars of opportunity from wars of necessity have become fluid¹⁰⁹.

3.9 Concluding The Just War Theory and Its Views on Pre-emption & Prevention

This chapter was inspired by the principles that govern the use of force, namely ‘*Jus In Bello*’, which highlighted contrasting views of self-defence. The preceding theoretical discussions have illustrated the differences between Pre-emptive and the Preventive use of force. The degree of ‘*Imminence*’ determines the attributes to a threat, and it decides the longevity to the opportunity to deter an impending attack. The weaker the prospects to an attack decrease the incentives that initiate a Pre-emptive response. This is decided by the crucial variable of ‘*Imminence*’. The contemporary threats that are analyzed in this study emanate from armed non-state entities in the tribal belt, which indicates a difficulty in preventing ‘unconventional’ threats with a conventional understanding. Conversely, the Preventive use of force pursues self-defence against less immediate threats. However, the preceding discussion on the U.N charter and notable Articles demonstrate that Preventive pursuits of force have the tendency to increase the political costs that are associated with the Preventive doctrine. The latter breaks mutually accepted norms and rules, which are ‘ordained’ by the International Community. The Preventive doctrine contains measures that are prohibited by Article 51 of the U.N charter, which prohibits unilateral pursuits of force. The Preventive doctrine's utility is grounded in the understanding that it is better to strike ‘*sooner rather than later*’¹¹⁰. The JWT contended that it remains imperative to exhaust nonlethal measures before adopting force, it does also highlight that force could be part of a ‘*single day*’ strike

¹⁰⁷ Chatterjee, et al. (2013) *The Ethics of Preventive war*. Cambridge University Press: PP. 87-101

¹⁰⁸ Government of the United States of America. (2002) ‘*The National Security Strategy of the United States of America*,’ P. 15, Available on: <http://merln.ndu.edu/whitepapers/USnss2002.pdf>.

¹⁰⁹ Barnes, Joe & Stoll, Richard. (2007) *Pre-emptive and Preventive war: A preliminary Taxonomy*. The James A. Baker III Institute for Public Policy. Rice University: P 14

¹¹⁰ Mueller, et al. (2006) *Striking First - Pre-emptive and Preventive attack in U.S. National Security Policy*. The RAND Corporation.P.7-8

campaign, or remain part of a '*broader military campaign*'. Undeniably, the Preventive doctrine incorporated measures that are prohibited by Article 51 of the U.N charter, which illustrated the prohibitions against unilateral pursuits of force. Paradoxically, whilst assessing the threats of terrorism, the capabilities that matter the most are those that exist presently and could exist in the future. In order to determine future threats by armed non-state entities, one ought to assess their ideology, prior and current history of attacks and ultimately, the level and history of threats. This decides the degree of '*Imminence*' a state may attribute to a threat. These discussions have also highlighted the fact that both Pre-emptive and Preventive force has been a commonality throughout the history of international relations. According to Professor Paul Schroeder: '*Preventive wars, even risky Preventive wars, are not extreme anomalies in politics. They are a normal, even common tools of statecraft.¹¹¹*' The previous statement elevates the study's understanding of the current administration's foreign policy, which is outlined in the NSS that was released 2010. It includes the requirement of '*detecting and disrupting*' terrorist activities 'before they materialize'. Overwhelming threats lead to little choice as the notions on '*Imminence*' and '*Necessity*' can demonstrate. Therefore, a state could respond to threats that bear a similar degree. Based on the foregoing analysis of the NWT paradigm and the JWT, I'm able to break the theoretical research questions into empirical questions that could further direct the current research:

1. Who are the main protagonists in the drone campaign in FATA?
2. What are the primary motives of the TTP: ideology, identity, or territorial?
3. Under what context does the drone campaign occur in? intrastate, civil or regional?
4. What are the technological means of violence, the weapons, and strategies of war?

¹¹¹ Delahunty, Robert & Yoo, John. (2008) The Bush Doctrine – Can Preventive War be justified. Harvard Journal of Law and Public Policy: Vol.32 P. 854.

4. Analysis

The U.S. led Drone Campaign in FATA

The circumstances in FATA have generated remarkable geopolitical debate; the reason lies in the asymmetric war that TTP directs against the armed forces of Pakistan. Combined, these events have gradually transformed FATA into the epicenter for militancy in South Asia¹¹². With the geographical proximity to the conflict in Afghanistan and the political neglect displayed by the federal government, the tribal territories suffer from one of the lowest rates of living in Asia¹¹³. Indeed, the presence of armed non-state entities has only intensified the former¹¹⁴. The federal government has allowed FATA to remain semi-autonomous and the state is represented through a variety of PA's who through a local force, or '*Khassadars*', enact a set of laws, which I will refer to here as the Frontier Crimes Regulations (FCR). The FCR involves a set of judicial procedures that strictly apply to FATA.

The mid-2000 saw the federal state increase its presence in FATA as it endeavored to develop the tribal areas through the growth of political & economic development. However, the staggering rates of illiteracy and low standards of living have led the majority of the locals to prefer unwritten, customary law, which has by far been more favorable than the FCR¹¹⁵. The FCR has been criticized by a variety of human rights organizations, and they contain collective punishment procedures that overlook due process. According to Amnesty International, the FCR disregard tribal traditions and societal customs¹¹⁶. The Pashtuns, who form the bulk of the tribal population, adhere to Pashtunwali, which is a mode of governance that regulates customary, social and legal norms in FATA. The reason to why I shed importance to the tribal code is especially due to its enforcement of accommodating guests with the same security and benefit, which the local Pashtuns enjoy (Cavallaro 2006:22-23). Spurning the plights of a visitor in need could entail in the breaking of longstanding traditions¹¹⁷. This may be one of the

¹¹² Johnston, Patrick. Sarbahi, Anoop. (2015) The Impact of U.S. Drone Strikes on Terrorism in Pakistan. The Belfer Center for Science and International Affairs at Harvard University's Kennedy School of Government: P.5.

¹¹³ Government of Pakistan. (2015) Economy and Livelihood in the Federally Administered Tribal Areas. Area Secretariat. Available at: http://fata.gov.pk/index.php?option=com_content&view=article&id=54&Itemid=90

¹¹⁴. An overall illiteracy rate that amounts to 17 percent has led to the proliferation of underdevelopment, which increases the possibilities for a fertile breeding ground for the forces of extremism. For more concerning the former, see: Amnesty International. (2010) As If Hell Fell On Me. Amnesty International Publications.

¹¹⁵ Ignatius, David. (2010) Afghan Reconciliation Strategy Should Reflect Pashtun Culture, The Washington Post. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/14/AR2010051404320.html>

¹¹⁶ Amnesty International. (2010) As If hell fell on me: The Human Rights crisis in Northwest Pakistan. Amnesty International. Available at: <https://www.amnesty.org/en/documents/ASA33/004/2010/en/> P.27

¹¹⁷ Ibid: For more concerning the simmering levels of insecurity in Northwestern Pakistan, see Amnesty International. (2010) As If Hell Fell On Me: The Human Rights crisis in Northwest Pakistan. Amnesty International. Available at: <https://www.amnesty.org/en/documents/ASA33/004/2010/en/> P.27

primary explanations on why civilians when found, not out of sheer support for their plans, grant and provide shelter to armed non-state entities that escaped from Afghanistan during the U.S. led invasion, October 2011¹¹⁸. As such, Coll (2014) contends: *"the binary categories recognized by international law - combatant or non-combatant - may seem inadequate to describe the culpability of those who die during drone strikes"*¹¹⁹. Ultimately, some of these "guests" played an important role during the creation of TTP.¹²⁰ The "People war" concept demonstrate that the increased levels of violence that occur within states, and the decrease of the state's ability to control its territory during similar moments of upheavals, narrow the saliency of adopting a state-centric approach. Therefore, analytical primacy is granted to armed non-state entities, which I will view here as the primary units of analysis throughout the assessment of modern forms of conflict. I will emphasize on TTP, which are one of the main organizations that are targeted by the Obama-led drone campaign in FATA¹²¹.

4.1 The New War Thesis and FATA

The preceding chapter briefly assessed the environment that has allowed TTP to exercise 'true asymmetry'. Through its operational capability, TTP inflicts unprecedented levels of violence that the armed forces of Pakistan and the United States are simply 'unable or unwilling to copy'¹²². According to Sorabji (2012) TTP intends to "achieve disproportionate effects with the aim of undermining American will in order to achieve its strategic objectives"¹²³. Complicating things further, members from respective Taliban organizations stem from a similar ethnic Pashtun 'stock'. The Pashtuns are found on both sides of the Durand border, a controversial border that saturates through an area that divides inhabitants that share ethnic, religious and social bonds^{124, 125}. According to the NWT, these prevailing disparities are connected to the

¹¹⁸ 'If the Taliban asks for shelter, you have no choice.' For more, see: Coll, Steve. (2014) The Unblinking Stare - The Drone War in Pakistan. The New Yorker

¹¹⁹ Coll, Steve. (2014) The Unblinking Stare - The Drone War in Pakistan. The New Yorker

¹²⁰ Cavallaro, et al. (2012) Living Under Drones. Death, Injury, and Trauma to Civilians from US Drone Practices in Pakistan. Stanford Law School. Global Justice Clinic: P.23

¹²¹ Johnston, Patrick. Sarbahi, Anoop. (2015) The Impact of U.S. Drone Strikes on Terrorism in Pakistan The Belfer Center for Science and International Affairs at Harvard University's Kennedy School of Government. P.6

¹²² Barnett. (2002) Asymmetric Warfare: Today's Challenges to US Military Power. Potomac Books: P. 15

¹²³ Sorabji, Richard & Rodin, David. (2006) The Ethics of War: Shared Problems in Different Traditions. Ash gate Publishing company: P.166

¹²⁴ Musharraf, Pervez. (2006) In the Line Of Fire. Simon & Schuster: P.222

¹²⁵ Gardez. (2006) Honour Among Them - Pashtunwali. Thieves, murderers, rapists; and how the Pashtuns' ancient tribal code is fighting for survival against radical Islam. The Economist.

inability of the state to control its territory, which might lead towards the corrosion of its sovereignty. The NWT contends that a number of transformative shifts have since the end of the Cold War reconstructed modern conflict; they highlight patterns of violence that are fruitful for my current study (Kaldor 2012:77). Unsurprisingly, the level of violence in FATA remains multitiered and different from the pre-cold war patterns of violence where the presence was mainly influenced by competing state-sanctioned ideologies (Snow 1996) 'Old Wars' occurred through state-building and competing ideologies. However, 'New Wars' concern developments that have led to the erosion of the state, and to the dismantlement of its sovereignty. This has generated the saliency of assessing the narratives that uphold 'Identity Politics', which benefit armed non-state entities that occupy the spheres that were once governed by the state. Before the Taliban arrived to FATA, the federal government was ill perceived. The laws and judicial procedures were simmered with corruption and inefficiency, which the newly arrived Taliban took advantage of. They offered the locals attractive and alternative modes of governance that were better when compared to the FCR's inequitable mode of governance. Upon entering FATA, TTP managed to solve disputes with procedures that blended Islamic law with Pashtunwali. TTP projected a far more favourable image than the government ever could. The NWT explains that the deeper the disintegration of state capacity, the likelier it is that competing forces are able to step in and fill the voids that are abandoned by the absent state. However, as TTP was able to consolidate its presence, which was only possible as they were able to fill the void of the federal state, their popularity turned. As noted by Norell (2010:19): "TTP face a hostile attitude from the locals, depriving them of crucial logistic, financial, moral and political support."¹²⁶ Its rigid interpretation of Islamic Law remains alien to the larger segments of the conservative local Pashtun society, where the role of the mullah is restricted to the confinements of the local mosque. Driven by a religious zeal, TTP was able to turn FATA into an insurgent's sanctum (Norell 2010:14). The varying amounts of counter-insurgency campaigns have led to the development of an internally displaced population. The campaigns were originally intended to round up militants, however, stiff resistance and inaccessible terrains along with harsh winters, and burning summers have transformed these counter-insurgency campaigns into an undeclared non-international armed conflict between TTP and the armed forces of Pakistan. The latter responded by increasing the number of

¹²⁶ Norell, Magnus. (2010) Militancy in the Pakistani Federally Administered Tribal Areas (FATA) and Afghanistan. FOI: P.19

troops against both tribal militias and members that belonged to various armed non-state entities who in turn refused to abandon their safe havens¹²⁷. By applying the NWT, the research can contend that a combination of factors has led to the covered circumstances. The federal state has neglected FATA from its mainstream political procedures, and this has led to the developments where the decline of the state has been compounded by the gradual presence of ‘*retrogressive* affiliates’ or followers of tribalism and religiously motivated armed non-state entities who have been able to challenge, and replace the state in FATA¹²⁸. These developments accelerated when TTP was able to consolidate their presence in FATA. It highlights that the subsequent levels of militant activity have hampered the variety of PA's and their ability to enforce a necessary amount of social & judicial rule. These developments have also consolidated the rise of what the NWT refers to as ‘*alternative loci's of power*’ and it has exacerbated the primacy of armed non-state entities in FATA¹²⁹. Notwithstanding these facts, these developments have also revitalized TTP and AQ's efforts of targeting the state of Pakistan. With regards to law & political procedures, and Afghanistan and Pakistan's unwillingness to properly secure the porous border area, the current insurgency in Afghanistan has spilled into the tribal areas¹³⁰. Undeniably, before the Syrian civil war, the majority of both successful and foiled terrorist attacks in Europe, Pakistan, and the United States were traceable to the tribal areas.¹³¹ The patterns that separate ‘*New wars*’ from ‘*Old Wars*’ carry with the breaking of cultural and socio-economic barriers. Religion and ‘Identity Politics’ drive the narratives of armed non-state entities (Kaldor 2012:72). Indeed, TTP advance “*seemingly traditional identities*” and it consolidates power through ‘religious motivations’¹³². Along with its associates, TTP enforces an obscurantist version of Islam. The behavior of imposing dogmatic identities on others could fruitfully be traced to the NWT's ‘Identity Politics’. During so-called ‘*New Wars*’, the monopoly of violence originates from below, as the state is unable to control its territory¹³³. The foregoing environmental analysis and the levels of militancy depict a severe rate of increase in the rates of political violence and

¹²⁷ Conway, Rebecca. (2011) Fact box - The Battle against Militancy in South Waziristan, Reuters

¹²⁸ Wilkens, Ann. (2011) Suicide bombers and society –A study on suicide bombers in Afghanistan and Pakistan. FOI: P.45

¹²⁹ Zahid, Farhan. (2015) TTP evolve under pressure. Terrorism Monitor Volume 13: Issue 20.

¹³⁰ Amnesty International. (2010) “As If Hell Fell on Me: The Human Rights Crisis in Northwest Pakistan.” Amnesty International. Available at: <https://www.amnesty.org/en/documents/ASA33/004/2010/en/> P.15

¹³¹ “The call for self-determination in the tribal territories remain as one of the most sensitive and explosive issues in Afghanistan today”. For more, see Mackey, Robert. (2007) It's a Thin Line. The New York Times, available at: http://thelede.blogs.nytimes.com/2007/03/02/its-a-thin-line/?_r=0

¹³² Oberg, et al. (2015) The New War Debate Revisited – An Empirical Evaluation of the Atrociousness of New Wars. Uppsala Research paper: No 9 Department of Peace and Conflict Research Uppsala University Sweden.

¹³³ Kaldor, M. (2013) In Defense of New Wars. Stability, 2(1): 4: PP. 1-16. Available at: <http://dx.doi.org/10.5334/sta.at>

terrorism¹³⁴. Precisely as the NWT can contend, *'Identity Politics'* deviates from the *'Old War'* contention that geopolitical interests, which emphasizes the role of the state, ought to be one of the primary analytical factors during the assessment of violent conflicts. *'Identity politics'* is constructed through *'war and political mobilization around identity'*; this is the aim of war rather than an instrument of war as *'old'* cases can demonstrate¹³⁵. As such, the dismantlement of the state prevails in this research context as a salient analytical template, and it remains applicable on the covered conditions in FATA.

4.2 Militancy in FATA

The presence of *'New Wars'* is characterized by the *'multiplicity of fighting units'*, which is a contention that acknowledges paramilitary entities or self-autonomous actors that maintain the ability to blend in with the civilian infrastructure. A variety of non-state entities are led by a charismatic individual who attempts to secure the organization's objectives by adhering to the narratives of religious and tribal identity. In order to understand the militancy in FATA, it is important to acknowledge the fact that TTP does not pledge allegiance to AQ. The latter simply serves TTP with a *"wellspring of expertise in military training"*¹³⁶. The two may conduct joint operations but they remain ideologically separate¹³⁷. TTP is not part of the wider AQ brand, yet the financially secure AQ network retains the ability to increase the incentives for the local inhabitants of FATA to join its ranks by either religious or monetary incentives. Below are a number of similarities that are imperative to understand:

- A reliance on asymmetric warfare and the deployment of *'hit-and-run'* operations against the state of Pakistan and its civilian infrastructure.
- An allegiance to the Afghan Taliban and to the newly deceased Taliban commander Mullah Omar, whose death had its own reverberations throughout the global Jihadi community.
- A fanatical interpretation of Islam, which legitimizes indiscriminate terrorist attacks.

¹³⁴ Bergenwall and Simonsson. (2012) – Pakistan's Stabilitet – Har översvämningskatastrofer säkerhetspolitiska konsekvenser? FOI: P.13

¹³⁵ Booth, K. (2001) New Wars for Old. *Civil Wars* 4,2: PP: 163–170

¹³⁶ Lahoud, et al. (2012) Letters from Abbottabad: Bin Laden Side-lined? Harmony Program. The Combating Terrorism Center At West Point: P 17

¹³⁷ Ibid P.19

The latter was mentioned in the trove of letters that were recovered during the covert 'Abbottabad raid' which killed Osama Bin Laden, May 2011. It illustrated AQ's dismay with how TTP employs its indiscriminate terror attacks. Moreover, it remains significant to shed light on AQ's relationship with local non-state entities who advance a similar religious identity, which according to the content in the letters are only '*premised on cooperation to advance righteousness and piety*'¹³⁸. Despite varying objectives, TTP provides AQ with a franchise that enables the latter to transform itself into a local network in the tribal hills, and by relying on its footholds, TTP is able to conform to AQ's international agenda^{139,140}. The foregoing factors demonstrate that TTP is able to plot and execute both regional and international attacks, most notably with deadly outcomes¹⁴¹. Blank & Farley (2011) argue that TTP is an organization that "*does not merely exert administrative authority over the environments of villages; rather it administers and continues to administer entire districts within FATA and the NWFP*"¹⁴². Garnering several thousands of tribal fighters, TTP is driven by the objective of overthrowing the state of Pakistan; it aims to replace it with a system of governance that is relatively similar to the one that prevailed during the reign of the Afghan Taliban. Surprisingly, although they share cultural, religious and ethnic traits, TTP and the Afghan Taliban differ considerably in terms of history, strategic orientations, and interest. One targets the state of Pakistan while the other one purportedly benefits from its tacit support¹⁴³. Without doubt, the military establishments in Islamabad and Rawalpindi have frequently been accused of tacitly 'supporting' armed non-state entities throughout the region; these entities are allegedly part of their foreign policy agenda against its eastern neighbour¹⁴⁴. Despite the drone campaign, which the coming chapters will analyze, TTP serves as an effective envoy for its foreign associates, namely AQ and to a certain extent, the Islamic movement of Uzbekistan (IMU)¹⁴⁵. With regards to the inducement of employing religious narratives during the recruitment of suicide bombers, TTP was during 2007-2008 heavily accountable for nearly 80 % of

¹³⁸ Lahoud, et al. (2012) Letters from Abbottabad: Bin Laden Side-lined? Harmony Program. The Combating Terrorism Centre At West Point: P.9

¹³⁹ The Tehrik-e-Taliban was behind the foiled attack that aimed to strike the busy streets of Times Square. For more, see: Walsh, Declan. Clark, Andrew. (2010) "*Taliban Behind Times Square Plot Says US*". The Guardian. Available on: <http://www.theguardian.com/world/2010/may/09/times-square-bomb-pakistani-taliban>

¹⁴⁰ Wilkens, Ann. (2010) Smoke Gets in Your Eyes. Afghanistan Analyst Network

¹⁴¹ This narrative permeated the content of the recovered letters; they illustrate AQ's dismay of indiscriminately targeting civilians for political and operational gains. For more, see: Lahoud, et al. (2012) Letters from Abbottabad: Bin Laden Sidelined? Harmony Program. The Combating Terrorism Centre At West Point: P.52

¹⁴² Blank, Laurie & Farley, Benjamin. (2011) Characterizing US operations in Pakistan: Is the United States engaged in an armed conflict? Fordham International Law Journal VOL 34 Issue 2: P.174

¹⁴³ Norell, Magnus. (2010) Militancy in the Pakistani Federally Administered Tribal Areas (FATA) and Afghanistan. FOI: P.51-52

¹⁴⁴ Gall, Carlota. (2016) Pakistan's Hand in the Rise of International Jihad The New York Times

¹⁴⁵ Uzbek Militants residing in Pakistan's tribal areas attacked Karachi International Airport. For more, see: British Broadcasting Corporation. (2014) Karachi airport: Islamic Movement of Uzbekistan Claims Attack. Available on: <http://www.bbc.com/news/world-asia-27790892>

every suicide bombing in Pakistan. As such, these non-state entities have transformed themselves into what the NWT regards as a trans-border phenomenon. This is much because of Pakistan's legal and administrative machinery's inability to exercise influence and control in FATA (Norell 2010:84). The theoretical saliency of the NWT is applicable to the current environment as I account for the heightened levels of forced displacements that were, and continue to be the result of the clashes between the armed forces of the state, and an armed non-state entity which forcibly generated the displacement of thousands in FATA. During May 2009, several thousands of IDPs had left their livestock and property as both parties to the conflict encircled and clashed around the civilian sectors. Without a doubt, TTP attempts to create collateral damages that will further weaken the legitimacy of the state of Pakistan¹⁴⁶. TTP rallies around the notions of 'Identity-politics' that displays the aim of sowing tension and further displacement among the population and the territory it seeks to influence¹⁴⁷. The '*Marriott Bombings 2008*' and the '*Peshawar School massacre 2014*' are among the most notable attacks that TTP assumed responsibility for. The attack that generated national outcry occurred December 2014 when the TTP attacked a primary school, which was founded by the Pakistani Army. The attack claimed the lives of 144 civilians and the majority of the victims were children between the age of 12 and 16¹⁴⁸. According to the NWT, these attacks advance the insemination of fear and insecurity, and they generate an ever-perpetual state of insecurity in the society, which is one of the major objectives of TTP. The former bears a theoretical hallmark to the NWT, and this is evident when TTP systematically persecutes individual's that are accused of working in concert with the state of Pakistan or to simply belong to a different faith or ethnicity¹⁴⁹. The proliferation of armed non-state entities in FATA has initiated fragile peace agreements and failed dialogues between TTP and the federal state. Ultimately, in late 2014, the state initiated the latest counter-insurgency campaign that aims to curb and deny the space for TTP and its foreign associates¹⁵⁰. Due to these upheavals, FATA has teetered on collapse. These developments reaffirm the comprehensiveness of the NWT, and the present field of research presents itself as an archetypical example of a

¹⁴⁶ Kaldor, Mary. (2012) *New and Old Wars - Organized Violence in a Global Era*. Policy Press: P 75

¹⁴⁷ Hashim, Asad. (2015) Pakistan's IDPs come home to the Taliban heartland. Al Jazeera

¹⁴⁸ Briggs, Billy. (2015) Remembering the Peshawar School Massacre. Al Jazeera. Available on: <http://www.aljazeera.com/indepth/features/2015/12/remembering-peshawar-school-massacre-151215071631624.html>

¹⁴⁹ Akbar, Mail. (2015) Who Is Killing Pakistan's Shias? The Huffington Post

¹⁵⁰ Mohsin, Saifi, Mehsud. (2014) Major Pakistan offensive aims to '*Finish Off*' militants in North Waziristan. CNN. Available on: edition.cnn.com/2014/06/15/world/Asia/Pakistan-airstrikes/

‘New War’¹⁵¹. As such, the grammar of the NWT is heavily evident during the current course of research. As argued by Newman (2004), FATA belongs to the environment where the deliberate targeting of civilians is frequent. Unlike conventional actors, armed non-state entities have employed modern communications in their efforts to coordinate, mediate and negotiate through their disparate fighting units. These are thus the primary characteristics that differentiate armed non-state entities from the vertically organized hierarchical units that were more salient to analyze during “*Old Wars*.” Evidently, the state of Pakistan has failed to curb the flow of militants in FATA. One may either lay the blame on Pakistan's frail methods of governance in FATA or on the proliferation of armed non-state entities that have gone to a great length to consolidate their local strongholds and training camps. Both operate with a regional and global vision. Further, foreign associates with ties to AQ provide TTP with arms and equipment that in turn provides them with the necessary manpower and ideological motivation. This does ultimately enable them and other affiliated non-state entities to plan and execute notable attacks such as the ones mentioned earlier above¹⁵². Whilst the previous setting sheds attention to important variables that belong to ‘*Old wars*’, such as demarcated fronts, distinguishable uniforms, and on the importance of the state’s sovereignty, a ‘*New*’ type of setting overlooks these previous factors. Modern conflicts such as the one analyzed in FATA have the ability to permeate across and through demarcated boundaries¹⁵³. Indeed, the internal pacification of the modern state structure was enabled by a rule of law. Factors such as the state’s ability to exert administrative reach, and control over its legitimate monopoly of organized violence remain important to analyze in this context. The foregoing has been evident in my area of concern that assesses Pakistan, whose monopoly of violence has crumbled in FATA. This has enabled the breakdown of Islamabad's legitimate political authority inside the tribal areas.

¹⁵¹ Nickels, Benjamin. (1998) *New & Old wars: Organized Violence in a Globalized Era*. Stanford University Press, 2nd edition. Volume 12, Issue 1, Fall 2009 – *Journal of Military and Strategic studies*.

¹⁵² Federal Prosecutor General. (2013) *On Aerial Drone Deployment on October 4 2010 in Mir Ali / Pakistan*. Case NO 3 BJs (7/12-4) Federal Prosecutor General: P. 727

¹⁵³ Henderson, Errol & Singer. J. (2007) *New Wars and Rumours of New Wars*. *International Relations*: 28:2 PP. 165-190

4.3 The Drone Campaign – a Pre-emptive or a Preventive use of force?

The employment of armed UAV's has grown increasingly significant for the studies about modern conflicts. Since 2008, 422 drone strikes have targeted multiple areas inside FATA. The Bush administration's authorized 51 strikes and the current Obama administration has authorized 371. What they both have in common is that they utilize on the notions of self-defense, and the drones target armed non-state entities that are located outside the conventional, territorial-bounded battlegrounds. The aforementioned advances the complexities to the notions of sovereignty¹⁵⁴. The increasing amounts of strikes have cumulatively targeted 3,405 militants, and they have claimed the lives of 470 civilians¹⁵⁵. The rates of collateral damages have also generated great suffering to the residents of FATA, and critics describe this as the natural consequences of a 'seemingly indiscriminate drone campaign'¹⁵⁶. Collateral damages may also demonstrate the possibility that 'failed' drone strikes could be viewed as a self-defeating policy¹⁵⁷. There are also indications that militant networks have manipulated similar events as collateral damages serve their narratives, and elevate the public's sympathy for their cause¹⁵⁸. As such, the drone campaign could therefore be viewed as a two-edged sword¹⁵⁹. One may question the serviceability of striking armed non-state entities that might bear little or no responsibility at all to the events of 9-11, which were the developments that unleashed the self-defense mechanism that the drone campaign is justified on¹⁶⁰. By analyzing The NSS (2010), the research can contend that the drone campaign is driven by the belief that the U.S. is involved in a 'Just War' against terrorism, which is spearheaded by a precision-based instrument that has the cost-effective ability to surveil & target armed non-state entities inside FATA¹⁶¹. Similar understandings remain evident in the rhetoric that was provided by the NSS (2010), which reflects on the urge to address looming threats that have yet to materialize. Evidently, the NSS (2010) states that as long as there are significant threats, 'dormant

¹⁵⁴The Bureau of Investigate Journalism has analyzed the Bush administration's drone campaign, which began January 2001, and ended January 2009. For more on the up to date figures, see The Bureau Of Investigate Journalism. (2016) Drone Strikes in Pakistan. The Bureau Of Investigative Journalism.

¹⁵⁵ Bergenwall, Samuel. (2013) Drönarkriget I Pakistan – Säkerhetspolitiska Konsekvenser. FOI: April 2013

¹⁵⁶ Fang, Marina. (2015) "Nearly 90 % of People Killed during Recent Drone Strikes were not the intended Target." The Huffington Post.

¹⁵⁷ O'Connell, Mary. (2010) Unlawful killing with combat drones. A Case Study of Pakistan, 2004-2009 University of Notre Dame Law School: P. 1-27

¹⁵⁸ Wright, Ethan. (2015) 'Of Drones and Justice: A Just War Theory Analysis of the United States' Drone Campaigns. U-Imagine Centre for Integrative and Entrepreneurial Studies

¹⁵⁹ Bergen & Rowland. (2013) Drone Wars. The Washington Quarterly: P.17

¹⁶⁰ Bergenwall, Samuel. (2013) Drönarkriget i Pakistan - Säkerhetspolitiska konsekvenser. FOI: P.25

¹⁶¹ Brooks, Rosa. (2013) Drones and the International Rule of Law. Georgetown University Law Centre: P.83

or active', the U.S. reserves "the right to resort to the use of force, as it sometimes is necessary, we will exhaust other options before war whenever we can, and carefully weigh the costs and risks of action against the costs and risks of inaction. When force is necessary, we will continue to do so in a way that reflects our values and strengthens our legitimacy"¹⁶² A similar assertion was reflected by Barack Obama who in his bid for his first term claimed that 'would there ever be solid evidence' that may provide the U.S. the opportunity to employ force against a high-value non-state operative that is living in Pakistan, and would the government of Pakistan fail to act, the U.S. should 'not hesitate' to effectuate force to detain or eliminate that operative¹⁶³. A similar understanding anticipates the deployment of drones to 'detect and disrupt' threats before they are able to develop. Such rhetoric is significant for this study's context and on an environment that touches on states that willingly or non-willingly harbour non-state entities¹⁶⁴. With regards to self-defence, Member States adhere to the U.N charters recommendation of settling their "international disputes in a peaceful manner." However, there are two exceptions that outline on the use of self-defence, and they address the violations on a state's territorial integrity and political independence. Evidently, *Chapter VII* of the UN charter elaborates that the use of force addresses threats, or acts of aggression that breach 'International' peace¹⁶⁵. Further, the Security Council (SC) stipulates that air; sea or land forces are allowed to project force, provided if they remain part to the efforts of maintaining and restoring international peace and security. As such, noting that the 9-11 attacks breached international security and peace, the UNSC passed resolution 1373, which sanctioned Member States to develop the required capacities to 'deny and defeat' A.Q and its associates¹⁶⁶. The second exception elaborates on the Member State's and their inherent rights for self-defence that could become legitimized if an armed attack would ever occur against it. Article 51 of the UN charter authorizes force as: "nothing in the present charter shall impair the inherent right of individual and collective self-defence if an armed attack occurs against a member of the UN until the security council has adopted necessary measures to maintain international peace and security"¹⁶⁷. As based on the foregoing statement, there could be sufficient grounds for the U.S. to justify the drone campaign in FATA as a part of the "on-going use of force" against the

¹⁶² The White House. (2010) The National Security Strategy. The White House: P.22

¹⁶³ Deeks, Ashley (2012) Unwilling or Unable - Toward a Normative Framework for Extraterritorial Self-defense. Virginia Journal of International Law Association: P.1

¹⁶⁴ Zenko, Micah. (2016) Obama's drone warfare legacy: Politics, Power and Preventive Action: Council on Foreign relations.

¹⁶⁵ O'Hara, William. (2010) Drone Attacks and Just War Theory. The Small Wars foundation: PP 2-14

¹⁶⁶ Goldberg, Mark. (2012) How the UN responded to the 9-11 Attacks. UN Dispatch.

¹⁶⁷ United Nations (2015) Chapter VII. Article 51- Charter of the United Nations. Published by United Nations.

senior organizers (AQ) and partners (TTP) of the 9-11 attacks that continue to remain active as armed non-state entities. However, limitations accompany with the sanctioning of unilateral force, this is especially as the research takes a closer look at Article 51. In its writings, it grants Member States the right to pursue unilateral force through self-defence “*until*” the S.C. is able to authorize necessary arrangements that aim to ‘maintain international peace and security’. Unilateral force is only allowed temporarily, and until the ‘*Imminent*’ part of the actual threat is addressed. With this logic in mind, can the events of 9-11 shed any legitimacy towards the use of force that is part of the self-defence mechanism to which the drone campaign is a part of? Can the displayed threats by non-state entities in FATA carry any degree of ‘*Imminence*’? In order to understand and discern between the Pre-emptive and Preventive use of force, it would be fruitful to examine the concept of ‘*Imminence*’ from the very angles of the current administration. As such, the study turns towards the ‘*White-Paper*’, an official memorandum, which illustrates how the United States perceives the threats that emanate from FATA¹⁶⁸. By assessing the concept of ‘*Imminence*’, which carves up a notable part in the ‘*White-Paper*’, I would enable the research to understand how the threats of terrorism is perceived by the Obama administration. This would also enable the study to understand the differences between the Pre-emptive and Preventive force.

¹⁶⁸ Brooks, Rosa. (2013) Drones and the International Rule of Law. Georgetown University Law Centre: P.90

4.4 ‘Imminence’ and Sovereignty

The tremendous amounts of drone strikes, and their outcomes, have raised numerous questions to whether these drones impinge on the sovereignty of Pakistan¹⁶⁹. Despite claims that suggest the opposite, reports indicate that the campaign is conducted in concert with the armed forces of Pakistan, which have initiated several counter-insurgency campaigns against TTP in FATA¹⁷⁰. During 2009-2010, it was reported that the executive branch of the federal government tacitly accepted the presence of drones over the skies of FATA. A report by 'The Guardian' reiterates this claim and states that Washington informed Islamabad that it would cease to target armed non-state entities, if Pakistan addressed those entities first¹⁷¹. As outlined under the rubric of the UN Charter, if Pakistan is willing and able to address the activities of armed non-state entities, which the current counter-insurgency campaigns can demonstrate, there would be a limited demand for a drone campaign, which this dissertation currently covers. As such, similar measures that are related to self-defense would also be considered unlawful¹⁷².

Furthermore, the research has illustrated that Pakistan lacks a sufficient control over a large portion of its tribal territory. The previous chapters have illustrated Islamabad's inability to exert influence and exercise a legitimate monopoly of violence inside FATA. Therefore, the U.S. has assumed that Pakistan is either ‘unable or unwilling’ to suppress the threats that emanate from FATA¹⁷³. This understanding is reflected in the official memorandum, the ‘White-Paper’, which was released by the U.S. Department of Justice (DOJ). It purports a challenging understanding on ‘Imminent threats’¹⁷⁴. The study explained earlier that modern forms of conflict have altered the terrain of warfare that occur inside states, and these developments have challenged the fundamental notions of sovereignty which are enshrined in Article 2 (4) of the U.N Charter. Indeed, violating the territory of a state remains ‘sacrilegious’ in the eyes of the International Community¹⁷⁵.

Yet the ‘White-Paper’ argues that the use of force on foreign territory may remain

¹⁶⁹ O’Connell, Mary. (2010) “Unlawful Killing with Combat Drones”: A Case Study of Pakistan, 2004-2009. Notre Dame Law School, Legal Studies Research Paper: No. 09-43,

¹⁷⁰ Woodward, Bob. (2010) Obama’s Wars: The Inside Story, London: Simon & Schuster: P. 21-22.

¹⁷¹ Walsh, Declan. (2011) “Osama Bin Laden Mission Agreed in Secret 10 Years Ago by US and Pakistan.” The Guardian. Available at: <http://tinyurl.com/6x7bk95>

¹⁷² Deeks, Ashley. (2012) Unwilling or Unable - Toward a normative framework for extraterritorial Self-defense. Virginia Journal of International Law Association: P.425

¹⁷³ Deeks, Ashley. (2012) Unwilling or Unable - Toward a normative framework for extraterritorial Self-defense. Virginia Journal of International Law Association: P.525

¹⁷⁴ “We told them, over and over again: ‘We’ll stop the Predators if you take these targets out yourselves.’ For more, see: Walsh, Declan. (2011) “Osama Bin Laden Mission Agreed in Secret 10 Years Ago by US and Pakistan.” The Guardian. Available at: <http://tinyurl.com/6x7bk95>

¹⁷⁵ United Nations. (2016) Chapter 1: Purposes and Principles. Charter of the United Nations. United Nations.

consistent with international principles of sovereignty and neutrality “*if the deployment of force was conducted with the consent of the host nation's government or after a determination that the host nation is unable or unwilling to suppress the threat posed by the individual target*¹⁷⁶.” As such, these circumstances purport that the use of force would be rendered as an act of self -defense¹⁷⁷. A similar understanding prevailed during the aftermath of 9-11, which allowed the U.S. to utilize on its inherent rights for self-defence, this is also demonstrated in Article 51 and Article 2 (4) of the UN Charter, and most importantly in the binding S.C. Resolution 1973 which warrants states to “refrain from providing support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists; deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens and prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens¹⁷⁸.” With this reality, Pakistan is compelled to act against TTP; passivity may indicate non-observance to these principles. Through Resolution 1973, Member States are forced to actively demonstrate a willingness to expel any armed non-state entity out of their territory. Reluctance from Pakistan, or any other state, would entail in the fact that it has failed to ‘*prevent terrorists from operating within its territory*¹⁷⁹. The procurement of evidence remains crucial before addressing the threats that are displayed by TTP, which is a non-state entity that is also found in the territory of another state. Deeks (2012) suggest that it is a “*lawful state practice for State X, which has suffered an armed attack by an insurgent or terrorist group, to use force in State Y against that group if State Y is unwilling or unable to suppress the threat.*” Phillip Alston, U.N special rapporteur on extrajudicial killings mirrors a similar remark “*the incursion of armed bands is a precursor to an armed attack, would the authorities in the territory, from which the armed bands came, be either unable or unwilling to control and restrain them, then armed intervention, having as its sole object the removal or destruction of their bases, would — it is believed — be justifiable under Article 51*¹⁸⁰. Despite the stated difficulties, Pakistan has deployed its army against TTP with the intention of regaining influence and control inside the contended areas in FATA. This indicates that Pakistan may actually be able, or to a certain degree, willing to reinforce its sovereignty in the

¹⁷⁶ United States Department of Justice. (2013) The ‘*Whitepaper - Lawfulness of a lethal operation directed against a U.S. Citizen who is a senior operational leader of AQ or an associated force.*’ The United States Department of Justice

¹⁷⁷ McGreal, Chris. (2013) ‘*John Brennan defends drone attacks as he prepares for tough senate hearing.*’ For more, see: www.theguardian.com/world/2013/feb/07/john-brennan-drones-senate-hearing

¹⁷⁸ Mueller, et al. (2006) *Striking First - Pre-emptive and Preventive attack in U.S. National Security Policy.* The RAND Corporation: P.67-71

¹⁷⁹ *Ibid* P-67-71

¹⁸⁰ United Nations. (1981) Security Council, 36th Session, 2292d mtg. U.N. Doc: S/PV.2292 (July 17, 1981) United Nations.

areas that TTP occupies¹⁸¹. Indeed, the drone campaign loiters as a complex variable in the bilateral relationship between the U.S. and Pakistan. Political costs could implicate wrongdoing on Pakistan if the threatened, targeting state, the U.S. elaborated on its own understanding of why it considers Pakistan ‘*unwilling or unable*’ to address the proliferation of non-state entities inside its territories. However, such ambiguous understandings have clearly been evident in official documents and speeches that concern the drone campaign. The explanations and justifications for the drone campaign are also drawn from the JWT, and its assertions on ‘*Jus In Bello*’, which the thesis acknowledges as the principles that govern the use of force. John Brennan, current director of the CIA, asserts that the drone campaign conforms to a *Just* use of force that relates to the principle of ‘*Necessity*’, which is a part of the Just War requirement that force should only be employed after the exhaustion of non-violent alternatives. This understanding is part of the JWT’s ‘*Last Resort*’, a principle that remains inefficient as the nature of terrorism is considered constant and drawn out. The principle of ‘*Necessity*’ renders the urgency of a threat and its immediacy, and it allows the threats of non-state entities to become instant and overwhelming. The previous touches on the likelihood of a foreseeable threat, and the possibility of its materialization. In order to connect the former understanding of the realities in FATA, Travallio (2008) asserts that the nature of terrorism is fluid and drawn out, and this shapes the understanding of any threat that is displayed by non-state entities. These threats continue to remain ‘*undeterable*’, and there are difficulties to deter them as there are obstacles to obtain a concrete awareness to ‘*when or where the next terror-related incident will take place*’¹⁸². Moreover, the principle of ‘*Necessity*’ is further discerned as one takes into account the militants, their operational history, and their demonstrated credibility to materialize threats that ultimately transform into terrorist attacks, which have previously been materialized in Pakistan. In order to further deepen the study’s understanding of how the Obama administration views the principle of ‘*Imminence*’, the research continues to turn the attention towards the ‘*White paper*’ and its view on ‘*Imminent*’ modern threats.

¹⁸¹ Ibid P141-143

¹⁸² Travallio, Gregory. (2008) Terrorism: International law and the use of Military force. 18 Wis. International Law Journal: P, 145,183.

4.5 The ‘White Paper’ and ‘Imminence’

The DOJ ‘White-Paper’ underline how the Obama administration views the threats that originate from the tribal areas¹⁸³. The official Memorandum offers an alternative interpretation to ‘*Imminence*’, which originated as a part of the principles that govern the use of force. The traditional concept of ‘*Imminence*’ has transformed in order to meet the modern threats of terrorism. The ‘*White-paper*’ assumes that non-state entities are relentlessly engaged in plotting attacks that bear little or no notice, their threats can not be considered open, and they fail to wear distinct uniforms which distinguish them from the rest of the civilian infrastructure. With this understanding in mind, the Obama administration has altered previous understandings of the JWT and its views on how to determine a threat.¹⁸⁴ As outlined in the ‘*White-Paper*’, it can be assumed that the threats that are displayed by the TTP remain ‘*undeterable*’ as their instigators fail to uphold themselves as a conventional force. The study is able to connect this understanding to the developments of ‘*New wars*’ that have the ability to alter borders and diminish a state’s ability to exert influence inside its own territory, which also expands the room for extremism. If these developments have the ability to increase the prominence of armed non-state entities inside an intra-state setting, why wouldn’t they be able to alter a state’s perception of defining a threat? Such remarks were raised when the current CIA director J.O Brennan (2011) argued that the congressional authorization for the use of force on non-state entities would not be limited by geographical restrictions¹⁸⁵. A similar understanding is also evident in the Bush administration’s NSS (2006), in which it stated: “*we must adapt the concept of imminent threat to the capabilities and objectives of today’s adversaries*¹⁸⁶.” The methodologies of answering these threats are also clear in the Obama administration’s NSS (2010) where it clearly stated that the U.S. remains open to the alternative of “*disrupting potential terrorist operations before they mature*”. It is assumed that the NSS (2010) regards traditional concepts of deterrence and containment as ineffective when they are employed against the threats of today’s armed non-state entities. As mentioned earlier above, TTP has

¹⁸³ United States Department of Justice. (2013) The ‘*Whitepaper*’ Lawfulness of a lethal operation directed against a U.S. Citizen who is a senior operational leader of AQ or an associated force. United States Department of Justice.

¹⁸⁴ Wittes, Benjamin & Hennessey, Susan. (2013) Just Calm Down About that DOJ White Paper. Brookings institute.

¹⁸⁵ With regards to the force it authorizes, the “*AUMF*” does in fact advance geographic limitations on the use of force. For more, see: Brennan, John. (2011) ‘*Strengthening our security by adhering to our values and laws*’ Remarks by the Assistant to the President for Homeland Security and Counterterrorism Program on Law and Security. Harvard Law School. Cambridge, Massachusetts.

¹⁸⁶ Bush, George. (2002) “*U.S. National Security Strategy: Prevent Our Enemies From Threatening Us, Our Allies, and Our Friends with Weapons of Mass Destruction*” Speech given at WestPoint, New York.

previously been engaged in threats that have fully materialized; credible examples include the 2014 ‘*Peshawar School Massacre*’ and the recent March 2016 ‘*Lahore Easter Day bombing*’, which claimed the lives of 72 and injured 300. The two were directed against the civilian infrastructure, and the NWT regards those acts as the modus operandi of armed ‘retrogressive affiliates’ that advance an inclusive identity. These attacks are also part of the ‘*White-Papers*’ threat assessment that includes ‘*operational*’ history, statements or declarations, and they serve to strengthen the understanding of a threat and its level of ‘*Imminence*’, which ultimately decides the urgency of responding to it¹⁸⁷. With regards to the JWT’s principle of ‘*Last resort*’, which argues for the importance of exhausting non-violent measures before resorting to force, there are credible difficulties if a state attempts to forestall the threats that are delivered by armed non-state entities. This is particularly if they have previously resorted to indiscriminate bombing campaigns. The NWT considers TTP and similar non-state entities as “*retrogressive affiliates and followers of tribalism or religiously motivated non-state actors who employ organizationally deconstructed wars of aggrandizement*” Given these assertions, and as the nature of their threats is viewed as inherently ‘*Imminent*’, the current administration would not be required to hold current and clear evidence before it employs force against the threats that are displayed by armed non-state entities inside FATA¹⁸⁸. Without a doubt, this echoes a similar understanding that was outlined in the Preventive doctrine. Barnes & Stoll (2007) notes that after a careful analysis, a state could arrive to the conclusion that its adversary would in a near distant future be able to employ force against its interest, these concerns could under the Preventive doctrine involve a state that employs force which it believes is grounded in self-defence. Moreover, the adherents of the previous doctrine justify force on the grounds that concern the inefficiencies of addressing a threat with deterrent measures or with non-violent alternatives. A similar approach is also supported in the remarks by Ian Brownlie (2007) who emphasizes that “*military action across a frontier to suppress armed bands, which the territorial sovereign is unable or unwilling to suppress, has been explained in terms of legitimate self-defense on a limited number of occasions in the present century.*” Stahn (2007) complements, and notes; “*if it becomes evident that the host state is unable or unwilling to act, the injured may, as an ultima ratio measure,*

¹⁸⁷ Aimed against the West, the declaration of war outlines conditions that justify religious war against Western interest around the world. For more, see Lewis, Bernard. (1998) License to kill: Osama bin Laden’s Declaration of Jihad. Council on Foreign Relations

¹⁸⁸ Brooks, Rosa. (2013) Drones and the International Rule of Law. Georgetown University Law Center: P.93

take military action to stop the persisting threat.”¹⁸⁹. Additionally, a recent report on extrajudicial killings concluded that “a targeted killing conducted by one state in the territory of a second state does not violate the second state’s sovereignty if the second state consents, or the first, targeting state has a right under international law to use force in self-defense under Article 51 of the UN Charter, because as the second State is either unwilling or unable to stop armed attacks against the first State launched from its territory”¹⁹⁰. These remarks are supported by the fact that the U.S. has stated that it will only employ force on the territory of another state if that particular state either consents or is regarded as ‘unwilling or unable’ to suppress the activities and the threats that are displayed by armed non-state entities. The ‘White-paper’ remarked that would a senior non-state operative pose a direct threat to the U.S., and would his or her statements and operational history provide clarity and probability to the stated threat, only then would questions related to sovereignty and concrete evidence become a nonissue¹⁹¹. In light of the foregoing assessment of ‘Imminence’, it is clear that the arguments that were found in the ‘White-paper’ mirror the notions that were outlined in the Preventive doctrine, which highlighted unilateral force against emerging threats. This contends that the traditional measures of deterrence remain insignificant and futile against any armed non-state entity. Therefore, based on this logic, and on the ‘White-Papers’ understanding of ‘Imminence’, which regarded TTP as a ‘undeterable’ threat, this research contend that the current drone campaign functions through the foundations that uphold the Preventive doctrine. However, as noted in the ‘White-paper’, analytical credence is granted to history of aggression, ideology, operational leadership, and the proliferation of training camps. According to the ‘White-Paper’, these previous factors are viewed as incontrovertible evidence during the assessments of foreseeable attacks. As such, they transform the use of force to reflect the force that is outlined in the Pre-emptive doctrine. Moreover, they serve to strengthen the ‘Necessity’ of addressing any threat that is displayed by a similar non-state entity before they are even able to materialize¹⁹². To exemplify, B. Mehsud, the Pashtun militant who established TTP inside FATA, boasted statements that outlined the actual objectives of TTP. Statements

¹⁸⁹ Deeks, Ashley. (2012) Unwilling or Unable - Toward a Normative Framework for Extraterritorial Self-Defense. Virginia Journal of International Law Association: P.72

¹⁹⁰ Report of the Special Rapporteur on Extrajudicial Summary or Arbitrary Executions. (2010) United Nations Human Rights Council. 35, U.N. Doc. A/HRC/14/24/Add. 6.

¹⁹¹ Horowitz, Jonathan, Rogers, Christopher. (2012) Case Watch: “A Court in Pakistan Addresses U.S. Drone Attacks,” Open Society Foundations. The court’s decision is available at: www.peshawarhighcourt.gov.pk/images/wp%201551-p%2020212.pdf

¹⁹² Sauer, Tom. (2004) The Preventive and Pre-emptive use of force -To be legitimized or delegitimized? Institute for International and European Policy Department of Politics: P. 4

as “ *my ultimate objectives are to attack London and New York*¹⁹³ “ allow the ‘*White-Paper*’ to determine the credibility of before-mentioned threats, and they could transform into incontrovertible evidence. They could also render any threat to become ‘*Imminent*’. As such, they would become one of the factors that drive the drone campaign in FATA¹⁹⁴. Forecasting and forestalling comparable threats involve a great degree of uncertainty. As illustrated in this study, TTP operates in ‘secret’, and their operational capabilities and history, increase the likelihood of impending attacks. Throughout Pakistan, TTP’s reign of terror has caused great destruction and they were initiated with threats that were quite never visibly ‘*Imminent*’¹⁹⁵. As noted by the ‘*White Paper*’, the current administration believes that it remains difficult to predict and alter the behavior of armed non-state entities with peaceful alternatives. The question that remains clear is whether it is salient to attribute looming threats on general and previous behavior of armed non-state entities. According to Wittes and Hennessey (2013) the evaluation of a threat may “*incorporate considerations of the relevant window of opportunity to act, the possible harm that missing the window would cause to civilians, and the likelihood of heading off future disastrous attacks against the United States*¹⁹⁶.” Concomitantly, the nature of terrorism and modern conflict has blurred the lines that separate Pre-emptive force from the Preventive force.¹⁹⁷ What remains obvious is the fact that the blatant reinterpretation of ‘Imminence’ has enabled the U.S. to become the ‘self-appointed arbiter’ that can judge whether the state of Pakistan is ‘able’ to forcefully eject a variety of non-state entities from its tribal territories.¹⁹⁸

¹⁹³ Mehsud, Baitullah. (2007) Interview conducted by Al Jazeera. Available on <http://pakistanpolicy.com/2008/01/29/Baitullah-mehsuds-first-interview>

¹⁹⁴ Norell, Magnus. (2010) Militancy in the Pakistani Federally Administered Tribal Areas (FATA) and Afghanistan. FOI.

¹⁹⁵ Mueller, et al. (2006) Striking First - Pre-emptive and Preventive attack in U.S. National Security Policy. The RAND Corporation: P.57

¹⁹⁶ Wittes & Hennessey. (2013) Just Calm Down about that DOJ White Paper. Brookings Institute.

¹⁹⁷ Mueller, et al. (2006) Striking First - Pre-emptive and Preventive attack in U.S. National Security Policy. The RAND Corporation.

¹⁹⁸ Brooks, Rosa. (2013) Drones and the International Rule of Law. Georgetown University Law Centre: P.97

5. Conclusion

The primary aim of this dissertation was to examine the differences between the Pre-emptive and Preventive use of force. The study demonstrated that the Preventive doctrine employs force on limited immediate threats, and empirical examples have demonstrated that the doctrine merely serves to benefit the countries that fears and strike a looming threat, despite the lack of credible evidence. The JWT's principle of '*Necessity*' elevated the level of threats that were displayed by armed non-state entities to another level, a level wherein the capabilities that matter the most are those that currently subsist. With regards to the threat of TTP and comparable armed non-state entities, this estimation involves a great degree of uncertainty. The rights to self-defence were illustrated in Article 51 of the U.N Charter, and in Resolution 1973 which demonstrated that Member States '*should actively commit*' to prevent the proliferation of armed non-state entities. The research outlined the understanding that would a state try, but fail, it would result in the failure of meeting the imperatives of this Resolution. As such, the U.S. believes that there are sufficient grounds to justify the drone campaign in FATA as a part of the '*on-going use of force*' and self-defence against the instigators of the 9-11 attacks. Moreover, the drone campaign prevails as a part of the on-going war on terrorism. The activities of TTP have gravely weakened the federal state and its armed forces, which were deployed to oust the former and its associates from FATA. The study went on and explored the '*White-Paper*', which was able to add marginal flesh to previous statements, speeches and official rhetoric that I was able to obtain from the Obama administration's understanding of the level of threats that stem from the tribal areas. The flow of IDP's into FATA's neighboring areas and the presence of armed foreign non-state entities could also illustrate Pakistan's hesitation on imposing a full territorial control inside FATA. As such, this has enabled the U.S. to assume that Pakistan is either '*unwilling or unable*' to hamper the activities of TTP and its associates in FATA. The opaque nature of terrorism has enabled the '*White-Paper*' to regard statements, the history of militants and their operational capabilities as '*incontrovertible evidence*' and it advances the conditions that an '*Imminent*' threat could be attributed to a member of an armed non-state entity. This is especially clear if capture is not feasible. As there is a lack of prior evidence on when, or where the next terror-related incident will take place, '*Necessity*', which renders the urgency of a threat

and its immediacy, transforms the threat of the TTP to remain instant and overwhelming. Under the rubric of the UN Charter and additional Articles on the use of force, the research also illustrated that the international community prohibits unilateral pursuits of force. However, a closer look on the '*White-Paper*' illustrated that the principle of '*Imminence*' reflects the current capabilities of armed non-state entities. The principle of '*Last Resort*' prioritizes non-violent measures before force, and as this is rendered ineffective against the threats of non-state entities, I am able to conclude that the Pre-emptive doctrine is the actual doctrine that 'accompanies' the drone campaign in FATA. As based on the current study, force is employed on threats that are considered overwhelming and '*imminent*'. The study reached this understanding with the assistance of the JWT and the NWT. The '*White-Paper*' balanced the former theories as it outlined the current administration's perception of the threats that emanate from FATA. The foregoing research can also illustrate that the conditions in FATA conform to a '*multidimensional character*', which according to the NWT implicates a '*complex amalgams*' of social, economic, political and human elements. I revealed that FATA suffer from political inequalities and this could further be explained by the federal states inability to 'rein in the militants' from its tribal territories. The NWT illustrated the importance of assessing the role of identity during intra-state conflicts. Without a doubt, a religious narrative has been the primary driver for TTP that also justifies its use of suicide and indiscriminatory bombings. A religious identity has not only been a vital element during its attempts to introduce alternative modes of governance inside the areas it seeks to control, but also during the planning of indiscriminate terror attacks inside Pakistan and outside of its borders. The factors that drive the drone campaign were delineated with the assistance of the NWT, it enabled the study to outline that subsequent developments have generated a power vacuum, which has enabled TTP and a plethora of non-state entities to consolidate and regroup their presence inside FATA.

5.1 Proposing Additional Research

Unquestionably, the selected theories have increased my study's comprehension of the existence of modern conflicts, and the differences between the employment of force, they have also introduced possible ramifications that set the stage for additional research on areas of a comparable concern. It remains theoretically significant to continue the research in a different region that has experienced, or currently faces, the conditions that this thesis has analyzed. One could apply comparable theories on the circumstances that prevail in Yemen, which has since 2011 experienced socio-political upheavals that have enabled armed non-state entities, such as Al Qaeda, to find a sanctuary inside the volatile southern Arabian Peninsula. Since extremism is rife in both South Asia and in the Middle East, additional research could employ the NWT, which stressed the importance of examining the role of non-state entities and '*Identity*' during the analysis of political and security-related developments. This graduate thesis examined a hard approach, an approach that analyzed the methods that seek to defeat militant organizations. Additional research could include the investigation of a softer approach, which could analyze the ideas or the methodologies that serve as the ideological foundations to TTP and other militant organizations.

5. Bibliography

Ahmad, M. (2014) *'The Use of Drones in Pakistan: An Inquiry into the Ethical and Legal Issues'* Political Quarterly, Humanities International Complete: Volume 85-1 PP. 65-74

Accessed: 2015-09

Akbar, Mail. (2015) *"Who Is Killing Pakistan's Shias,"* The Huffington Post. Available on: http://www.huffingtonpost.com/malik-siraj-akbar/who-is-killing-pakistans_b_8396140.html.

Accessed: 2016-03

Alston, Phillip. (2010) U.N. Human Rights Council- Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, United Nations: P: 35

Available at:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>.

Accessed: 2015-02

Amnesty International. (2010) *"As If Hell Fell On Me."* Amnesty International Publications. Available at:

www.amnesty.org/en/documents/ASA33/004/2010/en/+&cd=1&hl=sv&ct=clnk&gl=se.

Accessed: 2015-10

Barnes, Joe, et al. (2007) *'Pre-emptive and Preventive War: A Preliminary Taxonomy.'* The James A. Baker III Institute for Public Policy Rice University: P 14

Available at: www.research.policyarchive.org/6810.pdf

Accessed: 2015-11

Barnett, Roger. (2003) *'Asymmetric Warfare: Today's Challenges to US Military Power.'* Potomac Books: P. 15

Accessed: 2015-10

Barnidge, Robert Jr. (2012) *'A Qualified Defense of American Drone Attacks in Northwest Pakistan under International Humanitarian Law.'* Boston University International Law Journal: VOL 30:409

Available at: http://www.bu.edu/law/journals-archive/international/volume30n2/documents/article_barnidge.pdf

Accessed: 2015-07

Bergenwall, Samuel. (2013) *"Drönarkriget I Pakistan – Säkerhetspolitiska Konsekvenser"* FOI. Available at: www.foi.se/ReportFiles/foir_3643.pdf

Accessed: 2015-10

Beitullah, Mehsud. (2007) Interview Conducted by Al Jazeera.

Available at <http://pakistanpolicy.com/2008/01/29/Baithullah-mehsuds-first-interview>.

Accessed: 2015-12

Bergenwall, Samuel. (2012) – *'Pakistan's Stabilitet – Har Översvämningskatastrofer Säkerhetspolitiska Konsekvenser?'* FOI

Available at: www.foi.se/rapport?rNo=FOI-R--3460--SE

Accessed: 2015-10

Bergen, et al. (2013) *'Drone Wars'* The Washington Quarterly: P.17

Available at: http://csis.org/files/publication/TWQ_13Summer_Bergen-Rowland.pdf

Accessed 2015-01

Blank, Laurie, et al. (2011) *'Characterizing US Operations in Pakistan: Is the United States Engaged in an Armed Conflict?'* Fordham International Law Journal: VOL 34 Issue 2 P.174 Available at:

<http://fordhamilj.org/files/2015/09/2.CharacterizingUSOperationsinPakistan-IstheUnitedStatesEn.pdf>

Accessed: 2015-10

Booth, K. (2001) *'New Wars for Old Civil Wars'*: Stability Journal. PP: 163–170

Accessed: 2015-11

Brennan, John. (2011) *'Speech by the Assistant to the President for Homeland Security and Counterterrorism Program on Law and Security.'* Harvard Law School Cambridge Massachusetts

Available at: <https://www.whitehouse.gov/the-press-office/2011/09/16/remarks-john-obrennan-strengthening-our-security-adhering-our-values-an>:

Accessed: 2015-10

Briggs, Billy. (2015) *'Remembering the Peshawar School Massacre.'* Al Jazeera.

Available at: <http://www.aljazeera.com/indepth/features/2015/12/remembering-peshawar-school-massacre-151215071631624.html>

Accessed: 2015-10

British Broadcasting Corporation. (2004) *'Karachi Airport: Islamic Movement of Uzbekistan Claims attack.'* Available at: <http://www.bbc.com/news/world-asia-27790892>

Accessed: 2015-11

Brooks, Rosa. (2013) *Drones and the International Rule of Law.* Georgetown University Law Center. Available at:

scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2296&context=facpub

Accessed: 2015-12

Bush, George. (2002) *Speech on U.S. National Security Strategy: 'Prevent Our Enemies From Threatening Us, Our Allies, and Our Friends with Weapons of Mass Destruction'*

WestPoint, New York. Available at: <http://2001-2009.state.gov/r/pa/ei/wh/15425.htm>

Accessed: 2015-10

Cassese, Antonio. (1989) *'The International Community's Legal Response to Terrorism.'* Case: Aerial Drone Deployment on 4 October 2010 in Mir Ali / Pakistan. Federal Prosecutor General. P.727.

Accessed: 2015-12

Cavallaro, James, et al. (2012) *'Living Under Drones - Death, Injury and Trauma to Civilians from US Drone Practices in Pakistan.'*

International Human Rights and Conflict Resolution Clinic. Stanford Law School

Available at: <http://chrgj.org/wp-content/uploads/2012/10/Living-Under-Drones.pdf>

Accessed: 2015-10

Chatterjee, et al. (2013) *The Ethics of Preventive War* Cambridge University Press.

Chojnacki, Sven. (2006) *'Anything New or More of the Same? Wars and Military Interventions in the International system, 1946–2003.'*

Global Society, 20:1: P.43

Available at: <http://www.stabilityjournal.org/articles/10.5334/sta.at/>

Accessed: 2015-09

Clark, Andrew. (2010) *'Taliban Behind Times Square Plot Says US.'* The Guardian

Available at: <http://www.theguardian.com/world/2010/may/09/times-square-bomb-pakistani-taliban>

Accessed: 2015-11

Coll. (2015) *Warren Weinstein and the Long Drone War.* The New Yorker

Available at: <http://www.newyorker.com/news/news-desk/warren-weinstein-obama-drone-war>. Accessed: 2015-09

Collings, Edward. (2009) *'The Caroline Incident of 1837, The McLeod Affair of 1840 - 1841, and the Development of International Law.'* American Review of Canadian Studies: Volume 20, Issue 1, 1990

Coll, Steve. (2014) *'The Unblinking Stare - The Drone War in Pakistan.'* The New

Yorker (2014) Available at: www.newyorker.com/magazine/2014/11/24/unblinking-stare. Accessed 2016-05-17

Conway, Rebecca. (2011) *Fact box - The Battle Against Militancy in South Waziristan.*

Reuters. Available at: <http://in.reuters.com/article/idINIndia-57520420110606>

Accessed: 2015-12

Creswell, J.W. 2007. *Qualitative Inquiry and Research Design. Choosing Among Five Approaches.* London/New Delhi: Sage Publications. P.73

Deutsch, Karl W. (1965) *'Introduction'*, in Quincy Wright, *A Study of War*, 2nd Edition. Chicago: University of Chicago Press: P.2.

Accessed: 2015-12

Deeks, Ashley. (2012) *'Unwilling or Unable - Toward a Normative Framework for Extraterritorial Self-Defense.'* Virginia Journal of International Law Association:

P.521.

Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1971326

Accessed: 2015-12

Dempsey, Judy. (2012) *'The United States and China: The Return of a Bipolar World'* Carnegie Europe.

Available at: www.carnegieeurope.eu/strategieurope/?fa=49969

Accessed: 2016-04-28

Delahunty, Robert & Yoo, John. (2008) The Bush Doctrine: *'Can Preventive War Be Justified?'* Harvard Journal of Law and Public Policy: Vol.32 P. 849

Available at:

<http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1774&context=facpubs>

Accessed: 2015-10

Doyle, Michael. (2008) *'Striking First: Pre-emption and Prevention in International Conflict.'* Cato Journal: PP 20-23

Available at: <http://object.cato.org/sites/cato.org/files/serials/files/cato-journal/2009/11/cj29n3-13.pdf>

Accessed: 2015-09

Duffield, et al. (2013) In Defense of New Wars. Stability: PP. 1-16.

<http://dx.doi.org/10.5334/sta.at>

Accessed: 2015-10

Ellram, Lisa. (1996) The Use of The Case Study Method in Logistics Research, J.Bus. Logistics: PP: 93,93-94

Available at:

www.wiki.state.ma.us/confluence/download/attachments/52494646/Case+Study+Method.pdf

Accessed: 2015-09

Esaisasson, Peter, et al. (2010) Metodpraktikan: Konsten att Studera Samhälle, Individ och Marknad Nordstedt Juridik: Stockholm

Accessed: 2015-09

Fang, Marina. (2015) *'Nearly 90 of People Killed in Recent Drone Strikes Were Not the Target.'* The Huffington Post.

Available at: http://www.huffingtonpost.com/entry/civilian-deaths-drone-strikes_us_561fafe2e4b028dd7ea6c4ff

Accessed: 2015-10

Freedman, Lawrence. (2003) *'Prevention, Not Pre-emption.'*

The Washington Quarterly: Vol. 26, No. 2, PP. 105–114.

Available at:

https://muse.jhu.edu/login?auth=0&type=summary&url=/journals/washington_quarterly

[/v026/26.2freedman.html](#)

Accessed: 2015-10

Gall, Carlota. (2016) '*Pakistan's Hand in the Rise of International Jihad*'

The New York Times. Available at:

http://www.nytimes.com/2016/02/07/opinion/sunday/pakistans-hand-in-the-rise-of-international-jihad.html?_r=0

Accessed: 2015-10

Gardez. (2006) '*Honour Among Them - Pashtunwali. Thieves, Murderers, Rapists; and How The Pashtuns' Ancient Tribal Code are fighting for Survival Against Radical Islam.*' The Economist

Available at: <http://www.economist.com/node/8345531>

Accessed: 2015-10

Gerring, John. (2004) '*What is the Case Study and What Is It Good For?*' American Political Science Review: Volume 98, No 2.

Available at: http://www.jstor.org/stable/4145316?seq=1#page_scan_tab_contents

Accessed: 2015-10

Gerring, John. (2007) *Case Study Research, Principles and Practices.*

Cambridge University Press

Accessed: 2015-10

Gleditsch, et al. (2002) '*Armed Conflict 1946–2001: A New Dataset.*'

Journal of Peace Research: Vol. 39, No. 5 PP. 615–637

Available at: http://www.uky.edu/~clthyn2/PS439G/readings/gleditsch_et_al_2002.pdf

Accessed: 2015-10

Goldberg, M. (2012) '*How the UN Responded to the 9-11 Attacks.*' UN Dispatch.

Available at: <http://www.undispatch.com/how-the-un-responded-to-the-9-11-attacks/>

Accessed: 2015-10

Government of Pakistan. (2015) *Economy and Livelihood, Federally Administered Tribal Area Secretariat*

http://fata.gov.pk/index.php?option=com_content&view=article&id=54&Itemid=90

Accessed: 2015-10

Government of the United States of America. (2002) *National Security Strategy.*

Government of the United States of America: P.15,

<http://merln.ndu.edu/whitepapers/USnss2002.pdf>

Accessed: 2015-10

Groll, M, et al. (2015) '*Botched U.S. strike Highlights Risks of Obama's Drone War.*' Foreign Policy.

Available at: www.foreignpolicy.com/2015/04/23/botched_us_drone_strike_kills_two_western-hostages

Accessed: 2015-10

- Hashim, A. (2015) '*Pakistan's IDPs come home to the Taliban heartland.*' Al Jazeera.
Available at: <http://www.aljazeera.com/indepth/features/2015/03/pakistan-idps-home-taliban-heartland-150321101608923.html>
Accessed: 2015-10
- Henderson, Errol and Singer, J. (2007) *New Wars and Rumours of New Wars.* International Relations: Vol 28:2 165-190
Accessed: 2015-12
- Holsti, K. (2015) *The State, War, and the State of War,* University of British Columbia: P. 36
Accessed: 2015-10
- Horowitz, Jonathan & Rogers, Christopher. (2012) *Case Watch: 'A Court in Pakistan Addresses U.S. Drone Attacks.'* Open Society Foundations.
Available at: www.peshawarhighcourt.gov.pk/images/wp%201551-p%2020212.pdf
Accessed: 2015-10
- Hynek, Nils & Chandler, David. (2013) '*No Emancipatory Alternative, No Critical Security Studies.*' Department of International Relations & E.U studies - Metropolitan U. Prague: P.47
Available at: <http://www.bristol.ac.uk/media-library/sites/spais/migrated/documents/cssrg1.pdf>
Accessed: 2015-12
- Ignatius, D. (2010) '*Afghan Reconciliation Strategy Should Reflect Pashtun Culture*' The Washington Post.
Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/14/AR2010051404320.html>
Accessed: 2015-10
- International Commission on Intervention and State Sovereignty. (2001) *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty.* International Development Research Centre.
Available at: www.responsibilitytoprotect.org/ICISS%20Report.pdf
Accessed: 2015-10
- Jervis, Robert. (2003) '*Understanding the Bush Doctrine.*' Political Science Quarterly: P 366-388
Available at: <http://acme.highpoint.edu/~msetzler/AFP/AFPreads/JervisBushDoct.pdf>
Accessed: 2015-10
- Johnston, Patrick & Sarbahi, Anoop. (2015) *The Impact of U.S. Drone Strikes on Terrorism in Pakistan.* The Belfer Center for Science and International Affairs at Harvard University's

Kennedy School of Government: P.5
Available at: <http://patrickjohnston.info/materials/drones.pdf>
Accessed: 2015-10

Kahl, Colin. (2012) '*An Israeli Attack Against Iran Would Backfire - Just like Israel's 1981 Strike on Iraq.*'
The Washington Post
Available at: https://www.washingtonpost.com/pb/opinions/an-israeli-attack-against-iran-would-backfire--just-like-israels-1981-strike-on-iraq/2012/02/28/gIQATOMFnR_story.html
Accessed: 2015-11

Kaldor, M. (2013) In Defense of New Wars.
Stability Journal: PP. 1-16.
Available at: <http://dx.doi.org/10.5334/sta.at>
Accessed: 2015-10

Kaldor, Mary. (1999) New and Old Wars: Organized Violence in a Global Era.
Stanford University Press: P 53
Accessed: 2015-11

Keller, William, et al. (2006) Pre-emption, Prevention, Prevarication.
Graduate School of Public and International Affairs. University of Pittsburgh
Available at:
<http://www.ridgway.pitt.edu/Portals/1/pdfs/Publications/KellerMitchellPPP.pdf?ver=2013-08-19-214627-847>
Accessed:2015-11

Lahoud, et al. (2012) '*Letters from Abbottabad: Bin Laden Side-lined?*'
The Combating Terrorism Centre At West Point: P.17
Available at: <https://www.ctc.usma.edu/posts/letters-from-abbottabad-bin-ladin-sidelined>
Accessed: 2015-12

Leonard, Mark. (2016) '*Connectivity Wars: Weaponizing Interdependence.*'
The International Relations and Security Network.
Available at: www.isn.ethz.ch/Digital-Library/Articles/Detail/?ots591=4888caa0-b3db-1461-98b9-e20e7b9c13d4&lng=en&id=195482
Accessed: 2016-03

Lewis, Bernard. (1998) '*License To Kill: Osama bin Laden's Declaration of Jihad.*'
Foreign Affairs
Available at: <https://www.foreignaffairs.com/articles/saudi-arabia/1998-11-01/license-kill-usama-bin-ladins-declaration-jihad>
Accessed: 2015-12

Mackey, R. (2007) '*It's a Thin Line.*' The New York Times, available at:
http://thelede.blogs.nytimes.com/2007/03/02/its-a-thin-line/?_r=0

Accessed: 2015-10

Malantowicz, Artur. (2016) '*Civil War in Syria and the 'New Wars' Debate.*'

Amsterdam Law Forum: P.53

Accessed: 2015-10

Available at:

[https://depot.ceon.pl/bitstream/handle/123456789/2796/Civil%20War%20in%20Syria%20and%20the%20New%20Wars%20Debate_Malantowicz%20\(2013\).pdf?sequence=1](https://depot.ceon.pl/bitstream/handle/123456789/2796/Civil%20War%20in%20Syria%20and%20the%20New%20Wars%20Debate_Malantowicz%20(2013).pdf?sequence=1)

McGreal, Chris. (2013) '*John Brennan Defends Drone Attacks as He Prepares for Tough Senate Hearing.*' The Guardian

Available at: www.theguardian.com/world/2013/feb/07/john-brennan-drones-senate-hearing

Accessed: 2015-11

McNeal, Gregory. (2014) '*Targeted Killing and Accountability.*'

Pepperdine University School of Law

Available at: <http://goodtimesweb.org/overseas-war/2015/McNeal-TargetedKilling.pdf>

Accessed: 2015-10

Miller, Greg. (2011) '*U.S. Drone Strike in Yemen is first since 2002.*'

The Washington Post. Available at: https://www.washingtonpost.com/world/middle-east/yemeni-official-us-drone-strike-kills-2-al-qaeda-operatives/2011/05/05/AF7HrxF_story.html

Accessed: 2015-10

Miller, Ed. (2015) '*Traditional Counter-Strategies against Today's Dynamic Threats Fail. Therefore, Unilateralism must be considered.*'

Available at http://avalon.law.yale.edu/19th_century/br-1842d.asp

Accessed: 2015-10

Mohsin, Saifi. (2014) '*Major Pakistan Offensive Aims to 'Finish Off' Militants in North Waziristan.*' CNN.

Available at: www.edition.cnn.com/2014/06/15/world/asia/pakistan-airstrikes/

Accessed: 2015-10

Mueller, et Al. (2006) '*Striking First - Pre-emptive and Preventive attack in U.S. National Security Policy.*' The RAND Corporation.

Available at:

http://www.rand.org/content/dam/rand/pubs/monographs/2006/RAND_MG403.pdf

Accessed: 2015-10

Musharraf, Pervez. (2006) *In the Line Of Fire.* Simon & Schuster: P.222

Myjer, Eric & White, Nigel. (2002) '*The Twin Towers Attack: An Unlimited Right to Self-Defense?*'

J. CONFLICT & SECURITY PP: 5-7

Available at: <http://jcsf.oxfordjournals.org/content/7/1/5.short?rss=1&ssource=mfc>
Accessed: 2015-10

Nawaz, Shuja, et al. (2009) Pakistan - Consequences of Deteriorating Security in Afghanistan: FOI
Available at: www.foi.se/sv/Var-kunskap/Sakerhetspolitik/Asien/Publikationer/
Accessed: 2016-04-27

Newman, Edward. (2004) The New War Debate: A Historical Perspective is needed. UN University Tokyo Japan: PP: 1-2
Available at: <http://sdi.sagepub.com/content/35/2/173.short?rss=1&ssource=mfr>
Accessed: 2015-10

Nickels, et al in Mary Kaldor (2007) New & Old wars: Organized Violence in a Globalized Era: Stanford: Stanford University Press 2nd Edition. Journal of Military and Strategic Studies: Volume 12, Issue 1.
Accessed: 2015-10

Norell, Magnus. (2010) Militancy in the Pakistani Federally Administered Tribal Areas (FATA and Afghanistan) FOI: P.14-15
Available at: www.foi.se/ReportFiles/foir_2727.pdf
Accessed: 2015-10

Oberg, et al (2015) The New War Debate Revisited – An Empirical Evaluation of the Atrociousness of New Wars. Uppsala Research Paper: No 9 Department of Peace and Conflict Research Uppsala University Sweden
Accessed: 2015-10

O'Connell, Mary. (2010) *'Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2004-2009,'* Notre Dame Law School. Legal Studies Research Paper: No. 09-43. Available at:
<https://www.law.upenn.edu/institutes/cerl/conferences/targetedkilling/papers/OConnellDrones.pdf>
Accessed: 2015-10

O'Hara, William. (2010) Drone Attacks and Just War Theory
The Small Wars Foundation: PP 2-14
Available at: www.smallwarsjournal.com/printpdf/9646
Accessed: 2015-10

Pervez, M. (2013) Security Community in South Asia: India-Pakistan. Abingdon: Routledge.

Pick, Anthony. (2011) The Nation State - an Essay.
Available at: <http://www.thenationstate.co.uk/TheNationState.pdf>
Accessed: 2015-09

Pollack, Kenneth. (2016) *'Fight or Flight - America's Choice in the Middle East.'* Council on Foreign Relations.
Available at: <https://www.foreignaffairs.com/articles/middle-east/2016-02-16/fight-or-flight>

[flight](#)

Accessed 2016-02

Princeton University. (2015) '*What is a Primary Source?*'

Princeton University Press.

Available at: www.princeton.edu/~refdesk/primary2.html

Rahi, A. (2014) '*Why the Durand Line matters. It is time for Kabul to Accept the Legality of The Border.*' The Diplomat.

Available at: <http://thediplomat.com/2014/02/why-the-durand-line-matters/>

Accessed: 2015-09

Sarkees, et al. (2016) '*Inter-State, Intra-State, and Extra-State Wars: A Comprehensive Look at Their Distribution over Time, 1816–1997*'. University of California: P.65.

Accessed: 2015-10

Sauer, Tom. (2004) '*The Preventive and Pre-emptive Use of Force- To Be Legitimized or De-Legitimized?*' Institute for International and European Policy Department of Politics

Available at: <http://www.ethical-perspectives.be/viewpic.php?TABLE=EP&ID=493>

Accessed: 2015-09

Sethi, Kabir. (2009) *New Wars & Old wars, Understanding Global Jihad.*

Macalester College.

Available at:

http://digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1019&context=poli_honors

Accessed: 2015-09

Shafique, A. (2011) '*The Case for Constructivism in Analysing the India-Pakistan Conflict*' E-International students.

Available at: <http://www.e-ir.info/2011/09/07/the-case-for-constructivism-in-analysing-the-india-pakistan-conflict/>

Accessed: 2016-03

Smith, Patrick. (2013) '*A Drones Eye View: Global Anti-terrorism and the Existential Crisis of Just War Theory, The Advent of Drone Warfare.*'

JCRT: 12.3 spring 2013 84-119.

Available at: <http://www.jcrt.org/archives/12.3/smith.pdf>

Accessed: 2015 – 09

Snow, Donald M. (1996) *Uncivil wars: International Security and the New Internal Conflicts.* Boulder: Lynne Reiner Publishers: PP:(100-102)

Sorabji, Richard & Rodin, David. (2006) *The Ethics of War: Shared Problems in Different Traditions.* Ashgate Publishing Company: P.166

The Bureau of Investigative Journalism. (2016) '*Drone Strikes in Pakistan.*' The Bureau of Investigate Journalism. Available at:

<https://www.thebureauinvestigates.com/2016/01/11/obama-2016-pakistan-drone-strikes/>
Accessed: 2016-03

Travallio, Gregory. (2008) Terrorism: International Law and the use of Military force. 18 Wis. International Law Journals P: 145,183.

The White House. (2010) The National Security Strategy, The White House: P.22

The White House. (2010) The National Security Strategy. P.19

Available at:

www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf

Accessed 2015-09

United Nations. (2015) Chapter VII: Article 51

Charter of the United Nations. United Nations.

Accessed: 2015-09

United Nations. (1970) '*Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations*' United Nations General Assembly: 25th Sess. No. 28, U.N. Doc. A/8018, P. 122

Available at: <http://www.un-documents.net/a25r2625.htm>

Accessed: 2015-09

United Nations. (1992) Resolution 748 of 31. The Security Council: 47th Session

United Nations: P. 52.

Available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/798\(1992\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/798(1992))

Accessed: 2015-09

United Nations. (1979) The Security Council, 36th Session.

United Nations.

Available at: <http://research.un.org/en/docs/ga/quick/regular/36>

Accessed: 2015-09

United Nations. (2016) Charter VII: '*Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression.*' Charter of the United Nations.

United Nations.

Available at: <http://www.un.org/en/sections/un-charter/chapter-vii/>

Accessed: 2015-09

United Nations. (2016) Charter I: Purposes and Principles, Charter of the United Nations.

Available at: <http://www.un.org/en/sections/un-charter/chapter-i/>

Accessed: 2015-09

United States Department of Justice. (2013) '*The Whitepaper -Lawfulness of a Lethal Operation Directed Against a U.S. Citizen who is a Senior Operational Leader of AQ or an Associated Force.*' United States Department of Justice

Available on: <https://www.law.upenn.edu/live/files/1903-doj-white-paper>

Accessed: 2015-10

Walsh, Declan. (2011) '*Osama Bin Laden Mission Agreed in Secret 10 Years Ago by US and Pakistan.*' The Guardian.

Available at <http://tinyurl.com/6x7bk95>

Accessed: 2015-10

Ward, Clarissa & Felton, Alexander. (2016) '*I'm on the U.S. "Kill List," Pakistani elder claims.*' CNN.

Available at: <http://www.edition.cnn.com/2016/04/22/asia/us-pakistan-drone-kill-list/>

Accessed: 2016-05-18

Webster, Daniel. (1842) Letter to Lord Ashburton, British Special Minister.

Treaties and Other International acts of United States of America: PP. 449.

Available at: http://avalon.law.yale.edu/19th_century/br-1842d.asp

Accessed: 2015-10

Westphal, Steven. (2003) '*Counterterrorism: Policy of Pre-emptive Action.*'

USAWC Strategy Research Project.

Available at: <http://www.au.af.mil/au/awc/awcgate/army-usawc/westphal.pdf>

Accessed: 2015-09

Wilkens, Ann. (2011) '*Suicide Bombers and Society - A Study on Suicide Bombers in Afghanistan and Pakistan.*' FOI: P.13

Available at: www.foi.se/ReportFiles/foir_3058.pdf

Accessed: 2015-09

Wilkens, Ann. (2010) '*Smoke Gets in Your Eyes. Afghanistan Analyst Network.*'

Available at: http://www.afghanistan-analysts.org/wp-content/uploads/downloads/2012/10/20100304-AWilkens-Smoke_Gets_in_Your_Eyes.pdf

Accessed: 2015-09

Wirtz, James & Russell James. (2003) '*US Policy On Preventive War and Pre-emption.*' The Non-proliferation Review: Spring 2003 P: 113

Available at: <https://www.nonproliferation.org/wp-content/uploads/npr/101wirtz.pdf>

Accessed: 2015-09

Wittes, Benjamin & Hennessey, Susan. (2013) '*Just Calm Down About that DOJ White Paper.*' Brookings institute

Available at: <http://www.brookings.edu/research/opinions/2013/02/05-drone-white-paper-wittes>

Accessed 2015-09

Woodward, Bob. (2010) *Obama's Wars: The Inside Story*

London: Simon & Schuster

Wright, Ethan. (2015) *'Of Drones and Justice: 'A Just War Theory Analysis of the United States' Drone Campaigns.'*
U-Imagine Centre for Integrative and Entrepreneurial Studies
Available at:
http://digitalcommons.ursinus.edu/cgi/viewcontent.cgi?article=1003&context=ethics_esay
Accessed: 2015-09

Yin, Robert. (1994) *Case Study Research – Design and Methods* (2nd edition).
Sage Publications
Accessed: 2015-09

Yousaf, Farooq. (2014) *'The Drone Strike Narrative in Pakistan.'*
The Diplomat.
Available at: www.thediplomat.com/2014/06/the-drone-strike-narrative-in-pakistan
Accessed 2016-05-17

Zahdi, Syed. (2008) *'A Profile of Beitullah Mehsud.'* The Long War Journal
Available at: <http://www.longwarjournal.org/multimedia/Baitullah-profile-Manzar-LWJ-09302008.pdf>
Accessed 2015-09

Zahid, Farhan. (2015) *'The Successes and Failures of Pakistan's Operation Zarb-e-Azb.'*
Jamestown Foundation, Terrorism Monitor: Volume 13 Issue: 14.
Available at:
http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=44144&cHash=d4281630e5ad104ab6fbc0bd5f3bbf9f#.VwZ1oGSLQy4
Accessed 2015-09

Zahid, Farhan. (2015) *'Tehrik-e-Taliban Pakistan Evolves Under Pressure.'*
Jamestown Foundation, Terrorism Monitor Volume: 13 Issue: 20.
Available at:
http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=44445&tx_ttnews%5BbackPid%5D=7&cHash=1b1e0619cb44dda892485d2235c17e80#.VwZ1XWSLQy4
Accessed 2015-09

Zenko, Micah. (2016) *'Obama's Drone Warfare Legacy: Politics, Power and Preventive Action.'* Council on Foreign Relations.
Available at: www.blogs.cfr.org/zenko/2016/01/12/obamas-drone-warfare-legacy/
Accessed 2015-09