The Impact of CIA Drone Strikes and the Shifting Paradigm
of U.S. Counterterrorism Strategy

Joseph T. Karam, M.A.
Diplomacy Programs
Norwich University
Northfield, VT 05663
karam.joseph1@gmail.com

David H. Gray
Campbell University
Buies Creek, NC 27506
grayd@campbell.edu

Abstract

The growing prominence and increasing reliance on CIA drone strike operations has made it the tactical centerpiece in U.S. counterterrorism strategy, and the "weapon of choice" to confront an increasingly decentralized and metastasizing threat from al-Qaeda and its affiliates. This move, whether by accident or design, has resulted in a paradigm shift in U.S. counterterrorism strategy. Drone strikes allow the CIA to project profound military power into inhospitable regions. CIA drone strikes are able to quickly locate and decisively engage terrorist networks on a global scale. This has effectively blunted their development in key regions, eroded operational capabilities, and denied them safe haven. This capability has allowed the U.S. to avoid committing significant military resources on the ground, and shifted a historic reliance on U.S. military special operations. The growing prominence of CIA drone strike operations has not come without a price. Profound legal and moral questions have converged with harsh political realities facing the U.S., both at home, and abroad. However, regardless of its drawbacks the U.S. must not abandon the use of drone strikes. Instead the U.S. should focus on increasing the visibility of drone strike operations, by clearly defining their mission and objectives, as well as requiring a stricter criterion for drone strike deployment. U.S. drone strikes remain an indispensible tactical option in U.S. counterterrorism strategy and an integral strategic component in achieving broader U.S. national security goals. Incorporating these elements into existing U.S. counterterrorism strategy will help mitigate the negative impact of drone strikes, while further bolstering its positive impact in combating terrorist networks.

Keywords: Drone, Force Multiplier, Safe Haven, Authorization for the Use of Military Force, U.S. National Counterterrorism Strategy, Joint Special Operations Command

Introduction

The surge in the use of unmanned aerial vehicles (UAV), commonly referred to as drones, to conduct targeted strikes against al-Qaeda and its affiliates, has granted CIA counterterrorism operations unprecedented power and reach against a highly decentralized and fragmented terrorist network. Al-Qaeda and its affiliates are not burdened by the rules and regulations of sovereign states; they can move freely between borders, and operate with relative

impunity in lawless ungoverned regions across the globe. This advantage has allowed al-Qaeda and its affiliates to plan and execute their goals and objectives in relative safety and comfort. This freedom of mobility has, historically, given terrorist networks an important advantage over nation states that struggle to combat their threat. The advent and fervent adaptation of drones into the broader repertoire of U.S. counterterrorism strategy has been a direct response to al-Qaeda and its affiliates capitalizing on these advantages. Drone strikes have been successful in diminishing the strategic advantage afforded terrorist networks, and allowed CIA to quickly and decisively confront terrorist networks on a global scale; effectively blunting their development in key regions, eroding operational capabilities, and denying them access to safe havens across the globe. The push toward utilizing drone strikes to combat al-Qaeda and its affiliates has forced the U.S. to adapt new policies that have altered the paradigm of US counterterrorism strategy. The growing reliance on the Central Intelligence Agency (CIA) to conduct drone strikes outside of designated battlefields has marginalized the presence of Joint Special Operations Command (JSOC) and by extension the Department of Defense (DOD), who, historically, were responsible for the organization and execution of U.S. counterterrorism operations. The current U.S. administration, and to a degree its predecessor, have clearly signaled its preference in utilizing CIA drone strikes over JSOC when confronting terrorist networks operating outside designated battlefields. The shift away from utilizing JSOC and toward CIA drone strikes is rooted in the ease and relatively diminutive cost, in both blood and treasure, to conduct these operations −… making them not just the "weapon of choice" (Byman 2013, 32), but a weapon of necessity. In the past, combating these terrorist networks would have required the commitment of significant military resources that in the current political environment comes at a premium. This extraordinary shift has been made possible through the remarkable advancements in drone technology, which has acted as a "force multiplier" for the intelligence community, allowing them to project significant military power into inhospitable regions. In recognizing the complex domestic and international realties of combating the highly infectious and metastasizing threat of al-Qaeda ideology – the U.S. firmly cemented CIA drone strike operations at the forefront of U.S. counterterrorism strategy.

       As CIA drone strikes grow in frequency and popularity, the development, or, lack there of, in a clear and cohesive drone strike policy has forced the U.S. to confront harsh political realities, both at home and abroad, that have raised a number of contentious moral and legal questions. Domestic and international observers have decried U.S. drone strike policy for its flagrant violation of international humanitarian law, the circumvention in the right to due process, and mounting civilian causalities. The growing prominence of drone strike operations has complicated the development of strategic partnerships in regions where it is critical to nurture and cultivate strong alliances. The legal and political repercussions of U.S. drone policy forces potential partners to clash with harsh internal political realties, which have a negative impact on the perception of done strike operations, fostering misconceptions about their deployment and purpose. This further alienates the U.S. from regional partners, and makes combating the spread of al-Qaeda and its affiliates more difficult. The U.S. is setting a dangerous precedent that will no doubt be reflected in the policies and actions of other nations as they begin to develop their own policy governing the use of drones. Understanding that the U.S., in its current actions is establishing a model for the future – U.S. policy must adhere to the highest possible moral and legal standard. The U.S. stands at a crossroads – can it revise the policy and structure of its drone program to allow greater accountability and transparency, or continue to conduct these operations with no clear scope and shrouded in secrecy?

The evolution and fervent adoption of drone technology into U.S. counterterrorism strategy has presented policy makers with a difficult challenge. CIA drone strike operations have been a highly effective weapon against al-Qaeda and its affiliates, but its political and legal viability leave much to be desired. If the US continues down its current policy track, drones may become a liability for future administrations. The U.S. can't afford to abandon its use of drone strikes. Instead, policy makers should move quickly to take proactive and concrete steps to increase the visibility of drone strike operations through clearly defined mission objectives and establishing a more restrictive criterion for determining appropriate drone strike targets. Due to the secretive nature of CIA drone strike operations; increasing the visibility of these operations will require shifting operational command away from CIA and toward the DOD. While this shift will invariably diminish some aspects of drone strike effectiveness, namely the scope of potential operations, increased scrutiny of missions, and operational deniability. Incorporating these elements into existing U.S. drone policy can help reverse misconceptions and mitigate the negative impact regarding drone strike deployment. CIA will continue to play a critical role in locating and acquiring targets, but the DOD should oversee the operational aspect of deploying drone strikes. These steps will ensure drone strikes remain a viable tactical option in U.S. counterterrorism strategy, as well as instill greater confidence in our strategic partners, and further bolster the effectiveness in combating al-Qaeda and its affiliated terrorist networks.

Drone Revolution

U.S. drone strike operations are not a single homogeneous program. The U.S. currently operates two separate and distinct drone programs – one program overseen, approved, and conducted by the U.S. military, and by extension the Department of Defense, and another "shadow" program, conducted by CIA in the Federally Administered Tribal Area (FATA) of Pakistan, Somalia, and Yemen. Each program is tasked with combating the same threat, namely al-Qaeda and its affiliated terrorist networks–however; the scope and parameters of these two programs is quite different (Bradley C., Goldsmith J. 2005, 2049).

When the threat from al-Qaeda and its affiliates first began to take shape in the early 90's, terrorism was not a major focus for U.S. foreign policy. The U.S. was still entrenched in Cold War geopolitics, and its ability to adequately assess and respond to the emerging threat presented by international terrorism was significantly compromised. It took the events of September 11th to knock the U.S out of apathy and rally the necessary political will to confront the convergence of terrorist threats that were building for more than a decade (Johnson, D., Madin E. 2008, 213). The U.S. response to terrorism has a long and storied history. President Reagan in 1982, responded to the emerging state-sponsored terrorist threat presented from Iran by deploying U.S. Marines into Lebanon's devolving civil war, a move which culminated in the 1983 U.S. Marine barracks bombing that killed 161 Americans – following that incident, President Reagan quickly withdrew U.S. forces from Lebanon, and the country soon plunged into one of the most devastating civil wars of the 20th century. In 1986 President Reagan responded to Libyan state-sponsored terrorism by conducting extensive bombing campaigns against critical targets. The Clinton Administration, in response to the 1998 twin bombing of U.S. Embassies in East Africa, launched 75 cruise missiles against a suspected chemical weapons facility in Khartoum and against al-Qaeda training camps near Kabul. In all these instances, U.S. response to terrorism has always been direct military action, typically at the helm of cruise missile attacks or air strikes from manned fixed wing aircraft (Dempsey T. 2006, 19).

Following the attacks on September 11th Osama bin-Laden was confident the U.S. would respond in similar fashion, airstrikes and cruise missile attacks, a response similar to what was seen in 1998, or airstrikes conducted in 1999 by U.S. and NATO forces in Kosovo (Bergen P. 2012, 23-24). The initial response to 9/11 was not so much a departure from the traditional approach the U.S. has taken, but a dramatic improvement in the broader strategic deployment of U.S. military force – recognition over time that the conflation of threats that would emerge in the 21st century would be radically different than those presented by the Soviet Union.

      Following the events of 9/11, President George W. Bush sought and attained approval to implement the Authorization for the Use of Military Force (AUMF), a broad and far reaching document that empowered the executive branch to "use all necessary and appropriate force against, those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001," and take any action to prevent future acts of international terrorism against the US (GPO, 2001). The initial invasion of Afghanistan, Operation Enduring Freedom (OEF), became the testing ground for U.S. drone technology. The U.S. chose to roll out OEF in multiple phases, the first of which was an aerial assault utilizing air strikes and cruise missiles; this was largely ineffective and left al-Qaeda and the Taliban still in control of large areas of Afghanistan. U.S. Special Operation Forces and CIA officers coordinating with Northern Alliance Forces to locate and identify critical targets for U.S. air strikes spearheaded the second phase. It is here that U.S. drone strikes made their first appearance in an active war zone with the deployment of the RQ-4 Global Hawk, which is designed to provide advanced and sustained ISR, or intelligence, reconnaissance and surveillance, along with Hellfire missile equipped MQ-1 Predators (Richter, A. 2005, 13-16). Drones provided the U.S. military with the ability to lauder over target areas for long periods of time, enabling the military to quickly respond to real-time intelligence within minutes – if not seconds of target acquisition, significantly improving the "find-fix-finish" loop – the time needed to acquire a target, affix its position, and engage it (Zenko, 2013, 6). From the onset of OEF drones played a critical role in developing a seamless picture of the battlefield. This quick synchronization of air power and ground operations provided the U.S. with a formidable tactical advantage against al-Qaeda and the Taliban. Drones played a critical role in developing a clear picture of the battlefield for U.S. forces on the ground – effectively linking U.S. air power to the small contingent of special operation forces that were fighting alongside the Northern Alliance (RAND, 2005, 2). Drone strikes added a new dimension to the already formidable U.S. tactical advantage. The deployment of drones into Afghanistan quickly began bearing fruit for the U.S. – a month into OEF a drone strike successfully targeted and eliminated its first high value member of al-Qaeda's leadership, Mohammed Atef. Mohammed Atef was not only a key operational commander in al-Qaeda, but he was also Osama bin-Laden's chief executive officer, responsible for coordinating day-to-day operations – many saw him as Osama bin-Laden's successor, and his death was keenly felt by the top echelon of al-Qaeda leadership (Bergen, 2012, 38-39).

      The ability for the U.S. to accurately and decisively target and engage key al-Qaeda leadership would become a hallmark of U.S. drone strike capability, and had a profound impact on disrupting and degrading al-Qaeda's command and control structure. An important aspect of U.S. military drone operations in OEF is that they utilized highly trained operators that adhere to strict rules governing engagement during wartime, and its operations are 'overt', meaning its guidelines, mission, and scope are subject to review, actions taken by officers and soldiers are held to a standard of accountability that, if needed, answer to congressional oversight (Ofek, 2010). Under the DOD the scope and parameters are fixed and relatively confined to designated

battlefields. All DOD operations are required under U.S. law to report activities to congress, which is responsible for oversight and accountability for U.S. military action (Zenko, 2013).

Operation Enduring Freedom showcased the incredible impact drones can have on the battlefield. When the third phase of OEF was initiated, al-Qaeda and the Taliban were in full retreat into their mountain network inside Tora Bora, and began leaking into the porous border between Afghanistan and Pakistan. Even though U.S. military operations were able to quickly push al-Qaeda and the Taliban out of Afghanistan, they were able to just as quickly reconstitute their network inside Pakistan's Federally Administered Tribal Area (FATA) in North Waziristan (Richter, A. 2005, 14-16). This lawless region of Pakistan provided al-Qaeda and the Taliban with a safe haven that they could utilize as a springboard into Afghanistan, effectively sustaining its operations against U.S.-Coalition forces and mitigating any threat of reprisal. Al-Qaeda's Taliban patriarchs didn't hesitate in offering up their territory as a safe haven for al-Qaeda operations against the U.S. in Afghanistan. The ability to move freely between Afghanistan and Pakistan gave al-Qaeda and the Taliban a vital safe haven that they could use to temporarily escape U.S.-Coalition forces – allowing them to regroup, rearm, and reengage at their leisure. This tactic became an increasingly dangerous and costly annoyance for U.S. operations in Afghanistan. The U.S. was not authorized to engage al-Qaeda targets inside Pakistan. The U.S. mandate for military operations did not extend into Pakistan, and even so, the Pakistani government lead by President Perez Mushareff was extremely hesitant, at least in public, about the political backlash U.S. military operations would cause amongst the populous. The U.S. needed to devise a method of confronting al-Qaeda's extensive support network in Pakistan, while avoiding the overt presence of military operations. If 'necessity is the mother of invention' then the circumstances confronting the U.S. in Afghanistan inspired an ingenious solution that would become the centerpiece of U.S. counterterrorism strategy.

The genesis of the CIA drone strike program emerged from the recognition that the U.S. needed to quickly adapt to the evolving threat from al-Qaeda and its affiliates in Pakistan. Combating al-Qaeda and the Taliban required the U.S. to develop a multi-pronged approach to combating not just a resilient insurgency in Afghanistan, but also a decentralized global terrorist network that was quickly proliferating across the continent. In order to address these threats, the U.S. could not rely on traditional military operations, as they were bound by a strict and inflexible system of international and domestic laws. The U.S. instead chose to give the CIA a broad new series of objectives, focused on locating and eliminating al-Qaeda terrorist networks wherever they are operating. These operations were geared toward "hunter-killer" missions (Orr, A. 2011, 730-732), and the scope of these operations dwarfed anything U.S. counterterrorism operations had previously tried to accomplish. Looking at the topography of the Federal Administered Tribal Area (FATA) inside Pakistan, one can appreciate the sheer magnitude of the challenge facing the U.S. in developing an effective counterterrorism strategy. The tribal area inside Pakistan encompasses 27,500 square kilometers, and much of that is covered in rugged mountainous terrain, which is populated with over 3.5 million Pashtuns. The tribal region has been a training ground and operational center for al-Qaeda since the Soviet-Afghan war, and has long been the epicenter for militancy and Islamic extremism – a tactical nightmare for those contemplating ground operations (Nawaz, S., Borchgrave, A. 2009, 1-7). Deploying drones over Pakistan's tribal region was the only feasible option if the U.S. wanted to directly combat al-Qaeda and its affiliates operating outside Afghanistan.

An important component of U.S. counterterrorism strategy is the development of strategic partnerships. In order for the U.S. to effectively conduct its drone strike operations, it

requires the permission, however tacit or enthusiastic it may be, to operate within the border where drone strike operations intent to operate. In this regard, there are few partnerships more critical than the relationship between the U.S. and Pakistan. Pakistan rests on one of the most important borders in terms of U.S. strategic interests. Situated next to Afghanistan, its border is not only porous and geographically isolated, but is also home to an autonomous tribal region that encompasses nearly its entire northern border with Afghanistan, and is controlled by the Pakistani Taliban (Javaid, U. 2011, 88). The partnership between the U.S. and Pakistan has a tumultuous and storied history – littered with highs and lows. However, the impact in the use of CIA drone strikes has been a marked departure in this relationship. CIA drone strikes in Pakistan have the tacit approval of the government, although it does not public admit to allowing the U.S. to operate within its border – this support has inflamed animosity between the Taliban and Pakistani government, resulting in increased domestic terrorist activity and in turn significant pressure from the public to address the rising violence sweeping across the country (Javaid, U. 2011, 88). From the U.S. perspective Pakistan has never demonstrated real enthusiasm in addressing the lawless tribal region that continues to offer safe haven to al-Qaeda and its affiliates, so as the U.S. ratchets up drone strike operations, the Taliban inside Pakistan ratchet up the violence against the government, a self-perpetuating cycle that seems to offer no easy solutions for either side. To complicate matters the U.S. has become more vocal in its suspicions that elements within Pakistan's Inter-Intelligence Services (ISI) have been secretly supporting elements of the Taliban. In reality, it is less of a suspicion than an observation of history, where the links between the ISI and Mujahedeen are well documented during the Soviet-Afghan war – we should know, we encouraged the relationship (Siddique, Q. 2011, 18). Nevertheless, this growing suspicion has lead the U.S. to question from an operational security perspective, the logic behind coordinating and sharing information with the Pakistani military and ISI. These suspicions factored into the decision by the U.S. to keep elements of the Pakistani government in the dark in the lead up to the special operations mission that eliminated Osama bin-laden in his cement fortress in Abbattabad, Pakistan. Although the discovery of Osama bin-Laden in Pakistan placed increased tension on U.S. - Pakistani relations, it was one episode in a string of incidents that placed significant strain on a vital partnership.

On more than one occasion the Pakistani government has demanded the U.S. cease its drone strike operations inside Pakistan, more often than not the U.S. pretends like it doesn't hear them, and on a few occasions the U.S. has complied, but eventually the U.S. resumes its operations (Rollins, J. 2011, 6-7). The ramifications of drone strike operations have significantly exacerbated the growing rift within the U.S –Pakistan partnership, but it's a partnership that neither side can afford to let fail. Even after the U.S. ends ground operations in Afghanistan the need to maintain a functioning relationship with Pakistan will be central to U.S. counterterrorism strategy in the future. The threat posed by al-Qaeda and its affiliates will remain ever present and the growing tide of radical Islamic ideology it is pouring out of the region will have a profound impact on the stability of not just Pakistan and Afghanistan, but the broader region as a whole.

The CIA drone strike program extended the power and reach of U.S. operations in Afghanistan. In this regard, the CIA was able to operate as a stopgap for the limitations of U.S. military operations in the region. The Bush administration recognized the potential in bypassing traditional restrictions on military operations, and quickly moved to develop the means for the CIA to begin conducting drone strike operations against al-Qaeda and its affiliates. Due to the inherent nature of the intelligence community, CIA drone strikes operate with a higher level of secrecy, and in relation to the U.S. military, operate with far less visibility. CIA drone strike

operations utilize the same equipment as its military counterpart, but it operates under very different guidelines (Ofek, 2010). Additionally, the CIA drone fleet is reportedly located and launched from secret installations within Pakistan. The Pakistani's have been publicly critical of drone strike operations in the FATA region – operations they claim have killed not only militants, but also civilians. It's clear that the primary targets for CIA drone strikes are as much an enemy to U.S. forces, as they are to the Pakistani government, and while this double-game the Pakistanis are playing might be necessary to appease radical elements of its population, it has been incredibly destructive to the broader U.S. counterterrorism strategy in the region (Ofek, 2010). The CIA, an agency primarily focused on gathering and analyzing intelligence, seemingly overnight, was transformed into a paramilitary entity, utilizing sophisticated military technology to conduct counterterrorism operations on a global scale – to say the least; it was an incredible transformation in such a short period of time.

The Paradigm Shift

A paradigm shift occurs when a previously accepted view is invalidated through the discovery of a new way of seeing the world. U.S. counterterrorism strategy was fundamentally unprepared for the catastrophic events of September 11th. Al-Qaeda and its affiliates, not only radically changed the rules of international terrorism, but they altered the very perception of what international terrorism was capable of accomplishing. As such, U.S. counterterrorism strategy needed to radically alter the way it approached combating al-Qaeda and its affiliates' – a decentralized and highly fluid terrorist network.

The embrace of CIA drone strike operations highlights a move away from large-scale military operations, and toward a strategy that relies on 'covert' action. The Bush administration broadened the scope and scale of U.S. counterterrorism operations – providing CIA with the means and capability to engage terrorist networks across the globe – essential giving it broad authority to target individuals and organizations far outside the confines of initial U.S. engagements. These moves pushed counterterrorism operations into not just the FATA region of Pakistan, but also Somalia and Yemen. Effectively, opening a new front for counterterrorism operations in the Horn of Africa, and allowing CIA drone strikes to engage a wide spectrum of loosely affiliated terrorist networks (Gregory, 2011). While President Bush can be credited for the genesis of the CIA drone strike program, it has been, President Obama, who has catapulted these operations to the forefront of U.S. counterterrorism strategy.

President Obama has taken aggressive steps to not only increase the frequency of CIA drone strikes, but expand their operations into Pakistan, Yemen, and Somalia – working diligently to fund the development and deployment of more powerful and more sophisticated drone systems (Mazzetti, 2010). When President Obama came into office he chose to keep the architects of the Bush administration drone strike program intact, ensuring continuity between past and present policy implementation. Under his leadership, despite criticisms made during his campaign regarding the legal and political ramifications of Bush era counterterrorism policy – President Obama, not only kept these operations in place, he significantly expanded their rate of deployment (Mayer, 2009). When President Bush left office in 2008, the US conducted a total of 46 drone strikes inside Pakistan; by 2010 that number ballooned to 180. The New America Foundation, lead by Peter Bergen, has assembled an impressive database that has documented and chronicled the expansion in CIA drone strikes in both, Pakistan and Yemen. The New America Foundation estimates that since 2004 the U.S. has conducted 298 drone strikes inside

Pakistan and 57 in Yemen. In Pakistan 58 militant leaders have been killed in drone strikes, which accounts for 2% of all targets killed. Over the last several years, CIA drone strike operations in Pakistan have been on the decline, while drone strikes in Yemen have begun to rise as the U.S. has taken a more active role in helping the western backed government combat al-Qaeda affiliated networks.

The impact of this paradigm shift can't be underestimated. CIA drone strike operations have made significant progress in disrupting and degrading the operational capabilities of al-Qaeda and its affiliates. The use of drone strikes against al-Qaeda and Taliban targets in North Waziristan, Yemen, and Somalia have altered the way al-Qaeda and its affiliates conduct operations. CIA drone strikes have pushed members in leadership positions further underground – in the hopes that decreasing their visibility, both literally and figuratively will limit exposure to CIA drone strikes. Al-Qaeda has instructed its lieutenants to limit their public presence and communications to prevent eavesdropping from drones circling overhead. Al-Qaeda leadership tiers have been instructed to scale back their presence on the ground – limiting the number of contacts to prevent exposure with possible spies. While these operational security precautions may reduce the risk of becoming targets for CIA drone strikes, it has compromised leadership effectiveness and severely degraded long-term operational capabilities (Byman, D. 2011, 4). It was mentioned previously, that less than 2% of al-Qaeda and its affiliates reported killed by drone strikes were identified as holding leadership positions (Bergen, P., Tiedmann, K. 2011, 12). However, despite this relatively low number, al-Qaeda has had increasing difficulty filling leadership positions. Clearly, al-Qaeda lacks a deep reservoir of skilled and experienced individuals among the rank and file, which it can tap to fill leadership positions. Daniel Byman, when speaking about the impact of drone strikes on al-Qaeda operational capability, accurately points out that "without bomb-makers, passport-forgers and leaders to direct actions, they are often reduced to menacing bumblers, easier to disrupt and often more a danger to themselves than to their enemies" (Byman, D. 2011, 4-5). The exponential increase in CIA drone strikes by the Obama administration has profoundly degraded the operational capabilities of al-Qaeda's central leadership structure and has killed scores of lower-ranking members.

In June 2011, the U.S. issued its National Strategy for Counterterrorism – a report that outlines the direction, method, and goals of U.S. counterterrorism strategy. A consistent theme in the NSCT has been an emphasis on denying and eliminating al-Qaeda and its affiliates access to "the physical sanctuary of ungoverned or poorly governed territories, where the absence of state control permits terrorist to travel, train, and engage in plotting," (NSC, 2011, 8) al-Qaeda and its affiliates demonstrated need to obtain and utilize safe havens have been a consistent theme throughout their development. From Sudan to Afghanistan, al-Qaeda has actively sought out access to safe havens, and due to the growing diversification of their networks across the Arabian Peninsula and Horn of Africa, al-Qaeda will require multiple areas that it can utilize as safe havens, if it hopes to maintain and project its terrorist threat across the globe (O'Neill B. 2005, 148). To their credit, CIA drone strikes have proven incredibly effective in marginalizing the effective use of sanctuaries, by pursuing and engaging al-Qaeda and its affiliates wherever they have chosen to take refuge.

From the onset, FATA has been the primary focus of CIA drone strike operations. In an exposé with Taliban and al-Qaeda members, Pir Zubair Shah, describes the dramatic impact the presence of drones has had inside FATA. Shah describes al-Qaeda and Taliban fighters going to great lengths to avoid exposing themselves to drone strikes. "We don't even sit together to chat anymore" one Taliban fighter told Shah; their life in the tribal region of Pakistan has become

increasingly more difficult and restrictive. Al-Qaeda and Taliban militants have been forced to avoid gathering in large groups, even when attending mosque or pray – "We can't sleep in the jungle our whole lives" one member went on to say, making it clear that the perpetual uncertainty of targeted drone strikes has created a lifestyle, that even for the notoriously rugged al-Qaeda and Taliban fighters, is becoming increasingly difficult to cope (Shah, P. 2012 57-58). David Rohde, a New York Times reporter who was taken hostage by the Taliban for several months, described the ominous environment in which al-Qaeda and its affiliates have been forced to operate. Rohde described key militant leaders sleeping outside under trees in order to avoid detection from drones circling overhead. Militants lived in constant fear that conspirators from inside their organization would compromise their position, al-Qaeda and Taliban militants would regularly execute those suspected of giving information to the U.S. (Bergen P., Tiedemann K. 2010, 5). Afghanistan and FATA, the tribal region in Pakistan, has been the most active safe haven from which al-Qaeda and its affiliates have planned, trained, recruited, and coordinated terrorist attacks. Oddly enough, letters collected from Osama bin-laden's Abbottabab compound described in detail his instructions to al-Qaeda and its affiliates. In documents directed toward Algeria's Islamic Maghreb, Osama bin-Laden issues orders for them to start planting trees in the hopes of providing cover from drones that might be flying overhead (Rausnitz, 2012). One can debate the effectiveness, or for that matter, the logic behind these instructions – but it is clear that the specter of CIA drones strikes forced al-Qaeda's leader to rethink how it approached conducting terrorist operations. Many of the letters recovered from Osama bin-Laden's Abbattabad compound gleam critical insight into the impact CIA drone strikes have had on al-Qaeda's network. In 2010, Osama bin-Laden contemplated changes in al-Qaeda's strategic operations, lamenting the significant loss of senior leadership that al-Qaeda had suffered, and the increasingly dangerous environment inside FATA; going so far as to recommend that key operational members be evacuated from the region, or brought to a more safe location (Lahoud, N., Caudill S., et al 2012, 16-17).

The ability for the CIA to deploy incredible power and reach, at a fraction of the cost of traditional counterterrorism methods (i.e. JSOC operations, cruise missile strikes) provided the Bush, and now the Obama administrations the means and capability to carry out its global counterterrorism campaign. An Obama administration official commenting on the immense challenges facing the U.S. accurately summarized the nature of the threat posed by al-Qaeda and it affiliates–"many of the highest priority terrorists are in some of the remotest, most inaccessible, parts of our planet…you've got two choices – kill or capture" (Entous A. 2010, 3). Former Secretary of Defense Leon Panetta, also commented on the impact of CIA drone strikes, calling these operations "the only game in town" for engaging al-Qaeda and Taliban militants (Harris, 2010). Actions taken by past and present U.S. administrations are signaling a shift toward a posture of minimum engagement.

Two consecutive administrations have called upon CIA to perform an extremely difficult and controversial mission, and to the agencies credit they have done an exceptional job embracing a mandate that is neither easy, nor popular. The actions taken in these operations have fundamentally altered the trajectory of U.S. counterterrorism strategy, and significantly stunned the growth of al-Qaeda's global network. The unprecedented expansion in U.S. counterterrorism operations, has some observers pointing to the beginnings of the 'everywhere war', a conflict that possesses such broad and far- reaching parameters that it has the potential to expanded into any region across the globe (Gregory, 2011). And while the CIA has constructed an impressive counterterrorism apparatus that has proved time and again incredibly effective in targeting and

eliminating al-Qaeda and its affiliates these operations over a long enough timeline may begin to diminish in operational effectiveness, and essentially amount to a very expensive and costly game of terrorist "whack-a-mole."

Policy Recommendations

It is clear that drone strikes are here to stay, and moving forward they will only grow in both power and presence. They have become, not only the "weapon choice" for U.S. counterterrorism operations, but also a weapon of necessity; and despite widespread criticism regarding the legality of their deployment consecutive U.S. administrations have continued to expand their prevalence and scope. However, the current trajectory of U.S. drones strike policy is politically and strategically untenable. Moving forward, the U.S. must not ignore the questionable and in some aspects flimsy arguments that provide the framework for CIA drone strike operations. In order to ensure drone strikes remain a viable tactical option for U.S. counterterrorism operations, an immediate and fundamental restructuring of the procedures, guidelines, and institutions governing their operation must be implemented. In order to strengthen the legal and moral justification regarding the use of drone strikes, the President and Congress must begin to devise a series of concrete rules and standards regulating the way that drone strikes are deployed. Because of the unprecedented nature of this new weapons technology, the guidelines governing these programs must be uniquely crafted and tailor made to support their deployment. Current domestic and international law simply lacks the appropriate legal language necessary to address the complex diffusion of terrorist networks across the globe. The U.S. has an opportunity to establish a standard of behavior that will build the foundation for international and domestic norms, which will serve as a guiding rubric for countries contemplating the deployment of drone technology. If the U.S. does not act responsibly in its use of drones then it will be difficult in the future, when more countries begin to adopt this technology for the U.S. to hold their actions to a higher moral or legal standard. At the core of U.S. legal arguments justifying drone strike operations is the AUMF, a document forged in the highly emotional and chaotic period immediately following the aftermath of the September 11th attacks. This joint resolution, now more than 10 years old, establishes the foundation for U.S. counterterrorism strategy. However, the environment in which it was written has significantly changed. This brings into question whether a new more appropriately worded directive is needed. The dynamic of the current terrorist threat posed by al-Qaeda is far removed from that facing the U.S. in the months and years following the September 11th attacks – the threat from al-Qaeda still exists, but directives laid out for combating it remain fixed in a time that no longer bares any resemblance to the environment in which it was forged. While the network responsible for the September 11th attacks – namely al-Qaeda, have been mostly dismantled, the ideology that motives al-Qaeda and its affiliates has metastasized across western Asia into the Middle East and Africa – where the conflict between Islamic groups and western backed democratic institutions and organizations continue to unfold.

The AUMF must be revised and reexamined to ensure that its legal language and policy direction are still in lock step with the current direction of the broader U.S. counterterrorism strategy. President Obama, while speaking at the National Defense Institute accurately summarized the direction U.S. policy must move when he said, "We (the U.S.) have to recognize that the threat has shifted and evolved, from the one that came to our shores on 9/11. With a decade of experience to draw from, this is the moment to ask our selves the hard questions about

the nature of today's' threats, and how to confront them." If the U.S. wishes to continue conducting drone strike operations in Pakistan, Yemen, Somalia or anywhere else outside current U.S. military deployments, then President Obama must embrace his own words and draft new, more robust and detailed resolution that specifically address the nature of the current terrorist threat, and provide concrete language that will define the nature and scope of U.S. counterterrorism strategy aboard. Placing specific emphasis on drone strike operations, which has become the most prominent and prolific weapon in combating global terrorist networks. Moving forward, the U.S. must provide CIA with a more defined and narrow target priority list. Currently, CIA is given carte blanche to engage in drone strikes against any individuals suspected of being, or acting in a manner reminiscent of individuals affiliated with terrorist networks, or militant group. This scope is far too broad and must be realigned to focus on high priority targets; with an emphasis on senior leadership, and individuals situated in critical command and control positions. Drone strikes are an incredibly powerful and destructive weapon; as such, a profound degree of discretion must be utilized – reserving deployment for high value targets, instead of so-called "signature strikes" against a broad spectrum of difficult to identity individuals. This will go a long way to marginalizing civilian causalities and ensure valuable assets and intelligence is not wasted on low value targets. Consecutive U.S. administrations have been reticent to divulge information regarding the procedures and guidelines of drone strike operations. The secretive nature of these operations leaves the public free to speculate how, and why, CIA chooses particular targets. This will inevitably lead to questions regarding whose being held accountable when news headlines report incidences of civilian casualties. Congress has a duty and responsibility to ensure drone strikes operations receive the proper degree of oversight, especially when civilian casualties are reported. If a system is put into place that requires the operational leadership of drone strike to answer questions about specific missions, it will go a long way to ensuring proper protocol is followed and individuals are held to a high standard of accountability. Nothing less should be expected of the U.S.

The complex challenges confronting U.S. counterterrorism efforts required an evolution in U.S. counterterrorism tactics, and a recognition that its broader strategy must adapt to the complex challenges facing the U.S. from non- state terrorist networks. These terrorist networks have no nation to call home, it wears no uniform, and its face is that of many cultures and nationalities. Its leadership is decentralized with no linear command and control structure – its adherents are detached from the orders given to its compartmentalized operatives. In this sense, CIA drone strike operations have become the tactical apex in combating the both primitive and sophisticated nature of transnational terrorist networks. Although there are a number of international and domestic legal issues confronting the use of drone strikes, these concerns can be easily managed if the U.S. implements the swift and wide ranging policies that have been prescribed. It is critical that U.S. drone strikes remain a viable tactical option for the U.S. moving forward. It's time again, like in the aftermath of September 11th, for the U.S. to step back and examine its counterterrorism policy to ensure that it remains in lockstep with its broader strategic and political objectives.

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