

ROUTLEDGE RESEARCH IN THE LAW OF ARMED CONFLICT

International Law and Drone Strikes in Pakistan

The legal and socio-political aspects

Sikander Ahmed Shah

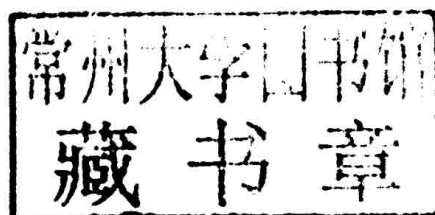


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International Law and Drone Strikes in Pakistan

While conventional warfare has an established body of legal precedence, the legality of drone strikes by the United States in Pakistan and elsewhere remains ambiguous. This book explores the legal and political issues surrounding the use of drones in Pakistan. Drawing from international treaty law, customary international law, and statistical data on the impact of the strikes, Sikander Ahmed Shah asks whether drone strikes by the United States in Pakistan are in compliance with international human rights and humanitarian law. The book questions how international law views the giving of consent between states for military action, and explores what this means for the interaction between sovereignty and consent.

The book goes on to look at the socio-political realities of drone strikes in Pakistan, scrutinizing the impact of drone strikes on both Pakistani politics and US–Pakistan relationships. Topics include the Pakistan army–government relationship, the evolution of international institutions as a result of drone strikes, and the geopolitical dynamics affecting the region.

As a detailed and critical examination of the legal and political challenges presented by drone strikes, this book will be essential to scholars and students of the law of armed conflict, security studies, political science, and international relations.

Sikander Ahmed Shah is Associate Professor at the Lahore University of Management Sciences, Pakistan.

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This is an important book. As well as evaluating the illegality of the use of drones in Pakistan, Shah highlights the dangers of facilitating military intervention without consequences, while also bringing to the forefront the forgotten voices in this debate, the victims – whose voices have only recently been heard through improved political interest and strategic litigation.

*Clive Stafford Smith OBE, founder and
Director of Reprieve.*

Acknowledgements

This book emerged out of my desire to understand and examine the root causes of armed violence in Pakistan. I felt that many legal assessments from outside Pakistan were simplistic, because they did not adequately account for the subjectivities and ground realities presented in the volatile parts of Pakistan. By principally focusing on drones, I ventured to determine whether considerations beyond military efficacy and legal frameworks influence the use of interstate force against non-state actors. Furthermore, I assessed whether and how drone attacks contribute to cyclical violence in Pakistan's troubled regions. For me, combat drones are here to stay: they will have far-reaching consequences cutting across the local, national, and international divides, and will continue to pose serious challenges for individual human rights and state sovereignty.

I am extremely grateful to Shmyla Khan – a brilliant and dedicated individual – for providing me with endless and invaluable research and editorial assistance throughout the course of this entire project. I am also deeply appreciative of the research and editorial assistance provided by Abid Rizvi. Furthermore, I wish to thank Uzair Kayani, Asad Farooq, Abdul Rahman Mustafa, Sadaf Aziz, Ejaz Haider, Hassan Bashir, Kevin Gray, Khalid Mir, Ahmer Bilal Soofi, Beena Soofi, Lubna Anwar, Anwar Kamal, Zara Zamir, Nadir Shah, and Ali Sultan for providing necessary advice and encouragement.

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Contents

<i>Acknowledgements</i>	ix
1 Legality of drone strikes	1
<i>Introduction and historical background</i>	1
<i>International law governing the use of force in self-defense and the US war in Afghanistan</i>	12
<i>The legality of US drone attacks in Pakistan</i>	32
2 Consent and territorial sovereignty	70
<i>State sovereignty in international law</i>	70
<i>The doctrine of consent in international law and state/territorial sovereignty</i>	73
<i>How the law of consent and sovereignty intersects with drone attacks in Pakistan</i>	88
<i>The scope of consent extended, the nature of such consent, its conformity with peremptory norms, and its retraction</i>	95
3 Drones and compliance with human rights law	109
<i>Background</i>	109
<i>Mutual application of IHRL and IHL</i>	111
<i>Extraterritorial application of core human rights treaties and customary international human rights law in armed conflict or otherwise</i>	121
<i>Regional bodies and courts</i>	135
<i>Contraventions of IHRL by the US and Pakistan: a reality?</i>	138
<i>What is different about drones?</i>	150
4 Drone strikes and compliance with international humanitarian law	156
<i>Background</i>	156
<i>The applicability of Common Article 3</i>	162
<i>The legality of the weapon</i>	163
<i>Use of the weapon</i>	174
<i>The combatant in a time of drones</i>	176

5	The social and political impact of drones in Pakistan	194
	<i>The drone victim</i>	196
	<i>Litigating on the drones: the interaction of drone victims with the Pakistan legal system</i>	211
	<i>The impact of drones on FATA</i>	223
	<i>Conclusion</i>	226
6	Conclusion	230
	<i>Remedies and course of action</i>	230
	<i>The way forward</i>	239
	<i>Index</i>	243

1 Legality of drone strikes[†]

Introduction and historical background

Few would deny the fact that Pakistan faces a contemporary existential threat.¹ The writ of the federal government in various parts of the country is becoming increasingly non-existent.² The inception of parallel judicial systems³ coupled with the materialization of accords between the federal government and Pakistan-based Taliban militias responsible for heinous crimes and acts of terrorism is alarming.⁴ Equally distressing is the determination that these accords are, in actuality, acts of desperation on behalf of the government that further dilute effective control over national territory.⁵ From a human rights perspective, the government is condoning reprehensible and criminal modes of conduct in the heartland of Pakistan by bowing down to radicals, who subscribe to a contorted and purist version of religious law and belief system. Such outsourcing of judicial function, executive authority, and enforcement is in complete contravention of the Constitution of Pakistan and classical Shariah (Islamic) law.⁶

[†] This chapter draws to a certain extent on work the author published in the Washington University Global Studies Law Review.

1 "Transcript: Secretary Gates on 'FNS'," *FOX News*, 29 March 2009. Available online www.foxnews.com/story/0,2933,511368,00.html (accessed 10 February 2014); "Clinton Cites Al-Qaeda as Key Target in Obama Plan," *News*, 22 April 2009. Available online www.thenews.com.pk/updates.asp?id=75615 (accessed 1 January 2010).

2 "Pakistan: Negotiating Away the Writ of the State," *Stratfor Global Intelligence*, 17 February 2009. Available online www.stratfor.com/analysis/20090216_pakistan_negotiating_away_writ_state.

3 K. Aziz, "Has Waziristan Stabilized?" *The News*, 7 June 2008. Available online www.thenews.com.pk/TodaysPrintDetail.aspx?ID=117143&Cat=9&dt=6/7/2008 (accessed 22 February 2014).

4 "Zardari Details Swat Peace Terms," *BBC News*, 17 February 2009. Available online http://news.bbc.co.uk/2/hi/south_asia/7894581.stm (accessed 22 February 2014).

5 N. Zehra, "Swat Deal: An Act of Desperation?" *The News*, 18 February 2009. Available online www.thenews.com.pk/TodaysPrintDetail.aspx?ID=163192&Cat=9&dt=2/17/2009 (accessed 22 February 2014).

6 "Malik Signals Possibility of Peace Talks with Pakistani Taliban," *Dawn*, 4 February 2013. Available online <http://dawn.com/2013/02/04/malik-signals-possibility-of-peace-talks-with-pakistani-taliban/> (accessed 22 February 2014); "JUI Expects Breakthrough in Talks with Taliban," *Dawn*, 8 March 2013. Available online <http://dawn.com/2013/03/08/jui-expects-breakthrough-in-talks-with-taliban/> (accessed 2 February 2014); "Qazis' Verdict Can't be Challenged in SC," *The*

There are doctrinal complexities concerning jurisdiction and sovereignty in the volatile frontier region of Pakistan that borders Afghanistan, as a sizeable parcel of the territory is semi-autonomous as affirmed under the 1973 Constitution of Pakistan.⁷ Numerous Pashtun tribes retain administrative control of this territory and matters have historically been regulated under the Pashtunwali Code,⁸ which has been affected by the Salafi,⁹ Wahhabi,¹⁰ and Deobandi¹¹ revivalist movements. This phenomenon, coupled with a lack of sustainable development, is directly responsible for the current and horrible repression of civilians, the perpetuation of intolerance, and the fostering of militancy in the region.

Historical contingencies are also to blame for the radicalization process that has continued unabated in the tribal belt. The Soviet invasion of Afghanistan during the height of the Cold War turned into a proxy war fought between the two world superpowers,¹² resulting in massive flows of money and modern weaponry into Pakistan and Afghanistan without any real accountability.¹³ Subsequent to the Soviet war, Afghanistan was plagued with incessant civil unrest and turmoil, a constant state of political instability, and a complete absence of law and order.¹⁴ The United States, after accomplishing its objective of driving the Soviets out of Afghanistan,

News, 16 April 2009. Available online www.thenews.com.pk/TodaysPrintDetail.aspx?ID=21541&Cat=13&dt=4/16/2009 (accessed 22 February 2014); A. Amin, "Qazi Courts to Work Under High Court: NWFP AG," *Daily Times*, 22 April 2009. Available online <http://archives.dailytimes.com.pk/national/22-Apr-2009/qazi-courts-to-work-under-high-court-nwfp-ag> (accessed 22 February 2014); see also Art. 175 of Constitution of the Islamic Republic of Pakistan (1973) (henceforth Pak. Const.), "Establishment and Jurisdiction of Courts. (1) There shall be a Supreme Court of Pakistan, a High Court for each Province [and a High Court for the Islamabad Capital Territory,] and such other courts as may be established by law. (2) No court shall have any jurisdiction save as is or may be conferred on it by the Constitution or by or under any law. (3) The Judiciary shall be separated progressively from the Executive within fourteen years from the commencing day" (Art. 175 of Pak. Const.); see also Al-Mawardi, *The Ordinances of Government* (Wafaa H. Wahba trans., 2006); Ibn Tamiyya, *On Public and Private Law* (Omar A. Farrukh trans., 1966).

7 See Arts. 246–247 of Pak. Const.

8 Pashtunwali is the code of conduct and the unwritten customary law of the tribal Pashtun community based on the principles of hospitality, honor, and revenge; N. Nojumi, *The Rise of the Taliban in Afghanistan: Mass Mobilization, Civil War, and the Future of the Region*, New York: Palgrave Macmillan, 2002, p. 224; M. Ewans, *Afghanistan: A New History*, New York: Routledge, 2001, p. 5.

9 Y. M. Choueiri, *Islamic Fundamentalism*, New York: Continuum, 1997, p. 37–9; B. M. Edwards, *Islam and Violence in the Modern Era*, New York: Palgrave Macmillan, 2006, p. 17.

10 D. Bukay, *From Muhammad to Bin Laden: Religious and Ideological Sources of the Homicide Bombers Phenomenon*, New Jersey: Transaction Publishers, 2007, pp. 202–5; P. Marsden, *The Taliban: War, Religion and the New Order in Afghanistan*, New York: Zed Books, 1998, p. 73.

11 P. Marsden, *op. cit.*, pp. 79–81.

12 G. Crile, *Charlie Wilson's War: The Extraordinary Story of the Largest Covert Operation in History*, New York: Grove Press, 2003; P. Ahmed, "Terror in the Name of Islam – Unholy War, Not Jihad," *Case Western Reserve Journal of International Law*, 2008, Vol. 39, pp. 780–1.

13 K. Lohbeck, *Holy War, Unholy Victory: Eyewitness to the CIA's Secret War in Afghanistan*, Washington, DC: Regnery Publishing, 1993, pp. 182–90.

14 *Ibid.*, p. 276.

completely withdrew all support and aid to Afghanistan, and consequently, necessary international assistance for development and rebuilding the devastated war-torn nation did not materialize.¹⁵ Afghanistan's neighbors actively intruded in its internal affairs to pursue their own objectives.¹⁶ Such intrusion often proved detrimental for Afghanistan and was primarily a product of regional power dynamics. For instance, the Shia community, other ethnic minorities, and Persian speakers in Afghanistan enjoyed the patronage of Iran,¹⁷ whereas Pakistan, along with Saudi Arabia, backed the majority Pashtun community of Afghanistan.¹⁸ The Pashtuns primarily adhere to a conservative version of the Sunni faith and also compose the second largest ethnic group in Pakistan.¹⁹

The Pakistani establishment, including its armed forces and intelligence agencies, strongly supported conservative Sunni radicals and the Taliban movement to gain putative strategic depth through a subordinated Afghanistan and by pre-empting the formation of a hostile Indian–Afghanistan consortium.²⁰ The Taliban movement was also seen as a weapon that, if effectively utilized, would bleed India in the troubled Kashmir region located a few hundred kilometers from Afghanistan, where India was committing grave human rights violations in quelling a genuine freedom struggle of independence for the Kashmiri people.²¹ The Taliban

15 P. Ahmed, op. cit., p. 781.

16 K. Lohbeck, op. cit., p. 276.

17 Ibid., p. 275; S. Masood and D. Walsh, "Pakistan Gives US a List of Demands, Including an End to C.I.A. Drone Strikes," *New York Times*, 12 April 2012. Available online www.nytimes.com/2012/04/13/world/asia/pakistan-demands-an-end-to-cia-drone-strikes.html (accessed 23 February 2014); T. Niaz, "US Bombings of Pakistan: Unanimous Pakistani Senate Resolution Blasts US Attacks," *Global Research*, 28 October 2008. Available online www.globalresearch.ca/us-bombings-of-pakistan-unanimous-pakistani-senate-resolution-blasts-us-attacks/10735 (accessed 23 February 2014); "Pakistan Demands End To US Drone Attacks," *Sky News*, 14 May 2011. Available online <http://news.sky.com/story/855404/pakistan-demands-end-to-us-drone-attacks> (accessed 23 February 2014).

18 See N. B. Sreedhar (ed.), *Taliban and the Afghan Turmoil: The Role of USA, Pakistan, Iran, and China*, New Delhi: Himalayan Books, 1997, p. 82; T. Kocaoglu, "Could Afghanistan Be a Key to Asian Co-operation and Security?" *SAM: Center for Strategic Research*, 2001, pp. 106, 110. Available online <http://sam.gov.tr/wp-content/uploads/2012/02/TimurKocaoglu.pdf> (accessed 24 February 2014); A. Rashid, *Jihad: The Rise of Militant Islam in Central Asia*, New York: Penguin Books, 2002, p. 224; P. Marsden, op. cit., pp. 53, 145.

19 G. P. Fernandez, *The Encyclopedia of Religion and War*, New York: Taylor & Francis, 2004, p. 1; E. Tonkin et al. (eds), *History and Ethnicity*, New York: Routledge, 1989, p. 233; L. A. Khan, "A Civil War: Obama's Gift to Pakistan," *Counterpunch*, 17 June 2009. Available online www.counterpunch.org/2009/06/17/obama-s-gift-to-pakistan/ (accessed 16 July 2014); A. Rashid, "Pakistan's Explicit Pro-Pashtun Policy and Pro-Taliban Support," *CACI Analyst*, 21 June 2000. Available online www.cacianalyst.org/?q=node/304 (accessed 23 February 2014).

20 S. Simon and J. Stevenson, "Afghanistan: How Much Is Enough?" *Survival: Global Politics and Strategy*, 2009, pp. 47–9. Available online www.iiss.org/en/publications/survival/sections/2009-5f3e/survival-global-politics-and-strategy-october-november-2009-ce61/51-5-05-simon-and-stevenson-2b92 (accessed 23 February 2014).

21 N. Nojumi, op. cit., p. 131; S. Shah, "An In-Depth Analysis of the Evolution of Self-Determination Under International Law and the Ensuing Impact on the Kashmiri Freedom Struggle, Past and Present," *Northern Kentucky Law Review*, 2007, Vol. 34, p. 29.

movement itself was conceived in the frontier regions of Pakistan and Afghanistan in mushrooming religious schools originally funded by the United States to fight the Soviet invasion of Afghanistan.²² These madaris (schools) proved attractive for destitute, impressionable young men because they were provided with basic sustenance, but they were also unfortunately indoctrinated with fanatical ideologies premised on scriptural literalism that transformed many of them into radicals and extremists.²³

Soon civil war engulfed Afghanistan, and eventually the Taliban established effective control over most of the country.²⁴ Initially, they were welcomed by the majority of Afghans because they were able to provide some level of stability and security to the country.²⁵ However, this regime became increasingly repressive and fascist as it systematically violated all norms of universal human rights.²⁶ Yet, in effect, the Taliban regime was condoned and tolerated by the majority of the international community and especially by the United States.²⁷ It was only subsequent to the events of 11 September 2001, once the United States embarked on the War on Terror, that the averred heroic freedom-fighting Mujahedeen, credited for defeating the Soviet Union and triggering its disintegration, became formally reclassified by the United States and many Western nations as an integral component of the global terrorist network and the new enemy of the twenty-first century.²⁸

The advent of the US War on Terror in Afghanistan brought an end to the Taliban regime, but not to the movement.²⁹ As a consequence, Afghanistan returned to a state of anarchy with the authority of the American-instituted Afghan government primarily limited to the capital city of Kabul.³⁰ US and NATO forces have not been successful in controlling any part of Afghanistan.³¹ The region

22 S. Tanner, *Afghanistan: A Military History from Alexander the Great to the Fall of the Taliban*, USA: Da Capo Press, 2003, pp. 271–87; M. K. Jalalzai, *Taliban and the New Great Game in Afghanistan*, Lahore: Dua Publications, 2002, pp. 130–4; F. Armanios, “Islamic Religious Schools, Madrasas: Background,” *Congressional Research Service*, 29 October 2003. Available online www.policyalmanac.org/world/archive/madrasas.pdf (accessed 23 February 2014).

23 N. Nojumi, *op. cit.*, p. 122.

24 *Ibid.*, p. 121; M. K. Jalalzai, *op. cit.*, pp. 109–26.

25 P. Marsden, *op. cit.*, p. 115.

26 *Ibid.*, pp. 115–16.

27 A. Saikal *et al.*, *Modern Afghanistan: A History of Struggle and Survival*, New York: I. B. Tauris, p. 225.

28 *Ibid.*, pp. 227–30.

29 R. D. Crews and A. Tarzi, *The Taliban and the Crisis of Afghanistan*, USA: Harvard Publishing Press, 2008, p. 9.

30 N. Misdaq, *Afghanistan: Political Frailty and Foreign Interference*, New York: Routledge, 2006, p. 269.

31 “How Not to Lose Afghanistan,” *New York Times*, 26 January 2009. Available online <http://roomfordebate.blogs.nytimes.com/2009/01/26/how-not-to-lose-afghanistan> (accessed 23 February 2014); “NATO or Taliban? Who is Winning the War in Afghanistan?” *Pakistan Defence*, 2 January 2009. Available online www.defence.pk/forums/pakistans-war/20884-nato-taliban-who-winning-war-afghanistan.html (accessed 23 February 2014); M. Tran, “Afghanistan Strategy Must Change, US Commander McChrystal Says,” *The Guardian*, 31 August 2009. Available online www.guardian.co.uk/world/2009/aug/31/general-mcchrystal-afghanistan-bull (accessed 23 February 2014).

has been flooded with thousands of radical fighters from Central Asia, the Middle East, and other diverse parts of the world that see the region as a religious battlefield and cherish the opportunity to battle the West.³² Given the porous border between Pakistan and Afghanistan, the United States asserts that many such fighters routinely flee into the frontier region of Pakistan where they are provided a safe haven by the local tribal communities.³³ There are also claims that many local fighters from the tribal areas of Pakistan engage with US forces in Afghanistan.³⁴ The veracity of these claims is contestable to some, but irrespective of that determination, one thing is for certain: the fight against terrorism has spilled into Pakistan.³⁵ The outcome of this ideological battle between state and non-state actors has resulted in more radicalization, civilian deaths, and suffering, and in turn threatens fragmentation of a nuclear Pakistan that is also battling an economic meltdown, religious fanaticism, sectarian violence, and secessionist movements.³⁶ The concern therefore, that an implosion of Pakistan threatens international peace and security, is a serious one.

One must analyze the significance and legality of US drone attacks in Pakistan in light of these circumstances. It is quite troubling to witness the United States consistently use force against and disregard the territorial sovereignty of a nation that it officially proclaims to be an important ally in its declared fight against global terrorism,³⁷ especially when the Government of Pakistan has explicitly and repeatedly condemned such US attacks as a violation of its territorial sovereignty and as a serious undermining of its own fight against curbing terrorism emanating from Pakistan.³⁸

A diversity of views is presented upon analyzing the reasons behind such unilateral acts of aggression committed against Pakistan by US forces stationed in a foreign country neighboring Pakistan. Vocal critics of US foreign policy maintain, at the risk of oversimplification, that the US attacks on Pakistan are consistent with

32 R. D. Crews and A. Tarzi, op. cit., p. 232.

33 Ibid., p. 230.

34 Ibid., p. 231.

35 S. S. Hasan, "Centre-Stage in the 'War on Terror'," *BBC News*, 31 March 2009. Available online http://news.bbc.co.uk/2/hi/south_asia/7974520.stm (accessed 23 February 2014).

36 J. S. Landay, "Pakistan at Risk of Split into Islamist Fiefdoms," *Miami Herald*, 18 April 2009, p. 14; "Situation Dangerous in Pakistan: Holbrooke," *Dawn News*, 20 April 2009. Available online www.dawn.com/news/458631/situation-dangerous-in-pakistan-holbrooke (accessed 23 February 2014).

37 A. Iqbal, "Pakistan Poll Results Victory in War on Terror, Says Bush," *Dawn News*, 21 February 2008. Available online www.dawn.com/2008/02/21/top12.htm (accessed 23 February 2014).

38 A. E. Siddiqui, "Drone Strikes Sabotage Pakistan's Anti-Terror Efforts, and Make the US Less Safe," *Polycymic*, 4 February 2013. Available online www.polycymic.com/articles/24757/drone-strikes-sabotage-pakistans-anti-terror-efforts-and-make-the-us-less-safe (accessed 23 February 2014); A. N. Khan, "The US' Policy of Targeted Killings by Drones in Pakistan," *Islamabad Policy Research Institute Journal*, 2011, Vol. 14, No.1, pp. 21–40. Available online www.academia.edu/225132/US_Policy_of_Targeted_Killing_by_Drones_in_Pakistan (accessed 23 February 2014); "Zardari Vows to Defeat Militants," *Dawn*, 7 July 2009. Available online www.dawn.com/news/846451/zardari-vows-to-defeat-militants (accessed 23 February 2014).

its past policy and practice of routinely disregarding norms of international law,³⁹ including disrespecting the sovereignty of relatively weak nations when in pursuit of its varied, vague, and hegemonic objectives.⁴⁰ They also assert that the United States has systematically exhibited impatience in having grievances and disputes addressed through multilateral paradigms and processes that enjoy the support of the international community and are based on global consensus while maintaining requisite due process.⁴¹ For these critics, it is troubling that the United States bypassed international institutional involvement when it had been directly affected by the events of September 11, because this time there was United Nations (UN) sanction of the US position, and international consensus on a suitable course of action was forthcoming.⁴²

For critics, the status of the United States as a hyperpower has allowed it to consider itself as not effectively constrained by, or subject to, rules of international law, even when it has historically enjoyed a preferential status both legally and in practice within international governmental systems.⁴³ The United States, however, mandates that other nations be bound by the same norms of international law that it routinely violates.⁴⁴ This approach undermines the role and effectiveness of important multilateral systems both in the short and long term.⁴⁵ Critics maintain that US foreign policy is, broadly speaking, blindly driven by a dangerous interplay of self-interest and short term objectives that encourages it to act paternalistically and also to unwarrantedly intrude into the domestic affairs of

39 J. F. Murphy, *The United States and the Rule of Law in International Affairs*, Cambridge: Cambridge University Press, 2004.

40 US invasion of Grenada in 1983; US support of rebellion of Contras in Nicaragua; J. F. Murphy, op. cit., p. 145; S. B. Willson, "The Case of Panama: US Continues Its Bully Ways as International Outlaw," 1 December 1991. Available online www.brianwillson.com/the-case-of-panama-u-s-continues-its-bully-ways-as-international-outlaw/ (accessed 23 February 2014).

41 Highlighting US withdrawal from International Court of Justice proceedings after losing in the jurisdictional phase of *Nicaragua v. United States* (J. F. Murphy, op. cit., p. 8.); "The ICJ continues to enjoy universal support and respect, hence a noticeable increase in the number of cases being referred to it" ("Statement by H.E. Mr. Percy M. Mangoela, Permanent Representative of Lesotho to the United Nations, Before the Plenary of the Fifty-fifth Session of the General Assembly," 26 October 2000. Available online www.un.int/lesotho/s_1026_0.htm (accessed 9 March 2014)).

42 US attacks on Afghanistan were carried out on the basis of self-defense when authorization of the use of force was forthcoming under the collective security system of the UN under Art. 42 of the Charter; T. Gazzini, *The Changing Rules on the Use of Force in International Law*, Manchester: Manchester University Press, 2005, p. 77; (concluding that "we have lost an opportunity to renew the international commitment to the creation of a new world order based on international law," J. Saura, "Some Remarks on the Use of Force against Terrorism in Contemporary International Law and the Role of the Security Council," *Loyola of Los Angeles International and Comparative Law Review*, 2003, Vol. 26, pp. 7, 29.); E. P. J. Myjer and N. D. White, "The Twin Towers Attack: An Unlimited Right to Self-Defense?" *Journal of Conflict and Security Law*, 2002, Vol. 7, pp. 5, 16.

43 Outlining the United States' absolute unwillingness to have its soldiers and citizens subjected to the jurisdiction of the International Criminal Court (J. F. Murphy, op. cit., pp. 3, 7).

44 C. Gray, *International Law and the Use of Force*, USA: Oxford University Press, 2008, pp. 23–31.

45 Explaining that US reluctance to accept and submit to UN command undermines the legitimacy and effectiveness of UN operations (C. Gray, op. cit., pp. 301–2).

foreign nations.⁴⁶ These unholy alliances between the United States and foreign governments eventually give birth to mutual mistrust and may bring about radical regime changes or even ignite revolutions.⁴⁷ Frequently, US allies transform into foes, or at the very best, the United States is dissatisfied with the performance of these governments and their inability to deliver on its mandate.⁴⁸ US transgressions of international law in the form of reprisals are often a result of such processes taking a turn for the worse and are thus a consequence of its own creation. These observations are substantiated with regard to the use of force when the United States acts either pre-emptively or in the form of reprisals against governments or other actors who were created or supported by the United States, not far in the distant past, for the pursuit of ulterior motives.⁴⁹

Conversely, many supporters of such US foreign policy pursue a short-sighted approach when analyzing international relations. Rather than determining the root causes of certain global anathemas and then postulating a workable solution, their approach is centered on addressing symptoms, occasionally by condoning the inappropriate use of force against perceived transgressors, and not adequately factoring in the resulting adverse ramifications. For many of them, the United States is justified and must act as a bulwark to preserve liberal values that are globally threatened by the scourge of international terrorism at all costs.⁵⁰ In progression of this view these supporters of US foreign policy see the drone attacks on Pakistan as completely justified because they perceive the Pakistani Government as unable to constrain a global terrorist threat emanating from within its borders, either because of a lack of determination or inability.⁵¹ Interestingly, many states

46 M. Solaun, *US Intervention and Regime Change in Nicaragua, USA*: University of Nebraska Press, 2005, pp. 14–15; S. Shahshahani, “Politics under the Cover of Law: Can International Law Help Resolve the Iran Nuclear Crisis?” *Boston University International Law Journal*, 2007, Vol. 26, pp. 369, 403.

47 S. Shahshahani, op. cit., pp. 403–4.

48 W. P. Nagan and C. Hammer, “Patriotism, Nationalism, and the War on Terror: A Mild Plea in Avoidance,” *Florida Law Review*, 2004, Vol. 56, pp. 933, 973–84.

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