Michael Aaronson and Adrian Johnson

Introduction

The issue of ‘drones’ – as unmanned aerial vehicles are referred to in public discussion – has acquired an astonishingly high profile in the media in the UK and elsewhere, and is of increasing interest in academic as well as policy circles. ‘Drones’ are of course only one manifestation of the enormous technological superiority enjoyed by the US that has played a major part in shaping its foreign policy interventions over the last sixty years. Aerial bombing campaigns, from Vietnam through Kosovo, Iraq and Libya are another. So, arguably, is cyber warfare - another manifestation of technological development – one which was not treated at the workshop and is not covered in this report, partly because the capabilities are still mainly classified and there is little case study evidence to draw on.

The reason drones are given such prominence here is that they have acquired a key role in the Obama administration’s global counter-terrorism strategy. Their use as a vehicle for targeted killings – including in countries where the US is not actively engaged in armed conflict such as Pakistan, Somalia, Yemen, is highly controversial and contested, and gives rise to a wide range of strategic, legal, ethical, and policy questions. Thus the key drivers examined by this report are, firstly, precision strike capability – the ability to place a destructive force accurately and precisely against a given target; and, secondly, UAV technology – the first time in history that powerful states can combine assistance in the field with zero operator risk in order to achieve either effective surveillance or destructive effect.

Given the speed with which the drone has entered popular discourse, it is instructive to ask just how much is known or understood by the public about this new technology, the capability it provides and the use to which it is put. This report opens with the findings of recent polling of public opinion carried out by YouGov. This shows that that the UK public distinguishes between the inherent potential value of drones themselves and their actual use. So, for example, while a majority believe that drones help to reduce casualties by reducing the numbers of boots on the ground and as a result of their comparative accuracy, a third of those polled believe their use is undermining Western security by alienating public opinion in the countries where strikes take place, and nearly half say that they make it too easy for Western governments to take military action in foreign countries.

This research is complemented by Ulrike Franke’s article pointing to the five most common media misrepresentations of UAVs. She shows that the typical portrayal of a drone is of a big UAV, piloted from far away, armed, used mainly for targeted killings by the CIA,
possessed only by the US and a handful of European countries, and used solely for military purposes. She shows that, by contrast, the vast majority of UAVs are small, controlled from nearby, armed, not used in targeted killing, operated by a wide range of countries, and widely – and increasingly – used for civilian purposes. She concludes that these misconceptions are harmful in that they stand in the way of informed debate in democracies about the responsible use of UAVs – which, as a later chapter demonstrates, could have security consequences.

One of the reasons why much debate about drones is so passionate is that the subject of targeted killings is understandably controversial. Thus it is important to separate the legal and ethical issues surrounding the use of lethal force from the legal and ethical issues surrounding the introduction of new technology. Both are important, but they raise different considerations, which this report attempts to unravel.

The article by Nathalie Weizmann of the ICRC addresses these issues through the lens of International Humanitarian Law (IHL), which governs the use of UAVs in armed conflict, and international human rights law, which governs their use in situations that do not amount to armed conflict. Her analysis excludes the issue of the lawfulness of the threat or use of force (jus ad bellum); as we shall see from later contributions this remains a significant area for debate. Weizmann concludes that ‘while UAVs that support or use force are not prohibited, international law clearly circumscribes their use’. However she acknowledges that the law can only go so far to address ‘the growing ethical, moral, and political concerns that we so often hear’.

The next contribution, from a serving security official in a NATO country who for professional reasons must remain anonymous, deals precisely with some of these wider concerns, in particular the importance of legitimacy – as well as lawfulness – in determining the acceptability of new technology and new forms of warfare. Even if new weapons are legal under international law, they may still be deemed illegitimate by critics and campaigners and therefore become politically unacceptable. Here, then, is a reason why informed debate separating technology from policy is essential. The author cautions against too restrictive an approach if democratic states are to retain the security dividend afforded by their technological superiority.

This theme is approached from both a philosophical and a technological angle by Alex Leveringhaus and Tjerk de Greef. They point to the importance of ‘moral perception’ – an integral part of situational awareness – on the part of those operating weapon systems, and ask how this is affected by remoteness of the operator from the target. They argue that systems must be designed in a way that maximises the likelihood of moral behaviour by the operators, and introduce the notion of ‘e-partnerships’ to describe systems that enhance the quality of the information that operators receive while not in any way diminishing their accountability for their actions.

The lack of data on casualties of drone strikes – due to a policy of secrecy and the difficult environment in which they are conducted – has hindered the efforts of the public, scholars and legislators to convincingly determine their true tactical and strategic impact. An additional moral dimension is introduced by Jacob Beswick and Elizabeth Minor, who argue
for the importance of counting casualties in all interventions – not just those involving UAVs – as a means of establishing whether obligations to protect civilians have been respected. As a case study, they examine Operation Unified Protector carried out by NATO over Libya in 2011, which was explicitly mandated as a Protection of Civilians (PoC) operation by the UN Security Council. They make the case that a commitment to protect civilian life in targeting decisions is no substitute for casualty recording as an evaluative capability.

Before leaving the domain of ethics and law, it is worth pointing out that the biggest area of controversy is one where international law is open to differing interpretations and where there is no higher court that can provide a definitive ruling. This concerns the US’s justification for the use of lethal force against those it considers a threat to its security interests, on the grounds that it is engaged in a ‘transnational global conflict’ against the ‘illegal combatants’ of Al-Qa’ida and its allies. A 2011 US Department of Justice White Paper, leaked in February 2013, argues that ‘a lawful killing in self defence is not an assassination’; further, that where an individual ‘poses an imminent threat of attacks against the United States’ and where certain other conditions are met the use of lethal force would be justified. Note that this also assumes a different interpretation of ‘imminence’ than has been traditionally accepted in international law; the White Paper argues for ‘a broader concept of imminence in judging when a person continually planning terror attacks present an imminent threat, making the use of force appropriate’. This interpretation, which justifies the use of lethal force in countries in which the US is not at war, is highly contested.

It is worth highlighting that disagreements over the legality and legitimacy of intervention are an enduring problem. The armed intervention in Kosovo by NATO in 1999, for instance, was not preceded by a UN Security Council Resolution explicitly authorising force – neither was the US-led invasion of Iraq in 2003. Yet many would hold the two campaigns very distinct, with the former rather less controversial than the latter. Intervention sits uneasily with state sovereignty which, although under assault as an absolute principle, is still a salient international norm. At a basic level, certain criticisms of the US drone-strikes programme speak to a much deeper tension between the rights of states to manage their own affairs and the rights of others to defend themselves from increasingly globalised threats.

The final contributions examine the efficiency and effectiveness of precision strike capabilities in terms of strategy and tactics. Again, the focus is on ‘drones’ but the arguments apply more widely to other capabilities and forms of intervention. Conway Waddington argues that the seductive appeal of precision strike technologies has diverted attention away from proper discussion of whether targeted killing is an appropriate counterterrorism tool at the strategic, as opposed to the tactical, level. He claims that policy enablers have become policy drivers, leading to a counter-productive and bankrupt strategy.

Armin Krishnan examines in closer detail the strategy of targeted killing as an instrument of both counterterrorism and counterinsurgency. He identifies a number of variables that can make targeted killing effective in terms of destabilising organisations, but argues that its benefits are very limited. Despite the attractions of the ‘light footprint’ approach targeted
killing ‘remains within the political context’ and is not a substitute for a political settlement. More ‘careful local solutions’ are needed if strategic political issues are to be resolved.

Developing this theme, David Hastings Dunn and Stefan Wolff make the case that targeted strikes, whether part of a counterterrorism or a counterinsurgency strategy, can only be effective as part of a broader approach. Comparing the current campaign in Yemen with those in Pakistan and Afghanistan they argue that strikes based on pre-existing intelligence that target individual terrorist leaders are likely to be much more effective than so-called ‘signature strikes’, which have many more harmful side-effects and fail to ‘disentangle the links between insurgents and terrorists’. They, too, argue that technology must not become a substitute for a broader policy.

Finally, as previous RUSI analysis identifies, even in the Libya campaign – the result of a French and British push – NATO allies were heavily dependent on the US for both high-end warfighting and enabling capabilities, particularly at the start of operations. Appropriately, Tom Dyson takes stock of Europe’s readiness to deploy precision strike capabilities and finds it is still heavily dependent on the US. If Europe is to be a credible security actor, he argues, a full spectrum of capability is required. He identifies two possible avenues for European states to overcome these capability deficits: the EU’s CSDP or NATO’s Smart Defence Initiative. However, the ideological underpinning of individual European nation states with regard to foreign and security policy is a major obstacle to concerted action, with the main problem emanating from the UK. Dyson argues that the latter must ‘for its own and Europe’s sake, overcome domestic opposition to CSDP that is based on outdated ideological path dependency.’

There are perhaps three key points to emerge from this collection of articles. First, the importance to democracies of remaining manifestly true to their ethical principles in the way they carry out warfare. Much public anxiety about the use of drones stems from concerns that their use somehow evades established norms of ethical and legal behaviour in armed conflict. The contested nature of the US approach to targeted killing is the most obvious manifestation of this problem. Second, the need for a clear strategic vision underpinning the exploitation of new technological capabilities; means are not the same as ends and policy enablers must not become policy drivers. And, without a clear strategy, interventions – no matter how well intentioned – may be doomed to failure. Third, alarmism over the technology can distract attention from the real problem, which is one of dubious policy. Although the use of new technology does require proper consideration of its ethical, legal, and policy implications – as has always been the case – it is the use to which the technology is put, rather than the technology itself, which is most in need of scrutiny.

The use of drones has been and remains controversial. But it is important to disentangle the separate strands of criticism, some of which stand up to scrutiny more than others. Political and moral concerns about secrecy and targeting are matters of the specific use of drones. The long-term effectiveness (or not) of drone strikes is a strategic question that is ultimately embedded in local context. These are all determined by policy rather than technology. Unfortunately, they are often conflated in the debate which, as a result, risks becoming ill-
informed. This report is a contribution to that discussion and, it is hoped, will clarify and illuminate a wider debate about contemporary international intervention.