Conclusion

It is not hard to understand why drones have an image problem, associated as they are with the US targeted killing and signature strike programme. But an image problem can become a policy problem. Therefore, it is important not to conflate different issues regarding technology and policy in determining whether unmanned systems are, for better or worse, changing the shape of military intervention.

Much of the public debate over drones has concerned the conduct of a global counter-terrorist campaign, rather than a sober assessment of the effect unmanned systems could have on the broader manner and likelihood of intervention. Nevertheless, as this report demonstrates, a careful study of the US drone programme can provide some more general lessons for other militaries and governments considering the sort of light-footprint interventions that rely heavily on precision strike, whether manned or unmanned. This is of particular relevance to Europe which, as Dyson argues, urgently needs to develop its own precision strike capabilities to reduce its dependency on the US and become a credible actor in its own right.

Are drones a threat to the civilised conduct of war? Do they lower the bar to conflict? These are two separate questions: one relates to the conduct of military operations, and the other to the conduct of foreign or national security policy more widely.

The Conduct of Intervention

As Weizmann and other contributors to this report highlight, it is important to determine whether new capabilities can satisfy the essential criteria of discrimination and proportionality. The answer seems to be that unmanned systems, as they exist, can indeed do so. There is no inherent contradiction between armed drone capability and International Humanitarian Law – a finding echoed by the UN Human Rights Council and the British government.¹

This is not to dismiss glibly the controversy they have aroused. Many of the critiques of drone warfare\textsuperscript{2} are reasonable. The US administration argues that its targeting policy is in line with the law of conflict, involving a three-part test that the individual targeted must pose an imminent threat; capture must be too difficult; and the strike must be conducted in line with proportionality and discrimination.\textsuperscript{3} Aside from innocent casualties, there are two other main lines of ethical objection to the actual conduct of this policy. First, that by so stretching the definition of ‘imminence’ – a justification for acting in self-defence – the administration has essentially rendered it meaningless. Second, that ‘signature strikes’ depart too far from careful targeting to adhere to the lawful conduct of war. In the words of one journalist, the operator of a CIA drone over Pakistan ‘almost certainly doesn’t know for sure what he’s shooting at.’\textsuperscript{4} When targeting is based merely on suspicious patterns of behaviour, it is not radical to argue that the principles of necessity and discrimination are not satisfied, and that the justification of ‘imminence’ is contorted further.

But these are objections to a specific use, not to the nature, of drones. Targeted killing and signature strikes would raise precisely the same quandaries were they undertaken by cruise missiles, manned aerial sorties, or special forces. An underlying problem with the CIA drone programme, in fact, is the secrecy in which it has been conducted. This has, perhaps unfairly, suggested a wanton disregard for legal constraints (although the drone programme has been exempted from the ‘Counterterrorism Playbook’, a set of limits for legal conduct\textsuperscript{5}). A more transparent drone programme, recognising explicit legal limits and allowing independent consideration of compliance, is one possible solution.\textsuperscript{6} Another suggestion is to remove operations from the CIA – which, after all, is a civilian agency dedicated to secretive operations – and bring them under the control of the Department of Defense, which is accorded privileged combatant status under the Geneva Conventions.\textsuperscript{7}

These are all, however, problems of policy – not technology. For drones permit unprecedented levels of persistence and observation in support of effective targeting decisions; and, as Franke points out in her chapter, by far the majority of military drones worldwide are unarmed and used for surveillance. Furthermore, effective engineering could help pilots and operators make better decisions under stressful circumstances, as Leveringhaus and De Greef argue in their chapter. It is not unreasonable to assume that, on balance, unmanned systems may provide a more effective means of respecting International Humanitarian Law in interventions to come. There is nothing about drones that necessarily violates the laws and customs of war. Policy-makers should, however, remain alert to the possibility that while drones remain lawful, public opinion may one day turn against the use of unmanned systems precisely because of policy; as the chapter on lawfulness and legitimacy reminds us, these two concepts are linked, but distinct.

\textsuperscript{4} Dexter Filkins, ‘What We Don’t Know About Drones’, The New Yorker, 7 February 2013.
\textsuperscript{5} David Segalini, ‘Drones, Covert Action, and Counterterrorism: Why UAV Strikes should be Exclusively Military’, 6 March 2013.
The Likelihood of Intervention

Another, more general, criticism of drones is that, by offering the absence of personal and political risk, they ‘lower the bar to war’. By inducing a ‘false faith in the efficacy and morality of armed attack’, unmanned systems could ‘weaken the moral presumption against the use of force’.

These, too, are critiques that must be taken seriously. The decision to take military action must always be made heavily. If the object of war is to make a better peace, then it must be waged with due regard not just for one’s own cost in blood and treasure, but also for that of the adversary.

Yet it is a mistake to ascribe too much to technology as a dynamo of intervention itself. It is true that major Western militaries now prepare for an era of ‘light-footprint’ intervention, to be waged with ever-more advanced gear, borne of budget austerity and war exhaustion from the protracted counter-insurgencies of the post-9/11 era. But the Western record of intervention has not been linear. For the Libya intervention, there is the Syria non-intervention; the West intervened firmly in Bosnia in 1995, but only after the earlier failures resulted in the worst massacre in Europe since the Second World War at Srebrenica; the withdrawal from Somalia and the shameful inaction over Rwanda sits in the historical record alongside the determined, forceful action on Kosovo in 1998 and 1999. Technological capabilities can shape the form of intervention, but ultimately its drivers and determinants are political and moral. President Sarkozy and President Cameron, for instance, pushed for intervention in Libya on moral grounds despite serious equipment deficiencies that meant reliance on American assets – and, in the case of Cameron, much against the counsel of his own military.

The US drone campaign does suggest one possible way in which drones can facilitate persistent, global, low-footprint campaigns – in this case, of counter-terrorism. There is something to be said for the fact that a persistent manned campaign of strikes over sovereign Pakistani territory in pursuit of Al-Qa’ida would be politically more costly than relying on drones. Other elements of the Obama administration’s policy are troubling. The Department of Justice White Paper on drone campaign targeting, based on Congressional authorisation in 2001 for the use of all necessary measures against Al-Qa’ida and associated forces, offers a global mandate because of either direct threat, or the inability of a host government to deal with groups that threaten the US. Some states find such a stance less troubling; the Chinese government reportedly ‘considered’ killing a drug lord in Burma wanted for the brutal murder of thirteen Chinese sailors.

On the other hand, we should not disregard the unique political context that permits the US drone programme in Yemen, Somalia and Pakistan: three states with varying degrees of lawless territory; a historically novel, globalised terrorist threat; and, of course, the unprecedented destruction and

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9 David Cortright, ‘License to Kill’, CATO Unbound blog, 9 January 2012.
impact on the American psyche of the 9/11 attacks. There is also the matter, in Pakistan, of a significant deployment of American and allied troops across the border in Afghanistan, fighting an insurgency that finds succour in the mountainous frontier between the two states.

And, again, care should be taken not to overemphasise the novelty of drone strikes. If long-range armed drones can be conceptualised as a form of unmanned ‘deep strike’, then such capability has long been provided by weapons like the Tomahawk and Storm Shadow cruise missiles. Moreover, not all interventions will be of the type that can rely on drones. The French-led action in Mali early in 2013, for instance, primarily relied on rapidly deployed light armour and infantry to take ground from Islamist rebels, with air support as but one component of a combined arms operation.

There is certainly the risk that widespread adoption of armed drones could provide more states with a politically easier means to intervene forcefully in the affairs of others – particularly as the next generation of unmanned combat aerial vehicles is developed to survive in defended airspace. But, nevertheless, it is a risk that should be held in the full political and strategic context. It is far from inconceivable that future interventions, in the name of the Responsibility to Protect, will be conducted on a basis similar to that of the Libyan operation of 2011, which demanded ‘zero risk’ to civilians. (Though, as Beswick and Minor point out in their chapter, this did not translate into ‘zero casualties’.) As military technology becomes more capable, the normative and legal shackles upon its acceptable use may also grow. In the end, the changes on each side of the equation may balance out.

Matching Means to Ends

One enduring lesson of foreign intervention is the primacy of effective strategy: that is, the matching of various means to the intended outcome. A warning that commonly emerges in the Waddington, Krishnan, and Hastings Dunn and Wolff chapters is of a failure to align tactical effect with strategic outcome. They do not dismiss the effectiveness of targeted killing by drones out of hand; but rather they speak to the tension between the two levels.

Unintended detrimental consequences of intervention – ‘blowback’– are by no means a new phenomenon, nor an inherent feature of drone versus other kinds of strikes. A widespread view holds that drones are fuelling a political and societal backlash against the US. Worse, unintended civilian deaths may be creating new grievances, driving new recruits to join terrorist groups, and undermining the legitimacy of the very governments the US is trying to bolster. In other words, the covert drone programme is radical Islamism’s latest recruiting sergeant.

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14 Even though it should be noted that neither UN Security Council Resolutions 1970 nor 1973, which authorised the Libya intervention, made explicit reference to the adoption by the UN in 2005 of the principle of the Responsibility to Protect.
17 Albeit the most recent in a veritable NCO corps of recruiting sergeants since 1945.
This is contested, as is inevitable when relying on anecdotal evidence. Some data suggest that the effect is overblown – one analyst conducting fieldwork in Yemen found very little causation between drone strikes and radicalisation.\textsuperscript{18} The lack of information is a major problem for both policy-makers and public attempting to determine the strategic impact of any intervention, not just drone strikes. Here, again, the secrecy of the CIA programme is an obstacle – what data we do have on it comes from leaks, rather than systematic analysis.\textsuperscript{19}

A lack of data may mean that talk of blowback is misguided, or it might not. Media reports tend to be unreliable from regions like the FATA, particularly where weapons forensics experts – who would be able to determine, for instance, what kind of weapon system has caused what kind of damage – cannot reach these areas.\textsuperscript{20} Ultimately, the information problem means that we cannot conclude whether anti-Americanism or declining support for local regimes are \textit{caused by or coincident with} drone strikes. This highlights the importance of casualty recording, outlined in this report in a slightly different context, but still relevant to the strategic conduct of operations.

The Obama administration faces some tough dilemmas. It must balance the principles of justice and accountability with a very real terrorist threat; and reconcile the need to demonstrate a credibly tough security policy, with the ending of a long occupation of Afghanistan while Al-Qa’ida still remains active in the region and elsewhere. Nevertheless, more transparency would provide demonstrable oversight and accountability without sacrificing the necessary operational secrecy of counter-terrorism. A wise long-term vision can balance the short-term demands to disrupt and disable terrorist groups, with a longer-term focus to resolve the grievances that give rise to radicalism, and also to preclude the wider use of drones in ways that sit uneasily with the laws of war.

**Hitting the Target?**

The future of drones in warfare is still uncertain, to say nothing of the shape of tomorrow’s interventions: events have their own way of confounding previous assumptions and postures. Current trends indicate that drones will, however, become more numerous and more widespread.

It may also be reasonable to assume that in the near future the primary impact of drones will be more tactical and operational. They may not so much shape intervention as a whole as they will assist on-the-ground operations, providing enhanced surveillance and on-call support. Precision strike will remain the vital ingredient in the conduct of Western hard-power interventions. But, as the UK’s recent strategies indicate,\textsuperscript{21} preventative, non-kinetic, engagement strategies with at-risk states are likely to be the norm.

\textsuperscript{18} Christopher Swift, ‘The Drone Blowback Fallacy’, \textit{Foreign Affairs}, 1 July 2012.
Yet we cannot dismiss the possibility – and, perhaps, some early indications – that larger, more capable drone systems might take flight and usher other campaigns of persistent and deniable covert action. This will be an area to watch closely in future.