

What's wrong with drones?

Preamble: Are drones different?

While some insist that armed unmanned drones are effectively no different from other military aircraft, there are two important differences. Firstly they can be operated remotely over very great distances via satellite links. While the drones themselves are located near the point of operation, once they are launched, control can be handed over to pilots sitting thousands of miles away.

The second major difference is persistence. Due to the lack of any crew on board, drones can remain airborne far longer than a piloted aircraft. While a typical fast-jet can remain in the air for around 8 hours before the crew become fatigued, drones can fly far longer. Reaper and Predator missions typically lasting between 16 and 20 hours, and the length of time drones can stay aloft is being extended all the time. Crews simply change shifts on the ground while the drone remains in the air. This remote operating together with a greater persistence is a real difference and seen as an important strategic advantage by the military.

Some commentators try to make the point that there has always been remote warfare, flippantly citing the longbow and the trebuchet (a roman catapult) as examples from the distant past. But that is nonsense. The ability to control weapons at vast distances while being in no personal danger, combined with their ability to loiter for many hours looking for 'targets of opportunity' (rather than the say the one-off shot a cruise missile) is a significant difference that is having a real impact on warfare. To put it briefly, the ability to be 'remotely persistent' makes armed drones significantly different from other armed aircraft.

1) Drones: Lowering the threshold for use of lethal force

In modern times, there is a real political cost to launching military intervention. Politicians know that the public do not like to see young men and women sent overseas to fight in wars which often have remote and unclear aims. In particular the public do not like to see those same young men and women return in body bags and coffins. Potential TV footage of grieving families awaiting funeral corteges is a definite restraint on political leaders weighing up the option of military intervention. Takeaway that potential political cost however by using unmanned systems, and it makes it much easier for political leaders to opt to use lethal military force. Drones swing the balance away from engaging in the often difficult and long-term work of solving the root causes of conflicts through diplomatic and political means, towards a quick, short-term 'fix' of 'taking out the bad guys'.

While it's still early in the drone war era, we know that the US has used armed drones in Iraq, Afghanistan, Pakistan, Yemen, Somalia, Libya and Syria, and there been unconfirmed reports of US drone strikes in Mali and Philippines. Israel has used its armed drones in Gaza but also reportedly in Sudan and Egypt. The UK has

used its armed drones in Afghanistan and Iraq and RAF aircrew have flown US drones in Libya, Iraq and also Afghanistan. In September 2015 the Prime Minister announced that UK armed forces had carried out the targeted killing of British citizen Reyaad Khan in Syria using a Reaper drone. For the first time the UK had carried out a targeted killing outside a conventional UN authorised armed conflict. Despite often distancing itself from this kind of killing, the UK it seems has been unable to resist the temptation once the system is in the armoury. Once the UK has acquired more such systems as David Cameron announced in October 2015, it may be harder to resist the siren call to 'send in the drones' each time a crisis develops as there is no perceived cost to doing so.

2) Drones: Video game warfare?

Separate, but connected to the idea that drones lower the threshold for using lethal forces is the notion, as Philip Alston the former Special Rapporteur on extra judicial killing, put it of the 'PlayStation mentality'.¹ Alston and others suggest that the vast physical distance between those operating armed drones and the target of a drone attack makes that act of killing much easier. The physical distance induces a kind of psychological 'distancing'. Rather than seeing and understanding that the target in the crosshairs is a real, flesh and blood human being, all that is seen is an unreal image; all that is perceived are dehumanised pixels on a screen. This, as Alston pointed out, may be particularly true for pilots who play increasingly realistic war video games.

There are strong objections to this notion. Drone pilots, it is argued, are highly trained professionals that are able to distinguish between video games and real life. In addition, there is a chain of command that means the drone pilots are not free to pick and choose targets without going through rigorous processes. Furthermore it is reported that some drone pilots are suffering from stress from having to watch the results of their strikes. Despite these arguments there is some evidence for a 'PlayStation' mentality. In 2010 an Afghan convoy of vehicles was hit by an airstrike involving drones in which 23 non-combatants – men, women and children – were killed. The subsequent USAF investigation attributed a large part of the blame to the Predator drone crew at Creech which it described as having "a propensity/bias towards kinetic operations."² The transcripts of the conversations between the Predator crew and intelligence analysts watching the live video feed from the Predator make it clear that the Predator crew wanted to attack and (again quoting from the USAF report) "ignored or downplayed" evidence suggesting the convoy was not a hostile target. While this is only one piece of evidence, and not enough to make a definitive case, the idea can't simply be dismissed out of hand. At the very least there needs to be much more transparency about the day-to-day use of armed drones.

3) Drones: Enabling the expansion of targeted killing

Perhaps the most controversial use of armed drones has been their use by the United States, Israel and now the UK for targeted killing. Legal scholars define

targeted killing as the deliberate, premeditated killing of selected individuals by a state who are not in their custody. Where International Humanitarian Law (IHL) applies targeted killing of combatants may be legal. Outside of IHL situations, International Human Rights Law applies and lethal force may only be used when absolutely necessary to save human life that is in imminent danger. This does not appear to be the case for many of the US drone strikes that have been carried out in Pakistan and Yemen. The United States insists it has lawful authority for such strikes under the Authorization for Use of Military Force Act (AUMF) passed in the days after 9/11, as well as in the inherent right of self-defence under the UN Charter. Many legal experts and scholars, not least the former and current UN special rapporteurs on extra-judicial killings, strongly question the US position.

While some argue that it is the policy of targeted killing that is wrong, not the weapon used to carry out it out, it is very difficult to imagine that US would have undertaken the wholesale expansion of targeted killing without the technology. Because they can be used remotely and persistently, drones are perhaps ideally suited for targeted killings. In Afghanistan, it appears that the UK used its Reaper UAVs to carry out targeted killings (within the context of a UN authorised intervention) although due to the lack of transparency surrounding the use of British armed UAVs it has not been possible to confirm this. We know from published RAF operational updates that UK Reapers have tracked “high value” targets for many hours before finally launching weapons.

The targeted killing in Syria of British citizen Reyaad Khan by an RAF drone (followed three days later by the killing of Junaid Hussain by US forces in co-operation with the UK) has caused huge controversy amongst human rights groups and legal scholars.³ Prime Minister David Cameron told the House of Commons that the killing of the two men was legal as “it was necessary and proportionate for the individual self-defence of the UK.”⁴ However it was also suggested that the men were put on a target list earlier in the summer meaning that the killing in August was likely not in response to any imminent threat. Legal experts emphasise that to be lawful under the self-defence framework such action must be “instant, overwhelming, and leaving no choice of means, and no moment for deliberation”.⁵ While in the House of Commons David Cameron told MPs that the strike “was not part of coalition military action against ISIL in Syria”, in a formal letter to the United Nations reporting the strike, the UK stated that its military actions in Syria was also “in the collective self-defence of Iraq,” an entirely new and different legal argument.⁶

While the legal arguments are complicated and confusing it is surely right that the government sets out clearly for the public and parliamentarians the legal basis for killing a British citizen in a country in which the UK is not at war and for which UN authority has not been granted. Note this is not the same as asking the PM to publish the formal legal advice it has received from the Attorney General, nor to publish intelligence about this particular strike. Again it has to be asked if the UK would have carried out such an operation if they did not possess such technology.

4) Drones: The myth of precise and surgical warfare

Drones are helping to rehabilitate the very idea of war. Drones permit, we are told, precision airstrikes that cleanly and accurately ‘take out’ the bad guys while leaving the innocent untouched. Drone advocates seduce us with the notion that we can achieve control over the chaos of war through technology. However, as Professor Maja Zehfuss of Manchester University points out “Faith in precision bombing... requires an under-examination of the actual practicalities of precision bombing and the ways in which ‘precision’ has been defined.” The reality is that there is no such thing as a guaranteed accurate airstrike. While laser-guided weapons are without doubt much more accurate than they were even 20 or 30 years ago, the myth of guaranteed precision is just that, a myth. Even under test conditions only 50% of weapons are expected to hit within their ‘circular error of probability’. Once the blast radius of weapons is taken into account and indeed how such systems can be affected by things such as the weather, it is clear that ‘precision’ cannot by any means be assured.

It is of course difficult to assess the precision of drone warfare without empirical data and there is a distinct lack of transparency around the use of drones. While we have some data about the impact of drones strikes in Pakistan from organisations like the Bureau of Investigative Journalism (TBIJ), who report that between 400 and 950 civilians have been killed in US drone strikes there, across the border in Afghanistan where there have been far more drone strikes we have very little information.⁷ One US military analyst, Larry Lewis, who has studied classified military data on drones strikes in Afghanistan (although he is unable to release the information) told *The Guardian* that missile strikes conducted by drones were 10 times more deadly to Afghan civilians than those performed by fighter jets.⁸ But ‘precision warfare’ is promoted both by the arms manufacturers and the military as a way of persuading us that war can now be ‘humane’, indeed that war is no longer the hell it once was.

The problem is that the media the public and more importantly politicians have fallen for this rather Hollywood notion of air warfare and drone strikes. Indeed there appears to be such faith in the accuracy of these systems that we are now much more willing to undertake airstrikes in areas which, previously, because of the presence of civilians, would not have been countenanced. This is yet another way that drones are expanding the battlefield.

5) Drones: Creating instability rather than security

The stated aim of UK military action (and presumably any military action) is to create long-term peace and security. Increasingly however there is a growing understanding that the use of armed drones may be doing just the opposite. Kurt Volker, the former US Permanent Representative to NATO said recently,

“Drone strikes allows our opponents to cast our country as a distant, high-tech, amoral purveyor of death. It builds resentment, facilitates terrorist recruitment and alienates those we should seek to inspire. Drone strikes

may decapitate terrorist organizations, but they do not solve our terrorist problem. In fact, drone use may prolong it. Even though there is no immediate retaliation, in the long run the contributions to radicalization through drone use may put more lives at risk.”⁹

Volker is not alone. Many others counter terrorism experts are now raising similar concerns. Professor Michael Boyle, former counter terrorism adviser to President Obama outlined in 2013 how use of armed UAVs is directly conflicting with other long-term counter-terrorism initiatives and doing real damage.¹⁰ Yet again, Robert Grenier, who headed the CIA’s counter-terrorism centre from 2004 to 2006 and was previously CIA station chief in Pakistan said of the use of armed UAVs in Afghanistan and Pakistan: “We have gone a long way down the road of creating a situation where we are creating more enemies than we are removing from the battlefield.”¹¹

As well as these direct concerns from senior counter terrorism experts, a number of recent reports from human rights and development NGOs have detailed how the use of armed UAVs – and in particular their use to loiter over particular areas for long periods of time before launching attacks – is causing severe mental trauma to the local populations, disturbing children’s education, and disrupting food production.

Conclusion: Drones: A danger to global peace and security

To many, drones are a modern marvel. *The Economist* declared in 2011 that ‘the future belongs to drones’ while *Reuters* argued that armed drones are ‘the perfect weapon for a war-weary nation on a tight budget.’ But as we have seen there are huge problems surrounding the growing use of armed unmanned systems. The use of armed drones is already undermining the laws of war and eroding human rights protections put in place to safeguard both combatants and civilians alike. There is also a real fear that the ‘risk free’ nature of these weapons is lowering the threshold for using lethal force, meaning that we are likely to see more warfare in the future. The growing use of armed drones and the concept of remote, risk free war is a serious military escalation. In short, armed drones are simply making the world a more dangerous place.

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Notes

¹ Philip Alston and Hina Shamsi, A killer above the law, *The Guardian*, 2nd August 2010, <http://www.theguardian.com/commentisfree/2010/feb/08/afghanistan-drones-defence-killing>

² See David S. Cloud, Anatomy of an Afghan war tragedy, *Los Angeles Times*, 10 April 2011; <http://articles.latimes.com/2011/apr/10/world/la-fg-afghanistan-drone-20110410>.

³ Owen Bowcott, Syria drone strike sets low threshold for killing people, says UN official, *The Guardian*, 9 Sept 2015, <http://www.theguardian.com/world/2015/sep/09/syria-drone-strike-raqqa-british-jihadis-low-threshold-killing-people-un>

⁴ Syria: refugees and counter-terrorism – Prime Minister’s statement, 7 September 2015, <https://www.gov.uk/government/speeches/syria-refugees-and-counter-terrorism-prime-ministers-statement>

⁵ The Caroline Case. The Avalon Project: http://avalon.law.yale.edu/19th_century/br-1842d.asp

⁶ UK letter to UN, 7 September 2015 http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/688

⁷ TBIJ Drones project: <https://www.thebureauinvestigates.com/category/projects/drones/>

⁸ Spencer Ackerman, US drone strikes more deadly to Afghan civilians than manned aircraft – adviser, *The Guardian*, 2 July 2013, <http://www.theguardian.com/world/2013/jul/02/us-drone-strikes-afghan-civilians>

⁹ Kurt Volker, What the U.S. risks by relying on drones, *The Washington Post*, 26 October 2012; http://articles.washingtonpost.com/2012-10-26/opinions/35500650_1_drone-strikes-drone-attacks-guantanamo-bay

¹⁰ Michael Boyle, The costs and consequences of drone warfare, *International Affairs*, January 2013. Available at www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf

¹¹ Paul Harris, Drone attacks create terrorist safe havens, warns former CIA official, *The Guardian*, 05.06.12; www.guardian.co.uk/world/2012/jun/05/al-qaida-drone-attacks-too-broad