

# DRONE WARS

OUT OF SIGHT

OUT OF MIND

OUT OF CONTROL





## **Drone Campaign Network**

**The Drone Campaign Network is made up of national organisations as well as local groups working together to share information and coordinate collective action in relation to the use of military drones.**

**Campaign Against Arms Trade**

**Campaign Against American Bases**

**Campaign for Nuclear Disarmament**

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**Voices for Creative Non Violence UK**

**War on Want**

**War Resisters International**

**Drone Campaign Network**

**Peace House**

**19 Paradise Street**

**Oxford OX1 1LD**

**[www.dronecampaignnetwork.org.uk](http://www.dronecampaignnetwork.org.uk)**

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Written by: Chris Cole

Design: Wave

Front Cover image: Children salvage belongings from a madrassa destroyed in US drone strike in Pakistan, November 2013. Basit Gilani/EPA.

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# 1

## Introduction

### OUT OF SIGHT. OUT OF MIND. OUT OF CONTROL.

Over the past fifteen years unmanned aerial vehicles commonly known as drones have risen from a fringe technology to becoming a key component of Western military power, with US, British and Israeli forces launching thousands of drone strikes across Asia, the Middle East and Africa. Drones have become one of the most used weapons in conventional wars, but are also being used far from any battlefield in so-called targeted killings to 'take out' those deemed to be a threat to security. While military officials describe drones as 'the most precise and effective application of firepower in the history of armed conflict', human rights organisations and journalists have documented that hundreds of innocent civilians have been killed in such strikes.

But armed drones are more than just a new weapon system, the latest in a long line of technological solutions to international security problems. Drones are at the forefront of the rehabilitation of the idea of war itself. Through using remote systems and precision weapons, we are being told, war is no longer the hell it once was. Such a narrative is extremely naïve and dangerous. Not only does it obscure the casualties and destruction caused by drone strikes, but it also means that when there is a political crisis the press and politicians demand we 'send in the drones' as there is no perceived cost in doing so.

The concept of remote 'risk-free war' through the use of armed drones means that military intervention is rapidly becoming one of the first options instead of the last. Besides the direct consequences, this also enables political leaders to sidestep addressing the underlying political and social causes of conflicts which in turn lessens the chances of achieving long-term just and sustainable solutions.

This briefing highlights some of the key issues surrounding the growing use of armed drones, including: civilian casualties, the expansion of targeted killing and how drones lower the threshold for use of armed force.

As one of only a handful of countries currently using armed drones, the UK has both the responsibility and the opportunity to take a lead internationally on controlling their use, both in terms of setting high levels of transparency and accountability, but also putting in place strong controls internationally to prevent the proliferation of such systems. Armed drones and the growing acceptability of 'risk free warfare' is a real danger to global peace and security.

At this crucial time, it is vital that all who want the world to be a more just and secure place work together to ensure that we don't allow armed drones to be out of sight, out of mind and out of control.

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## Executive Summary

The use of armed unmanned drones has grown rapidly over the past decade enabling militaries to launch attacks at great distance with little or no risk to their forces.

Supporters of the use of armed drones argue they enable precision strikes which simply and cleanly take out 'the bad guys'. The reality is that hundreds of innocent civilians have been killed in such strikes. In this way, drones are transferring the risk of war away from soldiers onto the shoulders of civilians in areas where strikes are taking place.

Drones have also enabled a huge expansion in so-called 'targeted killing'. Those deemed to be a threat to national security are added to secret kill lists without any judicial oversight or public accountability and then drones are used to 'find, fix and finish' them. While the UK distanced itself from such operations for a long time, it too has used drones to carry out such premeditated extra-judicial killings, despite strenuous denials it would when they first came into use.

The use of armed drones is lowering the threshold for initiating war. Drones make it much easier for politicians to opt for use of military force rather political and diplomatic options as 'clean and quick' strikes can be undertaken without risking troops lives, negating much of the potential political cost of such intervention.

Advocates of the use of armed drones argue that despite problems, drone strikes targeting senior terrorist leaders are effective. Others argue, however, that when individuals are killed they are simply replaced by others and that so-called 'collateral damage' from drone strikes angers local populations leading to increased recruitment for violent groups, leading overall to a net loss of security.

Drones and the concept of remote warfare are obscuring and disconnecting the public from the consequences of our military action. Increasingly, warfare is 'out of sight, out of mind and out of control!'

To counter this, we are calling for the UK to:

- Ban any use of armed drones that is not fully compliant with international law
- Ban targeted killings and 'kill lists'
- End complicity in unlawful drone strikes by other States, for example by providing logistical support or data that could be used to track down targets.
- Ensure clear transparency on the use of armed drones
- Provide timely public information, in every case, on the legal and factual grounds on which specific individuals or groups are targeted in counter-terrorism operations
- Conduct thorough, independent and impartial investigations into all allegations of unlawful death or civilian harm from the use of armed drones
- Enable stricter control on the proliferation of drones and related technology.

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## What are drones?

### Testing, Testing

In February 2001, US air force officials gathered together in a trailer at Indian Springs Airfield in the Nevada desert held their breath as test pilot 'Hawg' Hawes punched a button on a control desk.<sup>1</sup> Instantly a Hellfire missile flew from a Predator drone flying overhead and hit a disused tank sitting on the ground a few hundred metres away.

This was the first ever weapon launch from a Predator unmanned aircraft and the officials present expressed their delight. "Just beautiful" said Major Ray Pry overseeing the tests.<sup>2</sup> Although Air Force officials knew there was more work to be done – including crucially working out how to hit a moving

target – they were convinced that their aim of developing a new anti-tank weapon was on track.

Fast forward fifteen years, far from being an obscure anti-tank weapon, armed drones are at the heart of modern warfare. Indian Springs Airfield where those initial tests took place, was renamed Creech Air Force Base in 2005 and has become the centre of a growing network of bases around the globe that fly remotely controlled drones, often launching deadly attacks. Many have accepted these developments eagerly with *The Economist*, for example, declaring that 'the future belongs to drones' while a *Reuters* piece proclaimed that drones are 'the perfect weapon for a war-weary nation on a tight budget.'

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**US Predator firing missile.**

Michael Hahn

## “I never thought it would be the last time I saw her.”

On the afternoon of September 2nd 2012, a group of Yemeni villagers climbed aboard the Toyota which acted as a shuttle bus that travelled most days between their village, Sabool, and the regional capital Radda. Some had travelled to the city earlier that day to sell goods in the market, while others had visited the health clinic. As they made their way slowly back to their village, unbeknown to them, in the skies above, a US drone was hunting Abdulraouf al Dahab, an Al Qaeda militant thought to be living in the area.<sup>4</sup>

Exact details of what happened are unclear. Whether the US had faulty intelligence that al Dahab was on the bus or whether something much more basic went wrong is not publicly known. But shortly before 4pm a missile slammed into the vehicle carrying the villagers killing twelve people including two children. “The bodies were charred like coal. I could not recognize the faces,” said Ahmed al-Sabooli, 22, a farmer whose parents and 10-year-old sister were among the dead. “Then I recognized my mother because she was still holding my sister in her lap. That is when I cried.”

Initial press reports, quoting local security officials, stated that a number of extremists and their women companions had been killed in the strike, but that the target himself had mysteriously escaped unharmed.<sup>5</sup> However it soon became apparent that something had gone very wrong. After relatives threatened to bring the bodies to the capital and lay them at the feet of Yemeni president: officials admitted that the strike had in fact been an accident.

“My sister was so excited about going out that morning so she wore a brand new dress,” Ahmed al-Sabooli told the BBC a year later. “I never thought it would be the last time I saw her.”<sup>6</sup> While US officials admitted in an off-the-record briefing to the Washington Post that the strike had been carried out by the US, no apology was ever issued or public investigation undertaken.<sup>7</sup>



**Ahmed al-Sabooli holds photos of his mother, father and sister, 10.**

Letta Tayler/Human Rights Watch

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Despite these glowing reviews, there are huge problems with drone warfare. Hundreds of innocent civilians have already been killed and there is a real fear that the so-called ‘risk free’ nature of these weapons lowers the threshold for using lethal force. Simply put drones make opting for war too easy for political leaders.

### What are drones?

Drones, or Unmanned Aerial Vehicles (UAVs) as the military prefers to call them, are aircraft controlled either remotely by pilots on the ground or flying autonomously along pre-programmed missions. While drones are beginning to appear in civilian life, they are primarily being used by the military.

Although there are hundreds of different types of military drones, they basically fall into two broad categories. Firstly are those that are used solely for intelligence gathering purposes, undertaking surveillance through a variety of sophisticated cameras and other hi-tech sensors. Surveillance drones range in size and sophistication from ones that are just a few inches long that can fly only a few hundred yards, to medium sized drones capable of seeing 'over the hill' and into the next valley, right up to jumbo jet size that can fly across continents sucking up huge amounts of information.

Alongside these are drones like the Reaper and Predator, roughly the size of a private jet, which carry surveillance equipment but are also armed to enable them to carry out air strikes. In many ways, however, current armed drones are like the early bi-planes of the drone generation. Much more advanced and powerful drones are currently making their way off the drawing board and into the skies.

## **Are drones different?**

Some argue that there is no real difference in effect between a drone and a conventional military aircraft. Former drone pilot Dave Blair argues that as the same weapons deployed from Reapers are also launched from Apache helicopters and F-16 aircraft "the idea of 'drone strikes' as distinct from 'air strikes' is a distraction."<sup>3</sup> While it's true that from the perspective of those on the ground there is little difference if the Hellfire missile hurtling towards you was launched from a drone or a helicopter, to jump from this to argue that technology is making no actual difference is simply dishonest.

There are real and key differences which mean that we are likely to see more armed conflict because of drones, more civilian casualties and the use of targeted killing or assassination spreading. Over the next few pages we explore these issues in greater depth.

## **8**

### **Why has drone use taken off?**

The use of armed drones has grown rapidly over the past decade for two basic reasons. Firstly armed drones 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 safely thousands of miles away.

Another reason is their ability to stay in the air far longer than a piloted aircraft. While a typical fast-jet can remain in the air for around 8 hours before the pilot becomes too fatigued to maintain the alertness needed, drones can stay in air far longer as the crews on the ground simply change shift. Currently Reaper and Predator missions typically last between 16 and 20 hours, and the length of time drones stay aloft is increasing all the time. In other words it's this 'remote persistence' that is seen as a big advantage by military planners.



# 4

## The problem of drone warfare

### DRONES AND CIVILIAN CASUALTIES

The issue of civilian casualties has been one of the most contested debates about the use of armed drones. Supporters of their use, like former CIA Director Michael Hayden have called the drone programme “the most precise and effective application of firepower in the history of armed conflict.” Former Chief of British Defence Staff, Lord Dannatt wrote after the targeted killing of Mohammed Emwazi (‘Jihadi John’):

*“Drones have the capability to linger at high altitude over a potential target – for days, if necessary... The decision to strike with lethal force is only taken when there is a very high degree of certainty that the effect of that attack will have the intended result... Little is left to chance.”<sup>8</sup>*

Despite the assertion that drones enable us to better control the consequences of aerial bombing, data gathered by casualty recording organisations and journalists show large numbers of civilian casualties from drone strikes.

#### Precise?

In Pakistan where US airstrikes were exclusively carried out by drones, The Bureau of Investigative Journalism (BIJ) reports between 420 – 960 civilians killed in just over 400 drone strikes although the civilian casualty rate, along with the number of strikes, has plummeted since 2012 following an increasing international outcry.<sup>9</sup>

Far from being able to sit above ‘the fog of war’ and launch pinpoint accurate attacks as advocates argue, the human rights organisation, Reprieve, found that US

drone strikes killed 1,147 unknown people in multiple strikes targeting just 41 named individuals. US military analyst Larry Lewis found in 2013 that across the border in Afghanistan, drones caused 10 times more civilian casualties than strikes by manned fighter aircraft. Unfortunately the public cannot see the data as it remains classified.<sup>10</sup>

Drone supporters often challenge civilian casualty figures arguing that they are falsehoods spread by the enemy; that weapons are being removed from the site of a strike before recorders arrive; or even that Taliban or Al Qaeda kill civilians and place their bodies at the site of drone attacks to increase civilian casualty count. There is simply no evidence for this whatsoever.

There is evidence however of civilians and rescuers being killed in so-called ‘double-tap’ strikes. This is when drones undertake a second strike some time after the initial one, often killing those who have rushed to help the initial victims.<sup>11</sup>

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**Drone strikes and on-going armed conflict continue to destroy local communities in Pakistan.**

Saood Rehman/EPA

## Not just accidents

And, of course, it must be remembered that civilian casualties from air strikes are not just accidents. Strikes are sometimes launched even if it is absolutely clear that civilians will be killed. In Iraq and Syria, for example the US has just changed its rules of engagement to allow up to 10 civilian deaths per strikes in some areas. As USA Today explains

*"Before the change, there were some limited cases in which civilian casualties were allowed, the officials said. Now, however, there are several targeting areas in which the probability of 10 civilian casualties are permitted."<sup>12</sup>*

In the invasion of Iraq in 2003, strikes that would cause more than 30 civilian deaths per strike had to be approved personally by Donald Rumsfeld. Over fifty such strikes were proposed by military commanders and he approved them all.<sup>13</sup> US drone strikes in Pakistan too were authorised that would kill women or children alongside terrorist suspects 'in extraordinary circumstances' according to Leon Panetta's memoir.

## Military-aged males

In addition, a crucial element in any discussion of civilian casualty data is the policy of 'seeing' all military-age males in a strike zone as combatants unless there is explicit intelligence posthumously proving them innocent.<sup>14</sup> According to information leaked to *The Intercept* and released as part of The Drone Papers, US drones targeted and killed 19 'Jackpots' between May and September 2012 in Afghanistan.<sup>15</sup> However in those strikes 136 other individuals were also killed, all of whom were labelled simply as enemies killed in action (EKIA). While it is not clear who these people were – and it may well be that some of them were combatants – the blanket policy of designating everyone killed in such strikes as combatants unless proved otherwise is clearly contributing to the US and the UK's ability to claim that no or few civilians are killed in such airstrikes.

Occasionally, however, it becomes clear that not all the victims of such strikes are enemy combatants. In January 2015 a US drone strike in Pakistan killed American development expert Warren Weinstein and Italian aid worker Giovanni Lo Porto who were being held hostage at the site of the strike. And again in February 2016, a US air strike involving F-15s and drones on an ISIS training camp in Libya appears to have killed two Serbian diplomats being held there.<sup>16</sup> Both sites, it should be noted, had prolonged and persistent observation by drones prior to the strikes, undermining the notion that such persistence can eliminate civilian casualties. How often have strikes taken place where remote observers see only combatants, yet civilians are present?

Recently, some senior military and counter-terrorism figures are beginning to raise questions about the implications of the so-called collateral damage. General Stanley McChrystal, General Mike Flynn and George W. Bush's counter-terrorism czar Richard Clarke have argued that drone strikes are creating more terrorists as so-called 'collateral damage' angers families and wider communities leading to increased recruitment for violent groups.

Drone technology is seducing us into believing that we can see, know and understand what is happening on the ground from thousands of miles away; that we can discriminate perfectly



**Civilian casualties from US drone strikes in Pakistan prompted huge protests.**

PA

between combatants and non-combatants; that we can precisely launch pinpoint accurate strikes; and that we can control the consequences of our military intervention. The reality, as we shall no doubt unfortunately continue to see, is just the opposite.

## DRONES AND TARGETED KILLING

Another fundamental issue is how the advent of armed drones has enabled a huge expansion of 'targeted killing'. All three nations that have used armed drones beyond their own territory – the US, Israel and the UK – have used drones to carry out these pre-meditated extra-judicial killings away from the battlefield.



**American citizen Anwar al-Awlaki killed in US targeted drone strike in 2011 in Yemen. His 16-year old son Abdulrahman, was also killed in a drone strike two weeks later.**

Wikipedia

The term 'targeted killing' has come into use through the United States, where 'assassination' has, officially at least, been banned. Despite this however the practise continues. Drone advocates use the rather circular argument that such killings should

not be called 'assassinations' as that would suggest they are *unlawful* killings, while, they are, advocates insist, lawful.<sup>17</sup>

However there continues to be intense and on-going arguments among international law scholars, government officials and human rights groups about the legality of these drone targeted killings. Unsurprisingly all three nations that carry them out insist that their activities are perfectly lawful.

Although it has been an open secret that the US has used armed drones for such operations in Pakistan and Yemen since 2004, it was only officially publicly acknowledged for the first time during a 'Google Hangout' by President Obama in January 2012. Human rights experts immediately challenged President Obama to justify the strikes.

The US administration argues that the Authorization for the Use of Military Force Act (AUMF), passed one week after 9/11, gives the necessary authority to carry out lethal actions against "valid military objectives." The Director of the CIA, John Brennan argues that as the United States is in an armed conflict with al Qaeda, the Taliban, and associated forces, it may also use force consistent with the right of national self-defence.

Legal scholars and human rights groups however challenge this position arguing that the AUMF authorized the use of military force only against those involved with the terrorist attacks of September 11, 2001 and did not give the US Administration blanket authority to undertake military action wherever it sees fit; that under international law it is not possible for the US (or any nation) to be in an armed conflict (as defined by the law) with terrorists; and that there is a complete lack of appropriate and publicly accountable due process.

A major article in the New York Times, based on on-the-record interviews with President Obama's advisors (and therefore officially authorized), outlined to some degree the process by which people are



**RAF Reaper drone.**

Crown Copyright

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put on the US' targeted kill list. According to the piece, each week: "more than 100 members of the government's sprawling national security apparatus gather by secure video teleconference to pore over terrorist suspects' biographies and recommend to the president who should be the next to die." The meetings have been dubbed by the press the 'Terror Tuesday' meetings. According to the article, by his own insistence President Obama approves any name to be added to the list.

As well as the targeted killing of individuals, the US has undertaken what have become known as 'signature strikes', that is the targeted killing of individuals whose names are not known but their behaviour allegedly gives them the 'signature' or 'hallmark' of insurgents/terrorists.

Up until 2015, the UK distanced itself from the US drone targeted kill programme although for political reasons did not publicly condemn it. However in August 2015, the UK used a drone to target and kill someone outside a conventional armed conflict – 21-year old British citizen Reyaad Khan – for the first time. Killed alongside Khan was another British man, Ruhul Amin (26) and a third unknown man. A few days later another British 21 year-old, Junaid Hussain, was targeted and killed, this time in a joint US-British operation in which US aircraft launched the strike.

In his statement to MPs about the Khan strike, the Prime Minister argued that it was undertaken as an act of self-defence by the UK under Article 51 of the UN Charter. Given that the UK had not been granted authority to use lethal force in Syria, either by the Syrian authorities or the United Nations (or indeed by the UK parliament at this point), International Humanitarian Law (the 'Laws of War') did not apply but rather the stricter framework of International Human Rights Law.

In such circumstances the use of lethal force is only lawful if it is absolutely necessary to stop an immediate threat to life. However according to the publicly available information it appears that such circumstances did not exist. Indeed the Prime Minister told parliament in his statement after the killing that it had been decided that "should the right opportunity arise, military action should be taken" against Khan – hardly the imminent circumstances that are needed under the law. Perhaps because of these difficulties, in its official letter to the United Nations about the strike, the UK stated additionally that the action had been taken "in the collective self-defence of Iraq".

In May 2016 the Parliamentary Human Rights Committee released a report into the use of armed drones for targeted killing.

While the Committee accepted much of what the government had said about the targeted killing, it made strong and important calls for the Government to clarify its confusing and apparently contradictory position on legal issues related to the use of armed drones outside conventional armed conflicts. In particular it urged the government to clarify:

- the grounds on which it says that the Law of War applies to the use of lethal force outside an armed conflict;
- its understanding of ‘imminence’ in relation to the use of force under the right of self-defence and
- the legal basis on which the UK takes part in or contributes to the use of lethal force outside armed conflict by the US or any other country.

The Committee also made important recommendations about the need for proper independent accountability and oversight that must be put in place if these type of actions are to be contemplated, as well as urging the government to engage in international discussions to build consensus around the legal frameworks limiting such use.

These recommendations are a good first step, but they do not go far enough. It is crucial that we do not simply put in place policies and processes that normalise extra-judicial drone killing. Such killings, whether carried out by drones or otherwise, should be banned.

## **DRONES LOWER THE THRESHOLD FOR WAR**

There is increasing acceptance that drones may be making it easier for political leaders to launch military intervention. In the past, negative public reaction to the death of military forces deployed overseas has been a real restraint on political leaders weighing up the option of whether to launch military action. Take away that potential political cost by using unmanned systems however, and it becomes much easier for political leaders

to opt for a ‘clean and quick’ use of military force rather than the often slow and difficult political and diplomatic options.

While campaigners have been making this argument for some time, as the use of drones has grown those in the military are accepting the dangers. Stanley McChrystal, for example, former commander of US and NATO forces in Afghanistan, told a conference in London in 2015 that he believed the capabilities of drones could make them more palatable to military decision-makers and “lower the threshold” for lethal force. In addition a recently released MoD policy document, ‘Future Operating Environment 2035’, argues that:

*“Increased use [of remote and automated systems] in combat and support functions will reduce the risk to military personnel and thereby potentially change the threshold for the use of force. Fewer casualties may lower political risk and any public reticence for a military response...”*

The US use of armed drones in Pakistan is one example of how drones are lowering the threshold for war. Hundreds of US air strikes have taken place inside the country against those that the US considers to be a threat to US national security with all the strikes carried out by drones rather than conventional military aircraft. Pakistan has publicly condemned the strikes on numerous occasions but has not attempted to shoot down the drones as this would cause all-out war with the US (although some argue that key people within the Pakistan administration secretly support the strikes).

The US military intrusion into Pakistan is portrayed as a lesser breach of sovereignty as no individual is in fact crossing the border. It is impossible to imagine that the US would have carried out so many strikes using piloted aircraft. As a report from establishment US think tank, the Stimson Center puts it, “it would be difficult to conclude that US targeted strikes are consistent with core rule of law norms... [put simply] ”the availability of lethal UAV technologies has enabled US policies that

likely would not have been adopted in the absence of UAVs.”

Questions around whether drones are lowering the threshold for use of force *within* a situation of armed conflict (*jus in bello*) are harder to answer without much more transparency. Former UN Special Rapporteur Philip Alston talked of the possibility of a ‘PlayStation Mentality’ where, due to the physical and psychological distance, drone operators and crew may perceive strike operations as a kind of video game.<sup>18</sup> Drone advocates insist this proposition denigrates the professionalism of serving military officers, ignores the fact there is a chain of command overseeing strikes, and overlooks the number of drone pilots leaving suffering from PTSD as evidence that drone pilots are far from ‘videogame warriors’.

While it seems true the drone operators appear to have little leeway to launch strikes independently, the only publicly available US military investigation into a drone operation in which multiple civilians were killed

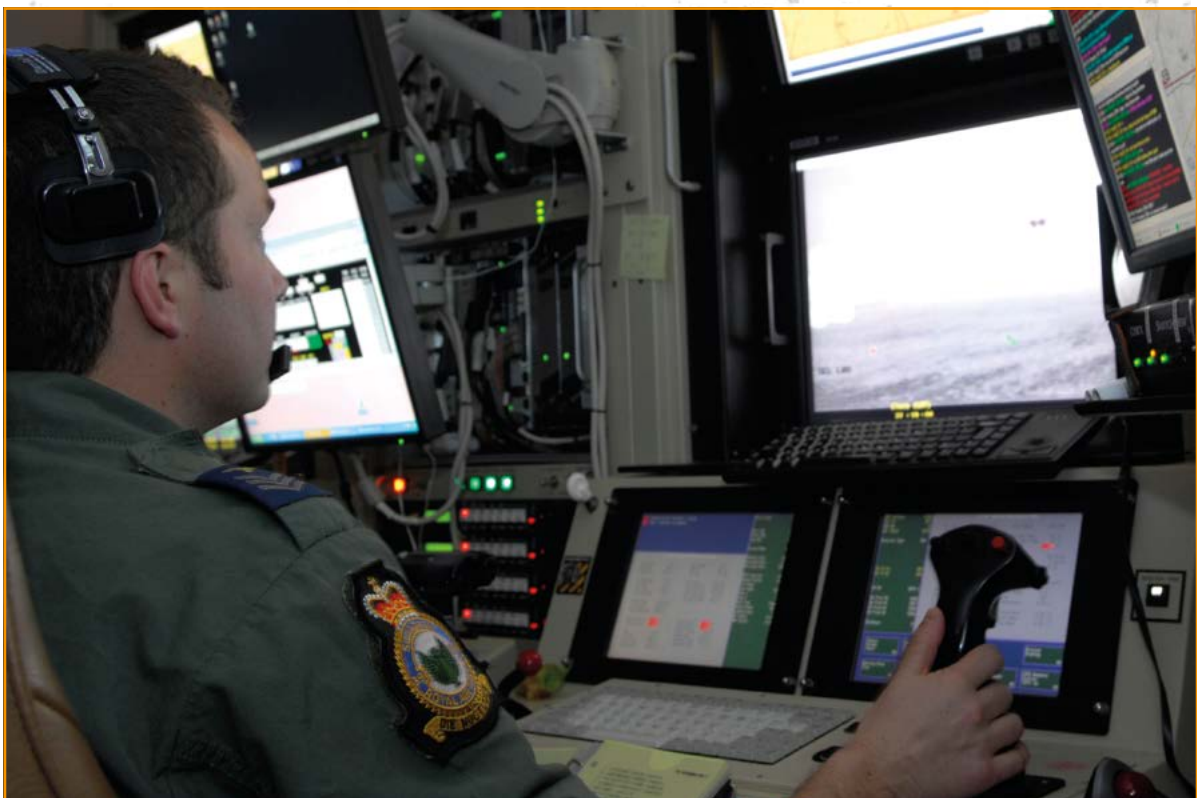
found that the Predator drone crew had “a propensity towards kinetic operations”.<sup>19</sup> (i.e. they wanted to launch strikes). In addition, reports of so-called ‘double-tap’ strikes, and statements from former drone pilots provide some insight into the possibility that such a mind-set may exist.<sup>20</sup> Brandon Bryant, a former US drone pilot turned whistle-blower for example has said:

*“One guy I knew tattooed a Hellfire missile on his ribs for every shot he took. Another tattooed the word ‘Infidel’ around his neck. I mean there were some real, honest-to-god psychos in that program who wanted nothing more than to kill people on the ground.”<sup>21</sup>*

Others ex-pilots however tell a different story

*“Drone operators are licensed pilots. We are not terminators rampaging across the countryside like war’s a video game. We are not heartless; we are not brainless. And we do not like to make mistakes.”<sup>22</sup>*

Far from being gung-ho warriors, drone supporters argue, to drone crew suffer post-traumatic stress disorder (PTSD) as they



**RAF pilot controlling a Reaper drone from Creech air force base in Nevada.**

are required to monitor the consequences of strikes against individuals they kill. While not in any way dismissing this aspect, official studies show in fact the level of PTSD among drone crew is around half that of the general population of the US.<sup>23</sup> Drone crew are facing high levels of stress and burnout, but this appears also to be due to the high workload and long hours they are required to work owing to increasing use of armed drones.<sup>24</sup>

But it is crucial to remember that it is not only those who are directly hands-on in day-to-day operations for whom drones may be engendering a 'propensity to use kinetic force'. Politicians, policy makers, counter-terrorism officials and commentators all seem susceptible. In an op-ed for The Wall Street Journal, for example, American academic Amy Zegart argues that drones should be used not just for targeted killing but for "targeted hurting".

*"Lethal drones may make possible a new form of high-tech coercion: targeted hurting. Targeted terrorist-killing operations are designed to take an enemy off the battlefield. Targeted hurting could be designed to change any enemy's behaviour—by destroying selectively the family members, friends, associates, villages or capabilities that the enemy holds most dear."*<sup>25</sup>

And making the point that it's the weapon technology driving the policy and not the other way round Zegart concludes:

*"As robotic warfare technologies proliferate and evolve, the U.S. is in a strategy race with other countries engaged in drone programs. If we do not develop innovative ideas about how these weapons can be used for coercion as well as combat, others will."*

Drones are helping to erode the barrier between war and peace. The increasing normality of the use of lethal force outside legally accepted norms is made apparent by Georgetown law professor Rosa Brooks' disturbing 2015 article 'There's No

Such Thing as Peacetime'. Brooks argues that since 9/11 "it has become virtually impossible to draw a clear distinction between war and not-war." Rather than challenging this erosion of the boundaries between crucially distinct legal frameworks however, she argues that advocates for human rights must simply accept that "the Forever War is here to stay." To do otherwise she argues is "largely a waste of time and energy. "Wartime is the only time we have" she insists, "We might as well get used to it and get back to work."<sup>26</sup>

The very existence of drones means that the use of lethal force is being contemplated and put into effect in ways that wouldn't have happened before the development of such technology. Above all, it must be remembered that we are only at the beginnings of the drone war era. The Predator and Reaper drones currently in operation are slow, unsophisticated prototypes of future drones that are slowly but surely making their way from the drawing board to the skies.

Until very recently only three countries had used armed drones – the US, Israel and the UK. Since 2015 however a number of other countries – Nigeria, Iraq, Pakistan and Iran – have joined the club. Many more are now likely to follow suit.



# What can be done?

## CHALLENGING SECRECY, ENSURING PUBLIC ACCOUNTABILITY

Secrecy surrounds the drone wars. From details of the process and legal basis whereby individuals are added to a 'kill list', to data on the proclaimed precision of remote strikes, to information about the routine day-to-day operation of drones, to facts about casualties and consequences on the ground – all are hidden from the public view.

While it is perhaps to be accepted that some information about military operations needs to be kept secret, even basic details about the use of drones is subject to restriction. For example in response to parliamentary questions and Freedom of Information requests, the Ministry of Defence (MoD) has refused to detail even the number of armed British Reaper drones undertaking

operations against ISIS in Iraq and Syria, the location of their base in the Middle East or whether they have been involved in missions over Libya. It should be noted that by stark contrast the UK is happy to detail the number and location of other UK military aircraft taking part in such operations and the location of their bases.

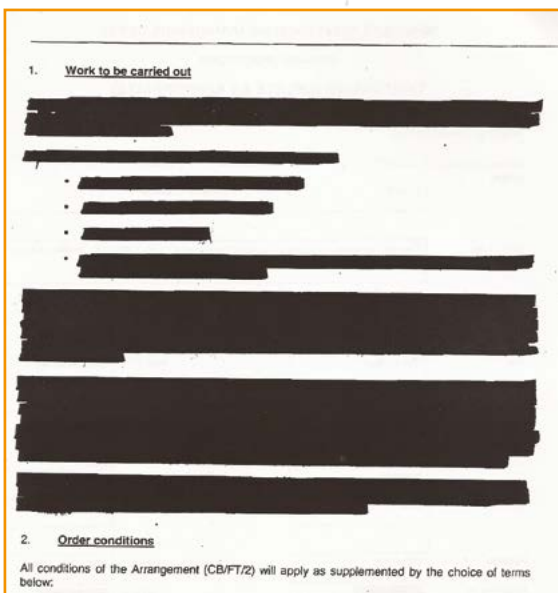
It appears that the UK MoD is treating armed drones differently from its other military aircraft as it wants the option to use them covertly. Refusing to publish details about the UK's armed drones gives the MoD the ability to deploy them on operations without the public, the press and of course, the people they are being used against, being aware of such operations. Again, it's important to be aware that this policy applies only to the UK's armed drones and not to other military aircraft.

This policy came into existence in 2014 when the UK committed to the use of armed drones beyond operations in Afghanistan. Throughout their use in Afghanistan the MoD detailed on numerous occasions the number of British Reaper drones in operation and that they were based at Kandahar Airfield.<sup>27</sup> However when it was decided to use the drones in an 'expeditionary role' beyond Afghanistan, the MoD brought in greater secrecy.<sup>28</sup>

When campaigners asked for an explanation about the different levels of operational security, the MoD argued that:

*"In Afghanistan there were a large number of air assets contributing to the overall ISAF mission. Given this we were able to release information on UK Reaper assets as this did not comprise capabilities by giving an indication of the level and area of coverage."<sup>29</sup>*

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**Response to FoI request on the work on the MoD's Unmanned Capability Centre.**

Drone Wars UK



There are of course a large number of “air assets” operating over Iraq and Syria so this hardly seems the most credible of answers.

### **Armed drones accountability**

Some will no-doubt argue that the UK should be able to deploy and use armed Reaper drones without making details of such operations public. However, all but the most zealous of interventionists will recognise the need for proper public oversight and accountability for such military operations. The deployment of armed drones in particular needs to be carefully monitored as they have become the preferred means of undertaking extra-judicial targeted killings. Indeed as we have argued, this technology has hugely expanded the use of targeted killing particularly by the US over the past decade, but also by the UK and Israel. This reason alone should make the public oversight of the use of armed drones critically important.

In addition it has long been argued that there should be parliamentary approval for UK military action overseas. In 2011 the Government finally acknowledged that a convention had emerged that the House of Commons should have the opportunity to debate the deployment of military forces except in the event of an emergency.<sup>30</sup> However it remains unclear what type of military action would trigger such a debate.

Asked by Tom Watson MP whether the government would seek approval for the deployment of armed drones overseas, the then MoD Minister Mark Francois replied sarcastically that there was “no intention for parliamentary approval to be sought before decisions on deployment or redeployment of individual items of equipment are made.”<sup>31</sup> In January 2016 amid discussion of UK military intervention in Libya, Vice Chair of the All Party Parliamentary Group on Drones, David Anderson MP, again asked the MoD if they would ensure that parliament had an opportunity to debate the deployment of UK Reaper outside of Syria and Iraq. Michael Fallon gave a dismissive, one word answer: “No”.<sup>32</sup>

### **International responsibility**

Until recently only three countries are known to have used armed drones outside their own territory – the US, Israel and the UK. In January 2016 came evidence that a fourth nation, Iran, has now joined the club.<sup>33</sup> With the US now agreeing to arm Italy’s Reaper drones and Pakistan, Iraq and Nigeria now operating Chinese armed drones many more countries are likely to begin to use armed drones across borders.



**An RAF Reaper drone prepares for take-off.**

Crown Copyright

The UK should recognise that it has both the responsibility and also the opportunity to set high standards internationally for transparency and public oversight of the use of these systems. However if the UK argues that basic details such as the number of armed drones on operation cannot be released, other states, particularly European ones who are acquiring such systems, are likely to follow this lead.

We would argue that at the very least, details about the number of armed drones on operation overseas – details which the UK provides for its other aircraft – should be released for proper public accountability and oversight of these systems, as well as a way of encouraging other states towards greater transparency.

## CHALLENGING DRONE PROLIFERATION

Since the beginning of 2015 there have been strong indications that the long-feared proliferation of armed drones is beginning to take off.

The proliferation of armed drones is a serious challenge to global peace and security as it undoubtedly means more countries will follow the lead of the US, Israel and the UK in undertaking extra-judicial killing of those they deem a threat. The way that drones are lowering the threshold for the use of military force, making it easier for political leaders to engage in warfare, also make the proliferation of these systems a serious threat to global security.

While many countries will not have the satellite communications infrastructure to control drones across the other side of the globe, nevertheless many will be able to use them to launch attacks against near neighbours and regionally.

In September 2015 the Pakistan military reported that it had used a new drone – the Burraq – to launch an armed strike against insurgents in North Waziristan.<sup>34</sup> There are contesting claims as to whether the Burraq is indigenously developed as Pakistan claims, or whether it is (at the very least) based on the Chinese CH-3 drone as experts insist.<sup>35</sup>

Pakistan has repeatedly objected to US drone strikes on its territory, and appears to have turned to China after requests to purchase US armed drones were rebuffed. China has also supplied Nigeria and Iraq with armed drones during 2015/16, with both countries using them to launch strikes against Boko Haram and ISIS respectively.<sup>36</sup>

It is not only China that is expanding drone exports. Israel has long been the foremost exporter of drones although its reticence to speak publicly both about its own use as well as the export of such systems makes any assessment very difficult.<sup>37</sup>

Until recently there has been no evidence that Israel has been exporting armed drones alongside surveillance drones. This now appears to have changed with defence press reporting the sale of Israeli armed drones to Jordan for use in the fight against ISIS and the potential sale of 10 armed Heron drones to India for \$400 million. The deal which has been under discussion for some time has no doubt been accelerated in light of Pakistan's apparent acquisition of drone technology from China.<sup>38</sup>

Meanwhile the US is beginning to export armed Reaper drones to chosen allies. For many years only the UK was allowed to purchase the armed version, with France and Italy operating unarmed Reapers. However in February 2015 the US announced a new policy on the export of armed drone technology.<sup>39</sup> Italy has now been allowed to arm its Reapers, with France likely to follow, while sales (initially at least) of unarmed Reapers have also been approved to The Netherlands and Spain.<sup>40</sup>

According to market analysts Teal, worldwide spending on military drones is set to more than triple over the next decade from



**A Chinese CH-3 armed drone, operated by Nigerian Air Force, crashed in January 2015.**

Aminu Gamawa

\$4bn annually currently to \$14bn in 2024 with another \$30bn spent on research and development. Much of this is likely not just to be the aircraft themselves but also the burgeoning market for drone components and payloads which many companies in many countries – not least the UK – are seeking to cash in on.<sup>41</sup>

## Control agreement

The main international agreement that controls the transfer of armed drones is the Missile Technology Control Regime (MTCR), a non-binding voluntary agreement aimed at curbing the spread of systems capable of delivering weapons of mass destruction. The MTCR was originally established in 1987 by Canada, France, Germany, Italy, Japan, the United Kingdom and the United States, but has since grown to a total of thirty-four countries.<sup>42</sup>

The MTCR controls two categories of delivery systems and applicable technology. Category One systems are capable of delivering a 500 kilogram warhead further than 300 kilometres, while Category Two covers systems that carry a lighter warhead or have a range of less than 300 kilometres. Although all decisions are taken on a national basis, and there is no sanction by other countries if the MTCR is broken, there is a “strong presumption of denial” underpinning Category One – that is, an assumption that MTCR signatory states will not export such systems. Countries have greater discretion about exporting Category Two systems.

Although the primary focus of the agreement is ballistic missiles, armed drones are included as they too can deliver weapons of mass destruction.

One way that drone manufacturers have begun to get around the controls is to make small changes to their drones to make them come under Category Two rather than Category One. In March 2011 US government cleared an unarmed version of the Predator drone for export after changes were made so it would come under MTCR Category Two rather than Category One with



**Delegates to the MTCR Plenary meet in The Netherlands, October 2015.**

MAEE

Israel following suit and making changes to the ‘Dominator 2’ so it could be exported.<sup>43</sup> Israel is not officially an MTCR country but agrees to abide by MTCR controls.

With the rapid development in the use of drones, the MTCR’s control over the export of drones is seen as an obstacle by the drone industry. Wes Bush, CEO of US drone manufacturer Northrop Grumman, is one senior military industry figures who has publicly spoken out saying that the MTCR “hurts industry” and the agreement “needs an overhaul”.<sup>44</sup> A 2012 Congressional report detailed “six US-sponsored UAV-related proposals” to amend the MTCR over the 2005-2011 period, five of which “would have resulted in moving some UAVs currently categorized under MTCR Category One to Category Two” and thus making them more easier to export. The five proposals were rejected by other members of the MTCR.<sup>45</sup>

Advocates of armed drones argue that proliferation is not a serious problem as defence manufacturers are developing anti-drone technology, and that most states do not have the necessary satellite communications systems to operate drones across vast distances.<sup>46</sup> Such views are incredibly short-sighted. It appears that once the technology

is in the arsenal, the temptation to use these systems to carry out cross-border extra-judicial killings is just too great.

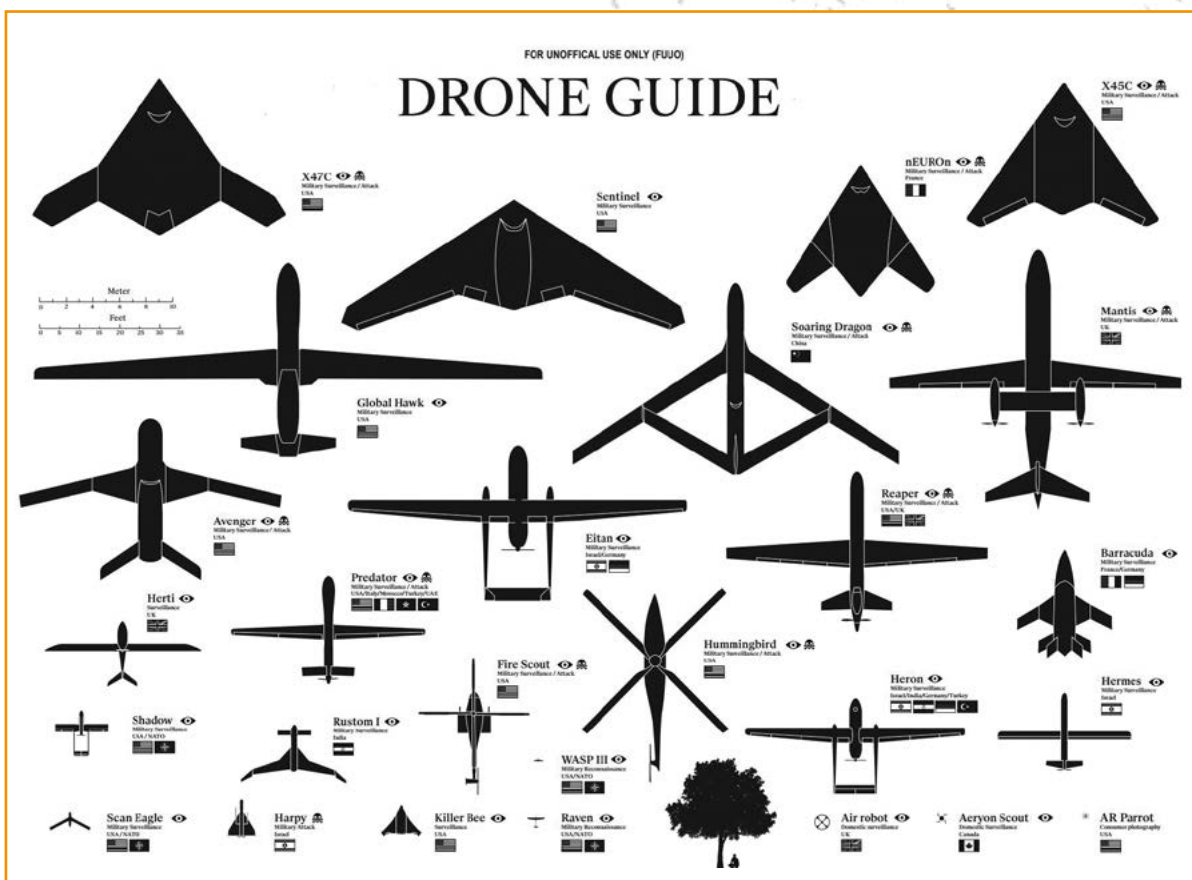
In addition, as an important academic paper surveying the debate on the proliferation of drones points out:

*“It is widely understood that democracies value drones because it reduces the risk of casualties, making the use of force more acceptable to the public. Fewer acknowledge, however, that authoritarian leaders may find drones attractive for their own domestic reasons. Indeed, autocrats may find drones useful for domestic monitoring and repression.*

*Drones may also be useful for coup proofing since they potentially allow leaders to exert greater control over the military and to be less dependent on large number of soldiers on the battlefield. In this context, the technical constraints of drones are minimized*

*because governments generally control their own airspace, reducing the risk that a drone would be shot down. Although there have been relatively few uses of drones domestically to date, this may change in the future. That both Nigeria and Pakistan used drones against regime threats suggests the use of drones for domestic political purposes is not just a theoretical issue, and other states with armed drones, such as Saudi Arabia, may also be tempted to exploit the domestic advantages of drone use.”<sup>147</sup>*

The risk-free nature of drone war makes it much easier for political leaders to opt to use lethal force in a variety of contexts. Put simply, without strong controls on this technology it is likely that the proliferation of drone technology will simply lead to more warfare. It is vital that all those who care about global peace and security ensure that existing controls are not weakened as the drone lobby would like, but are instead strengthened.



**Some of the vast array of military drones.**  
Ruben Pater



# 6

## Key Recommendations

### 1 **Ban any use of armed drones that is not fully compliant with international law**

- The UK should recognise the grave challenge to global peace and security presented by the increasing use of armed drones.
- The UK must publicly articulate clear policies and legal positions on the use of its armed drones to show full compliance with international law.

### 2 **Ban targeted killings and 'kill lists'**

- There are clear indications that the UK has begun to operate a so-called 'kill list', designating terrorist suspects for summary execution when the opportunity arises. This practice must end and all counter-terrorism operations must fully comply with international law.
- The UK should not undertake targeted killing of terrorism suspects beyond the battlefield. Outside the situation of a UN-recognised armed conflict the use of lethal force must fully comply with international human rights law.

### 3 **End complicity in unlawful drone strikes**

- The UK must end complicity in unlawful drone strikes by other states, for example by providing logistical support or data that could be used to track down targets.

### 4 **Ensure transparency over the use of armed drones**

- The UK must ensure clear transparency on the use of armed drones in order to develop restrictive norms of behaviour, the prevention of harm and the strengthening of international law.
- The UK must provide timely public information, in every case, on the legal and factual grounds on which specific individuals or groups are targeted in counter-terrorism operations.

### 5 **Establish accountability for harm caused by drone strikes**

- The UK must conduct thorough, independent and impartial investigations into all allegations of unlawful death or civilian harm from the use of armed drones.

### 6 **Enact stronger controls to prevent the proliferation of military drone technology**

- UK must enact stricter controls on the transfer of military and dual-use drone technology.
- The UK should help to initiate a global debate in relevant international forums in order to ensure stricter control of transfers of drones and drone-related technology.



# 7

## What can I do?

**Challenging the growing use of armed drones needs persistent and long-term campaigning. Here are a few ideas but see our website for more info and sign-up for our monthly emails: [dronecampaignnetwork.org.uk](http://dronecampaignnetwork.org.uk)**

### EDUCATE AND INFORM

Raising awareness about the growing use of armed drones and their danger to global peace and security is crucial.

- **Street stall:** Briefings, leaflets, petitions and other resources available
- **Public meeting:** Invite a speaker to your local group or organise a local public meeting
- **Conversation:** Talk to family, friends or work colleagues about the danger of armed drones when subject comes up in the news

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### ENGAGE IN DEBATE

- **Local media:** Local newspapers and radio are always looking for contributions. If there is a national story about drones, do write a letter or call in to a phone-in show.
- **Lobby your MP:** It's vital that our MP's hear from those who oppose the growing use of drones. If you would like help lobbying your MP contact us.
- **National media:** Contact national newspapers or online sites offering an opinion piece

### PROTEST AND DEMONSTRATE

- **Join national demos:** We regularly organise protests at RAF Waddington (near Lincoln), the home of UK drone operations. More info available on the website.
- **Organise locally:** Each Spring we hold a 'Fly Kites Not Drones' weekend and in the autumn it's our 'Week of Action' – a perfect chance to do something locally









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# DRONE WARS

- OUT OF SIGHT
- OUT OF MIND
- OUT OF CONTROL

Over the past fifteen years drones have risen from a fringe technology to becoming a key component of Western military power, with US, British and Israeli forces launching thousands of drone strikes across Asia, the Middle East and Africa. Drones have become one of the most used weapons in conventional wars, but are also being used far from any battlefield in so-called targeted killings to 'take out' those deemed to be a threat to security. While military officials describe drones as 'the most precise and effective application of firepower in the history of armed conflict', human rights organisations and journalists have documented the deaths of hundreds of innocent civilians in such strikes.

But armed drones are more than just a new weapon system, the latest in a long line of technological solutions to international security problems. Drones are at the forefront of the

rehabilitation of the idea of war itself. Through using remote systems and precision weapons, we are being told, war is no longer the hell it once was. Such a narrative is extremely naïve and dangerous. Not only does it obscure the casualties and destruction caused by drone strikes, but it also means that when there is a political crisis the press and politicians demand we 'send in the drones' as there is no perceived cost in doing so.

This new briefing highlights some of the key issues surrounding the growing use of armed drones and makes a number of key recommendations to control their use. At this crucial time, it is vital that all who want the world to be a more just and secure place work together to ensure that we don't allow armed drones to be out of sight, out of mind and out of control.