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U.S. Military Drones

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Summary

Unmanned aerial vehicles (UAV) are large remote-controlled aircrafts capable of carrying approximately 2 tons of military equipment, supplies, and can be armed with weaponry. Many can fly over 3500 miles per flight at heights up to 50,000-feet. Increasingly used in the "War on Terrorism" since the attacks on 9/11, the US continues to use UAVs to attack terrorists in Pakistan, Afghanistan, Yemen, Somalia, Syria, and others.[1]

Issue/Problem

There has been a reasonable amount of backlash towards the Obama administration for increases made in the utilization of drones in military operations. Some opponents think that this violates international military/war laws.[2] Others believe there is not enough transparency in the drone

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[1] Drones. (2015). *ProCon.org.* Retrieved from
http://drones.procon.org/#background

[2] Martin, K. (2016). Are U.S. drone strikes legal? A guide to the relevant legal questions. *Center for American Progress.* Retrieved from https://www.americanprogress.org/issues/security/report/2016/04/01/134494/are-u-s-drone-strikes-legal/

program. Some go as far as say that drones kill more innocent civilians than they kill terrorists, therefore, the costs far outweigh the benefits.[3] Others argue that a drone program is an essential part of an ever-modernizing world. Many countries are also utilizing these new technological methods and the United States needs to stay up to date with the technology. There is also an argument that the drone program is very effective at disrupting terrorist networking bases. Finally, drones keep our soldiers safe and the drone program is relatively inexpensive compared to the money spent on the military.[4]

Background

The very first drone-like weapons used date back to 1849 when the Habsburg Austrian Empire launched 200 pilotless balloons that were strapped with bombs to combat against citizens involved in a revolution in Venice. Again, balloons that had bombs connected to them were used by Japan against the United States in 1944. The first electronic drones were designed by the U.S. Navy for intelligence gathering missions during the Vietnam War.[5]

The first attack that was carried out using a military drone by the United States occurred in 2002 in Yemen. The

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[3] Zenko, M. (2013). Reforming U.S. drone strike policies. *Council Special Report No. 65, pg. 16.* Retrieved from file:///C:/Users/Travis/Downloads/Drones_CSR65.pdf

[4] The Choices Programs. (2015). Debating U.S. Drone Policy. Choices.edu. Retrieved from http://www.choices.edu/resources/twtn/twtn-drones.php

[5] Earliest Drones. (2015). *ProCon.org.* Retrieved from http://drones.procon.org/#background

U.S. drone fired a hellfire missile at a car, blowing the car up, and killing all six people inside the car. One of the six people in the car was a U.S. citizen, but another one of the six people was a senior al Qaeda operative that was wanted for the bombing of the USS Cole in 2000.[6]

Drone bombings had increased over the next several years. Under President Bush, there was an average of one drone bombing every forty days. The frequency of bombings have increased vastly, averaging one drone bombing every four days.[7] Since the drone program was first created, there have been advances in the drones technology. All of these drones are flown for the U.S. government by the Central Intelligence Agency (CIA), or the Joint Special Operations Command (JSOC).[8]

Pre-existing Policies

As of now, no real policy exists for the use and operation of United States Military Drone Programs. There are only two restrictions on the programs come from Article 51 of the UN Charter. The first of those restrictions is the permission of the state/country where the attacks are taking place must give permission to interfere. The second is the

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[6] Background. (n.d.). The strategic effects of a lethal drones policy. *American Security Project.* Retrieved from http://www.americansecurityproject.org/asymmetric-operations/the-strategic-effects-of-a-lethal-drones-policy/
[7] Background. (n.d.). The strategic effects of a lethal drones policy. *American Security Project.* Retrieved from http://www.americansecurityproject.org/asymmetric-operations/the-strategic-effects-of-a-lethal-drones-policy/
[8] CIA and JSOC Drone Operation. (2015). Drones. *ProCon.org.* Retrieved from http://drones.procon.org/#background

target state or a group within it has to have acted aggressively toward the targeting state.[9]   If either of these two things happen, the attacking state can use drones attacks without permission by the state being attacked.

What does exist is a written list of policy standards and procedures that comes from the Obama administration and the White House that looks at the "rigorous" process for reviewing counterterrorism operations before they can be approved.   Most drone operations come in the form of counterterrorism or intelligence operations.   The document stresses the importance to the White House and the Counterterrorism operatives that its main priority is conducting these operations "lawfully."[10]

The first section of the written document of policy standards and procedures says that the United States has a preference for capturing a suspected terrorist. If the U.S. is able to successfully capture and interrogate a terrorist suspect, then more intelligence can be acquired through questioning than just using lethal force against a suspect and killing them. These capture operations can only be carried out on suspects that can lawfully be detained by the United States, and when the U.S.'s actions are permissible by law

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[9] Boyle, A. S. (2012). Contextualizing the Drones Debate. *Scribd.* Retrieved from
https://www.scribd.com/doc/102775947/Contextualizing-the-Drones-Debate

[10] U.S. Policy Stardards and Procedures for the Use of Force in Counterterrorism Operations Outside the United States and Areas of Active Hostilities. (2013). *WhiteHouse.gov*. Retrieved from https://www.whitehouse.gov/sites/default/files/uploads/2013.05.23_fact _sheet_on_ppg.pdf

and align with the laws of other sovereign states.[11]

  The next section of the policy standards and procedures document discusses the standards for using lethal forces in counterterrorism operations. It states that lethal force will only be used to stop or prevent attacks against a U.S. person only if capture is not possible. There are a few preconditions that need to be met before all lethal force attacks can operate. First, there must be a legal basis for using lethal force. Second, the target must pose an imminent, and constant threat to the U.S. or a U.S. citizen. Not all terrorists pose a threat to the United States, therefore lethal measures cannot be used for just any person deemed a terrorist. Third, there are certain criteria that must be met before the use of lethal force. They include: almost complete certainty that the terrorist target is present and that no civilians or non-combatants will be injured, harmed, or killed, capture is not a possibility, the governmental authorities in the target state will not address the threat to the U.S. person and stop the threat, and there are no other reasonable alternatives beside lethal force to stop the threat on the U.S. person. Lastly, the United States must follow international law and respect national sovereignty, which constrains its ability to act unilaterally.[12]

  The document also includes who make the decisions,

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[11] Preference for Capture. (2013). *WhiteHouse.gov.* Retrieved from https://www.whitehouse.gov/sites/default/files/uploads/2013.05.23_fact _sheet_on_ppg.pdf

[12] Standards for the Use of Lethal Force. (2013). *WhiteHouse.gov.* Retrieved from https://www.whitehouse.gov/sites/default/files/uploads/2013.05.23_fact _sheet_on_ppg.pdf

stating simply that the most senior levels of authority at the White House and other involved agencies will analyze the situation and decide with the help of the senior most attorneys.[13] Other smaller notes on the document discuss how members of Congress that need to know about the counterterrorism operations are fully informed, and finally, the document has a reservation of authority. It reads that the standards and procedures in the document do not limit the President's authority to take the necessary actions if and when "extraordinary circumstances" arise. As long as the President acts are necessary for the protection of the United States, while remaining lawful.[14]

Analysis of Existing Policies

The U.S. military drone program has been effective in its mission to disrupt the terrorist networks planning to attack the U.S. or inflict harm to U.S. persons. The current policy has killed roughly 3,300 jihadist operatives that include members from the Taliban, al Qaeda, and others. This includes fifty plus senior level members of these terrorist organizations.[15] Despite the major increase in drone

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[13] U.S. Government Coordination and Review. (2013). *WhiteHouse.gov.* Retrieved from https://www.whitehouse.gov/sites/default/files/uploads/2013.05.23_fact_sheet_on_ppg.pdf

[14] Other Key Elements. (2013). *WhiteHouse.gov.* Retrieved from https://www.whitehouse.gov/sites/default/files/uploads/2013.05.23_fact_sheet_on_ppg.pdf

[15] Byman, D. L. (2013). Why drones work: The case for Washington's Weapon of Choice. *Brookings.* Retrieved from http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman

strikes since President Obama came into office, the U.S. military drone program are less expensive than any other traditional warfare tactic, with a major benefit of protecting American soldier's lives.[16] In fact, about $5 billion was used for drones in the 2012 Department of Defense budget,[17] which was approximately 1% of the total annual budget; this is a pretty low cost on account of how many insurgents have been targeted and killed using the program.[18] Finally, drone strikes are, since 2001, legal acts that can be carried out by the President without having to go through Congress under the Authorization for Use of Military Force (AUMF). This bill states: "The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or person." [19] The notion of "all necessary and appropriate force" means drones are included in the bill.

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[16] Rohde, D. (n.d.). Are drones effective?. *The Choices Program.* [Video] Retrieved from http://www.choices.edu/resources/twtn/twtn-drones.php

[17] Friends Committee on National Legislation. (2013). Understanding Drones. *Fncl.org.*

[18] Department of Defense. (2013). United States Department of Defense Fiscal Year 2014 Budget Request. Retrieved from http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2014/FY2014_Budget_Request_Overview_Book.pdf

[19] 107th Congress. (2001). Authorization for use of military force. *Public Law 107-40.* Retrieved from https://www.gpo.gov/fdsys/pkg/PLAW-107publ40/pdf/PLAW-107publ40.pdf

Along with the drone programs effectiveness come some major draw-backs. First and foremost, there are supposedly a large number of civilians or non-combatants being killed by some of these drone strikes merely because they fit the description of act in "militant" ways or fit the terroristic profile.[20] These numbers are estimated to be between 575 and 1,196 civilians killed[21] The reason the numbers are so spread out leads into another problem with this program – there is little or no transparency, in which there is supposed to be. The Stimson task Force on U.S. Drone Policy did a report and graded the U.S. military drone policy. In it they gave the grade of an "F" to the Obama Administration on the amount of information it released to the public. They called for more information on the number of strikes carried out by both the CIA and the military, the general location of the drone strikes, and the number killed, including the number of combatants, civilians, and even the identities of civilians known to have been killed.[22] The U.S. policy has been accused of creating more terrorism than it has destroyed. The thought is that the bombing that are supposed to be killing the terrorists are harming citizens, creating a great resentment for the United States, along with

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[20] Currier, C., & Elliot, J. (2013). The drone war doctrine we still know nothing about. *ProPublica.* Retrieved from
https://www.propublica.org/article/drone-war-doctrine-we-know-nothing-about

[21] The Bureau of Investigative Journalism. (2015). Get the data: Drone wars. Retrieved from
https://www.thebureauinvestigates.com/category/projects/drones/drones-graphs/

[22] Stohl, R. (2016). Grading progress on U.S. drone policy. *Stimson.* Retrieved from http://www.stimson.org/images/uploads/grading-progress-on-us-Drone-Policy.pdf

the terrorist organizations and leaders using the drone strikes to get sympathy from citizens. This anger and sympathy is allowing terrorist groups to recruit in larger numbers than before.[23] [24] Lastly, there is a long-term effect that could be troubling in the future. Under the rules that the United States is operating under now, if they view someone as being a terrorist and engaging in terrorist militant activities, they can attack. So what happens when the rest of the world's drone programs catch up to the United States? If China has a drone flying over the United States, and identifies a person they view as committing terroristic actions against their country, they are legally allowed to bomb and kill them— if the U.S. and China are playing by the same rules.[25]

Policy Options

The first policy option would be to keep the drone program as is and use it whenever necessary. It has proven to be effective in killing suspected terrorists involved in plotting against the United States, as well as dozens of senior level terrorist leaders. They have disrupted terrorist

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[23] Raghavan, S. (2012). In Yemen, U.S. airstrikes breed anger, and sympathy for al-Qaeda. *The Washington Post.* Retrieved from https://www.washingtonpost.com/world/middle_east/in-yemen-us-airstrikes-breed-anger-and-sympathy-for-al-qaeda/2012/05/29/gJQAUmKI0U_story.html

[24] Scahill, J. (2012). Is U.S. counterterrorism fueling islamist militants in Yemen?. *The Nation.* Retrieved from http://www.thenation.com/article/washingtons-war-yemen-backfires/

[25] Rohde, D. (n.d.). Why are drones controversial?. *The Choices Program.* [Video] Retrieved from http://www.choices.edu/resources/twtn/twtn-drones.php

networks and have effectively made it much more difficult for terrorist organizations to congregate into a location to plan attacks and other terroristic activities.[26] Leaving the program go will leave the current and next POTUS the authority to call for a drone strike on any person that may be identified to be part of a terroristic organization or network. The same problems would be analyzed.

The next two policy options come in the form of transparency. The first of the two options is creating a stronger, non-partisan oversight committee or process. This would make it slightly more difficult to proceed with a drone operation just because a person is displaying possible militant behaviors. The second transparency option would be to go public about each strike, after the strike, giving justifications for the attack. This would make the agencies, the President, and other actors more accountable for the attacks that they call for. Such policy could lead to less drone strikes overall because of a greater chance or risk of backlash from the public. However, it would also damage the effectiveness of the program. Not being able to conduct as many strikes could make the U.S. miss opportunities to kill real terrorists.[27]

Another policy option is to develop a kind of "red team" for the decision making on drone strike operations. A

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[26] Debating U.S. Drone Policy. (n.d.). Option 1: Continue to Use Drones Whenever Needed. Retrieved from
http://www.choices.edu/resources/twtn/documents/choices-twtn-drones-options.pdf

[27] Fisher, M. (2013). 6 concrete policy ideas for fixing American's drone dilemma. *The Washington Post.* Retrieved from https://www.washingtonpost.com/news/worldviews/wp/2013/02/06/6-concrete-policy-ideas-for-fixing-americas-drone-dilemma/

red team is a group of experts that would play a devil's advocate role and offer other, possibly long-term options rather than the immediate bombing and killing of the suspected terrorist. This could lead to more capturing techniques rather than just killing the suspected terrorist, meaning there would be more and better intelligence to work with in combatting terrorism. It would also make the process a little tougher, meaning there would be less strikes altogether. Again, this would lead to more accountable operators, but would risk the effectiveness of the program in disrupting terrorist networks working to terrorize the United States.[28]

The final policy option is to get rid of the drone problem all together. Many, possibly thousands of innocent civilians have been killed from being in the area where the bombs have been dropped. There have been civilians killed simply because they fit in with exploiting extremist behaviors.[29] There have been four instances of U.S. citizens being killed from drone strike bombings.[30] Under the Constitution, these suspected terrorists should have been given due process of law before being executed to determine

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[28] Fisher, M. (2013). 6 concrete policy ideas for fixing American's drone dilemma. *The Washington Post.* Retrieved from https://www.washingtonpost.com/news/worldviews/wp/2013/02/06/6-concrete-policy-ideas-for-fixing-americas-drone-dilemma/

[29] Debating U.S. Drone Policy. (n.d.). Option 3: End Targeted Killings. *Choices.edu.* Retrieved from http://www.choices.edu/resources/twtn/documents/choices-twtn-drones-options.pdf

[30] Matthews, D. (2013). Everything you need to know about the drone debate, in one FAQ. *The Washington Post.* Retrieved from https://www.washingtonpost.com/news/wonk/wp/2013/03/08/everything-you-need-to-know-about-the-drone-debate-in-one-faq/

whether they were innocent or not. This policy would end the killings of innocent civilians through drone strikes. It would also mean sending on the ground troops to apprehend or kill a suspected terrorist, risking more American soldier's lives. In the long run, it makes it easier for terrorist leaders to meet and plan invasions or attacks on the U.S. and other countries.

Recommendation

I believe that the drone program is an invaluable tool. In the intelligence community, there are multiple forms of intelligence that is used to keep the United States safe. Some are human intelligence (HUMINT), image intelligence (IMGINT), etc. Almost nothing is better at gathering IMGINT than the drones that we have flying now. They protect the soldiers of the United States, and are one of the least expensive pieces of high-quality equipment that the U.S. uses in its war on terrorism. I would advocate for better transparency in the operations. This would, at the very least, make the administration able to be held accountable for the bombings. This may lead to less bombings overall, and will also decrease the amount of civilians killed because it will force the administration to more carefully evaluate the decision of whether to strike or not. According to the Stimson Task Force, more transparency would allow them to make better assessments of the program's effectiveness and overall utility.[31] In conclusion, I believe that the United

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[31] Stohl, R. (2016). Grading Progress on U.S. Drone Policy. *Stimson Task Force*. Retrieved from

States military drone program is a valuable tool, especially in the intelligence, counterintelligence and counterterrorism communities. I recommend a change in policy to make the operations more transparent to the public after the strikes, making the administration more accountable, while not jeopardizing the operations in its entirety.

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http://www.stimson.org/images/uploads/grading-progress-on-us-Drone-Policy.pdf