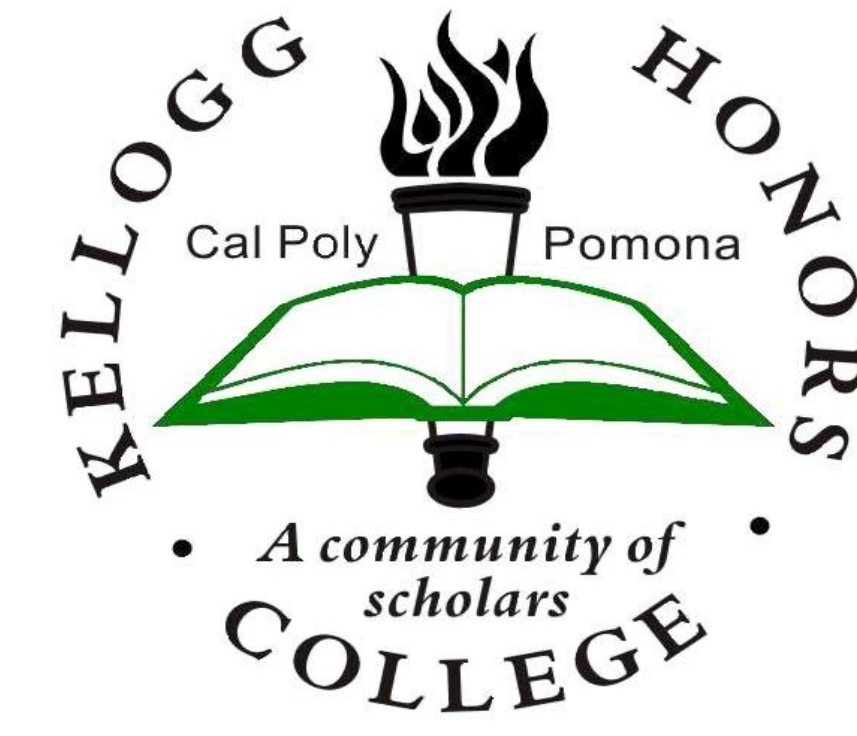


Drone Warfare

The Efficacy and Legality of Killing by Remote Control



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This capstone project examines the efficacy and legality of the United States of America's use of drone warfare, a search-and-destroy counterinsurgency tactic employed by the Central Intelligence Agency to quell the presence of terrorism abroad. Proponents of the unmanned aerial vehicles praise the technology's surgical application, namely its ability to thoroughly surveillance areas and target high profile individuals such as terrorist leaders. Yet, the covertness surrounding drone warfare has left many questions unanswered, coercing researchers to heed legal systems – both international and domestic – in an attempt to explain what is easily mistaken for extrajudicial killings. This research aims to review drone warfare's validity within the political arena by weighing its effectiveness in eliminating foreign insurgencies and uncovering information surrounding the laws that determine its permissibility.

Efficacy: Civilian casualties vs. insurgent deaths



The grandchildren of 68-year-old Mamana Bibi, who was killed by a Hellfire missile in a double strike in 2012, were working the fields of their family's compound in Pakistan's Ghundi Kala village. The children were in close proximity and faced life-threatening shrapnel injuries. They are now left with the painful awareness that another drone strike could occur at any given time. Like most families of drone victims, Bibi's family has yet to receive some form of legal remedy from Pakistani or American authorities.

The Bureau of Investigative Journalism reported that, under the Obama administration in 2014, the CIA launched a total of 25 drone strikes in Pakistan. The data indicates that, from those strikes, a total of 115-186 insurgents were killed, and less than 2 victims were innocent civilians.

Specifically in regards to al-Qaeda insurgency, U.S. drones have disrupted the organization's command and control by killing key leaders, thwarting communication between operatives, and constraining the insurgents' freedom of movement. A study issued by the New America Foundation found that over 3,000 al-Qaeda operatives have been killed by drone strikes during the Obama administration.

Alternatively, the secrecy of the warfare tactic makes measuring civilian casualties a great challenge, as most information is kept classified. While there exists a wealth of literature that details the accounts of fallen insurgents, many gaps in research can be noticed when it comes to measuring the civilian casualties of drone warfare. Such a deficiency in information has ultimately led to the concern regarding the counterinsurgency tactic's inaccurate targeting, which according to several human rights coalitions has left scores of innocents

killed and injured. In its 2013 publication entitled "Will I Be Next?", Amnesty International reported several case studies of civilians negatively impacted by drone warfare in Pakistan, including a story from the impoverished Zowi Sidgi Village in North Waziristan where 18 Chromite minors and laborers were murdered by two drone strikes. An additional 22 people were injured, including an 8-year-old girl named Sherbano who sustained shrapnel injuries to her leg.

To truly investigate the essence of drone warfare's competence, focus should be placed on monitoring the success of quelled dissent. On one hand, it can be argued that drone strikes decrease terrorist acts in affected regions by causing fragmentation within insurgent groups. In a report published by the U.S. Army War College Strategic Studies Institute, author James Igoe Walsh investigated the conflict areas of Afghanistan and Pakistan and found a correlation between the number of drone strikes administered and the number of terrorist acts executed. The findings noted "a spike in drone strikes is closely associated with a decline in terrorist activity, suggesting that drones may have had their desired effect."

On the other hand, the intensification of

al-Qaeda presence in Yemen sparks debates concerning the counter productivity of drone warfare. The Washington Post reports a doubling of AQAP core insurgents in Yemen since the first strike in 2009, growing the insurgency from the initial 300 members to the current statistic given by Yemeni officials of 700 or more members in the region. Theorists argue the reason for the amplification of terrorism in drone affected regions stems predominately from exacerbated anti-Americanism, which is ultimately spurred on by enemy-centric counterinsurgency tactics that accept collateral damage as an expected outcome.

For instance, research shows that in Pakistan's FATA, a province heavily affected by drone strikes, 83 percent of the civilian population opposes the Obama administration's search-and-destroy tactic. Such individuals express their deep-rooted opposition in a number of different ways – most threatening, however, is the aggrieved population's growing sympathy for al-Qaeda operatives.

AQAP's recruitment tactic is augmented by drone warfare: The organization is known to provide essentials – food, water, electricity, and even financial alms – to displaced civilians and affected communities, thus winning support from the locals.

Legality: The case of Anwar al-Awlaki

The Stanford International Human Rights and Conflict Resolution Clinic published a legal analysis on drone warfare deeming strikes that are kept secret from the public without legal basis or valid "U.S. invocation of self-defense" as "acts of illegal extrajudicial assassination" under domestic law.

Attorney Ari Melber critiqued this "secret government process" and expanded on its illegality when he mentioned that "the program kills people, including Americans and individuals selected merely for being near other targets, with no due process or publicly asserted legal authority."

Perhaps the most suitable example to fortify Melber's analysis is the case of Anwar al-Awlaki, an American citizen who was successfully targeted in a drone strike in 2011 in Yemen. Though an active member of AQAP, Anwar al-Awlaki operated as the organization's lead recruiter as opposed to an actual insurgent who carried out attacks.

Al-Awlaki's name was still placed on

Obama's Kill List for some time before his actual death, during which the American Civil Liberties Union and the Center for Constitutional Rights worked in conjunction with his father in an effort to remove his name, arguing that Yemen and the U.S. are not at war, therefore the U.S. has no legal jurisdiction to target suspected terrorists all over the world.

Yet, to justify the U.S.'s involvement in foreign countries, the Bush administration signed into law the Authorization to Use Military Force (AUMF), which has since then emerged as the principal legal basis for validating the use of drone bombs (even when they target American citizens) by giving the U.S. president the power 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 persons."

Ultimately, the AUMF supports the claim that, due to the transnational nature of terrorist organizations coupled with their growing presence in countries around the world, the U.S. is at war with al-Qaeda, the Taliban, and all of their associated forces – as opposed to the specific countries such groups operate in.

At the core of the debate surrounding the international legality of drone warfare is U.S.'s purported violation of a foreign state's sovereignty. The Charter of the United Nations includes an entire chapter dedicated to delineating the principles of just treatment between different member states:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

Because certain states affected by drone warfare, such as Pakistan and Yemen, are not engaged in an official political strife with the

U.S., it can be said that hard power counterinsurgency tactics such as the issuance of drone strikes do violate state sovereignty by disrupting already-ailing economies, claiming civilian lives, and fortifying insurgency in the regions.

However, a common response to offset the notion that drone warfare violates a foreign country's sovereignty concerns support from the host nation, which validates the U.S.'s pursuit of a hard power counterinsurgency.

Indeed, most host nations are understanding of the domestic conflicts that exist within their country, as militant groups such as al-Qaeda continue to rise to power and claim autonomy. As a result, both the invading country and the host nation share a common enemy and a common goal: terrorists and the elimination of them.

Historically, affected governments have worked in conjunction with the U.S. during such enemy-centric counterinsurgencies in hopes of contributing efforts to quell the terrorism that plagues their country.



Conclusion



It is a combination of both hard and soft power in the U.S.'s counterterrorism strategy that will do more than a UAV ever could.

The crux of drone warfare's efficacy and legality debates concerns the way it is measured. Whether the international community deems the warfare tactic effective and legal based off of the number of insurgents it has wiped out – or ineffective and illegal based off of the number of civilians it has killed – will remain a debated theme in contemporary political science. Yet, if counterinsurgency tactics merge thorough reconnaissance work by virtue of

population-centric tactics with the enemy-centric approach of drone warfare, such efforts will be thought of as much more effective and legal, surpassing the U.S.'s current achievement of simply stalking and killing dangerous militants in Pakistan, Afghanistan, and Yemen. Rather, it would decimate the root causes of fanaticism that give wind to insurgency, preventing resurgence in the medium term and putting an end to terrorism in the long term.