



# Making Drones Illegal Based on a Wrong Example: The U.S. Dronified Warfare

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## Abstract

A concoction between the technology, entertainment and military has resulted in a 'new' kind of warfare, which has started to determine the American counterterrorism strategy, the dronified warfare. The U.S. for a long time now has been the leader in the production and usage of armed drones and has attracted a lot of criticism regarding the way how it conducts the drone strikes, which in many cases has resulted in civilians killed. The U.S. dronified warfare has become the main determinant when discussing the legality, morality and effectiveness of the drone as the weapon, as many critics fail in distinguishing drone as a weapon and dronified warfare as a process. This paper argues that if analyzed separately from the U.S. example, drone is a legal and moral weapon. Nevertheless, the paper emphasizes the fact that the U.S. must change its current way of conducting the strikes by being aware of the fact that the irresponsible way it is acting in the Middle East and regions around, sooner or later will backfire.

**Keywords:** Dronified Warfare, U.S., Legality, Morality, Effectiveness

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# Dronların İlegalleştirilmesine Yanlış Bir Örnek Olarak ABD'nin Dronlaştırılmış Savaşı

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## Özet

Dronlaştırılmış savaş (dronified warfare), ABD'nin Terörle Mücadele Stratejisinde teknolojinin, eğlencenin ve ordunun bir karışımından oluşan yeni bir savaş türü olarak görülmeye başladı. Silahlandırılmış İHA'ların üretiminde ve kullanımında uzun süredir ABD lider konumundadır; bununla birlikte İHA saldırılarının nasıl yapıldığı hususu ve saldırıların çoğunda sivil ölümlere sebebiyet vermesi ile birçok eleştirinin de odak noktası olmaktadır. Eleştirmenlerin çoğu İHA'ları bir silah ve dronlaştırılmış savaşı bir süreç olarak ayırt etmekte güçlük çekerken İHA'ların bir silah olarak hukukiliği, ahlakiliği ve etkililiği tartışmasında ABD'nin dronlaştırılmış savaşı, savaş stratejisi için belirleyici rol oynamaktadır. Bu çalışma, ABD örneğinden bağımsız bir şekilde İHA'nın etik ve hukuki bir silah olduğunu tartışmaktadır ve ABD'nin Ortadoğu'da ve çevresindeki sorumsuz tutumunun er ya da geç geri tepeceğinin de farkında olarak ABD'nin şu anki İHA saldırı biçimini değiştirmesi gerektiğini vurgulamaktadır.

**Anahtar Kelimeler:** Dronlaştırılmış Savaş, ABD, Hukukilik, Ahlakilik, Etkililik

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## Introduction

Among others, the technological innovations persistently have been the point of convergence for different areas –such as industry, economy, education, entertainment, etc. Nevertheless, in the last decades the military has been seeking the incorporation of these novelties within the conventional war. A concoction between the technology, entertainment and military has resulted in a ‘new’ kind of warfare, which has started to determine the American counterterrorism strategy, *the dronified warfare*. Unlike the nuclear weapons, where many states have argued against their proliferation and aim their destruction, drones have become a favorite tool that would provide many states the possibility to achieve their goals without projecting any vulnerability and in low costs.

Usage of drones has challenged the symmetrical form of warfare where gallant men and armies stand in from of each other with similar weapons. With everything equal, the battle used to be determined by the personal skills of each soldier. Currently, as the drones are becoming the determining tool against the terrorism, a new asymmetrical warfare has emerged. The attacker and the attacked live in different environments; while the attacker is safe and has one of the most modern weapons under its disposal, miles away there is the other side, not armed and what is worse not even aware that may be attacked. Found in two different worlds, the two sides represent the today’s reality: how the battlefield transformed into a ‘hunting game’ where the drone pilots are the hunters and the targets are the prey.

The U.S. for a long time now has been the leader in the production and usage of armed drones. Until now, it is known that the U.S. has been targeting individuals in at least seven states: Afghanistan, Pakistan, Somalia, Libya, Syria, Iraq and Yemen. It is important to state that drones started to be used directly after the 9/11 attacks to neutralize the terrorists that were affiliated with al-Qaeda or that pose a threat to the American national security. Nevertheless, the number of strikes reached its peak soon after Obama became the President of the U.S. Since then, drones have become a determining tool in the war against terrorism. Only in Pakistan, the strikes conducted during Obama presidency have increased by 631 percent in comparison with the strikes conducted by Bush, while the number of people killed has increased by approximately 472 percent.<sup>1</sup> This has resulted in a lot of criticism for the dronified warfare.

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1 “CIA and US military drone strikes in Pakistan, 2004 to present,” The Bureau of Investigative Journalism, retrieved 29 August 2016 from <https://docs.google.com/spreadsheets/d/1NAfjFonM-Tn7fziqiv33HIGt09wgLZDSCP-BQaux51w/edit#gid=694046452>.

The inclusion of drones within the military strategies has resulted in a new age of warfare both in terms of the warfare conduction in the battlefield and the need for new laws/moral codes that direct the warfare. Despite this, many scholars tend to criticize the dronified warfare on basis of the existing moral codes and moreover they criticize the dronified warfare by taking in consideration mainly the U.S. example. At this point it seems fair to argue that most of the critics fail to differentiate the U.S. dronified warfare from the drones as a weapon. Faced with this controversial issue, this paper questions whether the U.S. example of the dronified warfare is the right one to be based when trying to analyze the legality, morality and effectiveness (LME) of the dronified warfare.

As mentioned previously, the U.S. is the leading power in terms of the drone usage, but this does not necessary mean that the U.S. is a standard bearer in this regard. From the data provided by different organizations, the U.S. drone strikes have constantly violated the laws and moral codes; still it would not be ample to identify the dronified warfare in general with the American case as scholars currently do. Seen from this point, unlike many previous studies, this article provides another perspective that would be helpful in better understanding the dronified warfare.

By focusing in the arguments of both supporters and challengers of the dronified warfare, it is argued that while drones – as a weapon does not directly violate the international human law (IHL) – the way how the U.S. uses them violates the IHL and at the same time is neither moral, nor effective. Consequently, it is stated that not every state that uses drone strikes violates the international laws and moral codes; it is the way how the dronified warfare is conducted that may violate these laws.

This paper unfolds in two main sections. Firstly for a better understanding of the U.S. dronified warfare there will be provided a brief analysis of the so called ‘kill chain,’ and afterward, there will be given a timeline of the U.S. drone strikes followed also by the data analysis for fours states: Afghanistan, Yemen, Pakistan and Somalia, as for the others no information is available. Lastly, having set the stage for the analysis of dronified warfare, this paper draws attention to the much-pondered debates on the LME arguments of the dronified warfare and as stated previously it will point out a division between the drone as a weapon and the dronified warfare as a strategy of the war on terrorism followed by the U.S.

## **The Dronified Warfare of the United States**

The U.S. has been the leader in the production and use of the drones for more than a decade now and the program is expanded in territory and scope. Drones represent a successful intersection of the low cost and ‘efficient weapon’ (in terms of protecting the lives of the soldiers of the state that is using them). These elements have made drones attractive not only to developed states. Due to their low cost drones have been pursued as well by the developing states, under-developed states and the (violent) non-state actors. While not many states blatantly accept the production/use of drones a few think tanks and organizations have tried to give estimated number regarding the states and non-state actors that produce, possess and use drones.

According to the data collected from *New America – The International Security Program* approximately 86 states have certain drone capabilities (being this armed or not).<sup>2</sup> For the time being, thirteen states and non-state actors have already developed armed drones while eleven others are still developing them. Of the states and non-state actors that have already developed armed drones, eight of them have already used the drones to shoot specific targets: Israel (which is also the first state to do so<sup>3</sup>), U.S., UK, Hezbollah, Iran, Pakistan, Nigeria and Iraq.<sup>4</sup> What is more important –and as well preoccupying – four non-states actors have already used drones to coordinate their fighting, and ISIS is one of them.<sup>5</sup>

## **The Invisible Hand behind the Lethal Tap**

The U.S. has been using drones for approximately 20 years now; however, the armed drones started to be used after the 9/11 attacks. Since then the CIA has been the leader in terms of the conducted operations and Pentagon has tried to

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2 “World of Drones,” *New America*, retrieved from <http://securitydata.newamerica.net/world-drones.html>.

3 Ann Rogers and John Hill, *Drone Warfare and Global Security*, (NY: Pluto Press, 2014) p. 25.

4“ World of Drones: Military,” *New America International Security*, retrieved 05 May 2016 from <http://securitydata.newamerica.net/world-drones.html>.

5 Caleb Weiss, “Islamic State Uses Drones to Coordinate Fighting in Baiji,” *The Long War Journal*, (17 April 2015), retrieved May 05, 2016 from [http://www.longwarjournal.org/archives/2015/04/islamic-state-uses-drones-to-coordinate-fighting-in-baiji.php?utm\\_source=Sailthru&utm\\_medium=email&utm\\_term=%252ASituation%2520Report&utm\\_campaign=SitRep0417](http://www.longwarjournal.org/archives/2015/04/islamic-state-uses-drones-to-coordinate-fighting-in-baiji.php?utm_source=Sailthru&utm_medium=email&utm_term=%252ASituation%2520Report&utm_campaign=SitRep0417).

get the lead executive authority. Nevertheless, this has been also a battle about the resources in terms of the counterterrorism funding. Currently it is estimated that CIA has more than 80 armed drones, the Air Force has around 470 and the Army has 110 drones.<sup>6</sup> The main difference between the operations conducted by the CIA and Pentagon is that while Pentagon has to make public its operations and their results, CIA does not have such a responsibility.

Dividing the program between CIA and Pentagon has resulted into a turf battle between these two institutions. While the Pentagon argues that the lack of transparency of CIA operations makes the drone program even more controversial, CIA on the other side argues that Pentagon does not have the capabilities and the necessary technology to be successful in the target strikes. Indeed, both of these statements may be considered as true at some extent. The Obama administration has not made any declaration regarding the strikes conducted by CIA and this has raised many questions regarding the legality and morality of the strikes as it is not possible to have a clear number of the civilians that are killed.<sup>7</sup> Still, the argument that Pentagon lacks the required means to conduct successful operations may be valuable as well. Pentagon has tried not to make public, but according to reports about 20 drones have been destroyed or crashed.<sup>8</sup> This is an indicator of the juvenile phase in which Pentagon is operating for the moment.

Whilst the final tap is the responsibility of CIA or Pentagon, other individuals including here the president decide who is going to be killed. This process has not been disclosed by the Obama administration; however, the drone program was shaken in October 2015 when *The Intercept* with the information provided by a whistleblower made public – among others – what is called as the ‘kill chain.’ Persons that are part of this chain have access to the ‘disposition matrix’ – the list containing the names of suspected targets across the world – which is composed of ‘baseball cards.’ These cards incorporate the patterns of

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6 David Axe, “Just How Many Predator Drones Does the CIA Have?,” *War is Boring*, (15 October 2014), retrieved from <https://warisboring.com/just-how-many-predator-drones-does-the-cia-have-ac9f5830196b#.nnxs38h5p>.

7 “Lack of Transparency in US Drone Killings Muddies Legal Status, says UN,” *AlJazeera America*, (18 October 2013), retrieved from <http://america.aljazeera.com/articles/2013/10/18/u-n-urges-transparencyoverusdronedeaths.html>.

8 Craig Whitlock, “The Pentagon’s Most Advanced Drone Keeps Falling Out of the Sky,” *Business Insider*, (20 January 2016), retrieved from <http://www.businessinsider.com/the-pentagons-most-advanced-drone-keeps-falling-out-of-the-sky-2016-1>; “Drone Crash Database,” *Drone Wars UK*, retrieved from <https://dronewars.net/drone-crash-database/>.

life of each objective.<sup>9</sup> For the final strike there is needed the approval of Geographic Combatant Command, Ambassador of the respective country and the CIA station chief in that country.<sup>10</sup> For a person to be targeted it needs to pose a ‘continuing, imminent threat to American people.’<sup>11</sup> Nevertheless, according to the official secret reports presented by *The Intercept*, these requirements are met from a very small number of High Value Targets (HVT).

## **Data Analysis**

The U.S. has conducted drone airstrikes (from what is known) in seven states: Afghanistan, Iraq, Yemen, Pakistan, Libya, Somalia and Syria. After the Afghan government granted permission, the first armed mission was conducted on October 7, 2001 in the city of Qandahar. Approximately in the same time with Afghanistan is considered that drone strikes have been conducted in Iraq. Between 2005–2007 the number of strikes was higher; however, there was a shift of the strikes from Iraq mainly towards Afghanistan<sup>12</sup> to start again in 2014. In Yemen the first drone attack was conducted in 2002 to be followed from a second strike on 2009. Two other states that have lived under the drone-controlled skies are Somalia and Libya. In both of the states the strikes started in 2011. The last state where the U.S. carried out drone strikes is Syria. The first strike was done on August 05, 2015 against the ISIS. Conducted by the Pentagon, these strikes are supported also by the drone strikes of United Kingdom.

## **Afghanistan Drone Strikes and Casualties**

In Afghanistan, drones have been used since 2001 and the strikes are still persistent. Even why Obama promised the withdrawal of the American troops when he came in power, it seems that drones will keep operating at least until

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9 Josh Begley, “A Visual Glossary,” *The Intercept*, (15 October 2015), retrieved from <https://theintercept.com/drone-papers/a-visual-glossary/>.

10 Cora Currier, “The Kill Chain,” *The Intercept*, (15 October 2015), retrieved from <https://theintercept.com/drone-papers/the-kill-chain/>.

11 “Remarks by the President at the National Defense University,” *The White House*, (23 May 2013), retrieved from <https://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>.

12 “Armed UAV Operations 10 Years On,” *Stratford Global Intelligence*, (January 12, 2012), retrieved October 30, 2015 from <https://www.stratfor.com/weekly/armed-uav-operations-10-years>.

2017.<sup>13</sup> It is since January 2015 that organizations started to focus on the drone strikes conducted in Afghanistan. Compared with other states it can be said that Afghanistan is the least observed one and has attracted the attention of a few. The information presented in this thesis regarding Afghanistan has two different sources (i) U.S. Air Forces Central Command and (ii) *The Bureau of Investigative Journalism*. While the first data are official ones, which are provided by the Air Forces monthly the second data are the ones collected from *The Bureau of Investigative Journalism*, which is the only organization that has included Afghanistan in its drone warfare database.

**Table 1: U.S. Strikes in Afghanistan 2015- July 2016<sup>14</sup>**

	U.S. Strikes in Afghanistan 2015		U.S. Strikes in Afghanistan 2016	
	Strikes Reported by U.S. Air Force	Strikes Reported by BIJ	Strikes Reported by U.S. Air Force	Strikes Reported by BIJ
Total reported strikes	411	235-236	178	116-120
Total reported killed	-	989-1441	-	773-855
Civilians reported killed	-	60-81	-	15-40
Children reported killed	-	3-17	-	1
Total reported injured	-	142-147	-	37-40

13 "Barack Obama Delays Withdrawal of US Troops From Afghanistan," *The Guardian*, (15 October 2015), retrieved from <https://www.theguardian.com/world/2015/oct/15/obama-delay-withdrawal-us-troops-afghanistan>.

14 Table is compiled based on the data received from the U.S. Air Power website <http://www.afcent.af.mil/AboutUs/AirpowerSummaries.aspx> and "Afghanistan: US Air and Drone Strikes," *The Bureau of Investigative Journalism*, retrieved from <https://docs.google.com/spreadsheets/d/1Q1eBZ275Znlpn05PnPO7Q1BkI3yJZbvB3JycyWAmqWc/edit#gid=1997258237>.

As it can be seen from the table above, the U.S. has not provided any information regarding the casualties of the strikes. Moreover, there is done no distinction between the drone strikes and air strikes. However, *The Bureau of Investigative Journalism* has provided an estimated information –even why it does not include all the attacks that the U.S. Air Force has declared – regarding the number of drone strikes in 2015 and 2016.

**Table 2: Casualties from Drone and Air Strikes during 2015<sup>15</sup>**

U.S. Strikes in Afghanistan during 2015			
	Total Number of Strikes	Total Killed	Civilians Killed
Drone and Air Strikes	235-236	989-1441	60-81
Drone Strikes	104	705-970	14-31
Air Strikes	131-132	284-471	46-50

**Table 3: Casualties from Drone and Air Strikes until July 2016<sup>16</sup>**

U.S. Strikes in Afghanistan until July 2016			
	Total Number of Strikes	Total Killed	Civilians Killed
Drone and Air Strikes	116-120	773-855	15-40
Drone Strikes	87-91	740-822	15-40
Air Strikes	29	33	0

As it can be seen from the table 2 in 2015 drone strikes are approximately 44 percent while airstrikes have the lead. Moreover, the number of targets

15 “Afghanistan: US Air and Drone Strikes,” *The Bureau of Investigative Journalism*, retrieved from <https://docs.google.com/spreadsheets/d/1Q1eBZ275Znlpn05PnPO7Q1BkI3yJZbvB3JycywAmqWc/edit#gid=0>

16 “Afghanistan: US Air and Drone Strikes,” *The Bureau of Investigative Journalism*, retrieved from <https://docs.google.com/spreadsheets/d/1Q1eBZ275Znlpn05PnPO7Q1BkI3yJZbvB3JycywAmqWc/edit#gid=0>

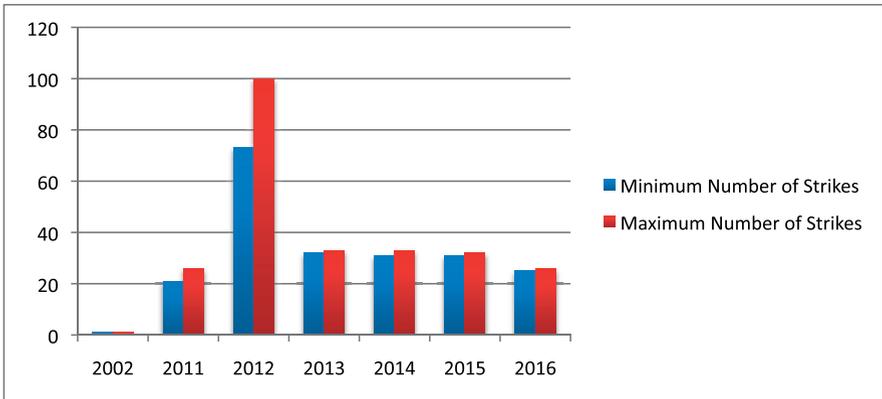
killed is larger when drones strikes are and the number of civilians killed is lower. Unfortunately, the same thing cannot be said for the strikes conducted in 2016. During the last 7 months the number of drone strikes is triple the number of air strikes and approximately 76 percent of the total strikes. When comparing the number of the civilians killed, there is no civilian killed from the air strikes, but a maximum of 40 people are killed from the drone strikes. Moreover, it needs to be emphasized that the number of civilians killed during 7 months in 2016 (15-40 civilians) outdoes the total number of civilians killed during 2015 (14-31 civilians).

Indeed, considering that drones' technology evolves as time passes, someone would expect that casualties coming from the drone strikes must be lower, something that is contradicted by the number of civilians killed in 2016. On the other hand, a triple increase in the number of drone strikes can be explained with the Obama's policy, as he has aimed for a long time to remove the boots from the ground. As far as it can be understood, drones are being used to fill the vacuum left from the withdrawal of the American soldiers.

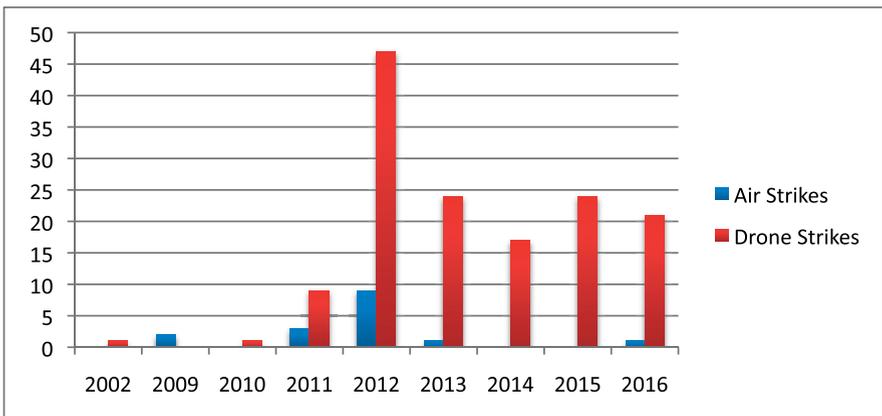
### **Yemen Drone Strikes and Casualties**

Drone strikes conducted in Yemen have been closely followed by many organizations; and even why the U.S. has not given a clear number regarding the number of strikes or victims, estimated figures are provided. *The Bureau of Investigative Journalism* and *New America* have followed Yemen closely and have reported all the strikes, starting from the first one, which was conducted in 2002. In some cases the information provided by both organizations does not totally match; however, if we would look at the general trends of the drone strikes the data provided by *The Bureau of Investigative Journalism* coordinated with the data given by *New America*. Aiming to create a broader visualization of the dronified warfare and its casualties in Yemen, data from both organizations is used.

**Graph 1: Minimum and Maximum Number of Drone Strikes in Yemen according to the BIJ<sup>17</sup>**



**Graph 2: The Number of Air and Drone Strikes according to New America<sup>18</sup>**



As it can be seen from both Graph 1 and 2 the first drone strike in Yemen took place in 2002. Afterward, during a period of approximately 7 years no strikes were conducted in Yemen. According to *The Bureau of Investigative Journalism* the second strike occurred on 2011; nevertheless, based on the data provided by *New America* the first strike – after the one in 2002 – occurred in December 2009 but was not conducted by a drone. Only in May 2010 drones

17 “US Strikes in Yemen,” *The Bureau of Investigative Journalism*, retrieved from [https://docs.google.com/spreadsheets/d/11b1hEYJ\\_omI81Se33izwS2a21biygs0hTp2AI\\_Kz5KQ/edit#gid=323032473](https://docs.google.com/spreadsheets/d/11b1hEYJ_omI81Se33izwS2a21biygs0hTp2AI_Kz5KQ/edit#gid=323032473)

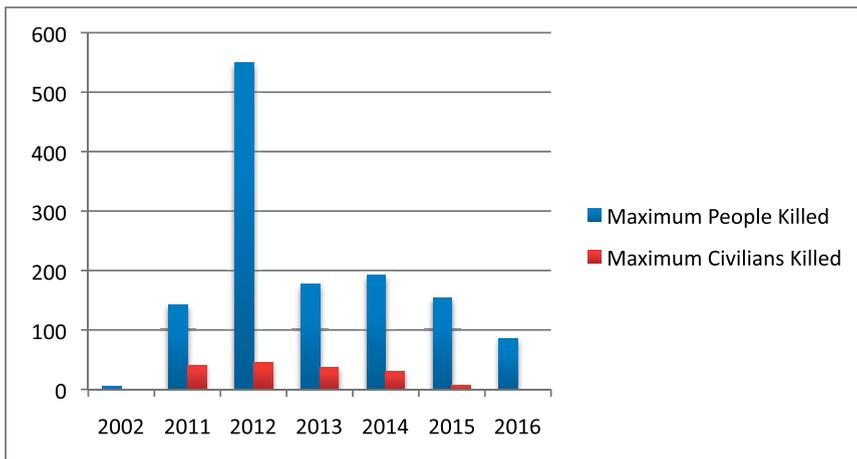
18 “Drone Wars Yemen: Analysis,” *New America*, retrieved from <http://securitydata.newamerica.net/drones/yemen-analysis.html>.

started to be used again in targeting high value targets and since then the U.S. has heavily relied on them. If we would take in consideration Graph 2, it is obvious that drone strikes have been widely used in comparison with the air strikes unlikely the case of drone strikes in Afghanistan (with exception of 2016).

Important enough to be mentioned is also the fact that in Yemen during Bush administration drones have been used only one time. As Obama came in power, and intensification in the strikes is apparent after Obama came in power. In 2012 the strikes reached their peak as Obama administration supported the Yemeni government in their fight against Al-Qaeda's branch - al-Qaeda in Arabian Peninsula (AQAP). According to *New America* in 2012 there were conducted 47 drone strikes; nevertheless *The Bureau of Investigative Journalism* presents a number between 73-100 strikes.

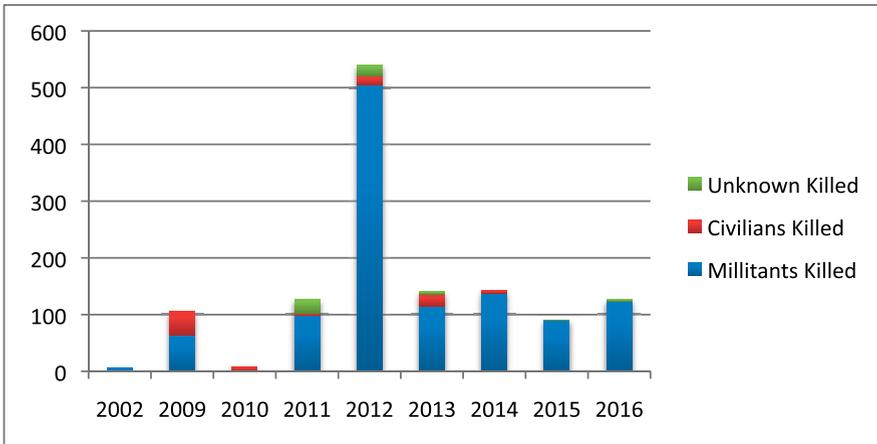
Strikes in Yemen and Pakistan started with a difference of 2 years, 2002 and 2004 respectively. In Pakistan the strikes reached their peak in 2010 and 2011, followed by a gradual decrease in the following years. However, as strikes in Pakistan decreased, the strikes in Yemen started to intensify. If we were to give a total number of strikes conducted in Yemen by the U.S. – taking in consideration the data of both organizations – it is approximately a minimum of 144 and a maximum of 252 drone strikes.

**Graph 3: The Maximum Number of People and Civilians Killed in Yemen according to the BIJ<sup>19</sup>**



19 “US Strikes in Yemen,” *The Bureau of Investigative Journalism*, retrieved from [https://docs.google.com/spreadsheets/d/11b1hEYJ\\_omI81Se33izwS2a2lbiygs0hTp2A1\\_Kz5KQ/edit#gid=323032473](https://docs.google.com/spreadsheets/d/11b1hEYJ_omI81Se33izwS2a2lbiygs0hTp2A1_Kz5KQ/edit#gid=323032473).

**Graph 4: Maximum Number of Militants and Civilians Killed in Yemen according to New America<sup>20</sup>**



Even in terms of the number of people killed, Yemen remains one of the controversial states. If data provided from both *The Bureau of Investigative Journalism* and *New America* would be taken in consideration the total death toll ranges from a minimum of 901 people killed to a maximum of 1305 people losing their lives from the strikes. Among them there are killed approximately 87-162 civilians. Despite the fact that the number of militants killed seems quite high when comparing with the number of civilians who were killed, it must be said that only 35 key al-Qaeda figures were killed – among them Anwar al-Awlaki and Fahd al-Quso.

Anwar al-Awlaki was killed in Yemen with a drone strike in September 2011, which led to a lot of discussions that questioned the legality of drones as for the first time an American citizen outside the homeland was killed without due process.<sup>21</sup> Just two weeks after the son of Anwar al-Awlaki (16 years old) – also an American citizen – was killed from another drone strike the target of which the person accompanying Abdulrahman al-Awlaki.<sup>22</sup> Another very dis-

20 “Drone Wars Yemen: Analysis,” *New America*, retrieved from <http://securitydata.newamerica.net/drones/yemen-analysis.html>.

21 “Anwar al-Awlaki Killed in Yemen - As It Happened,” *The Guardian*, retrieved from <https://www.theguardian.com/world/blog/2011/sep/30/anwar-al-awlaki-yemen-live>.

22 Craig Whitlock, “U.S. Airstrike that Killed American Teen in Yemen Raises Legal, Ethical Questions,” *The Washington Post*, (22 October 2011), retrieved from [https://www.washingtonpost.com/world/national-security/us-airstrike-that-killed-american-teen-in-yemen-raises-legal-ethical-questions/2011/10/20/gIQAdvUY7L\\_story.html](https://www.washingtonpost.com/world/national-security/us-airstrike-that-killed-american-teen-in-yemen-raises-legal-ethical-questions/2011/10/20/gIQAdvUY7L_story.html).

cussed strike in Yemen took place in December 2012 when a drone strike hit a wedding convoy and approximately 15 civilians were killed.<sup>23</sup>

### **Pakistan Drone Strikes and Casualties**

Drone strikes in Pakistan started in 2004 under the Bush administration and since then the strikes have been constant. Indeed Pakistan is the only state where Bush administration has mostly used drones unceasing. Nevertheless, when Obama became president the strikes increased peculiarly having their peak in 2010 with a 128 strikes. Since then, as it can be seen from Graph 5 the strikes have decreased continuously. Moreover, it is important to emphasize that the drone strikes in Pakistan have been carried out only from CIA, unlike other states such as Yemen or Somalia where American military was included. Nevertheless, as Obama in June 2016 declared the transfer of drone program from CIA to Pentagon, it is left to see what the future for Pakistan will look like. In 2010 a senior Obama administration official stated that “the CIA was running the drone campaign in Pakistan mainly because the agency was first to develop the technology after the Sept. 11, 2001, terrorist attacks and because Pakistan’s government insisted on secrecy so that it could deny any U.S. operations on its soil.”<sup>24</sup>

When it comes to the stance of Pakistan’s government towards the U.S. drones strikes, it can be said that it has been very antagonistic. For many years the government publicly has condemned the drone strikes and has declined any possible cooperation with the U.S. in these strikes. Nevertheless, documents published from *WikiLeaks* proved the contrary. According to this document, the former Pakistani Prime Minister Yousuf Raza Gilani had said to the former U.S. Ambassador in Pakistan – Ann Patterson – that the U.S. could continue with the strikes “...as long as they get the right people. We’ll protest in the National Assembly and then ignore it.”<sup>25</sup>

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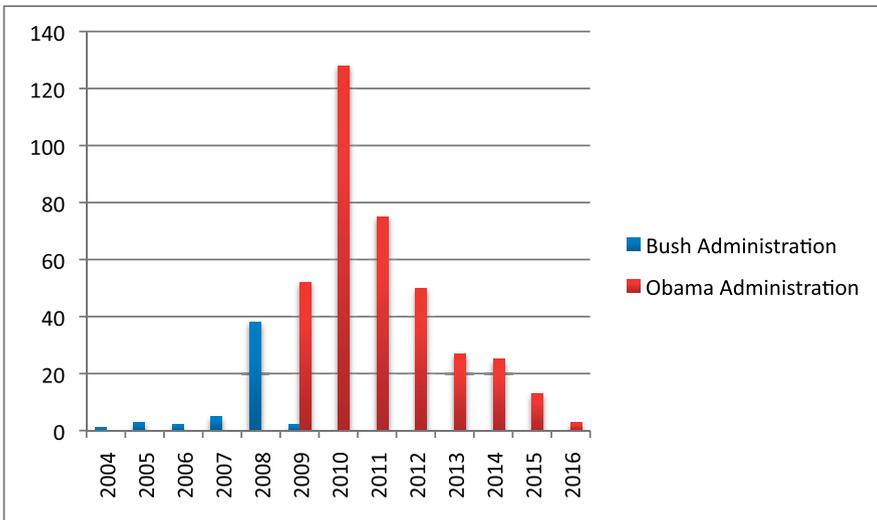
23 Iona Craig, “What Really Happened When a US Drone Hit a Yemeni Wedding Convoy?,” *Al Jazeera America*, (20 January 2014), retrieved from <http://america.aljazeera.com/watch/shows/america-tonight/america-tonight-blog/2014/1/17/what-really-happened-w-henadronehitayemeniweddingconvoy.html>.

24 Greg Miller, “Obama’s New Drone Policy Leaves Room for CIA Role,” *The Washington Post*, (25 May 2013), retrieved from [https://www.washingtonpost.com/world/national-security/obamas-new-drone-policy-has-cause-for-concern/2013/05/25/0daad8be-c480-11e2-914f-a7aba60512a7\\_story.html](https://www.washingtonpost.com/world/national-security/obamas-new-drone-policy-has-cause-for-concern/2013/05/25/0daad8be-c480-11e2-914f-a7aba60512a7_story.html).

25 “Pakistan and US: Hand-in-Hand on Drone Deaths,” *Al Jazeera*, (18 December 2013), retrieved from <http://www.aljazeera.com/indepth/features/2013/11/pakistan-us-hand-hand-drone-deaths-20131127145212604294.html>.

The contradiction between the U.S. and Pakistan’s government regarding the drone strikes still goes on even today. One of the latest strikes –on May 23, 2016 – targeted the Taliban chief, Mullah Akhtar Mansoor. He has been considered as the highest value target after bin Laden and the US Secretary of State, John Kerry, argued that Mansoor was a continuing imminent threat to the U.S. personnel in Afghanistan.<sup>26</sup> Despite this, the Pakistani’s government publicly condemned the strike and argued that the U.S. had violated its sovereignty, as the Prime Minister Nawaz Sharif was not acknowledged earlier. Moreover, this strike is expected to have a negative impact on the Pakistan-Taliban peace talks that were going on and the strikes is translated as a sign that the Obama administration is becoming less patient regarding the inability of Pakistan to control the Taliban.<sup>27</sup>

**Graph 5: Drone Strikes Conducted in Pakistan according to the IBJ<sup>28</sup>**

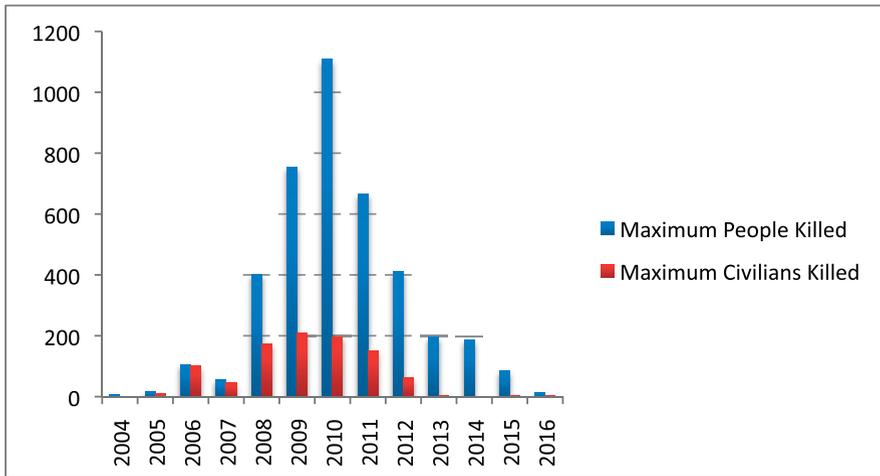


26 “Pakistan Says US Drone Strike Violated Its Sovereignty,” *Al Jazeera*, (23 May 2016), <http://www.aljazeera.com/news/2016/05/pakistan-drone-strike-violated-sovereignty-160522204312754.html>.

27 Mujib Mashal, “Taliban Chief Targeted by Drone Strike in Pakistan, Signaling a U.S. Shift,” (22 May 2016), retrieved from [http://www.nytimes.com/2016/05/23/world/asia/afghanistan-taliban-leader-mullah-mansour.html?\\_f=0](http://www.nytimes.com/2016/05/23/world/asia/afghanistan-taliban-leader-mullah-mansour.html?_f=0).

28 “CIA and US Military Drone Strikes in Pakistan,” *The Bureau of Investigative Journalism*, retrieved from <https://docs.google.com/spreadsheets/d/1NAfjFonM-Tn7fziqiv33HlGt09wgLZDSCP-BQaux51w/edit#gid=694046452>.

**Graph 6: Maximum of People and Civilians Killed by Drone Strikes in Pakistan according to the IBJ<sup>29</sup>**



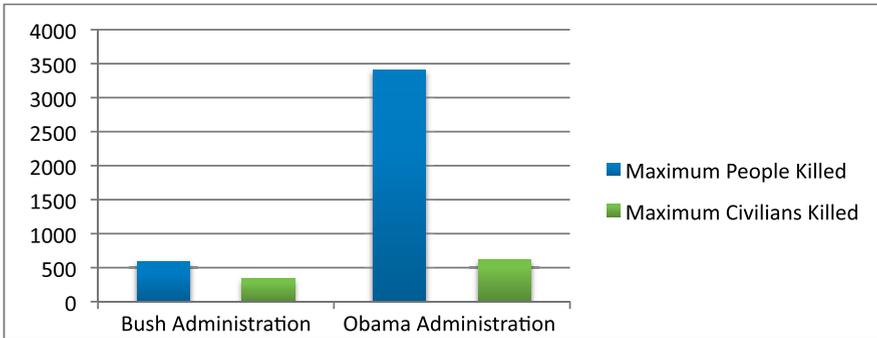
Lastly, it is estimated that out of 4000 people that have been killed in drone strikes, approximately 900 of them are civilians. Also it is important to underline that fact that only 58 high profile militants have been killed, and this comprises only 2 percent of the total death toll. The other people killed are civilians, children and alleged combatants.<sup>30</sup> One of the most fatal strikes was conducted in October 2006 when a drone missile stroked the building of a madrasa –it was assumed as a Taliban training camp – and at least 69 children were killed. Nevertheless, as the strikes increased the death toll also increased and as it can be observed from Graph 6 the civilian casualties had their peak in 2009 and 2010. However, since then there has been a constant decrease. If we were to compare the total and civilian causality rate between Bush and Obama, taking in consideration Graph 7, it can be said that even why the total causality rate still remain high (8.7 percent and 5.6 percent respectively), the civilian causality rate has visibly decreased – from 3.3 percent during Bush administration to 0.7 percent during Obama administration.<sup>31</sup>

29 “CIA and US Military Drone Strikes in Pakistan,” *The Bureau of Investigative Journalism*, retrieved from <https://docs.google.com/spreadsheets/d/1NAfjFonM-Tn7fziqiv33HIGt09wgLZDSCP-BQaux51w/edit#gid=694046452>.

30 “Out of Sight, Out of Mind: A Visualization of Drone Strikes in Pakistan since 2004,” retrieved from <http://drones.pitchinteractive.com>.

31 “CIA and US Military Drone Strikes in Pakistan,” *The Bureau of Investigative Journalism*, retrieved from <https://docs.google.com/spreadsheets/d/1NAfjFonM-Tn7fziqiv33HIGt09wgLZDSCP-BQaux51w/edit#gid=694046452>.

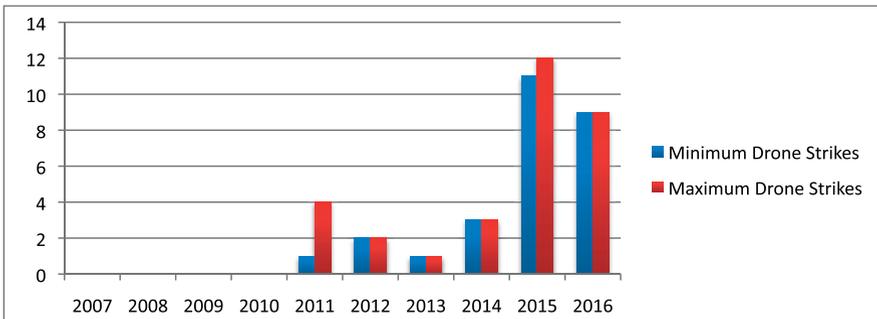
**Graph 7: Comparison Between the Bush Administration (2004 -19 January 2009) and Obama Administration (20 January 2009 - July 2016)<sup>32</sup>**



### Somalia Drone Strikes and Casaulties

Somalia is one of the countries with less number of drone strikes. The U.S. has started its operations in Somalia since 2003, nevertheless drones strikes were used only by Obama in 2011 and afterward. In a period of 6 years there have been conducted approximately 31 drone strikes. Unlike Pakistan, the strikes in Somalia have increased in the last two years, and conversely the number of civilians killed has lessened.

**Graph 8: Number of Drone Strikes in Somalia according to BIJ<sup>33</sup>**

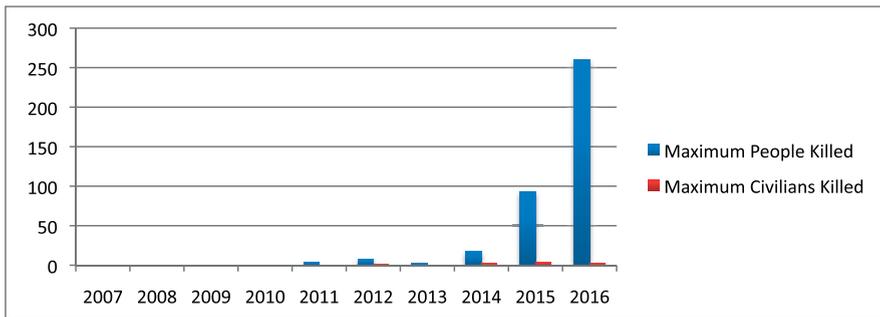


32 “CIA and US Military Drone Strikes in Pakistan,” *The Bureau of Investigative Journalism*, retrieved from <https://docs.google.com/spreadsheets/d/1NAfjFonM-Tn7fziqiv33HlGt09wgLZDSCP-BQaux51w/edit#gid=694046452>.

33 “US Strikes in Somalia,” *The Bureau of Investigative Journalism*, retrieved from [https://docs.google.com/spreadsheets/d/1-LT5TVBMy1Rj2WH30xQG9nqr8-RXFVvzJE\\_47NlpeSY/edit#gid=0](https://docs.google.com/spreadsheets/d/1-LT5TVBMy1Rj2WH30xQG9nqr8-RXFVvzJE_47NlpeSY/edit#gid=0).

The main target of the U.S. in Somalia has been al-Shabab militants. The main strike was conducted on March 2016 where the U.S. military claimed to have killed more than 150 al-Shabab fighters while they were training.<sup>34</sup> For this reason –as it can be understood also from Graph 9 – in 2016 the number of people killed reached their topmost. Even why the Obama government considered this a big achievement towards terrorism, many have question whether the people killed were really militants. These doubts increased even more when the U.S. failed to provide the identities of the people killed from the drone strike.<sup>35</sup>

**Graph 9: Maximum Number of People and Civilians Killed in Somalia according to the BIJ<sup>36</sup>**



### Debating the U.S. Dronified Warfare

Many scholars and journalists strongly argue that drone strikes violate the domestic and international law. However, Obama administration exonerates the drone strikes by claiming that it is exactly the domestic and international law that legitimize the usage of drones. The discussion on the morality of using drones strikes to kill suspected terrorists is another fundamental issue that needs attention while analyzing the dronified warfare. The morality stands behind

34 “US: More than 150 al-Shabab Fighters Killed in Air Raid,” *Al Jazeera*, (8 March 2016), retrieved from <http://www.aljazeera.com/news/2016/03/drone-strike-somalia-kills-150-fighters-160307170607675.html>.

35 Gleen Greenwald, “Nobody Knows the Identities of the 150 People Killed by U.S. in Somalia, but Most Are Certain They Deserved It,” *The Intercept*, (8 March 2016), retrieved from <https://theintercept.com/2016/03/08/nobody-knows-the-identity-of-the-150-people-killed-by-u-s-in-somalia-but-most-are-certain-they-deserved-it/>.

36 “US Strikes in Somalia,” *The Bureau of Investigative Journalism*, retrieved from [https://docs.google.com/spreadsheets/d/1-LT5TVBMy1Rj2WH30xQG9nqr8-RXFVvzJE\\_47NlpeSY/edit#gid=0](https://docs.google.com/spreadsheets/d/1-LT5TVBMy1Rj2WH30xQG9nqr8-RXFVvzJE_47NlpeSY/edit#gid=0).

most of the legal principles that govern the drone strikes. These discussions are mainly focused on the arguments that drone strikes do not respect many of the principles of the International Humanitarian Law. At the same time the focus remains on the double start of the drone program: while there is intended to lower the risk for the U.S. soldiers, on the other hand the life of many innocent people is taken as they are considered as suspected terrorist.

Seen from this perspective, it would be right to ask whether the legality, morality and effectiveness of the dronified warfare should be defined based on the practices of the U.S. This paper argues that such a generalization would be wrong, as drones if used properly may be very effective and respect the international law. Nevertheless, it can be said as well that the concerns of many analysts are real as the U.S. is creating a wrong example to be followed. Washington calls itself a standard bearer and it is true, the other states imitate the U.S. but in the case of drones this would lead in fatal result for the U.S itself.

### **Legality of Drone Strikes**

*If you do something for long enough, the world will accept it .... International law progresses through violations. We invented the targeted assassination thesis and we had to push it.*<sup>37</sup>

Whilst the drone usage stretched through Africa, the Middle East and regions around it, the critics against it amplified as well, as a result the legality of drone strikes has been the reference point of the drone-skeptics. Many argue that the drone strikes and target killings violate the main principles of the international law, as they have resulted in a huge number of assassinations. Moreover, they aptly stress the fact that drone usage has expanded the U.S. operations in many regions, including here the non-combat areas. Both of the principles, claimed to be violated, are codified in the Additional Protocol I to the Geneva Conventions. Explicitly, the principle of distinction is defined as: “The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians;”<sup>38</sup> while the principle of proportionality is defined as: “Launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which

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37 Yotam Feldman and Uri Blau, “Consent and Advise,” *Haaretz*, (29 January 2009), retrieved from <http://www.haaretz.com/consent-and-advise-1.269127>.

38 Rule 1, *Customary IHL*, retrieved from [https://www.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter1\\_rule1](https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter1_rule1).

would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited.”<sup>39</sup> Controversially, the drone advocates argue that due to developed technology of drones, that allows them to be very precise. This makes drones more legal and moral than other weapons.<sup>40</sup>

Seen from the perspective of the international laws, the dronified warfare is discussed based on *jus ad bellum* and *jus in bello*. While the former is related with the reason/recourse that led to the use of force, the latter is related with the way the force is conducted. Firstly, when considering *jus ad bellum*, the Obama administration argues that the drone strikes are conducted as a self-defense based on the Article 51 of the UN Charter. The interpretation of this argument maintains that those who are part of al Qaeda or even affiliated with them can be considered as belligerents, and can be targeted no matter where he/she is located. Therefore, the strikes are taken as a result of the necessity due to the imminent threat posed by the terrorists. Based on the domestic law, Authorization for the Use of Force (AUMF) has served as “a legal rationale for worldwide operations against terrorist operations.”<sup>41</sup> Accordingly, the president has the right to use all the possible means against those who are directly connected with those who “planned, authorized, committed or aided” the 9/11 attacks or any affiliated person. It is argued that such a resolution gives power to the president to conduct a war with no geographical borders (or as it is called by skeptics, the everywhere war<sup>42</sup>) and no time limits.

Inimical to the self-defense argument, according to drone skeptics, a believe that a nation or someone intends to harm the U.S. is not enough neither to take action in self-defense and nor to legitimize the lethal force.<sup>43</sup> Another argument used to prove the illegality of drone strikes is focused on the zones where the U.S. is using the drone strikes. As mentioned previously, based on the AUMF there is no geographical limitation for the use of force as the U.S.

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39 Rule 4, *Customary IHL*, retrieved from [https://www.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter4\\_rule14](https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter4_rule14).

40 Bradley Jay Strawser, “Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles,” *Journal of Military Ethics*, <http://www.tandfonline.com/doi/abs/10.1080/15027570.2010.536403>.

41 Michael J. Boyle, “The Legal and Ethical Implications of Drone Warfare,” *The International Journal of Human Rights*, Vol. 9, No. 2 (2015), pp. 105-126, DOI: 10.1080/13642987.2014.991210.

42 See: Derek Gregory, “The Everywhere War,” *The Geographical Journal*, Vol. 177, No. 3 (2011), pp. 238–250, DOI: 10.1111/j.1475-4959.2011.00426.x.

43 Medea Benjamin, *Drone Warfare: Killing by Remote Control* (US: Verso, 2013), Chapter 6.

is engaged in a global war against al-Qaeda and other terrorist organization affiliated with the former. For this reason, the U.S. has conducted most of its strikes in non-combat zones. However, many oppose the everywhere war justification and argue that using drone strikes outside the combat zones is illegal.<sup>44</sup> This assertion if followed from the arguments on the violation of the national sovereignty where the strikes are conducted.<sup>45</sup> As Laurie Calhoun points out “a glaring problem with the pretext of national self-defense is the vast power asymmetry between a single supposedly threatening individual and the state itself.”<sup>46</sup> The history has shown that even in the cases when the states where drones are used oppose the strikes, the U.S. has kept going on with the attacks. An example for this is the case when Pakistan past a resolution against drone strikes, but the U.S. did not take it in consideration. At that time, the Pakistani High Commissioner to London Wajid Shamsul Hasan said: “What has been the whole outcome of these drone attacks is that you have directly or indirectly contributed to destabilising or undermining the democratic government. Because people really make fun of the democratic government – when you pass a resolution against drone attacks in the parliament and nothing happens. The Americans don’t listen to you, and they continue to violate your territory.”<sup>47</sup>

Focusing on the *jus in bello*, the compliance with the principles of the IHL is compulsory. Philip Alston, then Special Rapporteur of UN, in a report on extrajudicial, summary or arbitrary executions asserted: “a missile fired from a drone is no different from any other commonly used weapon, including a gun fired by a soldier or a helicopter or gunship that fires missiles. The critical legal question is the same for each weapon: whether its specific use complies with IHL.”<sup>48</sup> In this regard, the legality of drones is discussed mainly based on two

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44 Samit D’Cunha, “(Un)leashing the Drones: Legal Motives for a Geographic Limitation of Drone Warfare,” *International Affairs Review*, retrieved from <http://www.iar-gwu.org/sites/default/files/articlepdfs/%28Un%29leashing%20the%20Drones%20-%20Samit%20D%27Cunha.pdf>.

45 See: Michael Boyle, “The Costs and Consequences of the Drone Warfare,” *International Affairs*, Vol. 89, No. 1 (2013); Ian Shaw, “Predator Empire: The Geopolitics of US Drone Warfare,” *Geopolitics* (2013), DOI:10.1080/14650045.2012.749241; Medea Benjamin, *Drone Warfare: Killing by Remote Control*, etc.

46 Laurie Calhoun, *We Kill Because We Can: From Soldiering to Assassination in the Drone Age* (London: Zed Books, 2015), p. 115.

47 Chris Woods, “CIA Drone Strikes Violate Pakistan’s Sovereignty, Says Senior Diplomat,” *The Guardian*, (3 August 2012), retrieved from <https://www.theguardian.com/world/2012/aug/03/cia-drone-strikes-violate-pakistan>.

48 Philip Alston, “Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary

main and concomitant principles of IHL: the principle of distinction and the principle of proportionality.

Then CIA director, Leon Panetta in 2009 – by calling drones as ‘the only game in town’ – argued that drone is “very precise, it’s very limited in terms of collateral damage.”<sup>49</sup> Nevertheless, after the Nuclear Summit in April 2016 Obama – talking in past tense – accepted that drones have killed civilians. In this regard he stated: “It wasn’t as precise as it should have been, and there’s no doubt civilians were killed that shouldn’t have been. ... We have to take responsibility where we’re not acting appropriately, or just made mistakes.”<sup>50</sup> What Obama accepted with just one sentence drone skeptics have been arguing for years. A simple math would be enough to understand that drones may be precise but it does not mean that civilians are not killed. Gregorie Chamayou states: “[it] is estimated that the AGM-114 Hellfire fired by the Predator drone has a ‘kill zone’ of 15 meters – which means that all those who happen to be within the radius of 15 meters around the point of impact even if they are not the designated target, will die together with the target.”<sup>51</sup>

Another debated issue that is based on the above-mentioned principles is related with the differentiation between civilian and combatant. Today the distinction between the civilians and combatants has been blurred as the combatant do not have distinct clothing and they leave in areas populated by civilians. This has resulted in equivalence between combatants and civilians, which are suspected as terrorists, making the latter a possible target. According to Gregoire Chamayou, “this equivalence has the effect to extend the right to kill well beyond the classic legal boundaries and conferring an indefinite elastic on the concept of a legitimate target.”<sup>52</sup> Many opponents of the drone program argue that due to this blurred distinction the possibilities to attack civilians are higher, especially in the cases when the U.S. uses ‘double tap’ strikes or ‘signature strikes.’ The Obama administration has strongly opposed this argument by emphasizing the develo-

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Executions,” United Nations General Assembly, retrieved from <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>.

49 Noah Shachtman, “CIA Chief: Drones ‘Only Game in Town’ for Stopping al-Qaeda,” *Wired*, (19 May 2009), retrieved from <https://www.wired.com/2009/05/cia-chief-drones-only-game-in-town-for-stopping-al-qaeda/>.

50 Nicole Gaouette, “Obama: ‘No Doubt’ U.S. Drones Have Killed Civilians,” *CNN*, (2 April 2016), retrieved from <http://edition.cnn.com/2016/04/01/politics/obama-isis-drone-strikes-iran/>.

51 Grégoire Chamayou, *A Theory of the Drone*, (NY: The New Press, 2015), p. 142

52 Grégoire Chamayou, *A Theory of the Drone*, p. 145

ped technology of drones; however, it can be said that as long as the killed individuals who have not been targeted are considered as enemies in action (EKIA)<sup>53</sup> until proved that they are innocent, it would be quite difficult to prove wrong the arguments of Obama administration.

Despite the distinction between the civilians and combatants, the drone opponents argue that the due to the lack of due process the target killings are assassinations.<sup>54</sup> Jeremy Scahill shortly puts it as: “Drones are a tool, not a policy. The policy is assassination.”<sup>55</sup> Nevertheless, Harold Koh – Obama’s legal advisor – argued that as the U.S. is in war with al-Qaeda and its affiliates, thus: under domestic law, the use of lawful weapons systems—consistent with the applicable laws of war—for precision targeting of specific high-level belligerent leaders when acting in self-defense or during an armed conflict is not unlawful, and hence does not constitute “assassination.”<sup>56</sup>

As it can be seen from the arguments provided above, all of them are directed to the American dronified warfare. Firstly, it is questioned whether the UN charter or AUMF really provides legal basis for the U.S. to use the drone strikes; however, at this point it would not be wrong to argue that there is no law that prohibits the usage of drones. When it comes to the violation of the IHL principles, even from the data that was provided in the second section, it can be seen that the U.S. drones rarely make a distinction between civilians and combatants. Nevertheless this does not mean that drones as a weapon violates these principles, but it is necessary to understand that the way how drones are used

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53 Josh Begley, “A Visual Glossary,” *The Intercept*, (15 October 2015), retrieved from <https://theintercept.com/drone-papers/a-visual-glossary/>.

54 Jeremy Scahill, “The Assassination Complex,” *The Intercept*, (15 October 2015), retrieved from <https://theintercept.com/drone-papers/the-assassination-complex/>; Bill Quigley, “Five Reasons Drone Assassinations are Illegal,” *Counter Punch*, (15 May 2012), retrieved from <http://www.counterpunch.org/2012/05/15/five-reasons-drone-assassinations-are-illegal/>; Pam Bailey, “Assassination Drones: A New Type of Warfare,” *Washington Reports on Middle East Affairs*, (January/February 2013), pp. 34-35, retrieved from <http://www.wrmea.org/2013-january-february/assassination-drones-a-new-type-of-warfare.html>; <https://www.mintpressnews.com/obama-drone-king-assassination-policy-explained/217181/>, etc.

55 Jeremy Scahill, “The Assassination Complex,” *The Intercept*, (15 October 2015), retrieved from <https://theintercept.com/drone-papers/the-assassination-complex/>.

56 Harold Hongju Koh, “The Obama Administration and International Law,” *U.S. Department of State*, (25 March 2010), retrieved from <http://www.state.gov/s/l/releases/remarks/139119.htm>.

is illegal. For example, the U.S. claims that drones are used to kill terrorists in unfeasible territories that provide a safe heaven for the terrorists. Taking this in consideration, a drone strike used against terrorists in such a territory would produce much less (not to say none) civilian casualties than a drone strike used to kill a terrorist in the middle of the city center or at his house. What the U.S. is doing, is justifying its killings in the city centers by giving as an example the drone targets used in unfeasible areas; while on the other hand, the critics are trying to make drones strikes illegal by giving as an example the drone strikes used to kill the terrorists in the city centers leaving aside the fact that drone strikes in a legal way can kill high-threat terrorists in unfeasible territories.

### **Morality of Drone Strikes**

*“The further removed we are from the victim, the more we are likely to act harshly.”<sup>57</sup>*

Questions regarding the collateral damage and the killing of the innocents constantly have challenged the ethics of dronified warfare. However, the dehumanization of the warfare has become the main focus when it comes to morality of the drone strikes. The so-called ‘psychology of the distance’ has a direct impact on how the war is conducted due to its influence on the psychology of those who give the orders and those who conduct the orders. According to a former drone pilot the fact that the targets are seen as a silhouette generates a detachment from the human life and as the human element is taken from the war there is nothing that would stop the attacker to exert lethal violence. Klem Ryan defines this situation as ‘disassociation’ and according to him the distance between the attacker and the victim is reflected in the violent acts conducted from the former.<sup>58</sup> Moreover, the analogy and similarity between the drone controlling and a PlayStation game plays a significant role in dehumanizing the drone program. This analogy makes the killing more appealing and the drone pilot thinks himself/herself as powerful in that extend that may decide who can live and who has to die.

‘Projecting power without vulnerability’ has been the aim of the military for decades and that has become possible with the usage of drones. Such stra-

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57 “Drone Wars: The Gamers Recruited to Kill – Video,” The Guardian, (February 02, 2015) retrieved July 01, 2016 from <http://www.theguardian.com/news/video/2015/feb/02/drone-wars-gamers-recruited-kill-pakistan-video>.

58 Klem Ryan, “What is Wrong with Drones? The Battlefield in International Humanitarian Law,” in Matthew Evangelista and Henry Shue, *The American Way of Bombing*, (U.S.: Cornell University Press, 2014), pp. 207-223.

tegy while making the attacker omnipotent leaves the victim impotent. Specifically, the attacker is removed from the hazardous environment, has a powerful weapon and knows every step and capability of the victim. On the other hand, the victim remains within the hazardous environment, unarmed and with no knowledge of who is his enemy. According to Ian Shaw the solders have been updated to lethal bureaucrats.<sup>59</sup>

The lethal bureaucrat, nevertheless, has been associated with question regarding the moral hazard. “Moral hazard is a concept common in economic and philosophical circles; it describes a situation in which a party engages in risky or morally questionable behaviors because he or she does not have to face the consequences of the actions.”<sup>60</sup> Accordingly, the lack of threat would have a threefold impact: (i) people would support easier a war conducted with drones which would lead to encouragement of new wars,<sup>61</sup> (ii) a drone pilot killing with ease as he can not be attacked and (iii) leaders pursuing wars even why they are not necessary as the public’s pressure is not the same when lives of their people are in danger. Laurie Calhoun pertinently describes the situation as “the last resort has become the first resort... self-defense has become naked aggression...just war has become blind slaughter.”<sup>62</sup>

Despite these critiques, there are some supporters of the drone program according to whom as the drones are more advanced, efficient and precise than the other weapons, and then their use is morally obligatory.<sup>63</sup> Similarly, Obama himself while accepting the Nobel Prize – even not directly speaking about drones – stated: “There will be times when nations -- acting individually or in concert -- will find the use of force not only necessary but morally justified.”<sup>64</sup>

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59 Ian Shaw, “Predator Empire: The Geopolitics of US Drone Warfare,” *Geopolitics* (2013), DOI:10.1080/14650045.2012.749241, p. 2.

60 John Kaag and Sarah Kreps, *Drone Warfare*, (UK: Polity Press, 2014).

61 James Igoe Walsh and Marcus Schulzke, “The Ethics of Drone Strikes: Does Reducing the Cost of Conflict Encourage War?,” *U.S. Army War College Press and Strategic Studies Institute*, (September 2015, retrieved from <https://www.hsdl.org/?view&did=788652>).

62 Laurie Calhoun, *We Kill Because We Can: From Soldiering to Assassination in the Drone Age* (London: Zed Books, 2015), pp. XV- XVI.

63 Bradley Strawser, “Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles,” *Journal of Military Ethics*, Vol. 4, No. 4 (2010), pp. 342-368.

64 “Remarks by the President at the Acceptance of the Nobel Peace Prize,” *The White House*, (10 December 2009), retrieved from <https://www.whitehouse.gov/the-press-office/remarks-president-acceptance-nobel-peace-prize>.

Overall, the fact that drone pilots are affected by the “psychology of distance,” making the pilots more eager to use force is undeniable. Nevertheless, the impact of this could be overcome with the proper training of the pilots, something that the U.S. is not doing currently. When drone pilots during their training program are not only taught how to use drones, but are taught how to kill in cold-blood while considering the others as terrorists, as objects but not humans. A weapon itself can not be called moral or immoral, it is the person that uses the weapon that does a moral or immoral action. As long as the U.S. teaches the drone pilots since young ages to kill people just because they live in territories where rule of law does not exist or just because they are in contact with one terrorist the dronified warfare will be immoral. As long as humans will be seen as objects that have to be destroyed, the dronified warfare will continue to be immoral. This can be undone, only in the case the U.S. starts to train its drone pilots properly, making them aware that there is a person on the other side of the screen not an object, not a computer code that has to be eliminated. Such a policy would make close the gap between the attacker and the attacked and in this way there is a chance that drones will start to be used ethically from the state leaders and by the drone pilots also. Raising the awareness of drone pilots regarding what dronified warfare is, would reduce the dehumanization that the current usage of drones has produced.

### **Effectiveness of Drone Strikes**

*Be afraid ... Be very afraid.*<sup>65</sup>

This is a well-known phrase originated from the movie *The Fly* when Seth Brundle started to experiment with teleportation. Unfortunately, the experiment goes wrong and Brundle turns into a man half-person and half-insect. ... Has drone program gone wrong and should we be afraid of that? Many argue that we should be very afraid of what future is holding. According to the drone skeptics, the drone program not only is not legal or moral but it is not even effective.

The main argument – which many tend to agree – is that the use of drone strikes has resulted in radicalization<sup>66</sup> of the people affected from the strikes.

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65 (Movie) *The Fly*, 1986.

66 See Akbar Ahmed, *The Thistle and the Drone: How America's War on Terror Became a Global War on Tribal Islam*, (Washington D.C.: Brookings Institution Press, 2013), Laurie Calhoun, *We Kill Because We Can: From Soldiering to Assassination in the Drone Age* (London: Zed Books, 2015); Michael J. Boyle, “The Legal and Ethical

Moreover, the radicalization itself has led to an ‘endless war without victory.’ Quoted in the book of Andrew Cockburn - *Kill Chain: The Rise of the High-Tech Assassins*<sup>67</sup> – a field commander stated: “Even if I kill one, it only took two weeks before the next guy came in. They didn’t miss a beat. You replace one guy, chances are the guy that’s coming in is more lethal, has less restraint and is more apt to make a name for himself and go above and beyond than if you had just left the first guy in there.” Not only are the high targets replaced when killed, but also due to the high number of civilians killed the animosity towards the U.S. is increased even more. Bruce Riedel –former CIA analyst and Obama counterterrorism adviser – argued: “[the] problem with the drone is it’s like your lawn mower. You’ve got to mow the lawn all the time. The minute you stop mowing, the grass is going to grow back.”<sup>68</sup> However, this does not seem as a problem for the U.S. as long as the threat is contained and with the help of the drone strikes they can always kill the enemy and the new recruits before they turn into a great threat. Nevertheless, what the Obama administration never mentioned is that the everywhere war has updated and turned into a global endless war, the end of which is seen by no one. One thing is for sure, there is no way back in the drone program even if the Pentagon’s budget shrinks,<sup>69</sup> but it seems that there is no way back for the radicalization as well. As Scott Shane specifies, in the case of the Anwar al-Awlaki – he is the first American citizen killed outside the homeland with a drone strike – he was killed but now he is considered as a ‘posthumous mentor’ for many – among them also the attackers of Sharlie Hebdo. Moreover, his lectures through *YouTube* are delivered in the whole globe and today ISIS is using them as well.<sup>70</sup>

The lethal strikes of the U.S. drones have had an impact on the internal affairs of the states where they are used. In most of the cases they retrograde

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Implications of Drone Warfare,” *The International Journal of Human Rights*, Vol. 9, No. 2 (2015), pp. 105-126, DOI: 10.1080/13642987.2014.991210; etc.

67 Andrew Cockburn - *Kill Chain: The Rise of the High-Tech Assassins*, (U.S.: Henry Holt and Co., 2015).

68 Greg Miller, “Plan for Hunting Terrorists Signals U.S. Intends to Keep Adding Names to Kill Lists,” *The Washington Post*, (23 October 2012), retrieved from [https://www.washingtonpost.com/world/national-security/plan-for-hunting-terrorists-signals-us-intends-to-keep-adding-names-to-kill-lists/2012/10/23/4789b2ae-18b3-11e2-a55c-39408f6e6a4b\\_story.html](https://www.washingtonpost.com/world/national-security/plan-for-hunting-terrorists-signals-us-intends-to-keep-adding-names-to-kill-lists/2012/10/23/4789b2ae-18b3-11e2-a55c-39408f6e6a4b_story.html).

69 Nick Turse, *The Changing Face of Empire: Special Ops, Drones, Spies, Proxy Fighters, Secret Bases, and Cyberwarfare*, (Chicago: Haymarket Books, 2012), p. 30.

70 Scott Shane, *Objective Troy: A Terrorist, a President, and the Rise of the Drone*, (NY: Tim Duggan Books, 2015).

the power of the governments but the vacuum created sometimes is filled from the tribal warfare or national armies attacks. In this case even more people are killed and many are obliged to leave the country.<sup>71</sup>

Another important critique regarding the effectiveness of the drones is related with their flaws. Based on the documents provided by The Intercept, drones are prone to three main flaws, which affect its accuracy. Firstly, drones aim the phones, they track the targets on bases of the signal that they receive from their phone and the strike aims to hit the phone rather than the person itself. Secondly, it is impossible to supervise the “Named Areas of Interest (NAIs)” 7/24 and when one drone has to move and there is no other drone to replace it, there is created a so called “blink” during which the observation is stopped. Lastly, U.S. is concerned about the “tyranny of distance” which means the distance that the drones have to travel until Yemen or Somalia is quite long and a drone would spend most of the time travelling towards NAIs rather than surveilling the specific targets.<sup>72</sup>

Even why still fragile, drones technology is assumed to threaten the humanity and doubtless the world promptly will face a different and harsh armed race. When trying to predict the future William M. Arkin concurred: “I see drones and the Data Machine they serve — the unmanned with all of its special and unique ways — as the greatest threat to our national security, our safety, and our very way of life.”<sup>73</sup> Ian Shaw also talks about *dronepolis* – the city of drone and according to him drones will be used from the police as well in order to control the population.<sup>74</sup> The appropriateness of this assumption is verified in 9 July 2016 when the police in Dallas used a drone robot as a suicide bomber to kill one of the armed suspects of the police shooting; yet, without any trial.<sup>75</sup> However, it seems that technology does not know how to stop as lately BAE Systems has been focused on created an autonomous

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71 Akbar Ahmed, *The Thistle and the Drone: How America’s War on Terror Became a Global War on Tribal Islam*.

72 Josh Begley, “A Visual Glossary,” *The Intercept*, (15 October 2015), retrieved from <https://theintercept.com/drone-papers/a-visual-glossary/>; see also Grégoire Chamayou, *A Theory of the Drone*, p. 75.

73 William M. Arkin, *Unmanned: Drones, Data, and the Illusion of Perfect Warfare*, (NY: Little, Brown and Company, 2015), Introduction.

74 Ian Shaw, “Empire in an Age of Robots and Drones,” *Understanding Empire*, (25 July 2016), retrieved from <https://understandingempire.wordpress.com>.

75 “Dallas Shooting: Police Used Bomb-disposal Robot to Kill Armed Suspect Micah Johnson,” *The Telegraph*, (9 July 2016), retrieved from <http://www.telegraph.co.uk/news/2016/07/08/dallas-shooting-robot-used-to-kill-armed-suspect-micah-johnson-d/>.

drones, which would not need the human decision to kill its target.<sup>76</sup>

Lastly, it is exactly the ‘effectiveness’ of the drones in the short term that may result in a disaster in the long term. Drones have become attractive for many states and it seems that the U.S. soon may lose its leadership. Consequently, it would not take too much time for the drone armies to be fighting with each other. As it is quoted by Medea Benjamin, according to Mark Gubrud, an expert in robotics “What lurks behind this is the specter of drone-vs.-drone warfare or possibly robotized military standoffs, where the potential exists for automated responses to initiate or rapidly escalate warfare between major powers and between nuclear-armed states.”<sup>77</sup>

While legality and morality are more related with the strikes directly, effectiveness is analyzed in what happens after the strike. As it can be seen the main arguments regarding the effectiveness of dronified warfare revolve around the radicalization and a possible armed race in the long term. Focusing on the radicalization, it can be said that the illegal usage of the drones has resulted in radicalization through the Middle East and the other states where drones are used. However, this stands true for the American case, if drones are used properly as argued above – namely used just in a few cases where the chance of killing civilians is very low – the radicalization may be decreased considerably and at the same time focusing only on high targets would help reducing the threat posed to one state.

When it comes to the possibility of an armed race in the future, taking in consideration the drone appeal, this would be a logical outcome. Nevertheless, all the states that aim to develop and use drones have to be aware of the fact that as the drone technology develops it may backfire to them. In the future, it would not make much difference whether you are fighting against a great power or not, the most important thing would be the creation of a strategy that would cause more damage to the enemy, and in this case most of the IHL would be violated. For this reason, since now all the states should create a legal framework regarding the usage of the drones as a weapon. The U.S. has to quit using drones as a caprice of its presidency or/and as a tool to cover the failed domestic and international policies. It is important to understand that if not used properly (meaning both legally and ethically) drones can be even more dangerous than the nuclear weapons. The irresponsibility of the U.S. regarding

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76 Kate Wathall, “The RAF Drones That Could Kill Without Human Approval,” *Forces TV*, (17 June 2016), retrieved from <http://forces.tv/19026421>.

77 Medea Benjamin, *Drone Warfare: Killing by Remote Control* (US: Verso, 2013), Chapter 3.

the drone strikes will have a negative impact on the other states, and would not be a surprise that many states see the U.S. as an example and justify their actions in accordance to the U.S. example. Seen from this perspective the threat posed in the long terms from the improper use of drones is far much greater from what America is gaining now.

## **Conclusion**

In setting out to elucidate the distinction of drone as a weapon and dronified warfare as a process, this paper, after bringing a short background of drone development, has focused on the main arguments regarding the U.S. dronified warfare. The U.S. has been the leader in this area for more than a decade now and the way how U.S. has used drones has raised many questions regarding the legality morality and effectiveness of drone strikes. The U.S. has been using drones to project its power without vulnerability in the region of the Middle East and in the world as well. But this would result in a catastrophe for the international system, unless the U.S. changes the way it conducts the drone strikes. As the big powers would continue to use the drones to project their power, the small ones will use drones for survival.

Nevertheless, many fail to see that drones should not be defined by the way how the U.S. has been using them; because as this paper argued, if used properly, drones as well could be legal, moral and effective. Currently, the U.S. is justifying its killings in the city centers by giving as an example the drone targets used in unfeasible areas; while on the other hand, the critics are trying to make drones strikes illegal by giving as an example the drone strikes used to kill the terrorists in the city centers leaving aside the fact that drone strikes in a legal way can kill high-threat terrorists in unfeasible territories.

To conclude, it can be said that the U.S. in the last decade has pursued a warfare with many victims but with a few rational reasons to kill them. As many innocent children, women and men get killed this is not the fault of the weapon but of the hand behind it. Drones are a developed technology that should be used by states as the last resort for the sake of their national security, when the chance to kill innocent people would be at minimum. For the moments the U.S. has not respected any of there requirements and has been using drones illegally, but this would not mean that other states will be using drones in the same way. It is necessary for the entire international arena to understand that drone is a dangerous weapon when not used properly, and it can bring victory and destruction at the same time. For this reason, awareness of states and their leaders and the creation of a legal framework are necessary for the future of the dronified warfare.

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