



DRONE WARS

**TRANSFORMING CONFLICT,
LAW, AND POLICY**

**EDITED BY PETER L. BERGEN
AND DANIEL ROTHENBERG**

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DRONE WARS

Drones are the iconic military technology of many of today's most pressing conflicts, a lens through which US foreign policy is understood, and a means for discussing key issues regarding the laws of war and the changing nature of global politics. Drones have captured the public imagination, partly because they project lethal force in a manner that challenges accepted rules, norms, and moral understandings.

Drone Wars presents a series of essays by legal scholars, journalists, government officials, military analysts, social scientists, and foreign policy experts. It addresses drones' impact on the ground, how their use adheres to and challenges the laws of war, their relationship to complex policy issues regarding national security and foreign affairs, and the ways their deployment and development help us understand the future of war. The book is a diverse and comprehensive interdisciplinary perspective on drones that covers important debates on targeted killing and civilian casualties; presents key data on drone deployment; and offers new ideas on their historical development, significance, and impact on law and policy. *Drone Wars* documents the current state of the field at an important moment in history when new military technologies are transforming how war is practiced by the United States and, increasingly, by other states and by non-state actors around the world.

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Introduction

PETER L. BERGEN AND DANIEL ROTHENBERG

Drones are the iconic military technology of the current conflicts in Afghanistan, Pakistan, and Yemen. They have become a lens through which US foreign policy is understood, as well as a means for discussing key issues regarding the laws of war and the changing nature of global politics. In part, this is because drones involve new ways of projecting lethal force that challenge accepted rules, norms, and moral understandings. They enable strikes both within and outside of established war zones, highlighting divisions between the activities of military and intelligence services. They are controlled by pilots located half way around the world, which raises questions about the implications and possibilities of remote warfare. They engage in precision strikes yet harm civilians, opening discussions on the legitimacy, ethics, and legality of targeted killing.

Drones have also captured the public imagination. Stories about drones draw in viewers and readers interested in current affairs and foreign policy. They play a central role in defining conflicts that have continued for well over a decade, minimizing the risks of those that deploy them and expanding the reach of counterterrorism operations. Increasingly, drones appear in movies, television, and multiple forms of popular culture. Their sleek, stark appearance is visually striking. Their lack of an on-board pilot touches on deep-seated fears regarding the rapid advance of technology and a possible future of autonomous killing machines. These and other issues stimulate debates on drones that appear to reveal and heighten political divisions. Polls show that the American public largely supports the US deployment of armed drones abroad, even as significant majorities in other countries strongly object to these policies. Yet when Americans consider the possibility of domestic drone deployment, especially by the state, profound anxieties emerge.

This book addresses many of the issues raised by armed drones through a series of essays by legal scholars, journalists, government officials, social

scientists, foreign policy experts, and others. It is premised on the idea that today's drone wars provide an important opportunity for reflecting on global politics, technological innovation, and conflict within our rapidly changing world. The book is divided into four thematic sections that cover distinct though interrelated elements of drone use, policy, history, meaning, and impact. Each section begins with a personal narrative describing direct experiences with drones. This grounds larger policy discussions with a recognition that, in the end, drone deployment affects individuals and their communities on all sides of the conflict in significant and often transformative ways.

The first section reviews the impact of drones on the ground, with a focus on Afghanistan, Pakistan, and Yemen. It opens with an account by journalist David Rohde (formerly of the *New York Times*, now with Reuters) of a seven-month period when he was held by members of the Haqqani Network in Pakistan. He recounts his captors' fear of drones as well as their suspicions that local residents were spies secretly guiding attacks. This is followed by a chapter by Peter L. Bergen and Jennifer Rowland of New America, which discusses CIA drone strikes in Pakistan and Yemen from 2002 through 2013. The information they analyze has been gathered and cross-referenced from multiple news sources, revealing significant conclusions on drone strikes, civilian casualties, and the impact of these attacks on al-Qaeda and the Taliban. Next, Sarah Holewinski, former executive director of the Center for Civilians in Conflict, examines the impact of drone strikes on civilian populations, suggesting that current policies have serious and often poorly addressed consequences for local communities. She considers the secretive and often ambiguous process of targeting and highlights the need for greater transparency and accountability. Christopher Swift, a lawyer and fellow at the University of Virginia Law School's Center for National Security Law, writes about the drone campaign in Yemen based on fieldwork and interviews with tribal leaders, Islamist politicians, Salafi clerics, and others. He argues that understanding the impact of drone strikes in the country requires a contextually sensitive review of how al-Qaeda and its allies operate, using popular resentment as a key means of local recruiting. This approach reveals the political and operational limits of drone warfare in Yemen, with implications for drone use in other parts of the world. Finally, Saba Imtiaz, a Pakistani journalist, reviews what people in her country think about drones, outlining the history of local discussions and media reporting on US drone policy. She argues that the debate is more complicated than opinion polls suggest and is deeply entwined with local party politics, domestic divisions, and Pakistan's struggles to assert its sovereignty and define an inclusive national identity.

The second section considers how drone deployment engages the efficacy and value of the laws of war for regulating current conflicts. It begins with a narrative from a drone pilot operating out of Nellis Air Force Base in Las Vegas, Nevada. He describes the intimacy of drone warfare in which he surveils targets for long periods of time, following the lives of those he may later attack. He also discusses the complexity of modern warfare, in which just after completing a combat mission he might drive home to his family, shop at a mall, or attend a party or baseball game. Next, Charles Blanchard, former General Counsel for the US Air Force, critiques a series of common misunderstandings of drones, which he terms “remotely piloted aircraft,” or RPA. He explains that drones are not unmanned in that they require large teams of professionals to perform their various functions, that they are deployed by the military in full accordance with domestic and international laws, and that their value comes from their role as one tool among many within a complex, integrated military strategy. In the next chapter, William C. Banks, of Syracuse University College of Law, uses the case of a drone strike in Yemen against Anwar al-Awlaki, a US citizen, to examine the legal basis for targeted killings. He reviews who can be targeted outside of traditional battle spaces and when, if ever, American citizens may be killed. Next, human rights expert Naureen Shah considers the role of the US military’s Joint Special Operations Command (JSOC) in conducting drone strikes, arguing that there is no longer a marked separation between the military’s actions in clearly defined war zones and the CIA’s covert strikes in Pakistan, Yemen, and elsewhere. She suggests that JSOC’s highly secretive nature raises questions as to the legality of the US military’s drone operations and may signal a dangerous trend of blurring the traditional divisions between the military and intelligence services. Then journalist Tara McKelvey of the BBC profiles Harold Koh, a fierce opponent of George W. Bush administration’s terrorism policies and the former Dean of the Yale Law School, who shifted his position from criticizing US drone strikes and counterinsurgency policies to affirming their legality during his time as the Legal Advisor at the US Department of State.

The third section reviews the implications of today’s drone wars for larger policy debates. It opens with a narrative from Michael Waltz, a Special Forces officer who led missions in Afghanistan at a time when drone deployment there was expanding. He outlines the benefits of drones in providing real-time intelligence during combat while also suggesting that an overreliance on new technologies creates a more risk-averse military and may present obstacles to working with local populations. In the next chapter, P. W. Singer, an expert on national security based at New America, describes the “five deadly flaws” of addressing new military technologies. He argues that the transformative nature

of drones and other emerging technologies, coupled with the extraordinary pace of their innovation, require that we openly confront the key legal, ethical, and policy issues they raise. Rosa Brooks, a Georgetown University law professor and former Pentagon official, questions the current fixation on drones over an assessment of the policies governing their use. She argues that current debates mask important questions regarding the ethics and efficacy of drone deployment and calls for a more open and honest policy discussion. Next, Rhodes Scholar Megan Braun writes that drones are not revolutionary but rather represent a particular technology that appeared at a unique moment when their capacities matched the needs of the US government, particularly the CIA. She sees the development of a program of targeted killing as more significant than the drones themselves and wonders about the nature of their future impact. David True, a professor of religion at Wilson College, argues that while drones provide new capabilities and powers, they also raise important ethical questions. He explores these issues by reviewing US drone policy in relation to just war theory and the realism of Reinhold Niebuhr. He argues that there has been inadequate clarity and care in developing an ethically engaged approach to drone deployment, suggesting that the costs of this failure are significant. Then, Peter L. Bergen and Jennifer Rowland consider the growing prevalence of drones around the world. Their chapter includes a detailed table, based on hundreds of news reports and government documents, which reveals that more than eighty countries currently operate drones. The chapter suggests that while the United States enjoys a relative monopoly on armed drones at present, this situation will not last long.

The fourth and final section considers what drone deployment teaches us about the future of war. It begins with the words of “Adam Khan,” a pseudonym for a resident of Pakistan’s tribal areas along the border with Afghanistan, who was interviewed by former *New York Times* reporter Pir Zubair Shah. Khan reflects on both the accuracy of drone attacks and the fear and uncertainty of living under their constant threat. In the next chapter, Werner J. A. Dahm, former Chief Scientist of the US Air Force, reviews the current and emerging technology of drones. He focuses on how drones present significant new capabilities for intelligence, surveillance, and reconnaissance; how there are no near-term plans to remove people from the “kill chain”; and why within a decade drones are likely to become many times more powerful with greater capacities, longer flight durations, and significantly expanded capabilities. Then Konstantin Kakaes, a journalist and former Fellow at New America, reviews the little-known history of drone development, from the early twentieth century through the present. He traces the testing and use