

Connecticut Debate Association

February 1, 2014

Glastonbury High School, Greenwich High School and Masuk High School

Resolved: The use of drones for targeted killing of individuals should be prohibited.

US drone strikes could be classed as war crimes, says Amnesty International

Jon Boone in Islamabad, The Guardian, Monday 21 October 2013

Joint report with Human Rights Watch judges US attacks in Yemen and Pakistan to have broken international human rights law

US officials responsible for the secret CIA drone campaign against suspected terrorists in Pakistan may have committed war crimes and should stand trial, a report by a leading human rights group warns. Amnesty International has highlighted the case of a grandmother who was killed while she was picking vegetables and other incidents which could have broken international laws designed to protect civilians.

The report is issued in conjunction with an investigation by Human Rights Watch detailing missile attacks in Yemen which the group believes could contravene the laws of armed conflict, international human rights law and Barack Obama's own guidelines on drones.

The reports are being published while Nawaz Sharif, Pakistan's prime minister, is in Washington. Sharif has promised to tell Obama that the drone strikes – which have caused outrage in Pakistan – must end.

Getting to the bottom of individual strikes is exceptionally difficult in the restive areas bordering Afghanistan, where thousands of militants have settled. People are often terrified of speaking out, fearing retribution from both militants and the state, which is widely suspected of colluding with the CIA-led campaign.

There is also a risk of militants attempting to skew outside research by forcing interviewees into "providing false or inaccurate information", the report said.

But Amnesty mounted a major effort to investigate nine of the many attacks to have struck the region over the last 18 months, including one that killed 18 labourers in North Waziristan as they waited to eat dinner in an area of heavy Taliban influence in July 2012. All those interviewed by Amnesty strongly denied any of the men had been involved in militancy. Even if they were members of a banned group, that would not be enough to justify killing them, the report said.

"Amnesty International has serious concerns that this attack violated the prohibition of the arbitrary deprivation of life and may constitute war crimes or extrajudicial executions," the report said. It called for those responsible to stand trial.

The US has repeatedly claimed very few civilians have been killed by drones. It argues its campaign is conducted "consistent with all applicable domestic and international law".

The Amnesty report supports media accounts from October last year that a 68-year-old woman called Mamana Bibi was killed by a missile fired from a drone while she was picking okra outside her home in North Waziristan with her grandchildren nearby. A second strike minutes later injured family members tending her.

If true, the case is striking failure of a technology much vaunted for its accuracy. It is claimed the remote-controlled planes are able to observe their targets for hours or even days to verify them, and that the explosive force of the missiles is designed to limit collateral damage. As with other controversial drone strikes, the US has refused to acknowledge or explain what happened.

Amnesty said it accepts some US drone strikes may not violate the law, "but it is impossible to reach any firm assessment without a full disclosure of the facts surrounding individual attacks and their legal basis. The USA appears to be exploiting the lawless and remote nature of the region to evade accountability for its violations," it said.

In Yemen, another country where US drones are active, Human Rights Watch highlighted six incidents, two of which were a "clear violation of international humanitarian law". The remaining four may have broken the laws of armed conflict because the targets were illegitimate or because not enough was done to minimise civilian harm, the report said.

It also argued that some of the Yemen attacks breach the guidelines announced by Obama earlier this year in his first major speech on a programme that is officially top secret. For example, the pledge to kill suspects only when it is impossible to capture them appears to have been ignored on 17 April this year when an al-Qaida leader was blown up in a

township in Dhamar province in central Yemen, Human Rights Watch said.

An attack on a truck driving 12 miles south of the capital Sana'a reportedly killed two al-Qaida suspects but also two civilians who had been hired by the other men. That means the attack could have been illegal because it "may have caused disproportionate harm to civilians".

The legal arguments over drones are extremely complex, with much controversy focusing on whether or not the places where they are used amount to war zones.

Amnesty said some of the strikes in Pakistan might be covered by that claim, but rejected a "global war doctrine" that allows the US to attack al-Qaida anywhere in the world.

"To accept such a policy would be to endorse state practices that fundamentally undermine crucial human rights protections that have been painstakingly developed over more than a century of international law-making," the report said.

A case for targeted killings

By George F. Will, The Washington Post, Published: December 7

'Gosh!' Says Roosevelt, On Death of Yamamoto— New York Times, May 22, 1943

President Franklin Roosevelt was truly astonished when told by a reporter that Adm. Isoroku Yamamoto, architect of the Pearl Harbor attack, had been shot down by U.S. planes over a Pacific island after Americans decrypted Yamamoto's flight plans. FDR had encouraged this "targeted killing" — destroying a particular person of military importance — a phrase that has become familiar since Israel began doing this in 2000 in combating the second Palestinian intifada.

But was the downing of Yamamoto's plane an "assassination"? If British commandos had succeeded in the plan to kill German Gen. Erwin Rommel in Libya in 1941, would that have been an assassination? If President Ronald Reagan's 1986 attack on military and intelligence targets in Libya, including one that Moammar Gaddafi sometimes used as a residence, had killed him, would that have been an assassination? What about the November 2001 CIA drone attack on a Kabul meeting of high-level al-Qaeda leaders that missed Osama bin Laden but killed his military chief? An old executive order and a new technology give these questions urgent pertinence.

Executive Order 12333, issued by Reagan in 1981, extended one promulgated by Gerald Ford in 1976 — in response to revelations about CIA attempts to assassinate Fidel Castro — and affirmed by Jimmy Carter. Order 12333 says: "No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination." What, then, of the Navy SEALs who killed Osama bin Laden? The new technology is the armed drone, which can loiter over the suspected location of an important enemy person and, in conjunction with satellite imagery, deliver precision-guided munitions in a matter of minutes.

Fortunately, John Yoo of California's Berkeley School of Law has written a lucid guide to the legal and moral calculus of combating terrorism by targeting significant enemy individuals. In "Assassination or Targeted Killings After 9/11" (New York Law School Law Review, 2011-12), Yoo correctly notes that "precise attacks against individuals" have many precedents and "further the goals of the laws of war by eliminating the enemy and reducing harm to innocent civilians." And he clarifies the compelling logic of using drones for targeted killings — attacking a specific person rather than a military unit or asset — in today's "undefined war with a limitless battlefield."

To be proper, any use of military force should be necessary, as discriminating as is practical, and proportional to the threat.

Waging war, says Yoo, is unlike administering criminal justice in one decisive particular. The criminal justice system is retrospective: It acts after a crime. A nation attacked, as America was on Sept. 11, goes to war to prevent future injuries, which inevitably involves probabilities and guesses.

Today's war is additionally complicated by the fact that, as Yoo says, America's enemy "resembles a network, not a nation." Its commanders and fighters do not wear uniforms; they hide among civilian populations and are not parts of a transparent command-and-control apparatus. Drones enable the U.S. military — which, regarding drones, includes the CIA; an important distinction has been blurred — to wield a technology especially potent against al-Qaeda's organization and tactics. All its leaders are, effectively, military, not civilian. Killing them serves the military purposes of demoralizing the enemy, preventing planning, sowing confusion and draining the reservoir of experience.

Most U.S. wars have been fought with military mass sustained by economic might. But as Yoo says, today's war is against a diffuse enemy that has no territory to invade and no massed forces to crush. So the war cannot be won by producing more tanks, army divisions or naval forces. The United States can win only by destroying al-Qaeda's "ability to function — by selectively killing or capturing its key members."

After the terrorist bombings of two U.S. embassies in East Africa in 1998, the Clinton administration launched cruise

missiles against suspected terrorist camps in Afghanistan, hoping bin Laden was there. If the missiles had killed him, would this have been improper? In March 2003, in the hours before the invasion of Iraq, the George W. Bush administration, thinking it knew where Saddam Hussein was, launched a cruise-missile strike against one of his compounds. Was it wrong to try to economize violence by decapitating his regime? Would it have been morally preferable to attempt this by targeting, with heavy bombing, not a person but his neighborhood? Surely not.

Obama administration details rationale for covert drone war

USA Today, April 30, 2012, by Aamer Madhani, UPDATED: 3:26 p.m.

White House counterterrorism official John Brennan detailed the Obama administration's rationale for using drone strikes against al-Qaeda targets, the first time the Obama administration has publicly laid out its defense of targeted killings outside of "hot" battlefields such as Afghanistan.

In a speech before the Woodrow Wilson Center today to mark the first anniversary of Navy Seals killing Osama bin Laden, Brennan said that President Obama wants to be more open with the American public about the use of targeted strikes.

"In full accordance with the law—and in order to prevent terrorist attacks on the United States and to save American lives—the United States Government conducts targeted strikes against specific al-Qaeda terrorists, sometimes using remotely piloted aircraft, often referred to publicly as drones," Brennan said. "And I'm here today because President Obama has instructed us to be more open with the American people about these efforts."

Brennan argued that target strikes "dramatically reduce the danger to innocent civilians," but acknowledged that in some cases civilians have been killed.

"We only authorize a strike if we have a high degree of confidence that innocent civilians will not be injured or killed, except in the rarest of circumstances," Brennan said. "The unprecedented advances we have made in technology provide us greater proximity to targets for a longer period of time, and as a result allow us to better understand what is happening in real time on the ground in ways that were previously impossible."

He added that there have been occasions that the administration has decided against carrying out a drone strike because the chances of injury or death to civilians was deemed high.

"I would note that these standards—for identifying a target and avoiding the loss of innocent civilians—exceed what is required as a matter of international law on a typical battlefield," Brennan said. "That's another example of the high standards to which we hold ourselves."

Officials at the American Civil Liberties Union, which is fighting a legal battle to force the administration to release Justice Department memos underlying the program, – said the acknowledgement of the targeted killing program was a significant—although small step-- toward transparency by the administration.

"It is not the legal analysis that the public has the right to access and understand in order to be able to debate," said Hina Shamsi, director of the ACLU's national security project. "We need to see the legal memos to fully understand what the government sees its legal obligations to be as opposed to its policy choices about when and under what circumstances it can kill people located far from traditional battlefields."

Brennan—who at one point in his speech was interrupted by a protester that chastised him and the administration for allegedly targeting U.S. citizens—acknowledged that the practice raises "profound moral questions."

"It forces us to confront deeply held personal beliefs and our values as a nation," Brennan said. "If anyone in government who works in this area tells you they haven't struggled with this, then they haven't spent much time thinking about it. I know I have, and I will continue to struggle with it as long as I remain involved in counterterrorism."

EXCLUSIVE: CIA didn't always know who it was killing

By Richard Engel and Robert Windrem, NBC News, June 5, 2013

An NBC News review of classified CIA documents for a 14 month period beginning in September 2010 lists 114 drone strikes that killed as many as 613 people. However, in some of those strikes, the CIA did not know the identity of the victims. NBC's Richard Engel reports.

The CIA did not always know who it was targeting and killing in drone strikes in Pakistan over a 14-month period, an NBC News review of classified intelligence reports shows.

About one of every four of those killed by drones in Pakistan between Sept. 3, 2010, and Oct. 30, 2011, were classified as "other militants," the documents detail. The "other militants" label was used when the CIA could not determine the affiliation of those killed, prompting questions about how the agency could conclude they were a threat to U.S. national

security.

The uncertainty appears to arise from the use of so-called “signature” strikes to eliminate suspected terrorists -- picking targets based in part on their behavior and associates. A former White House official said the U.S. sometimes executes people based on “circumstantial evidence.”

Three former senior Obama administration officials also told NBC News that some White House officials were worried that the CIA had painted too rosy a picture of its success and likely ignored or missed mistakes when tallying death totals. NBC News has reviewed two sets of classified documents that describe 114 drone strikes over 14 months in Pakistan and Afghanistan, starting in September 2010. The documents list locations, death and injury tolls, alleged terrorist affiliations, and whether the killed and injured were deemed combatants or non-combatants.

Though the Obama administration has previously said it targets al Qaeda leaders and senior Taliban officials plotting attacks against the U.S. and U.S. troops, officials are sometimes unsure of the targets’ affiliations. About half of the targets in the documents are described as al Qaeda. But in 26 of the attacks, accounting for about a quarter of the fatalities, those killed are described only as “other militants.” In four others, the dead are described as “foreign fighters.”

In some cases, U.S. officials also seem unsure how many people died. One entry says that a drone attack killed seven to 10 people, while another says that an attack killed 20 to 22.

Yet officials seem certain that however many people died, and whoever they were, none of them were non-combatants. In fact, of the approximately 600 people listed as killed in the documents, only one is described as a civilian. The individual was identified to NBC News as the wife or girlfriend of an al Qaeda leader.

Micah Zenko, a former State Department policy advisor who is now a drone expert at the Council on Foreign Relations, said it was “incredible” to state that only one non-combatant was killed. “It’s just not believable,” he said. “Anyone who knows anything about how airpower is used and deployed, civilians die, and individuals who are engaged in the operations know this.”

The CIA declined to comment, and the White House did not immediately respond to calls and emails requesting comment. Important reporting on the subject also was done previously by McClatchy Newspapers.

A senior White House official who spoke on condition of anonymity, said, “In the past, and currently, force protection is a big part of the rationale for taking action in the Afghan theater of operations.”

Separately, on background, the official noted that as President Barack Obama said in an address last month, as the U.S. involvement in Afghanistan declines, so will the number of strikes.

The CIA uses two basic methods to target people for killing, according to current and former U.S. officials.

The first is called a “personality” strike. These strikes target known terrorists, whose identities have been firmly established through intelligence, including visual surveillance and electronic and human intelligence. In other words, the CIA knows who it is killing.

In so-called “signature” strikes, intelligence officers and drone operators kill suspects based on their patterns of behavior - but without positive identification. With signature strikes, the CIA doesn’t necessarily know who it is killing. One former senior intelligence official said that at the height of the drone program in Pakistan in 2009 and 2010, as many as half of the strikes were classified as signature strikes.

Analysts use a variety of intelligence methods and technologies that they say give them reasonable certainty that the “signature” target is a terrorist. Part of the analysis involves crunching data to make connections between the unidentified suspects and other known terrorists and militants. The agency can watch, for example, as an unknown person frequents places, meets individuals, makes phone calls, and sends emails, and then match those against other people linked to the same calls, emails and meetings.

A half dozen former and current U.S. counter-terrorism officials told NBC News that signature strikes do generally kill combatants, but acknowledge that intelligence officials doesn’t always know who those combatants are. Some of the officials said the moral and legal aspects of the signature strikes were often discussed, but without any significant change in policy.

Ret. Adm. Dennis Blair, who was Director of National Intelligence from Jan. 2009 to May 2010, declined to discuss the specifics of signature strikes, but said “to use lethal force there has to be a high degree of knowledge of an individual tied to activities, tied to connections.”

He also defended the precision of drone strikes in general. “In Afghanistan and Iraq and places where you have troops in combat,” said Blair, “you know better with drones who you’re killing than you do when you’re calling in artillery fire from a spotter [or] calling in an airplane strike.”

Said Blair, “This is no different from decisions that are made on the battlefield all the time by soldiers and Marines who

are being shot at, not knowing who fired the shot, having to make judgments on shooting back or not. This is the nature of warfare.”

Once a target has been killed, according to current and former U.S. officials, the CIA does not take someone out of the combatant category and put them in the non-combatant category unless, after the strike, a preponderance of evidence is produced showing the person killed was a civilian.

A 2012 AP investigation reported that in 10 drone attacks from the preceding 18 months, Pakistani villagers said that about 70 percent of those killed were militants, while the rest of the dead were either civilians or tribal police. The AP report notes that Pakistani officials and villagers claimed that 38 non-combatants were killed in a single strike on March 17, 2011.

According to the AP, U.S. officials said the group hit by the strike was heavily armed and behaved in “a manner consistent with al Qaeda-linked militants.” Villagers and Pakistani officials said the gathering was a “jirga,” or community meeting, in which locals were negotiating with a small group of militants over mining rights.

U.S. officials listed 20 to 22 dead in the strike, according to the documents obtained by NBC News, and described them as “other militants.” A former U.S. official told NBC News the drone attack was a “signature” strike, while a U.S. human rights advocate who has interviewed local villagers – and is skeptical of Pakistani claims of widespread civilian casualties from drone strikes -- supported the Pakistani description of the meeting as a jirga and most of the victims as non-combatants.

In a speech at the National Defense University in May, President Obama defended his administration’s use of targeted killings. He acknowledged that there had been civilian casualties, and that drone technology raised “profound questions” about “who is targeted and why,” but he also said the CIA’s drone program was “legal,” “lethal,” “effective,” and the most humane option for counterterrorism. He said the U.S. had a “high threshold ... for taking lethal action,” and that the drawdown of forces in Afghanistan and successful action against al Qaeda would likely “reduce the need for unmanned strikes” in 2014.

On the same day, the White House released a fact sheet stating its standards for using force outside of the U.S. and war zones. It stated that there had to be a legal basis for using lethal force, and that “the United States will use lethal force only against a target that poses a continuing, imminent threat to U.S. persons.”

Former Drone Operator Haunted

NBC News Investigations, June 6, 2013, By Richard Engel

A former Air Force drone operator who says he participated in missions that killed more than 1,600 people remembers watching one of the first victims bleed to death.

Brandon Bryant says he was sitting in a chair at a Nevada Air Force base operating the camera when his team fired two missiles from their drone at three men walking down a road halfway around the world in Afghanistan. The missiles hit all three targets, and Bryant says he could see the aftermath on his computer screen – including thermal images of a growing puddle of hot blood.

“The guy that was running forward, he’s missing his right leg,” he recalled. “And I watch this guy bleed out and, I mean, the blood is hot.” As the man died his body grew cold, said Bryant, and his thermal image changed until he became the same color as the ground.

“I can see every little pixel,” said Bryant, who has been diagnosed with post-traumatic stress disorder, “if I just close my eyes.”

Bryant, now 27, served as a drone sensor operator from 2006 to 2011, at bases in Nevada, New Mexico and in Iraq, guiding unmanned drones over Iraq and Afghanistan. Though he didn’t fire missiles himself he took part in missions that he was told led to the deaths of an estimated 1,626 individuals...

A self-described “naïve” kid from a small Montana town, Bryant joined the Air Force in 2005 at age 19. After he scored well on tests, he said a recruiter told him that as a drone operator he would be like the smart guys in the control room in a James Bond movie, the ones who feed the agent the information he needs to complete his mission.

He trained for three and a half months before participating in his first drone mission. Bryant operated the drone’s cameras from his perch at Nellis Air Force base in Nevada as the drone rose into the air just north of Baghdad.

Bryant and the rest of his team were supposed to use their drone to provide support and protection to patrolling U.S. troops. But he recalls watching helplessly as insurgents buried an IED in a road and a U.S. Humvee drove over it.

“We had no way to warn the troops,” he said. He later learned that three soldiers died.

And once he had taken part in a kill, any remaining illusions about James Bond disappeared. “Like, this isn’t a

videogame,” he said. “This isn’t some sort of fantasy. This is war. People die.” Bryant said that most of the time he was an operator, he and his team and his commanding officers made a concerted effort to avoid civilian casualties.

But he began to wonder who the enemy targets on the ground were, and whether they really posed a threat. He’s still not certain whether the three men in Afghanistan were really Taliban insurgents or just men with guns in a country where many people carry guns. The men were five miles from American forces arguing with each other when the first missile hit them.

He also remembers being convinced that he had seen a child scurry onto his screen during one mission just before a missile struck, despite assurances from others that the figure he’d seen was really a dog.

After participating in hundreds of missions over the years, Bryant said he “lost respect for life” and began to feel like a sociopath. He remembers coming into work in 2010, seeing pictures of targeted individuals on the wall – Anwar al-Awlaki and other al Qaeda and Taliban leaders -- and musing, “Which one of these f_____s is going to die today?”

In 2011, as Bryant’s career as a drone operator neared its end, he said his commander presented him with what amounted to a scorecard. It showed that he had participated in missions that contributed to the deaths of 1,626 people.

“I would’ve been happy if they never even showed me the piece of paper,” he said. “I’ve seen American soldiers die, innocent people die, and insurgents die. And it’s not pretty. It’s not something that I want to have -- this diploma.”

Now that he’s out of the Air Force and back home in Montana, Bryant said he doesn’t want to think about how many people on that list might’ve been innocent: “It’s too heartbreaking.”

The Veterans Administration diagnosed him with Post-traumatic Stress Disorder, for which he has undergone counseling. He says his PTSD has manifested itself as anger, sleeplessness and blackout drinking.

“I don’t feel like I can really interact with that average, everyday person,” he said. “I get too frustrated, because A) they don’t realize what’s going on over there. And B) they don’t care.”

He’s also reluctant to tell the people in his personal life what he was doing for five years. When he told a woman he was seeing that he’d been a drone operator, and contributed to the deaths of a large number of people, she cut him off. “She looked at me like I was a monster,” he said. “And she never wanted to touch me again.”

U.S. intelligence warily watches for threats to U.S. now that 87 nations possess drones

By Guy Taylor, The Washington Times, Sunday, November 10, 2013

The age of the drone is here, and U.S. intelligence agencies are warily monitoring their proliferation around the globe.

China uses them to spy on Japan near disputed islands in Asia. Turkey uses them to eyeball Kurdish activity in northern Iraq. Bolivia uses them to spot coca fields in the Andes. Iran reportedly has given them to Syria to monitor opposition rebels.

The U.S., Britain and Israel are the only nations to have fired missiles from remote-controlled drones, but the proliferation of unmanned aerial vehicles has become so prevalent that U.S. intelligence sources and private analysts say it is merely a matter of time before other countries use the technology.

“People in Washington like to talk about this as if the supposed American monopoly on drones might end one day. Well, the monopoly ended years ago,” said Peter W. Singer, who heads the Center for 21st Century Security and Intelligence at the Brookings Institution.

What’s worse, clandestine strikes carried out by Washington in far-flung corners of the world have set a precedent that could be ugly.

Mr. Singer said as many as 87 nations possess some form of drones and conduct various kinds of surveillance either over their own territories or beyond. Among those 87, he said, 26 have either purchased or developed drones equivalent in size to the MQ-1 Predator — the model made by San Diego-based General Atomics.

While American Predators and their updated sister, the MQ-9 Reaper, are capable of carrying anti-armor Hellfire missiles, the clandestine nature of foreign drone programs makes it difficult to determine how many other nations have armed drones.

Defense industry and other sources who spoke with The Washington Times said 10 to 15 nations are thought to be working hard on doing just that, and China and Iran are among those with the most advanced programs.

“Global developments in the UAV arena are being tracked closely,” said one U.S. intelligence official, who spoke with The Times on the condition of anonymity. “Efforts by some countries to acquire armed UAV systems are concerning, not least because of the associated proliferation risk.”

Other sources said that while the international media have focused on the controversy and political backlash associated with civilian casualties from U.S. drone strikes in Pakistan, Yemen and Somalia, Washington's unprecedented success with the technology — both in targeting and killing suspected terrorists — has inspired a new kind of arms race.

"It's natural that other nations and non-state actors, seeing the many ways the U.S. has leveraged the technology, are keen to acquire remotely piloted aircraft," said Lt. Gen. Robert P. Otto, Air Force deputy chief of staff for intelligence, surveillance and reconnaissance.

Race to the skies

The number of nations possessing drones nearly doubled from 41 to 76 from 2005 to 2011, according to a report last year by the Government Accountability Office, which highlighted the fact that U.S. companies are no longer alone in manufacturing and marketing the technology.

"Many countries acquired their UAVs from Israel," said the report.

It said Germany, France, Britain, India, Russia and Georgia have either leased or purchased Israeli drones, including the Heron, a model that many foreign militaries see as a good alternative to the American-made Predators and Reapers.

A report this year by Teal Group, a Virginia-based aerospace and defense industry analysis corporation, said UAVs have come to represent the "most dynamic growth sector" of the global aerospace industry, with spending on drones projected to more than double from roughly \$5.2 billion a year today to more than \$11 billion in 2022.

China is widely seen as a potential powerhouse in the market.

Chinese companies have "marketed both armed drones and weapons specifically designed for UAV use," said Steven J. Zaloga, a top analyst at Teal Group. "It's a case where if they don't have the capability today, they'll have it soon."

Although there is concern in Washington that China will sell the technology to American adversaries, sources say, the U.S. also is pushing ahead with development of its own secretive "next generation" drones.

Today's models emerged in the post-9/11 era of nonconventional conflict — a time when American use of both weaponized and surveillance-only drones has been almost exclusively over chaotic patches of the planet void of traditional anti-aircraft defenses.

With little or no need to hide, relatively bulky drones such as the MQ-1 Predator dominated the market. But the "big secret," Mr. Zaloga said, "is that the U.S. is already working on both armed and unarmed UAVs that can operate in defended airspace."

Another factor likely to fuel the proliferation of armed drones, he said, centers on a global push to make "very small weapons" that can be tailored to fit smaller aircraft. This matters because of the roughly 20,000 drones now in existence, only about 350 are large enough to carry the slate of weapons on the current market.

"What the new munitions will do is mean that if you're operating the smaller UAVs, you'll be able to put weapons on them," said Mr. Zaloga. "And those smaller UAVs are being manufactured now by quite a few countries."

In the wrong hands?

One serious concern in Washington is that smaller drones could be used by groups such as al Qaeda or Hezbollah, the Iran-backed militant and political organization based in Lebanon that is engaged in a protracted war with Israel.

The U.S. intelligence official who spoke with The Times on the condition of anonymity said it is "getting easier for non-state actors to acquire this technology."

Hezbollah leader Hassan Nasrallah made headlines by claiming his group flew a drone into Israeli airspace last year, after Israel announced that it had shot a UAV out of the sky. Although Mr. Nasrallah said the drone was made in Iran and assembled in Lebanon, little is known about precisely what type it was — or whether it was armed.

Armed or not, U.S. officials are wary. "No one is turning a blind eye to the growing use of surveillance-only UAV systems — including by non-state actors — even if these systems have a host of beneficial civil applications," said the official who spoke with The Times. "One problem is that countries may perceive these systems as less provocative than armed platforms and might use them in cross-border operations in a way that actually stokes regional tension."

That appears to be happening in Asia, where Japan recently threatened to shoot down Chinese drones flying near the disputed Senkaku Islands in the East China Sea.

Northeast Asian countries are likely to invest heavily in drone technology, said Patrick M. Cronin, senior director of the Asia-Pacific Security Program at the Center for a New American Security in Washington.

"But even before these investments are manifested in wider deployments, Japan will be relying on UAVs for wider and better surveillance, particularly around its southwest island chain, while China will be using them to variably challenge Japanese administrative control and, indirectly, pressure the United States to restrain its ally," said Mr. Cronin. "This vital

new technology is improving situational awareness. But, paradoxically, if used more offensively the same technology may also accelerate a maritime crisis in the East or even South China Sea.”

U.S. precedents

Others say the U.S. and its closest allies have set a precedent with clandestine drone strikes in foreign lands. Although British forces have carried out hundreds of drone strikes in Afghanistan and Israel has used drone-fired missiles to kill suspected terrorists in Egypt’s Sinai Peninsula, as well as Islamic militants in Gaza, the most widespread use has been directed by the U.S. military and CIA.

In addition to strikes in Libya and Somalia, the U.S. has carried out more than 375 strikes in Pakistan and as many as 65 in Yemen over the past nine years, according to the London-based Bureau of Investigative Journalism. The concern, said the Brookings Institution’s Mr. Singer, is that adversaries will point to U.S. behavior as an excuse for carrying out cross-border targeting of “high-value” individuals.

“That’s where you have the problem,” he said. “Turkey carries out a strike in northern Iraq and then cites U.S. precedent in Pakistan to justify it. Or Iran carries out a drone strike inside Syria that the Syrian government says it’s fine with because it’s a lawless area where what they call ‘terrorists’ are hanging out, and then they throw the precedent back at the U.S.

“That would make it sticky for us,” said Mr. Singer. “That’s not the broader norm we want out there.”

Drones over Pakistan

The Economist, Oct 19th 2013 | ISLAMABAD | From the print edition

Drop the pilot: A surprising number of Pakistanis are in favour of drone strikes

NATIONAL surveys find that Pakistanis are overwhelmingly opposed to CIA drone strikes against suspected militants in the tribal badlands close to the Afghan border. The strikes are seen by many as an abuse of sovereignty, a symbol of American arrogance and the cause of civilian deaths. So when Sofia Khan, a school administrator from Islamabad, travelled with hundreds of anti-drone campaigners to a ramshackle town bordering the restive Federally Administered Tribal Areas (FATA) last October she was stunned by what some tribesmen there had to say.

One man from South Waziristan heatedly told her that he and his family approved of the remote-controlled aircraft and wanted more of them patrolling the skies above his home. Access to the tribal regions is very difficult for foreign journalists; but several specialists and researchers on the region, who did not want to be identified, say there is at least a sizeable minority in FATA who share that view.

Surveys are also notoriously difficult to carry out in FATA. A 2009 poll in three of the tribal agencies found 52% of respondents believed drone strikes were accurate and 60% said they weakened militant groups. Other surveys have found much lower percentages in favour. But interviews by The Economist with twenty residents of the tribal areas confirmed that many see individual drone strikes as preferable to the artillery barrages of the Pakistani military. They also insisted that the drones do not kill many civilians—a view starkly at odds with mainstream Pakistani opinion. “No one dares tell the real picture,” says an elder from North Waziristan. “Drone attacks are killing the militants who are killing innocent people.”

American claims about the accuracy of its drone attacks are hard to verify. The best estimate is provided by monitoring organisations that track drone attacks through media reports, an inexact method in a region where militants block access to strike sites. However, the most thorough survey, by the Bureau of Investigative Journalism, suggests a fall in civilian casualties, with most news sources claiming no civilians killed this year despite 22 known strikes.

Though there is ample evidence that the Pakistani government has given its secret blessing to the CIA programme, it still allows anti-drone sentiment to blossom. Domestic anger over drones can be a useful negotiating chip on other issues, says one former American official. The government also fears reprisals from militants.

Supporters of the drones in Pakistan’s media are even more reluctant to speak frankly. Many commentators admit to approving of drones in the absence of government moves to clear terrorist sanctuaries. But they dare not say so in print.

In 2010 a group of politicians and NGOs published a “Peshawar Declaration” in support of drones. Life soon became difficult for the signatories. “If anyone speaks out they will be eliminated,” says Said Alam Mehsud, one of the organisers, who was forced to leave Pakistan for a time.

As for Ms Khan, she has had a partial rethink. “I still want the drones to end,” she says. “But if my government wants to do something they should do it themselves, without foreign help.”

In Pakistan, Drone Strike Turns a Villain Into a Victim

The New York Times, November 3, 2013, By DECLAN WALSH

LONDON — In life, Hakimullah Mehsud, the leader of the Pakistani Taliban, was Public Enemy No. 1: a ruthless figure who devoted his career to bloodshed and mayhem, whom Pakistani pundits occasionally accused of being a pawn of Indian, or even American, intelligence.

But after his death, it seems, Pakistani hearts have grown fonder.

Since missiles fired by American drones killed Mr. Mehsud in his vehicle on Friday, Pakistan's political leaders have reacted with unusual vehemence. The interior minister, Chaudhry Nisar Ali Khan, denounced the strike as sabotage of incipient government peace talks with the Taliban. Media commentators fulminated about American treachery. And the former cricket star Imran Khan, now a politician, renewed his threats to block NATO military supply lines through Khyber-Pakhtunkhwa — a province his Tehreek-e-Insaf party controls — with a parliamentary vote scheduled for Monday.

Virtually nobody openly welcomed the demise of Mr. Mehsud, who was responsible for the deaths of thousands of Pakistani civilians. To some American security analysts, the furious reaction was another sign of the perversity and ingratitude that they say have scarred Pakistan's relationship with the United States.

"It's another stab in the back," said Bill Roggio, whose website, the Long War Journal, monitors drone strikes. "Even those of us who watch Pakistan closely don't know where they stand anymore. It's such a double game."

To many Pakistanis, though, it is the United States that is double-dealing, and sentiments like Mr. Roggio's exemplify typical American arrogance. Shireen Mazari, a senior official in Mr. Khan's party, has urged the Pakistani military to shoot down drones.

But if the equivocation over Mr. Mehsud's death seems to be just another manifestation of the cankerous relationship between the two countries, albeit a particularly troubling one, it is rooted in a complex mix of psychology and politics that may be central to the way Pakistanis see their arch allies, the Americans.

Partly, it is a product of Pakistan's failure to counter a stubborn insurgency. After years of Taliban-induced humiliations and bloodshed, and of heavy American pressure to step up military action against the Taliban, Pakistan's political and security establishments still agree that starting peace talks with the Taliban is the best course.

Such talks may have had slim chances of success — previous negotiations quickly foundered — but Mr. Mehsud's death appears to have thoroughly derailed them, at least for now.

Beyond that, analysts say, Pakistanis have a consistent, if relatively recent, history of rooting for people the West has deemed villains, and against people the West has praised.

Aafia Siddiqui, a Pakistani woman who is serving an 86-year jail sentence in New York for trying to kill Americans in Afghanistan, is a virtual national hero, popularly known as the "daughter of the nation."

On the other side, Malala Yousafzai, the teenage education activist who was shot in the head by the Taliban last year, making her an icon around the world, has been demonized in Pakistan, where she is regularly called a C.I.A. agent or a pawn of the West.

These adversarial reactions stem in part from Pakistanis' perception of their country's history with the United States. In their view, it is a long story of treachery, abandonment and double-crossing: The United States, many Pakistanis believe, used Pakistan during the Cold War, dropped it in the 1990s and has spent much of its time since trying to steal the army's nuclear arsenal. Then came the C.I.A. drones.

In recent years, that resentment has been bolstered by a growing sense of impotence among Pakistanis: The country's own security forces failed to find or capture Osama bin Laden, for instance, and it also took an American drone to kill the previous Taliban leader, Baitullah Mehsud, in August 2009.

"In a sense, this has nothing to do with Malala or Aafia Siddiqui or Hakimullah," said Adil Najam, a professor of international relations at Boston University who is Pakistani. "These people are just characters in a larger relationship that has become so poisonous."

The problem, some analysts say, is that hostility toward the United States may be clouding Pakistanis' ability to discern their own best interests. In the conflagration over Hakimullah Mehsud's death, Mr. Najam said, the government has failed to distinguish between opposition to drone strikes and to the removal of a homicidal, militant enemy.

"It's very destructive that we can't untangle these two things," he said. "The reaction has become absolutely absurd."

Analysts say this reaction also holds lessons for the Obama administration, showing that drone strikes, for all their antiseptic appeal, will always struggle for legitimacy because the covert program operates in the shadows of international law — no matter how big the target it takes out.

For now, the ball is in Mr. Khan's court. If his party votes on Monday to block American supplies bound for Afghanistan,

it will make life difficult for Prime Minister Nawaz Sharif, who opposes closing the supply lines but has nonetheless vowed to press ahead with Taliban peace talks.

It is concern for the fate of those talks that has been given as justification for the most vehement criticism of the killing of Mr. Mehsud. But amid all the enthusiasm for negotiations, Pakistani politicians have yet to publicly address the first hurdle: deciding what the government would be willing to concede to the Taliban, given that the movement's central aim is to overthrow the state itself.

Drone Lawfare

By Joshua Keating, Slate: The World, Posted Wednesday, Sept. 4, 2013, at 1:49 PM

The rise of drone warfare makes people very uneasy for different reasons—some very good and some not-so-good. Among the latter: Despite their reputation as indiscriminate killing machines, and even using the most damning numbers, drones kill civilians at much lower rates than other forms of warfare, particularly other forms of aerial bombing. (And these numbers seem now to be getting lower from year to year.) I don't mean to be glib about this or suggest that civilian deaths from drone strikes are perfectly acceptable, but those who criticize drones for killing too many civilians really have a problem with war itself rather than the particular weapon used.

Michael Lewis of Ohio Northern University and Emily Crawford of the University of Sydney take this argument one step farther, arguing that the international legal norm against targeting civilians has actually encouraged the increased use of drones. They note that international norms encouraging nations at war to distinguish between combatants and civilians emerged just prior to an era when asymmetric warfare between state and non-state groups became the dominant form of conflict around the world. This, in turn, encouraged insurgent groups to operate within areas heavily populated by civilians. For militaries hoping to avoid large numbers of civilian casualties, such a strategy can counteract their superior firepower.

States can respond to this strategy either by ignoring international law and going ahead with bombardments of civilian areas—as Sri Lanka did in its war against the Tamil Tigers or as Bashar al-Assad's military has done in the current war—or by relying on improved technology in an effort to comply with humanitarian norms. They write:

[C]ontinuing criticisms of excessive civilian casualties caused by conventional airstrikes and night raids by special forces in both Afghanistan and Pakistan put pressure on the United States to seek alternatives. Armed drones offered the advantage of smaller weapons and greater command control over firing decisions. Drones employed Hellfire missiles (which were originally designed for use on helicopters) that weigh one hundred pounds with a warhead of approximately thirty-five pounds. That is one-twentieth the size of a standard laser guided bomb or cruise missile and less than half the size of the smallest precision ordnance dropped from conventional aircraft

In addition to delivering smaller weapons, drones also provided commanders and their legal advisers with a much greater ability to assess the status of the target using a "pattern of life analysis" before conducting any attacks. It also allowed for a real-time legal assessment of firing decisions that special forces and conventional aircraft could not offer.

I don't entirely buy that this was the primary, or even one of the primary motivators in the increased use of drones. I think the fact that they provide a logistically and politically convenient way for the U.S. to target militants in countries like Pakistan, Yemen, and Somalia where it is not technically at war was probably a bigger selling point.

Lewis and Crawford also may be giving U.S. policymakers too much credit for attempting to avoid civilian casualties. According to a New York Times report last year, the Obama administration has embraced a strategy for determining "militant" vs. "civilian" casualties that "counts all military-age males in a strike zone as combatants . . . unless there is explicit intelligence posthumously proving them innocent."

Even if reducing civilian casualties is a welcome side effect of drone warfare, the authors note that it opens up a whole new civilians vs. combatants dilemma in the form of the drone operators. Are CIA drone pilots combatants in the traditional sense, and if not, are they subject to prosecutions in foreign courts like those faced by the officers involved in rendition?

Applying law to warfare is a tricky practice in even the simplest circumstances. Drones raise a set of questions we've only begun to grapple with.
