



**IKV PAX
CHRISTI**

ARMED & DANGEROUS
*IKV Pax Christi's position on
the use of armed drones*

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IKV Pax Christi is a Dutch civil society organisation that works with its partners for peace, reconciliation and justice worldwide. We support local peace efforts in conflict areas. We build bridges, nurture mutual understanding and improve disrupted relations between groups. Our aim is to prevent conflict and to build a peaceful, democratic and just society. We involve people in the Netherlands who, like IKV Pax Christi, want to do their part in finding sustainable political solutions to crises and situations of conflict. IKV Pax Christi brings together knowledge, power and people for that single goal: peace now!

IKV Pax Christi works independently of political interests and is supported by individuals, community organisations and churches.

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An MQ-9 Reaper armed drone taxis along a runway in Afghanistan. (US Air Force Photo / Staff Sgt. Brian Ferguson)

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“The same human progress that gives us the technology to strike half a world away also demands the discipline to constrain that power – or risk abusing it.” - Barack Obama

Introduction

The use of unmanned aircrafts, also known as *drones*, has increased dramatically in the last decade. While drones were previously put to work for reconnaissance and surveillance, 2002 saw the introduction (in Yemen) of the first armed version. Since 2003, armed drones have been used for combat support operations during military interventions in, for example, Iraq and Afghanistan; for extrajudicial killings by, among others, the American Central Intelligence Agency (CIA) in Afghanistan, Somalia and Yemen; and by Israel in the Gaza Strip. Through these actions, there is a high probability that many [hundreds of innocent civilians](#), including dozens of children, have lost their lives. As a result, an international debate has taken place over the desirability and legality of the deployment of these weapons. This has led to a review of the use of drones by the American government. The practical consequences and impact of this review are as yet unclear.

IKV Pax Christi is deeply concerned with these developments and [questions](#) the increasing use of armed drones, as well as other armed, unmanned military systems. The Netherlands already has at its disposal a number of small and medium-sized unarmed drones, used in reconnaissance, surveillance and information gathering as part of operations in Afghanistan, as well as for police tracking operations in the Netherlands. IKV Pax Christi will focus this position paper solely on the use of armed drones. The Dutch government is planning to procure four medium-sized unarmed drones for use in military operations. The option to arm these at a later stage remains open. Unlike some proponents argue, we think that there are substantial differences with manned aircraft. Compared to, for example, F-16s, drones minimise the risk for personnel and pilots, incur relatively low costs and come with specific capacities such as the possibility of continuous loitering over inaccessible areas.

The crucial question is whether armed drones can and will contribute to the protection of civilians in armed conflicts. This is in light of the fears of civilians in regions where armed drones continue to be used and the observation that the use of armed drones fuels feelings of hatred among the innocent victims of the attacks. There are additional concerns about the possible ease with which armed violence can be used as a simplistic military means to resolve complex conflicts. These and many other concerns and questions demand a well-considered answer. Are armed drones the correct means with which to achieve the humanitarian and strategic goals of military operations?

Based on a number of objections, IKV Pax Christi has come to a ‘No, unless...’ position on the use of armed drones. These objections rest on moral-ethical, judicial, political and military-strategic grounds, which we outline below.

Moral-ethical

Emerging military technologies with possibilities that hardly or never existed previously raise new moral and ethical questions; namely, questions about the conduct of a just war, the manner in which weapons are used and the moral issues involved in killing at a distance. IKV Pax Christi believes that moral and ethical assessment are inherent to the debate around armed drones. IKV Pax Christi sees a fundamental role laid out for these assessments in discussions of the desirability and range of the use of armed drones within and outside of armed conflicts. IKV Pax Christi has identified the following moral and ethical concerns:

- Warfare from a distance lowers the threshold of the use of force. As a result of the fact that a country's own soldiers are no longer at risk, the choice for the use of armed force is less problematic. But is the decision to resort to violence also just when the likelihood of civilian casualties is as high as ever, if not higher? Many conflicts play out in hotbeds where the distinction between civilian and combatant is blurred and where the risk of civilian casualties grows with the increasing use of force.
- The dehumanisation of the enemy seems to increase when the controllers of drones observe 'reality' via cameras and sensors.¹ Additionally, there seems to be a trend towards replacing the images of people with dots so as to reduce the stress caused to the controller. As a result, people are explicitly reduced to objects that need to be 'eliminated'. This is worrying as the moral barrier is removed when drone controllers don't see their targets as people and don't have the feeling that they are responsible for decisions concerning life and death.
- Given that drones can be more precise (a fact), the conclusion is often drawn that their use is ethically responsible (a value judgement). In ethics, this is known as the 'naturalistic fallacy' because what is good or just cannot be derived from the factual properties of that which is being judged. Contemporary conflicts, in which the distinction between civilians and combatants is blurred, make the assumptions that precision weapons follow the rules of proportionality and that every goal is a legitimate one problematic. The distinction between civilians and military personnel seems, according to clarifications and definitions used by various armed forces, to be based more on legal and ethical definitions instead of on facts. Caution needs to be taken when assuming that military technology doesn't always achieve legitimate ends. The existence of a technological potential is not automatically a normative justification. The aim of an attack influences the choice for the particular means that will be used, such as the regulations regarding the principle of proportionality, and must therefore accord with the *ius in bello*.² Attacks in which the deaths of civilians occur are not prohibited, provided that there is a direct military advantage gained. The question is rather how the assessment of what counts as a 'military advantage' takes place in contemporary, diffuse conflicts, such as the so-called War on Terror, where no specific military-strategic goals are achievable in the form of, for example, the defeat of a clear enemy. With the moral justification of precision, the means come to seem like ends in themselves.³
- According to international humanitarian law and the Rules of Engagement, armed forces must avoid causing civilian casualties during military missions as much as possible. Commanders also have the obligation to protect their troops. Nevertheless, it follows from the understanding of 'radical responsibility'⁴ that military and political leaders must put their troops at risk if this results in civilians being better protected than through other means. The current policy in, for example, so-called 'counter insurgency' operations is mostly directed towards the defeat of the

1 Royakkers, L.M.M. & Est, Q.C. van (2010). The cubicle warrior: the marionette of the digitalized warfare. *Ethics and Information Technology*, 12(3), 289-296.

2 Article 52 (5)(b) of the Additional Protocol of the Geneva Convention states: "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 would be excessive in relation to the concrete and direct military advantage anticipated."

3 Kreps S. & Kaag, J. (2012) *The Use of Unmanned Aerial Vehicles in Contemporary Conflict: A Legal and Ethical Analysis*. pp. 19-20. Available at: SSRN: <http://ssrn.com/abstract=2023202>

4 Walzer, M. (2006) *Just and Unjust Wars: a moral argument with historical illustrations*. pp. 156-157.

military enemy while subjecting the country's own troops to as little risk as possible. But to win the hearts and minds of the people, as well as to gather information for military operations, it is necessary to have contact with locals. This entails, however, a necessary risk for soldiers. But as a US Army counterinsurgency handbook summarises: "Sometimes, the more you protect your force, the less secure you may be."⁵ In the long run, a direct presence in the field is more fruitful. This is, of course, an unpopular position for politicians, given how casualties among their own military can undermine the domestic support for a mission.

- The continuous presence of armed drones in conflict zones also has socio-psychological effects on civilians. According to [research](#) conducted in Pakistan and Yemen,⁶ not knowing when the next attack from above will come and whether they will be the next victim means that civilians live in fear. The increasing use and deployment of armed drones will in all probability only strengthen this fear.

Judicial

The deployment of new weapons systems can lead to new legal questions being raised. As a result of the larger role played by armed drones in conflicts, the Dutch Advisory Committee on Issues of Public International Law (CAVV - Commissie Advies aangaande Volkenrechtelijke Vraagstukken) provided an advisory report to Minister of Foreign Affairs Frans Timmermans on the deployment of armed drones in July 2013.⁷ The conclusion states that as long as international and humanitarian law is abided during conflict, there are no new conditions that need be applied to the use of armed drones. IKV Pax Christi, however, has the following juridical comments:

- Drones are deployed by the United States, as well as Israel and the United Kingdom, for extrajudicial killings. Because of the reduced risk to these countries' own troops, drones have proved ideal for killing rebels and those involved in uprisings in remote and inaccessible areas. This goes against a number of conventions in international humanitarian law, such as those highlighted by United Nations special rapporteur Philip Alston in his 2010 report.⁸ Definitions of legitimate targets are being stretched with the use of drones, including attacks on groups with specific characteristics, such as those providing financial support or guidance, but where the presence of a direct threat is lacking (so-called signature strikes).⁹ This leads to a blurring of juridical standards and the violation of international humanitarian law. The CAVV argues that categorisation of combatants based on age is unsatisfactory (while this seems to be the current practice within the CIA), but condones attacks on civilians if "they carry weapons or plan an attack". Information about why civilians are defined as being involved in certain activities, and to what extent, is not available, and the dividing line between complete and temporary participation in combat can be difficult to ascertain.
- Aside from extrajudicial killings, the use of drones in regular military operations also raises serious legal problems. States provide little information about the locations where drones are deployed, which considerations come into play when putting them to use and how many (civilian) casualties there are.¹⁰ Exactly this information is crucial in carrying out a correct analysis of the effectiveness of the use of drones and the liability of the armed forces in cases of civilian deaths. The problem of proportionality and distinction in current conflicts, such as the moral-ethical concerns highlighted above, play an important role for IKV Pax Christi. The supposition that drones can make the necessary distinctions is uncertain and there remain questions about

5 US Army (2006), Counterinsurgency. Ft. Leavenworth: Army Field Manual.

6 The Guardian (2013), US drone strikes in Yemen cast a long shadow over life on the ground. Unmanned aircraft create refugees and resentment among civilians as remote provinces become a battleground. Available at: http://www.guardian.co.uk/world/2013/jul/23/yemen-civilians-drone-strikes-battleground?CMP=tw_t_gu

7 CAVV (2013) Advies inzake Bewapende Drones. Advies nr. 23 The Hague, July 2013.

8 Human Rights Council (2010) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/135/03/PDF/G1013503.pdf?OpenElement>

9 Heller, K.J. (2012) 'One Hell of a Killing Machine': Signature Strikes and International Law. Journal of International Criminal Justice, Forthcoming; U of Melbourne Legal Studies Research Paper No. 634. Available at SSRN: <http://ssrn.com/abstract=2169089>

10 Cole, C. (2013) After five years of British drone strikes, five basic facts we are simply not allowed to know. Available at: <http://dronewars.net/2013/05/28/after-five-years-of-british-drone-strikes-five-basic-facts-we-are-simply-not-allowed-to-know>

the right information being gathered for the juridical specificities required in identifying the right targets, especially in inaccessible areas. These concerns led to a new investigation by the UN *Special Rapporteur on Counter Terrorism and Human Rights*, Ben Emmerson, whose conclusions will be published in autumn 2013.¹¹

- Drone use expands the battlefield as, in principle, drone pilots are legitimate targets for the enemy. In theory it would be justified to attack a military base in the Netherlands if the Netherlands deployed armed drones in a conflict zone.¹²

Military-strategic

For the armed forces, there are many advantages to the use of armed drones in military operations. These advantages come from the added value of the Intelligence, Surveillance and Reconnaissance (ISR) capacities of drones, the possibility of loitering over the battlefield over a long period of time and, if desired, provide fire-support to troops on the ground. These tactical and operational advantages can provide a strong added value in military operations. But what is the long-term strategic value of the deployment of drones in conflict zones? Additionally, the potential influence of the proliferation of drones on the conduct of war by states, but also non-state actors and terrorist groups, must be examined.

- Despite the fact that the use of precision weapons is increasing, this has not necessarily led to better protection of civilians. Human Rights Watch, in its report *Precisely Wrong*, has shown how the deployment of precision weapons in Gaza by Israel caused a large number of civilian casualties. The possibility of precision brings with it an increase in the number of potential targets as the chance of 'collateral damage' is reduced when compared to non-precision weapons. But as a result, the readiness to use armed violence more in densely-populated areas will increase, including all the *destructive consequences* and potential civilian casualties that this entails. *Research* in Afghanistan shows, for example, that more than ten times as many civilians have died as a result of drone attacks than attacks using manned systems.
- In spite of the advantage of the military-tactical effectiveness of drones in regular military operations, these weapons can have contrary strategic effects in the long term. A number of the terrorist attacks in the United States and the United Kingdom were motivated by drone attacks carried out by these countries. Attacks in which civilians are among the casualties can stir up feelings of revenge and result in retaliatory actions.¹³
- The rise in the number of countries with armed drones at their disposal can lead to dangerous situations. A result of the proliferation of knowledge and material is that non-state actors, terrorist groups or dictatorial regimes can attain access to armed drones and can deploy them, for example, in extrajudicial killings of political opponents, attacks on civilians or technologically advanced attacks.
- Attacks must, of course, be founded on correct information. Many conflicts, however, take place in inaccessible areas where the verification mechanisms for determining correct targets are difficult to apply; for example, through a lack of information from *human intelligence*. This can dramatically reduce the effectiveness of drone attacks. A long-term perspective and strategy is required prior to the decision being made on the procurement and deployment of armed drones.
- The current generation of armed drones is relatively slow and vulnerable and can, therefore, only

¹¹ Statement by Ben Emmerson, UN Special Rapporteur on Counter-Terrorism and Human Rights concerning the launch of an inquiry into the civilian impact, and human rights implications of the use of drones and other forms of targeted killing for the purpose of counter-terrorism and counter-insurgency. Available at: <http://www.ohchr.org/Documents/Issues/Terrorism/SRCTBenEmmersonQC.24January12.pdf>

¹² ICRC (2012) The use of armed drones must comply with laws. Available at: <http://www.icrc.org/eng/resources/documents/interview/2013/05-10-drone-weapons-ihl.htm>

¹³ See, for example: Hudson, S., Owens, C., Flannes, M. (2012) Drone Warfare: Blowback from the New American Way of War. <http://www.mepc.org/journal/middle-east-policy-archives/drone-warfare-blowback-new-american-way-war>; Shachtman, N. (2010) Times Square Terror: Drone Payback? <http://www.wired.com/dangerroom/2010/05/times-square-terror-drone-payback/>; and Ingersoll, G. (2013) The Most Influential Voice Yet Warned Obama About 'Blowback' From Drones. Available at: <http://www.businessinsider.com/drone-strikes-could-cause-blowback-2013-3#ixzz2ZsHYhm8K>

be deployed in theatres where they will face a lower level of violence. In light of this, the deployment of these weapons is limited to specific conflict zones where there is zero-to-low risk for the drone. The drone is, therefore, a limited military instrument that is only deployable in very specific conflicts, such as in Afghanistan, Yemen and comparable situations in the future.

Political

For governments, the supposed advantages of drones can be a reason to purchase and deploy them in conflicts in which they would have previously refrained from getting involved. In which ways can the decision-making process that leads to the deployment of these weapons systems be influenced?

- Precisely because the use of armed drones means less risk of a country suffering military casualties, drones can be a tempting option in a conflict situation, as the recent examples of Yemen and Somalia highlight.¹⁴ The sociologist Maslow, for example, wrote: “I suppose it is tempting, if the only tool you have is a hammer, to treat everything as if it were a nail.” If armed drones are not, however, put to use as part of a long-term solution to a complex conflict, the deployment of armed drones will not contribute to a constructive outcome but to a short-term measure with often an contrary and escalating effect such as the increasing support for uprisings and feelings of revenge.
- With this in mind it is crucial that the deployment of drones always comes under civilian control in order to avoid situations such as that in the US where drone attacks by the CIA are kept free from scrutiny. As was already mentioned, the lack of access to these conflict zones makes it more difficult to analyse the effectiveness of these attacks and to hold politicians accountable for the decisions to deploy drones.

In brief, armed drones raise many challenges that are only bolstered by the lack of transparency and rules regarding accountability in the case of potential civilian casualties. Little is known about the amount of attacks, the legality of these attacks and the total number of (civilian) casualties resulting from them. It is beyond question whether the Netherlands has the legitimacy to carry out extrajudicial killings and this does not change with the introduction of armed drones. But there is a risk that the use of these drones will put the country on a slippery slope towards the increased use of armed violence. This is underlined by the example of the 360 drone attacks carried out by Great Britain, where armed drones are too easily deployed for so-called *targeted killings*.¹⁵

The use of armed drones as fire-support for ground troops, as is now provided by F-16 fighter jets and Apache helicopters, can be advantageous as drone pilots have more information and time to make balanced decisions. However, there needs to be openness here too about the deployment, assessment and necessity.¹⁶ Is the deployment in line with the mission and does the use of armed drones have a long-term added value? There needs to be clear criteria regarding the question of where, when and why armed drones are deployed. Likewise, there must be specific international guidelines for the deployment of armed drones. Given the possible undesired consequences of the increasing use of armed drones, what is needed is an international norm with the requirement of democratic approval for the use of drones with accountability mechanisms in place and a clear appeal to caution. Additionally, the deployment of drones must be one component of a broad strategic vision for the resolution of conflict. Notwithstanding the decision-making procedures for the deployment of force at national levels, international norms have the potential to assist in the protection of civilians.

Aside from the practical issues, IKV Pax Christi also sees a number of fundamental objections that are brought into play by the increasing role of armed drones in conflicts. The choice for a drone-based weapons system is determined to a large extent too by the role the drones play and the type of conflict

¹⁴ Sauer, F. & Schornig, N. (2012) Killer Drones: The 'silver bullet of democratic warfare? Security Dialogue 2012 43(4): pp. 363-380 Sage Publishers.

¹⁵ Cole, C. (2013) After five years of British drone strikes, five basic facts we are simply not allowed to know. Available at: <http://dronewars.net/2013/05/28/after-five-years-of-british-drone-strikes-five-basic-facts-we-are-simply-not-allowed-to-know/>

¹⁶ An example of a national policy is the British Joint Doctrine Note 2/11. The UK Approach to Unmanned Aircraft Systems. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33711/20110505JDN_211_UAS_v2U.pdf

where these systems can be deployed. Restrictions are already in place due to the current drones' vulnerability and the fact that they cannot be deployed in theatres with the highest threat of violence. But they can of course be used in accessible conflict zones against enemies with military-technological limitations, such as in Mali, Yemen or Somalia where heavy weapons are not so much of a threat. In such cases, the use of drones can be a tempting military instrument. The pressing questions around the moral-ethical dilemmas connected to these emerging military technologies demand continued attention. This, however, should not detract from larger questions about the use of violent force in armed conflicts. The manner in which we fight is decided by and large by when and why we fight. In discussions of the purchase of armed drones these pressing questions about international security and military deployment must, therefore, be addressed.

Conclusion

IKV Pax Christi is of the opinion that drones, given the new possibilities and capacities they offer, are different from manned aircrafts. IKV Pax Christi is apprehensive about the deployment and current proliferation of these weapons. The Netherlands must refrain from moving towards the procurement and deployment of armed drones unless:

- There is a comprehensive political discussion about the moral-ethical, military-strategic and political dilemmas around the deployment of armed drones. These needs to be mapped and should play an inherent role in the assessment of the purchase and deployment of these weapons systems.
- In addition, questions of interoperability must be addressed. How will information acquired by drones be shared with allies and what may be done with this information? In light of the current potential for information exchange this is already an important question, but with the growth of information gathering using drones it will very possibly become even more pertinent. Clear agreements need to be made about the exchange of information and the use of requested and shared information so that it won't be put to work in extrajudicial killings or counter-productive military operations. The Dutch Ministry of Defence must set up a clear framework with guidelines which set out which advantages and necessities armed drones have in military operations, who is responsible for the deployment and the decision-making processes during their use, which evaluations will be applied during and after deployment and how this fits within the strategy of the mission in question and the overall Dutch security strategy.
- Through international cooperation, clear juridical frameworks must be set up for the deployment of armed drones. In addition, the possible consequences of the deployment of armed drones in terms of the choice for armed violence in conflict zones need to be determined, as well as how the deployment of drones are in accordance with the principles of distinction, proportionality, humanity and how innocent civilians are to be protected in conflicts with blurred distinctions between civilians and combatants. This framework must come in the form of a supplement to the advice provided by the CAVV.
- The Dutch government needs to initiate a period of evaluation during which the impact of armed drones on the civilian populations in conflict zones can be examined. Drones are praised for their military effectiveness, but with an emphasis on the tactical and operational advantages. The question of the long-term, strategic effect is left unanswered; namely, does the use of drones contribute to the resolution of the conflict? If the use of armed drones causes retaliation and increases in (armed) resistance, then their deployment undermines long-term, strategic goals.



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