Drone Warfare: effective or counter-productive?

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While there can be no doubt that the national and international legal regulation of the deployment of Unmanned Aerial Vehicles (UAVs, drones) for the purposes of surveillance, monitoring, intelligence gathering, and military strikes is of great importance, it is equally significant in my view to take account of the effectiveness (or lack thereof) of the deployment of drones, especially in relation to their use for targeted killing. In order to account for the effectiveness of drones, clarity needs to be established about the broader strategic objectives in the areas in which drone strikes are carried out, how drone strikes relate to other tools employed for the same purpose, and whether results of the implementation of such a broader strategy can be linked causally to the use of drones. I will thus consider four specific points in the following: (1) What counter-terrorist effects can we plausibly hypothesize for drones to have the context of their deployment for targeted killings? (2) What evidence do we have to substantiate any of these hypothesized effects? (3) What can we infer from this for whether drone warfare is an overall effective tool to increase national and international security? (4) What does this mean for the future national and international legal regulation of drone warfare?

(1) What counter-terrorist effects can we plausibly hypothesize for drones to have the context of their deployment for targeted killings?

The use of drones for targeted killing is but one of a range of purposes for which they can be employed, and drones are only one tool employed for targeted killings. In the cases of Afghanistan, Pakistan, and Yemen, their use is particularly linked to the elimination of terrorist operatives considered actual and potential threats to US and other Western security interests. Drone strikes are less flexible in outcome than special operations (where soldiers on the ground can decide whether to kill or to capture), they thus result in a loss of intelligence that could have gathered from a captured terrorist operative, the degree to which drone strikes are indeed achieving the precision that is claimed by their advocates is debatable given the degree of 'collateral damage' and civilian deaths they have inflicted, thus creating unrealistic, self-defeating expectations that can easily backfire, but they do have the advantage of greater speed of deployability against targets, of greater reach into otherwise inaccessible areas, and crucially of limiting danger to pilots.

In relation to the use of drones for counter-terrorist purposes, among the positive effects would be improved intelligence, surveillance and reconnaissance (ISR) aiding in the discovery and prevention of terrorist plots, the elimination or capture of high-value targets, and the denial of safe areas and training facilities for terrorist operatives. On the negative side, the most frequently cited unintended effect that can occur instead of, or alongside, possible benefits of using drones in counter-terrorist campaigns, is the enlargement of the pool of potential recruits to terrorist groups as a result of broader resentment among the public.

This latter point is also highly relevant in terms of possible negative effects from the use of drones from the perspective of counter-insurgency, because drones have been, and are, deployed in contexts of a simultaneous insurgency in all countries in which they are currently being used for counter-terrorist purposes. In Afghanistan, the United States has been active in a counter-insurgency campaign against the Taliban as a direct party to this conflict, whereas in Pakistan and Yemen (as well as in Somalia and across the Sahel zone), the US is not officially a party to conflicts between the respective governments and various insurgent forces. In other words, the application of drone strikes does not merely have

effects in relation to a counter-terrorism strategy, but it also affects counter-insurgency campaigns, whether pursued directly by the US or by states' governments.
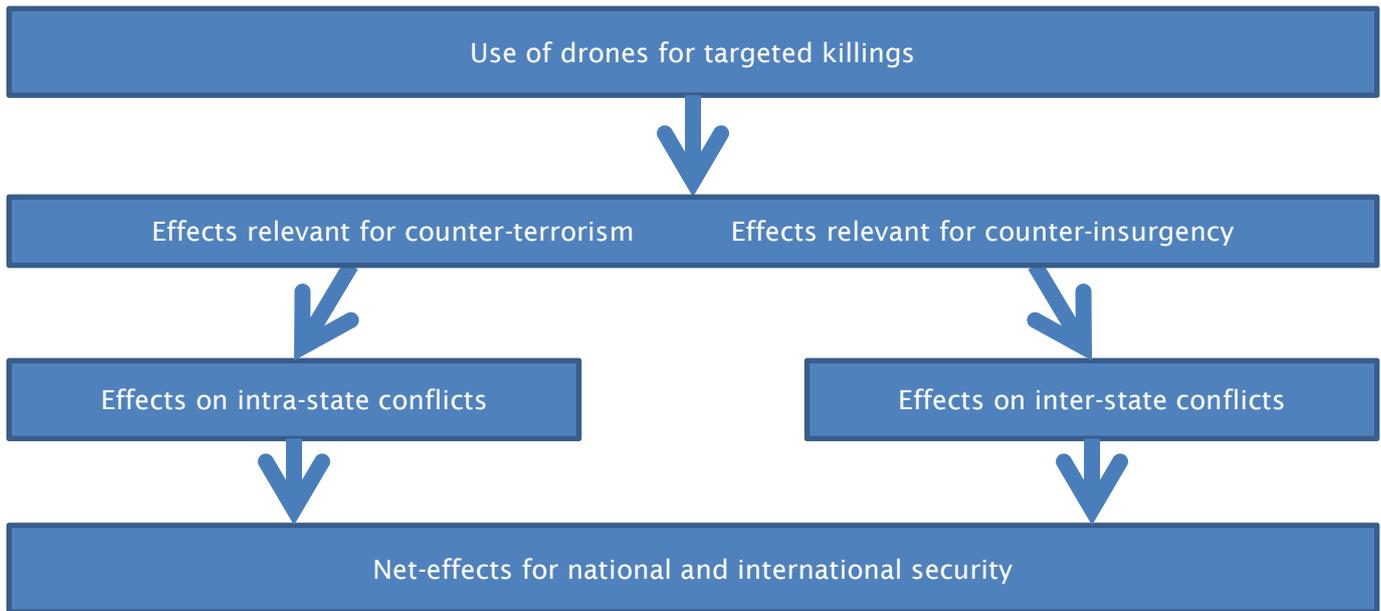
Negative effects for counter-insurgency result primarily from so-called collateral damage, including the loss of civilian lives, as both insurgent (and terrorist) narratives are essentially validated, and we can hypothesize a strengthening of support for the insurgent movements and resulting increased hostilities inflicting higher costs on the US, where it is directly involved in counter-insurgency campaigns, local governments, as well as civilian populations that are not only exposed to greater threats to their physical lives but also overwhelmingly bear the social, economic and political costs of insurgent wars.

That said, it is equally possible to hypothesize positive effects. Drones deployed for ISR for counter-terrorist purposes can assist in increasing the effectiveness of counter-insurgency campaigns, for example, by enabling the disruption of insurgent movements and supply lines. Targeted strikes against terrorist groups can have a deterrent effect, at least in the sense that terrorist-insurgent alliances become less likely. Thus, an effective counter-terrorist campaign can deny insurgents access to resources, safe havens and expertise and thus increase the likelihood of political settlement as it potentially limits their ability to mount a victorious military campaign against the government.

The use of drones thus can affect intra-state conflicts towards escalation or de-escalation (as well as maintain a status quo). However, drone use also has an effect on the relations between states, e.g., between the US and the governments of Afghanistan, Pakistan, or Yemen. As these governments come under increasing pressure domestically because of the impact of drone strikes, they are likely to become more hostile, at least rhetorically, vis-à-vis the US, thus potentially further validating terrorist and insurgent narratives. If hostility extends beyond mere rhetoric, the US may well face losing their cooperation or at least seeing it reduced or suspended. Potentially, similar blow-back could be experienced in countries, and from populations, where the US stations drones. This would reduce the ease with which they can currently be deployed or require sea-based alternatives to current land-based stationing.

In order to assess the broad policy implications of drone strikes, we thus need to consider their combined effects in terms of counter-terrorism and counter-insurgency as it is these combined effects that produce a net-effect (increase, decrease, or status quo) for national and international security through the impact that they have on intra-state and inter-state conflicts (see Figure 1). However, without careful and systematic analysis, of which there is relatively little available to date, partly because of the limited availability of suitable open-source data, we can merely observe a net-impact of a range of factors on national and international security; with drones being one among these factors. In this sense, Figure 1 is a simplification for illustrative purposes, not a statement of a definitive causal chain.

Figure 1: The effect of the use of drones

Use of drones for targeted killings

| Effects relevant for counter-terrorism | Effects relevant for counter-insurgency |

| Effects on intra-state conflicts | Effects on inter-state conflicts |

| Net-effects for national and international security |

(2) What evidence do we have to substantiate any of these hypothesized effects?

Drones have arguably been effective in eliminating a number of high-value terrorist operatives (as well as mid-level cadres and foot soldiers) in Afghanistan, Pakistan, and Yemen—that is, they have been instrumental in achieving key objectives in a counter-terrorism strategy. However, this relative success has come at a price. Public opinion surveys and local and international media coverage, as well as academic research and reports by advocacy organizations indicate that blowback has been significant. Anti-Americanism is on the rise, often explicitly linked to the use of drones, insurgent violence continues unabated in Afghanistan (targeting the US and ISAF presence as well as Afghan security forces) and Pakistan (putting increasing pressure on an already weak government), and both the governments of Afghanistan and Pakistan have increased their public stance against the US and especially its drones policy. That said, it has to be borne in mind that US-Pakistani relations had steadily deteriorated prior to the upsurge in drone warfare in Pakistan in 2008; in other words, drone have added to a cumulative series of factors that have contributed to worsening of bilateral relations since the late 1990s.

In other words, the use of drones for targeted killing has eliminated individuals but not destroyed the networks in which they operate. These networks, such as the Haqqani network in Pakistan, have not only survived to date, but have arguably been strengthened with new and more committed recruits. The Haqqani network has also turned more decisively against the government of Pakistan, thus weakening an important US/Western ally in the region, and it continues to undermine counter-terrorist and counter-insurgency efforts in both the Federally Administered Tribal Areas in Pakistan and areas with high Taliban presence in eastern and southern Afghanistan.

The picture is more mixed in Yemen. Here, drone strikes against Ansar al-Shari'a, the military wing of al-Qaeda in the Arabian Peninsula (AQAP) have effectively supported a campaign by Yemeni security forces in coalition with local tribal militias and routed AQAP from significant areas in the south that it had taken over in the course of 2011 and early 2012, forcing the terrorist group to retreat to remaining safe areas in the eastern mountains

of Yemen, and denying it control of territory deemed essential for recruitment and as a launch pad for operations in Yemen and overseas. For the time being, this has resulted in the group limiting its external operations (traditionally aimed at aviation targets) and focusing on more traditional guerilla tactics of only local reach. The relative effectiveness of the counter-terrorist campaign has also, at least temporarily, led to a reduction in the level of collusion between elements in the Yemeni regime and AQAP and tribal acquiescence to its presence and operations. While there can be no question that there has been some blowback in terms of public opinion, there is no clear evidence that the drones campaign in Yemen has either strengthened the southern insurgency (which is motivated by secessionist demands), nor that it has increased the pool of potential recruits for AQAP.

Increased support (limited or otherwise) for al-Qaeda and its affiliates in Afghanistan, Pakistan, and Yemen, however has to be seen within a broader context. Such support is normally due to a whole range of factors, including widespread social, political, economic and other grievances that individuals harbour; and while drone use may be a contributing factor, it is unrealistic to draw direct and singular causal inferences from the correlation of drone use and increased al-Qaeda support. In turn, any successes can equally not solely be attributed to the use of drones.

<u>(3) What can we infer from this for whether drone warfare is an overall effective tool to increase national and international security?</u>
It is difficult to draw clear conclusions, from the limited and anecdotal evidence available in the public domain, about the overall effectiveness of drone warfare for national and international security. This is so for two reasons. On the one hand, the evidence from the three cases—Afghanistan, Pakistan, Yemen—that have seen well over 90% of recorded drone strikes, is decidedly mixed in terms of effects from both a counter-terrorist and counter-insurgency perspective. Terrorist groups in neither country have been able to mount any significant international operations since drones have been deployed there as essential components of US strategy. In this sense, at the very least there has been no short-term net-decrease in US (or other Western) national security as a result of deploying drones. Yet, with the partial exception of Yemen, security within these countries and the wider regions in which they lie, has not improved, and arguably worsened. Insurgent violence continues, government security forces struggle to cope, state institutions remain weak, corruption and transnational organized crime remain rampant posing threats beyond the borders of Afghanistan, Pakistan and Yemen.

On the other hand, and as noted earlier, it is difficult to establish clear causal links between these developments and the use of drones. Drone warfare by the US (and, albeit to a more limited extent and confined to Afghanistan so far, by the UK) clearly is but one factor in a more complex picture of cause and effect. Drone operations capture international news headlines, but they are far fewer in number than special operations missions. While the latter also result in far fewer civilians being killed, they do have similar effects in terms of popular blowback against the United States, being seen as violations of sovereignty, culturally offensive and creating a feeling of permanent insecurity and uncertainty—much like drones do. At the same time, in their ability to capture, rather than kill, high-value targets, they also play a role in achieving some of the positive effects in counter-terrorist campaigns.

In the context of counter-insurgency campaigns, it is worth remembering that the insurgencies now being countered, and effected by a parallel, but related, counter-terrorist campaign, have much longer and deeper roots and have not been caused by either US

counter-terrorism in general or drone warfare in particular. That said, it is also important not to deny that there have been a number of unintended and undesirable consequences of drone warfare from a counter-insurgency perspective, including the strengthening of insurgencies in Pakistan and Afghanistan, the increasingly difficult relations between the US and the governments of both countries, and the rising sense of anti-Americanism among local populations. While the latter is also exploited by political players across the entire spectrum for their own more limited power games, the use of drones for targeted killing (and to a lesser extent ISR), and the loss of civilian life and physical destruction that it brings with it, have strengthened narratives that make desirable domestic political solutions in Afghanistan and Pakistan at least more difficult.

Seen purely from a national security perspective, the available evidence to date, bearing in mind the above caveats, does suggest that drone warfare can be an effective tool in combination with others in the wider arsenal of counter-terrorism if used selectively, judiciously, and as a means of last resort, including in the prevention of acts of terrorism. This is important from a national security perspective, and it is important to realize that, at the same time and in the short term, US (and other allies') national security does not equally depend on successful counter-insurgency. While there is an argument that the failure of counter-insurgency will eventually render current counter-terrorist successes worthless as it will enable a re-grouping and resurgence of terrorist groups and their capabilities to strike at US and Western domestic and overseas interests in the long-term, because it does not destroy their networks, there is at this stage limited evidence to suggest an effective counter-terrorist campaign, including target hardening at home and abroad, could not continue to contain such resurgent terrorist threats even in the longer term.

In other words, when keeping the objectives of counter-terrorism and counter-insurgency distinct and separate, and prioritizing counter-terrorism over counter-insurgency, drone warfare, as one element of counter-terrorism, can contribute to achieving the desired positive net-effect for national security at considerably lower cost and loss of live among US armed forces personnel than alternative approaches, such as the large-scale use of expeditionary ground forces which, even if deployed for purely counter-terrorist purposes, would be much more likely to be drawn into local insurgencies, to attract foreign terrorist operatives keen to target US assets otherwise beyond their reach, and to suffer significant casualties.

That said, the permanent elimination of terrorist threats, to the extent that this will ever be possible, will depend on sustainable political settlements in countries like Afghanistan, Pakistan, and Yemen, and thus, from today's perspective, at least in part on a successful counter-insurgency campaign. This, however, will be a very costly, long-term effort in which the US and its Western allies can play a supporting role, but in which local governments need to be the key players. Such a strategy would not preclude the continuation of at least selective use of counter-terrorist tools, including the use of lethal force in drone warfare.

<u>(4) What does this mean for the future national and international legal regulation of drone warfare?</u>
Drones have clearly become, and will remain, a fixture in a number of traditional and non-traditional combat theatres. While the present focus is primarily on the use of aerial drones and their deployment by the United States (and to a lesser extent the United Kingdom and Israel) in ISR and strike operations in counter-terrorist campaigns, their potential extends far beyond these current purposes and users. While the US has established a clear quantitative and qualitative advantage, in line with its broader conventional and other military

dominance, it is likely that other countries, including potential adversaries, will invest greater resources in developing or otherwise acquiring their own drones capabilities. It may be too early to speak of an impending drones arms race, but proliferation of drones technology and capability is already evident.

This may mean that future diplomatic efforts may be required to negotiate an international regulatory regime for the development, acquisition, and use of drone technology. Until such time that this is deemed feasible and desirable, however, it is important that existing national and international legal frameworks be observed and that their application to the use of drones is transparent. This must include greater public clarity about the distinction between counter-terrorist and counter-insurgency objectives, their relationship to national and international security interests, and the rationale behind prioritizing one over the other (or not).