



The UK and Armed Drones

Key considerations for the future of the UK's programme

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Executive Summary

While the majority of drones are still used for surveillance activities and their use widespread for reconnaissance and civilian purposes around the world, there has in recent years been the emergence of attack drones by three countries – the United States, Israel and the UK. The UK introduced them five years ago, and technical innovation marches forward with legal and moral issues left unaccounted for. Drones provide immunity from the impacts of warfare, combined with imperfect technology, leading to risk for civil populations and major concerns for the future. The UK is in a unique position to influence credible future global rules of engagement for drones, and must act quickly to do so.

Background: UK Armed Drone Programme

In 2005 the MoD created a roadmap for the use of armed unmanned aerial vehicles (henceforth drones), however, none have since been released. Despite this, their employment has increased with Prime Minister, David Cameron, calling them “necessary for today’s war”.¹

The UK has purchased ten *Reaper* drones since 2006 from US defence contractors, the first five under an urgent operational requirement (UOR) specifically for Afghanistan. These were operated from Creech Air Force Base in Nevada because the

UK did not have the facilities. The UK announced in late 2012 that it would be purchasing another five drones, operated out of the UK at an RAF control station in Waddington for the first time.

In keeping with the government’s white paper on Defence Industrial Strategy (2005), which endeavours to cater to the UK’s defence needs with ‘sovereign’ weaponry, BAE systems is currently responsible for a programme to create an experimental armed drone called the *Taranis*.² Additionally, in 2010 Britain co-signed the ‘Declaration on Defence and Security Cooperation’ committing to greater procurement and operational collaboration with France. Speculation suggests that the two countries may also endeavour to create a European armed drone that could be developed by 2015-2020.⁴

The United States, Israel and UK are the only countries known to be using armed drones for military operations at this time. The first drone strike took place in Afghanistan in 2008, and since then there have to date been around 350 subsequent strikes, increasing year-on-year. Whilst it possessed far fewer drones than the United States, the Bureau of Investigative

¹ Norton-Taylor, R., Evans, R. ‘The Terminators: drone strikes prompt MoD to ponder ethics of killer robots’ The Guardian, 17 April 2011: <http://www.guardian.co.uk/world/2011/apr/17/terminators-drone-strikes-mod-ethics>

² Emery, J. ‘MoD lifts lid on unmanned combat plane prototype’, BBC News, 12 July 2010: www.bbc.co.uk/news/10602105

⁴ UK and France boost drone cooperation’ Defence Management, July 25 2012: http://www.defencemanagement.com/new_story.asp?id=20421. Medact ‘Drones: the physical and psychological implications of a global theatre of war’, 2012

Journalism, reports that UK conducted 40% of the total strikes in 2011 in Afghanistan.⁵

Since the start of the UK's drone campaign, MoD claims its concern to avoid collateral casualties has meant there have only been four civilian casualties.⁶ This figure would suggest that the UK is between 100 and 200 times more effective than the United States in avoiding civilians.⁷ MoD is reluctant to release much more information on its drone programme saying it would 'undermine the effectiveness of the [drones]' and 'put the lives of British forces in danger'.⁸

Efficacy

Drones have several attractions over alternatives. They can linger in theatre for long periods (the *Reaper* drone has an endurance of 14 hours airborne when fully loaded with munitions), so that more information can be collected and verified prior to strikes. Drones are also seen as more cost effective than manned expeditions; can reduce civilian casualties through precision; and can remove danger to UK personnel.⁹

On the other hand, drone crashes may be more frequent than with manned aircraft as a result of mechanical failure, loss of GPS, cyber-attack, collisions with other aircraft and pilot error.¹⁰

Drones may appear highly efficient, but evidence is accumulating that suggests their use may be

⁵ Bureau of Investigative Journalism, 'Revealed: US and Britain launched 1,200 drone strikes in recent wars', 4 December 2012: www.thebureauinvestigates.com/2012/12/04/revealed-us-and-britain-launched-1200-drone-strikes-in-recent-wars/

⁶ Ministry of Defence, 'Joint Doctrine Note 2/11 The UK Approach to Unmanned Aircraft Systems', 30 March 2011: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33711/20110505JDN_211_UAS_v2U.pdf

⁷ Drone Wars UK 'UK Drone Strike Casualty Figures: Incredible or Just Not Credible.' 2 November 2011. <http://dronewarsuk.wordpress.com/2012/11/02/uk-drone-strike-casualty-figures-incredible-or-just-not-credible/>

⁸ Ministry of Defence, 'Joint Doctrine Note 2/11 The UK Approach to Unmanned Aircraft Systems', 30 March 2011: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33711/20110505JDN_211_UAS_v2U.pdf

⁹ Jones, K. 'Unmanned "drone" technology is vital, which is why we should be pen about it', Labour Uncut, 11 December 2012: [http://labour-uncut.co.uk/2012/12/11/unmanned-"drone"-technology-is-vital-which-is-why-we-should-be-open-about-it/](http://labour-uncut.co.uk/2012/12/11/unmanned-)

¹⁰ Drone Wars UK, 'Drone Crash Database', last updated 02 January 2013: <http://dronewarsuk.wordpress.com/drone-crash-database/>

counterproductive to longer-term objectives. Frequent aerial bombing will inevitably cause civilian deaths, but drones bring an added frisson and have caused an upsurge in anti-Western sentiment in Afghanistan and Pakistan. The precision and operating distance gives a sense of omnipotent lethal force. Jeffrey Addicott, former legal advisor to US Army Special Operations Forces has said, "Are we creating more enemies than we're killing or capturing by our activities? Unfortunately, I think the answer is yes."¹¹

Targeted killing is also less effective an arrest. As Daniel Byman of the Saban Centre for Middle East Policy has noted "...dead men tell no tales and thus are no help in anticipating the next attack or informing us about broader terrorist activities".¹² Tackling terrorism cannot rely exclusively upon such killing technology; it requires a multi-faceted approach that addresses the root causes.¹³

Legality

Most of the legal focus has been upon the US-targeted killing campaign by drones carried out under ambiguous permission from the government in Pakistan, a US ally with unstable legitimacy within the country. The UK mission in Afghanistan, including its drone activities, is governed by the Law of Armed Conflict, which draws from the Geneva Conventions. Any planners involved in an attack must:

- verify that the targets are military entities;
- take all feasible precautions to minimise civilian losses; and
- ensure attacks do not cause disproportionate incidental losses.¹⁴

In the case of an unmanned vehicle, this process can be undertaken in the exact same way, provided that it can be shown that the remote

¹¹ McCrisken, T. 'Obama's "Secret" War: Drones, Targeted Killing and the Policy of "Kill-not-Capture"', Publication Pending.

¹² *ibid.*

¹³ Shah, S. A. 'War on Terrorism: Self Defence, Operation Enduring Freedom and the Legality of US Drone Attacks in Pakistan' *Washington University Global Studies War Review*, 2010: 99(7)

¹⁴ Ministry of Defence, 'Joint Doctrine Note 2/11 The UK Approach to Unmanned Aircraft Systems', 30 March 2011:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33711/20110505JDN_211_UAS_v2U.pdf

pilot is capable of making reasoned judgements based on the level of data presented.

International laws (International Humanitarian Law and Human Rights Law) inevitably lag behind technological innovation. There are not yet any standardised legal norms regarding ground station displays and how much information must be presented to the operator before choosing to make a strike.¹⁵ The quality of information upon which to judge the criteria above is inevitably different when operators are sitting in the United States or UK than in the field. In addition to this, there are transnational questions of sovereignty, as drones tend to complicate the boundaries and organisation of warfare. It will take a specific international treaty to codify the use of drones.

Moral aspects

The UK Joint Doctrine Note on drones concludes that “the use of [drones] prevents the potential loss of aircrew lives and is thus in itself morally justified.”¹⁶ But of course there is more than one dimension when it comes to moral justification.

“It is well that war is so terrible – otherwise we would grow too fond of it”. General Robert E. Lee’s words after the Battle of Fredericksberg still hold true today and have particular implications for the use of drones. For one side to be able to engage in conflict without risk of casualties could end up perpetuating the conflict. While the notion of fairness is not a property of war, that one side is somehow immune from the mortal impacts of waging wars of choice could drive a powerful sense of injustice, and may create a sense of asymmetric morality or ‘institutional terrorism’.¹⁷ The so-called ‘PlayStation’ mentality means that operators have become so disengaged from their target and devoid of empathy that it diminishes

¹⁵ *ibid.*

¹⁶ Ministry of Defence, ‘Joint Doctrine Note 2/11 The UK Approach to Unmanned Aircraft Systems’, 30 March 2011: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33711/20110505JDN_211_UAS_v2U.pdf

¹⁷ Medact ‘Drones: the physical and psychological implications of a global theatre of war’, 2012: http://www.medact.org/content/wmd_and_conflict/medact_drones_WEB.pdf

their inhibitions.¹⁸ Wars have until now been waged between people using technology, but we are seeing the emergence of the use of lethal automated technology against people.

This may also insulate domestic public opinion from the impact of the wars their governments choose to wage, making war a more attractive future option as an extension of foreign policy and diplomacy, and reducing demands for accountability.¹⁹

Drones have wider consequences than the killing or maiming of targets and collateral. Constant drone surveillance and regular attacks causes perpetual grievance and fear amongst local populations, affecting public programmes (such as medical²⁰ and educational²¹) that require people to congregate and feel particularly vulnerable.

The development of increasing autonomy for drones is particularly worrying. An internal MoD warns against an “incremental and involuntary journey towards a Terminator-like reality”.²² Philip Alston, UN special rapporteur on extrajudicial, summary or arbitrary executions says, “the rapid growth of these technologies... with decreased levels of human control, raise serious concerns that have been almost entirely unexamined by human rights or humanitarian actors.”²³

¹⁸ Alston, P., Shamsi, H. ‘A Killer Above the Law’ The Guardian, 8 February 2010:

<http://www.guardian.co.uk/commentisfree/2010/feb/08/afghanista-n-drones-defence-killing>

¹⁹ Gregory, D. ‘Lines of Descent’, Open Democracy, 8 November 2011: <http://www.opendemocracy.net/derek-gregory/lines-of-descent>

²⁰ *ibid.*

²¹ Brave New Foundation, ‘Youth Disrupted: Effects of US Drone Strikes on Children in Targeted Areas’, December 2012: <http://www.scribd.com/doc/115147268/Youth-Disrupted-Effects-of-U-S-Drone-Strikes-on-Children-in-Targeted-Areas>

²² Norton-Taylor, R., Evans, R. ‘The Terminators: drone strikes prompt MoD to ponder ethics of killer robots’ The Guardian, 17 April 2011: <http://www.guardian.co.uk/world/2011/apr/17/terminators-drone-strikes-mod-ethics>

²³ Human Rights Watch, ‘Losing Humanity: the Case Against Killer Robots’, 19 November 2012: <http://www.hrw.org/reports/2012/11/19/losing-humanity>

Political and Diplomatic

The UK has spent £2 billion on the development, testing and procurement of its military drones.²⁴ since the start of the programme. The 2010 Strategic and Defence Security Review identified the programme as one of the few capability areas that will receive increased funding over the next decade.²⁵

The drone programme is beginning to replace the nuclear weapons collaboration as a mark of transatlantic cooperation in military operations. GCHQ may have been supplying 'locational intelligence' to the CIA for US targeting in Pakistan, the focus of legal proceedings that currently await an appeal in the British courts. A similar case is ongoing in Pakistan.²⁶ However, unlike nuclear weapons, there is no global treaty to prevent the proliferation of armed drones and 76 countries already possess drone technology. Due to their technological superiority and growing universal appeal, the control of this technology and the prevention of its proliferation will become increasingly difficult in the very near future.

Public opinion in the UK on the use of attack drones is finally balanced. In a Pew Research Center survey conducted in 2012, 44% supported their use, while 47% disapproved. International opinion outside of the United States, India and Israel appears more implacably opposed.²⁷ UK use of drones thus has a diplomatic consequence.

²⁴ Cole, C. 'Shelling Out: UK Government Spending on Unmanned Drones', Drone Wars UK, September 2012:

<https://dronewarsuk.files.wordpress.com/2012/09/shelling-out-uk-spending-on-drones.pdf>

²⁵ Ministry of Defence, 'Joint Doctrine Note 2/11 The UK Approach to Unmanned Aircraft Systems', 30 March 2011:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33711/20110505JDN_211_UAS_v2U.pdf

²⁶ Reprieve, 'Drone victim to appeal ruling over UK support for CIA strikes in Pakistan', 21 December 2012:

http://www.reprieve.org.uk/press/2012_12_21_drone_victim_appeal_ruling_uk_cia_strik/

²⁷ Pew Research Center, 'Global Opinion of Obama Slips, International Policies Faulted', 13 June 2012:

<http://www.pewglobal.org/2012/06/13/global-opinion-of-obama-slips-international-policies-faulted/>

Conclusions

The increase in the use of attack drones in just five years has astounded most analysts. It drives a wedge between states deploying them and the populations of states in which they are deployed.

The UK is only one of three states using armed drones, but others are not far behind. While the Bundeswehr has recently confirmed that they are reviewing whether Germany should acquire armed drone capabilities,²⁸ the United States has said that it is open to "weaponising" Italy's fleet of six *Reaper* drones.²⁹ France, along with the UK, is considering developing its own fleet, and Russia is expected to deploy its first indigenous armed drone by 2015.³⁰

It is thus imperative that the UK seize this finite moment in time to develop and announce a clear public line on the ethics and effectiveness of armed drones, especially because the other two – the United States and Israel – cannot be relied upon to do so themselves. John O. Brennan, the architect of the controversial US drone programme, has just been appointed CIA chief. In addition to this, the United States does not yet have an official doctrine on the use of drones, so it seems unlikely that they will be engaging in any international fundamental legal and moral review. But international regulation is needed.

The UK could take the lead in developing and applying the highest standards for the operational use and development of the technology, reducing the downsides that arise from the limitations that drones suffer from. But there also needs to be a full and informed domestic and international public debate about the use of armed drones and the full spectrum of their consequences before absorbing them into military capabilities.

²⁸ Kurbjuweit, D. 'Fear the Reaper 'Humane' Drones Are the Most Brutal Weapons of All' Spiegel Online, August 9 2012.

<http://www.spiegel.de/international/world/essay-on-german-plans-to-acquire-combat-drones-a-848851.html>

²⁹ 'U.S. Plans to Arm Italy's Drones', Wall Street Journal, May 29 2012

<http://online.wsj.com/article/SB10001424052702303395604577432323658176792.html>

³⁰ Zhukovsky, 'Russian Army to Receive First Indigenous Strike UAV in 2014', Ria Novosti, June 28 2012.

http://en.rian.ru/military_news/20120628/174289204.html