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Armed Drones? Jein! Germany's Qualified Decision for Armed UAVs

German Minister of Defence Ursula von der Leyen recently declared that she would back the procurement of armed UAVs by the Bundeswehr. While this may have been a shrewd political move, Ulrike Franke argues that it will leave the military unsatisfied and may therefore be far less decisive than it appears.

By Ulrike Franke for ISN

When Ursula von der Leyen (CDU) became German Minister of Defence in December 2013, she knew that one topic in her portfolio was more explosive than any other: the question of whether the Bundeswehr should procure armed drones.[\[1\]](#) Acutely aware of the emotional reaction the mere mention of the topic could provoke in the German public, the Minister tried to stay away from drones – figuratively as well as [literally](#). Before saying anything on the matter, von der Leyen wanted to be prepared for all of the points of contention and critique she knew would come her way.

Now, after eight months in office, a heated [media discussion](#), and an expert hearing in the Bundestag, the Defence Minister appears to have made a decision. On 1 July in a *Süddeutsche Zeitung* [interview](#) and a day later in a Bundestag [address](#), von der Leyen declared her support for the procurement of armed drones for the Bundeswehr. Or at least that is one way to interpret her statements.

A European Solution

As a matter of fact, von der Leyen did not clearly recommend the purchase of off-the-shelf armed UAVs, as [had been demanded](#) by high-level Bundeswehr officials, most importantly the Chief of Staff of the Air Force, Karl Müllner. Instead, the Minister argued for the development of a European surveillance drone which, optionally, can be fitted with armament. As the development of a European UAV is likely to take several years if not decades, von der Leyen furthermore recommended the leasing of an armed UAV model from an ally.

The support for a European solution is unsurprising. Already in the coalition agreement, the CDU and SPD [stated](#) that the coalition “will help to advance a European project to develop unmanned aerial vehicles.” [Translation by the author] Supporting a European UAV is a clever move in the arming discussion. As the Minister [pointed out](#) in the SZ interview, a European UAV *has* to be armed: “We would not find any European partners for the development of a drone that cannot be armed”. [Translation by the author] Hence, the reader understands, Germany really has no choice. If it does not want to go against a European consensus, it must support the development of an armed drone.

The necessity of a European UAV is however debatable. Sources in the Bundeswehr have argued that the currently available Israeli and US systems would be sufficient to fulfil the Bundeswehr's needs. Hence, the decision in favour of a European project is most likely driven by political and industrial calculations.

Leasing Armed UAVs - If Needed

Von der Leyen's second recommendation – leasing an armed UAV model rather than procuring one – is equally clever politically. At the moment, Germany leases three (unarmed) Heron I UAVs from IAI/Israel for use in Afghanistan.^[2] The agreement was made in 2009 and the aircraft were deployed to Afghanistan in 2010. The original two-year contract has since been extended and is now scheduled to expire in April 2015. The appeal of leasing rather than buying UAVs is that maintenance is carried out by the manufacturer and the aircraft are returned to their owner after use. Accordingly, there is no need to organise (and pay for) transport to the area of deployment. This means that the aircraft do not need clearance for German airspace – one of the reasons why the US-German EuroHawk project had to be [cancelled](#) in 2013, after costing more than half a billion Euro.^[3]

Furthermore, leasing means that there will be no immediate costs, as von der Leyen's recommendation appears to be that Germany lease UAVs only when needed. Currently, the Minister [reportedly](#) sees no likely future German military operations which would require armed drones.

Von der Leyen's decision is a smart move. While appearing to take a firm stance vis-à-vis drone critics and appearing not to shy away from controversy and unpopular decisions, von der Leyen ensures that no money is spent while she is in charge, and denies her critics an easy target by not actively recommending the purchase of armed drones. The Minister also criticised the American practice of using drones for targeted killings (a critique all political parties can rally behind) and took a clear stance against autonomous drones. The critique and proposed banning of autonomous 'killer drones' makes remotely controlled armed drones appear much less controversial (and this political move was [anticipated](#)).

While politically sound, the decision to lease armed drones is likely to provoke a less than enthusiastic reaction in the military. Already during the Heron I lease, Luftwaffe personnel have complained about training conditions. Heron pilots are trained in Israel, and the Luftwaffe does not have a single flight simulator. "We keep asking for a flight simulator," says one Heron pilot, "but the answer always is 'we'll only fly the Heron for a little while longer, it's not worth buying one.'" Not having sufficient training facilities, however, is a clear danger. At least one of the German Heron accidents in Afghanistan can be attributed to deficient training.

Allowing the lease for the Heron I to expire and failing to procure or lease a new system straight away carries the risk of losing important capabilities and creates an uncertain planning environment for the Bundeswehr.

A Parliamentary Army

One aspect of von der Leyen's statement, which until now has not received much attention, is that the Minister [emphasised](#) that the use of a drone – armed or not – always requires a Bundestag mandate. "There is no operation of the Bundeswehr without clear rules on the deployment of weapons. Hence, the deployment of drones by the Bundeswehr is only possible if all legal – international as well as national – rules are being respected, and only after the decision is made by the Bundestag. [...] The decision about the use [of the new UAV], whether in a weaponised role or not is a decision which lies with the German Bundestag." [Translation by the author]

The assessment that the deployment of a surveillance UAV requires the approval of the Bundestag is interesting. The German 'Parliamentary Participation Act' [stipulates](#) that the Bundestag decides on the deployment of *armed* military forces. Whether this would include the deployment of surveillance UAVs is debatable. US President Obama decided not to ask for Congress' permission in 2011 when he deployed US drones to Libya. Rather, the administration [argued](#) that a congressional authorisation was not needed as "operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve the presence of U.S. ground troops, U.S. casualties or a serious threat thereof, or any significant chance of escalation into a conflict characterized by those factors." Von der Leyen has decided on a different direction, emphasising the statutory nature of the Bundeswehr as the 'German Parliamentary Army'.

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[1] Unmanned Aerial Vehicles or UAVs.

[2] Technically, Germany does not lease the drones but rather pays for the hours of surveillance they provide - the contract stipulates 480 h/month.

[3] While several politicians, including von der Leyen, have advanced this argument, others have argued that there is no immediate need for a German UAV to have clearance for the German airspace as it can fly in reserved air corridors or simply be transported by other means within congested airspace.

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