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# Predators for Everyone? The New US Drone Export Policy

What are we to make of the US' new export policy on military drones? Does it represent, for example, an attempt to internationalize American laws? Ulrike Franke thinks there's something deeper afoot. The real significance of the policy is that it will consolidate the US' monopoly over the development and use of UAVs.

By Ulrike Franke for ISN

On 17 February 2015, the US Department of State published the [new US Export Policy for Military Unmanned Aerial Systems](#) (UAS). The policy covers the rules for the export of US-origin military and commercial UAS – 'drones' in popular parlance. The move reflects 1) the interests of American drone manufacturers in maintaining their competitive advantages as indigenous systems begin to mature elsewhere and 2) an attempt to export American laws and policies surrounding the use of drones together with the drones themselves. Although particularly the latter aspect is likely to become a major talking point, the more significant consequence of the new policy may be that – through the stipulated “end-use monitoring and potential additional security conditions” – it is likely to entrench the US monopoly over the operation of strategic-level drones

## A long-awaited policy

US manufacturers (closely followed by Israel) are leading in the production and development of drones, especially in military systems. Many US unmanned aerial systems are already being exported; the tactical [Raven](#), for instance, produced by American manufacturer AeroVironment, is one of the most widely used drones worldwide, used by the armed forces of the [Czech Republic](#), [Kenya](#), [Spain](#), and [Uganda](#) among others. Larger drones have so far only been exported to close allies. Unarmed versions of the notorious Predator and Reaper have been bought by several NATO partners: Italy has both Reapers and Predators; the French Air Force is currently using its two Reapers [in Mali](#) to support ground troops. The Global Hawk surveillance UAV will soon be employed by the armed forces of [South Korea](#) and [Japan](#).

To date, however, only one country has obtained the permission to use US *armed* unmanned systems – namely, its closest ally, the United Kingdom. This has not been for lack of interest. Several states such as Italy and [Turkey](#) have asked the US to allow the export of armed drones, and many more countries are [considering](#) procuring them. Over the last few years several news outlets [reported](#) that the US was considering acceding to these demands – but, in the end, it never decided to do so.

The new export policy now explicitly includes the possibility of exporting armed unmanned aerial vehicles. The long-awaited document raises many countries' hopes of acquiring drones. As the document indicates, the new policy is "part of a broader United States UAS policy review" aimed at shaping "international standards for the sale, transfer, and subsequent use of military UAS." It establishes standards by which the US will assess the export of UAS - stipulating, for instance, that every sale will be reviewed by the DoD and that a sale can only be made through the government-to-government Foreign Military Sales programme. Recipient nations also have to agree to end-use assurances - i.e., a prohibition on re-export - ensuring that the US remains in control of who operates their drones.

### **Commercial interests and legal concerns**

There are two main reasons why this policy is being published now. The first is commercial. US drone manufacturers have been aggressively lobbying Congress to loosen its export restrictions for unmanned aerial vehicles. According to experts there has been [intense pressure](#) from the American drone industry. With the UAV market considered [the most dynamic growth sector of the world aerospace industry this decade](#), American manufacturers are worried that they could lose their lead.

This concern is not unfounded. A growing number of countries are investing in indigenous drone programmes. A 2011 study found [680](#) different military UAV programmes worldwide. For the moment, only the US, the UK, and Israel have *used* armed drones, but China and Iran are suspected to have indigenously developed armed UAV systems of unknown capability. It is likely that [even more](#) countries have armed unmanned capabilities. Some states may invest in indigenous drone programmes for defence-industrial reasons or because they know that they will not be allowed to buy from the US or Israel. But the US' restrictive drone export policy has at least partly motivated European drone projects. Even more importantly, US manufacturers fear that if the US (and Israel) do not fulfil global demand, newcomers in the drone manufacturing business, in particular China, could step up to meet it.

The second reason why the export policy is being published is that the US is increasingly concerned with the precedent it is setting by its drone use. The policy states that "[a]s the most active user of military UAS, [...] the United States has an interest in ensuring that these systems are used lawfully and responsibly." Therefore, "the United States has a responsibility to ensure that sales, transfers, and subsequent use of all U.S.-origin UAS are responsible and consistent with U.S. national security and foreign policy interests, including economic security, as well as with U.S. values and international standards."

Accordingly, the policy asks recipients to use the systems "in accordance with international law, including international humanitarian law and international human rights law". Specifically, "[a]rmed and other advanced UAS are to be used in operations involving the use of force only when there is a lawful basis for use of force under international law, such as national self-defense".

Thus, the US is effectively trying to export its laws and policies together with its drones. Considering the extensive critique the US drone programme has faced over recent years, these requirements are somewhat ironic. [Many](#) have argued that elements of the US drone programme - particularly the use of drones for extrajudicial killings - violate international law.

### **"End-use monitoring and potential additional security conditions": a Trojan horse?**

The hubris of this US attempt to unilaterally shape international law may well become the most discussed aspect of this policy. Practically speaking, however, another element could prove to be more relevant. Namely, the policy calls for the introduction of a requirement for "end-use monitoring

and potential additional security conditions". No further information is provided about what these "additional security conditions" entail, but the UK's experience may be instructive in this regard.

The United Kingdom has been using US Reaper drones since October 2007. Since May 2008 the systems have been armed, equipped with Hellfire missiles and, until 2012, 500lbs bombs. Even before the UK acquired its own Reaper drones, UK pilots were controlling American systems, as the RAF's 1115 Flight unit was embedded with the US Air Force Reconnaissance Squadron in Nevada beginning in early 2004. RAF pilots regularly flew missions for the US, including missile strike sorties in Iraq and Afghanistan.<sup>[1]</sup>

Although the UK received its own Reaper UAVs in 2007, these systems, though controlled by RAF Pilots, were flown from a US Air Force base and via the US military's satellite network. It took more than five years to build a control structure in the UK; only after 2013 were some UK Reaper flights piloted from RAF Waddington, a base in Lincolnshire, England. Meanwhile, the RAF's 39 Squadron, which controls five of the UK's ten Reaper drones, remains in Nevada. It also appears that the US is involved with Reaper operations in Waddington, but information on this remains scarce. On the whole, UK's drone missions depend largely if not completely on US infrastructure. This means that the US is most likely able to monitor where and in what missions UK Reapers are being flown.

While UK-US drone cooperation may be particularly close, it could conceivably become a model for cooperation between the US and other allies – a blueprint for the policy's "end-use monitoring and potential additional security conditions". If so, the export of US drones could thus increase rather than reduce the US' monopoly. Strategic-level drone operations, even if flown by other countries, would be largely dependent on the US global drone [infrastructure](#), and be under close scrutiny by the US. Countries wanting to avoid this situation may have no other choice than to invest in their own drones and their own infrastructure.

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<sup>[1]</sup> Kenneth Munson, "UK RAF Expects First Predator B Deliveries," *International Defence Review* (2007).

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