Counterterrorism and Human Rights: The Collateral Consequences of Drone Strikes

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Abstract

The use of drones in counterterrorism efforts is increasing globally. While studies have outlined the legality and morality of this class of weapons, few have examined the impact of drone strikes on human rights, specifically civilian casualties, in targeted countries. Perhaps the most contentious point in the drones discourse rests on claims that drone strikes result in high levels of collateral damage. The current presentation evaluates the impact of the United States' drone program for counterterrorism efforts on human rights in targeted countries. The covert nature of the drone program, both in the CIA and military realms, makes this an important topic to study because drones by nature desensitize the killing of individual lives. Three cases studies featuring civilian casualties, Pakistan, Somalia, and Yemen, are presented in an effort to contextualize the threat to human rights. The authors examine the extent to which drone strikes actually result in civilian casualties and the perceived violation of human rights.

Keywords

drones, counterterrorism, civilian casualties, human rights

Introduction

The revolution in military affairs (RMA) within the United States military establishment was first applied in large-scale combat in the 2003 Afghanistan invasion, proving that modern technology has altered the calculus of war for all parties involved. Dating back to the World War I era, unmanned aerial vehicles (drones) are not a new innovation; however, recent advances in technology have enabled states and asymmetric actors alike to incorporate drones into the realm of warfare. The U.S. population's discontent and resentment toward military casualties in Afghanistan and Iraq removed the incumbent political party from power in the 2006 Congressional election,[1] forcing decision makers to actively pursue new mechanisms for achieving their political objectives while simultaneously reducing the deaths of American lives. This only furthered support for development of a weaponized drone, capable of isolating targets abroad while military personnel maintain positions far removed from the conflict.

Literature Review

[1] D. L. Kriner & F. X. Shen, "Iraq casualties and the 2006 senate elections," *Legislative Studies Quarterly, 32*(4), 2007: 507-530.

U.S. Drone Program

The U.S. operates multiple known drone programs. Researchers have collected data on strikes in Pakistan, Afghanistan, Somalia, and Yemen. Likewise, in 2011, the "U.S. also conducted 105 drone strikes in Libya [...] and 47 in Iraq."[2] Relatively little information is known about the strikes as the official data from the military remains classified. The CIA claims it does not even collect official data for its strikes. Academics and researchers must build their own datasets to study U.S. drone strikes, creating a completeness issue for the data. There are likely more drone strikes that take place not reported by the media. Consequently, data from those strikes are also missing in analyses on the topic. Similarly, relying on local reports produces a range of reported values for casualties and fatalities of the strikes. This creates a reliability and validity problem for researchers. Measures can be taken to limit the threats to validity, such as using conservative values for analysis; however, this does not guarantee the most accurate interpretation of the data.

The programs are operated by both the CIA and the military, the case of Pakistan being the exception. Although both types of programs are directly responsible to the President of the United States, there are some important distinctions between them. For example, the military programs are authorized under Title 10, requiring public disclosure. This means that there is accountability for military strikes. On the other hand, the CIA's program is authorized under Title 50, giving the Agency the authority conduct covert operations "without the appearance or acknowledgement of a US government role."[3] Because the government does not formally comment on the CIA's program, there is no obligation for the CIA to collect official data on its strikes. Congress approves funding, but individual strikes are not subject to legislative oversight. The Title 50 authorization makes evaluating the effectiveness of these strikes quite challenging, hindering the accuracy of estimations.

Most academic work seeking to contextualize drone strikes focuses on the Pakistani campaign. In 2004, the CIA was granted access to conduct surveillance and targeted killings across Pakistan's Federally Administered Tribal Areas (FATA). Early in his administration, President Obama "embraced the CIA's campaign of drone strikes in Pakistan,"[4] continuing the Bush administration's 2008 expansion. This is the program that has gained the most media attention, in part, due to the large controversy it has created in Pakistan.[5] Hudson et al. present an analysis of the drone program in Yemen, expanding the drones academic discourse beyond the

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[2] J. Kaag & S. Kreps, *Drone warfare (WCMW - War and conflict in the modern world)* (Cambridge, UK: Polity Press, 2014), p. 26.

[3] Ibid.

[4] A. Plaw & M. S. Fricker, "Tracking the predators: Evaluating the US drone campaign in Pakistan" *International Studies Perspectives, 13* 2012: 344.

[5] K. Kalthenthaler, W. Miller, & C. Fair, "The drone war: Pakistani public attitudes toward American drone strikes in Pakistan," Paper presented at: the Annual Meetings of the Midwest Political Science Association Meetings, Chicago, IL., 2012: 1-25.

Pakistani case study.[6] Likewise, Kai Chen provides a case studies analysis of drone victimization in Afghanistan.[7] Most assertions about the effectiveness and destruction of drone strikes across campaigns has been generalized from research on strikes in Pakistan. Detailed cross-national analyses are notably missing from the literature. To fully understand the impact of this method of counterterrorism, it must be evaluated at the systemic level.

Collateral Damage

Images of innocents 'murdered by the evil West' increase this support.[8] Ranjan found that "[l]arge numbers of innocent civilians have lost their lives and property due to indiscriminate drone firings, which have turned many against the West and Pakistan and served only to strengthen the support given to the militants and the terrorists."[9] His findings are an open contradiction to the government's official statement, further undermining the already questionable legitimacy of the Bush-Obama drone regime. This damaging effect is furthered by the growing discourse by civilians personally affected by the drone strikes. Shafer-Ray begins his piece with a story of a resident of the FATA region who watched his two brothers and nephew killed in a U.S. drone strike just as they were about to break the fast for Ramzan.[10] Accurate and complete data on the numbers of civilian casualties and fatalities could offset this effect; however, this data is still being pieced together through open source means. Some sources, such as The Bureau of Investigative Journalism, have made significant progress in these attempts.

Beyond the number of individuals killed, the method of execution is also questioned by international scholars. Shaw and Boyle have argued that the use of drones removes the attacker from the killing.[11] Media reports of high turnover amongst drone pilots due to the psychological stresses of the job can impact this,[12] though a systematic scientific study of this phenomenon would serve a stronger evidentiary purpose. A research partnership between Stanford and NYU also criticized U.S. drone policy by presenting an in-depth case study that further exposes the surreal reality faced by individuals who live in Pakistan's FATA region on a daily basis,[13] further

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[6] L. Hudson, C. S. Owens, and D. J. Callen, "Drone Warfare in Yemen: Fostering Emirates through Counterterrorism?," *Middle East Policy, 19*(3), 2012: 142-156.
[7] K. Chen, "Invisible Victims of Drone Strikes in Afghanistan," *Peace Review, 27*(4), 2015: 456-460.
[8] Kalthenthaler et al.
[9] A. Ranjan, "Drone attacks in Afghanistan and the Af-Pak Region: Is there any other option?," *Asian Affairs, 45*(3), 2014:464.
[10] R. Shafer-Ray, "Shadows in Pakistan: Critiquing the drone war" *Harvard International Review*, *Spring*, 2015:12-14.
[11] I. G. R. Shaw, "The spatial politics of drone warfare," (Doctoral Dissertation, 2011). The University of Arizona; J. M. Boyle, "The costs and consequences of drone warfare," *International Affairs, 89*(1), 2013:1-29.
[12] D. Chow, "Drone wars: Pilots debilitating stress beyond virtual battlefield." *Live Science*, 2013, http:// www.livescience.com/40959-military-drone-war-psychology.html.
[13] International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NY School of Law, *Living under drones: Death, injury, and trauma to civilians from US drone practices in Pakistan*, 2012.

contradicting the government's claim that drone strikes are successful in eliminating civilian casualties while maximizing the removal of high value targets. Ultimately, as Kalthenthaler et al. have argued, this has contributed to the slow deterioration of the U.S.'s reputation in the global community.[14]

Human Rights

The struggle to maintain human rights in the face of emerging technologies has increasingly been addressed as an important issue in the discourse on the appropriateness and ethics of drone strikes. The United Nations' Universal Declaration of Human Rights defines human rights as the right of individuals to life, liberty, and security of person, noting that individuals are entitled to a public hearing by an independent entity for any criminal charge against them.[15]

Methods

The current study uses a qualitative approach to explore in more detail U.S. drone usage in four nations and the extent of human casualties resulting from these strikes. Due to the exploratory nature of the study, case study analysis is employed to examine the human impact of U.S. drone strikes in Pakistan, Somalia, Yemen, and Afghanistan. Using case study analysis, exemplary examples of the phenomena of interest, in this case drone strikes, are selected for in-depth analysis.[16] Case study analysis allows researchers to view links between phenomena and the factors that may influence them, for example, the role that diplomatic relations and public approval may play in the overall casualties resulting from U.S. drone strikes.[17]

In addition to traditional case study analysis, data from the Bureau of Investigative Journalism's Drone Wars, was also employed to analyze trends in the usage of drone strikes in Pakistan, Somalia, and Yemen. The Bureau of Investigative Journalism, an independent not-for-profit, works to pursue research on the failure of public, private, and third sector organizations to comply with principles of fair and legal practices. As part of their investigative journalism, the Bureau has begun compiling a full dataset of all U.S. Drone attacks in Yemen, Somalia, and Pakistan. This dataset was recently expanded to include drone strikes occurring in Afghanistan since 2015. The authors use this data on drones strikes and casualties and injuries resulting from drones strikes to analyze the trends in the number of drone strikes occurring in each of the three countries, as well as trends in the number of civilian casualties resulting from drones strikes. The authors seek to measure the impact of drones on human rights by means of

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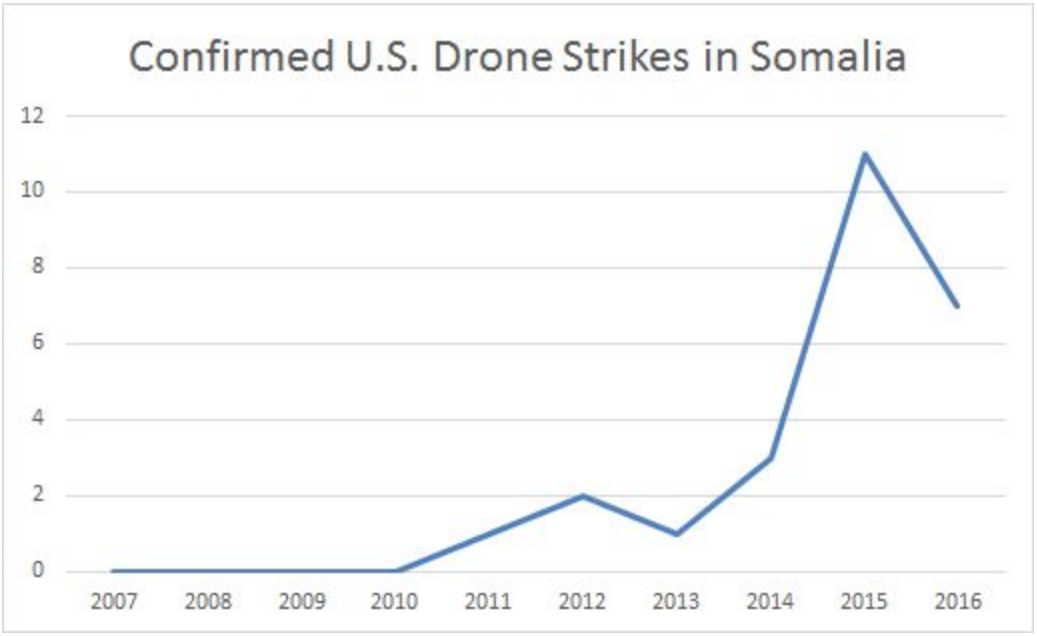
[14] Kalthenthaler et al.
[15] The United Nations. (1948). *Universal Declaration of Human Rights*.
[16] L. F. Travis, "The Case Study in Criminal Justice Research: Applications to Policy Analysis," *Criminal Justice Review*, *8*, 1983:46.
[17] R. K. Yin, *Case Study Research: Design and Methods.* (Thousand Oaks, CA: SAGE, 2008).

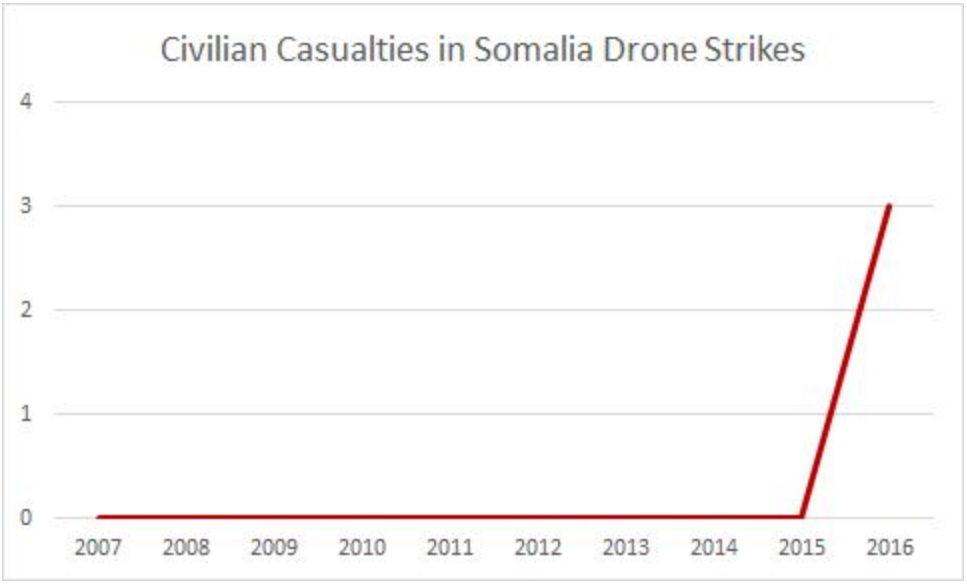
civilian casualties, because civilian deaths are not popularly considered to be within the realm of war, despite the geographic location of the battlefield. The very nature of weaponized drones argues that the traditional 'battlefield' is a thing of a past, necessitating further precautions for the protection of civilian lives during such attacks.

Case Study Visualization

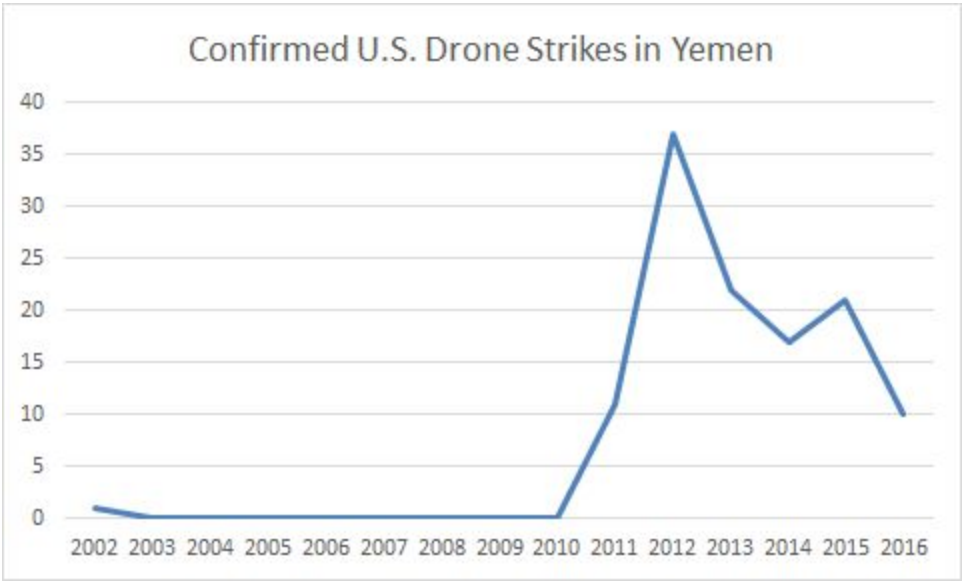
Pakistan

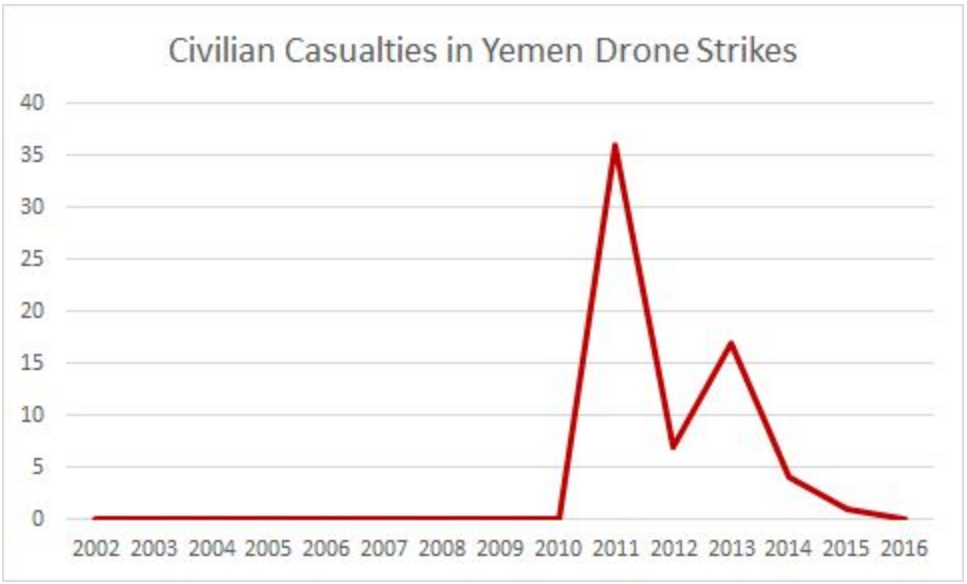
Somalia


Confirmed U.S. Drone Strikes in Somalia
12
10
8
6
4
2
0
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016


Civilian Casualties in Somalia Drone Strikes
4
3
2
1
0
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016

Yemen





Afghanistan

The Bureau of Investigative Journalism's Drone Wars data only contains values for 2015 and 2016 for Afghanistan. For the purpose of this paper, the authors have removed this case study because the lack of available data inhibits the implementation of a longitudinal analysis. This case will be particularly important to analyze as more data becomes available because this is the location where the military first operationalized its RMA capabilities, arguably the ideological birthplace of unmanned warfare. Future research can comparatively analyze differences between the U.S. and U.K. drone programs in the country; however, data for this case

will be very challenging to come by. Media sources may not be able to accurately identify the initiator of a strike in this country.

Discussion

The authors find three major trends in the case studies. First, there are periods where the number of civilian deaths does not correlate with the number of drone strikes. Second, each case study experienced a peak period in both strike intensity and civilian casualties. Third, two of the three cases exhibited a relative decline in civilian deaths. Future studies can further investigate these phenomena. As more data becomes available on the drone campaigns, quantitative analysis may allow for more accurate representations of the relationships between strikes and casualties.

If the use of militarized drones is unethical due to high collateral damage, as some have claimed, one would expect to see higher civilian casualties associated with higher numbers of drone strikes.[18] For most cases, this idea seems to hold relatively true. However, there are periods with high civilian casualties with low drone strikes. This is likely attributable to bad target, such as the drone strike on a hospital in Afghanistan in 2015.[19] However, the Somalia case demonstrates the opposite effect. For the first five years of the program, drone strikes resulted in no civilian casualties. An analysis of why civilian deaths were introduced in 2015 could be of importance for refining U.S. drone policy.

All three cases evaluated showed a peak period where drone strikes and casualties spiked. However, for no case did that occur during the same year. Because this pattern occurs in all three countries, this suggests that there is some systemic level variable contributing to collateral damage in drone strikes that must be accounted for. Other factors that could have contributed to the casualty spikes should be investigated to evaluate the true impact of the drone program in resolving these patterns. In both the case of Pakistan and of Yemen, the highest level of drone strikes occurred exactly one year after the highest level of civilian casualties. This contradicts claims of higher strikes being correlated with higher deaths. Because the U.S. were able to increase strikes while decreasing damage, it may also be indicative that the drone program is more effective than its critics claim.

With the exception of Somalia, civilian casualties appears to be in decline. This could potentially be attributed to refinements in targeting protocol. For Pakistan, there is a noticeable reduction in the number of drone strikes occurring in the country, which may be in part to increased hostility by the Pakistani government regarding this issue. Islamabad went so far as to

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[18] Boyle, 2013; M. Coleman, "The legality behind targeted killings and the use of drones in the war on terror," *Global Security Studies, 5*(1), 2014:37-55; Shafer-Ray, 2015; A. N. Warraich, "The use of drones: legal grey area?," *Strategic Studies, 38*(3-4), 2013:64.

[19] Al Jazeera, "Air strike kills MSF medical staff in Afghanistan," *Al Jazeera,* 2015, http://www.aljazeera.com/news/2015/10/aid-workers-killed-air-strike-afghan-hospital-kunduz-151003043052500.html.

force the closure of an airbase in its territory to try and curb U.S. strikes in the region.[20] More data is needed to ensure continuation of this downward trend, but it appears that the U.S. may be reigning in its use of drones, choosing more strategic instances that will guarantee kills of combatants and greatly reducing the number of civilian casualties.

Policy Implications

This paper seeks to contribute to securitization and counterterrorism literatures by exploring the under-researched phenomenon of U.S. drone strikes. While heavily debated in terms of ethics and morality,[21] this mechanism of war has not been empirically studied to evaluate the larger societal implications, namely the effectiveness of the program. Evaluating the impact of drone strikes on human rights encourages the refining of counterterrorism policy to ensure the protection of both state and human security. Critically analyzing the drone programs cross-nationally has a fiscal impact as well. Agency representatives testify to Congress that drones work but provide no evidence to justify this. An empirical analysis better equips the legislative branch to authorize or cease funding for the drones programs based on utility rather than perception.

Furthermore, this study seeks to contribute to the rising debate in international relations regardings the legality of drones. John Mearsheimer argues that states can never attain a sufficient amount of security.[22] Following this logic, the use of drones in war is a logical extension of state power. However, Kalthenthaler et al. demonstrated that there are reputation repercussions for such actions: drone strikes negatively impact how constituencies of foreign governments view the U.S., which, in turn, impacts diplomatic relations between the U.S. and those governments.[23] Decision-makers should reconsider the strategic utility of the drones program, choosing to either alter or abolish it if necessary. In the Clausewitzian model of warfare, the *people* are an instrumental part of war.[24] If locals in the areas being targeted perceive U.S. drone strikes as violations of their fundamental human rights, they are much more likely to be enraged and willing to engage in anti-U.S. sentiment and behavior. Empirically proving that drones are effective at eliminating high-value targets with only minimal levels of civilian casualties, thus eliminating the need for hostility in foreign populations, is essential for the continuation of the drone program.

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[20] J. A. Baloch, K. S. Memon, & H. Hakro, "Challenges to foreign policy of Pakistan in 21st century," *Research Journal of Political Science, 3*, 2014:29-35.
[21] C. Enemark, "Drones over Pakistan: Secrecy, ethics, and counterinsurgency," *Asian Security, 7*(3), 2011:218-237.
[22] J. J. Mearsheimer, *The Tragedy of Great Power Politics* (New York, NY: W.W. Norton & Company, Inc., 2001).
[23] Kalthenthaler et al.
[24] Carl von Clausewitz, On War (New York, NY: Everyman's Library, 1993).

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