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TO DRONE OR NOT TO DRONE

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That is the question. Whether it's better to stand idly by in the face of egregious violence or to contemplate costly interventions with American ground forces? What's a policy maker to do? Accept the slings and arrows of terrorists with their outrageous terms or attack them with arrows and at a time of our own making?

The answer over the past few years has been to employ strike operations, generally by the use of remotely piloted aerial systems (aka "drones"). The media has, typically, labeled this as "Drone Warfare" and many critics question the legal and moral justifications of their employment.

The right question is: do we have a strategy to counter today's terrorism threat. The answer to this question is pretty clear—yes. Our *National Counterterrorism Strategy* of 2011 comprehensively lays out the efforts required to address this serious and evolving security challenge.¹

Have we made it too easy for a President to order the killing of others? The journalist Mark Bowden asks this question in the cover story of the latest issue of *The Atlantic*.²

Targeted killings against terrorist organizations are a generation old controversy, with origins dating back to when this tactic was being employed by Israeli security forces years ago. Dan Byman's comprehensive evaluation in his investigative book, *A High Price: The Triumphs and Failures of Israeli Counterterrorism*, explored Israel's debate and the strategic effects it garnered.³ Since Gaza was so small, contained, and saturated by intelligence sources, it was hard to think this was a case study that American strategists could generalize from.

We came to understand how strategically important such operations were, not necessarily as decisive engagements that would defeat militant forces. But they served to keep the level of threat to an acceptable level by compelling the Palestinian resistance to stop their suicide attacks, and by convincing the Israeli populace that the state of Israel could do something in response to these attacks and extract a punishment. Thus, the political and social dimensions of their strategy were intermixed. Their adversary was compelled to shift tactics, and further time was acquired.

That brings us to today and Mark Bowden's critical question.

The employment of strikes by remotely-operated aerial systems has increased markedly over the last decade.

¹ *The National Strategy for Counterterrorism*, Washington, DC: The White House, June 28, 2011.

² Mark Bowden, "The Killing Machines." *The Atlantic*, September 2013.

<http://www.theatlantic.com/magazine/archive/2013/09/the-killing-machines-how-to-think-about-drones/309434/>

³ Daniel Byman, *A High Price: The Triumphs & Failures of Israeli Counterterrorism* (New York, NY: Oxford University Press, 2011).

During the G. W. Bush administration, open sources note the use of 50 drone strikes. But as both the number of available platforms has increased and the intelligence needed to track and target a dispersed insurgency has grown, the Obama Administration has authorized well over 420 strikes. This had led to advocates and opponents of the approach to describe these operations as “the centerpiece of U.S. counterterrorism strategy.” Proponents of these attacks can claim, like Daniel Byman, that “drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused.”⁴

Not everyone agrees that a reliance on air strikes and kinetic force is the best way to defeat or degrade long established terrorist groups or dispersed insurgencies. Moreover, some critics argue that tactical expediency and short-term thinking may have crowded out or displaced strategic effectiveness over the long term. There has been a concern for some time that the U.S. was exploiting its technology in an effort to show some action, but without considering the role of drones within a larger strategy. No doubt U.S. officials reject the notion that tactical expediency was being sought over strategic effectiveness. Tactics should not trump strategy, but the low levels of transparency allotted to the program have continued to hamper any objective appreciation of the program and impeded understanding its role within a larger and more strategic context.

Targeted actions are not new. We’ve used jet aircraft and Tomahawk cruise missiles in the past and with some volume against both states and terrorist groups. Operationally, we see a number of clear advantages to our current mode of operations, at least the destructive aspect of the U.S. strategy.

- We’re degrading the near term effectiveness of the strategic leadership of these organizations from planning major attacks on us and our allies by negating their ability to plan and communicate easily.
- We’re degrading the competence and organizational coherence of operational elements of jihadist groups by eliminating tactical leaders, planners and skilled technical players, including bomb makers.
- We’re killing more high-value targets and fewer civilians than we would in a traditional ground combat. In his recent article for *The Atlantic*, Bowden came to the conclusion that “Ground combat almost always kills more civilians than drone strikes do. When you consider the alternatives, you are led, as Obama was, to the logic of the drone.”⁵
- We have taken the initiative away from the adversary in multiple locations, reduced their leverage by deciding when and where WE will strike. Their attempt to seek sanctuary to plan, rehearse, and train has been denied. As Mr. Obama noted recently, we’ve made sure “Their remaining operatives spend more time thinking about their own safety than plotting against us.”⁶
- We’re buying time for other tools, including partner capacity building in government, intelligence, law enforcement and security to catch up and overcome the threat. In beleaguered states, this takes time and patient effort.

Unmanned Aerial Vehicles (UAVs) are powerful tools that can be used to augment and strengthen broader strategies; however, they must not be utilized as a replacement for a more grand strategy or, even worse, as a force that dictates strategy. Audrey Kurth Cronin warns against this danger, saying, “The problem for Washington today is that its drone program has taken on a life of its own, to the point where tactics are driving strategy rather than the other way around.”⁷

Letting UAVs drive or replace strategy can also lead to long-term strategic goals being spurned in favor of

⁴ Daniel Byman, “Why Drones Work.” *Foreign Affairs*, July/August 2013, p. 32.

⁵ Mark Bowden, “The Killing Machines.” *The Atlantic*, September 2013. Accessed at <http://www.theatlantic.com/magazine/archive/2013/09/the-killing-machines-how-to-think-about-drones/309434/>

⁶ Barack Obama. “Remarks by the President at the National Defense University.” *National Defense University*, May 23, 2013. <http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>

⁷ Audrey Kurth Cronin, “Why Drones Fail.” *Foreign Affairs*, July/August 2013, p. 44.

short-term gains. Aerial strike operations can successfully eliminate specific targets, but may also be radicalizing a new generation of potential militants. As these operations have increased since 2009, particularly in Pakistan, influential voices like retired Admiral Dennis Blair and retired General James Cartwright have suggested that said strikes have been more effective as a recruitment tool for the Taliban than they have as a way to eliminate threats.⁸ The pressure and sense of helplessness that these attacks place on civilian populations may produce a radicalizing effect that could haunt us in the long run.

Whether or not we gain positive strategic effects from this effort remains to be seen. In the long term, we could be creating more militants than we're taking out. A strategic mindset thinks about the longer arc of history and the consequences of near term actions. While our political time clocks often focus on short horizons, American strategists don't have that luxury.

So there are a number of operational objectives that appear to offer clear positive gains for U.S. security interests. What we've *not* done is explain in layman's terms, how the employment of these attacks fits within our larger strategy, which presumably includes more constructive components than lethal force. Without such explanations, we are left with having to concur with Audrey Cronin. Her conceptual counter, Dr. Dan Byman of Georgetown, has admitted that "Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid."⁹

Part of the pushback on these airborne kinetic operations is the misperception that this is all the United States is capable of or committed to. Obviously this is an erroneous characterization of U.S. policy and our campaigns. The President has made it clear in his address this past May at National Defense University that "the use of force must be seen as part of a larger discussion we need to have about a comprehensive counterterrorism strategy – because for all the focus on the use of force, force alone cannot make us safe. We cannot use force everywhere that a radical ideology takes root; and in the absence of a strategy that reduces the wellspring of extremism, a perpetual war – through drones or Special Forces or troop deployments – will prove self-defeating."¹⁰

The U.S. government should build on the President's speech. This effort should explain the place of drones in our overall strategy while correcting the erroneous notion that these strikes are the centerpiece of the American approach. Additionally, we should consistently explain the application of appropriate international law in armed conflict. Whether a target is a lawful target is a matter of international law. Whether a target is a prosecutable criminal who should be arrested and brought to trial is a different question. The notion that conflict with a terrorist organization is simply a matter of law enforcement and that we are bound to capture, detain, counsel and try prisoners in a judicial setting is an illusion that should be examined with some caution if not outright debunked. One can be, as the United States has been for more than a decade, in an armed conflict with a non-state. The Supreme Court has held that the United States was in a non-international conflict that crossed borders and that the law of non-international armed conflicts governed. All that really meant was that the United States could identify and target those engaged in directing or carrying out terrorist attacks. How much into the support structure—training, supplying, protecting, and financing—one could go with attacks is a matter of ongoing debate.¹¹

On the practical side, Bowden concluded in his own *Atlantic* essay that drones may be imperfect but they are less risky to civilian populations than raids with ground forces. In sum, there is no need to play the troubled Hamlet. With prudence and strategy, as Shakespeare noted, we can "take arms against a sea of troubles, And by opposing end them."

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⁸ Doherty, B. (2013). *A Weapon Failing to Keep Peace on Any Side*. Retrieved Jul 12, 2013, from www.smh.com.au/world/a-weapon-failing-to-keep-peace-on-any-side-20130405-2hc6z.html.

⁹ Daniel Byman, "Why Drones Work." *Foreign Affairs*, July/August 2013, p. 33.

¹⁰ Barack Obama. "Remarks by the President at the National Defense University." National Defense University, Ft. McNair, DC, May 23, 2013. <http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>

¹¹ Nicholas Rostow, "The Laws of War and the Killing of Suspected Terrorists, False Starts, Rabbit Holes and Dead Ends, *Rutgers Law Review*, Vol. 63:4, 2011, 1215–1233.