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**It's Not the Tool, It's the System:
Use of UAVS by the United States**

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The United States drones program, which uses unmanned aerial vehicles (UAVs) for targeted killings of a suspected terrorist or one suspected of involvement in terrorism, has aroused severe criticism following an investigative report published recently on an American news website that included disclosure of relevant secret documents. Earlier this year claims were sounded that the results of the drones program were inadequate. Against this background, and especially given the number of civilians killed in attacks, there were demands to cancel the program. Particularly in light of the newly disclosed documents, the investigative report raises a number of key issues pertaining to the American drones program, with an emphasis on the decision making process for targeted killings under the Obama administration. Most of the criticism focuses on approval of killings by the President without oversight or additional supervision, with decisions based on information that is not always accurate or sufficient for the operation.

To a great extent, despite the broad scope and many details revealed, the investigative report is beset by a trap that many of those dealing in this sphere have encountered, namely, the difficulty of conducting two separate discussions: one on the substance – targeted killings; and the other on the means – armed UAVs. Combining these two questions is problematic, because it is not unusual for substantive issues to be neglected in the discussion.

The discussion about the means – UAVs with offensive capabilities – should be the simpler of the two topics, with the focus on the effectiveness of military technology. Such technology should be assessed using terms and methodology from operations research and military and strategic studies. It can be argued in the framework of this discussion that the American drones are well suited for targeted killings, because they have the ability to remain airborne for long duration at no risk to the operator, and therefore facilitate prolonged monitoring and attack at the optimal opportunity. In addition, these tools make it possible to reduce the collateral damage liable to result from an attack and

sometimes prevent it altogether, because they are armed with highly accurate guided missiles carrying a relatively small warhead.

In addition, the military-technological discussion makes it possible to compare different air operations in densely populated areas. This comparison shows that in operations in which extensive use is made of UAVs for intelligence gathering and/or an attack, fewer civilians are hurt than in airborne operations in which attacks are conducted mainly by manned aircraft. Based on this information, it can be argued that from a cost-benefit perspective, drones are the most appropriate tools possessed by modern armies for the purpose of actions like targeted killings. However, the targeted killings themselves should be dealt with in a separate discussion framework, using different analytical tools.

Targeted killings, which appeared on the battlefield many years before the development of UAVS and their use in military operations, constitute an ethical and legal issue, not a technological one. The discussion is usually divided into two main views. Those opposing the use of this tactic argue that it is tantamount to execution without trial. Those in favor argue that decisions concerning “preventive killing” are taken with serious consideration by leaders in order to avoid harming the innocent. This is indeed a complicated discussion on which there is no consensus, and which has occupied leading moral and legal philosophers. In practice, what is involved is warfare that is acceptable to leaders in Western countries and democracies used from time to time (employing various tools for the purpose). In the Israeli case, targeted killing was addressed by Supreme Court Case 769/02, which ruled that targeted killing is not legally prohibited, and that every case should be judged on its own merits.

While the investigative report cited above mixes the discussions of the legality of targeted killings and their effectiveness, the difficulties in the decision making process remain. Especially poignant is the criticism of the reliance on intelligence, which in many cases is weak and unreliable, sometimes resulting in injury to civilians. Nevertheless, it cannot be asserted that the injury caused to civilians results necessarily from the use of drones, and it appears that the report also reflects a deep understanding that it is the process that requires reconsideration, not the use of a tool. According to the report, the operations themselves and the decisions to carry them out do not adequately reflect values of justice and democracy according to the accepted American narrative.

Furthermore, most of the decisions with respect to targeted killings in the drones program are made by the President himself. The President, who is the commander in chief of the United States armed forces, can order the use of unmanned tools without Congressional approval, because these tools, which by definition are controlled remotely, allow operations that do not require sending forces behind enemy lines, and therefore their use does not require Congressional approval. This enables American forces to be present and

involved for many years in various regions around the world (some of them secret) without a declaration of war that would necessitate approval from Congress. On the other hand, making decisions in this manner evades supervisory procedures accepted and required in a properly functioning democracy.

More than once in recent years, the Senate has tried to transfer control over the UAV program from the CIA back to the military, in part to enhance the transparency of the decision making process and facilitate greater involvement by the House of Representatives in the administration's decisions concerning the war against terrorism in general, and targeted killings in particular. As of now, however, this decision is on hold. This is not the only indication that President Obama prefers to keep for himself maximum flexibility in using tools, without involvement from elements outside his administration, while preserving maximum secrecy. In effect, other than the recently exposed secret documents, there is no official public document shedding light on the administration's policy in this matter, or presenting official particulars about the procedures for, or results of, the use of these tools. It is surprising that the very tools whose technological capabilities could have helped increase transparency in the framework of the war on terrorism and reduction in damage caused to the innocent are the ones portrayed as the leading factor in widespread and unnecessary bloodshed, and in inferior results.

Profound thinking about the issue of targeted killings, with a distinction between the substantive question and the question of means, should prove relevant to the struggle against the expansion and methods of operations of the Islamic State. The Western countries in the US-led international coalition against the Islamic State presumably wish to cope with the threat involved according to proper democratic standards. It is therefore appropriate for the American administration to take action to bolster transparency in targeted killings, in part by returning control over the drones program to the military, which will give Congress the ability to supervise it more effectively. This is necessary not only in order to restore the public's confidence in the effectiveness of unmanned weapons and improve their status in the eyes of the public, but also to increase trust in the administration's decisions and actions, especially those concerning the global war on terrorism – both among the American public and among the partners of the United States in the coalition involved in the conflict in the Levant.