

## The urgent need to regulate Drone Strikes

By Samuel Cardwell

*In this piece, second year law student Samuel Cardwell draws on the knowledge he gained from participating in Goldsmith Law's [Counter-Terrorism and Human Rights Law and Policy Clinic](#) to examine the human rights implications of using drone strikes as part of the War on Terror. Surveying a wide array of sources, Cardwell uses hard-facts and legal analysis to highlight the damage that drone strikes have on not just the victims but the perpetrators too.*

The first recorded targeted drone strike by the CIA took place in November 2002. Now, over 100 countries and non-state groups have access to armed drones and the proliferation of the systems looks set to continue. Yet, the procedures surrounding drone strikes are incompatible with international law and violate the right to life. Amidst the rapid development and increase in use of this technology it is of paramount importance to enforce these rights and laws to prevent extra-judicial killings, minimise civilian casualties and many other consequences of drone strikes.

The use of armed drones in conflict is often justified by the argument that harm is minimised through having less humans involved and more precise weaponry. It has been pointed out loss of drones is measured in money and not in the number of lives lost. However, they come with the cost of only being as accurate as the intelligence behind their operations and results in the trivialisation of killing. General Stanley McChrystal (A former commander of US and NATO forces in Afghanistan) told a conference in London that he believes the capabilities of drones lower the threshold for lethal force. These problems could be tackled through the enforcement of international law and more robust restrictions on drone operations. This is because intelligence would have to be scrutinised and there would be greater consequence for unnecessary deaths.

So how do [drone strikes contradict international law](#)? Firstly, states have a responsibility to respect the rights under Article 6 (Right to life) of the International Covenant of Civil and Political Rights. This includes extraterritorial use of force, such as drone strikes. Furthermore, all feasible precautions must be taken in determining whether a person is a civilian. The lack of transparency around drone strikes can make this difficult to determine, but it is safe to assume that there are many examples of strikes which have not met this threshold. There should be investigations into such operations and justice dispensed through fair trials.

Greater transparency would also help to mitigate these consequences. Currently, the lack of transparency is preventing accountability and therefore allowing minimal consequence. The figures that have been provided in the USA around drone strikes are dubious and [difficult to draw conclusions from](#). Whilst the USA has taken steps to reduce the secrecy, more is required. Greater disclosure of information would help prevent abuse and provide democratic accountability.

When considering the consequences of drone strikes, it is worth noting that there is not much evidence surrounding their effectiveness. In fact, following approximately 249 confirmed US strikes in Yemen, terrorism agencies have not been eliminated nor has there been success in curbing the radical militancy in the country. Some argue that the violent reaction to drone strikes can have the opposite of the intended effect of discouraging violence. In addition to this, approximately [32%](#) of those killed by US drone strikes in Pakistan have been innocent civilians. These statistics do not represent a successful operation and highlight the urgent need for action to prevent further injustice.

Whilst physical harm is perhaps the most obvious result of a drone strike, the psychological damage that has been caused is immense. [Studies](#) have suggested that the fear of being killed or having a relative killed by a drone is so intense that it can lead to PTSD. Furthermore, victims' families are

particularly vulnerable to PTSD and the aforementioned lack of transparency makes it hard for them to find accountability and seek redress or explanation. This can lead to further psychological harm such as depression. These problems are often faced by the victims of drone strikes in combination with famine and poverty. The anxiety, fear and craving for justice may contribute towards long term political, social, and economic instability in the region. This once again brings into question the effectiveness of drone strikes as a military tool.

Drone strikes also lower the threshold for violent action and trivialise killing. For a nation considering using drone strikes, there is less incentive to fix the root of problems as the violence may not involve the loss of the nation's soldiers. The quick, short-term solution of taking out the 'bad guys' is more appealing. Furthermore, the fact the operator is distanced from the scene of the violence and only views it through pixels on a screen trivialises killings and distances the emotion from them. This results in less incentive or opportunity to de-escalate the situations or evaluate the situation before taking a life. However, it is important to note that this is not the fault of the operators but of the chain of command and nature of the drone strikes.

Most of this blogpost has focused on the USA, but growing proliferation means that many other countries have access to drone technology. This has big implications for global peace and security, when wars can be remotely fought with minimal casualties and humanity. The USA needs to be a leading standard of transparency and accountability and international law must apply to drone strikes to prevent global misuse of this technology.