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„U.S. Drone Strikes in Consideration of the Just War Theory-
The Cases of Pakistan, Yemen and Somalia“

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For my grandmother, Barbara Pasquet

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1 Introduction

Ilyas Kashmiri was a considered one of the most dangerous and highly trained Pakistani militants allied with the Islamic terror organization al-Qaeda. He was a Pakistani Army trainer of Afghan mujahedeen fighters and lost an eye battling Soviet forces in Afghanistan during the 1980s. Mr. Kashmiri went on to work with militants attacking India and spent two years in custody there before escaping from prison, earning him wide renown within Pakistan. A former member of Pakistani's special forces, Kashmiri was suspected of being involved in numerous terrorist activities, including the terrorist attack on Mumbai, India in 2008, in which at least 163 individuals were killed. In 2009 Kashmiri was indicted for plotting an attack against a Danish newspaper that had printed a cartoon of Muhammad (Gall, 2011). Kashmiri allegedly gave instructions that the attackers should behead those taken captive in the attack and throw their heads out of the office windows in order to "heighten the response from Danish authorities" (The New York Times, 2010). American intelligence and counter-terrorism officials considered Kashmiris to be one of the most dangerous militant leaders due to his training skills, commando experience and strategic vision to carry out attacks against Western targets. On June 3, 2011 Kashmiri was killed by a drone strike in the Pakistani tribal territory of South Waziristan (Gall, 2011).

Mr. Kashmiri is a grim example of the terrorist threat certain individuals pose not only to the U.S. and U.S. forces, but also to American allies and indeed innocents all over the world. This threat was eliminated with perhaps the only tool capable of completing the task, a missile strike from an American Unmanned Ariel Vehicle (UAV), or drone. Yet the use of UAVs in what amounts to targeted assassinations in numerous regions is extremely contentious. The contemplations regarding who, under what circumstances and how one can morally engage in war is summarized in Western thought in the Just War theory. This theory establishes criteria which must be fulfilled in order for the use of force to be considered morally legitimate and has been definitively influential on international law. The goal of this paper is to establish if U.S. drone strikes fulfill the criteria set out by the Just War theory. It must also be noted that as the Just War theory has been so influential on international law, numerous overlaps exist. Yet this paper is exclusively concerned with the Just War theory and the theoretical aspects rather than international law. The Just War theory, based on Christian ideals and developed over hundreds of years, remains relevant and its application to modern warfare is an exhilarating endeavor.

2 Methods

In my Master's thesis I will attempt to answer the following research question: Are U.S. drone strikes justifiable according to the Just War theory? My methodological approach will be the application of the Just War theory to U.S drone strikes in Pakistan, Yemen and Somalia. I have established two opposing hypotheses regarding my research of U.S. drone strikes and the Just War theory;

Hypothesis 1: The U.S. drone strikes fulfill the moral and ethical criteria established by the Just War theory.

Hypothesis 2: U.S. drone strikes fail to satisfy the necessary criteria of the Just War theory.

As part of my methodological approach and the successful application of the Just War theory criteria to the U.S. drone strikes, I have conducted an intensive literature analysis of both the Just War theory and the U.S. drone strike program; specifically, U.S. Unmanned Ariel Vehicle attacks in Pakistan, Yemen and Somalia. This analysis also includes information concerning the historical background and current internal situations of the countries under examination while also providing insight into the terrorist/militant threat that exists in each case.

Additionally, I have conducted five interviews with experts in the fields of security politics and international relations in order to assist me in determining if U.S. drone strikes can be considered legitimate according to the Just War theory. Each individual interviewed possesses unique knowledge regarding various aspects of security issues, specifically the drones. My interview questions are based on the criteria of the Just War theory and pertain specifically to the U.S. drone program. I have conducted semi-structured interviews in order to allow the experts to elaborate freely. Eleven identical questions were posed to each expert, which allowed me to compare and contrast responses. Each interview question is formulated in a manner to determine whether or not criteria of the Just War theory have been fulfilled.

My literature analysis and expert interviews have allowed me to effectively apply the criteria of the Just War theory to U.S. drone strikes, thereby successfully carrying out my methodological approach.

3 Just War Theory

Throughout the course of history there have been persistent attempts by philosophers, statesmen and soldiers to establish recognized and observable boundaries regarding the use of armed force as an instrument of policy. This effort can be found in Western thought in the development of the just war doctrine (Hensel, p. 5). Traditionally, just war doctrine has been divided into two sections; the first component concerns the conditions which must be present so that belligerents might justly resort to armed force as a means of conflict resolution, *jus ad bellum*. The second component concentrates on the conditions of the just application of armed force at the strategic, operational and tactical levels during hostilities, *jus in bello* (Hensel, p. 5).

Classical just war doctrine represented an attempt to delineate guidelines to be employed in determining whether one could justly resort to the use of armed force, as well as guidelines for the just application of armed force once the decision had been made. A basic framework of analysis was established, composed of a series of analytical categories, to be used in assessing whether armed force could be legitimately applied as an instrument of policy and in the event of military force, what constraints should govern its employment (Hensel, p. 16). Just War Theory is an evolving body of thought, certainly indebted to scholars of the past yet it continuously undergoes revision and has been enriched by addition. The tradition is based on practical reason and values common to all people; thus it is not necessarily exclusively Christian. No aspect of the tradition need be alien or rejected by Muslims, Jews, other faiths or non-believers (Guthrie & Quinlan, p. 9).

The Just War tradition is characterized by the concept that injuring or killing people is gravely wrong, that war is a great evil. Yet the tradition also recognizes that there are greater evils than war; events such as aggression against us or innocents as well as duties and responsibilities may compel us to use violence. Thus, according to the tradition, killing cannot be ruled out under any and all circumstances (Guthrie & Quinlan, p. 11).

The criteria of the Just War theory enable the analysis of events in order to determine if war is morally justified. These criteria are classified into two groups, *jus ad bellum* and *jus in bello*. The first group, *jus ad bellum*, determines whether or not one has the moral right to wage war while the second group, *jus in bello*, concerns how war is to be justly fought. Before analyzing the criteria of the Just War theory, I will briefly examine the development of the theory including prominent and influential figures in the tradition.

Just War theory was primarily developed from a Christian tradition, yet non-Christian philosophers influenced early Christian thinkers. Cicero and Aristotle were the pre-Christian writers most critical for Christians regarding political morality. Cicero greatly influenced Christian writers by establishing two criteria for a just war; first, no war can be justly fought unless in the pursuit of redressing an injury or driving out an invader. Secondly, no war can be considered lawful unless it is officially announced, declared and unless a formal claim for satisfaction has been made. Following victory, Cicero recommends gentle treatment of former enemies who were not cruel or barbarous (Gaffney, p. 49).

Aristotle observed that the enforcement of justice which secured civilization within states failed to span national frontiers, which resulted in conduct that would be considered criminal if perpetrated by one citizen on another, was tolerated and even expected when done among states (Gaffney, p. 47). Yet he offered no solution. Aristotle's few comments regarding justice in warfare were indirectly part of his discussion of slavery. Here, he differentiates between "natural slaves", those whose supposed incapacity for self-government necessitates control by a master, and "legal slaves", those who became slaves as a result of war. Apparently aware that enslavement was sometimes not merely a consequence but at times the very purpose of war, Aristotle concludes that some wars may not be just in their origin (Gaffney, p. 47). For Aristotle, the distinction between just and unjust war was clearly important; it was an ethical distinction founded in a definite philosophy of political life. In the process of developing this distinction, he uncritically accepted certain conventional assumptions, particularly regarding slavery (Gaffney, p. 48).

Christian scriptures do not provide any unequivocal judgment regarding war. Certainly violent struggles conflict gravely with the message of the Sermon on the Mount, yet the encounters of Christ and his followers with members of the military do not convey outright condemnation (Guthrie & Quinlan, p. 5). For Christian scholars the task was to develop a rational discipline within the framework of deep respect for the value of every human life in order to determine if war could be waged; not for the sake of killing, but rather as an inescapable necessity to prevent or end harm (Guthrie & Quinlan, p.6). Although early Christian practices and views regarding war were not systematic, early Christians generally renounced war and condemned it outright; partly due to the fact that at this time Christians were a separate and alienated minority within the Roman Empire, and partly because military service required an oath of loyalty to an emperor who also claimed to be a god. However, when Emperor Constantine converted in the 4th Century AD, Christianity was made the

official religion of the empire and Christians were forced to confront the responsibilities of running a state and protecting its citizens (Guthrie & Quinlan, p. 6). While pacifism did not entirely disappear, it was a minority view. The vast majority of Christians have, throughout the centuries, felt bound to recognize war as an unavoidable reality and to accept at certain times the necessity to partake. The task was then to establish why and under which conditions war may be tolerable; the cumulative product of their work is what we now refer to as the Just War tradition (Guthrie & Quinlan, p.7).

St. Augustine and other Christian scholars recognized that armed aggression and oppression in human affairs could not simply be given into. Attila and the Huns invading Europe from the East in the 5th century AD or the spread of Islam by the sword as far as Spain in the 7th and 8th centuries were events that Christians had to respond to (Guthrie & Quinlan, p. 6). As a result, an attempt was undertaken to bring an ultimate right of effective armed resistance under the best moral discipline. Central to the Just War tradition is to control and limit war, even at times to forbid it, while always remaining conscious of the adversary's humanity. This tenet stands in stark contrast to the idea of "holy war", a concept in which religious believers go to war in the belief of serving their faith (Guthrie & Quinlan, p. 8).

St. Augustine, an admirer of Cicero's thought and style, was for centuries Western Christianity's most cited authority regarding the ethics of war (Gaffney, p. 50). St. Augustine's preoccupation with the biblical assessment of war and the coercive repression of heresy gave his teachings a distinctive slant, one that would in time diminish in later Christian traditions. St. Augustine's justification for war helped established the foundation for a new order, as the Roman Empire at the time of his birth had been Christian for only twenty-five years. Up until this point, Christian writings were commonly anti-military and Christian soldiers were rare (Gaffney, p.51). St. Augustine's defense of wars of the Old Testament resulted in the establishment of the concept of "holy war" in Christian thought. Augustine assumed that the justice of war is a moral question for sovereigns but not, however, for subjects. For him, the morality of the divine sovereign is beyond question (Gaffney, p. 52). For St. Augustine, the evils of war are defined as love of violence, revengeful cruelty, fierce and merciless animosity, wild resistance and the lust of power; contrastingly, he stresses the interiority of moral values. This emphasis on internal emotions is a large shift from Cicero's perspective. For St. Augustine, Christian morality is founded on well-ordered love. To act morally is to behave in ways that express the love of God and of the neighbor for God's sake. This doctrine has been heavily criticized as St. Augustine argues that force is applied morally

when it is applied lovingly by appropriate individuals. Additionally, nothing is more loving than to correct the sinfulness of sinners, gently if possible, but forcibly if necessary. Clearly, this is an argument that can appear overbearing (Gaffney, p. 53). According to St. Augustine, war against malicious enemies, if conducted lovingly, not only protects and repairs national interests, but also inflicts wholesome punishment which results in justice and morally rehabilitates the wicked (Gaffney, p. 54). St. Augustine's statements never consider that there might be justice or injustice on both sides of a conflict, nor does his emphasis on punitive moral cleansing encourage compromise. As a result of St. Augustine's tremendous prestige, his moral theology of war remained largely unquestioned. Christian jurists commonly combined it with secular norms taken from Roman law (Gaffney, p. 55).

St. Thomas of Aquinas was also extremely influential in the development of the Just War theory. In his writings, Aquinas disposed of Christian pacifist interpretations of Christ's teaching by Augustine. Aquinas does not embrace Augustine's view that the Sermon on the Mount concerns only internal dispositions rather than external behavior. Nor does he agree with Augustine's interpretation of just warfare as helping the enemy spiritually by correcting their moral deficiencies (Gaffney, p. 56). Aquinas establishes three criteria for the moral conduct of war: right authority, just cause and right intention. Only the ruler, or "prince", has the authority to wage war, private individuals are explicitly excluded. The ruler exclusively enjoys this privilege as it is he who is required to protect the commonwealth by force of arms from both domestic threats and foreign enemies. It is therefore clear that Aquinas understands just war as an act of self-defense by a political community, a radically different notion compared with Augustine's concept of war as a reprimanding of the bad by the good (Gaffney, p. 56). Regarding just cause, Aquinas refers to Augustine's definition of just war; those against whom war is waged are guilty of some wrong and the war finds its just cause in avenging these transgressions. For Aquinas, a just war is one which defends the common good. Right intention for Aquinas is defined as the intention to promote good and avert evil. He contrasts this concept with bad intentions, adopting Augustine's list of evil dispositions for which Augustine considers war the correct punishment (Gaffney, p. 56).

In the writings of St. Aquinas two different concepts of a just war exist; however, they are never explicitly contrasted. Augustine's notion is guaranteed its inclusion due to the author's prestige and its regular presence in ecclesiastical documents for over eight hundred years. In this case, war is an exercise of virtue in the chastisement and, ideally, eradication of vice; an affliction of bodies for the improvement of souls and motivated by love (Gaffney, p. 57). The

second concept is much more similar to the pre-Christian thought of moralists such as Cicero and Aristotle. In this case, war is the last resort of self-defense by a political community seeking to regain its violated security. Furthermore, this attempt must be done in a fashion which ensures that future conditions will favor lasting peace. According to this perception, no vicious motives exist nor is there any claim that the sufferings inflicted in battle are harsh medicines lovingly bestowed on ailing souls. Love most certainly plays a role, yet it does not claim to be purely altruistic. Critical in this case is the enemies outward behavior rather than their inward dispositions; therefore it should be clear when the goal has been achieved as well as when it is time to lay down arms and attempt to establish a stabilized peace (Gaffney, p. 58). A common critique of most medieval discussions of just war focuses on the omission of the morality of how the war is to be waged. When the Augustinian tradition insisted on moderation, it was predominantly the moderation of a just warrior's internal feelings, which must remain loving and the warrior even saddened by any damage he is compelled to inflict. Moderation of the damage inflicted, its scope, intensity and duration were seldom mentioned (Gaffney, p. 58).

The Spaniard Francisco de Vitoria was another scholar highly influential in the development of the just war tradition. His contribution centered on allegations of atrocities committed by Spanish traders, settlers, soldiers and officials in the New World. Missionaries were witnesses to acts of great cruelty inflicted upon the native population and reported these events back to Spain. In reaction to these reports, Vitoria argued that the Spaniards had no right to invade or rule the new lands and maintained that none of the traditional grounds considered to justify defensive war could apply to Spanish conquest (Gaffney, p. 60). Vitoria did agree with his predecessors that war can under certain conditions be justified. In the case of urgent self-defense he even goes as far as to argue that private citizens may take military action. Regarding right authority, Vitoria is of the opinion that it is simply the chosen representative of the commonwealth who wields the appropriate power. Thus, a clearly more republican view has replaced the monarchical assumptions of Augustine and Aquinas (Gaffney, p. 61). Although Vitoria's interpretation of just cause gives no justification for war with the native population, he nevertheless discusses hypothetically how it could be waged justly. By doing so, he examines a moral question that had been habitually overlooked by his predecessors. Vitoria gives much attention to non-combatants, their lives, property and personal freedom. The intentional killing of innocents is never admissible. Vitoria even

anticipates the issue of preemptive warfare, arguing that is intolerable to kill someone for a transgression which he has yet to commit (Gaffney, p. 62).

The concept of war has changed throughout the history of the Just War theory. The term itself is ambiguous; it can be defined as being composed of the acts of war by all parties of a particular conflict. Yet it can also refer to the belligerent action of only one side (McMahan, 2012). When one state uses armed force against another, regardless of the scale or duration, war is said to occur in a legal sense. This is significant as the laws of armed conflict begin to govern the relations between the states (McMahan, 2012). However, the application of certain laws does not guarantee the upholding of moral principles as well. Thus the Just War theory is extremely significant as, while the theory is largely congruent with the international laws of war, Just War theory does not concern itself with the legality of war, but rather with morality (McMahan, 2012).

Nonetheless the definition of war as provided by Mark Evans identifies critical aspects and is particularly useful for the purposes of my research. Evans describes war as: “the systematic use of military force by an organized social power to compel an enemy to submit to its will, the objective being political in the very broad sense that the enemy’s exercise of power is intended either to be crushed or substantively altered”, thus confirming Clausewitz’s reflection that war is the continuation of politics by other means (Evans, p. 14). This “organized social power” can be structured in numerous forms. Certainly the state based definition is most common, in which wars are the military conflicts between states and/or alliances of states (Evans, p. 14). This view denies certain groups such as mercenaries and armed gangs the possibility of obtaining legitimacy (Evans, p. 17). Yet it must also be acknowledged that wars have also been fought by “peoples”, for example wars of national liberation where statehood was the objective. The Just War theory is capable of being adapted, without any fundamental change, in order to avoid reliance on state-centrism and an aggression against/ defense-of-state-sovereignty dichotomy (Evans, p. 14); such an alteration accommodates for the fact that actors other than states engage in warfare and therefore must also abide by the constraints imposed by the theory (Evans, p. 15). Thus the interpretation and acknowledgement of legitimate authority must take both of the preceding factors into consideration; neither granting legitimacy to outlaw groups nor ignoring the fact that the Just War theory allows for the possibility that conflict involving non-state actors could be just (Evans, p. 17).

In an attempt to determine if military action can be considered morally legitimate and to regulate conduct during and after such conflicts, the Just War theory has established a set of criteria which must be met. These criteria must be fulfilled in order to have the moral justification to wage war, according to the Just War theory. It is important to note that all criteria must be met in order for war to be morally acceptable. These criteria include: Just and Proportionate Cause, Right Intention, Right Authority, Reasonable Prospect of Success, Last Resort, Discrimination and Proportionality. I will now briefly introduce these categories before providing an in-depth analysis.

Just Cause: the reason(s) for going to war must be just, such as to protect the innocent, re-establishing just order or restoring rights wrongfully denied. Revenge or solely for the reason of punishment are not just causes (Guthrie & Quinlan, p. 12).

Proportionate Cause: the justice of the cause is great enough to warrant warfare and does not negate countervailing values of equal or greater weight (Evans, p. 12). A reasonable expectation must exist that the outcome will result in enough good as to outweigh the inevitable pain and destruction of war (Guthrie & Quinlan, p. 12). The concept of Proportional Cause will be included in the criterion of Just Cause in this paper.

Right Intention: The goal must be to create a better, more just and lasting peace than would have been the case, had war not been waged. The aim of simply destroying a hated enemy nation does not qualify (Guthrie & Quinlan, p. 13). Based on a reasonable assessment of the knowledge available concerning the situation at hand, one must be as confident as reasonably possible of accomplishing the objective without causing longer-term consequences that are worse than the status quo (Evans, p. 12).

Right Authority: The decision to go to war must be made by the proper authorities, usually the ruler(s) or government of a sovereign state, rather than an internal warlord or faction (Guthrie & Quinlan, p. 12). This means that the decision maker is legitimate, the appropriate authority with respect to waging war; one has the right to wage it (Evans, p. 13).

Reasonable Prospect of Success: An honest appraisal must be made concerning the chances of success in our endeavor. It would not be morally justifiable to take up arms if the likely result is only death and suffering (Guthrie & Quinlan, p. 13).

Last Resort: One cannot wage war unless every other way of securing our goal has been attempted; or if one can justifiably argue that other attempts would fail (Guthrie & Quinlan, p.

13). War is only permissible if all peaceful alternatives which might also ensure justice to a sufficient degree have been exhausted (Evans, p. 12).

Additionally, one's own moral standing cannot be decisively compromised as a result of taking military action (Evans, p. 12); one must both publicly declare war and publically defend that declaration base on the listed criteria. Furthermore, one must be prepared to be held politically accountable for the conduct and aftermath of the conflict, based on the criteria of *jus in bello* and *jus post bellum*, which I will address in the following section (Evans, p. 13).

Discrimination: Discrimination concerns the selection of targets. In waging war, we may not under any circumstances target the innocent, defined as those who are not involved in harming us (Guthrie & Quinlan, p. 14). All reasonable precautions must be taken to avoid casualties among non-participants. The foreseeable deaths of innocents does not necessarily make a war unjust; this can be permissible as long as these deaths are not directly intended as the object of policy, but are instead simply unavoidable in the process of using justified force, established by the previous criteria (Evans, p. 13).

Proportionality: The application of more force than necessary is forbidden; no actions may be taken in which the incidental harm done is unreasonably heavy in consideration of the military benefit (Guthrie & Quinlan, p. 14). Non-combatants as well as prisoners of war must be treated justly; one must follow all national and international laws governing the conduct of war, which do not fundamentally conflict with the theory's moral criteria (Evans, p. 13).

Although traditionally the Just War theory has been separated into two distinct sections, just cause and just conduct (Evans, p. 19) the aspect of *Jus post bellum* is an important additional obligation in the concept of the Just War theory. This feature concerns conduct following the armed conflict and is linked to the criteria of right intention. In order to secure the justice obtained in a just war, further steps must be taken. These include assisting in establishing peace terms which are proportionately determined to make peace just and stable, as well as to address the injustice which resulted in the conflict. Additionally, one must take responsibility of a fair share of the material burden of the conflict's aftermath in constructing a just and stable peace. Finally, proactive participation in the process of reconciliation is required and central to the construction of a just and stable peace (Evans, p. 13). All just combatants are obligated to address matters of just post bellum prior to a war's conclusion; in the event of victory, they are also required to put these plans into motion (Evans, p. 19). The Just Post

bellum aspect of the theory provides explicit attention to what exactly is required in order to establish a just society. The conduct of the victors following the end of a military conflict may not be limited to punishing wrongdoers and exacting reparations, but rather must also include measures toward reconciliation between the former enemies (Evans, p. 19). These criteria raise the question of whether or not those who are fighting justly forfeit this legitimacy if they fail to embrace the jus post bellum criteria, even when all previous requirements have been fulfilled (Evans, p. 19).

Disciplined pragmatism is the essence of the doctrine of Just War and certainly judgment must be used in applying the criteria to specific situations (Guthrie & Quinlan, p. 15). Modern circumstances to which these criteria are to be applied differ enormously to those of the tradition's early years. Yet these standards have evolved and certainly remain relevant and adequate gauges of the moral considerations which must be reflected upon.

In order to analyze the conduct of the U.S. drone program according to the criteria of the Just War theory, I will now provide a more in-depth examination of the criteria of the Just War theory before I move on to the drone program itself and the case studies.

Just Cause: No comprehensive and exact definition of just cause exists for engaging in war. Nevertheless, certain arguments are widely accepted as being legitimate. A country's right to defend itself, which also includes coming to the defense of allies if they are the victims of aggression, is universally recognized and specifically acknowledged by the United Nations Charter (Guthrie & Quinlan, p. 17). Military intervention in order to correct grave misdoings certainly has in the past been considered legitimate, yet armed conflict as an attempt at ending the suffering of peoples is controversial, as it conflicts with the principle of non-interference in the internal affairs of sovereign states, also acknowledged by the UN Charter (Guthrie & Quinlan, p. 17). During the early period of development of the theory, the punishment of transgressions was considered an appropriate just cause. Yet validity of this argument has been strongly contested, as such a basis for military intervention could easily result in revenge becoming an accepted criteria (Guthrie & Quinlan, p. 18).

One of the major difficulties regarding the application of the idea of just cause is that in the majority of conflicts both belligerents claim to have just grievances. Thus a critical and honest evaluation of the arguments of all involved parties must be conducted (Guthrie & Quinlan, p. 19). Additionally, the argument of pre-emptive war is controversial, that is the use of force against an enemy as anticipatory self-defense. In certain cases such an argument

has been convincingly made; U.S. military force against the Taliban, who were harboring the al-Qaeda perpetrators of 9/11, in Afghanistan in 2001 was primarily justifiable not as retaliation for the attacks on the World Trade Center and the Pentagon, but rather due to the existence of an enemy obviously willing and able to commit further attacks if given the opportunity. Moreover, the argument has also been made that pre-emptive war can be justifiable if delaying military action will result in a decisive military disadvantage; this argument remains of course also controversial (Guthrie & Quinlan, p. 19). Similarly, the rise of terrorism and the possibility of the use of weapons of mass destruction by non-state actors has greatly influenced the debate regarding pre-emptive war. Indeed, the concept of justified pre-emption must be carefully considered, while carefully avoiding other concepts such as preventative action. Such an analysis must include an honest appraisal of both the magnitude and imminence of a possible attack. Certainly the criteria for justifiable military force must remain extremely stringent (Guthrie & Quinlan, p. 20).

Despite the existence of a just cause for military force, the scourges of war must also be considered. This of course includes weighing the harm which will befall individuals (and perhaps peoples) who are not involved in the conflict. The good which one hopes to achieve must outweigh such injustices. Yet, judging the expected benefit of conflict is seldom a straightforward matter. A comparison should be made between the likely future outcome if military action is taken and the likely future situation if conflict does not occur. Such a comparison must not only consider the humanitarian aspect of lives lost and physical damage done, but also identify if values such as freedom and the rule of law are at stake (Guthrie & Quinlan, p. 21). The comparison is not between military action and doing nothing, but rather the consideration of how diplomatic, economic and legal means could influence the development of the situation. If engaging in military force is indeed likely to yield significantly greater benefits in terms of our just cause, it must also be established if the margin of benefit is large enough to proceed despite the suffering armed conflict results in (Guthrie & Quinlan, p. 22). Not only must the severity of the likely outcomes be considered, but also their probability. It is not legitimate to compare a worst-case scenario with a best – case scenario regarding the choices of temperance and military force (Guthrie & Quinlan, p. 23). Finally, our inability to adequately predict future developments must also be acknowledged and taken into account. Uncertainty is a constantly present, yet it cannot always be a valid reason for ruling out the use of force. In apprehensive moments of actual or potential conflict, doing nothing when another option was available is also a choice, which

carries with it its own (moral) consequences. The 1994 Rwandan genocide is an example of such a situation (Guthrie & Quinlan, p. 24).

Right Intention: The right intention criteria of the Just War theory requires that our purpose in going to war must genuinely be to create an improved subsequent peace, a peace that otherwise would not have existed. Therefore, retribution and the simple elimination of an enemy cannot be legitimate aims. In the process of evaluating the obligation of right intention, it is critical to distinguish between intentions and motives (Guthrie & Quinlan, p. 24). Undoubtedly, other considerations come in to play when deliberating military action such as economic benefits, which would certainly not be an acceptable basis for war. Yet, the simple existence of this fact does not necessarily invalidate the decision to go to war, subject to the condition that the central purpose of war is to achieve a better and lasting peace. A “better” peace is characterized by being more just and therefore requires that an outcome is reached in which results will be fair overall, including considering the interests of others, not excluding those of the adversary’s population (Guthrie & Quinlan, p. 25). Military victory, particularly when victory is almost certainly guaranteed (as has been mostly true of the West, centered on the colossal military power of the United States), carries with it the responsibility for what happens after the military conflict (Guthrie & Quinlan, p. 26).

Right Authority: The instance on states and other sovereigns being one of the necessary criteria was established in order to prevent mercenaries, brigands and other armed groups from possessing a right to legitimately engage in warfare. Originally, the right authority requirement was a product of the medieval European environment, in which it was necessary to ensure that the grave step of going to war was only undertaken by the lawful sovereign, rather than factions or warlords within the state (Guthrie & Quinlan, p. 26). In the past few centuries this concept seemed to pose few problems, especially in the Western world, as the international system developed based on the idea of independent (nation) states, in which no higher political or legal entity existed to compete with the governments of these states regarding the decision to refrain from or engage in war (Guthrie & Quinlan, p. 27). However, the situation changed dramatically following World War II and the drafting in 1945 of the Charter of the United Nations, which followed the failed League of Nations of the interwar years. In this charter the right of nations to wage war in self-defense is acknowledged, yet military action which exceeds self-defense can only be taken with the authorization of the Security Council. Even though this provision has never enjoyed worldwide acceptance and compliance, it nonetheless remains extremely significant. The failure of this provision to

prevent unauthorized conflict rests not only on the behavior of individual states, but is also due to the shortcomings of the Security Council itself, which are inherent in its current composition and in the veto power of the five permanent members (Guthrie & Quinlan, p. 27). Any of the five permanent members can block a resolution, regardless of both the range of consensus in the General Assembly, and the urgency of the arguments for taking action. In a very limited yet important number of cases, the effect or prospect of the exercise of veto in the Security Council has been so absolutely unacceptable that key countries such as the United States of America have justifiably acted without prior Security Council agreement. An example of such a case was the 1950 North Korean invasion of South Korea with the aim of unifying the entire Korean peninsula by force under Communist rule, in which UN authorization was only given due to the fact that China's seat was still held by the Taiwan-based non-Communist regime as well as the Soviet boycott of the Security Council during that time (Guthrie & Quinlan, p. 28). Had this not been the case, the resolution for military action certainly would have been vetoed. An additional example is the NATO campaign in Kosovo in 1999; NATO countries reasonably concluded that a resolution authorizing force would be vetoed by Russia and/or China, and that trying and failing to achieve a resolution would devastate the political legitimacy of the campaign. Thus military action was taken to stop the threat to international peace without UN approval (Guthrie & Quinlan, p. 29).

In consideration of historical events regarding UN authorization, we can therefore conclude that strict adherence to Security Council authorizations is simply incompatible with the world's practical and moral realities. Nonetheless, Security Council clearance in advance of military operations cannot simply be disregarded, as international consensus is very beneficial to long-term international order. The lack of such consent is not necessarily fatal, but is rather often a grave deficiency, especially concerning interventions in humanitarian crises (Guthrie & Quinlan, p. 30).

The right authority aspect of the Just War theory also has implications for democratic systems. Ideally decisions by governments to engage in military action should only be taken based on thorough and accurate information which has been made publicly available, candid and consistent explanation by the government and careful consideration with full involvement of parliaments regarding advice and decision (Guthrie & Quinlan, p. 31).

A critical aspect of traditional Just War theory is that not all organized and armed groups of individuals have the right to engage in violence, even if their behavior otherwise satisfies the

criteria of the theory. This requirement has been deemed necessary as without the insistence on a precisely identified legitimate authority, “just wars” would result in anarchy and chaos (Evans, p. 71). Thus Just War thinking has been instrumental in forming the conventions which govern warfare in international law. Indeed, the United Nations Charter permits war only as a last resort and in self-defense, the only exception being when Security Council authorization explicitly permits otherwise. However, the legitimate authority criterion, which also entails the requirement of conformity to existing and recognized laws, is in fact under certain conditions dispensable when considering the moral legitimacy of the resort to war; in other words, the technical illegality of a war might harm its moral credentials, but this alone does not suffice to render its overall moral justification as false (Evans, p. 72). When considering whether military engagement is legitimate or not, it is imperative to recognize that law ultimately matters due to the moral precepts it exemplifies and we cannot always simply assume that existing laws and the accompanying institutions which operationalize them are always able to adequately accomplish the moral tasks at hand (Evans, p. 73).

It has been widely assumed that the sovereign state is the fundamental political unit, yet this view is plagued by various limitations. States are of moral importance due exclusively to the fact that the people who live within their borders matter morally. The self-defense justification for war is based on the idea that the individuals of a state have both the right not to suffer attack and the right to defend themselves against attempts to kill or injure them as well as to deprive them of their liberties; thus it is their sovereignty as a people that is pivotal (Evans, p. 74). Indeed, the justification of humanitarian intervention is based on the claim that the sovereignty of the state has moral significance only in so far as the rights of its citizens are important (Evans, p. 74).

While historically the legitimate authority criterion was intended to prevent war from being waged by arbitrary groups, for example mercenaries, the focus exclusively on states can indeed be inadequate (Evans, p. 78). For the Just War theory the institution of states is not a necessity; rather what is required is some sort of (global or regional) structure to maintain and police the norms of global civil society (Evans, p. 79). Certainly the United Nations is the kind of institutional body envisioned by the Just War theory which would ideally grant legitimate authority regarding the sanctioning of military action. Yet the UN suffers from deep structural flaws which impede its ability to function as intended, which is as a cosmopolitan political authority (Evans, p. 81). These flaws are numerous and wide-ranging; the composition of the Security Council remains based on the post-World War II settlement,

certainly not an adequate reflection of the balance power and the interests of all member-states today. It also grants the permanent members of the council enormous power to manipulate or limit UN action in favor of their own self-interest. Furthermore, the state based representative structure of the UN is not democratic in so far as that it does not represent the interests of members of global civil society equally (Evans, p. 81). Certainly it must be acknowledged that in certain cases just cause for military action can exist while at the same time the legitimate authority criterion cannot be satisfied. Thus one is forced to recognize the institutional failing which exists in our imperfect world. Therefore this institutional failing cannot necessarily prevent other powers from action unilaterally (Evans, p. 82). There are numerous examples of genocides in the 20th century which warranted a military response, regardless of the fact if the process of legitimization had been properly institutionalized or not. Yet, not every capable military organization may be equally entitled to act; a just warring authority must be one which is prepared to defer to the moral authority of global civil society (Evans, p. 83). Thus one can logically conclude that the UN should undoubtedly attempt to manage international crises, yet if unable to, in certain grave situations, it may be justifiable for other states or organizations to assume moral responsibility even without an international legal provision (Evans, p. 83). It is important to note that while it may be necessary to set aside the legitimate authority criterion due to institutional failures, the suspension of any other Just Theory war criteria cannot be considered legitimate. Furthermore, unilateralism sets a dangerous precedent which must also be taken into account when considering going to war (Evans, p. 84). All of these aspects should be considered when attempting to determine if U.S. drone strikes can be classified as legitimate according to the Just War theory.

Reasonable Prospect of Success: This criterion addresses the fact that no national leader or leaders responsible for the welfare of their citizens may commence or prolong armed conflict without the reasonable likelihood that this action will result in achieving a better outcome than would result from rejecting or ending combat (Guthrie & Quinlan, p. 31). However, this aspect is not limited to the prospect of victory, but rather also considers the fact that in some circumstances an outcome other than victory in the classical military sense can also be legitimately regarded as being successful. Preventing an aggressor from achieving his goal without militarily defeating his forces is an example of such a case (Guthrie & Quinlan, p. 32).

Last Resort: The standard of last resort does not necessarily mean that every possible option must first be pursued before engaging in war. Practical judgment plays a large role in

determining which course of action should be taken. The last resort simply means the action that is least preferable (Guthrie & Quinlan, p. 33). Certainly diplomacy and non-military pressure must be attempted before resorting to violence; yet in conflict settings time often plays a determining role. Military options and their consequences change with time; they become more difficult, more costly or cease to be feasible at all. The early application of force can in certain situations result in less harm than postponing and facing a situation which has considerably deteriorated, resulting in an increase in the force needed and a subsequent greater loss of life (Guthrie & Quinlan, p. 33). Undoubtedly, military action can be taken both too soon as well as too late; an honest and practical appraisal is required for each individual circumstance prior to applying military force (Guthrie & Quinlan, p. 34).

Proportionality: The idea of proportionality is a fundamental concept of the Just War theory and has long been included in both the law of armed conflict and military strategy. Proportionality requires the discrimination between combatants and non-combatants and attempts to regulate the violence of war proportionate to the threat it is meant to overcome, while at the same time aiming to make the unintended mistakes of war proportionate to their intended benefits (Carmola, p. 94). Proportionality is critical for all three aspects of the Just War theory; it figures prominently in judgments concerning the justice of a war (*jus ad bellum*), the justice of the means employed (*jus in bello*) and in determining punishment, including issues of post-conflict justice (*jus post bellum*). Although the term has been central to the Just War theory since the concept emerged, proportionality remains somewhat ambiguous; the central question remains of how one is to judge something as just or unjust (Carmola, p. 94).

Terror tactics explicitly aim to undermine the two cardinal rules of just warfare, proportionality and discrimination. Thus, combating terrorism has resulted in a reevaluation of certain fundamental commitments of just war theory and international humanitarian law regarding their purpose and the standards that guide their use (Carmola, p. 95). The ambiguous yet fundamental characteristic of proportionality is threatened in various ways. The role of explicit and mass civilian targeting by terrorists and the classic guerilla and urban warfare uses of civilian populations have placed non-combatants on the front lines of postmodern warfare. Additionally, the stark contrast between views regarding fatalities between Western militaries and among terrorist forces highlight the problem of “battlefield equality” in proportionality calculations, illustrated most clearly by casualty aversion and

force protection on the Western side compared with suicide bombing on the other (Carmola, p. 95).

The term proportionality refers to acceptable or justifiable levels of civilian casualties incurred during military operations; it identifies the proportionate level of collateral damage, the unintended killing of civilians justified by the benefit of hitting a specific target (Carmola, p. 96). The necessity for proportionality is based on the human predisposition to respond disproportionately, unmeasured, passionate and cruel. An additional consistent justification of proportionate action is based on the psychological well-being of the combatant and the profession of the military. A lack of restraint harms not only wise policy, but also those who carry out this agenda. This was a concern of early Just War thinkers; the original Christian Just War proponents repeatedly stressed the necessity of restraint in order to maintain the virtue of the actor and due to concern over the actor's soul (Carmola, p. 97). The early developers of the chivalric code and the laws of armed combat were also concerned with the well-being of the knight and the maintenance of the traditional warrior class, with status an honor linked to the appropriate and restrained application of force. This is the source of the requirement of discrimination; warriors could only honorably kill those who were a legitimate and immediate threat to them (Carmola, p. 98). The traditional warrior philosophy, with its membership requirements, standards of behavior and purification rituals was combined with Christian concern with the soul of the warrior.

Proportionality balances the cost and benefits of warfare due to concern for both the outward position and the inner soul of the warrior, as well as the inherent innocence of the non-combatant and for the consequences of violence (Carmola, p. 98). The concept of proportionality has long been a fundamental principle regarding the laws of armed combat, relevant to the issues of weaponry, actions taken against soldiers and actions involving civilians (Carmola, p. 99). As used by the military, the doctrine of proportionality greatly influences the tactical rules of engagement as well as the choice of weaponry and the targets in bombing campaigns. Additionally, it guides the deployment of soldiers, particularly their exposure to danger (Carmola, p. 101).

It is also of importance to note that the mere perception of poor conduct by a belligerent erodes the just cause of war and undermines its legacy, as actions which result in unnecessary deaths or damage are viewed as detrimental to the international norms and customs (Carmola, p. 102). Thus proportionality greatly aids in convincing a skeptical public.

Casualty aversion can greatly affect the calculations of proportionality in numerous ways. The calculations of acceptable danger consider the necessity of war and its justice. Operations that are not viewed as being both militarily and politically just and necessary by both civilian and military leaders are characterized by a lower level of readiness to send soldiers into danger (Carmola, p. 102). The remoteness of certain operations, particularly air war in general and drone attacks specifically, is a staggering example, one in which the bombs are deployed with little or no risk to actual soldiers. Some critics have argued that such activities often give the impression of disproportionality and indiscrimination (Carmola, p. 103).

The concept of proportionality becomes even more complex with regard to the combating of terrorists. While the 1949 Geneva Conventions originally only applied to combatants in a state against state conflict, the Additional Protocols expanded the obligations and protections of the laws of war to those belligerents in intra-state conflicts, civil wars and wars of liberation that fulfilled certain requirements. These requirements include a centralized command and control, open display of weapons and some sort of identifying insignia (Carmola, p. 103). Yet terrorists, in contrast to guerilla soldiers, never openly identify themselves as belligerents. Additionally, terrorism has always been a tactic that is seen as existing outside the laws of war; those who engage in it are illegal combatants and not entitled to the rights and protections which are granted to those who act within the guidelines (Carmola, p. 103). Indeed, terrorists are by definition outside the legal definition of a combatant and are thus not formally protected. Extending the legal protection of combatant rights to those whose conduct defies international law and norms and who do not respond to a notion of reciprocity may result in the legitimization of a the terrorists' abhorrent tactics. Additionally, determining a proportionate response requires knowledge of both the literal end of combat and an overall strategy that is achievable; the literal end identifies the time wherein peace will resume, while an overall goal or strategy entails an end that justifies the means and the injustices of some of those means (Carmola, p. 104). For example, the war against al-Qaeda and the toppling of the Taliban regime in Afghanistan in 2001 was widely regarded as a justified response to the terrorist attacks of September 11th. Scholars, ethicists and political commentators viewed a military response as justified and as fulfilling a majority of requirements of a just war (Carmola, p. 104).

The demand for proportionate justice in warfare is not merely a balance of ends and means. The demand for proportionality also balances the exposure of perpetrator and victim to violence and risk. The punishment must fit the crime; certain mistakes or disproportionate

results can under certain conditions be excused, if sufficient care was taken to prevent them or if the crime is so heinous as to permit a severe reaction (Carmola, p. 107).

Early religious Christian thinkers would remind us of the inner cost of a loss of restraint or disproportionate conduct (Carmola, p. 109). Restraint and proportionality originally were intended to protect the soul of the combatant from the dangers of excess, from the lust of violence for its own sake. At the intersection of military strategy and just war thinking, this same concern with the well-being of the combatant, his mental health and his physical survival, contributes to the calculation of proportionality (Carmola, p. 107).

It may seem that our ability to wage war justly is often at odds with the ability to wage war successfully (Carmola, p. 108). Yet the rules and guidelines regarding restraint in warfare and caution in target selection require that one must always balance harm done, intentionally or unintentionally, to combatant or non-combatant, with the consequences of the harm as well as with the success of the mission. Proportionality must be guided by the acknowledgement that those who are the victims of our violence have rights that were overridden. In addition to the careful target selection that is applied, the victims and the relatives of victims deserve apologies and some type of reparation (Carmola, p. 109).

Discrimination: The concepts of innocence and deliberate attack are critical to the aspect of discrimination in the Just War theory. The concept of “innocents” as individuals who should not be deliberately targeted is not dependent on whether or not these individuals have any personal responsibility regarding the cause of war and the evils the just side wishes to stop or rectify. Rather, innocence in this sense is determined by participation or non-participation in the conflict. If individuals are involved in contributing to doing us harm, their own willingness or reluctance is not relevant, they are legitimate targets. The critical point is to identify non-combatants (Guthrie & Quinlan, p. 35). However difficult issues may exist regarding defining non-involvement as well as determining who can claim it. Government leaders, civilians providing logistical support to the armed forces and workers in armament factories all seem clearly involved (Guthrie & Quinlan, p. 36). While disarmed captives and civilians are clearly exempt; others, for example those responsible for the hostile regime’s propaganda, cannot be so easily classified. This identification becomes even more difficult if it is not a state-versus-state conflict but rather a guerrilla war or clandestine operation (Guthrie & Quinlan, p. 36). General attacks on the adversary’s civilian population, in the hope of weakening national morale or creating unrest, is certainly very difficult to justify as are

attacks on infrastructure such as power stations or bridges which serve both military and civilians. Critical to the concept of discrimination is to note the nature of the Just War tradition, which always entails a pragmatic approach to feasible options and alternatives (Guthrie & Quinlan, p. 37).

“Deliberate attack” is a further crucial element to the concept of discrimination. It is a horrible and inescapable fact that in virtually every armed conflict non-combatants are killed. This is a consideration that must be seriously reflected upon before taking up arms. Yet this fact does not make going to war unacceptable. A central difference exists between the foreseeing of innocents being killed and the intention to kill innocents (Guthrie & Quinlan, p. 38). It may well be known that a military operation could highly likely, or even certainly, result in the deaths of civilians; however this does not necessarily result in the operation being immoral, depending on a number of key stipulations. Most importantly, the deaths of innocents may under no circumstances be part of the real intention of the operation, nor may it be absolutely necessary in achieving the military aim. This is however not identical to civilian deaths being unavoidable (Guthrie & Quinlan, p. 38). The second stipulation is that all must be done which is reasonably possible to reduce the risk to non-combatants to a minimum. Thirdly, the likely harm to innocents must not be out of proportion to the expected military benefits. Important is also to note that non-combatants on our adversary’s side remain innocents even if our own are unjustly attacked (Guthrie & Quinlan, p. 39).

Once the initial justice of a cause for war has been established, complex considerations must nevertheless be further reflected upon, particularly due to the fact that some of the criteria of the Just War theory allow leeway for interpretation. For example, other values carry sufficient weight which may conflict with the goals one wishes to achieve through war. If one engages in war in order to establish or restore a just peace, then a decision has been taken which favors justice over peace. Before this is done, it would be necessary to consider the independent moral importance of peace as well (Evans, p. 15). Additionally, the criterion of “last resort” is open for interpretation. Certainly the refusal to wage war, despite the just cause or causes, is always a literal possibility, an argument championed by absolute pacifists. Yet in the Just War theory, the crucial question is whether or not a reasonable alternative exists; this deliberation leads of course to presumptions regarding what “reasonable” means in a specific context (Evans, p. 16). According to the Just War theory, a strong argument could be made for engaging in warfare if one’s life, the lives of one’s families, friends and comrades in arms are likely to be lost without military action; thus, despite the loss of life that would occur due

to our acting in self-defense, it is nonetheless a morally preferable outcome, when compared with the injustices and subsequent martyrdom that inaction would result in (Evans, p. 16). Central to the application of the theory is whether or not one is initiating a war or if one is responding to an act or war, or a potential act of war. The concepts of pre-emptive and preventative war and supreme emergency exemption must most certainly also be reflected upon (Evans, p. 16), which I will briefly do in the following section.

3.1 Preemptive strikes

An additional aspect which must be considered when analyzing the Just War theory is the issue of preemptive strikes. Among the Western scholars, statesmen and soldiers who developed the Just War theory, disagreement existed regarding whether anticipatory, preemptive self-defense was legitimate. Some analysts rejected any form of anticipatory, preemptive self-defense, stressing that the offending side must be guilty of having committed an offense in order for there to be a just cause for retribution. Other just war theorists endorsed the concept of an anticipatory, preemptive self-defense prior to actual offenses, provided that there be unambiguous knowledge of the offending party's intention to launch an unjust, offensive attack and the anticipated attack was imminent. Nonetheless, all agreed that armed force should only be applied as a last resort and that the concept of proportionality must be satisfactorily addressed (Hensel, p. 14).

3.2 Supreme Emergency Exemption

Within the Just War theory the controversial argument exists that in the face of an extreme emergency certain, even fundamental, criteria of the theory may be legitimately suspended, yet the war may still be identified as being just. As the central tenants of the Just War theory have already been presented, this view warrants closer attention in in order to determine if it can be applied to U.S. drone attacks. The analysis of how asymmetric threats, such as terrorism, configure in the supreme emergency debate is a relatively recent development that merits consideration, particularly in light of those individuals targeted by UAV strikes by the U.S. Asymmetric threats come from non-state actors while asymmetric warfare occurs when a state engages in armed conflict with such a non-state actor, for example the Islamic terrorist group Al-Qaeda; however it could also include mercenaries or drug cartels (Orend, p. 138).

The supreme emergency exemption is a doctrine which places extreme stress on the relationship between the justice of resorting to war and the justice of conduct in war. Major proponents of the argument include Winston Churchill and the political philosophers John Rawls and Michael Walzer. The supreme emergency exemption allows a country victimized by aggression to ignore the rules set out by *jus in bello* and fight however it deems necessary, under the conditions that 1) there is public proof that the aggressor will shortly defeat the victim militarily and 2) there is similar proof that once accomplished, the aggressor will not simply crush the political sovereignty of the victim country but also institute a brutal policy of widespread massacre and/or enslavement against the individual members of that community (Orend, p. 134). According to the argument, under supreme emergency conditions the victim of aggression must not abide by the central principles of the Just War theory, which include 1) non-combatant immunity from direct and intentional attack, 2) the use of proportionate means only against legitimate military targets and 3) no use of “evil in itself”, such as the use of poisonous weapons or forcing captured soldiers to fight against their own side. In other words, the side with the just cause may fight however it sees fit, without restraint, in the attempt to overcome the massive threat (Orend, p. 135). Clearly this also includes the willful violation of non-combatant immunity and the deliberately attacking of enemy civilians with lethal force. Traditionally, such offenses have been considered clear and grave violations of Just War rules, in addition to being some of the most severe war crimes. Certainly this is reflected by the vast criticism of this argument, which is the most controversial suggested amendment to Just War theory (Orend, p. 135).

Groups which are considered to have experienced a supreme emergency include those victimized by or targeted with genocide, such as the Turkish Armenians during World War I, European Jews in the early 1940s and Rwandan Tutsis in the mid-1990s. Other historical tragedies such as the fate of the Native Americans or Africans on the eve of the armed slave trade have also been cited as possible instances (Orend, p. 139). Additionally, it has been controversially argued that Great Britain experienced a supreme exemption emergency starting in 1940, yet this example remains extremely contentious. In light of these cases, clearly such supreme emergencies have occurred in the past and therefore the possibility of a supreme emergency exemption must be considered in relation to the Just War theory.

Five major arguments can be identified regarding how to interpret the supreme emergency exemption; these include the general denial of such emergency exemptions, the argument of

consequentialism, strict respect for *Jus in Bello*, Walzer's paradoxical position and Moral tragedy in conjunction with Prudential Strategy.

The general denial position rejects the notion that a supreme emergency situation could justify the suspension of critical principles of the Just War theory. The objection contains both conceptual and historical arguments. Conceptually, critics contend that the supreme emergency conditions are too vague and can easily fall victim to interpretive disagreement, resulting in gratuitous, self-serving abuse (Orend, p. 140). According to Walzer, a clear victim of aggression and a perpetrator are prerequisites for a supreme emergency. Yet how exactly aggression and defense against it can be defined (empirical or normative concepts) remains unclear. Additionally, what can be regarded as "imminent military defeat" is undefined as is the concept of certainty that widespread massacre and/or enslavement will occur (Orend, p. 140). Careful deliberation of these concepts reveals the ambiguity of both the terms and the preconditions set forth by Walzer and others. Although these observations certainly should be reflected upon, in light of the examples of genocide mentioned previously, it certainly seems that while supreme emergencies can be difficult to conceptually define, the existence of such events cannot be denied (Orend, p. 141).

Consequentialism states that in the event of a supreme emergency, only *jus ad bellum* plays a decisive role; therefore allowing for the suspension of the laws of conduct in war. Churchill was an advocate of this view. Other examples could include the generals Grant and Sherman during the U.S. civil war (Orend, p. 142). Certainly this is the most controversial interpretation of the supreme emergency exemption argument. This view violates the human rights of enemy civilians, universally understood to be non-combatants. For the Just War theory it is impermissible to deliberately target and strike civilians as even in the event of a supreme emergency, it is not the civilians who are the direct threat (Orend, 142). In stark contrast, consequentialism endorses the argument that the ends justify the means. Yet according to the Just War theory, the purpose of the rules which regulate conduct in war is to prevent indiscriminate slaughter and total war. Indeed, the very basis for Just War theory is to insist on restraints regarding both the reasons to engage in war and behavior during the conflict (Orend, p. 143).

The strict respect for *jus in bello* interpretation requires that even in moments of supreme emergency, one must still scrupulously respect the rules regarding conduct in war (Orend, p. 144). This perspective therefore respects the human rights of enemy civilians and rejects the

proposition that the ends justify the means. Yet this view, while certainly morally correct, does not properly address the fact that in a supreme emergency situation strict adherence to the rules of moral conduct does not necessarily prevent the horrible slaughter with which the moral side is threatened (Orend, p. 145).

Walzer's paradoxical position states that the victim community may suspend the criteria required in *jus in bello* in order to protect its people and defend itself from annihilation; yet this conduct is nonetheless immoral as it results in the murder of enemy civilians (Orend, p. 146). His point is that although the deliberate killing of innocents is indeed murder, it is nevertheless permissible in a supreme emergency; it is simultaneously right and wrong. According to this view, statesmen and soldiers must set aside *jus in bello* in order to end the supreme emergency, even when this results in horrible wrong doing, as these individuals have an obligation to defend their population (Orend, p. 148).

The Moral tragedy and Prudential Strategy view presents an alternative concerning supreme emergency, one which is much more preferred among scholars than the competing positions (Orend, p. 148). It is particularly beneficial to view supreme emergencies under parallel perspectives, the moral and the prudential. Morally, a supreme emergency is an ethical tragedy. Prudentially it is a struggle for survival (Orend, p. 148). A moral tragedy occurs when every viable option involves a drastic moral violation; failing to act will result in both the destruction of the state and the civilian population will face widespread murder. If, however, one does act, this will result in the violation of the rules of *jus in bello* and the widespread murder of civilians. According to this view, there is no supreme emergency exemption, as a moral exception is impossible. This view captures not only the difficulty of the dilemma but also the immense scope of its innate tragedy (Orend, p. 149). From a prudential point of view, a supreme emergency is a desperate struggle for survival. Yet this struggle can be guided by rational choice. These rules include ensuring that supreme emergency measures are absolutely last resort. According to the standard Just War theory previously analyzed, there are a variety of measures which must be attempted prior to military engagement; these attempts become even more significant when considering violating the established moral rules (Orend, p. 149). Furthermore, the desire for revenge or bloodlust may never play a role; the right intention must be present, that is, the purpose of one's actions is to survive. Additionally, any supreme emergency measures must have a reasonable probability of success before being attempted (Orend, p. 150). According to this view, the possibility of

the victim's actions being excused in the event of a supreme emergency exists, yet these actions can never be justified (Orend, p. 151).

The supreme emergency exemption is relevant when analyzing U.S. drone strikes for a variety of reasons. First, if the U.S. was indeed facing a supreme emergency in the wake of the 9/11 attacks, this would drastically influence its subsequent actions and the moral evaluation of its conduct. In consideration of the supreme emergency exemption criteria according to Walzer, it can be determined that this was not the case; while America was indeed the victim of extreme aggression and the terrorist attacks justified the strikes on the Taliban in Afghanistan, the U.S. was never close to military defeat. Yet if al-Qaida or another terrorist group could obtain a weapon of mass destruction, this could certainly fulfill the requirements set out by the supreme emergency exemption.

3.3 Revisionist Just War theory

Revisionist Just War theorists offer criticism of certain aspects of the Just War theory. Here I will briefly summarize their main arguments.

In the traditional Just War theory there is a sharp distinction between the principles of *jus ad bellum* and *jus in bello*; the two are separated in the sense that what is permissible for a combatant to do in war is not influenced by whether his war is just or unjust. Those acts permissible for those who fight for a just cause are also permissible for those who fight for an unjust cause. Belligerents on both sides possess the same rights, permissions and liabilities, a condition known as the "moral equality of combatants" (McMahan, 2012).

According to the traditional Just War theory interpretation, if it is permissible for just belligerents to go to war, the same is also true for unjust belligerents. Only the violation of the rules of *jus in bello* is impermissible. Just War theory revisionists point out the paradoxical implication of this view; if unjust belligerents engage in combat without violating the rules of governing the conduct of war, then their individual acts of war are acceptable. However these individual acts together constitute a war that is unjust and therefore intolerable. The question revisionists raise is therefore how can a series of permissible acts be collectively impermissible? (McMahan, 2012).

In response, traditional Just War theorists claim that the principles of *jus ad bellum* apply only to the state (or, more precisely, to the government which represents it). Therefore only the members of the government who are responsible for the decision to engage in an unjust war are acting impermissibly. Just War theory revisionists contend that this view is incompatible with norms regarding killing in other contexts. Normally a killer is at least as responsible for the victim's death as the individual(s) who may have paid or pressured the killer to commit the murder. These revisionists contend that unjust combatants' behavior is morally wrong as their ends are unjust; conducting their conduct according to the *jus in bello* criteria does not change this fact (McMahan, 2012).

Revisionist Just War theorists not only attempt to expose problems within the traditional Just War theory, but also wish to develop an alternative. The revisionist approach views war as morally continuous with other forms of violent conflict and thus discards the notion that a different morality applies during war (McMahan, 2012). Revisionists claim that the principles of *jus ad bellum* are applicable not only to governments but are also to individual soldiers, who in general may not morally engage in the pursuit of the goals of an unjust war. Furthermore, revisionists argue that *jus in bello* cannot be independent of *jus ad bellum* and therefore it is impossible to fight in a manner that is objectively permissible in a conflict that is unjust (McMahan, 2012).

According to the revisionist interpretation of *jus in bello*, unjust belligerents can seldom justify attacking those fighting for a just cause. The main exception is when just belligerents' behavior is impermissible; if, in pursuit of their goals, they attempt to achieve them through impermissible means. Revisionists acknowledge that belligerents act under extreme pressure and in the face of factual and moral uncertainty. These mitigating conditions normally diminish their responsibility for the wrongs which they commit, at times making their conduct excusable; yet it nonetheless remains morally unjustified (McMahan, 2012).

Revisionists hope that their work may serve as a source of guidance in establishing new international institutions which will make it possible to reform the laws of war in a manner that will alter it to conform to the criteria of the morality of war (McMahan, 2012).

3.4 Just War Theory Summary

In the attempt to normatively evaluate war, the Just War theory is an unavoidable and extensive paradigm. This attempt is necessary as moral neutrality or indifference to the variety of issues raised by war cannot be an acceptable stance (Evans, p. 203).

Determining what kinds of conflict can be considered acts of war is certainly a difficult endeavor. The nature of warfare is diverse and changing; indeed conflicts have become qualitatively distinct in terms of scale, technology applied, types of causes and the definition of combatants from wars of the past (Evans, p. 204). Certainly the decision itself to define a military confrontation as war has often specific rhetorical and ideological purposes that perhaps themselves are contested. Yet despite the definition of war being at times contentious, the Just War theory can still be applied in the attempt to morally justify any form of violence (Evans, p. 204). Certainly all violence should be justified regarding just cause, last resort, proportionality and discrimination. Therefore one can also appropriately interpret the Just War theory as a just violence theory, which mirrors the Just War theory's moral criteria (Evans, p. 205).

The Just War theory does not make any claims concerning the extent to which moral justifications have been present for current or past wars; even if, in the analysis of past and current wars, moral justifications have not been fulfilled, the Just War theory remains a critical guideline for altercations in the future. Just War theorists agree with pacifists on a number of points of fundamental moral judgments, particularly the argument that a just war is always fought against a major injustice. While pacifists reject the notion that war against injustice can be justified, just war theorists consider such an action the lesser of two evils (Evans, p. 205).

The Just War theory rejects the fundamental realist argument that strategic considerations, as opposed to moral concerns, explain the behavior of political actors concerning the decision to go to war; the realist believes that no appropriate room for moral norms exists. Although it may indeed be true that wars have not abided by the criteria of the Just War theory, this fact has no bearing on the appropriateness of insisting that moral judgments should be made (Evans, p. 207). It may indeed be extremely difficult to strictly and consistently follow moral rules and laws under the horrendous circumstances of war, yet it would be a grave error to ignore such rules, which would result in war being completely unregulated morally (Evans, p. 210).

The criteria and principles inherent within the just war doctrine's interpretation and application of its analytical framework was principally based on a theocentric conception of natural law as well as thoughts and traditions which developed and evolved during the medieval period in Europe (Hensel, p. 284). There were often clear differences of opinion between the criteria established by the original advocates of just war doctrine and the criteria provided by the various other perspectives which gained relevance during the modern period. In addition to divergences of opinion regarding what constituted right intention, there were numerous opinions concerning what factors, if any, should limit the range and intensity of military violence (Hensel, p. 285). Thus, there were and remain significant areas of disagreement within Western philosophy generally and specifically regarding how these philosophical perspectives were used in addressing the question of whether and how armed force should be used to resolve conflicts. Nonetheless, proponents of most schools of thought agreed that the categories embedded within the framework were useful, appropriate and applicable in shaping and evaluating policy formulation and implementation concerning the use of military force (Hensel, p. 286).

Numerous aspects of modern international law concerning the regulation of the use of armed force can trace its origins to the Western just war tradition. Yet, as tension within the just war doctrine exists regarding the appropriate balance between military necessity and humanitarian limitations in the use of armed force, this tension remains evident in the principles of contemporary and conventional international law and the law of armed conflict (Hensel, p. 286).

The Just War theory criteria can perhaps best be understood as extrapolations from moral reactions to various aspects of actual wars, organized into general principles in order to enable the making of consistent and defensible judgments concerning the morality of specific conflicts (Evans, p. 208). Just War theory can be revised, the inferences gained from the general principles can be tested against considered judgments in particular situations (Evans, p. 208). The process of revising specific judgments and general principles is part of a continuing development; experiences are accrued, new facts discovered and new theoretical interpretations of relevant factors are developed. Thus, learning from historical experience and philosophically re-evaluating our concepts is a critical aspect of the theory (Evans, p. 209). A proper use of the theory requires a full grasp of the context in which a conflict occurs, enabling us to come to a fair judgment (Evans, p. 212).

The Just War theory is extremely detailed and requires numerous fine judgments before military intervention can be deemed legitimate. The theory is structured to prevent rushing into war; particularly the last resort criterion is pertinent in this regard (Evans, p. 211). If the Just War theory does not ultimately lead to determinate answers regarding the legitimacy and justice of the situations under considerations, this could be an indication of the injustice of the conflict in general; neither side should be fighting if the justice of the war is so opaque (Evans, p. 213).

Just War theory does not allow for the better treatment of the soldiers and civilians on the side of justice compared with those on the side of injustice. Yet such favoritism for one's own side does occur and is generally regarded as understandable; therefore the theory should regard this fact as unavoidable. It has also been argued that as it is a far better outcome if the just side of a conflict is victorious, it must therefore be better for an individual on the just side to survive, even if at the expense of someone on the unjust side, rather than vice versa (Evans, p. 216). Nevertheless it must not be forgotten that the theory is based precisely on the notion of resisting the powerful and emotive tendencies in wartime which result in actions void of all morals (Evans, p. 215). Certainly the justice of the cause does inform our conception of the moral standing of those fighting in the conflict. A moral distinction can be made between combatants on just and unjust sides. Yet, as the Just War theory strains to retain the focus on moral values in order to restrain both war and conduct within the conflict, it seems perverse and self-defeating to disregard crucial moral distinctions regarding the evaluation of the moral standing of combatants, and to view them as the embodiment of the cause for which they fight (Evans, p. 217).

Although many scholars have argued that the unequal treatment principle may need to be acknowledged in some way, it nonetheless could only be applied very sparingly. The theory demands great caution in war-making decisions and none of the criterion are to be lightly disregarded (Evans, 217). Indeed, very few wars or conflicts are able to satisfy the strict requirements the Just War theory establishes; testimony to the theory's aversion to war (Evans, p. 217).

In addition to the inclusion of the unequal treatment principle, additional alterations of the theory can be considered and applied (Evans, p. 217). First, an exemption clause would allow the suspension of a criterion in specific instances when it proves to be an obstacle in the cause of justice which is otherwise so overwhelming. An example of this case would be the supreme

emergency exemption (Evans, p. 218). Inattention to certain criteria does not always necessarily dissolve the moral justification of a war and thus there is indeed a strong argument for an exemption clause (Evans, p. 218). This does not however apply to all the criteria; certainly under no circumstances could the just cause requirement be suspended nor could the last resort criteria simply be ignored. Critical is the obligation to consider each criterion equally seriously and earnestly when deliberating if and when to resort to war and how war should be fought. Yet, when determining if the conflict is morally just, each criterion cannot be given equally decisive weight in forming a conclusion (Evans, p. 218). It has been suggested that the introduction of a hierarchy among the theory's criteria is the best approach; distinguishing between aspects which can under certain exceptional situations be suspended and those criteria which are fundamental and therefore must be applied in each evaluation. Differential weighting could allow for the evaluation of a war as either maximally just, if all criteria are met, or as sufficiently just. Such a hierarchy results in an even more complex Just War theory (Evans, p. 218).

War is a grisly endeavor; the possibility of its justification must take into account the horrors military conflict results in. Therefore the analysis of a full range of moral issues is necessary and this leads us away from a simplification of the Just War theory. Indeed, as long as a normative approach is desired regarding the legitimization of war as well as the organization of these principles, the Just War theory will remain essential (Evans, p. 220).

4 Introduction to Drone strikes

Unmanned Aerial Vehicles (UAVs) were first used by U.S. armed forces for battlefield reconnaissance, yet within the past 10 years drones have become the preferred method of attack for locations where the U.S. military does not openly operate ground forces. Indeed, assassinations by UAVs have become a central element of U.S. counter-terrorism operations, particularly in the federally Administered Tribal Areas of Pakistan but also more recently in Yemen and Somalia (Hudson, Owens, & Flannes, p. 122).

UAV strikes are most often carried out by armed MQ-1 Predators and MQ-9 Reapers launched from bases located around the world. The strikes are remotely controlled by the U.S. military and the Central Intelligence Agency, often from the continental United States. The Predator drone was jointly developed for the U.S. Air Force and the CIA and was equipped

with Hellfire missiles in early 2001 at the CIA's request. Following the terrorist attacks of 9/11, then U.S. President George W. Bush granted the CIA wide latitude in carrying out his kill, capture or detain orders against members of al-Qaeda in the War on Terror. The immediate consequence was the introduction of the program of extraordinary rendition at numerous "black sites" around the world. This program was soon supplemented by the targeting of high value targets by drones, identified by the CIA's Counterterrorism Center (Gregory, p. 240).

The development of the U.S. drone program can be separated into four phases; Phase one, from about 2002-2004, was a testing period of limited strikes on high-value targets. The first use of remotely piloted drones for missile attacks outside of identified war zones occurred in 2002; this strike in northeastern Yemen killed al-Qaeda militant Salim Sinan al-Harethi, who was suspected of being the mastermind behind the 2000 bombing of the USS Cole in Aden (Hudson et al., p. 124). Phase two, from 2005-2007, consisted of a slight increase in strikes, yet high-value terrorist suspects remained the targets. These strikes occurred exclusively in Pakistan and successfully terminated al-Qaeda's number three, Hamza Rabia. However, doubts appeared regarding Rabia's actual position and foreshadowed the ambiguity sometimes involved in targeting and identifying high-value individuals (Hudson et al., p. 124). The third phase of drone warfare occurred during the end of the Bush administration and consisted of an acceleration of attack frequency; 37 strikes during 2008, compared to only nine in the first two periods. The success of the drone program in the previous two phases, defined by the ability to kill high-value targets, left the Bush administration with the impression that if limited drone strikes were successful, more drone attacks would be even better (Hudson et al., p. 124). Starting in 2008, the Bush administration began to increasingly rely on the program; yet it was under the Obama administration that the most rapid increase of drone strikes occurred. The fourth and final phase thus far in the drone program has been characterized by an even greater increase in attack frequency and an expansion of those targeted to include targets of opportunity and unidentified militants. According to the New America Foundation, an influential Think Tank located in Washington, D.C. which has assembled an extensive data base of UVA strikes by the U.S., there have been 337 drone strikes in total in Pakistan alone, as of January 2013 (New America Foundation, 2013).

Indeed, within its first term the Obama administration has created an extensive apparatus for the use of Unmanned Aerial Vehicles to carry out the targeted killing of terrorists and suspected extremists, as well as for the stealth surveillance of other foes. The United States

currently operates multiple drone programs, which include acknowledged U.S. military patrols over conflict zones in Afghanistan and Libya, as well as classified surveillance flights over Iran conducted by the CIA (Miller, 2012). The drone program is made up of dozens of secret facilities, including two operational hubs on the U.S. East Coast, virtual Air Force cockpits in the American South West and clandestine bases in at least six other countries on two continents (Miller, 2011). While other presidents have certainly presided over wars with much higher casualty rates, no other president has ever relied so extensively on clandestine targeted killing as President Obama does in the pursuit of U.S. national security. The rapid enlargement of the drone program has resulted in a obscuring of long-standing boundaries between the CIA and the military (Miller, 2011). Lethal missions are more and more being carried out by combining personnel and equipment in a manner that allows the White House to choose between separate legal authorities who govern the use of lethal force. For example, in Yemen the CIA and the military's Joint Special Operations Command (JSOC) combat the same enemy with nearly identical aircraft. Yet the two organizations alternate on leading the strikes in order to exploit their separate authorities (Miller, 2011). This convergence of military and intelligence resources has resulted in blind spots in congressional oversight. Intelligence committees are briefed regarding CIA operations while JSOC is overseen by armed services panels, leading to the outcome that no committee has a complete, unobstructed view (Miller, 2011).

During the Bush administration al-Qaeda members accounted for 25% of all drone targets, while Taliban targets accounted for 40%. So far during the Obama administration, only 8% of those targeted have been al-Qaeda militants, while over 50% of the attacks have been against the Taliban. Furthermore, about one-third of all drones strikes under Bush killed a militant leader; this number has sunk to less than 13% under President Obama (Bergen & Braun, 2012). Based on this information, it has been argued that while Bush attempted to eliminate the leadership ranks of al-Qaeda, Obama additionally aims at destroying the entire network of allied groups, such as the Pakistani Taliban. However it is impossible for journalists, human rights groups or outside investigators to definitively determine the ratio of civilians to militants killed by U.S. drone strikes. The U.S. refuses to release details or publically acknowledge the attacks, insisting they are classified. At the same time, militants in the conflict regions refuse to allow unrestrained access to the area (Rohde, 2012b).

So-called "signature strikes" have become a defining characteristic of Obama's drone warfare program. These drone attacks are based on patters of suspicious activity by a group of men,

rather than the identification of a particular militant. These attacks have been devastating to the ranks of the low level combatants; in total between 1, 1332 and 2,326 reported militants have been killed in Pakistan (Bergen & Braun, 2012).

Certainly the Obama administration has achieved much in the war against al-Qaeda and its affiliates; terrorist leader Osama bin Laden has been killed, the core of the al-Qaeda network has been put under great pressure and is near defeat and its regional allies face the constant danger of further drone attacks. These results, combined with the fact that they have been achieved using new aircraft which provide unprecedented precision and place no American pilots in harm's way, help in explaining why the drone program has not been placed under as much scrutiny as the detention or interrogation programs under President George W. Bush. While certainly human rights advocates are increasingly critical of the drone program, the level of public debate remains low (Miller, 2011).

A complicating aspect of the U.S. drone program is the unspoken deal that exists with Pakistan; the Pakistani government insists on hiding its episodic participation with the U.S. regarding the drone program out of fear of how the Pakistani public would react. If a strike does end up killing civilians, the Pakistani government has the option of denying that it ever had any knowledge of the strikes (Sanger, p. 250). The fact that they are prohibited from revealing any aspects of the drone program is extremely frustrating for American diplomats in Pakistan, as this policy impedes them from silencing the extremely vocal critics within the country (Sanger, p. 250). These Pakistani critics claim that strikes consistently kill children and other civilians, which diplomats argue is simply untrue. The result is that the Taliban wins the propaganda war. President Obama strongly rejects claims that the drones result in high civilian casualties and has vigorously defended the program, insisting that the strikes are very precise in targeting al-Qaeda and their affiliates. President Obama has also emphasized that the program is a focused effort aimed at people who are on a list of active terrorists (Sanger, p. 251).

For the White House, UAVs are viewed as a critical tool, one whose use was accelerating even before Obama was elected. Senior administration officials have stated that counter terrorism policy is driving the drone program; that is, it is due to necessity that the program has expanded and is not the result of attempts to establish a worldwide network of drone capabilities anywhere on the globe (Miller, 2011). For many it comes as surprising that President Obama, who campaigned against the alleged counter terrorism excesses of the Bush

administration, has so vigorously embraced the drone program. The Obama administration is convinced that without the use of drones, al-Qaeda would not be near strategic defeat in Pakistan. These new weapons, in tandem with greater reliance on Special Forces operations, have dramatically expanded the president's ability to wage a non-stop, low-level conflict every day of the year (Sanger, p. 244).

Indeed, the number of drones in the U.S. arsenal has risen dramatically since President Obama took office. In 2011, the Congressional Budget Office reported 775 Predators, Reapers and other medium and long range drones, with hundreds more under development. According to government officials, about 30 of these machines have been allocated to the CIA. However, the Agency has an additional fleet of stealth drones that were developed and acquired under a new program started after 9/11. These additional machines are not included in public accounting (Miller, 2011).

The U.S. Air Force currently has more drone pilots in training than pilots for fighters and bombers combined. At least sixty military and CIA bases, including bases from which pilots operate upwards of four hundred Predators and Reapers, make up the wide-ranging drone program (Sanger, p. 249). The Obama administration has argued that the expansion of the drone program has largely been due to the pace of the drone's development. While remotely piloted aircraft were used under Clinton and Bush, only in recent years have they become advanced and abundant enough to be deployed on such a large scale as in currently the case (Miller, 2011). Yet in reality early counter-terrorism decisions in the Obama administration led to a large extent to the escalation of the drone program. After closing down the CIA's detention program and preventing transfers to Guantanamo Bay, few options remained except drones strikes or detention by often unreliable allies (Miller, 2011). According to one Obama administration official, the drones offer an attractive mix of precision, economy and deniability (Sanger, p. 246).

Extremely surprising is President Obama's embrace of a modified version of former President Bush's preemption doctrine. Obama does not argue for preemption against a state, but rather is in favor of narrow, preemptive strikes against terrorists who have struck before or who, according to intelligence, were suspected of planning attacks (Sanger, p. 252).

The Obama administration has argued that the drone program is based on a firm and justifiable legal basis. The U.S. State Department's top lawyer Harold Koh, former dean of Yale Law School, has argued in favor of this assessment and helped define the legal basis for

targeted killings using drones. Drone strikes within Afghanistan are clearly legal, as the war is an internationally recognized armed conflict; drones are permissible as long as measures are taken to avoid civilian casualties (Sanger, p. 255). Additionally, high level al-Qaeda targets in Pakistan are clearly permissible under the right to self-defense and the 2001 Authorization for Use of Military Force, passed overwhelmingly by the U.S. Congress following 9/11. However, targeting al-Qaeda middle-men who are primarily focused on conducting operations in Yemen or Somalia presents a difficult problem. Koh argued that the drone strikes are part of a strategy of “smart power”, which allows for the use of all means at the disposal of U.S. forces and that U.S. targeting practices comply with all applicable law, including the law of war. Koh stated that since al-Qaeda remains intent on attacking the U.S. and has indeed carried out attacks, it is wrong to insist that the U.S. provide suspected terrorists with legal process before using lethal force, from the ground or from the air (Sanger, p. 256). This is the core argument of the Obama administration, distinguishing between “lawful extrajudicial killing” and “unlawful extrajudicial killing”. A “lawful” extrajudicial killing in this context is the result of a careful study to determine that the target is an active combatant who is fighting U.S. forces or planning attacks. An “unlawful” killing occurs without the benefit of such careful determinations. However, these judgments are made by the U.S. government, with no hearings and no opportunity for the targeted individual to provide evidence which might vindicate him (Sanger, p. 257).

State Department legal advisor Koh further argued that all wars involve killing and all countries make mistakes in combat; however, the drone is a precision instrument and unintentional damage from a drone is far less than the alternative would result in. In contrast, a B-2 bomber pilot has no idea who he is hitting and can destroy entire neighborhoods; a drone pilot should know exactly who is being targeted (Sanger, p. 257). Additionally, the Obama policy does not allow for the indiscriminate use of drones anywhere on the planet. A country must expressly ask the United States to use drones to strike targets inside its territory (as was the case in Pakistan until the bin-laden raid and air strike incident in 2011, which led to demands that the strikes end); the only exception is the use of drones in countries that are unwilling or unable to suppress (terrorist) threats. A senior U.S. intelligence officer commented that the U.S. strictly abides by these rules, only using drones with the permission of the host country, as long as a functioning government is present. If the country in question does not give permission, strikes are not carried out except in the event of an “urgent issue of

force protection”. In the event there is no functioning government, as in Somalia, it has been implied that the U.S. “does what needs to be done” (Sanger, p. 258).

In reality, receiving permission from host governments is not a clear-cut process; State Department cables released by WikiLeaks provide a more authentic picture. For example, in 2008 Pakistani Gen. Ashraf Kayani, the Pakistani Army chief of staff, asked visiting American admiral William J. Fallon for continuous Predator coverage over Waziristan (Sanger, p. 258). Six months later the then Pakistani Prime Minister Yousuf Raza Gilani told the American ambassador that he didn’t care if drone strikes are carried out in Pakistan, as long as they “get the right people” (Sanger, p. 259). As soon as the cables became public and especially following the bin-laden raid, many of the same Pakistani officials demanded a halt to UAV strikes in their country, classifying them as unconscionable violations of the country’s sovereignty. In Yemen, then President Ali Abdullah Saleh told U.S. Gen. David Petraeus that the Americans could use any weapons against al-Qaeda camps in the country, as long as he could claim credit for doing the strikes himself, with Yemeni aircraft (Sanger, p. 259).

High-level members of Obama’s national security advisors were from the moment they took office more inclined to endorse drone strikes than their counterparts under the Bush administration (Miller, 2011). According to a former official who worked in both administrations, Secretary Clinton, former CIA director and current Defense Secretary Panetta as well as counter-terrorism advisor John Brennan all seemed eager to accelerate attacks. The same source stated that the only member of the Obama administration’s inner circle to raise objections was Dennis Blair, who served as director of national intelligence. His opposition to the attacks allegedly led to his isolation within the administration as well as to the eventual termination of his employment (Miller, 2011).

Senior administration officials have stated that while President Obama doesn’t necessarily weigh in regarding every drone strike, he has been deeply involved in establishing the criteria for strikes and has insisted on the need for minimizing collateral damage. The same official stated that the president “couldn’t be more involved” (Miller, 2011).

The oversight committees of Congress have failed to keep pace with the convergences between the military and intelligence operations. Within 24 hours of every CIA UAV attack, a classified report is sent to the Senate Intelligence Committee, stating the location, target and result. This is an effort on behalf of the Agency to comply with legal requirements that

Congress be notified of covert action abroad. Yet such a requirement does not exist for the Senate Armed Services Committee and it often takes days before this committee receives the details of JSOC strikes. Neither panel is able to compare the CIA and JSOC strike lists, nor is a comprehensive understanding of the rules by which each is created possible (Miller, 2011).

According to senior administration officials, this gap is unintentional and simply reflects Congress's inability to adapt. The disclosure of drone operations is generally limited to relevant committees in Congress, and at times, only to their leaders (Miller, 2011). Those individuals who receive information are strictly prohibited from discussing what they have learned with persons who lack the appropriate security clearance. Nonetheless, the vast majority of lawmakers have some access to information regarding the Obama administration's drone program (Miller, 2011). Furthermore, oversight of the program has undergone significant changes within the past few years, particularly the addition of frequent and at times unannounced visits of senior staff members to the CIA operation center and operation sites abroad.

Senior officials in the Obama administration have stated that the expanding drone program consists of distinct campaigns, each designed according to the particular circumstances of each situation, including where and against whom the aircraft and other counter-terrorism weapons are applied (Miller, 2011). According to the same officials, tactics and procedures are constantly adjusted during White House strategy sessions on Pakistan, Yemen and Somalia two or three times a month. They argue that this varied approach is evidence of the program's restraint (Miller, 2011).

According to a New York Times journalist kidnapped and held captive in Pakistan for seven months by the Taliban, the militants despise the drones and belittle them as cowardly. The surge in drone attacks in 2009 in Pakistan have resulted in Obama being even more hated than his predecessor Bush and have fueled a vicious paranoia among the Taliban (Rohde, 2012b). However the journalist was also able to observe the high extent to which the drone strikes disrupted militant operations. Taliban commanders frequently change vehicles and travel with few bodyguards in order to conceal their identities. Afghan, Pakistani and foreign Taliban avoid gathering in large numbers and the training of suicide bombers and roadside bomb makers is conducted in small groups to avoid detection (Rohde, 2012b).

4.1 Criticism of the U.S. Drone Program

The drone program under the Obama administration has garnered much criticism; a large point of contention is the claim that a substantial number of civilians are killed in the attacks. The U.S. however insists that the civilian casualty rate is now effectively zero. The drone program is so immensely unpopular in Pakistan that the Pakistani parliament voted in April 2012 to end authorization for the program. The U.S. government has simply ignored this vote (Bergen & Braun, 2012).

Critics of the drone strikes point out that while UAV attacks deliver short term results that are politically satisfying to U.S. constituencies ignorant of and indifferent to those affected by drone warfare, the strikes enrage the population and destabilize the institutions of regional development. Thus, the critics argue, the drone strikes complicate the U.S. strategic mission in unintended ways, particularly concerning the fragile relationship with Pakistan (Hudson et al., p. 125). Debate over the drone program is ongoing within the U.S. policy and strategic community. The Central Intelligence Agency is strongly in favor of continuing its mission unabated, while the Department of State and the Pentagon would prefer more restrictions on the program. Dissenting voices within the State Department argue that the current pace of drone strikes risks destabilizing a nuclear armed ally and impedes the work of U.S. diplomats (Hudson et al., p. 127).

It has also been argued that while drone technology is certainly to a large part responsible for the success against al-Qaeda (not only is terrorist leader Osama bin Laden dead, but his terrorist network has been shattered), the Obama administration has become far too reliant on the drone program (Sanger, p. 254). However, following the expulsion of American trainers and the denial of visas for American operatives in Pakistan, the only viable option to act on actionable intelligence is to send in a drone. This action is for all intents and purposes in fact targeted assassination (Sanger, p. 255).

Additional criticism centers on the fact that while the new drone technology eliminates U.S. military casualties, it also removing the political barriers to war. It is argued that when politicians can avoid the political consequences of fallen military personnel, the difficult decision process of when to engage in military conflict is dramatically altered (Singer, 2012). The U.S. drone program has not been subject to debate in the U.S. Congress and has set the precedent that only in the event of U.S. service men and women being sent into harm's way must the president seek approval from lawmakers. Some critics argue that this has resulted in

a blurring of the civilian and military roles in war and circumvent the U.S. Constitution's mandate for authorization (Singer, 2012). Others have argued that additional review is required regarding the targets of drone strikes, particularly when these are U.S. citizens, as was the case with Anwar al-Aulaqi.

Furthermore, critics argue that the administration's practice of classifying drone strikes as classified exacerbates local anger and suspicion. They are of the opinion that under Obama drone strikes have become too frequent, too unilateral and are an example of heavy-handed American power (Rohde, 2012a). Detractors view the drone program as having transformed from a carefully focused effort to kill senior al-Qaeda operatives to a bombing campaign against low-level Taliban fighters. Others have even argued that the Obama administration has adopted a "kill not capture" policy, due to its inability to close Guantanamo Bay and establish a new detention system (Rohde, 2012a). Additionally, the rules of engagement regarding the drone strike program have never been made public, frustrating many (Sanger, p. 252).

Average Pakistanis loathe the strikes; in a 2011 Pew Research Center poll 97% of Pakistani respondents who knew of the drone strikes stated that they were "a bad thing" and 73% of Pakistanis held an unfavorable view of the United States, a 10% rise from 2008. Obama administrations officials counter that the strikes are popular with Pakistanis who live in the tribal areas and suffer under brutal jihadi rules. They also contend that Pakistani officials, while publicly criticizing the strikes, agree in private that they help combat militancy. While some officials admit that more transparency could reduce public anger in Pakistan, some in the Pakistani government continue to request that the strikes remain covert (Rohde, 2012a).

In the United States, the Obama administration has been criticized by civil liberties and human rights organizations due to the expansion of powers Obama has claimed for the executive branch as he wages a new kind of war. Although Obama was initially highly critical of the Bush administration for keeping its surveillance, interrogation and detention practices classified, he has followed in his predecessor's footsteps by refusing to reveal the details of the criteria his administration has established to place individuals on kill lists or detain overseas (Rohde, 2012a).

Retired military officials contend that drones and commando raids are no substitute for the difficult endeavor of assisting local leaders in marginalizing militants. Critics point out that missile strikes which kill members of al-Qaeda and other radical elements hostile to the U.S.

in Pakistan and Yemen fail to strengthen economies, curb corruption or improve services. The percentage of Pakistanis supporting the use of the Pakistani Army to combat extremists in the tribal areas has dropped from 53% in 2009 to 37% in 2011, a troubling sign in a country which critics claim is now more unstable than when Obama took office (Rohde, 2012a).

While drones strikes which kill senior leaders certainly do weaken al-Qaeda, the Pakistani Taliban and the Afghan Taliban, the militants also use exaggerated reports of civilian deaths to recruit volunteers and stroke anti-American sentiment. These exaggerated claims by the Taliban are widely believed by the Pakistanis, who view the strikes as a blatant violation of the United States' supposed support for human rights. Several analysts are of the opinion that killing a senior militant in a drone strike is a tactical victory, yet it is a loss over the long term as it weakens public support for an American backed surge against militancy in Pakistan, which is considered by many as essential (Rohde, 2012b).

Despite the controversial nature of several aspects of the drone program, numerous experts have also praised its benefits and successes. Drones can reach jihadists in remote mountains and deserts which are inaccessible to American and local forces. Through the use of drones, senior Islamic militants have been killed and the threat they posed eliminated. An example of such a case is the Pakistani Taliban commander Baitullah Mehsud, who was responsible for the killing of thousands of Pakistani civilians in suicide bombings. Additionally, it is important to note that drone strikes have been able to impede the training of suicide bombers and roadside bomb makers; in such attacks the majority of victims are not American forces, but rather innocent Afghan and Pakistani bystanders (Rohde, 2012b).

4.2 U.S. military base Camp Lemonnier

The U.S. military base Camp Lemonnier in Djibouti is the centerpiece of half a dozen U.S. drone and surveillance bases in Africa. Drones take off or land at the military base around the clock, a clear indication of the fact that the base has become the combat hub for counter-terrorism efforts in the Horn of Africa and the Middle East (Whitlock, 2012). Camp Lemonnier was originally established by the French Foreign Legion; U.S. Marines began using the base a decade ago in an attempt to gain a foothold in the region. Within the past two years, the U.S. military has clandestinely transformed the camp into the busiest drone base outside the Afghan theater (Whitlock, 2012a).

Djibouti is an impoverished former French colony with scarce natural resources, extreme weather conditions and less than 1 million inhabitants in the entire country. Yet its strategic value for the U.S. military is unparalleled. It lies between East Africa and the Arabian Peninsula, enabling U.S. aircraft to reach Yemen or Somalia in only minutes. The country also offers immediate access to the Indian Ocean and the Red Sea (Whitlock, 2012a).

Virtually the entire 500-acre base is dedicated to counter-terrorism operations, making it the only installation of its kind in the Pentagon's global network of bases. Around 300 Special Operations personnel coordinate drone flights and organize raids from a high security compound at Lemonnier. The majority of the commandos work anonymously, concealing their names even from conventional troops on the base. About 3,200 U.S. troops, civilians and contractors are assigned to the camp; there they train foreign militaries, gather intelligence and give out humanitarian aid across East Africa as part of an anti-extremist campaign (Whitlock, 2012a).

The U.S. military pays \$38 million every year to lease the camp from the Djiboutian government. In August 2012 the Defense Department presented Congress with plans detailing how the base will be used over the next twenty-five years, including \$1.4 billion in construction projects which would allow for the construction of a new compound capable of housing up to 1,100 Special Operations forces, more than triple the current level (Whitlock, 2012a). The U.S. military has only recently confirmed the presence of drones at the base. Officials stated that the drones provide a "wide variety of regional security missions" and that intelligence collected from these missions is used to develop a full picture of the activities of violent extremist organizations; officials would not however comment on specifics (Whitlock, 2012a).

4.3 Disposition matrix

Over the course of the past two years the Obama administration has developed a classified blueprint for pursuing terrorists, some details of which were made public in the Washington Post in the fall of 2012. The matrix contains the names of suspected terrorists and the resources being used to track them down, including clandestine operations. The matrix aims to establish an outline for the tracking, capturing, rendering or elimination of terrorists (Miller, 2012).

The matrix was developed by the U.S. National Counterterrorism Center in order to improve cooperation between the drone programs of the CIA and the United States Joint Special Operations Command. U.S. officials have acknowledged that the development of the matrix is an attempt to cement these counterterrorism mechanisms into U.S. policy for the foreseeable future (Miller, 2012). Senior Obama administration officials are of the opinion that kill and capture lists will remain a necessary tool in the nation's counter-terrorism arsenal for years to come, a necessity which results from al-Qaeda's ability to adapt and the continued spread of the terrorist organization. Whereas targeting lists were viewed as a limited emergency measure following 9/11, they have now become fixtures of the national security apparatus (Miller, 2012). The number of individuals on the lists expands and contracts according to the pace of drone strikes, yet fails to ever reach zero.

The continually evolving database contains biographies, locations, known associates and affiliated organizations of targets. Strategies for obtaining targets are categorized, which includes extradition requests, capture operations and drone patrols. The database is also meant to develop contingencies by creating an operational menu that defines each agency's role in the event that a suspect is found in an unforeseen location (Miller, 2012). Officials from the White House, Congress and various intelligence agencies have described the matrix as a blueprint which could assist the U.S. in adapting to al-Qaeda's changing structure and its efforts to exploit unrest in North Africa and the Middle East. Officials have defended the process even while acknowledging that the caliber of targets has eroded. Nonetheless, they insist that the targeted individuals remain dangerous (Miller, 2012).

U.S. officials have declined to reveal the identities of the suspects contained in the matrix. However, they did cite the capture in 2011 of alleged al-Qaeda operative Ahmed Abdulkadir Warsame on the coast of Yemen. Warsame was detained for two months aboard a U.S. ship before he was given over to the custody of the Justice Department and charged in federal court. Warsame was a classic example of the U.S. not being sure what to do with an individual; the matrix establishes a plan including which naval vessels are in the area and which charges the Justice Department should bring (Miller, 2012).

The White House only recently changed the system in which the Pentagon and the National Security Council had overlapping roles regarding the examination of individuals being added to target lists. The system now functions similar to a funnel, beginning with input from six agencies and goes through a narrowing process until proposed revisions are ultimately

presented to the president. Obama approves the criteria for lists and authorizes drones strikes outside Pakistan; in Pakistan decisions on when to attack are made by the director of the CIA. However, notwithstanding Obama's participation in "Terror Tuesday" meetings, which are generally dedicated to discussing terrorism threats and trends rather than approving targets, the level of involvement of the president is more indirect (Miller, 2012). The review process is compressed but not skipped when the CIA or JSOC obtains compelling intelligence and only a narrow window exists in which to strike. Administration officials are confident that they have developed an approach for drone strike targeting that is so bureaucratically, legally and morally sound, future administrations will surely continue in their path (Miller, 2012).

Noteworthy is also the fact that former CIA Director David Petraeus petitioned for an increase in the number of armed drones in the agency's fleet. The proposal, which first requires White House approval, is evidence of the transformation of the CIA into a paramilitary force and is a clear indication that the agency does not intend to dismantle its drone program and return to its pre- Sept. 11 focus on gathering intelligence. Furthermore, the U.S. Joint Special Operations Command has established a clandestine targeting center in Washington in order to be more directly involved in deliberations concerning al-Qaeda target lists and has also moved commando teams into suspected terrorist breeding grounds in Africa (Miller, 2012).

The Obama administration has largely avoided fundamental questions regarding the target lists. Internal doubts concerning the effectiveness of the drone program are almost non-existent, as are alternatives (Miller, 2012). For the past ten years the drone campaign has been driven by short-term objectives including the disruption of al-Qaeda and the prevention of an additional large scale terrorist attack on American soil. Yet the side effects are more difficult to measure, including to what extent the UAV strikes contribute to producing more enemies of the U.S. (Miller, 2012).

Within the past year the Obama administration has begun to discuss more openly the legal foundations for targeted killing, citing the congressional authorization to use military force granted following 9/11 as well as the nation's right to defend itself (Miller, 2012). Critics argue that these justifications are questionable as the drone campaign has expanded far beyond the al-Qaeda operatives responsible for the attacks on the U.S. in September 2001. Additionally, the fact that the administration still refuses to confirm the CIA's involvement and does not identify those killed has been heavily criticized (Miller, 2012).

Discussions within the Obama administration regarding the duration of the use of the kill lists have produced little development. Officials have stated that they wish to avoid “limitless lists”; the lists have been created with the intention of providing guidelines in counterterrorism, no one can say with any certainty when these lists will cease being useful (Miller, 2012).

4.4 Drones- Future Development

Ten years ago the United States of America held a monopoly on Unmanned Aerial Vehicles; however this is no longer the case. Currently over 70 countries have some type of drone. Although only a very small number of these countries possess armed drones, it is nonetheless considered a worrisome development by many. The fast developing drone technology will certainly change how countries conduct war and threatens to ignite a new arms race as governments attempt to counterbalance their adversaries’ arsenal. Only the United States, the United Kingdom and Israel are known to have launched drone strikes, while other members of the International Security Assistance Force (ISAF) in Afghanistan, such as Australia, have used drones borrowed from Israel in the war there. It was estimated in June 2012 that the global market for research, development and procurement of armed UAVs will almost double within the next decade, from \$6.6 billion to \$11.4 billion (Bergen & Rowland, 2012).

In the absence of an international framework which would govern the use of drone attacks, the United States has been criticized for its aggressive and secretive drone programs and accused of setting a dangerous precedent. The U.S. justifies its drone strikes with the argument that it is at war with al-Qaeda and other radical Islamic organizations. However, concern exists as similar arguments could easily be made by other governments and it is therefore entirely possible that other countries such as India could also in the near future launch drone strikes against terrorists in Kashmir, or that China might attack Uighur separatists or Iran could strike Baluchi nationalists along its border with Pakistan (Bergen & Rowland, 2012).

Drone technology is spreading rapidly to a variety of countries. Examples include the Chinese announcement in September 2012 that it would use surveillance drones to monitor a group of uninhabited islands in the South China Sea. These islands are administrated by Japan, yet claimed by both China and Taiwan. In August 2010 Iran announced that it had developed an

unarmed drone and in late 2012 claimed that it was in possession of a new long-range drone which can supposedly fly up to 2000 kilometers during one mission. And in July 2012 an official in the Turkish Defense Ministry stated that Turkey was planning to arm its own domestically manufactured drone, the Anka (Bergen & Rowland, 2012).

The manufacturing of drones, particularly armed drones, requires sophisticated technology and specific weaponry. Governments around the world are increasingly willing to invest time and money to either buy or develop drone technology as UAVs are increasingly being seen as a critical aspect of modern warfare. In 2010, the U.S. company General Atomics received export licenses to sell unarmed Predator drones to Saudi Arabia, Egypt, Morocco and the United Arab Emirates; however the U.S. government rejected a Turkish request to purchase armed Predator drones. Additionally, India is in the possession of an armed Israeli drone designed to detect and destroy enemy radar (Bergen & Rowland, 2012).

Israel is the world's largest exporter of drones and drone technology; the state owned Israeli Aerospace Industries have sold UAVs to numerous countries, such as Russia, Nigeria and Mexico. Additionally, Sweden, Greece, Switzerland, Spain, Italy and France have been developing a joint project through state-owned companies that is in the final stages of producing an advanced armed drone prototype, Dassault nEURon. France plans to use these drones in its air force (Bergen & Rowland, 2012).

Due to the relative low cost of drones, which are far less expensive than the costs of a fighter jet and the training of a fighter pilot, armed drones are sure to be a critical feature of future conflicts. Worrisome is not only the proliferation of these machines (it is easily possible that not only governments could misuse this technology but also well-financed drug cartels) but also the lack of legal framework on the international level. To date there has been very little substantial debate among policy makers; this is particularly troublesome as drones are poised to influence future warfare as much as tanks and traditional planes did the conflicts of the 20th century (Bergen & Rowland, 2012).

5 Unmanned Ariel Vehicle statistics

I will now present a brief overview of the technical data concerning the drones most often used in U.S. strikes before turning to an analysis of the individual countries and drone attacks.

Drone technology has evolved quickly; innovative developments have resulted in longer flight operation, heavier payloads and vertical takeoff from ships, consequently allowing for wide-spread deployment. To date, the Predator MQ-1 and the Predator B or Reaper MQ-9 have carried out most surveillance and attacks. Additionally, new drones have also appeared that will certainly be very active in the near future. These included the MQ-8B Fire Scout, which is currently deployed off the Horn of Africa, among other locations (Hudson et al., p. 123).

5.1 MQ-1B Predator

The MQ-1 Predator is a long endurance, medium altitude and remotely piloted aircraft that is armed and multi-mission capable. It was developed in order to provide persistent intelligence, surveillance and reconnaissance information in addition to a kill capability (U.S. Air Force, 2012a). The aircraft is unique in its ability to independently carry out a variety of duties against high value, fleeting and time sensitive targets in the so-called “kill chain”, composed of the following tasks: find, fix, track, target, engage and assess. Predators are capable of surveillance, reconnaissance, close air support, combat search-and rescue missions as well as precision strikes, route clearance and terminal air guidance missions, among others. These capabilities uniquely qualify the aircraft to conduct irregular warfare operations (U.S. Air Force, 2012a).

In 1996 the U.S. Air Force was selected as the operating service for the RQ-1 Predator system by the U.S. Secretary of Defense. The “R” stood for the Department of Defense designation for reconnaissance aircraft, the “M” identifies the aircraft for multi-role capabilities, and “Q” is the DOD label for an unmanned aircraft system. The number “1” identifies the aircraft as being the first in the series of remotely piloted aircraft. The designation was changed to “MQ-1” in 2002 following the addition of the AGM-114 Hellfire missiles (U.S. Air Force, 2012a).

Important to note is that the Predator drone is a part of a larger Unmanned Aircraft System (UAS), rather than simply an aircraft. A fully operational UAS consists of four sensor and weapon equipped aircraft, a ground control station, a Predator Primary Satellite Link and replacement equipment in addition to operation and maintenance crews for deployed 24-hour operations (U.S. Air Force, 2012a).

The basic crew for the Predator drone consists of a pilot (controls the aircraft and commands the mission), an enlisted aircrew member (operates the sensors and weapons) and a mission coordinator, in the event he/she is required. The crew controls the aircraft from inside the Ground Control Station via a line-of-sight data link or a satellite data link, if necessary.

The MQ-1B Predator is equipped with the so-called “Multi-spectral Targeting System”, which integrates an infrared sensor, a color daylight TV camera, an image-intensified TV camera, a laser designator and a laser illuminator into a single package. The full motion video from each individual imaging sensor can be viewed separately or fused together. The two laser guided Hellfire missiles are highly accurate, anti-armor and make personnel engagement possible. Additionally, the U.S. Air Force states that their use results in “low collateral damage” (U.S. Air Force, 2012a).

The Unmanned Aircraft System is capable of being deployed worldwide. The Predator aircraft can be disassembled for transportation and the ground control system is also mobile. The Predator operates on a 1,524 meters by 23 meters hard surface runway with clear line of sight to the ground data terminal antenna, which provides line of sight communications for takeoff and landing. Remote Split Operations are the primary concept for engagement, which consists of a launch and recovery ground control station for takeoff and landing operations in the field. A crew based in the continental United States executes command and control of the remainder of the mission. This strategy results in less personnel being deployed, consolidates control of the various flights to one location and thus simplifies command and control functions as well as the logistical supply challenges for the weapons system (U.S. Air Force, 2012a).

The MQ-1B Predator and the Unmanned Aircraft System are built by General Atomics Aeronautical Systems Inc. in San Diego, California USA. The Predator is powered by a four cylinder engine and 115 horsepower. It has a wingspan of 16.8 meters, a length of 8.22 meters and a height of 2.1 meters. The Predator weighs 512 kilograms (empty), and has a maximum takeoff weight of 1,020 kilos. Its cruise speed is about 84mph and can travel up to 135mp. The Predator can ascend up to 7,620 meters and has a range of 770 miles. In 2009 one unit, made up of four aircraft, a ground control station and a Predator Primary Satellite Link, cost 20 million U.S. dollars (U.S. Air Force, 2012a).

In August 2011 the Predator successfully completed its one millionth total development, test, training and combat hours mark, regarded by the U.S. Air Force as a “significant accomplishment” (U.S. Air Force, 2012a).

5.2 MQ-9 Reaper

The MQ-9 Reaper shares numerous similarities with the Predator; it is also part of an Unmanned Aircraft System and consists of a pilot on the ground and an enlisted crew member. Additionally, a mission coordinator is used when necessary. The Reaper is primarily used in a so-called “hunter/killer” role and secondarily for intelligence collection (U.S. Air Force, 2012b).

The Reaper is larger and more powerful than the MQ-1 Predator; the Reaper is designed to destroy or disable so-called time sensitive targets, that is, those which either require an immediate response as they pose or will pose an immediate danger; or targets which are highly valuable and are only momentarily available. The Reaper is equipped with a laser rangefinder which provides the capability to precisely designate targets for laser-guided munitions, including four Hellfire missiles. As is the case with the Predator, the MQ-9 Reaper can be disassembled and transported for deployment worldwide (U.S. Air Force, 2012b).

Various updates are in development for the Reaper which are designed to increase system performance, reliability and maintainability. These improvements have already been approved for 12 Reapers by the U.S. Department of Defense. The Reaper is also built by General Atomics Aeronautical Systems, Inc. It has a wingspan of 20.1 meters, a length of 11 meters and a height of 3.8 meters. The Reaper weighs 2,223 kilograms (empty) and has a cruise speed of about 230 mph. It can fly to an altitude of 15,240 meters and the unit costs 53.3 million dollars, which includes four aircraft (U.S. Air Force, 2012b).

6 Pakistan

Pakistan has played a critical role in the development of global jihad and has been the primary stage for the U.S. drone program; I will therefore in this section provide an in-depth analysis of the developments that have led to the current circumstances.

Pakistan was founded on August 14, 1947 and was intended to transform the lives of British Indian Muslims by providing them with a homeland safe from Hindu oppression (Cohen, p. 1). It was to be a Muslim state created from the union of several British controlled territories and princely states in the northwest Indian subcontinent. This new state was first referred to as “Pakistan” in a pamphlet written in 1933 by Chaudhary Rahmat Ali, a leading force along with Muhammad Ali Jinnah in the Pakistan movement. The name Pakistan is basically an acronym created from the names of the areas of Punjab, Afghania, Kashmir, Sindh and Baluchistan. In Persian and Urdu Pakistan also translates as “the land of the pure” (Riedel, 2011; p. 4). The partition of South Asia resulted in one of the largest refugee transfers in human history as millions of Hindus and Sikhs searched for new homes on the subcontinent and at least 1 million people died. The region is still suffering today from the aftershocks of that division (Riedel, 2011; p. 4).

In the first twenty-five years following Pakistan’s creation, the division of the country into East and West Pakistan greatly complicated the region’s politics. At the time the majority of Pakistanis lived in East Pakistan, in the province of Bengal. The British and Indians refused to accept the Pakistani vision of Bengal as a mixed Muslim and Hindu state, dominated by Muslims. Instead Bengal was divided along religious lines and the predominantly Muslim region became East Pakistan (Riedel, 2011; p. 6). West Pakistan was from the beginning dominated by the Punjab province; wealthier than the other provinces, Punjab also had the largest population and the richest farmland. Additionally it provided the overwhelming majority of the officer corps for the Pakistani Army. Indeed, many Punjabis, especially members of the officer corps, considered Pakistan to have been created to serve their interests. Pakistan’s army and bureaucracy were overrun by West Pakistanis, especially the Punjabis. The Punjabi-dominated government emphasized development in the West while the East was treated like a colony separated from its motherland India. These contradictions between Pakistan’s majority population in the East and the ruling establishment in the West were disastrous for Pakistani democracy (Riedel, 2011; p. 7). Additional factors which contributed to the undermining of democracy in Pakistan included its very weak economy, its very limited experience with democratic institutions, the extremely unstable tribal regions along the border with Afghanistan and the ongoing conflict with India. It was nearly impossible to maintain a democratic form of government under these conditions and in October 1958 Pakistan’s government was overthrown in the country’s first military coup. The chief of the army staff, Major General Ayub Khan named himself president and banned all political parties. Under his

rule, the Pakistani intelligence services, especially the army's Inter-Services Intelligence Directorate (ISI) grew in size and importance, taking on the role of spying on Kahn's enemies inside Pakistan. Kahn staged the first of Pakistan's numerous rigged elections and had an ambitious plan to remove India from the disputed territory of Kashmir and gain control of the entire province for Pakistan. Kashmir was the only Muslim-majority province of India that was not awarded to Pakistan during partition in 1947 and when Pakistan attempted to take it by force, India responded by sending its army, resulting in the First Indo-Pakistani War (Riedel, 2011; p. 8). The war ended with the partition of Kashmir, India taking the majority of the province. Years later, Kahn's plan to incite an uprising in Indian-held Kashmir backfired and resulted in the Second Indo-Pakistani War in 1965, which ended in a stalemate (Riedel, 2011; p. 9). In 1971 the Third Indo-Pakistani War occurred, at the end of which 90,000 Pakistani soldiers were forced to surrender to India, a great humiliation for Pakistan. In less than twenty-five years, the idea of a single state for all the Muslims of South Asia had been destroyed and Pakistan's identity crisis deepened (Riedel, 2011; p. 10).

Zulfikar Ali Bhutto was the civilian successor to Kahn in 1971, a populist leader who inherited a devastated country following its military defeat by India. Bhutto was firmly committed to establishing a program to equip Pakistan with a nuclear weapon; he was convinced that such weapon capabilities would make the state secure and grant it an edge over India. Bhutto sought and obtained crucial assistance from China, including the design of one of its own first nuclear weapons. Additionally, crucial help came from A.Q. Khan, a Pakistani who studied abroad and worked in the field of physical dynamics in Holland. Khan had access to the centrifuge technology needed to make fissile material for a bomb and volunteered his services to Bhutto. Although Bhutto was overthrown in a coup in 1977, he obtained an enduring legacy in Pakistan as a result of his nuclear program (Riedel, 2011; p. 19).

Bhutto was ousted in a coup and replaced by Muhammad Zia-ul-Haq, a man who transformed Pakistan and was fundamental to the development of the global Islamic jihad movement. Zia was a military man but unlike the earlier generation of Pakistani military dictators, Zia was an Islamist. He aligned himself with the country's Islamic party, depicted himself as a pious Muslim and underwent steps to Islamize the Pakistani army (Riedel, 2011; p. 20). Among other measures, promotion boards would review candidates' moral and religious behavior as well as their normal military duties. Furthermore, Islamic schools, or madrassas experienced an explosion of growth. Between 1971 and 1988 the number of official religious schools increased from 900 to 8,000, in addition to another 25,000 unregistered institutions. Under

Zia, diplomas granted by the madrassas became equivalent to university degrees and their influence throughout the country increased dramatically (Riedel, 2011; p. 21). Zia also devoted much attention to the Inter-Services Intelligence agency (ISI), appointing General Akhtar as its new director, a Pashtun extremely familiar with Afghanistan and developing connections to numerous Afghan mujahedin leaders. Following Zia's orders, Akhtar vastly expanded the size and strength of the agency; its staff increased from 2,000 in 1978 to 40,000 in 1988 with a budget of one-billion dollars. The agency gradually became viewed as omnipotent, taping every phone call with informants in every village and city block. The ISI also paid-off corrupt politicians while many of its enemies simply disappeared. It became clear that the primary goals of the agency were to keep Zia in power and to wage jihad (Riedel, 2011; p. 21). During this time the ISI became, and most likely remains, the most influential organization in the country. Zia has been credited with providing the incendiary mix of despotism and Islamization (Riedel, 2011; p.22).

Events outside of Pakistan created more opportunities for Islamization within the country. Firstly, the Shia Muslim revolution in Iran in 1978 resulted in unrest in Pakistan's large Shia minority and awakened sectarian tension in the country. Secondly, developments in Afghanistan greatly increased in importance for Pakistan. Since 1947 the relationship between the two countries had been very tense as a result of a border dispute regarding the so-called Durand Line. The Durand Line was created in 1893 and created a 2,640km border between Afghanistan and British India. The border split the dominant ethnic group, the Pashtuns, into separate territories and remained in place following partition, with the Pashtuns in Afghanistan now separate from their tribesmen in Pakistan. No Afghan government has ever accepted the legitimacy of the Durand Line (Riedel, 2011; p. 22). In 1978 Marxist officers in the Afghan army overthrew the country's neutral government and began to import communist ideology and politics. Afghanis in the rural countryside rebelled, many of whom had well-established contacts with the ISI and with Pakistan's religious parties. Pakistani dictator Zia ordered the ISI to arm the rebels while the Afghan communist government appealed to Moscow for help. Although Moscow was at first reluctant to become involved, as the situation deteriorated, Soviet leadership felt compelled to intervene. In December 1979 the Soviets entered Afghanistan with 85,000 troops (Riedel, 2011; p.23). Following the invasion, Pakistan began receiving financial assistance from Saudi Arabia and later the CIA. With this support, the ISI was able to train the Afghans in more sophisticated tactics and skills for waging jihad. By the end of the war with the Soviets, the ISI camps had trained at least

80,000 to 90,000 Afghans in ten-day or three month courses. Among these individuals was the future founder of the Taliban, Muhammad Omar (Riedel, 2011; p. 24).

Abdallah Yusuf Mustafa Azzam was one of the most influential figures in the modern global Islamic jihad movement and played a critical role in the Afghan-Soviet war as well as the jihadi movement within Pakistan. Azzam's credentials as a serious scholar with degrees from prestigious Islamic schools resulted in his writings being very influential in the Muslim world. Regarding Afghanistan, Azzam argued that every Muslim had an obligation to join the Afghan struggle, which he characterized as the most important jihadist cause of the time. He claimed that Afghanistan was the primary battlefield to defeat the unbelievers and enemies of Islam due to not only to the great threat the Soviets posed to the Islamic community, the ummah, but also because defeating a superpower would vastly increase the stature for Muslims throughout the world (Riedel, 2011; p. 30). Thousands of Muslims from across the ummah, from Morocco to Indonesia, responded to the call. To assist these jihadists, Azzam created the Service Bureau in Peshawar, Pakistan to provide them with housing and food. Its cofounder was the rich young Saudi Osama bin Laden, who had come to Pakistan to join the jihad and brought with him financial support for an army of jihadi volunteers. Initially, Azzam and bin Laden set up hostels for the jihadists in Peshawar, then established training camps where these individuals could "learn jihad" and join the fight against the Soviets in Afghanistan (Riedel, 2011; p. 31). Bin Laden himself later commented that the volunteers from all across the Muslim world were trained by the Pakistanis, the weapons were supplied by the Americans and the money came from the Saudis. Among the foreign fighters who came to Pakistan was Khalid Sheikh Muhammad, the future mastermind of the 9/11 terrorist attacks, as well as Abu Musaib al Zarqawi, who would later lead the al-Qaeda war against U.S. forces in Iraq. The jihadists who fought in Afghanistan would become the leaders and role models for global Islamic Jihad and eventually for al-Qaeda, named for Azzam's proposed solid base for jihad (Riedel, p. 32). In total, 35,000 Muslims from forty-three countries are estimated to have fought against the Soviets, in addition to tens of thousands more who were educated in the madrassas in Pakistan associated with the war (Riedel, 2011; p. 33). These developments clearly further contributed to the anchoring of radical Islam and the jihadi movement in Pakistan.

In February 1989 Soviet Forces left Afghanistan and shortly thereafter Azzam laid out his vision of a jihadist future, claiming that the Islamists would defeat their enemies and establish an Islamic state on some portion of land, such as Afghanistan. According to their belief, jihad

would then spread, fighting the Jews in Palestine and establishing Islamic states there as well as in other locations. Later, these various states would unite to form one Islamic caliphate (Riedel, 2011; p. 34).

Even after Soviet withdrawal, the war in Afghanistan continued. The conflict reached a tipping point in 1992 when a key commander in the communist army, Abdul Rashid Dostam, defected to the mujahedin. The communist government quickly collapsed thereafter and the jihadists finally conquered Kabul after twelve years of bitter conflict. However, the mujahedin began to fight among themselves, resulting in a bloody civil war (Riedel, 2011; p. 42). The years of anarchy following the takeover of Kabul by the mujahedin led to what became known as the Taliban, or student's movement, which was the most extreme Islamic movement ever to govern a country. Although Pakistan did not create the Taliban, soon after the creation of the movement Islamabad, including the ISI and the Ministry of the Interior, began to provide it with significant support. Pakistan became the Taliban's most important supporter, arguing that the Islamists were the only hope for stability in Afghanistan (Riedel, 2011; p. 43).

Pakistani dictator Zia died in a plane crash in 1988, as the war in Afghanistan was winding down (Riedel, 2011; p.34). Despite Pakistani citizens' anger toward Zia's authoritative rule, the years he was in power were relatively stable. Over the following decade, Pakistan would become much more volatile under a frequently changing leadership. The job of prime minister rotated between two civilian politicians, Benazir Bhutto and Nawaz Sharif, until the army took over again in a coup that brought General Pervez Musharraf to power (Riedel, 2011; p. 38).

In May 1998 India detonated several nuclear weapons which placed the Pakistani government under severe domestic pressure to test Pakistan's weapons as well, despite the fact that this would lead to international sanctions. In the end, Pakistan's Prime Minister Sharif decided to appease his domestic audience and tested. The move isolated Pakistan on the international stage yet was celebrated by Islamists, including Osama bin Laden, who congratulated Pakistan (Riedel, 2011; p. 45). The U.S.-Pakistan relationship soured as a result of the nuclear tests and was further strained after al-Qaeda attacked the American embassies in Tanzania and Kenya in August 1998. Then U.S. President Clinton responded with a cruise missile strike on bin Laden, which missed its target and instead killed a team of ISI officers and Kashmiri fighters they were training. The fact that bin Laden was visiting a camp with ISI officers

present dramatically illustrated the close ties between al-Qaeda's leader and Pakistan's army and intelligence service (Riedel, 2011; p. 51).

Following the 9/11 terrorist attacks the U.S. State Department summoned Pakistani military officials and made it clear that Pakistan could either cooperate with the United States against al-Qaeda and the Taliban or it would be bombed "mercilessly" (Riedel, 2011; p. 65). General Musharraf later wrote that during this period he considered what would occur if Pakistan continued to support the Taliban, concluding that the result would be the destruction of the Pakistani military forces as well as the military parity Pakistan had achieved with India by becoming a nuclear weapons state (Riedel, 2011; p. 66). Musharraf ordered the immediate evacuation of the Pakistan advisors among the Taliban in Afghanistan and cut off supplies to the Taliban army. After only three months of conflict with the U.S., the Taliban forces in Afghanistan collapsed. The Taliban leadership and their most radical militants fled into Pakistan, as did Osama bin Laden and the al-Qaeda core, which traveled into the Federally Administered Tribal Areas of Pakistan (FATA), a region beyond the control of the central government (Riedel, 2011; p. 67).

While General Musharraf was in power, al-Qaeda used Pakistan as a base to launch its most bloody attacks on the West including the London bombings of July 2005. Four British citizens, three of whom were of Pakistani descent, conducted suicide bombings on British mass-transit vehicles killing fifty-eight people and injuring a further seven hundred. Two weeks later four more terrorists attempted to repeat the attack, but their bombs failed to detonate. Al-Qaeda claimed responsibility for the attack (Riedel, 2011; p. 83). British security forces successfully prevented more than a dozen other al-Qaeda plots, all of which attempted to gain recruits from the 800,000 British citizens of Pakistani origin. Jihadist sanctuaries in Pakistan have been linked to numerous other plots since 9/11, including the attack on Madrid's subways system in 2003. The Moroccan Amir Azizi, who was behind the attacks, was operating and finally killed in Pakistan in 2005 (Riedel, 2011; p. 84).

In November 2008 ten Islamic terrorists from the Pakistan based Lashkar-e-Tayyiba (LeT) organization carried out multiple attacks in Mumbai, India, targeting Westerners, the central train station, a hospital and a Jewish residential complex. The attack, meticulously planned and carried out by well trained and equipped terrorists, highlighted the emergence of LeT as a major actor in the global Islamic jihadist movement. The lone survivor of the group of

terrorists, Mohammad Ajmal Amir Qasab, confessed that he and the other nine terrorists had been recruited, trained and equipped by LeT (Riedel, 2011; p. 88).

Following the collapse of Musharraf in 2008, Asif Ali Zardari, Benazir Bhutto's widowed husband, came to power and showed signs of dramatically altering Pakistan's position regarding terrorism, nuclear strategy and India. Zardari swore that the Pakistani army and the ISI had been breeding terrorist groups such as LeT for years, playing a double game of claiming to fight terrorism while actually sponsoring it. Zardari warned that terrorism was a cancer that also threatened to destroy Pakistan (Riedel, 2011; p. 90). By 2009 Pakistan faced not only the consequences of the Mumbai attacks but also a growing Taliban insurgency inside the country. The various factions, both in the Pashtun belt in FATA and North-West Frontier Province and in the Punjabi heartland were merging and seizing control of territory and establishing small emirates. Reluctantly and belatedly the Pakistani government ordered the military to confront the militants; the Taliban, supported by al-Qaeda, responded by sending suicide bombers across Pakistan. In 2009 the war escalated and nearly 25,000 Pakistanis were killed or injured in military-related violence (Riedel 2011, p. 92). Yet the Taliban forces grew in numbers despite the army's offensive; by 2010 the Pashtuns had an estimated 50,000 armed jihadists in the frontier zones (Riedel, 2011; p. 93).

For nearly ten years, the United States gave Pakistan more than \$ 1 billion every year for counter-terrorism operations, the main goal of which was to capture or kill Osama bin Laden, who had escaped into Pakistan from Afghanistan following the American invasion. When U.S. Special Forces finally killed bin Laden in the Pakistani town of Abbottabad in May 2011, it raised many questions regarding the circumstances that allowed him to reside there and sharply increased tensions between the U.S. and Pakistan. Suspicions deepened that Pakistan played a double game and perhaps even knowingly harbored the terrorist leader (The New York Times, 2012).

6.1 Islamic Militants and drone strikes in Pakistan

Pakistan is a source of terrorists operating throughout the region and beyond. Some of these terrorist groups are explicitly sanctioned by the state, yet Pakistan itself is also increasingly the victim of terrorist groups that have emerged from its former proxies (Fair, p. 91). These jihadists firmly believe that the United States is Islam's true enemy, which must be fought

with violence at every opportunity. Jihadists predict that America can be weakened and eventually defeated through wars of attrition in Iraq and Afghanistan and perhaps elsewhere such as in Yemen, just as the Soviet Union was worn down by the jihad in Afghanistan. Al-Qaeda, the Taliban and other Islamic militant organizations constantly make this argument (Riedel, 2011; p. 105).

In order to manage both internal and external security concerns, the Pakistani government has under both civilian and military leadership instrumentalized Islam in various ways and to varying degrees, with a variety of outcomes (Fair, p. 92). Pakistanis continue to struggle with fundamental issues such as the role of Islam in the state, who is a Pakistani and who is not, what relationship should exist between the federal government and the provinces and what variation of Islam Pakistan should embrace (Fair, p. 92).

Since 2007 various militant Islamic groups, especially the Taliban, have been targeting major cities in Pakistan with suicide and roadside bombings, with increasing frequency. Between April 2009 and January 2010 Pakistan experienced a number of suicide attacks. According to the Pakistani Ministry for Foreign Affairs, there were 1,780 terrorist attacks which killed 2,072 individuals and injured an additional 6,253 (Rizvi, p. 188). These incidents illustrate not only the threat posed by the Pakistani Taliban, but also the dangerousness of other militant Islamic groups based in the tribal areas and in the Punjab region. These groups have established a “jihadi” infrastructure in various cities in Pakistan, where they recruit young people to militancy. Various Islamic political parties and groups sympathize with them, allowing them to flourish and multiply (Rizvi, p. 191).

Intricate connections exist between al-Qaeda and its allies in Pakistan. The Pakistani terror syndicate that cooperates with al-Qaeda shares in part its ideology and focuses on the same targets. The many groups that make up this network in Pakistan have neither a single leader nor a single goal. Some are dedicated to global jihad while others concentrate on more local grievances. Gradually, the Taliban militants in Pakistan have developed closer ties to al-Qaeda, while their Afghani counterparts appear to concentrate on Afghan-centered goals. Certain groups in Pakistan are more focused on sectarian warfare against Shia and Christians than on other goals. The Pakistani Islamic militant group Lashkar-e-Tayiba (LeT) pursues its dream of restoring the Mughal Caliphate as it seeks to kill Crusaders and Jews in Mumbai and other Indian cities. These various groups often cooperate closely on specific missions and overall the trend is toward greater cohesion and support in the interest of global jihad.

Meanwhile, al-Qaeda has made no secret of its goal of overthrowing the Pakistani state and establishing in its place an Islamic emirate (Riedel 2011, p.100). Al-Qaeda uses the terror network in Pakistan to its advantage; it can rely on LeT or Taliban capabilities to strike where its own may be limited and it can draw on the 800,000-strong Pakistani diaspora in the United Kingdom as well as on large communities in many European countries and throughout the Persian gulf for both recruits and funds (Riedel, 2011; p. 102).

Additionally, questions remain regarding Pakistani security forces. Suspicions exist regarding the exact ties between the Pakistani Inter-Services Intelligence agency (ISI) and the Afghan Taliban. Interviews with more than a dozen current and former senior Taliban leaders revealed that connections with the ISI are extensive and include training, arming, financing and advising the Taliban. Pakistan has denied these allegations and point to the military actions they have taken against parts of the Afghan Taliban. Nonetheless, these operations appear to be more intent on keeping the militant's under Islamabad's control rather than on defeating them (Riedel, 2011; p. 130).

A high casualty attack on the United States by a terror organization linked to Pakistan could have dire consequences. The U.S. could react in a variety of ways, including issuing an ultimatum to the Pakistani military about decisively combating militant networks, unilateral drone strikes across the country, overt U.S. troop operations in the Pakistani tribal areas, or threaten to withhold military supplies and economic aid (White, p. 253). Such responses could either force an increase in cooperation or, on the other hand, push Pakistan in dangerous new directions, encouraging both elected and military officials to search for alternatives to a U.S. partnership. Furthermore, further terrorist attacks on India by Pakistani Islamic militants could also have devastating results. The 2001 attack on the Indian parliament brought India and Pakistan close to war. Following the 2008 Lashkar-e-Tyyiba attack in Mumbai, India demonstrated remarkable restraint and trusted in the U.S. to apply pressure on Pakistan. Any future attacks on India could easily result in war between the two countries (White, p. 253).

If Islamic jihadists succeed in coming to power in Pakistan it would have drastic consequences not only for the region but also for the national security of the United States. Furthermore, no measures exist to counter the extremists which could be considered satisfactory. Pakistan possesses nuclear weapons and although it does not have a delivery system capable of reaching the U.S., extremists could destroy cities in Afghanistan and India. The additional danger exists of nuclear weapons being smuggled out by terrorists for an attack

on American soil. If Islamic militants based in Pakistan were to successfully carry out a terrorist attack in the U.S. on the scale of 9/11, the U.S. would be forced to pursue a military option. Yet, Pakistan is a tremendously tumultuous country; extremely large, enormous poverty, 50% illiteracy and an intense hatred by its population for all things American. It would truly be a nightmare situation for American officials (Riedel, 2011; p. 113).

A terrorist attack on the U.S. originating in Pakistan is certainly not a far-fetched notion; on May 1, 2010 a naturalized American citizen, Faisal Shahzad, set a car bomb in New York City's Time Square. According to experts, had the bomb detonated anyone within 1,400 feet of the explosion would have been hit with shrapnel or glass. Shahzad was born in Pakistan and his father is a retired air vice marshal in the Pakistani air force. After pleading guilty to the attempted attack, Shahzad confirmed that the Pakistani Taliban had taught him how to assemble the bomb; likewise the Taliban also claimed responsibility for the attempted terrorist attack (Riedel, 2011; p. 114).

In consideration of these developments as well as the dire situation the U.S. has been confronted with, U.S. security forces have turned to drone strikes as a critical measure in combating the Islamic threat originating from Pakistan. The United States began using UAVs to target al-Qaeda and its allies in Pakistan in 2004, yet it was not until 2007 that the attacks became frequent. The Bush administration developed the drone program after it became aware that Pakistani President Musharraf was not suitably targeting Islamic extremism. Initially, Pakistani authorities were informed in advance of any drone strike, however this policy changed after it became apparent that some if not all of the targets were being tipped off. Although the drone strikes are covert operations, both the Bush and Obama administrations have publicly taken credit for them while also trying to avoid directly claiming responsibility (Riedel, 2011; p.125).

The first UAV strike in Pakistan occurred on June 18th, 2004. Initially, strikes were seldom as the number of drones was limited and ground intelligence was not sufficient. Eight more strikes occurred before the killing of Benazir Bhutto by Islamic militants in December 2007, which prompted the Bush administration to expand the target list beyond al-Qaeda and the rate of drone strikes consequently rose steadily. By the end of 2008, 46 UAV attacks had been carried out in Pakistan (Gregory, p. 240). Following his taking of office, President Obama eliminated the extraordinary renditions program of his predecessor and closed the black sites; yet at the same time he authorized the further expansion of the list of individuals targeted.

Faster and more powerful Reapers were introduced and by the end of 2010 there had been a further 180 strikes (Gregory, p. 241.) The Obama administration insists that its targeting procedures adhere to international laws and argues that the strikes are legitimate acts of self-defense against the Afghan Taliban, who are engaged in a transnational armed conflict with the U.S. and seek sanctuary across the border. They view the UAV attacks as an effective counter-terrorism tactic against al-Qaeda and its allies hiding in Pakistan (Gregory, p. 241).

The killing of civilians in drone strikes is an important and politically charged subject in Pakistan. The attacks are extremely unpopular with Pakistanis, who view them as a violation of national sovereignty. In fact, according to a 2009 Gallup poll, only 9% approved of such strikes (Bergen & Tiedemann, p. 600). 2009 was a year of new developments regarding the burgeoning drone operations. Following the Pakistani military's much anticipated missions in the Pakistani Taliban stronghold of South Waziristan on October 17, drone strikes were reportedly halted in that tribal agency, whereas previously there had been 26 attacks earlier in the year. Simultaneously, the rate of the strikes in neighboring North Waziristan increased dramatically, from nine strikes in the first nine and a half months of 2009 to thirteen in the last two and a half (Bergen & Tiedemann, p. 602). Furthermore, the White House reportedly authorized an expansion of the drone program in Pakistan to reinforce the 30,000 new U.S. troops being deployed to Afghanistan. Yet, despite the large rise in drone strikes in 2009, Pakistan (as well as Afghanistan) still faced extremely high levels of terrorist violence. In 2009 there were 87 suicide attacks in Pakistan, in which around 1,300 individuals were killed, including 1,155 civilians. This was a noteworthy increase compared to the previous year, in which 63 suicide bombings took place (and is even more dramatic when compared to 2006, when only 9 such attacks occurred) (Bergen & Tiedemann, p. 602).

According to experts, the drones are highly effective in eliminating their targets. The UAVs have killed several senior al-Qaeda and Taliban operatives, including Beitullah Mehsud in 2009, the first head of the Pakistan Taliban and Mustafa Muhammad Uthman abu Yazid in 2010, the head of al-Qaeda operations in Afghanistan and involved in the December 2009 attack on the CIA base in Khost. The killing of such individuals such as Yazid is particularly significant as he was a critical link to financial supporters in the Arabian Peninsula and elsewhere; such supporters have traditionally formed the backbone of al-Qaeda's financial support network. Additionally, the drones have also disrupted al-Qaeda's planning, training and even financial transactions (Riedel, 2011; p. 126).

It is clear that the drone program has resulted in great difficulties for the Taliban and its allies in Pakistan's tribal regions. Several militants living in Europe who were captured in late 2008 described an atmosphere of fear and distrust among the members of al-Qaeda in Pakistan; a New York Times reporter, David Rohde, who was held captive by the Taliban allied Haqqani network for seven months recalled that the drones were a terrifying presence in South Waziristan and that critical militant figures sleep outside under trees in order to avoid being targeted (Bergen & Tiedemann, p. 603).

Yet even though the drone campaign has eliminated significant numbers of both militants and their leaders, some critics claim that these losses are being overcome. The Taliban's ability to mount operations in Pakistan (or Afghanistan) remains and the attacks have lost the element of surprise. Following months of sustained drone strikes, numerous Pakistani militants have most likely simply abandoned their safe haven in the FATA in favor of less dangerous regions of the country, which results in the potentially further destabilization of the fragile Pakistani state (Bergen & Tiedemann, p. 603).

A greater understanding of the actual costs and advantages of the drone strikes in Pakistan could make the program less controversial. The lower the civilian casualty rate in strikes, the more likely the Pakistani public will balance their effects with the reality that the militants targeted in these attacks have themselves masterminded or carried out operations in which vast numbers of Pakistani civilians have died (Bergen & Tiedemann, p. 601).

Obtaining an accurate count of the number of militant and civilian dead as a result of the drone strikes is a very challenging endeavor as it is often not possible to differentiate precisely between militants and civilians in certain circumstances as the militants live among the population and do not wear uniforms. Further complicating the matter is the fact that the government has an incentive to claim that all individuals killed in a drone strike are militants, while the militants are prone to do the exact opposite (Bergen & Tiedemann, p. 601).

The CIA drone program in Pakistan has at times been temporarily suspended in order to ease tensions during a crisis. Examples of such crises include the arrest of an American agency contractor who killed two Pakistani men, following the U.S. SEAL raid which killed Osama bin Laden, as well as the incident in which U.S. military airstrikes inadvertently killed 24 Pakistani soldiers along the Afghan border in 2011 (Miller, 2011).

As of September 2012, U.S. President Barak Obama has authorized 283 drone strikes in Pakistan, more than six times the number during both of President George W. Bush's two terms in office. As a result, the number of estimated deaths resulting from the Obama administration's drone campaign is over four times that of the Bush administration, somewhere between 1,494 and 2,618 individuals (Bergen & Braun, 2012). While the Bush administration emphasized targeting and eliminating significant militants within al-Qaeda, under Obama the drone program has undergone a transformation and is increasingly focused on killing Taliban foot soldiers. Meanwhile, the civilian casualty rate has been dropping drastically since 2008. The number of civilians and "unknowns" (individuals whose exact status could not be determined by media reports) killed by drone strikes in Pakistan during the Obama administration have been 11% of fatalities, under President Bush the rate was 33%. At the same time, the percentage of militants killed in strikes has risen since the introduction of the drone program. Under Obama 89% of fatalities in drone attacks have been militants, compared to 67% under former President Bush (Bergen & Braun, 2012).

Since 2004, the drone campaign in Pakistan has eliminated at least 49 militant leaders, a significant setback to the extremists. Terrorist leader Osama bin Laden acknowledged the devastating consequences of the drones on al-Qaeda in a memo in 2010 that was later recovered in his compound in Abbottabad, Pakistan, where he was killed by U.S. Navy SEALs. In the letter, Osama advised his men to leave the tribal regions where the UAV strikes had occurred most, in favor of remote regions in Afghanistan (Bergen & Braun, 2012).

Nonetheless, these militant leaders make up only 2% of total drone related deaths. Furthermore, some of the drone attacks have been carried out to help Pakistani interests. In the first eight months of 2009, there were 19 U.S. drone strikes targeting associates of the leader of the Pakistani Taliban, Baitullah Mehsud, who was responsible for a number of attacks against Pakistani police officers, soldiers and politicians. Mehsud himself was also eventually killed by a CIA drone strike (Bergen & Braun, 2012).

2010 was the most intense phase of the Obama drone campaign to date, with a record 122 strikes. This, in addition to the May 2011 raid on bin Laden's hideout in Abbottabad as well as the NATO airstrike in November 2011 in which 24 Pakistani soldiers were killed, greatly damaged the U.S.-Pakistani relationship and led to the expulsion of CIA drones from an air base in Baluchistan in southwestern Pakistan (Bergen & Braun, 2012). According to certain experts, the U.S. drone strike program in Pakistan, while not illegal, has reached the limit as

to what can be considered as operating with the consent of the Pakistani government (Entous, Gorman, & Perez, 2012).

Several factors have led to a dramatic decline in the number of drone strikes in Pakistan since 2010. Pressure from the U.S. State Department, including the former U.S. ambassador to Pakistan, in combination with greater congressional oversight of the drone program and the need for greater consideration of Pakistani sensitivities regarding the attacks as well as perhaps the declining number of targets, have all contributed. This development has been welcomed by many, as the increased drone strikes resulted in extreme discontent among the Pakistani population, a cost too high to pay for the elimination of low-level Taliban militants (Bergen & Braun, 2012). U.S. officials have stated that the kill list in Pakistan has declined to fewer than ten al-Qaeda targets, from a previous two dozen. The Haqqani network is now being increasingly targeted, having carried out attacks on U.S. forces in Afghanistan (Miller, 2012).

7 Yemen

Numerous similarities exist between Yemen and both Afghanistan and Pakistan; Like Afghanistan, Yemen is a fragmented tribal society; an ideal location for harboring pockets of militancy in a de-centralized system with strong social connections. As with Pakistan, Yemen's military and other institutions are part of a failing state, yet still function well enough to direct counter-terror funds from the U.S. and apply them according to its own interests and criteria (Hudson et al., p. 129).

Yemen has been described as one of the world's least governable places, a country deeply divided due to complex sectarian and regional issues. North Yemen was part of the Ottoman Empire starting in the 16th century and did not gain independence until after the end of World War I and the collapse of the Ottoman Empire (Riedel, 2010; p. 1). Beginning in 1918, North Yemen came under the control of a regime dominated by the minority Zaidi Shiite, a Yemeni Shiite movement separate from the mainstream Shiite sect that dominates Iran. In 1934 a border war with Saudi Arabia broke out, a conflict which Yemen lost and resulted in deep resentment towards Riyadh. Egyptian supported Arab nationalists overthrew the Zaidi Imam in a bloody takeover in 1962. Civil war ensued with 70,000 Egyptian soldiers supporting the republicans while Saudi Arabia, Jordan and even Israel secretly backed the royalists. The

tribes eventually triumphed and the Egyptians left in defeat; since then a series of military dictators have ruled (Riedel,2010; p. 2).

Southern Yemen became a colony of the British East India Company in 1839 and was governed from Bombay for a century. The British were only interested in suppressing piracy and using the port of Aden as a transit stop on the journey to India; the interior of the country was left in the hands of tribal sheikhs. In 1968 the British were expelled by communist terrorists, backed by Moscow. Following the collapse of the Soviet Union in 1990, the abandoned and destitute south had no choice but to merge with the north (Riedel, 2010; p. 2).

In November 2011 relentless street protests forced Yemeni President Ali Abdullah Saleh to transfer power after over thirty years of autocratic rule. Mr. Saleh was the fourth Arab leader ousted from power in 2011 as a result of the popular uprisings in the Middle East and North Africa (Fahim & Kasinof, 2011). Before relinquishing power, Mr. Saleh first unleashed his security forces on unarmed demonstrators, killings dozens. As a result, some individuals in the military sided with the opposition (Kasinof, 2012a). The conflict resulted in many deaths and provided al-Qaeda with the opportunity to expand its influence. The United States and other Western powers and Persian Gulf leaders were troubled by the collapse of security and aggressively sought an agreement.

Mr. Saleh ruled Yemen in the manner of a tribal sheik, pitting various actors against one another and using money and jobs to win allies. Cronyism was rampant in Yemen and little effort was put into constructing the infrastructure necessary for a stable state. All authority in the country was consolidated in the Saleh presidency (Kasinof, 2012a).

Mr. Saleh had narrowly survived an assassination attempt in June 2011, when an explosion wounded him and a half-dozen other government officials. Mr. Saleh blamed the Ahmar family, the powerful opposition leaders who took sides with the popular uprising and whose tribal militia was fighting government troops. Spokesmen for the Ahmars denied responsibility for the attack (Worth & Kasinof, 2011).

In February 2012 Abdu Rabbu Mansour Hadi replaced Mr. Saleh as Yemeni president, in an election in which he was the only candidate on the ballot. Mr. Hadi was the longtime vice president under Mr. Saleh and was chosen as a consensus candidate by the former ruling party and the opposition (Kasinof, 2012b). Although Mr. Saleh has stepped down, he still retains considerable influence due to the prominence of his family and tribe (Kasinof, 2012a). His

son Ahmed is the head of the Republican Guard and Special Forces while his nephew Yahya is the Chief of Staff of the Central Security Forces; another nephew is the Deputy Director of National Security (Shahbaz, 2012). President Hadi himself is considered a longtime Saleh loyalist and it is not known how independent he will be. President Hadi has the task of leading a transition to democracy and beginning a national dialogue on a new constitution (Kasinof, 2012b).

Mr. Hadi faces a broken economy, crumbling infrastructure and threats from al-Qaeda terrorists as well as other Islamic militants. These militants control large portions of territory in the country, having seized areas in the south as government forces fled, either defecting or joining the fight against armed opposition forces in the capital, Sana (Kasinof, 2012b). A clear example of the terrorist threat was the attack on government targets in the southeastern port of Mukalla, in which twenty-one soldiers were killed only hours after Mr. Hadi took office. Mr. Hadi has described the fight against al-Qaeda as a “national and religious duty” (Kasinof, 2012b). The separatist movement in the south and grievances with the Houthis, rebels who control a province in the north, are other immediate challenges President Hadi must face (Kasinof, 2012b).

Additionally, the circumstances in south Yemen further complicate an already exceedingly difficult situation; southern Yemen has been discriminated against and marginalized by the Saleh government since unification in 1990 and numerous southerners passionately hate the government. President Hadi is originally from the southern province of Abyan, yet he is viewed by many in the south as a traitor (Kasinof, 2012b). These are the volatile conditions which have resulted in a stronghold for al-Qaeda terrorists. Al-Qaeda militants have even been so bold as to contact Yemeni defense officials and propose the government allow them to govern the south for fifteen years in order to for them to demonstrate their capabilities (Shahbaz, 2012).

7.1 Islamic militants and drone strikes in Yemen

Yemen has become a critical safe haven for al-Qaeda and the impact of its Salafist-Jihadist movement is not confined to within its borders. Islamic militants in Yemen pose not only a great threat to countries in the region, such as Saudi Arabia, but also to the United States; a stark example is the Christmas Day 2009 failed suicide bombing attempt of a passenger plane

over the U.S. by Nigerian Umar al-Faruq Abd al-Mutalib, who received training in Yemen (al-Shishani, p. 51).

Al-Qaeda in the Arabian Peninsula (AQAP) first became noticed in 2007 when a member conducted a suicide bombing attack on Spanish tourists in Yemen. It was also AQAP that was responsible for the attack on a passenger plane on Christmas Day 2009 by the so-called underwear bomber, as well as the assassination attempt on Prince Muhammad bin Nayef, the head of Saudi counter-terrorism, also in 2009. In 2010 the terrorist group attempted to blow up UPS and FedEx planes with explosives hidden in ink cartridges and in May 2012 Saudi intelligence prevented a plot by AQAP bomb maker Ibrahim al-Asiri to create new bomb material that could avoid detection by x-ray scanners at airports. AQAP did successfully carry out a bombing attack in the capital city of Yemen in May 2012, killing almost one hundred soldiers and bystanders (Williams, 2012).

Additionally, an Islamic militant group allied with al-Qaeda known as Ansar al-Sharia was able to take advantage of the chaos surrounding the ousting of Yemeni President Ali Abdullah Saleh in 2011 and established an emirate in the strategic coastal province of Abyan. The group's ultimate goal is the overthrow of the secular government and the creation of a caliphate modeled on the Taliban (Williams, 2012).

Al-Qaeda in Yemen has undergone several phases. During the Afghan jihad, Arab fighters recruited large numbers of Yemenis; following the U.S. invasion of Afghanistan in late 2001, these fighters returned to the region, focusing their attention at the time on Saudi Arabia (al-Shishani, p. 51). In February 2006, over a dozen high-level al-Qaeda leaders escaped prison in Yemen, in the so-called "Great Escape". This event resulted in the reorganization of the movement in Yemen and coincided with their withdrawal from Saudi Arabia. Soon thereafter Yemen became a destination for jihadis and AQAP was formed as a coalition of Saudi and Yemeni jihadists. AQAP is composed of three main groups; Yemenis (56%), Saudis (37%) and foreigners (7%) (al-Shishani, p. 51). Yemeni recruits are equally distributed between northern and southern tribes, as al-Qaeda's message is often widely accepted among the tribes which make up much of the country. Al-Qaeda's area of influence encompasses a large triangle which is half the size of the country. The triangle begins in Abyan in the west and stretches to al-Jawf in the south. In the north, it is connected to the capital city of Sana by the Arhab directorate. The resulting area is known for its tribal affiliations in a region where there are few state institutions and where tribal laws dominate (al-Shishani, p. 52). Al-Qaeda's

focus on tribes in Yemen has been critical to its success in finding a safe haven. The tribal nature of society and the solidarity between tribes has been greatly beneficial for the jihadists. Tribes remain the dominant force in the country and it is simple to build alliances with them. Al-Qaeda found perfect recruits among Yemen's tribal and Bedouin societies, where acts of revenge and battles between tribes are still common due to the absence of state institutions (al-Shishani, p. 52).

Southern Yemenis form the majority of the population and were the first to join the Salafist-Jihadi movement. This development has been attributed to the political conditions in the south, the repressiveness of the former Marxist regime and the political use of violence stemming from this period. Another critical element in the development of southern militancy was migration to Saudi Arabia, where vast numbers joined Islamic Sharia schools where they were introduced to the Salafist ideology. Additionally, Bin Laden's perception as a hero by some and the failure of the Muslim Brotherhood to attract southern Salafists to their movement resulted in al-Qaeda easily attracting fighters from the south (al-Shishani, p. 53).

Al-Qaeda has attempted to build tribal alliances in the region of south Saudi Arabia extending to the south of Yemen. The Salafist-Jihadis are succeeding in mobilizing the youth in both countries and local tribes have provided al-Qaeda with a safe haven. Thus AQAP can form and carry out attacks, both inside and outside of Yemen. The attempt to assassinate the Saudi Deputy Prime Minister of the Interior in 2009 is just one example. (al-Shishani, p. 55).

High profile assassinations in late 2012 in the Yemeni city of Aden and in the capital city of Sana killed over sixty security officials and mark a strategic shift by AQAP and its partner Ansar al-Sharia. Following these attacks, the battle has since returned to the governorate of Abyan, where sleeper cells in the mountains carry out hit-and-run attacks on military targets (Shahbaz, 2012). Al-Qaeda has abandoned urban areas and has now focused on other targets; an example was the brazen attack in the fall of 2012 when Islamic militants drove a military truck armed with explosives into a Yemeni army camp, killing eighteen soldiers and wounding thirty. The attack on the military camp was reputedly an act of retaliation for a U.S. drone strike which killed eight AQAP members, including Nader al-Shaddadi, a leading figure who commanded the "Islamic emirate" in Jaar (Shahbaz, 2012).

The drone program was first used in Yemen in November 2002, when the CIA launched a Hellfire missile from a Predator drone about 100 miles east of the capital city of Sana. The strike killed a high level al-Qaeda operative in Yemen, Qaed Salim Sinan al-Harethi, who was

also a suspect in the 2000 bombing of the USS Cole off the Yemeni coast. Five other militants were killed when the missile hit the vehicle transporting al-Harethi, including U.S. citizen Kamal Derrwish, who was the first reported American citizen to die as a result of the CIA's drone program (New America Foundation, 2012a).

Due to the increasing terrorist threats emanating from the country, the Obama administration initiated a rigorous new drone warfare campaign in Yemen in 2011 (Hudson et al., p. 129). To date, an estimated 28 drone strikes and 13 air strikes have been launched by the U.S. in Yemen, a drastic increase over the previous administration. Under Bush only a single drone strike was carried out in Yemen (New America Foundation, 2012a). The decision to use drones in Yemen was made after determining that tomahawk missile strikes were too inaccurate; in one incident dozens of Bedouin civilians were killed by such a missile in December 2009 (Williams, 2012).

The majority of drone strikes appear to be concentrated in Shabwah Governorate, an area well-known as a hideout for al-Qaeda where militants enjoy the support of local tribes, as well as in Abyan Governorate, which was largely taken over by Ansar al-Sharia. The drones in Yemen seem to be targeting easily monitored vehicles which transport terrorists, instead of houses. The goal of this strategy is to avoid civilian deaths (Williams, 2012). The strategic move from "personality strikes" (drone attacks on well-known terrorists whose names are on a kill list) to "signature strikes" (drone attacks on individuals whose observable behavior indicates that they are Islamic terrorists) signals a broadening of targets which was first applied in Pakistan in 2008. The precision of the strikes in Yemen is an indication that the CIA has established a network of spies and informers which have been relaying the positions of the terrorists to drone operators (Williams, 2012).

Calculating the exact number of drone strikes and air attacks in Yemen is a complicated endeavor as it is often unclear if strikes have been launched from drones or from fighter jets. Villagers who witnessed attacks consistently provide conflicting statements regarding the type of aircraft involved. Furthermore, diplomatic cables leaked by WikiLeaks revealed that the Yemeni government has at times taken credit for airstrikes that were in fact launched by the United States military (New America Foundation, 2012a). According to one such cable, then Yemeni President Ali Abdullah Saleh stated to then Gen. David Petraeus in January 2010 that the Yemenis would continue to claim the bombs as being theirs and other Yemeni officials joked about having lied to the Yemeni Parliament regarding the American role in air strikes

(New America Foundation, 2012a). By claiming that their own air force is responsible for the strikes, the Yemeni government has attempted to deflect domestic criticism of CIA drone strikes on Yemeni citizens. Yet, this can be virtually ruled out, as the outdated Yemeni Air Force planes are incapable of carrying out such precision strikes on moving vehicles (Williams, 2012).

Despite the difficulty regarding the identification of drone strikes in Yemen, statistics do exist and it is estimated that as of June 2012 somewhere between 531 and 779 individuals have been killed by U.S. drone strikes in Yemen, 509 to 713 have been identified as militants. Of these deaths, 99% occurred during the Obama presidency (New America Foundation, 2012a). Under the Obama administration, U.S drone strikes have killed at least sixteen high-level al-Qaeda militants in Yemen, including the Yemeni-American cleric Anwar al-Awlaki on September 30, 2011 as well as Fahd al-Quso, suspected of involvement in the 2000 bombing of the USS Cole.

Yemen is the only country in which the CIA and the Joint Special Operations Command (JSOC) are known to both carry out drone strikes (Miller, 2011). The CIA and the JSOC share intelligence and coordinate strikes from separate operation centers, located at Langley, Virginia and Fort Bragg, N.C. U.S.A. respectively. Anwar al-Awlaki, a U.S. citizen and Islamic radical cleric connected to terrorism plots, including the failed Christmas Day bombing attempt in 2009, was located by the CIA in Yemen in 2011. The CIA temporarily moved Predators from Pakistan to Yemen and assumed control of others from the JOSC in order to expand surveillance of Awlaki. On September 30, 2011 Awlaki was killed by a drone strike carried out by the CIA. The strike required intricate planning; two Predator drones targeted Awlaki's vehicle and a third circled around the area in order to be certain that no civilians inadvertently wandered into the firing zone. The execution of the strike was, according to officials, nearly flawless (Miller, 2011).

Since President Saleh's resignation in February 2012, U.S. drone strikes have increased greatly. Within a three month period the U.S. launched an estimated 20 drone strikes, compared with only 18 attacks in the previous two years (New America Foundation, 2012a). The drone strikes in Yemen have forced AQAP to remain in hiding in order to avoid being killed by the ever-present drones. The drone campaign has instilled a climate of fear among al-Qaeda and other Islamic militants and the elimination of over a dozen high-ranking terrorists has greatly disrupted further attacks on American interests (Williams, 2012).

However, the U.S. drone strikes are unpopular among many Yemenis. Some claim that the UVA strikes assist in recruitment for al-Qaeda due to anger over civilian deaths which results in the radicalization of the locals. President Hadi has openly applauded the U.S. drone strikes, even claiming that he personally approves each strike before it occurs (Shahbaz, 2012).

8 Somalia

Somalia, a country of about 10 million, is a dramatic example of a failed state. Somalia has lacked a central government since 1991 and the country is plagued by poverty and unrest. Less than 40% of Somalis are literate and more than one in ten children dies before turning five (Council on Foreign Relations, p. vii).

Failed states, defined as countries which cannot exercise authority over their territory and are unable to provide even the most basic services to their inhabitants, pose a great danger to the world at large for a variety of reasons, particularly due to terrorism and drug trafficking. The threat of al-Qaeda finding a safe haven and support in Somalia is a large security concern for the United States, as fears exist that terrorists could use Somalia as a base to destabilize the region and also attack the U.S. homeland (Council on Foreign Relations, p. 3).

Following the collapse of the decades old military dictatorship in 1991, a bloody civil war broke out and completely destroyed the remaining national structures; as a result Somalia was divided up into various clan fiefdoms. Numerous attempts by the international community to unite Somalia under a single national government failed. This failure was a result of the lack of political consensus regarding the form that the national government should take as well as how to fairly manage the distribution of political power and resources among the many fractious clans (Council on Foreign Relations, p. 6).

Following the Black Hawk Down disaster in Somalia in 1993, U.S. policy makers more or less ignored the country for almost a decade. Only after the 1998 embassy bombings in Tanzania and Kenya, and to a much larger extent the 9/11 terrorist attacks, did security concerns force the U.S. to again turn its attention toward Somalia. U.S. preoccupation with terror threats originating in Somalia has resulted in international efforts to reconstruct a central government. However, local resistance to these measures has resulted in the reemergence and rise of indigenous jihadist groups, as well as potentially providing a new safe haven for al-Qaeda (Council on Foreign Relations, p. 6).

Following two years of strenuous internationally sponsored reconciliation talks, the Transnational Federal Government (TFG) was created in 2004. The TFG consists of a loose coalition of Somali leaders with the goal of establishing a national government within a five year period. However the TFG has failed to gain widespread support within Somalia and the international community has also been somewhat tepid. During its first two years of existence, the TFG was in fact a government in exile, first in Nairobi and later in the Somali city of Baidoa (Council on Foreign Relations, p. 7). The creation of the TFG led to a violent reaction in Mogadishu, where a radical youth militia group, al-Shabab, developed and began assassinating TFG members and supporters. This development alarmed U.S. intelligence operatives, who then attempted to counter the increased threat by mobilizing a coalition of Somali militia leaders to capture suspected al-Qaeda members who were believed to be hiding in Somalia. In February 2006 these militia leaders formed a partnership called the Alliance for the Restoration of Peace and Counterterrorism (ARPCT), which would eventually end in disaster. The creation of the ARPCT and the CIAs involvement led to a popular revolt in which clan leaders, Mogadishu's business community and a pre-existing network of sharia courts joined forces. After four months of fighting, the ARPCT was soundly defeated. The governing coalition that emerged from this victory called itself the Supreme Council of Islamic Courts (SCIC) (Council on Foreign Relations, p. 7).

The rise to power of the SCIC was more coincidence than strategy. The growing influence of the sharia courts as a source of law and order, the business community's willingness to invest in public security and clan resistance against international counterterrorism and state-building efforts all resulted in the SCIC becoming the dominant power. The SCIC capitalized on the population's enthusiasm for stability to expel the warlords which had dominated Mogadishu for over a decade. The restoration of order resulted in popular support and the Union of Islamic Courts model was duplicated throughout southern Somalia (Council on Foreign Relations, p. 7).

U.S. policy makers, although initially bewildered by an apparently effective grassroots governance movement in Somalia, quickly pushed for a power sharing agreement between the SCIC and the TFG. However, the SCIC was convinced of its political and military advantage and was reluctant to make any compromises with the dysfunctional and politically isolated TFG. On the other hand, the TFG was equally unwilling to negotiate, as it was sure of Western support (Council on Foreign Relations, p. 8). Additionally, the rise of extremists within the wide umbrella that was the SCIC movement resulted in further strains. It soon

became apparent that the radical Shabaab militia, at that time the military arm of the SCIC, had taken over control of policy. A series of unpopular and strict declarations were accordingly issued, including the banning of music, foreign films, political gatherings and the use of the popular stimulant qat, while at the same time increasing taxes. Additionally, the SCIC made irredentist claims on neighboring territory in Kenya and Ethiopia, which threatened to disrupt regional stability. As a result of these actions both U.S. fears and dissatisfaction among the Somali population increased. Following ever rising tensions between the SCIC and the TFG, in December 2006 the SCIC advanced on the seat of the federal government. This resulted in Ethiopian forces invading Somalia with U.S. approval (and most likely operational support) (Council on Foreign Relations, p. 8). The SCIC was quickly overwhelmed and Mogadishu was surrendered; SCIC leaders fled and the TFG relocated to the capital. This introduced a new, more brutal phase in the Somali conflict.

The presence of the Transnational Federal Government combined with Ethiopian troops in Mogadishu created a complex insurgency in the capital city. Foreign jihadists, including al-Qaeda, realized there was a golden opportunity to globalize Somalia's conflict and quickly lent support to al-Shabab. Several dozen foreign jihadists entered Somalia at the time, bringing with them al-Qaeda tactics; remote-controlled detonations and suicide bombings become relatively common. Within two years, al-Shabab captured most of southern Somalia. By January 2009 the costs of combating the growing Islamic insurgency in Mogadishu had become unsustainable and Ethiopia withdrew its forces (Council on Foreign Relations, p. 9).

In October 2011 Kenya sent hundreds of troops into Somalia to combat the Shabab Islamic group. According to Kenyan security officials, several hundred Kenyan soldiers entered Somalia supported by helicopters which struck at Shabab positions. The Kenyan government justified its actions by pointing to the string of kidnappings of Westerners in Kenya; although it is not entirely clear who was responsible for the kidnappings, Shabab or Somali outlaws. Kenyan officials made it clear that due to the threats to their territorial integrity, they would pursue al-Shabab wherever they may be (Gettleman, 2011b).

In August 2012 a new federal parliament was convened in Somalia and a new government was sworn in, replacing the transitional federal government. The new government is still viewed as a caretaker, as it was not directly elected nor has the country's constitution been ratified by a public referendum (Ibrahim, 2012a). The members of parliament were chosen by clan chiefs and certain candidates were rejected by a committee which evaluated their

qualifications. The hope is that the new parliament will be less vulnerable to corruption and manipulation than in the past. Hassan Sheikh Mohamud was elected president by the parliament; he is considered to be a moderate political activist and academic. It is hoped he can contribute to continuing security improvement of his embattled country. The Shabab has withdrawn from Mogadishu and reconstructed hospitals, shops and homes have begun to appear in the capital (Ibrahim, 2012b).

8.1 Islamic militants and drone strikes in Somalia

The desire to expel the peacekeeping forces in Somalia and resentment towards the Transitional Federal Government resulted in cooperation between al-Shabab and other rival groups, particularly the fundamentalist nationalist group Hizbul Islam (the Islamic Party). Yet such alliances are characterized by disagreements over ideology and tactics (Council on Foreign Relations, p. 10). Al-Shabab is skillful at exploiting long standing clan conflicts, often providing weapons to minority clan factions, rendering the majority clan more vulnerable and less capable of protesting al-Shabab's occupation of territory. Yet there has also been widespread public anger against al-Shabab as the result of their use of intimidation tactics, including public beheadings and stoning (Council on Foreign Relations, p. 11).

The Islamist insurgent group al-Shabab has pledged allegiance to al-Qaeda and has carried out numerous terrorist attacks, including suicide bombings (Gettleman, 2011b). Al-Shabab is widely blamed for causing a famine in Somalia in 2011 and additionally forced Western aid organizations to leave the country, depriving drought victims of desperately needed food. Tens of thousands of Somalis died and more than 500,000 children were on the brink of starvation (Gettleman, 2011a). Furthermore, the Islamist group prevented starving people from fleeing the country and imprisoned displaced Somalis who had attempted to leave Shabab territory in a filthy crowded camp 25 miles outside of the capital. Individuals interviewed from southern Somalia claimed that Shabab fighters blocked rivers in order to steal water from impoverished villagers and divert it to commercial farmers who pay them taxes. These are just some of the atrocities the Islamic militant group has committed; the Shabab also banned immunizations, claiming they were part of a Western plot to kill Somali children. As a result, countless unvaccinated children are dying from measles and cholera (Gettleman, 2011a).

Al-Shabab's radical leadership has connections to international jihadist groups and is committed to Salafi-Wahabist Islam. Access to extensive resources and support from the Middle East has allowed al-Shabab leaders to obtain a high degree of centralized control over several mixed-clan militia groups. Foreign experts provide training in insurgent tactics, including the use of explosive devices, as well as the Wahabi ideology. Most al-Shabab fighters are illiterate youths (some recruited at gunpoint), prone to defection and have undergone little military training. Additionally, many of the recruits have been opportunistically drawn to al-Shabab from Somalia's numerous clan and bandit militia factions (Council on Foreign Relations, p. 12). As of June 2012, it is estimated that al-Shabab consists of 4000 to 6000 fighters. In addition to Somalis, foreign volunteers have joined the terrorist group from countries including Kenya, Yemen, Pakistan, the Gulf countries and even Western States (Wonacott & Bariyo, 2010).

Al-Shabab was responsible for suicide bombings in the Ugandan capital, Kampala, in 2010 and has engaged in cross-border attacks in Kenya (Bodirsky, 2012). The attacks in Kampala consisted of three separate bombings which left 76 dead, including at least 11 foreigners. The Islamic terrorists targeted an Ethiopian restaurant, a rugby club and a crowded pub where crowds had gathered to watch the final match of the World Cup. At least an additional 70 people were injured. Al-Shabab had previously vowed to attack "infidels" in Kenya for training Somali soldiers as well as Uganda and Burundi in retaliation for their contributions to the African peacekeeping force (Wonacott & Bariyo, 2010).

In light of evidence that al-Qaeda terrorists in Yemen were forging closer ties with Somali Islamic militants and possibly plotting attacks against the U.S, the Obama administration decided to expand its military campaign in Somalia in 2011. The increased focus on Somalia was part of a new strategy to combat terrorism in a post-Osama bin Laden world; some American military and intelligence officials view al-Qaeda and other Islamic militants in Yemen and Somalia as a greater threat to the United States than radical Islamists operating in Pakistan. This conclusion is based on the hundreds of drone strikes on militants in Pakistan in recent years and the effect it has had on their operations (Mazzetti & Schmitt, 2011).

A drone strike in June 2011 was the first American attack in Somalia since 2009, when commandos killed a senior leader of the terrorist group that was responsible for the 1998 attacks on the American Embassies in Kenya and Tanzania. For the past several years, the United States has mostly depended on proxy forces in Somalia, including African Union

peacekeepers from Uganda and Burundi, to support Somalia's fragile government. The Pentagon has sent nearly \$45 million in military supplies to Uganda and Burundi, including four small unarmed drones, to help combat the terror threat in Somalia (Mazzetti & Schmitt, 2011). The nominal government that does exist in Somalia has welcomed U.S. strikes against militants (Entous et al., 2012).

U.S. military officials have stated that intelligence points to increased communication between Islamic radicals in Yemen and Somalia regarding operations, training and tactics. The top Obama administration's counter-terrorism advisor John Brennan stated that al-Qaeda's weakened leadership in Pakistan had urged regional affiliates to attack American targets; al-Shabab also continues to call for strikes against the U.S. (Mazzetti & Schmitt, 2011).

Of additional concern for U.S. counter-terrorism officials are the numerous Somali-Americans who have traveled in recent years back to Somalia in order to join in the combat. Officials are concerned that these individuals have gained field experience with militants such as al-Shabab and could be recruited to carry out attacks, including suicide bombings, in America (Mazzetti & Schmitt, 2011). Indeed, al-Shabab's recruitment of Somali diaspora youth raises concerns not only for the U.S. but also for Europe and Australia. In August 2009 Melbourne authorities arrested a group of terrorists, including two members of the Somali diaspora, as they were preparing what could have been a devastating suicide attack on Australian military personnel (Council on Foreign Relations, p. 16).

In late 2012 United Nations officials claimed that the skies over Somalia have become so congested with drones that the unmanned aircraft are a threat to air traffic and additionally could be in violation of a long-standing arms embargo against the country. U.N. investigators did not directly blame the United States for the developments, but did report that at least two of the drone aircraft appeared to be U.S. manufactured and furthermore suggested that the U.S. has been too secretive regarding its drone operations in Somalia (Whitlock, 2012b).

The U.N. Security Council imposed an arms embargo on Somalia in 1992, although an exception has been made for the African Union military force that has been battling al-Shabab and providing security for the transitional Somali government in Mogadishu. The Pentagon has supplied several small, hand-launched surveillance drones, known as Ravens, to the African Union troops. However, an official for the U.N. Monitoring Group stated that any other drones, such as the Predator and Reaper drones which fly at higher altitudes, would be

operating in violation of the embargo. Although U.S. drone missions in the country have long been an open secret, the Obama administration acknowledged for the first time in June 2012 that it also is operating in Somalia, “engaged in a range of operations to target al-Qaeda and associated forces” (Whitlock, 2012b).

According to an Obama administration official, Somalia would in fact “be the easiest place to go in an indiscriminating way and do drone strikes”, as the U.S. need not fear any reprisals from a central government that, for all intents and purposes, doesn’t exist. However, the administration has purposefully decided against this approach (Miller, 2011). The Obama administration has only conducted a handful of drone strikes in Somalia out of concern that intense targeting of the al-Shabab group could result in attempts by the organization to carry out terrorist attacks in the United States, rather than only against U.S. interests (Miller, 2011). Although it is difficult to definitively determine the exact number of U.S drone strikes in Somalia due to conflicting reports, it has been reported that up to nine drone strikes have occurred (Bureau of Investigative Journalism, 2012). However, UVA strikes could increase if factions of al-Shabab’s leadership succeed in expanding the organization’s agenda to wage international jihad. A senior Obama administration official stated that ongoing debate exists among the senior leadership of al-Shabab regarding the group’s objectives. The U.S. official further commented that “it certainly would not bother us if potential terrorists took note of the fact that we tend to go after those who go after us” (Miller, 2011).

9 Expert Interviews- Questions & Experts

In the process of my research applying the Just War theory to U.S. drone strikes, I have conducted five expert interviews. In each interview the identical semi-structured inquiries were posed, allowing for comparison and contrast. Each individual question is based on a specific criterion of the Just War theory. In the section below I introduce the interview questions as well as the criteria they are based on.

1) How do you assess the threat from individuals targeted by drone strikes? Do they pose a direct and imminent threat to the national security of the United States?

This question attempts to assist in establishing if, in the opinion of the expert, Just Cause exists for the U.S. drone strikes. As previously discussed, no single definition exists for deciding if a conflict is just. Yet one argument that is widely accepted as a legitimate for

engaging in violence is a country's right to self-defense. Determining if the individuals and organizations being targeted by U.S. drone strikes truly pose a fundamental and/or direct threat to the United States will greatly assist in establishing if a Just Cause exists.

2) In your opinion, does the U.S. military and the CIA have the authority to carry out drone attacks in sovereign countries without an international mandate/consensus? (Compared to Afghanistan, where the U.S. has a UN mandate)

This question clearly attempts to determine if the Right Authority criteria of the Just War theory has been fulfilled regarding the U.S. drone strikes. There are several factors which much be considered when attempting to apply this criterion to the U.S. drone strikes, particularly in the context of each case study. In the analysis, I examine the individual cases.

3) What is in your opinion the intention, the objective of the drone strikes? Can drone strikes contribute to creating a lasting peace? In some cases revenge certainly seems to also have played a role.

With this question I hope to establish if the principle of Right Intention has been fulfilled according to the respective experts. I included the issue of revenge in consideration of the 2009 suicide bombing of a CIA base near Khost, Afghanistan and its aftermath. Seven CIA agents were killed in the attack on the base near the Pakistani border. The agents killed were valuable analysts whose intelligence helped guide the drone attacks in the Pakistan border area. The CIA responded immediately, carrying out drone strikes the very next day, targeting the Pakistani Taliban and its leader, Hakimullah Mehsud, who had claimed responsibility for the bombing. According to some analysts, the CIA wanted to illustrate that they could "hit back" (Shane & Schmitt, 2010).

4) Which arguments do you regard as most relevant concerning the justification for the U.S. drone strikes? Are they in your opinion convincing?

With this question I attempted to again address the topic of Just Cause, allowing the expert to voice their opinion regarding the justifications for the drone strikes as well as providing him/her with the opportunity to express their views concerning the validity of these justifications.

5) Is the local population overly burdened by drone strikes and what are the results of UAV strikes on the local population? There have been cases of the U.S. compensating the

families of civilians killed in attacks; is this an appropriate and satisfactory measure in cases when it occurs?

This inquiry is an attempt to determine if the principle of Proportionality had been fulfilled by the drone strikes. Proportionality attempts to regulate the violence of war proportionate to the threat. Additionally, the principle of Proportionality also refers to justifiable levels of collateral damage. I felt that the formulation of this question allowed me to address each one of these aspects. Is proper discrimination being practiced between combatants and civilians? Are non-combatants victims of exaggerated violence? Additionally, the aspect of apology and reparation is touched upon.

6) It is U.S. policy in drone attacks that when an individual who has been selected for targeting is located, that all males in his immediate surrounding that are within “fighting age” are classified as enemy militants; is this in your opinion justified as a general approach?

This question addresses the principle of discrimination in UAV strikes. As the concepts of innocence and deliberate attack are central to the criterion of discrimination, I wanted to specifically address this policy by the U.S. military and the CIA. I was eager to find out if the experts agreed with counter-terrorism officials, who have insisted that all military-age males in a strike zone in the company of a terrorist target must certainly be considered combatants. These officials point to the fact that al-Qaeda is an insular, paranoid organization. Innocent bystanders aren’t riding in vehicles with al-Qaeda operatives transporting weapons and bombs (Becker & Shane, 2012). Nonetheless, the exact identity of many of these individuals is not known.

7) It is argued that Just Wars have a moral commitment to the defenseless; in your opinion, how does this apply to drone attacks; is there an acceptable margin of error concerning civilians when carrying out drone strikes? Is it possible to carry out any attacks if one must always rule out collateral damage?

Question 7 concerns the criteria of both proportionality and discrimination. With this question I wanted to address the aspects of civilian deaths in drone strikes as well as the principle of proportionality regarding collateral damage in the attacks, which has been argued is very low. In my opinion, it was very important to establish how the various experts viewed these aspects of the UAV strikes, as the defense of the innocent is so critical to the Just War theory.

8) How do you rate the prospect of success of the drone strikes? Does the elimination of the targeted individuals lead to an eventual improvement in national security? Or would you tend to agree with those who identify it as a vicious circle; drones strikes eliminating their targets yet causing widespread resentment and aiding in recruitment?

Question 8 attempts to establish if the Reasonable Prospect of Success criterion has been fulfilled. I attempt to find out if the experts believe that the elimination of individuals targeted by drone strikes will lead to improved national security of the U.S and eventually peace, while also addressing a major point of contention among critics of the drone strikes, the argument that the attacks are actually aiding in extremist recruitment.

9) Would you classify drones strikes as a last resort method? Have respective national authorities exhausted all means in attempting to apprehend targeted extremists/terrorists?

Question 9 is very straightforward and attempts to establish if, in the opinion of the experts, the Last Resort principle has been fulfilled.

10) In your opinion, what countries/ regions could be targeted by U.S. drone strikes in the future?

11) How do you see the drone strikes developing in the future? Will they become more common, used by numerous countries including perhaps authoritative regimes?

Questions 10 and 11 address the future development of drone strikes, the precedent being set by the United States as well as the proliferation of drone technology. These issues must also be considered when analyzing drone strikes and attempting to determine their morality.

I will now briefly introduce the five experts in the fields of security politics and international relations that were interviewed for my research, as well as the institutions with which they are associated:

Dr. Chantal de Jonge Oudraat is the Executive Director of the Stockholm International Peace Research Institute (SIPRI) of North America. Previously, Dr. de Jonge Oudraat was the associate vice president and director of the Jennings Randolph Fellowship Program of the U.S. Institute of Peace (USIP) and Adjunct Associate Professor at the Edmund A. Walsh School of Foreign Service, Georgetown University. She has also held positions at the Center for Transatlantic Relations, Paul H. Nitze School of International Studies, Johns Hopkins University (2003-2008), the Carnegie Endowment for International Peace in Washington D.C.

(1998-2002), the Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University (1994-1998), and was a member of the directing staff at the United Nations Institute for Disarmament Research (UNIDIR) in Geneva (1981-1994) (Stockholm International Peace Research Institute, 2012). Dr. de Jonge Oudraat's expertise includes international organizations, arms control and disarmament, terrorism, peacekeeping, use of force, economic sanctions, U.S.-European relations and gender issues. Dr. de Jonge Oudraat holds a PhD in Political Science from the University of Paris II (Panthéon) (Stockholm International Peace Research Institute, 2012a).

The Stockholm International Peace Research Institute is one of the world's leading think tanks, according to the international "Think Tank Index". It conducts research into conflict, armaments, arms control and disarmament. The institute provides data, analysis and recommendations to policymakers, researchers, the media and the public in general. SIPRI is based in Stockholm and also has offices in Beijing and Washington, D.C. (Stockholm International Peace Research Institute, 2012b).

Dr. de Jonge Oudraat was kind enough to meet with me in the SIPRI offices in Washington, D.C. on June 29, 2012.

Dr. Stephen P. Cohen is a senior fellow at the Brookings Institution in Washington, D.C., one of the most influential think tanks in the world. Dr. Cohen is an expert on South Asian political and security issues. He is a former professor of Political Science and History and Founder-Director of the Program in Arms Control, Disarmament and International Security at the University of Illinois-Urbana, USA.

Dr. Cohen served as a member of the Policy Planning Staff at the U.S. Department of State from 1985-1987 and is an adjunct Professor at Georgetown University. He is the author of numerous books including the highly regarded "The Idea of Pakistan" (2004/2006) as well as countless academic articles. He received his Ph.D. from the University of Wisconsin in 1967 and is fluent in Hindi (Brookings, 2012).

I had the privilege to speak with Dr. Cohen in his office at the Brookings Institution in Washington, D.C. on July 5th, 2012.

Mr. Matthew Irvine is a Research Associate at the Center for a New American Security think tank. Mr. Irvine's primary research focus is on defense policy and transnational threats, including terrorism, proliferation, illicit finance, crime and insurgency (Center for New

American Security, 2012). Mr. Irvine is a contributor to numerous Center for a New American Security reports and blogs and his research has been published in journals such as Foreign Policy, Politico and the Journal of International Security Affairs, among others. Mr. Irvine was a research assistant intern at the Woodrow Wilson International Center for Scholars and he holds an M.A. from American University's School of International Service, U.S. Foreign Policy Program, where he focused on transnational threats and global security (Center for a New American Security, 2012a).

The Center for a New American Security (CNAS) is an influential Washington D.C. based think tank which specializes in U.S. national security issues. It is an independent, nonpartisan and nonprofit organization that develops national security and defense policies. CNAS engages policymakers, experts and the public with innovative, fact-based research and analysis in order to impact the national security debate (Center for a New American Security, 2012b). Several members of the Center for a New American Security have gone on to fill key posts in the Obama administration (Lozada, 2009).

My interview with Mr. Irvine is composed of both a telephone interview and written responses from him. The telephone interview occurred in July 2012 and the written responses were completed in October 2012.

Dr. Niklas Schörnig is a Senior Research Fellow at the Peace and Research Institute Frankfurt (Hessische Stiftung Friedens- und Konfliktforschung). Dr. Schörnig's research is concentrated in the area of Policies for Security Governance of States and his expertise includes the American and European Arms Industry and revolution in Military Affairs. Dr. Schörnig earned both his Magister Artium in Political Science and his PhD from the University of Frankfurt, Germany. Academic contributions from him include the articles "Killer drones; The 'silver bullet' of democratic warfare?" (2012), "Drone Wars" (Drohnenkrieg: Die konsequente Fortsetzung der westlichen Revolution in Military Affairs) (2010) and "'Stell Dir vor, keiner geht hin, und es ist trotzdem Krieg...' Gefahren der Robotisierung der Streitkräfte (2011)" (Peace Research Institute Frankfurt, 2012a).

The Peace Research Institute Frankfurt (PRIF) was founded in 1970 by the government of the state of Hessen. It is Germany's largest peace research institute. PRIF's research is directed toward identifying the causes of violent international and internal conflicts, carrying out research into the conditions necessary for peace and spreading the concepts of peace (Peace Research Institute Frankfurt, 2012b).

My interview with Dr. Schörnig is composed of a written correspondence, completed in November 2012.

Prof. Dr. Michael Brzoska is Director of the Institute for Peace Research and Security Policy (Institut für Friedensforschung und Sicherheitspolitik) at the University of Hamburg, Germany. Dr. Brzoska gained his PhD in Political Science at the University of Hamburg in 1985.

Dr. Brzoska specializes in the areas of arms control and disarmament, targeted sanctions and sanction reform, economic actors in internal armed conflicts, Europeanization of arms production, international arms transfers, security sector reform, conflict research and the global arms industry. He is the author of such books and essays as “Overcoming Armed Violence in a Complex World” (2009), “Stand und Perspektiven der militärischen Nutzung von unbemannten Systemen, Gutachten für das Büro für Technikfolgen-Abschätzung beim Deutschen Bundestag” (2008) and “Definitions of armed conflicts and wars – still reliable?” (2007), (Institute for Peace Research and Security Policy, 2012a).

The Institute for Peace Research and Security Policy (IFSH) is an independent research institution at the University of Hamburg, established in 1971. The institute conducts peace-related research guided by the central hypothesis that providing security and ensuring peace are inseparably intertwined. (Institute for Peace and Security Policy, 2012b).

I was fortunate enough to conduct a telephone interview with Prof. Dr. Brzoska on December 7, 2012.

9.1 Interview Analyses

Just Cause: Dr. de Jonge Oudraat’s answer suggests she has misgivings regarding the Just Cause of the drone strikes. She did not focus on the threats the targeted individuals pose, but rather focused on the lack of due process that is a characteristic of the drone strikes. She also pointed out that the lack of information regarding the targeting and decision-making process results in numerous troubling circumstances. Dr. de Jonge Oudraat questioned how the individuals targeted can be national security threats and who exactly can define them as such. I can conclude that in her opinion, the Just Cause criterion is not satisfactory fulfilled.

Dr. Cohen identified three intertwined groups that are the targets of drone strikes in Pakistan: al-Qaeda militants, individuals engaged in conducting cross-border attacks on American forces in Afghanistan and individuals who pose a threat to the Pakistani government. Dr. Cohen commented that those targeted by drone strikes are indeed individuals who are determined to attack the U.S., including U.S. forces abroad. This is an important aspect as it identifies drones strikes as a defensive mechanism, which would allow for its justification according to the Just Cause criteria.

Mr. Irvine stated that, while he cannot comment in great detail on the targeting process due to lack of information as a result of the classified nature of the drone program, in general, the individuals targeted in drone strikes can indeed be considered threats. He also emphasized that the drone strikes must be analyzed in consideration of the ongoing conflict in Afghanistan. Mr. Irvine's comments lead to the conclusion that he does consider the Just Cause criterion as being fulfilled.

Dr. Schörnig emphasized that he considers drone strikes outside of recognized theaters of war as unlawful, thus classifying all UAV strikes outside of Afghanistan as illegitimate. While emphasizing the individuality of each drone strike, Dr. Schörnig does not generally view terrorist attacks as a true threat to national security. Dr. Schörnig's responses lead to the conclusion that he is at the least very wary of considering the Just Cause criterion as being fulfilled.

According to Dr. Brzoska, U.S. forces face a true threat from militants based in Pakistan. However, in his opinion, the primary purpose of U.S. strikes is based on the argument that Pakistani forces cannot prevent their territory from being used to stage attacks, an argument Dr. Brzoska rejects. He also criticizes the drone strikes due to their high volume of use and the large territory covered. Regarding Yemen and Pakistan, Dr. Brzoska emphasizes the need for cooperation with the respective governments, or, in the event of no functioning government, the necessity for U.N. authorization. Based on Dr. Brzoska's response, he acknowledges the threat emanating from targeted individuals, but considers the drone campaign nonetheless illegitimate due to their high number, comprehensiveness in terms of territory covered and the unilateral approach the U.S. has taken. Based on his comments, it appears that Dr. Brzoska accepts the Just Cause of the drone strikes, yet strongly rejects how they have been carried out on the battlefield.

Right Authority: Dr. de Jonge Oudraat concentrated on analyzing the drone attacks in legal terms in order to determine if the U.S. has the authority to act. She commented that the lack of accessible information concerning the targeting process is a serious deficiency. Dr. de Jonge Oudraat differentiated between each region where the U.S. operates drones, pointing out that in Yemen the government is approving the U.S. strikes, while in Somalia no functioning government exists. Therefore, it can be concluded that in order to determine if the criterion of Right Authority has been fulfilled, one must, according to Dr. de Jonge Oudraat, analyze the individual cases in question. However Dr. de Jonge Oudraat also emphasized that the U.S. must follow international law, thereby further expressing her doubt concerning the aspect of Right Authority.

Dr. Cohen acknowledged the complexity of the issue and the difficulties that exist due to the clandestine nature of the drone program. He did note that according to reports, the governments of certain countries have been involved to some extent in the legitimatization of drone strikes. Based on his response, I would argue that when the respective governments cooperate with the U.S., Dr. Cohen would view the criterion of Right Authority as being fulfilled.

It can be concluded that Mr. Irvine views the Right Authority criterion as being fulfilled. He presented several arguments which support this deduction, particularly the fact that in the face of direct threats to its citizens and/or interests, the U.S. has the right to act. Furthermore, Mr. Irvine emphasized that the drone strikes are conducted with the approval and/or cooperation of foreign partners or host nations. Finally, he also points out that U.S. executive powers themselves are not limitless and are subject to legal oversight.

Dr. Schörnig clearly stated that the U.S. military and CIA do not have the authority to carry out UAV strikes without an international mandate. However, he also noted that if the U.S. has permission from or is cooperating with the respective governments of the countries in which the strikes take place, a strong argument could be made in favor of legitimate authority.

Dr. Brzoska clearly stated that without a U.N. mandate the U.S. does not have the authority to carry out drone strikes in a sovereign country, unless an agreement has been made with the government in question. Without some sort of agreement and/or cooperation, Dr. Brzoska characterizes the U.S. strikes as being illegitimate. Although Dr. Brzoska acknowledges that Somalia presents a unique and challenging case, he argues that force can nonetheless only be used with authorization of the U.N. Security Council. In summary, Dr. Brzoska would

consider drone strikes as fulfilling the Right Authority criterion under the stipulation that they are done with the authorization and/or cooperation with the respective governments.

Right Intention: Dr. de Jonge Oudraat quite clearly stated that the intention of the drone strikes is to eliminate al-Qaeda militants and thereby prevent terrorism. She does not believe that revenge has played a decisive role. I have concluded that according to this view the Right Intention criteria is fulfilled, as the goal of the drone strikes is the prevention of terrorism and the establishment of peace.

Dr. Cohen preferred to refrain from speculating and referenced a think tank study.

Mr. Irvine identified the intention of the drone strikes as being the elimination of insurgent or terrorist networks, with particular emphasis on the targeting of the key leaders of these militant organizations. By combating these extremists, U.S. forces are attempting to counter threats to the U.S. itself as well as to American interests, eventually establishing peace. Based on these arguments, it can be concluded that Mr. Irvine views the Right Intention criterion as also being fulfilled.

Dr. Schörnig noted that combating terrorists and domestic political concerns are two primary objectives of the drone strikes. Based on this response, the Right Intention criterion has not been fulfilled, as domestic political concerns cannot justify military action according to the Just War theory. The motive to go to war must be based on creating an improved subsequent peace. Dr. Schörnig provides a very significant observation: drones can at best result in a negative peace. This statement further supports the conclusion that, according to Dr. Schörnig, the Right Intention criterion has not been adequately fulfilled.

Dr. Brzoska identifies the first objective of the drone strikes as the elimination of leaders of militant and terrorist organizations. The hope is that the organization(s) will then become so weak, that it will no longer be able to operate. The second and main objective of the drone strikes according to Dr. Brzoska is deterrence; through UAV attacks, U.S. forces have made it clear to militants that they are not safe from reprisal, despite their attempts to hide. Determining if the Right Intention criterion has been fulfilled is difficult; eliminating terrorists and establishing peace could certainly be considered a legitimate motivation. However, the aspect of deterrence alone would not be an adequate motive. In summary, despite reservations due Dr. Brzoska's argument that deterrence is the main objective, the

combination of these two intentions is sufficient to consider the criterion of Right Intention as fulfilled.

Proportionality: In her response, Dr. de Jonge Oudraat stressed that drones strikes are very counter-productive for the U.S. as the local population views them as a great injustice and the strikes thus aid the Islamic militants in recruitment. She also pointed out that the population does not differentiate between drone strikes and other kinds of air strikes. Dr. de Jonge Oudraat stated that innocents have been killed, including women and children. Her statements however do not allow for a definite conclusion regarding the proportionality of the drone strikes. Dr. de Jonge Oudraat is certainly very critical of the fact that the strikes have killed civilians and argues that the compensation for victims has been very limited, but she does not go into detail regarding the proportion of innocents killed in the strikes compared with al-Qaeda or other Islamic militants. It can be safely concluded that Dr. de Jonge Oudraat is very skeptical regarding the fulfillment of the Proportionality criteria.

Dr. Cohen mentioned the intense emotional impact of the drone strikes on the local populations, however he cannot decisively determine if the strikes can be described as being overly burdensome. Dr. Cohen however pointed to the fact that drone strikes result in far less collateral damage than the military operations of past conflicts. Based on his comments, one can conclude that in the opinion of Dr. Cohen, the Proportionality criterion has been adequately fulfilled.

Mr. Irvine is not convinced that a causal relationship exists between drone strikes and support for militants among the local population. Mr. Irvine points out that Islamic militants exaggerate the damage caused as well as the number of individuals killed in drone strikes in their propaganda in order to incite locals. Mr. Irvine emphasized the preciseness of drone strikes and the advantages such strikes provide over conventional methods. Based on these comments, it is clear that Mr. Irvine views the Proportionality criterion as being fulfilled.

Dr. Schörnig acknowledges that drone strikes are more precise than the military alternatives and result in less collateral damage. However, he cautions that the too frequent use of drones, or the use of drones based on flawed information, will result in continued and increased support for militants. Dr. Schörnig suspects that the CIA does not adequately follow the Rules of Engagement established by the U.S. military. His comments suggest that he doubts that the Proportionality criterion has been fulfilled.

Dr. Brzoska acknowledges that the drone strikes have killed civilians, but cautions that the phrase “overly burdening” is ambiguous. Dr. Brzoska admits that one cannot rule out all collateral damage in military operations. He stressed that civilians must be protected with all possible means and the importance of a strike must be carefully evaluated in operations when innocents may be killed. Dr. Brzoska doesn’t categorically rule out drone strikes, even when civilian deaths may result; instead he emphasizes that such strikes can only be conducted under strict adherence to protocol with mandatory review. In summary, Dr. Brzoska appears to view the drone strikes as they are currently administered as not adequately fulfilling the criteria of Proportionality.

Discrimination: Dr. de Jonge Oudraat is clearly extremely critical of classifying all males of fighting-age in the immediate vicinity of drone targets as enemy combatants. It can therefore be concluded that she is of the opinion that the criterion of Discrimination has not been fulfilled.

Dr. Cohen strongly rejects the practice of classifying unknown individuals in the target zone as enemy combatants. It can therefore be concluded that according to Dr. Cohen, the criterion of Discrimination has not been fulfilled.

Mr. Irvine also noted the ability of drones to carefully observe targets prior to striking as well as the abundance of intelligence sources U.S. forces have at their disposal when determining when and which individuals to strike. It can be concluded that Mr. Irvine would lean toward considering the criterion of Discrimination as being fulfilled.

Dr. Schörnig rejects identifying all males in a strike zone as combatants, therefore establishing that he does not view the criterion of Discrimination as fulfilled. Dr. Schörnig stressed the importance of proportionality and discrimination, acknowledging that under some circumstances some collateral damage can be deemed as acceptable.

Dr. Brzoska does not agree with the classification of unknown individuals in strike zones as militants, yet acknowledges the difficulty of determining who is a combatant in modern conflicts. In summary, Dr. Brzoska’s comment that the U.S. is going too far in its classification system allows the conclusion that, in the opinion of Dr. Brzoska, the Discrimination criterion has not been adequately fulfilled.

Reasonable Prospect of Success: Dr. de Jonge Oudraat acknowledges that the drones are quite effective in eliminating targeted individuals; however she views this approach as far too

short-sighted. She argues that the drone strikes create much resentment among the local population which greatly aids in Islamic militant recruitment. Nevertheless she also admits that the data does not exist in order to come to an informed conclusion. Dr. de Jonge Oudraat is of the opinion that the drone strikes undermine international law and contribute to drone technology proliferation. It can therefore be concluded that Dr. de Jonge Oudraat does not view the criterion of Reasonable Prospect of Success as being fulfilled.

Dr. Cohen acknowledged that the drone strikes have been very successful in eliminating members of al-Qaeda and other Islamic extremists. He preferred not to speculate on whether or not the strikes have resulted in more support for militants among the local populations. Based on Dr. Cohen's remarks, it is difficult to say with any certainty whether or not the criterion of Reasonable Prospect of Success has been fulfilled. As the strikes are indeed successful in eliminating targeted individuals, Dr. Cohen views them as accomplishing their objective. However, if the goal is defined as creating a lasting peace and creating justice, it remains unanswered if the drones can make a meaningful contribution.

Mr. Irvine acknowledged the successfulness of drone strikes in eliminating targets, but it is not entirely certain how he views their contribution to establishing a lasting peace. Mr. Irvine does not believe that the drones result in a cycle of violence; he views the drones simply as a tool. It could therefore be argued that Mr. Irvine views the Reasonable Prospect of Success criterion as fulfilled, due to the fact that the drones enable the U.S. to eliminate dangerous militants who stand in the way of eventual peace negotiations and do not necessarily result in increased support for militants among the local population.

Dr. Schörnig emphasized the specific circumstances in the respective locations of the drone strikes as being the determining factor for their success or failure. Critical for Dr. Schörnig is the acceptance of the legitimacy regarding the targeting of militants by the local population. If this occurs, support for the radicals can be avoided. Dr. Schörnig again made clear his view that the strikes are not being operated with appropriate proportionality. Nonetheless, Dr. Schörnig does not rule out the possibility of success, he simply identifies the necessary course of action. Thus, based on Dr. Schörnig's statements, the argument could be made that the Reasonable Prospect of Success criterion has been fulfilled.

Dr. Brzoska views the drone strikes as being only marginally successful in eliminating the leadership of militant groups as these individuals are quickly replaced. Furthermore, due to the sustained level of attacks, one cannot identify the drone strikes as being truly successful.

Additionally, Dr. Brzoska is of the opinion that the strikes result in increased support for militants from locals and that attempts to compensate families does little to atone for the deaths of innocents in the view of the local population. Based on these comments, it can be concluded that Dr. Brzoska does not consider the Reasonable Prospect of Success criterion as being fulfilled.

Last Resort: Dr. de Jonge Oudraat believes that the use of drones is determined by cost-effective calculations by the U.S. military and CIA. She stated that while attempts have been made to apprehend certain individuals, these attempts are characterized by ineffectiveness. Furthermore, she voiced her concern regarding the fact that the targeted individuals' right to due process is being denied. In consideration of these statements, it can be concluded that Dr. de Jonge Oudraat does not view the drone strikes as an instrument of Last Resort.

Dr. Cohen didn't mention if he felt the drone strikes were a last resort method, but rather again emphasized the fact that the drone strikes result in far less collateral damage than alternative methods which were common in the wars of the 20th century. According to Dr. Cohen, in this respect the strikes can therefore be seen as an improvement, yet it remains unclear if the criterion of Last Resort has been fulfilled.

Mr. Irvine pointed out that military paradigms value detention vs. risk differently than law enforcement paradigms. Mr. Irvine noted that U.S. forces apparently view the value of eliminating a target as preferable to the remote chance of detaining the individual. Mr. Irvine's statement implies that because the chances are so slim of the targeted militant being captured, while the risk to U.S. forces attempting to apprehend an individual would be so high, drone strikes are the logical choice. According to Mr. Irvine drone strikes may not necessarily be the absolute last resort, but the alternatives are so precarious that drone strikes are clearly the logical choice. Based on Mr. Irvine's responses, the argument could be made that while not all other methods have been attempted prior to every strike, due to the difficulty of the situation drones strikes are nonetheless the best choice and the criterion is therefore fulfilled.

Dr. Schörnig clearly states that the drone strikes are not a last resort method used by U.S. forces. Rather, they are the least expensive and safest alternative; based on these comments, the Last Resort criterion is not fulfilled.

Dr. Brzoska clearly does not consider the criterion of Last Resort as being fulfilled. He is of the opinion that drone strikes are used by U.S. forces as a preferred method of fighting rather than as a last resort.

10 Evaluation of the sources

Just Cause: As previously noted, no universally acknowledged definition of what constitutes a just cause exists. However, a country's right to defend itself as well as the right to come to the defense of its allies is unanimously accepted and specifically acknowledged by the United Nations Charter. An important stipulation is that military force must result in significant benefits; the suffering armed conflict inevitably causes must be outweighed by the good hoped to be accomplished.

Based on the information gathered, it can be determined that the drone strikes aim to prevent additional large scale terrorist attacks (particularly on American soil) and disrupt al-Qaeda operations by eliminating terrorist leaders and key middle-men, while also combating Taliban forces and other al-Qaeda affiliates which threaten U.S. forces in Afghanistan as well as in some cases the Pakistani government. U.S. officials have stressed that drones are part of the U.S. counter-terrorism policy and have characterized the strikes as being absolutely necessary due to al-Qaeda's ability to adapt and its continued spread. Officials emphasized that the individuals targeted by drone strikes are indeed extremely dangerous. Additionally, U.S. officials have also stressed that counter-terrorism tactics and procedures are regularly adjusted during White House strategy sessions on Pakistan, Yemen and Somalia, illustrating that careful consideration is given to the consequences of drone strikes.

Pakistan is used as a base for terrorists operating throughout the region and beyond. These jihadists view the U.S. as an enemy of Islam which must be violently combated at every opportunity. Al-Qaeda and its allies in Pakistan have established a terror network within the country and intricate connections exist between the two. As previously noted, al-Qaeda and its allies in Pakistan share the same ideology and focus on the identical targets. Yemen has become a safe haven for al-Qaeda and a base for spreading the Salafist-Jihadist ideology. These Yemeni Islamic militants are considered a threat to the region and beyond, particularly to the U.S. This judgment is based on a number of incidents. including: the attempted suicide bombing of a passenger plane bound for America on Christmas Day 2009, carried out by an

individual who received his training in Yemen; the attempts by al-Qaeda in the Arabian Peninsula to detonate explosives hidden in ink cartridges onboard transport planes in 2010; and the development by an AQAP terrorist of bomb material which would remain undetected by scanners at airports. Somalia is a failed state which threatens to also become a safe haven for al-Qaeda and other Islamic militants seeking to strike the U.S., U.S. interests and U.S. forces. The Somali based Islamic militant group Al-Shabab has pledged allegiance to al-Qaeda (it is also guilty of numerous atrocities in Somalia itself), and its leadership has connections to international jihadist groups and follows a strict adherence to Salafi-Wahabist Islam. Indeed, foreign militants have traveled to Somalia and provided both training in insurgent tactics and instruction in the Wahabi ideology. There is also evidence that al-Qaeda terrorists in Yemen are forging closer ties with militants in Somalia, possibly plotting attacks against the U.S.

The various experts I was able to interview did not entirely agree regarding the question of Just Cause. Dr. de Jonge Oudraat was extremely critical and expressed substantial doubts, emphasizing that the moral authority of the U.S. has been eroded as a result of the drone strikes. Although her answer was somewhat ambiguous, due to the repeated concerns she stated, I have concluded she would lean toward viewing the Just Cause criterion as not adequately fulfilled. Dr. Cohen and Mr. Irvine were both of the opinion that the individuals targeted pose credible threats to the U.S., establishing the U.S. drone strikes as a tool of self-defense. Therefore, according to these two experts, the Just Cause criterion can be considered fulfilled. Dr. Schörnig's response did not allow for a definitive answer. He did however clearly state that he considers drone strikes outside of legally declared combat zones as being illegitimate. Dr. Brzoska was very critical of the drone strikes, but he did classify the militants targeted as real threats to the U.S. and U.S. interests, therefore it can be concluded that he views the Just Cause criterion as being fulfilled as well. Thus the majority (3) of the experts consider the Just Cause criterion as fulfilled.

After consideration of all the information gathered here, it can be determined that the targeted al-Qaeda militants and Islamic radicals in Pakistan, Yemen and Somalia do indeed pose a credible and grave threat to the U.S. Certainly the U.S. has a right to defend itself as well as its forces stationed abroad. It can be concluded, despite the doubts expressed by some of the experts, that the Just Cause criterion has been adequately fulfilled regarding the U.S. drone strikes.

Furthermore, it must also be noted that based on the data available it can be determined that the threats the drone strikes attempt to eliminate do not constitute a large enough danger to allow for an extreme emergency exemption. While the threats posed certainly are serious and the drone strikes pursue a just cause, the threats posed by targeted individuals do not allow for the suspension of certain criteria of the Just War theory.

Right Authority: The Right Authority criterion, originally intended to prevent arbitrary groups from waging war, was long undisputed as the international system is based on the notion of independent states being the highest political or legal entity. However with the creation of the Charter of the UN in 1945 this changed; afterward any military action which went beyond self-defense required authorization from the Security Council. Yet unauthorized conflicts have nonetheless occurred, partly due to the inherent shortcomings of the Security Council. Furthermore, historical events concerning UN authorization have shown that absolute adherence to Security Council authorization is simply incompatible with the practical and moral realities of the world.

The U.S. drone program has been the object of fierce criticism due to the alleged unilateralism of the U.S. government. However the Obama administration has developed a policy regarding drone strikes that it argues has a firm legal basis. Although the details of the drone program remain classified, officials from the Obama administration have stressed the strikes only occur after the host country gives approval. According to Obama administration officials, a country must in fact request drone strikes from the U.S. Only in the event of an extreme case are strikes carried out without the host government's approval. In Somalia, the U.S. has been very cautious using drones, arguing that only in absolutely necessary situations are the strikes carried out.

In Pakistan, authorities were initially informed in advanced of any drone strike. However this policy was changed after it became clear that many if not all of the targets were being warned. If and what kind of agreement still exists with the Pakistani government remains unknown. Diplomatic cables leaked by WikiLeaks revealed that Pakistan officials, including the Prime Minister, either explicitly requested drone strikes or granted their approval. When the cables became public, the drone strikes were condemned by the same officials. Additional cables also revealed that the Yemeni government takes responsibility for U.S. drone strikes in the country, some politicians even having gone as far as to lie to the Yemeni Parliament regarding the issue. In Somalia no central institution is strong enough to govern the country, however

the government which does exist has granted their approval. Proponents of the drone strikes argue that the U.S. has the authority to target al-Qaeda and associated Islamic militant groups under the right of self-defense.

The limited Congressional oversight of the U.S. drone program must also be noted. This aspect of the program has been the subject of much criticism, with many demanding that an oversight committee be established. The fact that the CIA independently carries out their own drone strikes has blurred the long-standing boundary between the agency and the U.S. military. Additionally, the Obama administration has also been heavily criticized for expanding the powers of the executive branch. These are all issues which should be considered when analyzing the Right Authority criterion and reflect negatively on the UAVs program.

Regarding the Right Authority criterion, the experts I interviewed were in more agreement than was the case by any other criterion. Dr. de Jonge Oudraat cautioned that each individual strike needs to be analyzed independently of the others. She stated that Right Authority depends on whether or not the U.S. has the approval and/or cooperation of the government in question. Dr. Cohen, Mr. Irvine and Dr. Schörnig agreed, stating that when the host government cooperates, the U.S. indeed possesses the right authority. Dr. Brzoska also mentioned the possibility of a U.N. mandate as a prerequisite for right authority; nonetheless he agreed with the other experts that approval and/or cooperation with the individual governments provides the U.S. with the right authority. However Dr. Brzoska also stated that in the case of Somalia, U.N. approval is necessary.

According to the information gathered including the expert interviews, it can be strongly argued that the Right Authority criterion has been fulfilled. The drone strikes in Pakistan are based on a multifaceted rationale. First, the strikes are often directly related to the on-going conflict in Afghanistan (where the U.S. has been authorized to use military force by the U.N.), targeting the Taliban and other militants who attack U.S. forces and then slip over the border into the Pakistani tribal lands seeking safe-haven. Secondly, U.S. drone strikes have targeted both al-Qaeda high level targets as well as middle men and other Islamic militants; these individuals are a threat not only to the United States itself, but often also to the Pakistani government. Leaked diplomatic cables have shown that Pakistani officials have in the past both approved and even requested drone strikes in their country, despite their faux public indignation regarding the drone strikes. In Yemen the U.S. also has received approval, the

Yemeni government going as far as to claim that it is responsible for the strikes. Somalia represents a more difficult case; the nominal government of Somalia has approved drone strikes, however the reality is that no central authority actually exists.

Certainly the lack of U.N. approval of U.S. drone strikes is a damaging argument against considering the strikes as fulfilling the criterion of Right Authority. U.S. officials have claimed that such strikes are nonetheless authorized based on the right of self-defense and the authorization of the use of force by the U.S. Congress. The argument could also be made that U.N. authorization is not absolutely necessary based on the view that strict adherence to Security Council authorization is not reconcilable with the moral realities of the world. In summary, the U.S. has received approval in some form from each respective government; the U.S. also has the right to act if a country refuses or is unable to combat militants/terrorists who pose clear threats to the United States. Certainly the absence of approval from the Security Council is a serious deficiency; however the arguments in favor of considering the Right Authority criterion remain nonetheless more convincing and it can be concluded that the Right Authority criterion has been adequately fulfilled.

Right Intention: According to the criterion of Right Intention, the purpose in going to war must be to create an improved and subsequent peace. A “better” and lasting peace is just and requires that the overall outcome considers the interests of others, including the civilian population.

The objective of the U.S. drone strikes is not only the prevention of additional large scale terrorist attacks on American soil, but also the disruption of al-Qaeda, Taliban and other militant groups. This is hoped to be achieved through the targeted killing of high-level targets as well as middle-men and even unidentified militants. The goal is to terminally weaken the targeted terrorist and militant groups by eliminating their leaders. The argument is that with the defeat of these groups, a lasting peace can be established.

Combating Islamic militants inside Pakistan and contributing to the prevention of an Islamic take-over of the country is an additional motivation in some of the U.S. drone strikes. If the Islamic militants were to come to power in the country, it would be disastrous not only for the region, but possibly the world due to Pakistan’s nuclear capability.

In Yemen and Somalia, U.S. drone strikes target al-Qaeda and their allies, seeking to prevent these countries from becoming a safe-haven for terrorists. The fear is that Yemen and Somalia will become bases for terror attacks around the world.

The rationale appears to be that with the elimination of high-level terrorists and militant leaders, the corresponding weakening of these groups will ultimately result in the establishment of rule and law and peace. However, not much discussion has occurred regarding how such peace should develop. As Dr. Schörnig stated in my expert interview, it appears that drone strikes can at best result in a negative peace, an absence of violence. It is therefore very difficult to determine if this criterion of the Just War theory has been fulfilled.

Certainly combating terrorists and the radical Islamic forces which threaten the U.S. is a morally legitimate intention; however if one focuses on the aspect of achieving a just and lasting peace, the strikes appear in less favorable light. The experts' responses were somewhat ambiguous regarding this criterion. Dr. de Jonge Oudraat stated that the elimination of al-Qaeda terrorists and the prevention of terrorism were the intentions of the U.S., which I determined as fulfilling the criterion. Dr. Cohen did not directly comment on his opinions regarding the objectives of the drone strikes. Mr. Irvine was of the opinion that the elimination of insurgent and terrorist networks is the primary objective, with an emphasis on targeting the leaders of these groups. Again, I determined that this objective satisfactory fulfilled the criterion. Dr. Schörnig identified the objective of drone strikes as combating terrorists, but also mentioned domestic political concerns as a motivation; specifically, politicians fearing that they will appear weak in the area of counter-terrorism leads to a hardline approach. For this reason, I came to the conclusion that the reasons given by Dr. Schörnig's do not adequately fulfill the Right Intention criterion. Finally, Dr. Brzoska also identified the elimination of militant and terrorist organizations as the primary objective of drone strikes, also adding that deterrence plays a critical role, illustrating to the militants that they are not safe from reprisal. Although the aspect of deterrence is troubling, I nevertheless concluded that the objectives he provided satisfy the Right Intention criterion. In summary, the drone strikes seek to eliminate members of al-Qaeda, the Taliban and other militant groups, with a focus on leadership. The intention is to prevent terrorist attacks on the U.S. homeland, U.S. interests and on U.S. forces. The threat these individuals and groups pose to the local populations has also been documented; al-Qaeda, the Taliban, al-Shabaab and similar groups are all guilty of terrorizing civilians. In light of these facts, I have concluded that the Right Intention criterion is adequately fulfilled, albeit with some reservation.

Although I agree that the drone strikes are far more likely to result in a negative peace, the elimination of terrorists and radical militants who are serious threats to the U.S. and/or U.S. forces and who are guilty of atrocious crimes against the local population is nonetheless a morally legitimate intention. I am of the opinion that despite criticism that the drone strikes result in widespread fear and too greatly burden the civilian population, the benefit of eliminating the Islamic militants outweighs the disadvantages. One need only consider the ruthlessness of the militant groups in question in Pakistan, Yemen and Somalia, examples including the crucifixion of individuals (Hammer, 2012). Thus, the argument is strong that the targeted killing of militants does not result in a situation worse than the status quo, but rather can indeed result in both the elimination of threats to the U.S. as well as an improved situation for the local populations.

Proportionality: Proportionality is a fundamental concept of the Just War theory and attempts to regulate the violence of war proportionate to the threat it is combating, while also attempting to render the unintended mistakes of war proportionate to their intended benefits. The aspect of proportionality is critical for judgments concerning the justice of war, the justice of the means used as well as regarding decisions determining punishment. Specifically, the feature of proportionality most commonly stressed refers to the acceptable or justifiable level of civilian casualties that result during military operations. Certain mistakes made in war or disproportionate results can under certain circumstances be excused if appropriate care was taken to prevent them. Thus, the argument can be made that one must analyze each individual strike and the specific circumstances. In general, the threat the targeted individuals pose, either in the form of terrorism or attacks on U.S. forces, interests, or allies, warrants a military response; in this case carried out by a drone strike. However, in order to definitively determine if each case truly permits such a response, an evaluation of the individual strikes including the targeting criteria would be necessary. This is however not possible as such information remains classified.

The drone program is designed to strike militants with precision, drastically limiting collateral damage. Militants however exaggerate reports of civilian deaths in order to stroke anti-American sentiment and aid recruitment. These claims are widely believed and result in much animosity toward the U.S. The U.S. insists that the civilian casualty rate in drone strikes is virtually zero. This argument is partly supported by a technological evaluation of the drones. Drones are able to monitor their target for hours before striking with precision; they are undoubtedly far more accurate than traditional strikes, by a B-2 bomber for example.

According to a New American foundation think tank estimate, approximately 17 percent of all deaths as a result of drone strikes are civilians or individuals who could not reasonably be considered militants. It is certain that civilian casualties are far lower than if conventional bombs had been used. President Obama has stated that UVA strikes are very precise precision strikes and stresses that U.S. forces are very careful in using the drones. He went on to stress that the decision process regarding when and who to strike is extremely rigorous; however the actual rules of engagement have never been made public. Critics argue that the drone program has transformed and is no longer a carefully focused effort to eliminate senior al-Qaeda operatives, but rather has become a bombing campaign against low-level Taliban fighters. Detractors content that a “kill not capture” policy has been adopted due to the administration’s inability to close Guantanamo Bay and create a new detention facility. Additionally, obtaining an accurate figure of the number of militant and civilian dead is quite challenging as it is often impossible to differentiate precisely between militants and civilians. Further complicating matters is the fact that the U.S. has an incentive to claim that all individuals killed are militants, while the militants do the exact opposite.

The experts emphasized different aspects of the Proportionality criterion. Dr. de Jonge Oudraat was very critical of the collateral damage that has occurred as a result of U.S. drone strikes, yet her comments do not allow for a definitive conclusion. Dr. Cohen acknowledged that drone strikes have certainly resulted in innocents being killed, yet emphasized the low level of collateral damage, especially compared to conventional bombings. In Dr. Cohen’s view, the criterion of Proportionality can be considered fulfilled. Mr. Irvine pointed to the fact that militants spread propaganda regarding drone strikes in an attempt to incite the population and aid recruiting. Mr. Irvine stressed the preciseness of the drone strikes and the low level of collateral damage that has occurred. Mr. Irvine views the Proportionality criterion as fulfilled. Dr. Schörnig acknowledged that the drone strikes are very precise and that number of dead civilians is low. However, he doubts that CIA is strictly following the rules of engagement, even when the exact details of which remain classified and cautions against the too frequent use of drones. In summary, although Dr. Schörnig clearly has strong reservations regarding this criterion, I nevertheless am of the opinion that he ultimately views the Proportionality criterion as fulfilled regarding the level of collateral damage caused. However he clearly questions if each targeted individual poses such a great threat as to warrant a drone strike. Dr. Brzoska emphasized that careful evaluation of the target must occur prior to any drone strike and acknowledged that collateral damage cannot be ruled out and is even acceptable under

certain conditions. He did not however state if this is the case regarding U.S. drone strikes. Based on Dr. Brzoska's comments, it cannot be definitively determined if he views the criterion as fulfilled.

In conclusion, it can be stated that UAV strikes are surgical attacks, capable of singling out the target and eliminating it with little or no collateral damage. Indeed, this has been the main argument in favor of the drone strikes. It is certainly also true, as some of the experts pointed out, that drone strikes result in far less collateral damage than conventional bombings, as numerous examples prove. Innocents have undeniably been killed in drone strikes and there have been at times attempts by the U.S. to compensate some of the relatives of those killed. When analyzing the issue of proportionality, that is if the level of collateral damage that results from drone strikes can be considered acceptable in consideration of the threat that exists, it can be concluded that the U.S. drone strikes do indeed fulfill this aspect of the criterion of Proportionality. The issue of the drone strikes being properly applied, that is, the aspect of discrimination, is even more difficult to determine and will be discussed immediately below.

Discrimination: The concepts of innocence and deliberate attack are essential to the criterion of Discrimination. Critical is the identification of non-combatants, which is especially difficult during a guerrilla war or clandestine operation. Important to note is that a central difference exists between the foreseeing of innocents being killed and the intention to kill innocents. The deaths of non-participants in the conflict may under no circumstances be part of the real intention of the operation, nor may it be absolutely necessary in achieving the military aim. However, this stipulation is not identical to the realization that civilian deaths are unavoidable. Critical is that all must be done which is reasonably possible to reduce the risk to non-combatants to a minimum.

It has been reported that the Obama administration's targeting system functions similar to a funnel, starting with input from various agencies and is continuously narrowed down until revisions are presented to the president. President Obama approves the criteria for lists and authorizes drone strikes outside of Pakistan; in Pakistan decisions on when to attack are made by the director of the CIA. This process illustrates the careful deliberation that occurs when determining who is included on the strike list.

"Signature strikes" have become a defining characteristic of the drone strike program. These strikes are based on patterns of suspicious activity by a group of men, rather than on the

identification of a particular militant; such strikes have been devastating to the ranks of low-level combatants. This is an extremely controversial aspect of the drone program as certain critical questions must be answered as a result, such as what exactly is considered suspicious behavior and does such behavior warrant a drone strike? However it is exceptionally difficult to decisively answer these questions based on the information available.

Obtaining an accurate number of militant and civilian dead killed in drone strikes is very problematic as it is often not possible to definitively differentiate between militants and civilians in certain circumstances as the militants live among the local population and do not wear uniforms. Nonetheless, according to the figures available, the civilian casualty rate in drone strikes in Pakistan has been dropping drastically since 2008. Only 11 percent of fatalities caused by drone strikes during the Obama administration have been civilians or “unknowns”.

The killings of dozens of Bedouin civilians in Yemen by a tomahawk missile in 2009 contributed to the decision to use drones in the country as it was determined that alternatives were simply too devastating. This is clear example that U.S. forces were indeed attempting to apply discrimination and proportion in their attacks. Currently, the drones in Yemen appear to target vehicles transporting terrorists and avoid houses in order to limit civilian deaths; this is a further example of the high level of discrimination that is part of the drone program. In total, the number of deaths as a result of drone attacks in Yemen is estimated at between 531 and 779 individuals, 509 to 713 of whom have been identified as militants, including at least sixteen high-level al-Qaeda militants. In Somalia only a handful of drone strikes have been carried out, targeting al-Qaeda and their allies.

Dr. de Jonge Oudraat stated that U.S. forces are engaging in profiling, which is not morally justified. She strongly rejects the practice of classifying males in the strike zone as combatants without sufficient proof. Dr. de Jonge Oudraat clearly views the Discrimination criterion as not fulfilled. Dr. Cohen also strongly rejected the practice of classifying all males in a strike zone as combatants; as a result it can be concluded that, in his opinion, the criterion has not been fulfilled. Mr. Irwine called attention to the fact that drone technology allows for the careful observation of potential targets. Additionally, U.S. forces have a variety of other intelligence sources which greatly assist in determining whether to strike or not. Therefore it appears that Mr. Irwine is leaning toward viewing the criterion as fulfilled. Dr. Schörnig rejects the U.S. forces’ classification policy, stating that it is far too broad; he is of the opinion

that the criterion has not been fulfilled. Dr. Brzoska stated that the classification of males in the target zone as combatants is unjustified; although he also acknowledged that the issue exists in a grey area and is contentious in all modern conflicts. He is of the opinion that the U.S. is going too far with its system of classification, which is based on profiling. It can be concluded that Dr. Brzoska does not consider the Discrimination criterion to be adequately fulfilled.

When attempting to determine if the drone strikes adequately discriminate in light of the classification of unknown individuals as militants, it is imperative to consider the argument of counter-terrorism officials, who favor this practice. They argue that al-Qaeda is an insular, paranoid and very secretive organization; innocent civilians are not simply traveling with al-Qaeda operatives transporting weapons and bombs. Therefore, the argument is strong that even in the event that the exact identity of specific individuals is not known, it is beyond a reasonable doubt that they are also militants. This argument contrasts sharply with the view that U.S. forces are simply engaging in profiling, partly basing their strikes on the age and appearance of the individual. It is a complex issue and perhaps the most controversial aspect of the drone program.

It can be concluded that it is logical to assume that individuals who travel with high-level al-Qaeda or Taliban militants are also militants; if an individual engages in the transportation of weapons or the planting of improvised explosive devices, certainly no doubt can remain regarding their status as non-participants. Targeting low-level militants, for example through opportunity strikes, has been criticized, however if these individuals are identified as militants/terrorists, they are legitimate targets. Complicating matters is the fact that drone strikes are part of an asymmetrical conflict, one in which combatants cannot be immediately identified. It certainly appears that U.S. forces have gone to great measures to prevent unnecessary civilian deaths and that the deaths of civilians are in no way the intention of the strikes. Thus, a very strong argument can be made in favor of considering the criterion of Discrimination as fulfilled regarding the drone strikes.

Reasonable Prospect of Success: This criterion states that armed conflict may not be commenced or prolonged without the reasonable likelihood that a better outcome will be reached compared to if one was to reject initiating war or ending the conflict. A preferable outcome is not limited to the prospect of victory, but also accepts the fact that outcomes other

than military victory can legitimately be regarded as success, such as preventing an aggressor from achieving his goal without militarily defeating his forces.

During the past ten years the drone campaign has been focused on short-term objectives, including the disruption of al-Qaeda and the prevention of an additional large scale terrorist attack on American soil. There is near universal consensus that the drones are highly effective in eliminating their targets. Drones have successfully killed senior al-Qaeda leaders and militants and have impeded the training of suicide bombers and roadside bomb-makers.

The success of the drones in killing such a high number of senior al-Qaeda and Taliban operatives has placed the core of the organizations' networks under tremendous pressure; additionally, its regional allies face the constant danger of further drone strikes. The burden under which the al-Qaeda, the Taliban and their allies in Pakistan's tribal regions must now operate has been documented by captured militants who spoke of an atmosphere of fear and distrust among their ranks. Even terrorist leader Osama bin Laden acknowledged the devastating impact of the drones, advising his fighters to leave the tribal regions which have been targeted the heaviest, recommending remote regions in Afghanistan. In Yemen the strikes have also been very successful in eliminating their targets, particularly in remote areas. The strikes have forced al-Qaeda forces to hide to avoid being killed by the ever-present drones. The elimination of over a dozen high-level terrorists has greatly disrupted further attacks on U.S. interests.

Critics have argued that the drone strikes indeed deliver short term results, yet enrage the local populations and destabilize regions as well as the institutions of regional development. Obama administration officials contend that the strikes are popular with Pakistanis who live in the tribal areas and suffer under brutal jihadi rule. Other critics, including retired military officials, argue that drones and Special Forces operations are no substitute for the difficult task of assisting local leaders in marginalizing militants. They also point out that drone attacks fail to strengthen economies, curb corruption or improve services. Despite this criticism, it has been reported that within the Obama administration internal doubts concerning the effectiveness of the drone program is almost non-existent, as are alternatives.

Although the drone strikes have clearly eliminated significant numbers of both militants and their leaders, these setbacks are being overcome. The Taliban remains able to launch operations and the strikes no longer possess the high level of surprise that they once did. An additional point of critique is the fact that militant leaders make up only 2 percent of all

individuals killed by drone strikes in Pakistan, illustrating that middle-men make up the majority of deaths. Furthermore, there have been reports that in Pakistan a large number of militants have fled the tribal areas in favor of less dangerous regions in the country, which threatens to further destabilize the Pakistani state.

Dr. de Jonge Oudraat argued that when considering whether or not the drone strikes are successful, one must reflect on both the short- and long-term effectiveness. She stated that drones are very successful in eliminating the targeted individuals; however the strikes result in high levels of resentment against the U.S., resulting in support among the local population for al-Qaeda and other radical groups, especially in the form of new recruits. Nevertheless, Dr. de Jonge Oudraat also stated that not enough data is available to come to any conclusive assessment regarding the scope of these developments. She also stressed that drone strikes undermine the respect for rule of law and encourage the proliferation of drone technology. In her opinion, the criterion of Reasonable Prospect of Success is not fulfilled. Dr. Cohen acknowledged that the drone strikes are very successful in eliminating al-Qaeda and other extremists. Dr. Cohen did not want to speculate to what extent the strikes have resulted in support for militants. Based on his comments, it cannot be determined if the Reasonable Prospect of Success criterion has been fulfilled. Mr. Irwine agreed that drones are very successful in eliminating targeted leaders and key middle-men in militant and terrorist networks. He is not convinced that drones result in a cycle of violence, viewing the strikes as a tool which must be analyzed in consideration of broader military operations. Based on his comments, it can be concluded that Mr. Irwine considers the criterion fulfilled. Dr. Schörnig argued that the success of drone strikes is highly dependent on the respective circumstances. Targets must be regarded as legitimate and civilian casualties must be reduced to an absolute minimum in order to win-over the local population and prevent radicals from gaining support. Dr. Schörnig does not rule out the possibility of success through the drones; he is however critical of how the strikes have been carried out. Based on his comments, it can be concluded that the criterion is fulfilled. Finally, Dr. Brzoska stated that the drones have not been ultimately successful as leaders that are killed are quickly replaced. For Dr. Brzoska, the level of fighting is the best measure to determine success and the effect of the drone strikes on fighting has been marginal. He further stated that the drone strikes have resulted in more support for militant groups among the local population. According to Dr. Brzoska's responses, the criterion of Reasonable Prospect of Success cannot be considered fulfilled.

If success is defined as the killing of the targeted individual or individuals, then the strikes can certainly be considered successful. As has clearly been shown, the UAV attacks have eliminated a very high number of al-Qaeda, Taliban and other Islamic militants. However, this view has been criticized as far too shortsighted as the criterion demands that a better outcome be the result of the taking up of arms. Clearly lives have been saved and militant and terrorist attacks have been prevented by the drone strikes; however the strikes have also resulted in a climate of fear and the local population is often enraged as a result of the strikes. Several questions must therefore be answered in order to determine if the criterion has been fulfilled, including: how large is the impact of the drone strikes on the terrorist and militant organizations? Do the strikes result in (more) support for the extremists from the local population? Do the strikes further destabilize the regions in which they operate?

It is extraordinarily difficult to determine to what extent the drone strikes result in support for the extremists. Regardless of the level of collateral damage, the strikes are used in extremist propaganda in order to incite the population. Additional factors such as NATO forces in Afghanistan and Pakistani military operations in the FATA also contribute to the attitudes of the local population. It seems unlikely that the cancelation of the drone program alone would result in less extremist support.

The question of further destabilization of the countries in which the drone strikes occur as a result of the attacks is also very difficult to answer. Clearly there are numerous forces at work in Pakistan which greatly contribute to its precarious situation. It can be reasonably assumed that the elimination of some of the individuals responsible for this can only be considered a welcomed development. In Yemen and Somalia, the situations are very similar.

Certainly a very strong argument can be made in favor of considering the criterion of Reasonable Prospect of Success as fulfilled, not least due to the high level of terrorists and militants killed in drone strikes. However, determining if a better outcome is the result of the drone strikes is far more problematic. Perhaps the strongest case that could be made in favor of answering this question in the affirmative would be the argument that UAV strikes have prevented large scale terrorist attacks and greatly reduced the level of extremist influence in the areas in which they operate. In light of this argument, it must be concluded that the drone strikes, in addition to successfully eliminating the individuals targeted, also contribute to a better outcome for all participants in the conflict.

Last Resort: The criterion of Last Resort requires that diplomacy and non-military pressure be attempted before resorting to violence. It does not however necessarily mean that every possible option must first be tried. Last resort simply stresses that military action is the least preferable of all actions.

Drone strikes outside identified war zones began in 2002 and underwent a testing phase of limited strikes on exclusively high-value targets. More high-value terrorist suspects were later added to the target list and the program expanded. In 2008 U.S. forces began to considerably accelerate the frequency of drone attacks compared to the previous years. Under the Obama administration the attacks increased even more, expanding to include targets of opportunity and unidentified militants. In consideration of the threats the U.S. faces and the extremely precarious circumstances of the states in question, a strong argument can be made that there is no viable option other than drone strikes to counter the terrorist and militant threats.

The U.S. only began carrying out drone strikes after it became clear that the respective national authorities were unable or unwilling to counter the militant and terrorist threats. U.S. forces began to use drones in Pakistan only after becoming aware that the Pakistanis were not suitably targeting the Islamic extremists. In Somalia the U.S. supported African Union peacekeepers and provided nearly \$45 million in military supplies to Uganda and Burundi to assist in combating the terror threat. Therefore it is clear that attempts were made to counter the terrorists and militants; resorting to drones was not the first decision.

Dr. de Jonge Oudraat was of the opinion that the use of drones is determined by cost-effective calculations by the U.S. military and the CIA. She found it very troubling that the targeted individuals' right to due process was being denied. Dr. de Jonge Oudraat's comments clearly illustrate that she does not view the Last Resort criterion as fulfilled. Mr. Irvin noted that military paradigms view detention differently than law enforcement paradigms. In Mr. Irvin's opinion, drone strikes are the most logical choice in consideration of all the factors. Eliminating the danger the targeted individuals pose is viewed by the military as preferable to the remote chance of detention. Mr. Irvin therefore views the Last Resort criterion as fulfilled. Dr. Schörnig stated that drone strikes are clearly not the last resort, but rather the least expensive and safest alternative. As Dr. Schörnig did not mention if adequate attempts have been made to counter the threats prior to drone strikes, I have concluded that he does not consider the criterion to be fulfilled. Dr. Brzoska is of the opinion that the respective national authorities could do more to counter the militant threat and that the U.S. is not supporting

these authorities enough in their efforts. Dr. Brzoska also stated that the U.S. has not exhausted all means before sending drones and that UAVs are a preferred method of fighting asymmetrical wars rather than a method of last resort. Thus the Last Resort criterion is not fulfilled.

The argument can indeed be made that drone strikes are the only feasible option available to combat militants and particularly militant leaders who hide in extremely rugged and remote locations and operate hit-and-run attacks. Despite calls to do so, sending in ground troops would simply result in more deaths of U.S. soldiers and most likely in more collateral damage. Sending ground troops into Pakistan is certainly not an option, as the Pakistani government would face far too much resistance from the population at large; the presence of U.S. ground forces would only further destabilize the fragile country. In Somalia U.S. ground forces have already undergone painful experiences in the Black Hawk down incident in 1993; the repeat of such a disaster is in no one's interest. In Yemen, U.S. forces would face very similar challenges as in Pakistan and Somalia. One need only consider the extremely turbulent past and current tumultuous conditions of the states in which the drone strikes occur to quickly come to the conclusion that in the absence of a diplomatic solution and the inability or refusal of the host governments to apprehend militants, the U.S. not only must act, but drones are the only feasible choice.

The decisive question is whether or not steps have been taken to apprehend the individuals in question, be it through diplomacy or financial and/or military support for the respective governments and if these efforts can be considered adequate. Certainly the U.S. would prefer a diplomatic solution; however this is simply not possible with members of al-Qaeda, the Taliban and similar extremist groups. The U.S. government has provided both financial and military assistance in each individual case. However, these efforts have not resulted in measures which adequately counter the threats posed by the terrorists and militants. Thus, drone strikes appear to be a necessity. The counter-argument would be that the U.S. has not done enough and should re-double their efforts regarding supporting the governments in question, including sharing all information with the respective authorities regarding each and every individual before resorting to drone strikes. However, the unreliability and/or inability of the respective governments prevents such action.

Although certainly controversial and open to more debate, I am of the opinion that the argument is stronger in favor of considering the criterion of Last Resort fulfilled. Drones

strikes are indeed the most cost-effective and safest alternative for the U.S.; however they also seem to be in the majority of cases the only viable and realistic option available to eliminate the threat certain terrorists and militants pose. Resorting to drone strikes was only done after other efforts failed; that the policy is to now to directly engage in strikes is understandable. Therefore, the Last Resort criterion can be considered adequately fulfilled.

11 Conclusion

The application of the Just War theory criteria to the U.S. drone strikes is an extremely complicating endeavor and a definitive answer is not as forthcoming as one might expect. The clandestine nature of the drone program certainly encumbered the analysis regarding numerous aspects.

Arriving at a conclusion concerning the fulfillment of the Just War criteria of Just Cause, Right Intention and Last resort was more straight-forward in comparison to the other criteria, as the research produced clear and convincing results. As illustrated above, the U.S. drone strikes adequately fulfill the criteria of Just Cause, Right Intention and Last Resort.

Obtaining a definitive answer regarding the criteria of Right Authority, Proportionality and Discrimination was a greater challenge, as was determining if the criterion of Reasonable Prospect of Success can be considered fulfilled. Therefore, I will now very briefly summarize the arguments concerning these criteria and state the conclusions.

Right Authority: The absence of a mandate from the U.N. regarding drone strikes naturally calls the legitimization of the entire drone program into question. Key to the Just War theory is the stipulation that only the sovereign power can engage in the legitimate use of force, with the goal of preventing unauthorized belligerents from engaging in arbitrary violence. In the modern context, approval from the U.N. Security Council cannot be simply disregarded; however as historical examples have illustrated, strict adherence to Security Council authorization is simply incompatible with the world's practical and moral realities. In each country under analysis, the ruling government has approved and or cooperated with the U.S. concerning drone strikes to a certain extent. The degree to which the Pakistanis condone strikes is unclear; public statements strongly contradict leaked correspondence regarding authorization of the strikes. It is generally accepted that cooperation indeed takes place, at the very least on a rudimentary level. Somalia is also a unique situation due to the absence of a

competent central government. Nonetheless, in light of the approval and/or cooperation with the respective governments and in combination with the argument of self-defense as well as the deficiencies inherent in the U.N. structure, I have concluded that the Right Authority criterion has been adequately fulfilled. The lack of Security Council approval must be noted and is certainly a serious deficiency; it does not however prohibit the conclusion that the Right Authority criterion has been sufficiently fulfilled.

Proportionality: Drone strikes certainly result in far less collateral damage than conventional weapons, due to enhanced technology. Furthermore, drone technology also enables U.S. forces to carefully analyze and deliberate each case before carrying out an attack. Based on the information available, it can be concluded that the level of collateral damage that results from drone strikes is minimal. Determining if each individual targeted presents such a large threat as to warrant a strike is far more difficult to answer; however, ample examples exist of targeted individuals who indeed posed serious and direct threats to U.S. forces and/or security. In light of these considerations, the argument in favor of considering the criterion of Proportionality as satisfied is very strong and the question of fulfillment must be answered in the affirmative.

Discrimination: Certainly UAVs allow U.S. forces to differentiate between civilians and militants/terrorists far better than conventional weapons and/or tactics. The practice of “signature strikes” (based on patterns of suspicious activity) has been the focus of much criticism, yet the argument of counter-terrorism officials that the observed behavior of those targeted clearly identifies them as combatants in the conflict, is convincing. Based on my research, it appears that a herculean effort has been made on the part of U.S. forces to discriminate between militants and civilians. Furthermore, civilians are in no way deliberately targeted in the drone strikes. These two aspects are the decisive factors and thus the criterion of Discrimination can be considered adequately fulfilled.

Reasonable Prospect of Success: The drone strikes have been extremely successful and efficient in eliminating targeted individuals. However, identifying what exactly a “better outcome” entails decisively influences the evaluation of this criterion. It is perhaps preferable to view UAV strikes as a tool in the fight against Islamic terrorism, rather than a solution which will result in a stable and lasting peace, as stated by Mr. Irvine in my expert interview. The elimination of dangerous militants and terrorists contributes greatly to improving

conditions and the establishment of an eventual lasting peace. As a result, the Reasonable Prospect of Success criterion is fulfilled.

Despite the problematic nature of certain aspects of the U.S. drone strikes, the UAV attacks nonetheless adequately fulfill the individual criteria of the Just War theory. It can therefore be concluded that hypothesis 1, “the U.S. drone strikes fulfill the moral and ethical criteria established by the Just War theory” has been determined to be correct, while hypothesis 2, “U.S. drone strikes fail to satisfy the necessary criteria of the Just War theory” has been determined to be false.

The evaluation of U.S. drone strikes in consideration of the Just War theory is more than a simple assessment of the UAV attacks; indeed, it is an attempt at establishing if the strikes can be considered morally legitimate. In the process, it is critical to remember that these attacks result in the loss of human life and are capable of massive destruction. Additionally, one must remain conscious of the abhorrent and global threat posed by Islamic terrorists and militants. I have attempted to analyze the strikes in the context of the individual cases and with the meticulousness that such a moral examination demands. I have applied the normative approach of the Just War theory to the best of my abilities to the U.S. drone strikes; the conclusion that the strikes do indeed fulfill the criteria is based on the most convincing arguments obtained during my research. Each conclusion regarding the fulfillment of the individual criteria acknowledges the legitimacy of the counter-arguments and criticism which exists, while illustrating that the arguments in favor of considering the criterion as fulfilled were more convincing. Certainly numerous aspects of the drone program are indeed very troubling and will remain controversial. In our highly non-ideal world, it simply might not always be possible to comprehensively and consistently come to a definitive conclusion regarding moral justification (Evans, p. 221). Certain evils characterize the non-ideal world we exist in; the Just War theory attempts to prevent violence and regulate conduct in the event that it is absolutely necessary. Such a paradigm is as relevant and necessary as ever, particularly when considering the use of drones in warfare. Drone strikes will undoubtedly continue to challenge our conceptions and judgments regarding morality; the Just War theory is an ideal approach to assess the moral legitimacy of such actions.

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Appendix

Interview I: Dr. Chantal de Jonge Oudraat

1) The use of drones is an unfortunate development as the drones are killing people without any due process and without any clear criteria. Neither Congress nor any other part of government nor the public have any idea what the criteria are for the usage of drones and it is extremely detrimental to the furtherance of international law and is very harmful to the overall moral authority of the United States. This authority has already been tarnished by Guantanamo Bay and other events and the drones are adding to this. Furthermore, other countries will want to obtain UAV and where will this proliferation lead? Some kind of regulatory mechanism will be necessary in the future.

Who knows if the individuals targeted are imminent threats? Who makes that decision? How can one individual be an imminent threat to the United States, who is located so far from the U.S. homeland? Even in war, some form of due process is necessary.

2) Without international consensus, one must define the drone attacks; are they acts of self-defense, acts of war... one can consider the attacks in various legal terminology. One can look at the various laws that currently govern war to determine which category drones fall into. The real problem is the lack of information regarding drone attacks; who the targets are and the criteria for targeting.

Each situation is different. Following 9/11, the invasion of Afghanistan was classified and approved as being a matter of self-defense. However, in Somalia for example, this is a totally different case. Somalia has no functioning government. In Yemen the government is approving the strikes. So each case is different, and a distinction must be made. In one case, one may operate under the argument of self-defense, in another case it is with the approval and cooperation of the state in question, or if the operation takes place in law-less terrain. Critical to the analysis is to determine under which conditions the drones are being deployed, where, in what kind of situations and which legal institution governs the respective cases. One cannot compare apples and oranges. States have the right according to the U.N Charter to act unilaterally in the case of self-defense.

3) The main intention of the drone strikes is to eliminate Al-Qaeda militants. The U.S. is attempting to prevent terrorism, and more specifically, prevent terrorist attacks from al-Qaeda.

Revenge does not play a role; that is an issue for inter-personal relationships but not in state behavior.

4) Dr. de Jonge Oudraat does not find the justifications put forth by proponents of the drones strikes convincing, she is very weary regarding the drone attacks. Dr. de Jonge Oudraat agrees with critics who have argued that the drone strikes are undermining the moral authority of the United States.

5) Although making clear that she herself has not conducted research on the drone strikes and how they burdened local populations, Dr. de Jonge Oudraat has the impression from reports and newspapers that the strikes are turning local populations against the U.S. Important to note is that the local population certainly doesn't differentiate between drone strikes and bombings carried out by fighter jets or cruise missile strikes. All strikes are viewed as attacks by outside forces and have been quite counter-productive for the U.S. Innocent people do get killed, women and children have been killed, and the local population views this as a great injustice. Additionally, compensation for victims of drone strikes has been extremely limited.

6) Profiling is occurring; the CIA and the U.S. Military view attacks from an efficiency point of view; profiling and the subsequent attacks are certainly not morally justifiable. Rounding up the "usual suspects" and labeling these individuals combatants without proof is very problematic. Even more so when they become the targets of drone strikes.

7) It depends on how one views the use of violence. It is a fact that civilians are also killed in wars; in many conflicts these days civilians are being used by governments and non-state actors. Civilians find themselves in the midst of these conflicts. It is true that in the drone strikes it is very difficult to make the distinction between who is a combatant and who isn't. It is a problem both operationally and morally and will require much further consideration.

8) One must consider the short- and long-term success or effectiveness of the strikes. In the short term, the effectiveness or success can be defined as the elimination of the targeted individuals. Once they are killed, they are obviously no longer a threat. However, the long-term effects on the population and their attitudes toward the United States must also be considered as well as their attitudes toward groups such as al-Qaeda. For many young individuals, it seems that the strikes have been motivation to join the ranks of the extremists. But of course, not enough data exists to make truly informed judgments regarding these developments. On the whole, the strikes are pretty self-defeating and extremely worrisome

considering the broader international implications and the broader proliferation of this technology to other states and potentially non-state actors. It also contributes to the further undermining of international law as well as the respect for the rule of law generally. This undermines the efforts of national and international actors to improve international and national governance mechanisms, which are, in the opinion of Dr. de Jonge Oudraat, one of the major problems to be faced in the 21st century.

9) It is easier and more cost effective to send in a drone than a team of Special Forces. The loss of life on the side of the U.S. will obviously be less. Attempts are being made to get the respective authorities to apprehend individuals, yet these attempts are not effective, which raises numerous other questions. The most important question is: can one simply kill people without any form of trial? Normally, under the current international legal system, this is of course not allowed. However, the United States has decided that it can in its pursuit of al-Qaeda. The use of drones is determined by cost-effective considerations by the CIA and U.S. military.

10) For now the strikes will be only used in areas where there is no clear state control, very weak control or in the absence of a government. As soon as a U.S. drone enters the airspace of a real state, this will result in serious problems. The concept of sovereignty still exists and this will certainly constrain the use of drones to areas where fragile states exist as well as to unregulated areas.

11) Proliferation of this technology is extremely worrisome and regulation of this technology must occur. Deliberation regarding these issues is still in its infancy. There doesn't seem to be much political will among states to tackle this problem and regulation will only occur when politicians recognize that the use of drones is actually not in their interests. Additionally, numerous other states, particularly authoritarian states, are clamoring for this technology. They view it as a tremendous tool for dealing with internal challenges to their rule.

Interview II: Dr. Stephen P. Cohen

1) Dr. Cohen claimed to be unfamiliar with the drone targeting system and therefore preferred not to comment specifically on the scope of the threats targeted individuals pose. He did however state that there appear to be three separate groups of targets for drone strikes in Pakistan; the first group is al-Qaeda and their affiliates attempting to attack the United States,

the second is composed of individuals who are involved in cross-border attacks on American forces in Afghanistan, regardless if they are Pakistanis or Afghanis, and the third group are individuals who threaten the Pakistani government itself. Dr. Cohen cited documents released as a result of Wiki-Leaks, in which it was revealed that some of the drone attacks have been in the service of Pakistan. According to Dr. Cohen, it is clear that al-Qaeda is less effective as a result of the drone strikes.

2) Mr. Cohen stated that defining authority in this case was not necessarily a straightforward issue. He commented that it appears to be the case that some of the strikes are being carried out with the cooperation of the respective governments.

3) Reports have shown that there appear to be different strategies concerning the various drone strikes; certain think tanks have done research in this area.

4) The precision of the drone strikes is certainly preferable to the alternative of massive bombing campaigns, as has been done in wars of the past. The collateral damage that does occur, if it occurs, is far less than if a traditional air strike was carried out. Especially when one considers how targets were bombed in the past, the destruction of Dresden for example, the drone strikes are certainly a preferable alternative. Certainly moral objections exist to the drone strikes and have been voiced by many critics. Advocates of the strikes argue that these individuals are intent on attacking the U.S. (which includes U.S. forces stationed abroad).

5) It is difficult to determine to what extent the drone attacks have affected the local population. There have been reports from the front lines that the Pakistanis (authorities) are pleased with the strikes, that collateral damage is minimal. What is clear is that the emotional impact is greater than the physical and political impact.

6) The classification of all males within “fighting age” in the immediate vicinity of a targeted individual as combatants is absolutely unacceptable. It is comparable with the intentional targeting of innocent German civilians in bombing campaigns in World War II.

7) Calculating acceptable levels of collateral damage is done by military commanders. It should be noted that the amount of collateral damage that occurs during drone strikes is minuscule compared to what occurred during wars of the 20th century, in which entire cities were destroyed in bombing campaigns. A critical issue is the ability of states to prevent their territory from being used by organizations as a base to carry out attacks against other states. This is particularly true in Pakistan, for example. Pakistani forces cannot entirely prevent their

territory from being used by al-Qaeda and other Islamic militant groups. Under international law states are presumably inviolable; however states also have the obligation to prevent their territory from being used by groups to stage attacks against other states. Pakistan has failed to do this, therefore the U.S. must act. These facts must be considered when analyzing the actions of the U.S.

8) It has been widely reported that the drone strikes have greatly reduced the ranks of al-Qaeda. However, critics have claimed that the attacks are resulting in much resentment towards the U.S. Dr. Cohen could not say with certainty if the strikes are improving national security, as it is not an area in which he has done research. In certain cases Pakistani authorities have been very eager for the U.S. to eliminate individuals due to the threat they pose; yet the critical question for Dr. Cohen is whether or not Pakistan is capable of preventing radical organizations from using Pakistani territory as a place to stage attacks on others. Revenge as a factor in the drone strikes is an important consideration; according to Dr. Cohen, a Pearl Harbor Syndrome remains in the U.S., that is, the view that America was sneakily attacked by a foreign foe in the 9/11 terrorist attacks. As a result, the drones can be seen as a tool to strike back at those responsible.

9) The drones are precise, pin-point bombings which attempt to greatly limit collateral damage. Attempts such as these should be welcomed and are certainly preferable to B-17s or B-52s carpet-bombing cities. Dr. Cohen went on to discuss the destruction and loss of life which resulted from the bombings of German and Japanese cities in World War II as well as U.S. bombings during the Vietnam War.

10) It is important that debate continues regarding the morality and practicality of the drone strikes. Certainly surgical drone strikes are preferable to unloading B-52s full of high explosives, yet the lack of accountability in the attacks is extremely troubling. The breakdown of the Pakistani state and its inability to fulfill the obligations of a state regarding the use of its territory is a critical issue and applies to other regions. It is a problem which has its roots in decolonization, where states borders were arbitrarily drawn, eventually resulting in ungovernable regions which became safe-havens for extremists.

11) Proliferation is certainly an issue; important is the establishment of ground rules and checks and balances regarding the use of drones. This should be done in the U.S. by passing legislation requiring congressional or judicial involvement as well as transparency regarding the criteria according to which individuals are targeted.

Interview III: Mr. Matthew Irvine

1) Mr. Irvine did not want to comment on specific individuals or targeting decisions as he is not privy to the most often classified processes that go on. However, he did note that when looking at the targeting process in Pakistan or Yemen, it is clear that the groups and individuals selected are generally directly related to an ongoing conflict or transnational network. According to Mr. Irwin, the ongoing conflict concerning Pakistan is the war in Afghanistan and the simmering civil war/internal conflict in Pakistan itself. Mr. Irvine identifies this region as being major theater of operations given the presence of more than 80,000 U.S. forces in Afghanistan as well as the major deployments of Afghan and Pakistan military forces against the insurgency. The multi-national or transnational threats are the clear priority. The networks associated with al-Qaeda leaders in Pakistan or AQAP in Yemen have been targeted primarily because they have tried to organize transnational operations that directly threaten the U.S. and its allies. Mr. Irvine cited U.S. and allied operations in Laos and Cambodia during the Vietnam War as a historical analogue. There, the U.S. extended its operations beyond the primary military battle-space in an effort to counter the region-wide phenomenon of the insurgency.

2) Mr. Irvine differentiates between moral authority and international consensus. He does not believe that a country requires consensus to prosecute a morally just war. Nonetheless, Mr. Irvine is of the opinion that the U.S. government has the moral authority to prosecute kinetic operations against state or non-state actors that threaten its citizens or interests directly. Mr. Irvine went on to state that a significant and often overlooked aspect of U.S. operations is that they are frequently done in cooperation with foreign partners or host nations. Additionally, they legally rely upon U.S. executive powers with legal oversight, congressional approval and what have been described as rigorous internal controls.

3) The underlying intention of drone strikes is to target and degrade the capabilities of insurgent or terrorist networks abroad. These strikes target key individuals or groups that represent critical nodes of the network or operations it conducts. The pace of strikes relies on political and military circumstances, to include host nation support, the tempo of enemy operations and the threat environment for the U.S. and its allies. The Abu Dujanah case is an example of the U.S. launching a counteroffensive against the Dujanah network after his suicide attack. This was because the U.S. had a lot of precise intelligence about the network

and faced an imminent threat to its interests and security posed by the network that had already infiltrated its decision cycle.

4) According to Mr. Irvin, there are three lines of argument that make the most sense regarding the justification for U.S. drone strikes. The first is a technical argument; UAVs are far more precise and enable the U.S. military to observe an area and target a specific group or person. It provides the U.S. with the ability to monitor an area for a long period of time and be sure the correct individual is targeted, which is a tremendous strategic advantage for the United States.

The second argument is that this provides an alternative to launching other types of offensives, whether with military forces on the ground or with larger air-strikes. In 2008 the Bush administration experimented with launching ground operations in Pakistan which resulted in extreme uproar. Although drones strikes certainly are the object of much disapproval and criticism, they face far less opposition than ground operations do, as seen with the bin-Laden raid.

Thirdly, from a global perspective it is difficult for the U.S. and its allies to have a presence throughout the world. If the U.S. needs to support partners, whether in Yemen or Pakistan or other places, drones act as a force multiplier; far fewer troops are necessary on the ground thereby decreasing the U.S. presence on the ground and reducing commitments to as minimal as possible while also providing flexibility.

5) The drone strikes are certainly unpopular among the local population. However, it is not clear if a causal relationship exists. It is difficult to differentiate as the United States have never been popular in Pakistan. Some political forces reap political benefits by inciting the local population and spreading propaganda. Certainly the drones are a lightning rod issue; nevertheless convincing evidence has yet to be shown that the strikes result in the radicalization of a significant segment of the population and direct opposition to the U.S. forces in terms of terrorist attacks or military conflict.

Concerning compensation, it is obviously very positive when U.S. forces can acknowledge that a mistake has been made and attempt to compensate the victims. Critical is that U.S. forces continue to strictly follow protocols, acknowledging errors when they occur and do their absolute best to correct the situation.

6) Mr. Irvine's knowledge of drone targeting procedures is limited to news report. However, he did emphasize that the imagery capabilities of the drone technology are very advanced and that additional verification using other intelligence sources is used in the process of carrying out operations.

7) Mr. Irvine cautions against viewing drone strikes as unique in the spectrum of military operations. Rather, they are often used in coordination with ground operations or other military operations. Additionally, UAVs provide far more opportunities to conduct precise attacks due to their ability to loiter, their light munitions and extremely high quality intelligence capabilities. If U.S. government leadership viewed a target as a threat to national security interests and drones weren't available to use in a strike, it is likely that other forms of military force would be employed, as evidenced in the examples of Laos or Cambodia in the 1960s and 1970s. Mr. Irvine stressed that civilian casualties are tragic, but also pointed to the UAV's incredible precision and the capability it provides for policymakers to target specific individuals or groups. Additionally, as was the case in Libya, UAV's can and have been used in Responsibility to Protect missions.

8) Mr. Irvine does not necessarily view the drone strikes as a cycle in itself, as he prefers to view the attacks in the context of the on-going military operations; he is of the opinion that it is difficult to argue that one tactic results in the situations U.S. forces face. Drone strikes have been effective in targeting specific leaders as well as key middlemen in militant networks. Mr. Irvine disagrees with the argument that drones themselves result in some cycle of violence as one must view it in the context of the 150,000 NATO soldiers stationed in Afghanistan as well as the Pakistani army operating in Waziristan. According to Mr. Irvine, a few hundred strikes in Pakistan have not resulted in the current conflict.

9) Regarding the question of whether or not drone strikes are a last resort method, Mr. Irvine argues that it is a question of intention and purpose. If using a law enforcement paradigm, arrest of a suspect is ideal. However, military paradigms weigh the value of detention vs. risk differently. Intelligence also varies on the value of capture vs. killing a suspect. It seems that in these areas, credible law enforcement operations to detain suspects are few and far between whereas military options are far more likely to succeed with minimal risk. In the fall of 2008, the U.S. attempted a raid in the FATA which resulted in a very large firefight with locals. The UAVs option seems to have less political and military risk and if intelligence is good enough to guide the strike, it seems that the government has made the choice that the value of

removing a target from the battlefield outweighs the remote chance of successful arrest or detention.

10) For intelligence gathering purposes, UAV's could be useful in a large variety of contexts and operations, which include counter-insurgency, counter-piracy, counter-narcotics missions and maritime environments. It is difficult to predict which countries will adopt a strike UAV model although Israel already has, and many allies have expressed interest in acquiring them, including: Pakistan, Colombia, Mexico, Singapore, Brunei, Afghanistan, Iraq and numerous Gulf states. The precedents and standards for the future of warfare are still being determined on the battlefields of the Middle East and South Asia today. The future legal framework for such operations remains to be seen. Unknown is how the U.S. will react if a foreign power were to use a UAV to target U.S. interests with precision weapons.

11) The use of UAVs by the U.S. and other countries (as well as non-state actors such as Hezbollah) spans the entire world and mission sets vary across the board. The use of targeted strikes is evolving as the urgency of the current campaign slows down. It is likely in the future that strikes will become even more geographically spread, but perhaps fewer in number.

Interview IV: Dr. Niklas Schörnig

1) Before beginning, Dr. Schörnig made it clear that he finds it problematic to talk about "drone strikes" in general. Furthermore, he noted that the individual strikes diverge according to specific circumstances; some drone strikes are perfectly legal under International Humanitarian Law while others are not.

Regarding the threat posed by individuals targeted by U.S. drone strikes, Dr. Schörnig noted that as a result of the clandestine nature of the drone program, his responses can only be informed guessing. Dr. Schörnig supposes that only a small minority of these individuals poses a true threat; Dr. Schörnig stated that from a realist perspective, the argument could be made that almost no terrorist attack could truly threaten national security.

2) Dr. Schörnig is of the opinion that the U.S. military and CIA do not have the authority to carry out UAV attacks without an international mandate. He argues that eleven years have passed since the 9/11 terrorist attacks on the U.S. and therefore the claim of self-defense is no

longer legitimate. If, however, the U.S. has been given permission from the country involved, one could make the argument of right authority.

3) In the opinion of Dr. Schörnig, there are two main objectives of U.S. drone strikes: first, the elimination of any terrorist threat to America. Yet, Dr. Schörnig also noted that eliminating terrorist threats through drones is a questionable endeavor. Secondly, drone strikes are also important in domestic political debates; UAV strikes suggest a tough stance of terrorism and project strength regarding security while not risking the life of U.S. soldiers.

Dr. Schörnig is of the opinion that drone strikes can under certain circumstances contribute meaningfully to establishing a lasting peace as in certain situations superior airpower and drones can tip the scales, for example against a ruthless dictator as was the case in Libya. However, Dr. Schörnig cautions that in order to successfully manage a military conflict and implement a lasting peace, soldiers on the ground are necessary. A lasting peace or positive peace must be built on trust. Drones, on the other hand, are coercive instruments which can at best create a negative peace, that is, an absence of fighting. Dr. Schörnig does not believe that revenge has played a meaningful role concerning the motivation for drone strikes.

4) Dr. Schörnig accepts drone strikes as part of force protection within an armed conflict, which is covered by International Humanitarian Law. However, he rejects targeted killing outside of combat zones in an armed conflict.

5) Dr. Schörnig assumes that on a tactical level drone strikes can be more precise than other forms of military engagement, such as artillery shelling. Dr. Schörnig argues that drone strikes must be strictly conducted according to the Rules of Engagement and International Humanitarian Law (IHL) in order to reduce civilian casualties to a minimum. However, Dr. Schörnig argues that if the attacks are based on flawed information or their number exponentially rises, UAV strikes could create a climate of fear and result in resistance from the local population. Additionally, Dr. Schörnig noted that it is doubtful that the CIA is applying the same strict Rules of Engagement as the U.S. military.

Regarding the compensation of families of civilians killed in U.S. drone strikes, Dr. Schörnig is of the opinion that it depends on the respective culture where the strike occurred in order to determine if such a measure is appropriate and satisfactory.

6) Dr. Schörnig rejects the U.S. policy of identifying males in the immediate area of the targeted individual as combatants. He argues that this definition is too broad and not in compliance with general International Humanitarian Law.

7) Dr. Schörnig stressed the importance of International Humanitarian Law as well as the principles of proportionality and discrimination. He acknowledged that under these circumstances some civilian casualties have to be tolerated according to IHL. Dr. Schörnig emphasized that civilian protection is paramount. In situations where IHL does not apply, civilian casualties are not acceptable.

8) Dr. Schörnig is of the opinion that no possibilities can be ruled out regarding the prospect of success of the drone strikes and that it may be highly dependent on circumstances. Dr. Schörnig believes that support among the local population for militants can be avoided if the individuals targeted by drones are widely regarded as legitimate targets (even in the areas where strikes occur) and if civilian casualties are minimal or even non-existent. If, however, these conditions are not met, Dr. Schörnig argues that drone strikes will likely result in increased militant recruitment.

Dr. Schörnig stressed his belief that the use lethal force to eliminate (potential) perpetrators (i.e. terrorists) violates the basic democratic norm of proportionality of force. He went on to cite the strict rules regarding the use of lethal force for police in democratic societies, mentioning Germany as an example.

9) Dr. Schörnig rejects the notion that drones are a method of last resort. He argues that drones are rather the least expensive and safest alternative for the U.S.

10) According to Dr. Schörnig, Africa is a strong candidate as a location for future drone strikes; countries with weak governments and failed states will in the future be the site of drone attacks.

11) Dr. Schörnig believes that drone strikes will become more common in the future, being used by numerous countries. As a result of the success the U.S. has had with drone strikes, other states will copy both the means as well as the relevant argumentation to justify drone attacks.

Interview V: Prof. Dr. Michael Brzoska

1) Dr. Brzoska argued that it is difficult to answer definitively what kind of a threat targeted individuals pose, as he does not have access to classified information. Dr. Brzoska guesses that the individuals targeted are not a threat to the national security of the U.S.; however there may be individuals who are indeed threats to U.S. forces, particularly in Afghanistan. In this case, such individuals are part of a larger threat, which the U.S. views as a national threat.

2) According to Dr. Brzoska, the U.S. does not have the authority to carry out attacks without a U.N. mandate: International law makes it clear that outside a situation of armed conflict, a state is not allowed to use violent force. However, in the case of Pakistan, there could be a fundamental secret agreement between the Pakistani and U.S. governments which allows strikes, despite statements from Pakistani officials insisting that no such agreement exists. Due to the impunity with which U.S. forces are operating in the border areas of Pakistan, including drone strikes, it is very doubtful that these statements are true. As a result of the internal threats and violence in Pakistan between the government and violent groups, one can view violent force against these militant combatants from the Pakistani government as legitimate. If no such legal agreement exists, then U.S. activity in Pakistan is illegitimate. In Yemen similar internal strife exists as in Pakistan and legitimacy also depends on cooperation between the U.S. and the government of Yemen. Somalia is a unique and complicated situation; despite the lack of a central government, other nations cannot militarily intervene without U.N. approval. Force can only be used when authorized by the Security Council.

3) The overriding objective of the drone strikes is the decapitation of militant leadership. The guiding idea is that one can in the long-run destroy a terrorist organization, such as al-Qaeda or the Pakistani Taliban, by killing the leaders and that eventually the organization will run out. Without these individuals the entire organization will become so weak, that they will no longer be able to operate. This argument is supported by some empirical evidence on insurgent operations, which shows that one of their minimum requirements is leadership. On the other hand, there has been no empirical evidence thus far that this strategy is working, that the organizations are running out of leadership. Dr. Brzoska is of the opinion that the U.S. government is still following the decapitation plan, as they believe that it will eventually succeed, or at least drastically weaken the terrorist organizations, although Dr. Brzoska does not think that it is succeeding. Instead he notes that while a change in leadership has occurred, in some cases an even further radicalization has taken place among the leadership. Dr.

Brzoska believes that success against al-Qaeda is much more a result of a loss of its base, as Pakistanis have made it much more difficult for foreign fighters to enter the country and travel on to the border areas. Perhaps most importantly, the foreign fighters are receiving less support from the local populations. Dr. Brzoska also noted that the pool of young people willing to join the conflict against the U.S. is far greater than the number of individuals being killed by drone strikes.

According to Dr. Brzoska, the second motive for the drone strikes is clearly deterrence. While revenge may have played a role in some attacks, the main impetus for U.S. strikes is deterrence. U.S. forces have established that they are capable of eliminating targets in Pakistan, thereby sending a clear message to militant forces. Deterrence is in many aspects a way of communication; through strikes the U.S. demonstrates to militants that they are not safe from U.S. reprisal as a response to their attacks. Additionally, certain patterns can be seen regarding drone strikes which illustrate a correlation between militant attacks in Afghanistan and U.S. strikes in Pakistan. Through these actions, the U.S. is conveying the message that if radicals intensify their campaign in Afghanistan, the U.S. will also increase their strikes in Pakistan. Finally, the idea that individuals guilty of killing U.S. servicemen would go unpunished by hiding in Pakistan is unacceptable for many in the U.S. military and also serves as an impetus for strikes.

4) The most compelling argument for the justification of drone strikes is that the Pakistanis are not doing enough to combat the extremist elements within their country that are attacking U.S. forces in Afghanistan. According to this argument, the Pakistani government is not fulfilling its obligations to prevent militants from retreating into Pakistan. Therefore, the U.S. finds itself in a delicate situation as it must combat these extremist forces that retreat into Pakistan, yet it does not want the already strained relationship with Pakistan to deteriorate even further. Dr. Brzoska, however, does not find this argument convincing as he is of the opinion that the Pakistani government is doing all that it can; furthermore, he rejects the view that Pakistan is consistently obstructing the efforts of the U.S. to pursue militant organizations. Dr. Brzoska points to the alleged clandestine cooperation between the U.S. and Pakistan as an additional factor to reject such arguments.

Dr. Brzoska stated that there is certainly a genuine threat posed by the targeted individuals and their organizations against U.S. forces; however, he does not believe this justifies the

drone strikes in terms of territory covered and the number of drone strikes. One would have to be more certain that those targeted are truly responsible for attacks on U.S. forces.

Dr. Brzoska believes that Pakistan is making a real effort to gain control over terror organizations in Pakistan. Dr. Brzoska argues that even if Pakistan was neither willing nor able to combat these groups, the U.S. would still need U.N. authorization. Only under Article 51 of the U.N. Charter could the argument be made for unilateral attacks.

In the cases of Yemen and Somalia, Dr. Brzoska points out that the absence of functioning governments does not allow for the U.S. to intervene at its will. The U.S. needs to obtain a U.N. mandate in order to properly operate in countries with no functioning government. An alternative to this route is cooperating with the government that does exist, as is the case in Yemen.

5) Dr. Brzoska stated that it depends how one defines “overly burdening” when determining the effect of drones on the local population. Clearly the civilians in the targeted areas view the strikes as threats, as drones have resulted in the deaths of innocent civilians. It has been shown that support among the local population for militant groups such as the Taliban has increased as a result of U.S. drone strikes. Many of the locals view the U.S. strikes as illegitimate and view retaliation as necessary. The main effect seems to be increased support of the locals for militants in both Afghanistan and Pakistan. Attempts at providing compensation for innocents killed have had little influence on the locals, who seem to view the attacks in more political terms.

6) Dr. Brzoska views the classification of individuals in the immediate area of targeted persons as enemy combatants as unjustified. He acknowledges however that the issue exists in a “grey area”; it is a contentious matter in all modern conflicts. Dr. Brzoska noted that according to the Geneva Convention, individuals fighting should be distinguishable by uniforms or some other form of identification; as this is not the case with those who are engaging in hostilities against the U.S., it is no longer clear who is a legitimate target. Dr. Brzoska is of the opinion that the U.S. is going too far in its classification system. Humanitarian law is based on the protection of civilians, therefore when in doubt one may not kill these individuals. The U.S. policy does the opposite; unless it is clear that individuals are civilians, they are considered combatants. If a requirement was that these individuals were armed, that could be an effective argument. However, the fact that classification is done

according to profiling, a certain age, outward appearance, is according to Dr. Brzoska, going too far.

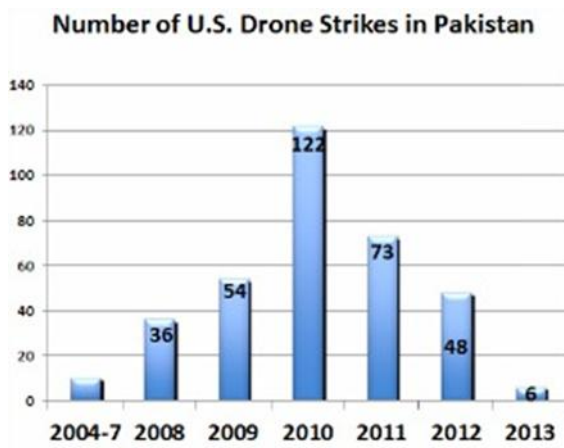
7) Dr. Brzoska stated that ruling out all collateral damage would mean halting all military action. According to International Humanitarian Law civilians must be protected with all possible means; all possible precautions must be taken to avoid striking innocents. If this has indeed been done and a Just Cause exists, one must next consider the proportionality. How proportionally important is the military goal and what is the probability of hitting civilians? If the importance of the military goal is high enough, civilian deaths are acceptable under humanitarian law. It is a question of weighing the military benefits against the costs in terms of lives of innocent civilians. Dr. Brzoska acknowledges that it is perhaps a vague guideline, but it is the best policy the international community has created thus far. Dr. Brzoska views this approach as justifiable, as ruling out all collateral damage would make any military action virtually impossible. Therefore, a legal assessment must occur before each strike, each individual strike must be individually analyzed. Additionally, there should be some type of review process, at least militarily if not politically, so that when a military commander makes the decision to carry out a strike, this decision is automatically reviewed.

8) Dr. Brzoska stated that according to the empirical evidence that he has seen, the success rate is not very high. Leaders of the militant groups killed by drone strikes are quickly replaced; therefore the effect on the fighting is marginal at best. There may be a potential exception regarding al-Qaeda, but Dr. Brzoska believes there are also other reasons that al-Qaeda is no longer such a large threat. Dr. Brzoska points out that there are studies which present very different results regarding these issues, so it depends very much on the data one uses. One could argue that it is a success when militant leadership is killed and replaced with inexperienced individuals; however Dr. Brzoska classifies this as a low-success criterion and views the level of fighting as a more accurate measurement of success. In this respect, one cannot argue that drone strikes have been successful. However there are numerous other factors which play a role in determining the level of attacks, such as the announcement of the withdrawal of foreign troops in Afghanistan, which resulted in changing tactics; some militants are simply waiting until foreign forces leave. Therefore, it is not entirely clear what the most influential factor is. Resentment caused by the drone strikes and the resulting support for militant groups in addition to the sustained level of fighting leads Dr. Brzoska to conclude that the drone strikes have not been decisively militarily successful.

9) Dr. Brzoska does not believe that national authorities have done all they can to apprehend the Islamic militants who pose a threat. He again emphasized the possibility of a secret agreement between the U.S. and Pakistan regarding targeting individuals and the importance of such a possible arrangement. Assuming no such agreement for cooperation exists, more could definitely be done to help the Pakistani government and military control the tribal areas in Pakistan and prevent them from being safe havens for individuals fighting in Afghanistan. Dr. Brzoska stated that so far, the U.S. has not exhausted all means before sending in drones. Furthermore, Dr. Brzoska believes more could be done in Afghanistan to come to some kind of compromise with the insurgent groups. Dr. Brzoska is very doubtful of classifying drone strikes as a method of last resort. According to Dr. Brzoska, the U.S. sees the drones as a preferred method of fighting asymmetrical wars rather than as a method of last resort.

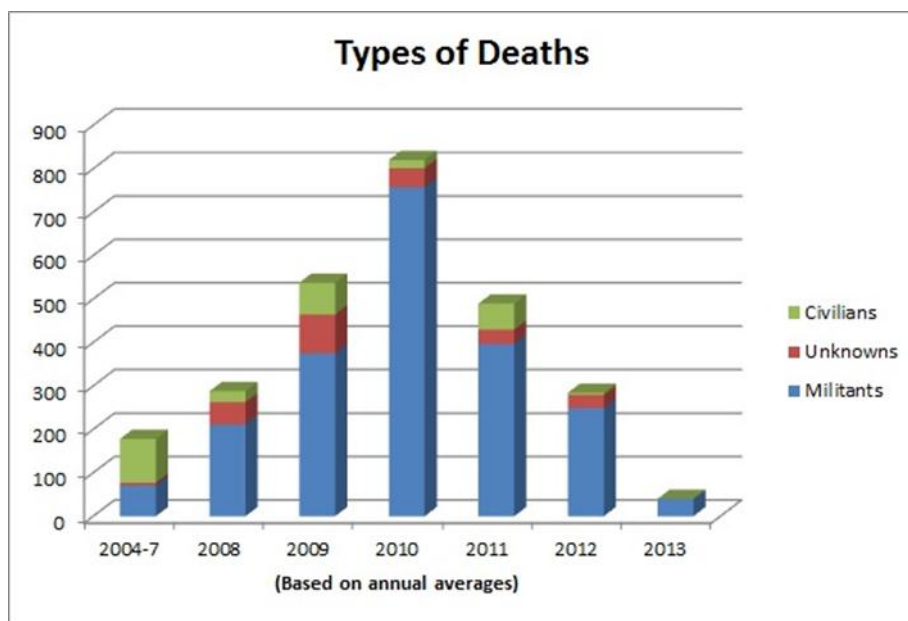
10) Dr. Brzoska views all asymmetric situations similar to Pakistan as candidates for future drone strikes. Whenever some sort of militant group is out of reach of conventional military forces, drones could come into play. Dr. Brzoska views drone strikes as an extension of traditional cruise missiles in a sense. He views Mali for example as a probable candidate for drone strikes or perhaps in Northern Nigeria due to the Islamic terrorist group Boko Haram. Nonetheless, Dr. Brzoska notes that fighter aircraft remain the easiest way for militaries to attack enemies. Drones use the same killing apparatuses as fighter jets; they however require more technological support due to ground stations and communications and so on.

11) Dr. Brzoska stated that the history of weapons developments shows how new technologies such as drones tend to proliferate depending on two factors: 1) cost and difficulty in production and 2) how much of an advantage the new technology provides. Dr. Brzoska is of the opinion that drones provide an advantage in certain situations, particularly in the event of an ungoverned territory or when a fighter jet would be in danger of being shot down. The costs of the program are certainly not hurdles to countries such as China, Russia, India, Indonesia or South Africa. Already an estimated fifty to sixty countries possess drones, most of them small and used only for reconnaissance. Dr. Brzoska also noted that it is not especially difficult to convert these reconnaissance machines to attack drones.



Source: New America Foundation, 2013

(<http://counterterrorism.newamerica.net/drones>)



Deaths in drone strikes in Pakistan 2004-2013

Source: New America Foundation, 2013

(<http://counterterrorism.newamerica.net/drones>)

Deutsche Zusammenfassung der Masterarbeit

Im Kampf gegen islamische Terroristen und Aufständische setzen das amerikanische Militär und Geheimdienste zunehmend auf unbemannte Luftfahrzeuge, auch Drohnen genannt. Ein gravierender Vorteil ist, dass Drohnen Dihadisten in abgelegenen Geländen wie z.B. auf Bergen und in Wüsten erreichen können, die sonst weder für amerikanische Streitkräfte noch für das einheimische Militär zugänglich wären. Weiters bieten Drohnen für die U.S. Streitkräfte die Möglichkeit, Extremisten zu verfolgen, welche in Gebiete fliehen, in denen sie Zuflucht finden würden, z.B. in Teilen von Pakistan, Jemen und Somalia.

Drohnenangriffe sind im Wesentlichen gezielte Tötungen und werden vom U.S. Militär und Geheimdienst nicht nur als moralisch gerechtfertigt bezeichnet, sondern auch als absolut notwendig im Kampf gegen islamische Extremisten. Zunächst wurde nur die Führung islamischer Aufständischen und islamistischer Terroristen ins Visier genommen, jedoch wurden innerhalb der letzten Jahre auch Bodentruppen der Islamisten angegriffen; z.B. bei Drohnenangriffen bei denen die Auswahl der Ziele auf dem verdächtigen Verhalten von möglichen Extremisten basiert, sogenannten „signature strikes“.

U.S. amerikanische Behörden preisen die Wirksamkeit der Drohnen und sind der Ansicht, dass Drohnen die Zahl der islamischen Kämpfer drastisch reduziert haben, gleichzeitig aber beachtlich wenig Kollateralschaden verursacht haben. Allerdings wird der Einsatz von Drohnen auch heftig kritisiert. Besonders im Blickpunkt steht die Zahl der getöteten Zivilisten bei Drohnenangriffen. Des Weiteren wird diskutiert, ob die U.S. Streitkräfte die Autorität besitzen, Einsätze in souveränen Ländern durchzuführen, ob Drohnen dazu beitragen, einen durchhaltigen Frieden zu erreichen und ob Drohnenangriffe an sich als moralischen Legitim angesehen werden können.

Bei dem Versuch die moralische Legitimität bewaffneter Konflikte zu beurteilen ist die „gerechter Krieg“ Theorie unumgänglich in der abendländischen Philosophie. Diese Theorie beinhaltet bestimmte Anforderungen, die erfüllt werden müssen, wenn der Konflikt als moralisch gerechtfertigt betrachtet werden soll. Diese Kriterien sind: „gerechter Grund“, „rechtmäßige Entscheidungsinstanz“, „aufrichtige Absicht“, „vernünftige Aussichten auf Erfolg“, „Verhältnismäßigkeit“, „Diskriminierungsgebot“ und „letztes Mittel“. In meiner Masterarbeit habe ich die Kriterien der „gerechten Krieg“ Theorie auf die Drohnenangriffe der U.S. amerikanischen Streitkräfte in Pakistan, Jemen und Somalia angewendet um feststellen zu können, ob die Drohnenangriffe als moralisch legitim zu beurteilen sind. Die

„gerechter Krieg“ Theorie hat das Völkerrecht nicht nur maßgeblich beeinflusst, sondern es sind auch zahlreiche Überschneidungen vorhanden. Diese Masterarbeit beschäftigt sich jedoch ausschließlich mit den theoretischen Aspekten. Neben der Anwendung der Kriterien der „gerechten Krieg“ Theorie und einer Literaturanalyse führte ich fünf Interviews mit Experten aus den politikwissenschaftlichen Teilgebieten internationale Beziehungen und Sicherheitspolitik.

English Abstract of the Master's thesis

Unmanned Ariel Vehicles, or drones, have become a critical tool for the United States military and the Central Intelligence Agency in the fight against Islamic terrorists and insurgents. The drones are capable of reaching jihadists in remote mountains and deserts which are inaccessible to American and local forces. Furthermore, the drones enable the U.S. to pursue militants in countries or regions where the extremists could otherwise find refuge, specifically in areas of Pakistan, Yemen and Somalia.

Drone attacks, in essence targeted assassinations, have been deemed not only morally legitimate by U.S. authorities, but also as absolutely necessary in the fight against Islamic extremists. Drone attacks were at first limited to the leadership of Islamic insurgent groups and high-value terrorists. However, the program has expanded to include low-level militants as well as the addition of so-called “signature strikes”, in which patterns of suspicious activity by a group of men results in them being targeted.

U.S. authorities praise the drones' extreme effectiveness and credit the strikes with drastically reducing the numbers of extremist combatants, while at the same time resulting in very little collateral damage. However, the use of these drones has drawn much criticism, particularly regarding the issues of civilian casualties, authority to carry out the attacks, the overall effectiveness of the drones on the conflict as a whole and the morality of these attacks in general.

When attempting to determine the moral legitimacy of military action, the primary paradigm in Western thought has been the Just War theory. This theory establishes criteria by which one can judge a conflict and determine if the use of force can be considered moral. The criteria include: Just Cause, Right Authority, Right Intention, Reasonable Prospect of Success, Proportion, Discrimination and Last Resort. In my thesis, I have applied the criteria

of the Just War theory to the U.S. drone strikes in Pakistan, Yemen and Somalia, with the goal of determining whether or not the UAV strikes can be classified as legitimate according to the theory. While the Just War theory has been definitively influential on international law and numerous overlaps exist, my thesis is exclusively concerned with the theoretical aspects. In addition to the application of the criteria of the Just War theory and a literature analysis, I conducted five interviews with experts in the Political Science subfields of International Relations and Security Politics.

Curriculum vitae

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Elementary and Middle School Education

St. Peter & Paul Catholic School
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2000 – 2002

University Preparation Courses
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2007 - Currently enrolled
Major: Political Science

Studies concentrated in the Political Science sub-fields of International Relations and International Security.



Degrees

2011: Bachelor of Arts in Political Science from the Universität Wien (University of Vienna), Austria.

Spring 2013: Planned completion of Master of Arts in Political Science, University of Vienna (Universität Wien), Austria.

Master's Thesis topic: "Analysis of U.S. drone strikes in consideration of the Just War theory - the cases of Pakistan, Yemen and Somalia".

Scholarships

2004 - 2005 Recipient Congress-Bundestag Youth Exchange for Young Professionals Scholarship; Saarbrücken / Bremen, Germany

Employment and Internships

2007 - Present: English Instructor; all levels of the Common European Framework of Reference for Languages, A1 (Basic User) to C2 (Mastery or proficiency).

June 2012 - July 2012: Participant in the Congressional and Policy Internship Program, Oxbridge Learning Academy Washington, D.C. USA.

2010 - 2012: Student Assistant at the Institute for Advanced Studies Vienna, Political Science Department; Stumpergasse 56, 1060 Vienna, Austria.

Activities

Several years volunteer service in St. Peter and Paul Catholic Diocese, Tucson, Az. USA

1999 - 2004 Participant United States Amateur Boxing Association

2007 - 2010: Participant Austrian Amateur Boxing Association

Languages

Mother language English; German fluent in writing and speech; Spanish beginner level