

Book Review



Recommendations and Report of The Task Force on U.S. Drone Policy

***Task Force Co-Chairs Gen. John P. Abizaid,
U.S. Army, Ret., and Rosa Brooks***

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The battle zone use of “drones” or unmanned aerial vehicles (UAVs), also known as remotely piloted aircraft (RPAs) or unmanned aerial systems (UAS) has increased exponentially in the last decade. The Stimson Center global security think tank created a distinguished ten member task force to address the importance of UAV oversight, transparency, legality, and accountability, but most importantly, the strategic implications and concern of an increased U.S. reliance on lethal UAVs outside the traditional or “hot” battlefield.

Former United States Central Command Commander General (Ret.) John Abizaid and former Counselor to the Undersecretary of Defense for Policy Rosa Brooks co-chaired the task force. In their June 2014 report, they found that the “Obama administration heavily relies on targeted killings as a pillar of its U.S. counterterrorism strategy” yet unintentionally causes an increase in extremist lethality and influence, as well as an “erosion of sovereignty norms, blowback and risks of a slippery slope into continued conflict or wider wars.” The task force report dispels some UAV fallacies and concludes with eight comprehensive recommendations. They advise our national security leaders to consider whether their U.S. UAV policy is both strategically sound, in keeping with our core democratic values, and that our policy does not erode our international legitimacy.

The report states the Obama administration has consistently used the 2001 Authorization for Use of Military Force (AUMF) as its legal basis for U.S. targeted strikes outside of “hot” battlefields, such as Yemen, Pakistan, and Somalia. Though the report falls short in deliberating on its legal meaning of a modern battlefield, combatant, or hostility, it correctly reflects this controversy will only worsen as lethal UAV attacks against terrorists occur where there are no U.S. ground troops or openly engaged combat. “The administration’s interpretation of the AUMF is extraordinarily broad — and even many former executive branch officials question whether Congress intended to authorize such an unbounded conflict when the AUMF was passed in 2001.” The old nation-state concepts of warfare may be gone; therefore many of the legal protection and restrictions may no longer apply.

Many argue these strikes saved lives, but the downsides to these strikes are significant and disconcerting. In May 2013 the Obama administration stated no UAV strikes are authorized outside of hot battlefields unless there is “near certainty no civilians will be killed or injured.” Yet, there

have been civilian casualties. The report cited analyst Sarah Krebs, a former Air Force officer now on the Cornell University faculty, "...of the estimated 465 non-battlefield targeted killings undertaken by the United States since November 2002, approximately 98 percent were carried out by drones." The resultant community anger understandably increases anti-U.S. sentiment and is a "potent recruiting tool for terrorist organizations." As retired Army General and former ISAF Commander Stanley McChrystal has stated, "The resentment created by American use of unmanned strikes...is much greater than the average American appreciated. They are hated on a visceral level...and create a perception of American arrogance that says we can fly where we want, we can shoot where we want, because we can." The fact that the administration has minimally disclosed the details to past years targeted killings has exacerbated concerns for accountability and transparency. We may view the use of force as justified when our allies or partners do not. The report exclaims the ease of lethal UAV killings "may create a slippery slope" into wider conflicts and wars as well as set a dangerous precedent for other countries using the same justifications.

The report recommends an improved transparency and accountability to both Congress and the American public. "While secrecy may be required before and during each strike, strikes should be acknowledged and information released after the fact, including the legal basis for the killings." It also seeks a transfer of responsibility for carrying out lethal UAV strikes from the CIA to the military, citing the "CIA should focus on intelligence collection and analysis."

The report calls for a "rigorous" strategic review and cost-benefit-risk analysis since the impact of a lethal UAV obviously impacts myriad factions. If the lethal UAV attacks are supposedly helping protect our homeland yet increasing anti-U.S. extremism, one could easily argue we are heading down a more deadly path. Are we creating more terrorists than we are killing? Transparency, hot battlefield clarification and definitive lethal UAV oversight is thus imperative.

Unfortunately, the report stated early on it would not focus on the use of lethal targeting of U.S. citizens, yet this is a pivotal concern to both the international community as well as U.S. citizens. This report was released at the same time as a release of a redacted version of the memo supporting the legal killing of Anwar al-Awlaki, a radical Muslim cleric and terrorist, but also an American citizen. Since the evidence to support the killing remains redacted, how can the United States question any other country (hmmm, Russia?) using similar lethal UAV attacks outside of its own "hot" battlefield?

There are many strategic concerns and recommendations in this valuable report – a legal distinction between traditional and "hot" battlefield is not just one of the many crucial issues for our U.S. strategic leaders – but our international leaders as well. **IAJ**