New technology, old dilemmas – ‘drones’, ethics and accountability

CHANTAL GRUT AND ZOE HUTCHINSON

During United States Secretary of Defence Leon Panetta’s recent visit to New Zealand, attention focused, predictably, on nuclear weapons and our decades-old anti-nuclear stance. But in 2012, the linchpin of US defence policy, pilotless remote control aircraft, or “drones,” could not be a more different weapon.

New Zealand’s stance towards these weapons and the way they are being used in regions of Pakistan, Yemen and Somalia, could also not be more different to our strong and transparent anti-nuclear policy: at best, silence; at worst, complicity.

Lord MacDonald, former British director of public prosecutions and chairman of Reprieve, a charity representing drone strike victims, told The Times recently that there was “pretty compelling” evidence that Britain was sharing intelligence with the US for targeting drone strikes in Pakistan. According to officials and analysts who spoke to The Times, the web of intelligence exchange created by the secret UKUSA Agreement – known as the “five eyes” system which includes the US, Britain, Canada, Australia and New Zealand – leads to the possibility that British-generated intelligence could inform US drone attacks.

New Zealand-generated intelligence could also be implicated in US drone attacks. Drones are heralded as “precision” weapons and US officials regularly assure that civilian harm is minimal. However, our research shows that in practice, flaws in the intelligence that informs drone strikes can lead to the mistaken killing of civilians. The drone programme is not limited to high profile personalities on “kill lists” (such as US citizen Anwar al-Awlaki, who was killed in Yemen just over one year ago) but is also used against people whose names remain unknown before and after they are killed.

They are targeted merely on the basis of “signatures” or patterns of behaviour which are perceived as indicating involvement with Al Qaeda or its affiliates. While we do not know what behaviour amounts to a “signature” justifying death, previous experience with signature strikes in places like Afghanistan illustrates a devastating capacity for error. Reports that the US Government presumes “military-age males” in certain areas of Pakistan to be associated with militants and therefore targeted indicate a worrying approach to signature strikes, which does not sit well with official claims of extreme care towards civilians.

Blind faith in drone technology obscures the practical reality of operations. Drones provide the valuable capability to survey potential targets for long periods of time but they gather too much video data for analysts to properly interpret, a problem known as “data crush”. During the later stages of targeting, drone operators may encounter what is known as the “soda straw” effect, where a wider picture of the strike area is lost as the operator zooms in on a target. Drone pilot Matt J. Martin has described the horror of firing on a truck which seemed from drone footage to be clear of civilians – only for two young boys to appear on the screen, riding a bicycle, after the missile had been launched.

There are acute questions about accountability gaps with the use of weaponised drones in regions of Pakistan, Yemen or Somalia. This includes, for instance, the limited ability to comply with the duty of a state to investigate war crimes should this duty arise. After all, it is difficult to collect witness statements and forensic evidence from 20,000 feet above sea level.

In fact the UN Special Rapporteur on Extrajudicial Killings, Summary, or Arbitrary Executions, Christof Heyns, has specifically stated that some strikes may amount to war crimes. British lawyers for the alleged victims of drone attacks have gone as far as claiming that civilian intelligence officers who share information with the US may be liable as secondary parties to murder.

Ethical and legal questions raised by drone technology may be more opaque than those raised by nuclear weapons in the 1980s, but that does not excuse our failure as a nation to engage with them.

Chantal Grut and Zoe Hutchinson are co-authors of a new report from the Columbia University Human Rights Clinic and Center for Civilians in Conflict, “The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions.”