**International Drones Norms: The American Legacy**

Author: Arjun Reddy from the Kinkaid School, TX

Drones provide a necessary tool for military use both for surveillance and combatant purposes; however, there is little international consensus about the usage of this new technology. The United States controls and deploys most of the drones, so it has the capability to establish norms and set precedents for future usage. Unfortunately, current U.S. drone use is hidden from the general public, occurs without international acceptance, and rarely achieves its intended goals. Therefore, the United States should make drone strike information open to the general public and foreign leaders and establish a judicial review process to approve future strikes. These measure are necessary to influence international usage of the expanding usage of drones and to prevent war in the Middle East.

International acquiescence of peace through mutually assured destruction has brought in an era of relative stability and supposedly prevents a large-scale conflict occurring in the middle East; however, with the introduction of drones “states may be more willing to engage in drone overflights which test the resolve of their rivals or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.[[1]](#footnote-1)” International usage of drones has steadily increased in recent years and promises to grow. Both Russia and China has been steadily increasing its drone usage, and other countries are starting to develop programs to develop drone capabilities in the Eastern hemisphere and in the Middle East.[[2]](#footnote-2) These instances of secret drone build ups has been controversial for many nations and has already produced minor tensions and will create future skirmishes that have the potential to escalate. These confrontations are especially likely for India and Pakistan who would be tempted to secretly spy on the other’s nuclear program or arms capability.[[3]](#footnote-3) This breach of security would erode relations and could be misinterpreted as a threat or an attack by either country. Another example is Israel who has conducted a missile strike in Lebanon to destroy Lebanon’s expensive drones.[[4]](#footnote-4) China has flown its first stealth drone over Chengdu and has created over 900 different types of drones for different purposes, indicating its intention to use drones to monitor China Sea Islands.[[5]](#footnote-5) These Islands currently have territorial disputes with Japan, Taiwan, and Philippines and secret drone monitoring could certainly be seen as aggressive suspicions by any of the three countries and lead to future strife. The process of drone build up and its usage without other countries knowing leads to preemptive warfare and international tensions.

Currently, “the behavior of the United States right now is structuring how the world will think about, build and use drones for the foreseeable future. Given this, U.S. policymakers should perhaps devote a touch more attention to the precedent they’re setting.[[6]](#footnote-6)” If the U.S. would map out a strategy of judicial review and create a procedure that made the usage of drones transparent, then it would be establishing new norms in the field of drones that other countries would be willing to follow because they still lack regulations. Furthermore, other countries have justification for unregulated drone strikes because they follow the U.S.’s example. A U.S. representative told the U.N. assembly that the U.S. justifies its secret strikes because it is a “key military power [and is] facing a unique threat from transnational terrorist networks.[[7]](#footnote-7)” This arbitrary justification allows other countries to claim similar motives, especially when Middle Eastern countries are bordered by terrorist organizations like ISIL and Al-Qaeda and are surrounded by countries they believe are illegitimate.[[8]](#footnote-8) Furthermore the new rise in drones is a change from the current approach to international law because there is a lack of regulations on this new form of technology. Even if the killings do in fact work, “Without a new doctrine for the use of drones that is understandable to friends and foes, the United States risk achieving near-term tactical benefits in killing terrorists while incurring potentially significant long-term costs to its alliances, global public opinion, the war on terrorism and international stability.”[[9]](#footnote-9) There are rules and regulations for what happens for a downed pilot and manned aircraft, but not so for unmanned vehicles like drones.[[10]](#footnote-10) “Absent a clear norm…incidents involving drones could snowball quickly. And that is why the United States should develop a clear policy about the targeting of drones. It should be designed to prevent united escalation.[[11]](#footnote-11)”

Furthermore, because the U.S. is neither transparent nor accountable, we lose sway with our allies.[[12]](#footnote-12) If we would like to restrict future illegal and war-likely drone operations by foreign countries through U.N. rulings or international pressure, it would be very hard to create such appeals when we carry out the same procedures that we would like to prevent.[[13]](#footnote-13) This is because the current U.S. policy on drones, “significantly diminishes the moral authority of the US to condemn similar tactics used by other states, whether against rebellious populations in their own territory or enemies abroad.[[14]](#footnote-14)” This means when China conducts drone strikes or creates surveillance drones, the U.S. does not have the authority to condemn them because they use similar tactics. Furthermore there have been many incidents from attacks made by Iran in Syria conducted secretly, to Russia’s messing with gas lines in Ukraine and Georgia, to Turkey’s usage of a predator to kill Kurdish militants. These all came from the vague justification of terrorism, and they could all say they learned these tactics by pointing to the United States conduct similar drone strikes in Pakistan, Yemen and Afghanistan.[[15]](#footnote-15) In order regain influence with other countries to prevent a new arms (or drones) race, we would need to maintain an accountable procedure ourselves, which would show other nations how drones can be responsibly used. If we plan to expand our capabilities, we must do so openly. An arms race traditionally happens when we pursue advanced military capabilities, and other countries suspect us of doing so, so they also build up more arms; conversely, if we make the usage of drones transparent, other countries won’t be as alarmed and preemptively build up.

The current process is not neutral and is determined by and justifies breaking the Constitution in times of distress. Although this shift away from the law may be justified due to threats of terrorism, it is harmful because it sets the precedent that the Constitution can be broken. “The political branches may switch the constitution on or off at will would lead to a regime in which they, not the Court, say what the law is.[[16]](#footnote-16)” Furthermore, allowing only the president to determine whose life through targeted killings is clearly unconstitutional because this act violates the separation of powers of three branches and destroys foreign credibility. Attacks would be more meaningful and not cause unnecessary deaths or irritate the countries if we got strikes approved by a judicial review and it was revealed both to the U.S. public and to the countries, which the attacks are conducted in, there would be too many problems. Countries believe that secret targeted killings violate international law, cause human rights violations, and intrude on democratic freedoms which deters from U.S legitimacy. Other countries become skeptical of the U.S.’s claim to bring or instill democracy when it is one of the biggest violators of such a principal. Maintaining U.S hegemony without the power of legitimacy breeds foreign distrust and causes violent transitions; only through establishing an open, reviewed process can we further achieve peace in the ever-changing technological world of ours.

1. Boyle, Michael J. "The Costs and Consequences of Drone Warfare." Wiley Online Library. January 15, 2013. Accessed June 23, 2015. http://onlinelibrary.wiley.com/doi/10.1111/1468-2346.12002/abstract. [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. Ibid. [↑](#footnote-ref-3)
4. "Israel War Planes Strike Lebanese Area to Destroy Drone." The Hindu. June 21, 2015. Accessed July 4, 2015. http://www.thehindu.com/news/international/israel-war-plane-drone-lebanon/article7339199.ece. [↑](#footnote-ref-4)
5. Harress, Christopher. "The Rise Of China's Drone Fleet And Why It May Lead To Increased Tension In Asia." International Business Times. January 11, 2014. Accessed June 29, 2015. http://www.ibtimes.com/rise-chinas-drone-fleet-why-it-may-lead-increased-tension-asia-1535718. [↑](#footnote-ref-5)
6. Farley, Robert. "Over the Horizon: U.S. Drone Use Sets Global Precedent." Over the Horizon: U.S. Drone Use Sets Global Precedent. October 12, 2012. Accessed June 29, 2015. http://www.worldpoliticsreview.com/articles/10311/over-the-horizon-u-s-drone-use-sets-global-precedent. [↑](#footnote-ref-6)
7. Savage, Charlie. "U.N. Report Highly Critical of U.S. Drone Attacks." The New York Times. June 2, 2010. Accessed July 4, 2015. http://www.nytimes.com/2010/06/03/world/03drones.html. [↑](#footnote-ref-7)
8. Ibid. [↑](#footnote-ref-8)
9. Kennedy, Greg. "Drones: Legitimacy and Anti-Americanism." 2013. Accessed June 29, 2015. http://www.strategicstudiesinstitute.army.mil/pubs/Parameters/Issues/WinterSpring\_2013/3\_Article\_Kennedy.pdf. [↑](#footnote-ref-9)
10. Stein, Aaron. "Drone Decrees." Foreign Affairs. December 19, 2013. Accessed July 2, 2015. http://www.foreignaffairs.com/articles/140584/aaron-stein/drone-decrees?cid=soc-twitter-in-snapshots-drone\_decrees-122013. [↑](#footnote-ref-10)
11. Ibid. [↑](#footnote-ref-11)
12. Wexler, Lesley M. "The Role of the Judicial Branch during the Long War: Drone Courts, Damage Suits, and FOIA Requests." *SSRN Journal SSRN Electronic Journal*, 2013. [↑](#footnote-ref-12)
13. Brooks, Rosa. "Drone Wars: The Constitutional and Counterterrorism Implications of Targeted Killing." Georgetown University Law Center. April 23, 2013. Accessed July 2, 2015. http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1114&context=cong. [↑](#footnote-ref-13)
14. Whibley, James. "The Proliferation of Drone Warfare: The Weakening of Norms and International Precedent." Georgetown Journal of International Affairs. February 6, 2013. Accessed July 4, 2015. http://journal.georgetown.edu/the-proliferation-of-drone-warfare-the-weakening-of-norms-and-international-precedent-by-james-whibley/. [↑](#footnote-ref-14)
15. Roberts, Kristin. "When the Whole World Has Drones." Nationaljournal. March 21, 2013. Accessed July 4, 2015. http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321. [↑](#footnote-ref-15)
16. Adelsberg, Samuel S. "Bouncing the Executive's Blank Check: Judicial Review and the Targeting of Citizens." *Harvard Law & Policy Review* 6, no. 2 (2012): 437. [↑](#footnote-ref-16)