Reevaluating U.S. Military Use of Drone Technology

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Summary

In the 21st century, drone technology has become commonplace in warfare. In fact, drones are increasingly preferred by both state and non-state actors over other modes of warfare. But widespread use of drones in war engenders considerable controversy. Civilian casualties and collateral damage have grown alongside drone deployment with little accountability or transparency. As the Biden-Harris Administration works to rebuild America's place on the world stage and as a member of the global community, the Administration should boost accountability for civilian deaths by rethinking when and how drones are used. Specifically, the Administration should (1) sign an executive order to boost transparency and oversight of drone technology used by the military, (2) work with Congress to review use of drones in U.S. military operations, and (3) lead efforts to launch an international drone accountability regime.

Challenge and Opportunity

In the last two decades, the use of drone strikes by the U.S. military against terrorist and militant organizations has expanded. Drones have been utilized so frequently by the U.S. government because they offer numerous advantages over manned aircraft. Drones are a cost-effective way to keep American boots off the ground and safe from danger. The fact that drones lack a human pilot means that fatigue is also lessened in military operations. Drone operators can hand off controls without any downtime, and drones can offer the same accuracy and lethality as manned aircraft. Drones can also serve as a valuable tool in surveillance operations.

But there is also a downside to this technology that makes warfare easy. Commanders are more likely to greenlight attacks when those attacks pose less of a direct risk to American military personnel. As the use of drones has proliferated, so too have the number of drone strikes ordered by the U.S. military — and the accompanying losses of civilian life.

Beginning in the early 2000s and into President Obama's Administration, the use of drone technology increased. A 2005-2030 roadmap published by the Department of Defense noted that twenty types of unmanned aerial vehicles (UAVs) were flown for 100,000 hours in conflicts in Iraq and Afghanistan. Under President Obama, an estimated 3,797 people, including 324 civilians, were killed in the 542 strikes carried out during the eight years of his Administration. This was the result of a dramatic increase in drone warfare. In his second term, President Obama took steps to reign in the use of drone warfare but beginning in 2017, President Trump's Administration took it to new heights. In his first two years in office, President Trump launched more drone strikes that President Obama did in eight years. Reporting suggests that with the use of drones, President Trump launched more attacks in Yemen than all previous U.S. presidents combined. These drone strikes together killed between 86 and 154 civilians.

President Obama signed Executive Order 13732 in 2016, which required the Central Intelligence Agency (CIA) to review and investigate drone strikes involving civilian

casualties and offer payment to families of those killed. The executive order also required the Director of National Intelligence to release annual summaries of all U.S. drone strikes conducted, accompanied by assessments of how many civilians died as a result of those strikes. But President Trump revoked this policy in 2019, arguing that the provisions were superfluous and distracting. As the use of drones increased dramatically in the first year of President Trump's Administration, the United States also disclosed fewer details about the frequencies and fatalities of these strikes.

The time is ripe for the Biden-Harris Administration to reevaluate and rein in the use of drone warfare to both boost U.S. accountability for civilian deaths and restore America's leadership on the world stage.

Plan of Action

The Biden-Harris Administration should take three essential actions to improve transparency and oversight of U.S. drone operations. These actions are crucial to restoring America's place and reputation in the international community.

First, President Biden should **sign an executive order committing to boost transparency and oversight of drone technology used by the U.S. government**. On the first day of his Administration, President Biden imposed temporary limits on drone strikes outside of battlefields in Afghanistan, Syria, and Iraq and ordered a review of U.S. drone policy with respect to counterterrorism operations. This was a welcome step, and the Administration can build on it to promote greater transparency without compromising U.S. national security. An *Executive Order to Reevaluate U.S. Military Use of Drone Technology to Boost Accountability for Civilian Deaths* can and should reinstate much of Executive Order 13732, but also go further. Specifically, the executive order should:

- Commit to reduce the use of drone strikes overall.

- Commit to limit collateral damage when drone technology is used.

- Require the CIA to release biannual summaries of U.S. drone strikes, accompanied by assessments of civilian casualties.

- Offer payment to the families of civilians killed as a result of a U.S. drone strikes.

- Require the CIA, the Department of Justice, and the Department of Defense to conduct a thorough joint investigation of all drone use resulting in civilian deaths.

- Provide quarterly briefings to Congress on the use of drone technology and provide reports to relevant Congressional committees on investigations into drone strikes that result in civilian casualties.

To complement this executive order, the Biden-Harris Administration's review of U.S. drone policy should include an interagency process involving the CIA, the National Security Council (NSC), and the Departments of Defense, State, and Justice to evaluate the increased use of drones over the past decade, analyze trends in technology shaping the future use of drones, and devise a coordinated path forward to (1) increase accountability for use of drone warfare, and (2) boost American national security through a strategic counterterrorism strategy that minimizes the extraneous use of drones.

Second, President Biden should **work with Congress to review the use of drones in U.S. military operations**, including use of drones both within and beyond active military conflict. The Administration should provide members of key Congressional committees (e.g., the Senate Foreign Relations, Armed Services, and Intelligence Committees as well as the House Foreign Affairs, Armed Services, and Intelligence Committees) with both classified and public briefings on the Administration's counterterrorism strategy and the role of drone technology in advancing military operations. Congress, in turn, should conduct public hearings on these topics and should ultimately act to repeal and replace the outdated 2001 and 2002 Authorizations for the Use of Military Force (AUMF) which have been used by multiple presidents to justify continued military action across the globe, including drone strikes.

In fact, the Biden-Harris Administration has pushed for these AUMFs to be replaced with a "narrow and specific framework that will ensure we can protect Americans from terrorist threats while ending forever wars," [according to a statement](#) by Press Secretary Jen Psaki in March 2021. The 2001 AUMF was passed after the Sept 11. Terrorist attacks and the 2002 AUMF was passed in the fall of 2002 ahead of the U.S.-led invasion of Iraq in 2003.

Third, as one of the largest producers and sellers of drone technology worldwide, **the United States should lead efforts to launch an international drone accountability regime**. This effort, which could be launched through an existing international organization like the United Nations, would bring together states to:

- Sign a treaty that creates a commitment to abide by a set of international standards on the use of drone warfare, including a commitment to reduce collateral damage and loss of civilian life.

- Review and evaluate use of drone technology by nation, especially by global military leaders.

- Investigate and make public instances of drone-technology abuse.

The global accountability effort will require development of a strong set of international standards that regulate the use of drone technology — standards that will make the United States and the world safer. These international standards should include commitments by abiding states and non-state actors to: (1) commit to

reducing the use of drone strikes and limiting collateral damage; (2) issue a public statement following drone strikes resulting in civilian casualties explaining the reason for the strike and relevant surrounding circumstances; and (3) publish summaries of all casualties and damage resulting from drone strikes. (4) Additionally, abiding parties that sell or purchase drone technology should commit to only sell or purchase drone technology from other abiding parties.

Conclusion

The growing ubiquity of drone strikes within U.S. military operations demands action to increase transparency and accountability. When drone strikes are used too freely, unnecessary civilian casualties can result — as recent history has already demonstrated. By strategically rethinking how the United States uses drones for warfare, the Biden-Harris Administration can rebuild accountability for civilian deaths, restore transparency to our nation's use of drone technology, and repair our nation's reputation on the world stage, all without compromising military operations or national security.

President Biden can take immediate action by issuing an executive order that builds on the drone-accountability policies put in place during the late Obama era while setting a new standard for the international community, as well as by ordering an interagency review of the role that drones play in U.S. operations. Further, President Biden should work with Congress to repeal and replace the outdated 2001 and 2002 AUMFs and to consider how drones can and should be used responsibly in warfare. These steps will be essential to restoring confidence in U.S. military operations both at home and abroad. Finally, as the U.S. seeks to rebuild its position in the global community, efforts led by the Biden-Harris Administration to establish an international drone-accountability regime can help check the growing use of drones in warfare globally: a result that will strengthen the security of the United States and the world.

Frequently Asked Questions

1. What is the value of increasing transparency of U.S. drone technology?

As the Biden-Harris Administration works to rebuild America's place in the global community, leadership to advance accountability of military technology can build trust with international partners and set an example for other nations. Leadership on this issue provides an opportunity for the Biden-Harris Administration to boost the accountability and transparency of U.S. military operations and demonstrates a commitment to international peace that sets a standard for the global community.

2. Why limit drone strikes when drone strikes can reduce U.S. military casualties?

The unmanned nature of drone warfare does indeed limit U.S. military casualties. But the widened use of drone warfare by the American military and resulting casualties poses risks to Americans. Civilian casualties and collateral damage that result from reckless drone strikes in many instances have provoked the targets of those strikes to retaliate against American troops.

3. Is there bipartisan consensus on this issue?

Over the years, the push to rein in presidential war powers has gained bipartisan support. Senators on both sides of the aisle including Tim Kaine, Todd Young, John McCain, Ben Cardin and Chris Murphy have spearheaded legislation to sunset the decades-old war authorizations that authorized military action — including drone warfare — against Iraq (now, an ally) and military groups including al Qaeda and the Taliban in Afghanistan. But in recent years, several administrations have attempted to justify new military action against other nations and military groups with these outdated and expired war authorizations.

About the Author

Loully Saney is Chief of Staff for the Day One Project. Prior to joining the Day One Project, she worked as Deputy Press Secretary for U.S. Senator Tim Kaine. As a congressional staffer, she participated in fellowships with the Wilson Center and Hoover Institution at Stanford University focused on foreign and economic policy. While still in college during President Barack Obama's Administration, Loully interned at the White House National Economic Council, the Office of Science and Technology Policy, and the U.S. Department of State's Office of Iranian Affairs. In 2015, Loully received a Certificate of Appreciation for contributions toward U.S. government efforts to reach a comprehensive nuclear deal with Iran. Loully is a graduate of Princeton University where she studied Politics and received a certificate in Near Eastern Studies and a certificate in History and the Practice of Diplomacy.

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