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This publication has been edited with Open-source software OpenOffice and Gimp. We have used Garamond for our main-body text and titles and LHF New Trajan for the logo.

Cover page: Cavalry Battle (1600s) by Jan Martszen de Jonge, privately held.
Foreword

As will become apparent, there have been some adjustments made to the Strife Journal since Issue Two. We hope the most discreet will prove to be the change in editorship: our thanks are due to Pablo de Orellana, who has stepped down after two issues’ toil at the helm, and we hope we can continue his excellent work.

Other modifications are more cosmetic, and hence perhaps more obvious. The font and formatting is slightly different, and we also have a new logo, aligning us with the blog (at www.strifeblog.org) and illustrating more clearly than ever how unified the Strife project is across blog and journal. As in the last issue, we have reprinted an extract from our online counterpart: the excellent five-part series on drone warfare entitled ‘The Good, The Bad, The Drones’, which was posted online over the course of April.

The other major change has been the revamping and expansion of the reviews section, thanks for which must go to my co-editor Nikolai Gourof. We have four reviews this issue, on texts ranging from early modern history to (post)modern political theory. Issue four will see this section expand further.

Of course, the skeleton of Strife Journal has been and remains its extended pieces, and there are four in this issue. Nikolai Gourof writes about Sergei Eisenstein’s Ivan The Terrible, and draws parallels between it and Stalin’s contemporary regime. Alexander Langer, meanwhile, draws attention to Church resistance against state oppression in Latin America. Langer speculates as to why the state responses to broadly similar resistance movements in Nicaragua and El Salvador took such different forms. Alexandra Gallovicova’s piece is another Strife first: it is split into two instalments, the first of which is printed here, the second of which will be published in Issue Four. In her first part, Gallovicova explores the idea of the ‘image’ in IR theory, and lays firm groundwork for the case study that will form her piece’s second instalment: French and British perceptions of Germany in the wake of its abstention from the UN Security Council vote on establishing a no-fly zone in Libya during the 2011 Libyan Civil War. Finally, Thomas Colley looks at propaganda in the Yugoslav conflict of the 1990s. Colley asks whether any of the lessons learnt then can be applied to the current crisis in Ukraine.

As always, many thanks are due to the department of War Studies at King’s College London, which has provided unceasing support. Special thanks are due to Dr Christine Cheng, Prof. Vivienne Jabri, Dr Oisin Tansey, Prof. Mats Berdal and Dr Kieran Mitton. Thanks are of course also owed to all the contributors to this issue, who have handled our editorial demands with grace and rapidity. We have continued with the peer-review model established in Issue 2, and we thank all our reviewers.

We are always on the lookout for interesting perspectives on conflict for both the journal and the blog; anyone interested in contributing is encouraged to pitch an idea or simply declare interest via email.

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The Good, the Bad, the Drones: A Strife Five-Part Series

These pieces are all reprinted from the Strife blog at strifeblog.org, where they were posted during April 2014. All web references were last accessed on 6th May 2014.

Introduction
Joana Cook,
Managing Editor, Strife

By 2025 it is estimated to be an industry worth $82 billion USD and responsible for the creation of more than 100,000 new jobs in the US alone.1 It will target commercial and civil markets, and be used in applications ranging from precision agriculture and public safety, to niche areas, such as battling poachers in wildlife reserves. It is, however, their use in security operations which will be the focus of this Strife series.

The controversial use of Unmanned Aerial Systems (UAS), more widely known as drones, has been recently highlighted by a UN Special Rapporteur examining their use in counterterrorism,2 news stories of victims of drone attacks testifying before US Congress,3 as well as recent documentaries such as Jeremy Scahill’s Dirty Wars.4 There are even iPhone apps, such as Metadata, which have tracked and mapped drone attacks since the first known incident on November 3, 2002 in Yemen. Since then, The Bureau of Investigative Journalism estimates that upwards of 4,172 people have been killed in strikes across Yemen, Somalia and Pakistan, 1,032 of which were civilians.5 Afghanistan has seen at least 59 civilian deaths under ISAF,6 while the number in Iraq and Libya remain less clear. Organizations such as UK-based Reprieve call for international accountability for what they refer to as ‘the new face of state-lawlessness in the name of counterterrorism’.7

The use of drones, however, has been supported by some as an option which has left the forces using them safe, reduced the amount of potential civilian casualties, and eliminated key targets in areas often referred to otherwise as ‘terrorist safe havens’.8 The use of drones has also been viewed by analysts like Clint Watts, a senior fellow at the Foreign Policy Research Institute, as the latest piece of the US counter-terrorism package which has traversed from ‘hearts and minds’ campaigns, detentions and renditions, to the ‘clear, hold, build’ policies seen in Afghanistan, and most recently focusing on drones as the most effective and publicly accepted counterterrorism policy.9

Drones will not be exiting the security scene anytime soon. Instead, we hope this series will provoke more thought and debate in a field that will play a significant part in all our lives in the coming years. We leave you to be the judge in ‘The Good, the Bad, the Drones.’

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1 http://www.auvsi.org/resources/economicreport
4 http://dirtywars.org/the-film
5 http://www.thebureauinvestigates.com/category/projects/drones/
7 http://www.reprieve.org.uk/investigations/drones/
8 http://www.foreignaffairs.com/articles/139453/daniel-byman/why-drones-work
9 http://warontherocks.com/2013/12/podcast-counterterrorism-drones-syria-and-more/
Part I: Pakistan’s Decade of Drones (2004-2014)
Zoha Waseem

In June 2004, the first drone strike in Pakistan targeted a man who had rejected peace agreements with the government, sworn allegiance to the Taliban, and vowed to continue his ‘jihad’ against the United States in Afghanistan. The Pakistani military initially claimed responsibility for Nek Mohammad’s death, until more could be revealed about the drone programme. It was speculated that Pakistan granted CIA access into its airspace in order to take Mohammad out. This was to be the first of several hundred such attacks that neither the American nor Pakistani administrations were willing to officially acknowledge. Musharraf would later go on record to justify these attacks: ‘In Pakistan, things fall out of the sky all the time.’

Indeed, they would. Following the strike on Nek Mohammad, there would be 44 attacks under the Bush administration. The drone campaign initially made use of the notorious Shamsi Airfield near Quetta, leased to the CIA in 2001. In 2011, NATO forces opened fire on two Pakistani border check-posts in the Federally Administered Tribal Areas (FATA), killing 24 Pakistani soldiers, unleashing a country-wide outrage, and resulting in Islamabad ordering the US to evacuate. The total numbers of strikes in Pakistan have ranged from 330 to over 380, escalating dramatically under the Obama administration. Those targeted are suspected of belonging primarily to al Qaeda, the Pakistani Taliban (TTP), the Afghan Taliban, the Haqqani Network, and various Pakistani and foreign jihadi organisations, including the Islamic Movement of Uzbekistan. The campaign in Pakistan has been largely restricted to FATA, a region where the concentration of militants has been overwhelming. Located northwest of Pakistan, FATA borders Afghanistan on the eastern side of the Durand Line. The tribal areas fall outside the writ of Pakistani law and governance – a weakness that the US and terrorists alike draw to their own advantages for respective onslaughts and campaigns.

Casualty Controversies

The calculation of civilian casualties has always been an area of contention. To an extent, this is understandable given the challenges of reporting from within the tribal areas. Additionally, the environment in FATA, their complex terrains and geographies makes it difficult to differentiate civilians from militants who blend in by living amongst locals.

Regardless, American and Pakistani authorities have not been forthcoming in acknowledging drone attacks or their casualties and the recognition of civilian deaths has been misleading. In March 2013, Pakistani officials claimed that between 400 and 600 civilians had been killed; in October, the Pakistani Ministry of Defence claimed the figure stood at 67 since 2008. A month later, Islamabad retracted the statement, claiming it was ‘wrong and fabricated’.

The table on the next page summarises the data collected by the Bureau of Investigative Journalism, New America Foundation and the Government of Pakistan on drone strikes in the country.

The CIA maintains these strikes are ‘surgically precise’. It has yet to officially acknowledge any civilian casualty.

The only game in town

The question of Islamabad’s consent has been the centre of debates on drones in Pakistan. In one article, Peter Bergen and Katherine Tiedemann wrote, ‘Behind the scenes, many Pakistani officials – including [former] president Asif Ali Zardari and [then] Prime Minister Yousuf Raza Gilani – have supported the drone strikes, despite their occasional public

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1 http://www.nytimes.com/2013/04/07/world/asia/ori
s-of-cias-not-so-secret-drone-war-in-
pakistan.html?pagewanted=all&_r=1&
2 http://www.bbc.co.uk/news/world-asia-15901363
figures-to-PM
Local perceptions from within Pakistan suggest a majority of people believe they are carried out by Islamabad’s consent. Amnesty International’s Pakistan Researcher, Mustafa Qadri told Strife that Pakistan may have given tacit approval but there is no paper trail.

Prime Minister Nawaz Sharif’s visit to President Obama last year, along with his plea to stop drone strikes, was little but a political move to show his countrymen that the Sharif government does not condone breaches of Pakistan’s sovereignty. Islamabad relies immensely on aid from the US. Telling the Americans what to do would mean disrupting an incoming flow of dollars; acknowledging approval for drones would result in a severe backlash from Pakistani militants and civil society alike; keeping the debate running under the shadow of dubious press releases, timely condemnations, and a lack of transparency, allows Islamabad to control resistance from within the Pakistani populace, appease local militants, and avoid upsetting allies in D.C.

Within the US, the debate has steadily been questioning American foreign policy in the war on terror. Mazzetti pointed out in his book, *The Way of the Knife*, that this ‘knife fighting’ is not as surgical as agencies claim. It ‘creates enemies just as it has obliterated them’ and has ‘lowered the bar for waging war’.

Despite protests from the likes of David Kilcullen and Cameron Munter, Leon Panetta has notoriously described the drone programme as ‘the only game in town’.

An aspect that is often under-considered is how drones have contributed to militant propaganda. The TTP has repeatedly used the destruction caused by drones to further their ‘jihad’. Till 2009, estimates suggested the TTP and allied groups carried out suicide attacks in retaliation for drone strikes. Either way, civilians have been at the receiving end which has made it easier to instil anti-American sentiments within the aggrieved populace. As a result, the campaign has resulted in heated debates within Pakistan, leaving its citizens divided.

**Local Debates, Perspectives and Impacts**

The case against drone attacks within Pakistan has been most aggressively taken up by Pakistan Tehreek-e-Insaf’s chairman, Imran Khan. The social and psychological impacts of drones are the main arguments put forth by Khan, who believes drones (and American presence in the region in general) have created terrorism in the country. Amnesty’s Qadri disagrees. ‘Drones are not the drivers of radicalization; local, social factors are’.

Qadri’s own investigations into the campaign (published in Amnesty’s report, *Will I Be Next*) took him across Pakistan, making him critically

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aware of local perceptions. ‘The closer you get to FATA, the more sympathy you will find for drone strikes. People don’t like the Taliban. They are annoyed with terrorists. When you’re in such a violent region, people think, at least there are terrorists being killed [by drones]. It is not morally justified, but they are saying it out of frustration. [Drones] appear to be the least worst option out of some very bad options.’6

A more extreme case for drone attacks was made by a columnist, Irfan Hussain. 2009 was known as ‘the year of the drone’ in Pakistan. Shortly after, Hussain asked, ‘If we condemn the Americans so vociferously over the drone campaign, should we not be more critical of the thugs who are killing far more Pakistani civilians?’7 Hussain’s opinions are amongst the minority; the majority still protests against drones.

The anti-drone advocacy in Pakistan goes beyond the element of fear. Little is written about the rural-to-urban displacement of people since the start of the campaign. The displacement of people from northern areas to cities further strains the limited resources allocated for urban areas like Karachi. Conflicted cities, aggravated by an influx of IDPs, increase instability and deepen anti-American sentiments amongst the urban and liberal populace.

Moreover, the campaign has made Pakistanis doubtful about local and international humanitarian efforts. “It is difficult for aid agencies [including polio workers], local and foreign, to operate in these areas. Locals tend to think [these workers] are being used for spying”, points out Mustafa Qadri, resonating a view that has been prevalent since the Abbottabad raid of May 2001.

Another concerning matter is the lack of rehabilitation and reconstruction accompanying the campaign. Since there are no official agencies appointed for these efforts, groups such as Jamaat-ud-Dawa, the charity wing of Lashkar-e-Taiba, are able to sweep in to assist the locals, further propagating anti-Pakistani and anti-American rhetoric. Coupled with this is the fact that often two strikes occur consecutively at a given location; when locals reach the location following the first strike to provide assistance, a second hits. This makes local rescue operations much more difficult.

Internal impacts, popular dissent against drones and relations between the US and Pakistan may be contributing to a gradual decrease in strikes. In an unprecedented move, these factors led the Peshawar High Court to direct the government to move a resolution against the attacks in the United Nations. The historic verdict declared drones as ‘illegal, inhumane, and a violation of the UN charter on human rights’.8

Last December, after pressure from Pakistan, the UN adopted a resolution on drone strikes, calling on the US to comply with international law. In March this year, the UNHCR held a third round of discussions on the draft resolution. Washington boycotted, refusing to supply UN any details about its programme.9

It is unclear whether the campaign will remain paused for the duration of negotiations between the Pakistan government and the TTP. It can be assumed that Pakistan may witness a decrease in the number of strikes as NATO withdrawal is undertaken from Afghanistan and as western interests shift from South Asia. Till then, it suffices to say that Pakistan’s decade of drones has caused yet another rift in the country’s socio-political fabric.

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6 http://www.amnestyusa.org/research/reports/will-i-be-next-us-drone-strikes-in-pakistan
9 http://thecable.foreignpolicy.com/posts/2014/03/19/exclusive_us_boycotts_un_drone_talks
Part II: Daring to Use Drones: Why Targeted Killings are a Necessary Component in Modern Counter-Insurgency Campaigns

David C. Hofmann

Fuelled by the global ‘war on terror’ that emerged in the aftermath of the 9/11 and 7/7 attacks, Western democracies have been steadily increasing their use of drone strikes to kill key operational and ideological members within insurgent groups in Yemen, Pakistan, Afghanistan and elsewhere. The state-sanctioned and strategic targeted killing of terrorists/insurgents is a controversial topic, and raises numerous moral and legal issues. However, the realities of war are changing. For the most part, traditional battlefields have been replaced by insurgent campaigns conducted by hardened Islamist groups like the Taliban and al-Shabaab. In order to adapt to the realities and characteristics of this genre of conflict, drone strikes have become a crucial component within larger counter-insurgency strategies, and will likely remain so for the foreseeable future.

Why Drone Strikes are Necessary

Despite valid concerns over the ethics and legality of drone strikes, targeted killings remain one of the best coercive options currently available to combat well-entrenched insurgent movements in lawless areas. The inability and/or unwillingness of local government forces to combat or apprehend insurgent operatives necessitates outside intervention in order to ensure continued international and local security. Counter-insurgency options, however, are limited within this particular context. Traditional military assaults on guerrilla fighters who have superior knowledge of the landscape are tactically unsound, as seen in the on-going conflict in Afghanistan. Non-coercive methods are also limited (but not impossible) due to the ideological, apocalyptic and fanatical nature of most Islamist insurgent groups. The human and material costs of a ‘boots on the ground’ intervention are often prohibitive, and alternatives such as scorched earth tactics are wildly disproportionate and unethical. Furthermore, many insurgent groups enjoy broad public support. Traditional military invasion provides ample time for important operatives to go ‘underground’ and avoid apprehension. As a result of these and other factors, drone strikes emerge as one of the more practical and tactically sound options within theatres of war such as certain portions of the Pashtun region of Pakistan, the regions of Afghanistan controlled by the Taliban, and other similar locales.

The ability to strike at key players within insurgent groups without the mobilization of large-scale ground forces also has significant domestic and international political ramifications. The evidence suggests that drone strikes are popular with domestic audiences, who want and often demand a proportionate retributive response to terrorism without the need for mass deployment of troops. Within the international context, the legacy of the post-9/11 invasions of Iraq and Afghanistan have created an environment wherein large scale Western military efforts can be perceived as an illegitimate invasion, an attempt at colonization, or as an economic exploitation of the invaded country (e.g., ‘blood for oil’). The use of targeted killing strikes a balance between these two pressing political concerns by assuaging domestic audiences’ desire for retribution while simultaneously allaying some, but not all,

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3 Byman, 2013, p. 102; David, 2003, pp. 7-8.
concerns of Western imperialism by avoiding a long term ‘boots on the ground’ conflict.

Why Drone Strikes are Effective
Drone strikes have also proven to be effective at hampering insurgent groups and in hastening the end of their larger campaigns. Recent empirical evidence suggests that when used as a part of larger counter-insurgency strategy, targeted killing decreases operational capabilities, decreases professionalism, and increases the likelihood of organizational death.\(^4\) The prevailing argument is that repeated strikes against operational and ideologically important members of insurgent groups erodes long-term capabilities to plan and execute attacks by denying them the specialized skillsets of trainers, bomb makers, and ideologues. Furthermore, the use of drone strikes can lead to a deterrent effect by increasing the physical and social costs associated with engaging in armed conflict.\(^5\) Lastly, efforts expended to remain ‘underground’ out of a fear of being targeted by drones diverts energies that would normally go towards the planning and execution of terrorist attacks.

The Future of Targeted Killing and Drone Strikes
As long as belligerents remain entrenched in locales that inhibit practical non-coercive or legal approaches to counter-insurgency, the best option is the proportional and strategic removal of operatives via drone strikes. However, the practice of targeted killing remains generally misunderstood by the public. If targeted killing is to stay as a cornerstone piece in Western counter-insurgency campaigns, efforts must be made by practising governments to address some of the moral and legal concerns surrounding the tactic. This will require the adoption of policies that add elements of transparency, legal review and comprehensive guidelines that determine when, where and how targeted killing can and should occur.\(^6\) To do otherwise risks sinking to the level of indiscriminate violence practised by many insurgent and terrorist groups.


Part III: War, Peace and the Spaces In Between: Drones in International Law
Jack McDonald

The Legal Regulation of UAVs

Unmanned aerial vehicles (UAVs)\(^1\) don’t have to be used as weapons, but military UAVs require the same regulation as any other weapon system. Since the American use of UAVs to conduct targeted killings of people it defines as militants and terrorists, activists in a number of countries, notably Code Pink, have argued that their use should be stopped, and that these systems should face greater regulation.\(^2\) Even though war and armed conflict are activities in which killing is legally sanctioned, the law of armed conflict places restrictions on the use of weapons, as well as deeming certain classes of weaponry to be illegal. The division between the two is neither neat, nor particularly logical without reference to the history of treaty law banning particular methods and means of warfare. Weapons that cannot be used without breaking key principles of the law of armed conflict (military necessity, proportionality and distinction) are illegal in essence. Weapons that are arbitrarily deemed illegal by treaty are also unusable by states adhering to commonly accepted interpretations of the law of armed conflict. The general consensus is that UAVs aren’t inherently illegal, but, like any other weapon, they may be used in an illegal manner.\(^3\) The furore over the regulation of UAVs does, however, raise a number of issues about the role of international law in regulating the use of violence in war and armed conflict.

Processes of Banning Weapons

It appears unlikely that UAVs will be banned by

\(^{1}\) Or ‘drone’, ‘unmanned combat aerial vehicle’, ‘remote piloted air system’, depending on the writer.
\(^{2}\) See, for example, droneswatch.org, a coalition founded by Code Pink
\(^{3}\) The end use of UAVs for targeted killings presents a host of legal issues. The best single volume introduction to the subject is Finkelstein, Ohlin and Altman Eds.’ Targeted Killings: Law and Morality in an Asymmetrical World, Oxford University Press, 2012

a specific convention, however the calls for greater regulation of their use, particularly by non-state organisations, illustrates a key issue with the regulation of warfare in the contemporary world. The law of armed conflict is state-centric: states agree amongst themselves the precise wording of treaties to which they agree, determine for themselves the national interpretations of those treaties, and act accordingly. As students on War Studies’ International Peace & Security MA will no doubt be aware, international law is therefore constituted by politics, power, belief and practise. Over the past twenty years, however, NGOs have played an increasing role in the formation of international law.

The law regulating the use of weapons places limitations upon lawful means in warfare. Even if states differ in their interpretations of where the boundary between innately unlawful and lawful weapons lie, they all recognise that some means and methods are manifestly illegal. The starkest example of this lies in the arguments that comprise the International Court of Justice’s advisory opinion on nuclear weapons.\(^4\) It is difficult, if not impossible, to discriminate between civilians and permissible military targets when using nuclear weapons (setting aside the point that strategic nuclear weapons were routinely aimed at population centres) and it is hard to conceive of a weapon with such disproportionate effects. Despite this, some states argued that the weapons were not illegal in and of themselves. The primary means of determining the legality of a given weapon is the ‘Article 36 process’. This refers to article 36 of Additional Protocol 1 to the Geneva Conventions (1977) that requires states to consider and examine whether new means and methods of warfare could breach any current provision of international law. States make a point of ascertaining whether the weapons that they use are, in effect, admissible to the legal framework of armed conflict and warfare.

The issue highlighted by the prospect of UAV regulation is that states appear to consider them

\(^{4}\) Commonly referred to as the Nuclear Weapons case. It is worth reading the full opinion, as well as the various decisions on pages 42 onwards: www.icj-cij.org/docket/files/95/7495.pdf
legal, following article 36 considerations, but activists seek to push states to either regulate them further, or ban them entirely. Specific treaty bans on types of weapon are enough to render them illegal, but these require the acceptance of states. The International Campaign to Ban Landmines, resulting in the widespread adoption of the landmine ban (the Ottawa Treaty), was not supported by notable states such as America, Russia and China. The subsequent effort to push states to ban cluster munitions attracted less support, and, again, lacked the support of significant military powers. Although NGOs have been able to influence a large number of states, without the support of an overwhelming majority of states (and, most importantly, permanent members of the United Nations Security Council) their ultimate influence is limited. The key issue here is the legitimacy of the means warfare, and the role that law plays in legitimising political violence. It is in this regard that international law appears to be somewhat out of step with significant sections of popular opinion. While states do ‘hold the cards’ to the extent that NGOs have no legal authority over their actions, it is clear that NGOs play a role in delegitimising some means of warfare in the eyes of the public. Adhering to legal obligations, such as the Article 36 process, doesn’t necessarily legitimise a weapons system in the eyes of the public, whereas an NGO criticising the use of a weapons system, such as UAVs, doesn’t make that system illegal.

Non-Obvious Warfare and International Law
The key challenge of UAVs is that they enable the conduct of hostilities in a manner that was previously unthinkable. The idea that a state could use violence by ‘remote control’ is nothing new, as Michael Ignatieff’s reflections on the Kosovo conflict made clear prior to the rise of UAVs. However, the degree of precision in remote warfare was previously low – Tomahawk missiles might be able to strike a target, but they could not do so in the manner that UAV operators are able to alter predicted blast patterns in near-real time.

Evolving technology, and novel uses of technology, enable armed conflicts to be conducted in a manner far beyond the imagination of those who laid the foundations of the law of armed conflict. One way of thinking about this is the relationship between the visibility of an armed conflict, and the law that regulates it. The law of armed conflict is founded in visible or ‘obvious’ warfare. As Martin Libicki outlined in a 2012 Strategic Studies Quarterly article, novel technologies permit war to be fought with entirely non-visible, or ambiguous means. The use of UAVs exacerbates this (Libicki referred to it as ‘drone warfare’). Where, for example, is the ‘battlefield’ in UAV use? What use is the concept of ‘combat’ where one participant is half a world away, in an air-conditioned environment? These issues pre-date UAVs, but the maturation of this technology enables violence to occur in situations far removed from those commonly associated with armed conflict. Whether this is a positive or negative development is a matter of opinion at this stage, but it also exposes key aspects of warfare which were previously taken for granted.

The protection of non-combatants is a key purpose of the law of armed conflict. A significant issue with the use of UAVs is their lack of visibility deprives third parties to a given armed conflict of the ability to separate themselves from it. Even if we take as a given that an armed conflict exists between America and al-Qaeda (which is by no means certain, or accepted by critics) then one conducted by UAV strikes and other sporadic bursts of violence make it extremely difficult to determine the places in which people are at risk of being killed by error or accepted consequence. Even if the American use of UAVs is (as claimed) more precise than any previous era of warfare, this method of warfare also deprives those affected by it of simple means of protecting themselves. By this, I mean that civilians who are no part of the purported conflict have no method of disassociating themselves from it. In any

5 See Michael Ignatieff: Virtual War, Vintage: 2001

7 This is a key criticism of the American use of UAVs, as well as a wider theoretical point. See, for example, Mary Ellen O’Connell: Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2004-2009, SSRN: 2009; http://papers.ssrn.com/sol3/papers.cfm?abstract-id=1501144
‘normal’ armed conflict, a civilian who wishes to preserve their life (above their livelihood and normal way of life) usually has the option of becoming a refugee when they perceive the approach of military forces. The lot of a refugee is far from safe, nor should it be considered as a ‘good’ outcome in the normal sense of the word. However, as the current Syrian civil war demonstrates, civilians are able to separate themselves from violence that would otherwise kill them, even if it results in an often harsh existence. Where states choose to wage war by non-obvious means, civilians have no way of ascertaining their immediate danger. An armed conflict might pass them by without ever entering earshot, or it might result in their death for standing too close to people that a state, halfway around the world, has determined are lawful military targets. None of this is explicitly illegal, but the continued use of UAVs by state militaries is likely to lead to further pressure from NGOs and the public as a result of these issues. I doubt these will lead to a ban, but states will have to argue their case for the continued use of UAVs beyond their ‘simple’ legality.

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Part IV: ‘May You Die in a Drone Strike’: Yemen, AQAP and the US Drone Programme

Victoria Fontan

Drones are slowly making their way into our modern lives. They can now deliver books, medical marijuana, or beer to sailors at sea. In the next few years, drones will dramatically change our lives. Farea al-Muslihi, a Yemeni youth activist, explains how they have already changed the social fabric of his country. ‘May you die in a drone strike’ has now become people’s favourite curse, and when a parent wants a child to behave, he/she only needs to threaten to ‘call the drones,’ and the child will comply with any request. In the Global North, drones bring modernity to your doorstep. In Yemen, they deliver death.

Competing numbers of casualties

The exact number of drone strikes in Yemen cannot be fully ascertained, due to the covert nature of US operations in the region. While the first strike was carried out in 2002, all others have taken place after President Obama took office in 2009.

The table on the next page summarises the data collected by the Bureau of Investigative Journalism, New America Foundation, the Long War Journal and the Government of Yemen on drone strikes in the country.

In Yemen, drone strikes are only part of the story regarding the targeted killings performed by the United States government against, allegedly, Al-Qaeda in the Arabic Peninsula (AQAP). Other types of attacks can be launched from US Navy warships or army bases in neighbouring Saudi Arabia, whose fighter planes also participate in the US war on AQAP in Yemen.2 The public is being reassured that targeted killings are all carefully regulated, and that only terrorists are dying, minus a few collateral deaths that outweigh the potential civilian deaths resulting from an actual act of terrorism.3

Grounds for targeted killings

On what grounds can a targeted killing take place? Al-Muslihi has had a lot of time to reflect on this. His village, Wessab, was targeted by a strike on April 17th, 2013.4 Six days later, he testified before the US Senate on the attack. An anti-drone activist since then, he explains that two are types of killings. Under the first type, the United States Department of Justice provided three clear conditions for a killing to take place: the person has to be designated as a person of interest and he or she must represent a direct threat to the US; the target cannot be captured; and, finally, the operation must not target civilians.5 The other type is the ‘signature strike’, whereby any high-ranking military officer can order the death of anyone displaying suspicious behaviour.6 There lies a rather complex problem for any civilian: ‘What is suspicious behaviour in the US is completely normal behaviour here,’ explains Farea. ‘It can represent every single Yemeni in Yemen. If I am with you, going to a wedding outside Sana’a, we will obviously be between the age of 15 and 65, we will be carrying guns [they are part of the Yemeni dress code], and we will be a group, [that’s] enough! It is not even intelligent criteria anymore.’

Questions of effectiveness

These criteria raise many questions. First, if anyone can potentially be targeted, how effective can the strikes be in relation to weakening AQAP in the region? Moreover, are

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1 Interview with Farea Al-Muslihi, Sana’a, Yemen, January 7th, 2014.
2 See www.thenews.co.uk/tto/news/world/americas/article3647656.ece
3 See Barack Obama’s remarks at the National Defence University (NDU): hwwww.whitehouse.gov/the-press-office/2013/05/23/remarks-president-barack-obama
4 See https://www.youtube.com/watch?v=JtQ_mMKx3Ck
6 President Obama stated in the NDU speech referenced above that this type of strike would be examined. The Wedding Party strike of December 2013 suggests that ‘signature strikes’ are still active, since the wedding convoy was mistaken for an AQAP convoy: www.huffingtonpost.com/2013/12/12/ushdrone-strike-wedding-party-yemen_n_4434127.html
the conditions highlighted by Barack Obama ever being met? Several attacks come to mind, some of them involving drones, others both drones and missiles sent from US Navy ships.

The first one is that of al Majaala, on December 17th, 2009, portrayed in Jeremy Scahill’s 2013 documentary Dirty Wars. The target of this attack was Mohammed al-Qazimi, a former alleged al-Qaeda associate who had spent five years in a Yemeni jail, and had been released shortly before the strike. Since he had returned to Maajala, he had been passing by an army checkpoint morning and afternoon to go and buy his daily bread and khat. He could easily have been arrested and tried at any time for any crimes he was accused of. Did he represent a known threat to the Yemeni government? It is unlikely that he would have ever been released from prison if he did. Fifty-five people died on that day, including 14 women, seven of which were pregnant, and 21 children.

A second attack of interest is that of Qawlan, on January 23rd, 2013. On that day, a known opponent of former President Ali Abdullah Saleh, Rabieh Hamud Labieh, was travelling by car. Labieh was a democratically elected local councillor who had turned against former President Saleh during the 2011 Arab Spring-related demonstrations. Labieh was notorious for having denounced the smuggling of government weapons between Sana’a and Saleh’s countryside stronghold right after his demise. He had been an opponent to the new regime, arguing that the country was still a dictatorship. Once again, why should he be targeted by the US government, except to contribute to a Yemeni government purge? Eight people died on that day, all civilians with no connections to AQAP.

AQAP, the ‘moderates’ and anti-US sentiment
Al-Muslimi remarks that the strike against his own village in April 2013 has increased anti-US sentiment throughout the region, hence boosting the local support for AQAP by default. The fact that AQAP now occasionally compensates villagers after drone strikes is a politically savvy move, clearly winning local hearts and minds in the process and also undermining the Yemeni government, which rarely offers compensation after strikes. Abdul Rahman Ali Barman, director of HOOD, a Yemeni-based Human Rights NGO, makes a

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<table>
<thead>
<tr>
<th>Number of Strikes **</th>
<th>The Bureau of Investigative Journalism *</th>
<th>New America Foundation</th>
<th>Long War Journal</th>
<th>Yemeni Government *</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Killed</strong></td>
<td>154-183</td>
<td>87</td>
<td>92</td>
<td>61-71</td>
</tr>
<tr>
<td><strong>Civilians Killed</strong></td>
<td>607-934</td>
<td>756</td>
<td>522</td>
<td>293-430</td>
</tr>
<tr>
<td><strong>Militants Killed</strong></td>
<td>54-118</td>
<td>81</td>
<td>100</td>
<td>30-74</td>
</tr>
<tr>
<td><strong>Children Killed</strong></td>
<td>12-15</td>
<td>42</td>
<td>-</td>
<td>42</td>
</tr>
<tr>
<td><strong>Injured</strong></td>
<td>161-305</td>
<td>-</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td><strong>Others (non-combatants; unconfirmed identities)</strong></td>
<td>42</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

* According to Alkarma (p. 38), referring to the Bureau of Investigative Journalism’s numbers, ‘Yemeni authorities systematically claim responsibility for American attacks’ when those see a ‘large number of civilian victims’ or fail, hence the ‘confirmed’ nature of some attacks. Other attacks, not confirmed, may be reported in the local press of after research made by local NGOs. The BoIJ figures in this table add both ‘confirmed’ and ‘possible extra drone strikes’, while the ‘confirmed’ attacks are under the Yemeni Government column. See: http://www.thebureauinvestigates.com/category/projects/drones/

** All attacks but one were carried out under President Obama’s administration.

1 For a detailed account of the US government involvement in Yemen and the Majaala attack, see: www.thenation.com/article/159578/dangerous-us-game-yemen?page=0,2
2 Khat is a locally grown leaf that is chewed daily for its stimulant properties.
4 Interview with Mohammed al-Qawli, Qawlan, Yemen, January 8th, 2014.
more disturbing assertion regarding AQAP. Barman argues that moderates within the organization have been purged to the benefit of hardliners, all thanks to drone strikes. He mentions the recent killing of two moderate al-Qaeda officials by a strike, Fadel Qasr and Mohammed el-Hamda. According to him, Qasr and el-Hamda were members of the AQAP council, the Shura, which decides on operations across the country. They both had withdrawn during the vote on several operations, which they did not agree with. Their names and locations were conveniently given to the Yemeni government, which then forwarded them to the US.

According to Ali Barman, AQAP's military leader, Qasm al-Raimi, is actually very close to the previous and current governments. If this is indeed the case as Ali Barman alleges, then indirectly, the US government would be aiding and abating AQAP, helping it purging its moderates. Of importance here is the idea that moderates within AQAP and other al-Qaeda related organizations seem to be more inclined towards addressing social justice issues, rather than directly challenging the State into the formation of an exclusive Caliphate.

Drone strikes and targeted killings in Yemen are a very complex affair, much more so than the US government would like to admit. All parties involved, except the local population, seem to be benefiting from them. Ali Barman recalls the funeral of the Al-Maajala victims with emotion, especially an old lady who pleaded, referring to the US: ‘They even have laws that protect animals, why can’t they just consider us like their animals?’ Drones and the protection of animals in the US are two great signs of progress. In Yemen, they bear a sinister meaning. If the drone program continues in Yemen, the support from the population towards AQAP is likely to become much stronger, this due to the fact that many more civilians die in strikes than AQAP operatives, and that when AQAP members are targeted and killed, there are many candidates to replace them, often being more radical than their predecessors. Since it is public knowledge that the Yemeni government provides its US ally with the necessary intelligence before a strike, popular support can only go one way, that of AQAP.

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11 Interview with Abdul Rahman Ali Barman, Sana’a, Yemen, January 9th 2014.
12 In December 2013, the Yemeni parliament almost unanimously called for an end to drone strikes in their country. The vote was a clear disavowal of Yemeni President Abdo Rabbo Mansour Hadi’s support for and collaboration with the drone program. See: http://edition.cnn.com/2013/12/15/world/meast/ye men-drones/
13 The author has recently initiated a research on the issue of moderate al-Qaeda affiliates in Fallujah, Iraq. For preliminary results, see: V. Fontan, ‘Out beyond Occupy Fallujah and the Islamic State in Iraq and Sham, there was a field’, in Harmonie Toros & Yannis Tellidis (eds.), Researching Terrorism, Peace and Conflict Studies: Interaction, Synthesis and Opposition, Routledge, forthcoming in August 2014.
Part V. The Biopolitics of Drone Warfare
Daniel Møller Ølgaard

The current debate on armed Unmanned Aerial Vehicles (UAVs), also known as drones, focuses mostly on legal implications and moral implications of their use. Issues such as civilian deaths, as well as the strategic implications and tactical advantages of drones are reigning supreme in the academic and public discussions. Yet these examinations fail to look at the wider implications of drone warfare. Through the prism of ‘biopolitics’, we can expose how war and governance is transformed and how increasingly life itself comes to be categorized and populations come to be controlled through the use of armed UAV’s.

A Biopolitical Understanding of War
With the emergence of a liberal paradigm, where the right of the individual trumps the rights of the sovereign, a global system of liberal governance is changing the way in which war is conducted. This has been characterized as the ‘liberal peace project’, and is associated widely with Kant’s notion of perpetual peace through the pursuit of cosmopolitan values.

As such, the concept of war is changing. Today, according to Derek Gregory, ‘vulnerabilities are differentially distributed but widely dispersed, and in consequence … late modern war is being changed by the slippery spaces through which it is conducted’.1 As we enter a ‘global state of war’ where threats to liberal life are indeed seen as omnipresent, political and technological measures of control aimed at categorizing bodies and dividing populations become the basic principle of liberal governance in securing populations.

In drawing on Foucault’s notion of ‘biopolitics’, this form of control can be examined in terms of power directed at the control of populations; a ‘governmentality’ that works through the promise of protecting life rather than threatening it. As a consequence, ‘biopolitics is the pursuit of war by other means’2 and is weaved into all layers of socio-political action on an increasingly global scale.

To perform this, the state apparatus of modern liberal states are, according to Julian Reid and Michael Dillon, ‘comprised of techniques that examine the detailed properties and dynamics of populations so that they can be better managed with respect to their many needs and life chances’.3 Yet, in order to enhance life, the principal task of liberal governance must first be to define life along the line of those who are to be protected and those who are deemed threats.

The Virtue of the Drone
Several authors have pointed to an emerging drone strategy that, rather than identifying ‘known’ individuals from personal characteristics, focuses on examining, characterizing, dividing and targeting certain patterns of life as threatening. These signature strikes are performed on the basis of the movement of bodies. For example, simply being approached by suspected Taliban members can make you a target of drone strikes.4 This clearly indicates a move away from the official US emphasis on drones as tools to eliminate identified individuals, to a strategy ‘which takes as its target potential rather than actual risks’.5 Characteristically, in defining legitimate targets for drone strikes outside of war zones the US defines combatants as all military-age males killed in a strike zone unless there is explicit intelligence posthumously proving them innocent.6

Consequently, for Shaw, ‘dangerous signatures or patterns of life are assessed on their very potential to become dangerous’.7 Anyone in the

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3 Ibid.
5 Ibid.
7 Shaw, 2013 p. 548
proximity of a suspected threat is in essence targetable, and as the focus shifts from known threats to potential risks, everyone in essence becomes a potential subject to surveillance, control and punishment. It is here the drone most clearly emerges as a ‘technology of control’, that directs it power at groups and populations on a wider scale, rather than the individual body. The population subjected to its power is transformed from corporeal, fleshy bodies to sets of digital data that are categorized, catalogued and evaluated. In this way, life comes to be life as information; a mass of data on maps of movement rather than fleshy bodies.

In fact, it is the very lack of the human, both in terms of the digitisation of the body of the victim, but also specifically the lack of a pilot, that renders the drone a tool of a ‘clean’ war where the operator is situated in another space, free from the fog of war and is thus rendered less likely to fall short to human error. This is clearly reminiscent of Foucault’s notion of biopower that hides its use of violence and ‘gives to the power to inflict legal punishment a context in which it appears to be free of all excess and violence’.

Drones, Discipline and Global Governance

Yet, rather than punishing and targeting threats with the aim of integrating them into the global state of liberal governance, it seems that the drones are a tool to patrol and control; preventing threatening life from entering the global. What makes the drone so significant to how power and governance is imposed globally is its role as a technology of control that is in a sense enforcing a global liberal governmentality; a technology that is comprised of biopolitical techniques that examines, divides, and seeks to control populations through a promise of enhancing life for those living outside the targeted areas.

In essence, drones can be said to perform what Vivienne Jabri has characterized as ‘policing access to the modern’ and to pre-empt threatening life from entering space deemed ‘safe’. Drawing on Foucault, one might even characterize the armed drones as a manifestation of the late modern Panopticon, a conceptualization of the omnipresent ‘tower of control’ patrolling the distant borderlands. This form of governance works not only through kinetic violence; it utilizes fear and anxiety that spreads through the population of the targeted areas. It does not impose control exclusively through death, but rather through the constant potentiality of death. In this way, areas such as the Federally Administered Tribal Areas (FATA) in Pakistan are moving ever closer to a space of total control. Here, to quote Foucault, in ‘this enclosed, segmented space … in which each individual figure is constantly located, examined and distributed’ a ‘compact model of the disciplinary mechanism’ is formed. Except, in the case of drones, the surveillance of each individual figure becomes biopolitical as the tools of control are focused on life as mass rather than on individual bodies. Areas such as the FATA becomes sites of assessment and control, visible tropes of biopolitical power that focus on dividing the global population through technologies of control, to impose governance on a massive, global scale.

The drone, rather than a mere weapon, is a biopolitical tool aimed just as much at examining populations as it is killing individuals. The armed drone has both the capabilities and the (biopolitical) agency to categorize, catalogue and kill bodies, and its violence directed at ‘them’ is masked behind the promise to enhance life for ‘us’. As such, the conditions and capabilities for examining, categorizing and dividing bodies on an increasingly global scale are greatly enhanced with the emergence of the drone as a tool of war.

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8 The term was coined by Carl von Clausewitz and was made famous by former US Secretary of Defense, Robert S. McNamara, which illustrates the difficulties of making decisions in the midst of conflict, chaos and uncertainty.


10 Vivienne Jabri, *The Postcolonial Subject: Claiming Politics/Governing Others in Late Modernity*, Routledge, 2013, pp. 31-56
