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Armed Drones and Targeted Killings: Legal and Ethical Challenges

Drones: From Technology to Policy, Security to Ethics

ETH

Zurich

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Introduction



- drones ≠ targeted killings ≠ autonomous weapons
 - Confusion between means (drones) and ends (targeted killings policy)
 - pursuing the same end with other means
 - using the same means for other ends
 - Confusion between drones and lethal autonomous weapon systems (LAWS)
 - “We don’t want to lose our humanity” (British anti-drone protesters slogan)

Drone as a means



- False specificity: killing at a distance
 - Not new
 - The risk is not non-existent
- Real specificity: permanence and knowledge
 - aerial occupation
- Are armed drones legal?
 - A discriminate weapon
 - A good environment for respecting IHL
- The “Playstation mentality” / moral buffer objection
- The impact on the daily life of local people

Targeted killings



- In the context of an armed conflict (IHL applies)
- In the absence of armed conflict (IHRL applies)
- The issue of sovereignty

Targeted killings

- The Moral Debate
 - A Consequentialist argument
 - Civilian Casualties
 - Unverifiable numbers
 - Not *few* but *less* casualties than other weapons
 - A lesser evil
 - Ex.: Pakistan
 - Efficiency?
 - the impact on al-Qaeda
 - The impact on the civilian population
 - The impact on bilateral relations
 - The impact on international peace and security

Targeted killings



- **Virtue ethics**
 - The kind of combatant we want to be
 - The drone-medal affair
 - “there’s a fundamental difference between those who fight remotely, or via computer, and those fighting against an enemy who is trying to kill them”
 - Such a moral indignation is not new
 - an outdated premise
 - Symmetry
 - A conflict of virtues
 - Courage vs. Honor (respecting IHL)

Conclusion



- The narrow interpretation of Harold Koh
- Against signature strikes
- Against the industrialization of targeted killings
 - A positive evolution: 122 strikes in Pakistan in 2010, 73 in 2011, 48 in 2012, 27 in 2013, 22 in 2014, 3 in 2015 (*New America Foundation*)
- condemning the abuses of a permissive policy without calling into question the principle of targeted killings



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