

Workshop plan:

Do drones have a licence to kill?

Summary

This workshop explores the ethics and legality of armed drone strikes following the “targeted killing” of British citizen Reeyad Khan in Syria in August 2015. This was Britain’s first use of “self-defence” as justification for a drone strike. Go to www.flykitesnotdrones.org for more information and resources.

Aim

To understand and critically respond to the different moral and legal questions raised by armed drone strikes.

Objectives

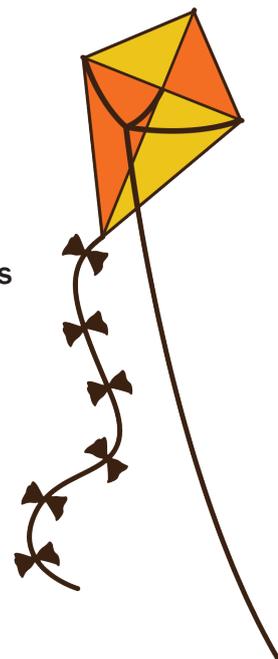
- To give students the chance to practise their speaking and listening skills, including articulating their own views on drones and listening to the viewpoints of others
- To gain an insight into how international law and human rights develop
- To investigate and offer reasoned views on ethical issues surrounding drone strikes¹

Age range: 15 and over

Duration: 1 hour

Resources:

- VIDEO: Fly Kites Not Drones: What is a drone? Available at https://youtu.be/6C_UyllzLAg
- Printed handouts 1–4 (appended). Handout 2 should be cut up in envelopes.



Duration	Activity
10 minutes	<p>Introduction</p> <p>Watch the video <i>What is a drone?</i> at https://youtu.be/6C_UyllzLAg</p> <p>Ask students to think about their own opinion first:</p> <p>Should drones be allowed to kill people – when, how and why?</p> <p>These thoughts could be recorded in a journal. Explain that you are going to discuss a legal and ethical question about drone strikes like the one carried out by Britain in Syria, which killed 21-year-old Reeyad Khan from Cardiff.</p> <p>Introduce the idea that there are two types of international law that are supposed to govern when armed force might be used: the laws of war and the laws of self-defence.</p>

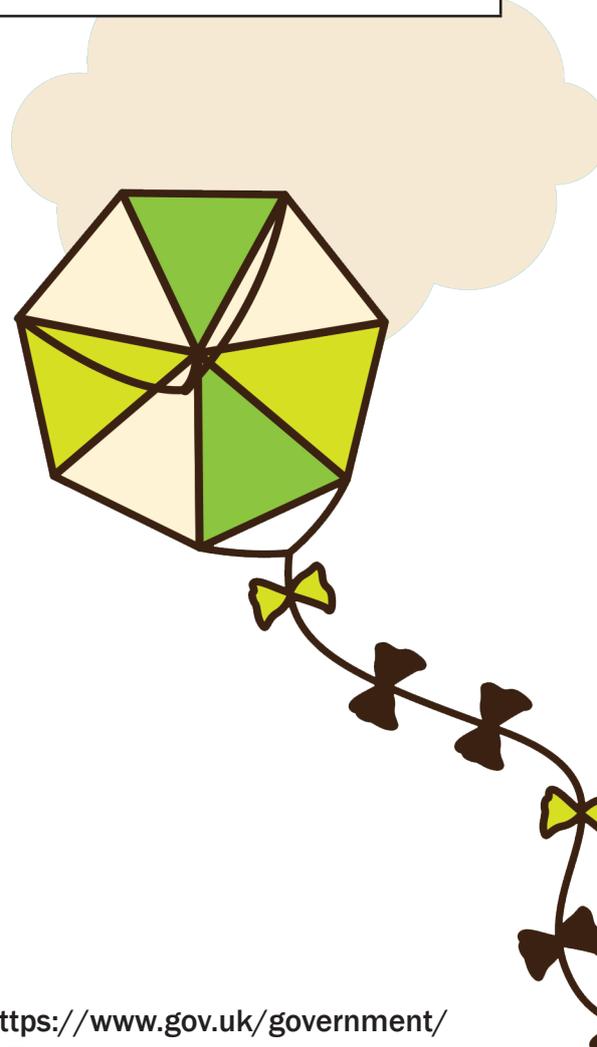


International laws on war were built up over many years, through many wars. Students may have heard of the Geneva Conventions, the first of which was signed in 1864.

The UN Charter after World War II set rules for when a country could be allowed to defend itself.

<p>10 minutes</p>	<p>Sorting activity: law of war or legitimate self-defence?</p> <p>Using the cut-up ‘Sorting activity’ (Handout 1), ask students to sort the different rules according to whether they sound like “laws of war” or rules of “self defence”.</p> <p>These “two sets of rules are radically different”. <i>Philip Alston, United Nations special rapporteur</i></p> <p>Feed back people’s answers and elicit their reasoning – it is complicated! The answers are provided in Handouts 3 and 4.</p>	
<p>10 minutes</p>	<p>Pose the question</p> <p>Explain that the drone strikes carried out by Britain and the USA are controversial, and elicit reasons why this could be, referring to views here.</p> <p>As a group, read through Handout 1.</p> <p>Pose these underlying questions:</p> <p><i>Are drone strikes allowed under either the right to self-defence or the laws of war?</i></p> <p><i>Should they be allowed at all?</i></p> <p>Leave these questions displayed.</p>	<p>Different views on drones</p> <p>“Drone attacks are fuelling terrorism. Innocent victims are killed in these acts, and they lead to resentment among the Pakistani people.”² <i>Malala Yousafzai</i></p> <p>Defence Secretary Michael Fallon said there had been “no other way” to deal with the Britons accused of plotting terror attacks.</p> <p>“The only people we fire a drone at are confirmed terrorist targets at the highest level.” <i>John Kerry, US Secretary of State</i></p> <p>“There’s a war going on and drones are the most refined, accurate and humane way to fight.” <i>Jeff Hawkins, US State Department</i></p> <p>“For communities living under drones, life is filled with constant terror. Nobody knows who the next target might be.” <i>Reprieve website</i>³</p>
<p>20 minutes</p>	<p>Speaking and listening: You’re the lawyer!</p> <p>Explain that the four “Hellfire” missiles carried by a Reaper drone have a “kill radius” of 15 metres – anyone within that area would die.</p> <p>Divide the group into pairs, giving them Handouts 3 and 4.</p> <p>One partner will examine the rules of legitimate self-defence (Handout 3) and Laws of War (Handout 4).</p> <p>Give each partner 10 minutes in silence to make notes on the handout, then 10 minutes to feed back to each other and agree on an answer to the question posed.</p>	<p>Students may want to go online to do more research about the use of drones. Websites include:</p> <ul style="list-style-type: none"> • www.dronewars.net • www.gov.uk/government/news/latest-iraq-air-strikes • thebureauinvestigates.com • www.amnesty.org • Association for Citizenship Teaching – ‘Military use of drones and the UK’⁴ • www.reprieve.org.uk

<p>10 minutes</p>	<p>Plenary discussion: Are drone strikes allowed?</p> <p>Take a straw poll on those who think drone strikes are legally allowed.</p> <p>Ask pairs to feed back their decision about the legality of drone strikes to the class, inviting responses and questions from different people.</p> <p>Continue the discussion: does the class agree with the law and why/why not?</p> <p>Explain that international law is still being debated, so students have been through the same process that governments and the United Nations go through to make their decisions.</p> <p>Students may want to record their own responses in writing.</p>
<p>END</p>	



Notes

1. Ofsted School inspection handbook from September 2015 | <https://www.gov.uk/government/publications/school-inspection-handbook-from-september-2015>
2. fair.org/ | Missing Malala’s Message of Peace: Drones Fuel Terrorism | <http://fair.org/blog/2014/10/14/missing-malalas-message-of-peace-drones-fuel-terrorism>
3. Reprieve | America’s deadly drones programme | www.reprieve.org.uk/case-study/drone-strikes
4. Association for Citizenship Teaching | Military use of drones and the UK | www.teachingcitizenship.org.uk/sites/teachingcitizenship.org.uk/files/GLP/UK%20military%20use%20of%20drones.pdf

Handout 1: Do drones have a licence to kill?

Are drone strikes legal? It can be hard to say. International law – the law between countries – is still being argued over. There are, however, some rules that most of the world agrees on.

Unlike landmines and poison gas, armed drones are not banned by any international agreement, though some – like the Drone Campaign Network – are calling for this. There are, however, still rules about war

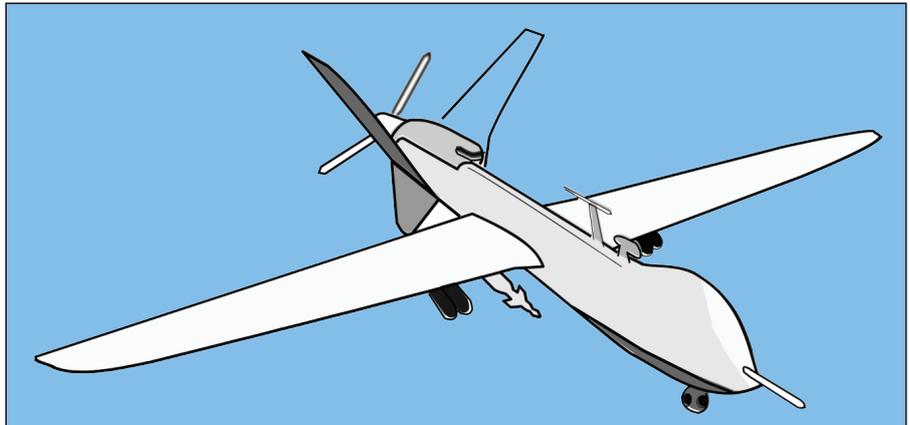
and violence. There are two different types of international law that could affect the use of drones: the “laws of war” and the right to “legitimate self-defence”.

The laws of war, also known as humanitarian law, only come into force during an ongoing war or “armed conflict”. They are meant to stop war hurting people who are not fighting and to make it possible to make peace again. For example, it is illegal to torture prisoners or steal from civilians. These are called “war crimes”.

Even if there is no war, the law says a country can still attack someone if it is in “self-defence” from a threat. This is more like a police officer trying to stop a crime than a soldier trying to win a war. For example, a drone strike might be used to kill a “terrorist” before they can plant a bomb. But there are rules for self-defence too. If the rules aren’t followed, a drone strike would be called an “extrajudicial execution”, which means killing someone outside the law.

The USA has launched hundreds of armed drone strikes in at least seven countries, but it does not say whether it is using the right to self-defence or the laws of war.

In August 2015 Britain carried out a drone strike in Syria to kill Reeyad Khan, a 21-year-old man from Cardiff who was fighting with Islamic State¹. Prime Minister David Cameron said there was a “clear legal basis” for the strike because Khan had been planning attacks in Britain, making the killing an example of self-defence. This is the first time Britain has used this justification.



What do you think?

Read the two lists of rules and the accompanying information about drones.

Should drone strikes be allowed under either the right to self-defence or the laws of war?

Note

1. BBC: Islamic State conflict: Two Britons killed in RAF Syria strike | www.bbc.co.uk/news/uk-34178998

Handout 2: Sorting activity

Cut up these descriptions and give them to pairs of students in envelopes. Ask them to sort them into two piles: the laws you'd need in a war and the laws of self-defence.

<p>There must be an imminent threat – it will happen soon</p>	<p>The attack is part of an ongoing armed conflict</p>
<p>The force you use should be “proportional” – the minimum needed to stop the threat</p>	<p>Only the enemy’s military can be targeted</p>
	<p>Civilian deaths must be kept to a minimum</p>
<p>Killing is the last resort: there must be no other choice left</p>	<p>Fighting should be done by the military alone</p>
<p>Human rights are fully protected</p>	<p>Enemy soldiers or “combatants” can be attacked on sight</p>
<p>A warning should be given before attacking</p>	<p>Enemy soldiers or “combatants” can’t be killed if they surrender</p>
<p>When possible, the people causing the threat are captured and put on trial</p>	<p>People providing medical help should not be targeted</p>

Handout 3: Do drone strikes follow the law of legitimate self-defence?

Rules of self-defence	Things to think about	Your thoughts
<p>The United Nations Charter says countries have the right to self-defence from armed attack, but this should then be referred to the UN.</p>	<p>The government has a responsibility to protect its citizens, but is also committed to not conducting wars of aggression against other countries.</p> <p>The people who are killed by drones may have planned to attack Britain or other countries.</p>	
<p>There must be an imminent and overwhelming threat; something really bad will happen soon unless you defend yourself <i>now</i>.</p>	<p>Drones have been used to kill terrorist leaders in organisations like al-Qaeda.</p> <p>It is hard to understand someone's plans from the sky.</p> <p>Many people killed in drone strikes are unidentified after drone strikes.</p>	
<p>The force you use should be "proportional" – the minimum needed to stop the threat.</p> <p>Killing should only be used to prevent further killing.</p>	<p>The USA and Britain claim terrorist attacks have been prevented by drone strikes.</p> <p>Drones only have one setting: kill. They cannot warn the target.</p> <p>Drone pilots try not to kill civilians, and can take their time to aim.</p> <p>The organisation Reprieve estimates that it costs 28 civilian lives to kill a single terrorist leader.</p>	

Rules of self-defence	Things to think about	Your thoughts
Killing is the last resort: there must be no choice left.	<ul style="list-style-type: none"> • Sometimes a drone is the only weapon available, and drones can only kill. • Under President Obama, US drones have killed nearly 2,500 people. 	
Human rights are fully protected (unlike in a war when it is argued that some rights are suspended).	<ul style="list-style-type: none"> • According to organisations like Amnesty International, the human rights of civilians on the ground, including children, have been breached by drone strikes. 	
A warning should be given before attacking.	<ul style="list-style-type: none"> • A drone strike gives no warning. • People do not necessarily know that they could be considered a terrorist and therefore targeted by a drone. • The people targeted have no chance to explain or defend themselves. 	
When possible, the people causing the threat are captured and put on trial.	<ul style="list-style-type: none"> • Drones could be used to spy on someone and therefore help capture a suspect. • Sometimes capture is thought to be impossible. 	

Rules of the laws of war	Things to think about	Your thoughts
<p>The attack must be part of an ongoing war or armed conflict.</p>	<p>Armed drones are being used in countries with continuing violence, but not always where a war is happening or even declared.</p> <p>The USA and Britain say they are at war with terrorists.</p> <p>Britain's parliament voted against military action in Syria, but British drones and aircraft carried out air strikes.</p>	
<p>Only the enemy military can be targeted.</p>	<p>Most people targeted by drones do not belong to a formal army, making them harder to identify. They may or may not be fighters.</p> <p>Drone pilots try to identify people with weapons and watch people's behaviour to decide if they are fighters.</p> <p>Any male aged 15–35 in targeted regions is considered a combatant by the USA.</p>	
<p>Civilian deaths must be kept to a minimum.</p>	<p>Hundreds of civilian deaths caused by drone strikes have been documented.</p> <p>It is argued that drones are better at identifying civilians than manned aircraft as they can watch for longer.</p>	
<p>Fighting should be done by the military alone.</p>	<p>British drones are piloted by the Royal Air Force.</p> <p>US drones are often flown by non-military CIA officers.</p>	

Rules of the laws of war	Things to think about	Your thoughts
Enemy soldiers or “combatants” can be attacked on sight (without warning).	<ul style="list-style-type: none"> • Drones target enemy combatants, but they have mistaken civilians for fighters. • Combatants may be mixed up with civilians, making them hard to tell apart. 	
If enemy soldiers or “combatants” surrender, they can’t be killed or mistreated.	<ul style="list-style-type: none"> • It is impossible to surrender to a drone. • Ambushes and “surprise attacks” have long been a part of war. 	
People providing medical help should not be targeted.	<ul style="list-style-type: none"> • Follow-up drone strikes have killed medics assisting those hurt in the first attack. 	