

Drone Warfare: A Religious and Moral Perspective

Interfaith Working Group on Drone Warfare Recommendations for the Next Administration

The question of whether to go to war and the question of how warfare is conducted are both profound moral and religious questions. Though there are differences of opinion within the religious community about the morality of going to war, most religions are unified in believing that when and if war occurs, it should be limited. This document suggests ways of extending that commitment to placing moral limits on wars to the lethal use of drones.

We are concerned that current policies for lethal drone strikes are unnecessarily opaque, are implicitly biased against efforts to capture those targeted, cause an unacceptable number of civilian casualties, allow targeting of unidentified individuals, violate international human rights law, may ultimately risk removing human judgment from drone strike decisions, create long-term hostility in affected communities toward U.S. interests, directly harm attempts to promote human rights and the rule of law, and dangerously reduce the political and psychological costs of using lethal force.

The current drone program runs counter to the tenets of our respective faiths and violates the values held by most Americans; therefore, in order to reduce physical and spiritual harm caused by the drone program, we recommend that the next Administration:

1. Make the requirements for authorizing a lethal strike more onerous than those for authorizing capture.
2. Recognize that the use of drones decreases the political and psychological costs – but not the moral costs – of approving the use of force. Such use should be a last resort.
3. Publish clear, readily understood standards for determining who is a targetable combatant and who is not a combatant or is otherwise not targetable.
4. End the CIA's authority to carry out lethal drone strikes.
5. Adopt and publish a definition of "imminent threat" that reflects the common understanding of "imminent" and clear evidence of a specific threat.
6. Require that as a matter of course, when consistent with mission objectives, all drone strikes be publicly acknowledged within one year, and that in no event should public acknowledgement of a strike be delayed for more than three years. Such acknowledgement should include a description of the specific legal authority for the specific strike, the number of civilians killed in the strike, and a commitment to provide compensation for the families of any civilian casualties of the strike.
7. As drone technology becomes more efficient and drones become increasingly autonomous, establish and maintain a firm requirement that a human agent – with the authority to halt

the operation at any point – always be an active participant in any strike decision, including in the moments immediately preceding a strike.

8. End so-called “signature strikes” that occur outside areas of active hostilities. Specifically, require that each such strike be aimed at an identified target. Failing that, publish clear, readily understood criteria for determining which unidentified individuals are targetable.
9. Establish a government-sponsored commission of independent experts to investigate the long-term impacts of lethal drone strikes, including the political, economic, and psychological impacts on affected countries and communities, the impact on U.S. political interests, the effects on regional support for terrorism, and the psychological health of drone operators.
10. Proactively prevent future drone strikes by addressing the root causes of extremism and violence. In particular, provide additional development support to troubled areas to encourage economic development, reduce social and political exclusion, combat discrimination, provide access to education and employment, promote human rights and the rule of law, and otherwise mitigate circumstances that can foster extremism.
11. Support local programs to address the physical, economic, and psychological harm caused by drone strikes.
12. Ensure adequate and enduring psychological care for any drone operators who are negatively affected by their missions.
13. Lead in establishing international standards for the lethal use of drones. These standards should reflect the other recommendations in this document as well as steps the U.S. has already taken to restrict its lethal drone program. Additionally the standards should be transparent, conform to international law, include readily understood criteria for who can and who cannot be targeted, provide clear lines of authority and responsibility for a state’s decision to carry out a lethal strike, and provide procedures for redress if the standards are violated.
14. For each strike outside an area of active hostilities, require the Secretary of Defense to certify to the House and Senate Armed Services Committees that, consistent with the spirit of the Presidential Policy Guidance (PPG) and the Executive Order on Civilian Casualties, the strike addresses an imminent threat to human life, that capture is infeasible, that there is a near certainty that no civilians will be harmed in the strike, and that provisions have been made to compensate the families of civilians harmed in any previous strike as soon as mission objectives allow.
15. Require follow-up investigations and reports one year and five years after every lethal drone strike that occurred outside areas of active hostilities to determine the long-term effect of the strike on U.S. political interests in the region, local perceptions of the U.S., local support for terrorism, local rule of law and respect for human rights, and other long-term consequences in the affected community.

Background:

As faith leaders, we are deeply concerned that by distancing people from kill decisions, drones lower the political and psychological costs of killing. They make it easier for politicians and other high level decision-makers, who no longer have to order soldiers into a hostile situation in order to use lethal force, to choose violence. Using armed drones for targeted killings makes it easier for conflicts to escalate and may make it easier to go to war. As drone technology advances and drones (and other pieces of military hardware) become increasingly autonomous, humans, even at the operator level, may end up largely removed from what becomes a mechanized process of killing.

We believe strongly that while drones lower the political and psychological costs of killing, they do not lower the moral costs. We believe that those who order, authorize, or operate the remote killing of targeted people in a far off land ought to wrestle with the moral consequences of that decision every bit as much as a commander who has just ordered his or her troops into battle. Killing should not be an abstraction to those who are ultimately responsible for it.

We are also concerned that as currently written, the Presidential Policy Guidance (PPG) that provides rules for “direct action” against suspected terrorist targets outside the zone of active hostilities, creates standards for carrying out capture operations that are considerably more difficult to satisfy than those required to carry out a lethal strike.

“Direct action,” as described by the PPG refers to both lethal uses of force (i.e. drone strikes) and capture operations. Both forms of “direct action” require plans that indicate the counterterrorism objectives to be achieved and the legal basis for taking the action. Both also require near certainty that a lawful terrorist target be present and a near certainty that “non-combatants” will not be injured or killed, reasonable attempts to determine the identity of the target(s), and a consideration of implications for the broader regional and international political interests of the United States.

In order to carry out a lethal drone strike, the PPG also requires an assessment that capture is not feasible. In principle this requirement appears to prioritize captures over drone strikes, however in practice a remote-piloted drone strike is likely to be nearly always more “feasible” than a capture operation. Further, the PPG goes on to lay out an additional list of requirements for a capture operation that go well beyond those for a lethal drone operation. These additional requirements for a capture operation include: consideration of whether the suspect’s capture would further U.S. counterterrorism efforts, consideration of the plan for detention and interrogation of the target, and consideration of the risk to U.S. personnel in a capture operation. These requirements are appropriate and should be maintained, but in effect by raising the bar to capturing the targeted person, they further bias the use of “direct action” toward the use of lethal drone strikes.

Introducing additional positive requirements (such as those recommended above) to be met before authorizing a lethal drone strike would help ensure that lethal strikes are no longer the default option for addressing terrorist targets. Applying these requirements to the lethal use of drones – but not to efforts to capture the targeted person(s) – would serve to reduce the existing bias against capture.

As the leading developer of drone technology, the U.S. has a special responsibility to set standards for the use of drones. Drone technology is proliferating. 63 countries are producing drones domestically. At least 11 countries are developing armed drones. At least 8 countries and non-state actors, like ISIS, have used armed drones in combat. Some of the most powerful countries that are developing drone capabilities are unlikely to see U.S. standards as a floor, but will instead see them as a ceiling. As such, we believe the U.S. should act now to adopt and internationalize strong standards, such as those recommended above, before the use of lethal drones by many nations spirals out of control.

As members of the faith community, we encourage the next Administration to uplift the importance of human life and human dignity by adopting the above recommendations for limiting the use of lethal drone strikes.

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