

BIRMINGHAM POLICY COMMISSION VI: THE SECURITY IMPACT OF DRONES



Global Consultation Exercise

The Birmingham Policy Commissions bring leading figures from the public and private sectors together with university academics to focus attention on contemporary issues of global, national and civic concern in order to generate new thinking and identify innovative policy solutions.

The current Policy Commission is entitled "The Security Impact of Drones: Challenges and Opportunities for the UK" and is chaired by Sir David Omand, former UK Security and Intelligence Coordinator and a former Permanent Secretary of the Home Office and Director of GCHQ. The Commission is exploring the challenges and opportunities that 'drone' technology – both commercial and military – are likely to pose for current and future UK governments. Beyond the controversies surrounding the US use of armed drones as part of their counter-terrorist campaign, the Commission will consider the wider impact of the new technology on warfare, national security and public safety and the implications for UK public policy in a national, regional, and international context.

The aim is to produce a policy document in October 2014 designed to influence the evolution of local and national government policy, as well as identifying avenues for further research. Further information about it can be found on the website:

<http://www.birmingham.ac.uk/research/impact/policy-commissions/remote-warfare/index.aspx>.

As part of its work the Commission has drawn up a series of high-level questions and invites submissions addressing the following key areas of focus: legal/ethical, political/operational and proliferation/regulation.

If you would like to submit evidence to the Commission, addressing the key questions below, please send it to Ms Lindsay Murch: l.c.murch@bham.ac.uk

QUESTIONS

Legal

- What do you understand the legal position to be with regard to British use of RPAS for (a) observation and surveillance and (b) for the delivery of lethal effect?
- What are the different issues arising in relation to use in peacetime, international armed conflict and non-international armed conflict?
- To what degree, if any, does the use of RPAS in armed conflict introduce additional or different legal considerations from those arising for manned aircraft, cruise missiles, long range artillery or the use of special forces?

- Are there developments likely in international law that should be taken into account in future UK RPAS policy?
- Do your answers apply equally in respect of HM armed forces and possible commercial operators? Is it legally important that those operating armed RPAS should be serving members of HM Armed Forces?
- What do you think are likely to be the most important legal considerations in the development of the use of RPAS across the world, given the forecast spread of next generation RPAS that will be cheaper and easier to operate and that will range from tiny hand-launched micro-drones to large aircraft size?
- Would any of your answers be different in relation to any future development and use of fully autonomous systems?

Ethical

- Leaving aside the requirement to comply with national and international law, which will be dealt with by other witnesses, what do you consider to be the main ethical questions to be taken into account in framing UK policy towards the future use of RPAS's for (a) observation and surveillance and (b) for the delivery of lethal effect?
- To what degree, if any, do these uses of RPAS introduce additional or different ethical considerations than exist for manned aircraft, cruise missiles, long range artillery or the use of special forces?
- How should ethical considerations influence the education, training and selection of those who will operate RPAS?
- How far do additional ethical considerations arise with fully autonomous systems?
- What are the ethical implications of using RPAS at distance and with superior force?

Operational

- How would you assess RPAS in terms of
 - general efficacy
 - compared to manned fixed wing aircraft and
 - accuracy vis-a-vis civilian casualties and collateral damage? How profoundly do these judgements vary between types of operational scenario and how should that affect potential UK choices?
- What role do you see RPAS playing in a mixed force belonging to the armed forces of a single nation such as the UK?

- How would you differentiate the roles of intelligence gathering and more kinetic uses in the ways RPAS are used?
- How and when do you see the operationalization of fully autonomous systems in the future? In which national Armed Forces?

Political/Policy

- What role do you see RPASs playing in counterterrorism for the UK, allies or others?
- Now that the era of large-scale interventionary campaigns of contested state building seems to be ending with the withdrawal from Afghanistan, how do you see UK or allied counterinsurgency doctrine developing and how important will RPASs be in it?
- For the UK, how important is the BAE'S supersonic and stealth Taranis likely to be for future national air power and aerospace industrial policy? What additional or alternative collaborative European or transatlantic RPAS procurement options might be possible or desirable?
- Whatever the actual differences between manned airpower and RPASs do you think there are special symbolic, psychological and political consequences among various international audiences from operational employment of RPASs in different scenarios and theatres? If there are, how can those consequences be assessed and how should their strategic impact be taken into account in decisions on how and when to use RPASs?
- Do you see any additional need for Ministerial approvals for RPAS use over and above what would apply to other air systems and what measures should be in place to ensure accountability for use, especially as smaller and increasingly tactically indispensable RPASs might cascade down to unit level?
- How do you see policy regarding inter-operability with allies, such as MAJIC2 (Multi-intelligence All-source Joint ISR Interoperability Coalition), developing over the coming decade?
- Since it is possible that organisations like the UN will have their own unmanned combat aerial vehicles, what additional legislation and policy do you think will be required to ensure that inter-state governance is commensurate with the requirements of the law applying to Armed Conflict and that officials are accountable? Would additional measures be necessary if such RPASs had only a surveillance capability?

Proliferation

- How do you see developments in RPAS speed, loiter time and stealth taking place over the next quarter of a century and how will this affect policy making regarding their deployment and use?

- What uses do you envisage for swarm technology as it develops in the Twenty-First Century?
- What uses do you envisage nonstate armed groups being able to make of RPAS and what sort of red teaming should be done, what additional counterproliferation or counter-terrorist measures should be taken and which counter-RPAS technologies might have to be introduced?
- How should Governments protect developments in autonomy and securely share those developments with allies?

Regulation

- Is the Missile Technology Control Regime an appropriate instrument to regulate the proliferation of RPAS technology? If it is, will it remain so?
- If new regulations are necessary and feasible, which particular technologies or performance specifications should be controlled?
- What measures need to be taken in order to regulate security and military RPAS in civilian airspace
- Given the legal debate about RPAS, how effective do you think Article 36 of the 1977 Protocols Additional to the Geneva Conventions of 1949 is in ensuring that weapons like RPAS at the development and procurement stages comply with the Law of Armed Conflict/International Humanitarian Law?
- It is argued that there needs to be more transparency in the use of RPAs. Do you agree? Can more transparency be achieved in the design, development, deployment and supervision of autonomous systems?
- In your opinion, what measures, if any, should be taken to regulate the development of autonomy in RPAS technology? How would they be verified? If they are practicable and desirable, how and where could negotiations be started to give the best chance of success?
- Is the law on accountability for intended and unintended consequences of the lethal use of drones satisfactory?
- Would decisions by the UK to restrain RPAS research, acquisition or operation be likely to change emerging international practice: as an individual nation? As part of NATO? As an EU Member? As one of the P5?