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Do Drone Strikes in Yemen Undermine US Security Objectives?

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In a May 2013 speech outlining his counterterrorism policy and addressing the use of drone strikes,¹ President Barack Obama insisted that the United States uses the “highest standard” of criteria when selecting targets. The United States, the president said, only strikes “terrorists who pose a continuing and imminent threat to the American people...and before any strike is taken, there must be near-certainty that no civilians will be killed or injured.”² More than a year later, the administration seems to continue brazenly violating its own standards while also failing to fulfill its pledge to increase transparency and oversight with respect to the use of drone strikes. The administration has yet to explain how strikes such as the December 2013 attack on a wedding convoy in Yemen, which resulted in fourteen deaths and twenty-two injuries, could possibly fall within the guidelines laid out in the president’s speech. US drone strikes in Afghanistan, Pakistan, and elsewhere raise similar questions.³

Concerns about possible violations of international law and the constitutionality of targeted killings of US citizens abroad are prompting an important and necessary debate about the Obama administration’s use of drones. However, there is a more fundamental question: is the current counterterrorism approach, with its heavy reliance on targeted assassinations and drone strikes, actually achieving US national security objectives? The authors argue that the administration’s overreliance on drone strikes in Yemen is undermining the long-term national security of the United States. Civilian casualties, the targeting of low-level militants, and targeting mistakes are fostering widespread anti-American sentiment and creating safe havens for

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al-Qaeda in the Arabian Peninsula (AQAP). A number of influential former US officials and military leaders, privy to classified data on air strikes, are speaking out about the drone program, making the calls for more transparency and a shift in tactics even more compelling.

The United States and the AQAP Threat

Initial concerns about terrorism in Yemen crystallized with the violent attack on the USS Cole at Aden port in 2000. These concerns only grew, and in 2011, the US intelligence community designated AQAP as the most dangerous terrorism threat to the United States.⁴ Two major attempts on the US homeland emanated from Yemen in 2009 and 2010: the infamous ‘underwear bomber’ who boarded a flight bound for Detroit but was unsuccessful in lighting the explosive, and a package sent to Chicago with explosives embedded in a printer’s ink cartridge.

AQAP’s stated desire and multiple thwarted attempts to attack the United States made AQAP a US target. Drone strikes in Yemen came to greater public

1 Barack Obama, “Remarks by the President at the National Defense University,” White House Office of the Press Secretary, May 23, 2013, <http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>.

2 Ibid.

3 Ibid.

4 Office of the Director of National Intelligence, *Worldwide Threat Assessment of the US Intelligence Community*, prepared for the Senate Select Committee on Intelligence, March 12, 2013, <http://www.intelligence.senate.gov/130312/clapper.pdf>; Jeremy Scahill, “Inside America’s Dirty Wars: The Killing of Anwar al-Awlaki and His Teenage Son,” *Common Dreams*, April 24, 2013, <http://www.commondreams.org/views/2013/04/25/inside-americas-dirty-wars-killing-anwar-al-awlaki-and-his-teenage-son>; Robert S. Mueller, statement before the Senate Committee on Homeland Security and Governmental Affairs, September 19, 2012, <http://www.fbi.gov/news/testimony/homeland-threats-and-agency-responses>.



Yemenis protest US drone strikes in Sana'a. Source: REUTERS/Mohamed al-Sayaghi.

attention in the United States after al-Qaeda leader and US citizen Anwar al-Awlaki was killed in a strike in Yemen in September 2011.⁵ However, the Obama administration was already dramatically increasing targeted killings in the years leading up to that strike. Although there is considerable debate about exact numbers, reports from the Bureau of Investigative Journalism and the New America Foundation indicate that the United States carried out approximately 113 drone and air strikes in Yemen from 2002 until today that resulted in between 794 to 1,039 deaths.⁶ With the exception of one of these strikes, all were authorized during the Obama administration.

The costs of drone strikes—both human and financial—are difficult to measure, but the benefits are perhaps even harder to quantify. It is nearly impossible to assess whether drone strikes in Yemen—or elsewhere—are achieving US counterterrorism objectives since the drone program is shrouded in such secrecy. There is no publicly available information

regarding how targeting decisions are made, who is being targeted and why, whether the top leadership is being degraded or just the rank and file, and the success rate of taking out intended targets relative to collateral damage and unintended deaths. Moreover, the Stimson Center's Task Force on Drone Policy, which conducted an extensive study on the topic in 2014, noted in its final report that "the US executive branch has yet to engage in a serious cost-benefit analysis of targeted UAV (unmanned aerial vehicle) strikes as a routine counterterrorism tool."⁷

In addition to combatting the AQAP threat, the United States needs a policy approach in Yemen that also advances—or at least does not undermine—other strategic interests: ensuring stability in the Arabian Peninsula, maintaining secure waterways and access to oil, preventing a humanitarian crisis, and supporting a political process that leads to greater prosperity.⁸

5 Robert S. Mueller, statement before the Senate Committee on Homeland Security and Governmental Affairs.

6 Bureau of Investigative Journalism, "Get the Data: Drone Wars," <http://www.thebureauinvestigates.com/category/projects/drones/drones-graphs/>; New America Foundation, "Drone Wars Yemen: Analysis," <http://securitydata.newamerica.net/drones/yemen/analysis>.

7 Stimson Center, *Recommendations and Report of the Task Force on US Drone Policy* (June 2014), http://www.stimson.org/images/uploads/research-pdfs/task_force_report_FINAL_WEB_062414.pdf.

8 In 2011, after months of protests and a violent fracture in the military, a power-sharing agreement paved the way for the departure of former President Ali Abdullah Saleh, in exchange for full immunity, and a unity government split between former ruling party and opposition party representatives. His vice president, Abdurabbu Mansour Hadi, was selected as a consensus president. Hadi assumed office in February 2012.

Given the lack of clarity regarding the utility of the program, current policy toward Yemen utilizing drone strikes for targeted assassinations may be undermining overall US policy objectives and needs to be seriously evaluated. This paper details the major causes for concern including civilian casualties (and conflicting reports about their frequency), blowback when innocents are killed, the targeting of low-level militants, targeting mistakes, and the rise of anti-American sentiment that can increase safe havens for extremist groups. The authors argue that the Obama administration should heed the warnings of a number of former US officials and military leaders who have spoken out about the drone program, calling attention to the unproven effectiveness and high costs associated with the policy.

High Number of Civilian Casualties and Strikes on Low-level Militants

Although drone strikes are lauded by some as “the most discerning—and therefore most moral—form of aerial warfare in human history,”⁹ one cannot dismiss the fact that the missiles fired from drones do not discriminate al-Qaeda members from innocent bystanders. US officials insist that civilian casualties from drone strikes are negligible,¹⁰ but since the US government declines to disclose its own data on rates of civilian casualties, there is no clear way to verify such claims, and analysis must rely on estimates from open-source material. Although the accuracy of these estimates is debated,¹¹ with numbers varying widely, even the lowest estimates of civilian casualties are deeply disturbing. The Bureau for Investigative Journalism and the New America Foundation estimate that drone strikes caused between eighty-one and 137 civilian deaths in Yemen from 2002 to the present, with children accounting for approximately 10 percent of those killed.¹² Estimates also indicate that up to two

hundred Yemenis were wounded in drone strikes.¹³ An extensive 2013 Human Rights Watch report notes specific instances where potential violations of international law may have occurred.¹⁴

THE ADMINISTRATION’S CLAIMS THAT TARGETED STRIKES ARE APPROVED ONLY WHEN THERE IS A NEAR CERTAINTY THAT NO CIVILIANS WILL BE HARMED STANDS IN STARK CONTRAST TO THE RECORD OF THE PAST SEVERAL YEARS.

The administration’s claims that targeted strikes are approved only when there is a near certainty that no civilians will be harmed stands in stark contrast to the record of the past several years. The most well-known incident is a December 2009 strike in al-Majala when a cruise missile launched from a US navy ship killed at least forty-one Yemenis living in a Bedouin camp, including nine women and more than twenty children. The target of the operation, known militant Saleh Mohammed al-Anbouri, was killed, but dozens of innocents died with him.¹⁵ The al-Majala strike is frequently cited by Yemenis as a particularly egregious incident given the extremely high death toll.

A similarly notorious incident occurred in December 2013, after Obama’s speech asserting a restrained use of drone strikes, when a strike hit a wedding convoy in al-Baitha. In response to outrage from the Yemeni public and international media attention, the Obama administration eventually announced the launch of an internal investigation into the wedding convoy

9 Sadan and Dhume, “In Praise of Drones,” *Wall Street Journal*, April 18, 2011, <http://online.wsj.com/news/articles/SB10001424053111903639404576513734002079242?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424053111903639404576513734002079242.html>.

10 Max Fisher, “Open-Source Data Contradicts Feinstein on Single-Digit Civilian Drone Deaths,” *Washington Post*, February 7, 2013, <http://www.washingtonpost.com/blogs/worldviews/wp/2013/02/07/open-source-data-contradicts-feinstein-on-single-digit-civilian-drone-deaths/>; Scott Shane, “CIA Is Disputed on Civilian Toll in Drone Strikes,” *New York Times*, August 11, 2011, http://www.nytimes.com/2011/08/12/world/asia/12drones.html?pagewanted=all&_r=1&_ga=2.11903639404576513734002079242.1312252800.1312252800.1312252800.1312252800.1312252800; Pam Benson and Elise Labott, “US Disputes Report Alleging High Civilian Death Toll from Drone Strikes,” *Security Clearance* (blog), CNN, <http://security.blogs.cnn.com/2011/08/12/us-disputes-report-alleging-high-death-toll-from-drone-strikes/>.

11 Joshua Foust, “Understanding the Strategic and Tactical Considerations of Drone Strikes,” American Security Project, January 2013, <http://www.scribd.com/doc/121483783/Understanding-the-Strategic-and-Tactical-Considerations-of-Drone-Strikes>.

12 Bureau of Investigative Journalism, “Get the Data: Drone Wars”; New America Foundation, “Drone Wars Yemen: Analysis.”

13 Bureau of Investigative Journalism, “Get the Data: Drone Wars.”

14 Human Rights Watch, *Between a Drone and Al-Qaeda: The Civilian Cost of US Targeted Killings in Yemen* (October 22, 2013), <http://www.hrw.org/reports/2013/10/22/between-drone-and-al-qaeda-0>.

15 Chris Woods, “Drone Strikes in Yemen: The Civilian Massacre the US Neither Confirms nor Denies,” Bureau of Investigative Journalism, March 29, 2012, <http://www.thebureauinvestigates.com/2012/03/29/the-civilian-massacre-the-us-will-neither-confirm-nor-deny/>.

incident—an unprecedented step.¹⁶ This was a positive development, but, months later, Yemenis are still waiting for the administration to issue a public report or disclose new information.

UNLESS THE OBAMA ADMINISTRATION IDENTIFIES DRONE STRIKE VICTIMS AND OFFERS MORE TRANSPARENCY AS TO HOW IT SELECTS TARGETS, IT IS IMPOSSIBLE TO VERIFY THAT THE UNITED STATES IS ACTING IN ACCORD WITH ITS OWN HIGH STANDARDS FOR TARGET SELECTION.

There is no formal public compensation program in place to help the families of civilians killed in drone strikes. According to CIA Director John Brennan, the United States provides condolence payments to families of innocents killed in drone strikes on a case by case basis.¹⁷ There are also occasional reports of payments by the government of Yemen rather than by the US government.

The gap between independent estimates of noncombatant casualties and the administration's claims about the low rate of civilian casualties—combined with US reticence to disclose or assume any responsibility for actions taken—continues to sow distrust and virulent animosity among Yemenis toward the United States. One reason for the discrepancy in estimates of civilians killed is that the US government reportedly “counts all military-age males in a strike zone as combatants” and does not categorize them as

16 Michael Isikoff, “US Investigates Yemenis’ Charge That Drone Strike ‘Turned Wedding into Funeral,’” NBC News, January 7, 2014, http://investigations.nbcnews.com/_news/2014/01/07/22163872-us-investigates-yemenis-charge-that-drone-strike-turned-wedding-into-a-funeral?lite.

17 Cara Currier, “Hearts Minds, and Dollars: Condolence Payments in the Drone Strike Age,” ProPublica, April 5, 2013, <http://www.propublica.org/article/hearts-minds-and-dollars-condolence-payments-in-the-drone-strike-age>.

civilians “unless there is explicit intelligence posthumously proving them innocent.”¹⁸

Although the Obama administration claims that only “terrorists who pose a continuing and imminent threat to the American people” are targeted,¹⁹ a recent Human Rights Watch report disputes this claim, arguing that “some of those targeted by US forces as terrorist suspects may not have been valid military targets.”²⁰ Human Rights Watch and press reports indicate that drivers, bodyguards, and individuals who play no role in AQAP military operations—not to mention civilian bystanders—are frequently killed in drone strikes. It is unlikely that such individuals pose an imminent threat to US interests. A 2012 *Washington Post* report citing US officials alleged that only three high-value terrorists in Yemen were killed in more than twenty drone strikes carried out in five months and that an increasing number of strikes hit lower-level militants.²¹

Targeting these individuals would seem to indicate the use of signature strikes. In contrast to personality strikes, where the target is “an individual whose identity is known,” a signature strike is conducted against individuals who “match a pre-identified ‘signature’ of behavior that the United States links to militant activity or association.”²² The risks of adopting such an approach are clear: a person could be physically close to a militant group but have no actual affiliation with it. Although it has been widely reported that the White House approved the use of signature strikes in Yemen,²³ US officials deny that signature strikes are used there. Either way there is evidence that low-level militants,

18 Jo Becker and Scott Shane, “Secret Kill List Proves a Test of Obama’s Principles and Will,” *New York Times*, May 29, 2012, <http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?pagewanted=all>.

19 Barack Obama, “Transcript: Obama Addresses Counterterrorism, Drones,” NPR, May 23, 2013, <http://www.npr.org/2013/05/23/186305171/transcript-obama-addresses-counterterrorism-drones>.

20 Human Rights Watch, *Between a Drone and Al-Qaeda: The Civilian Cost of US Targeted Killings in Yemen*.

21 Greg Miller, “US Drone Targets in Yemen Raise Questions,” *Washington Post*, June 2, 2012, http://www.washingtonpost.com/world/national-security/us-drone-targets-in-yemen-raise-questions/2012/06/02/gJQAP0jz9U_story.html.

22 Center for Civilians in Conflict and Human Rights Clinic at Columbia Law School, *The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions* (2012), p. 8, http://civiliansinconflict.org/uploads/files/publications/The_Civilian_Impact_of_Drones_w_cover.pdf.

23 Gregory Johnsen, *The Last Refuge: Yemen, Al-Qaeda, and America’s War in Arabia* (New York: W.W. Norton & Company, 2013), p. 288; Greg Miller, “White House Approves Broader Yemen Drone Campaign,” *Washington Post*, April 25, 2012, http://www.washingtonpost.com/world/national-security/white-house-approves-broader-yemen-drone-campaign/2012/04/25/gIQA82U6hT_story.html; Scott Shane, “Election Spurred a Move to Codify US Drone Policy,” *New York Times*, November 24, 2012, <http://www.nytimes.com/2012/11/25/world/white-house-presses-for-drone-rule-book.html?pagewanted=all&r=2&>.

many of whom arguably do not pose a direct threat to the United States, are being targeted.

The problem with a strike that targets rank-and-file members is two-fold: first, it most likely does not reach the targeting threshold of an individual who poses an imminent threat to the United States and therefore lacks a solid legal basis. Second, the more broadly the net is cast, the higher the likelihood that mistakes are made and the greater the incidence of civilian casualties. Since 2002, an estimated 750 to 974 people were killed by drone strikes in Yemen,²⁴ yet the American public does not know how many of those targeted were high-value militants, how many posed an imminent threat to the United States, how many were civilians, and how many were hit accidentally. Unless the Obama administration identifies drone strike victims and offers more transparency as to how it selects targets, it is impossible to verify that the United States is acting in accord with its own high standards for target selection.

Faulty Intelligence and Targeting Mistakes

US officials justify drone strikes by emphasizing their accuracy and precision²⁵ while sidestepping questions about targeting mistakes and the high number of strikes on low- and mid-level militants. In Yemen, the United States frequently claims to have killed the same high-level figure multiple times, which raises serious questions about the accuracy of intelligence used to select targets as well as the precision of the strikes.²⁶ No tactic is perfect, but the lack of clarity on who is being targeted and who is killed undermines US credibility. This aspect of the drone program deserves greater scrutiny.

The most notable incident occurred in August 2012 when a strike killed three al-Qaeda militants but also an imam and a policeman he had brought along for protection.²⁷ It turned out that the imam was actually

working to dismantle AQAP, making him precisely the sort of local ally the United States desperately needs.

US OFFICIALS JUSTIFY DRONE STRIKES BY EMPHASIZING THEIR ACCURACY AND PRECISION WHILE SIDESTEPPING QUESTIONS ABOUT TARGETING MISTAKES AND THE HIGH NUMBER OF STRIKES ON LOW- AND MID-LEVEL MILITANTS.

Targeting mistakes happen for a number of reasons. Faulty intelligence is one factor, particularly in countries like Yemen where it is difficult for the United States to have an adequate on-the-ground intelligence presence given the inhospitable terrain and security challenges.²⁸ The United States relies on several intelligence sources to identify targets for covert drone operations; for example, overhead video, signals intelligence, and human intelligence.²⁹ All three of these sources have serious weaknesses that can lead to targeting mistakes. Overhead video is not always easy to interpret, especially in crowded urban areas or villages.³⁰ Signals intelligence—collected from communication systems³¹—is also questionable since militants know that the United States uses cell phones to track them.³²

24 New America Foundation, "Drone Wars Yemen: Analysis."

25 Harold Hongju Koh, "Harold Hongju Koh Speech: Annual Meeting of the American Society of International Law," US Department of State, March 25, 2010, <http://www.state.gov/s/l/releases/remarks/139119.htm>; Eric Holder, "Attorney General Eric Holder Speaks at Northwestern University School of Law," US Department of Justice, March 5, 2012, <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1203051.html>.

26 Mohammed Hasni, "'Dead' Al-Qaeda Leader Delivers Audio Message," *Daily Star*, April 10, 2013, <http://www.dailystar.com.lb/News/Middle-East/2013/Apr-10/213232-dead-al-qaeda-leader-shehri-delivers-audio-message-site.ashx#axzz2PyCAEVQc>; Michael Martinez, "Yemen: No. 2 Al Qaeda Leader in Arabian Peninsula Killed," CNN, January 24, 2013, <http://www.cnn.com/2013/01/24/world/meast/yemen-terror-leader>.

27 Chris Woods, "Who Is Held to Account for Deaths by Drone in Yemen?," *Guardian*, September 6, 2012, <http://www.theguardian.com/commentisfree/2012/sep/06/drone-deaths-yemen>.

28 Theodore Karasik and Anirudh Sivaram, "The Drone Doctrine in Yemen," *Real Clear World*, June 25, 2012, http://www.realclearworld.com/articles/2012/06/25/the_droneDoctrine_in_yemen_100099.html.

29 Center for Civilians in Conflict and Human Rights Clinic at Columbia Law School, *The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions*, p. 36.

30 *Ibid.*, p. 37.

31 Central Intelligence Agency, "Intelligence: Signals Intelligence," August 26, 2010, <https://www.cia.gov/news-information/featured-story-archive/2010-featured-story-archive/intelligence-signals-intelligence-1.html>.

32 Rowan Scarborough, "Taliban Taunts US Eavesdroppers," *Human Events*, February 11, 2009, <http://humanevents.com/2009/02/11/taliban-taunts-us-eavesdroppers/>.

The reliability of human intelligence is suspect in Yemen for several reasons. Since Yemen is one of the poorest countries in the Arab region, cases of individuals accepting cash payments in exchange for providing false information are not difficult to imagine. In *The Last Refuge: Yemen, Al-Qaeda, and America's War in Arabia*, scholar Gregory Johnsen recounts the story of Muhammad al-Ansi, an informant who gave the Federal Bureau of Investigation false information about a sheikh in Yemen. Even though there were no corroborating sources, the sheikh ended up with a seventy-five-year sentence for his supposed ties to al-Qaeda while al-Ansi made over \$100,000.³³ The sheikh was eventually freed after a US appeals court overturned the conviction,³⁴ but such a reprieve is not granted to Yemenis who are wounded or killed in drone strikes on the basis of similarly suspect evidence.

BY SEEMINGLY VIOLATING ITS OWN STRINGENT TARGETING GUIDELINES AND TAKING NO ACTION TO EXPLAIN WHY THE STRIKES OCCURRED, THE UNITED STATES IS CATALYZING DANGEROUS BLOWBACK FROM LOCAL COMMUNITIES.

When targeting mistakes do occur, civilian casualties can be high as with an October 2011 strike on an outdoor eating place in Shabwa province that resulted in the death of about a dozen young men. The intended target was not present, and officials blamed the mistake on bad intelligence.³⁵ There are also known cases of Yemeni government officials manipulating the United States to use drone strikes to target personal adversaries. A former US official involved in overseeing the drone campaign in Yemen admitted that “there were times when we were intentionally misled,

33 Gregory Johnsen, *The Last Refuge: Yemen, Al-Qaeda, and America's War in Arabia*, pp. 123-129; 174.

34 Ibid, p. 231.

35 Mark Mazzetti, Charlie Savage, and Scott Shane, “How a US Citizen Came to Be in America's Cross Hairs,” March 9, 2013, *New York Times*, <http://www.nytimes.com/2013/03/10/world/middleeast/anwar-al-awlaki-a-us-citizen-in-americas-cross-hairs.html?pagewanted=all>.

presumably by [former Yemeni president Ali Abdullah] Saleh, to get rid of people he wanted to get rid of.”³⁶ Top US military leaders overseeing the drone program have conceded, for example, that Saleh duped the United States into carrying out a missile attack on the deputy governor of Mareb province, with whom he was feuding.³⁷ Even though Saleh was forced to resign after the 2011 revolution, manipulation by some Yemeni security or intelligence officials may still occur since many of the same individuals remain in positions of power.

Generating Anti-US Sentiment and Safe Havens for Militants

The targeting of noncombatants and low-level militants is more than an ethical problem—such tactics raise strategic concerns because they cause deaths and injuries that generate anti-US sentiment and create safe havens for militants. By seemingly violating its own stringent targeting guidelines and taking no action to explain why the strikes occurred, the United States is catalyzing dangerous blowback from local communities. Many Yemenis would tolerate or even support the targeted assassination of known al-Qaeda terrorists who are plotting against the US homeland and its citizens. The problem arises when civilians or noncombatants who pose no immediate threat are killed, for this has the potential to turn entire communities into hostile populations.

There is overwhelming anecdotal evidence that drone strikes in Yemen are stoking anger toward the United States. When drone strikes occur, protests frequently erupt, with Yemenis demanding justice and accountability from the United States.³⁸ A relative of those killed in the August 2012 strike cited earlier had an opportunity to meet with White House officials and brief members of Congress, sharing his firsthand experience with a drone strike that killed two members of his family—the imam who had denounced al-Qaeda

36 Greg Miller, “US Drone Targets in Yemen Raise Questions,” *Washington Post*, June 2, 2013, http://www.washingtonpost.com/world/national-security/us-drone-targets-in-yemen-raise-questions/2012/06/02/gjQAP0jz9U_story.html.

37 Adam Entous and Julian E. Barnes, “US Doubts Intelligence That Led to Yemen Strike,” *Wall Street Journal*, December 29, 2011, <http://online.wsj.com/news/articles/SB10001424052970203899504577126883574284126?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2F10001424052970203899504577126883574284126.html>.

38 Saaed Al Batati, “Yemen Activists Hold Silent Protests Against Drone Strikes,” *Gulf News*, January 9, 2014, <http://gulfnews.com/news/gulf/yemen/yemen-activists-hold-silent-protest-against-drone-strikes-1.1275875>; “Yemen Tribe Intensifies Protest Against Drone Attacks,” *National Yemen*, December 15, 2014, <http://nationalyemen.com/2013/12/15/yemen-tribe-intensifies-protest-against-drone-attacks-2/>.

and the local police officer.³⁹ He noted that the attack made al-Qaeda “more popular” by ramping up anger and spurring calls for revenge. Soon after the attack, two local teenagers joined AQAP.⁴⁰ Stories like this abound: after his father was killed in a 2011 drone strike in Mareb province, the eldest son of the family joined AQAP seeking revenge because he identified the United States as his father’s killer.⁴¹

Many Yemenis stop short of joining AQAP but are angered by the strikes and feel more sympathy for AQAP than they would otherwise. Businessman Salim al-Barakani, whose two brothers died in a March 2012 strike, laments that drone strikes are causing people to say, “We believe now that al-Qaeda is on the right side.”⁴² In a similar vein, Shabwa tribal leader Salim al-Awash says that “if the American drone strikes continue and expand, then this will lead to sympathy in the community for al-Qaeda, especially if the victims are civilians.”⁴³ Targeted killings may eliminate key AQAP leaders, but when civilians are harmed and killed along with them, these strikes undermine long-term US security objectives by ensuring that a generation of Yemenis sees the United States as responsible for killing innocent community members, exacerbating the United States’ serious image problems abroad, and creating a space for extremist ideology to take root.

Credible Voices Challenge Effectiveness of Drone Policy

Given the secrecy of the drone program, the perspectives of former military commanders and intelligence officials are all the more weighty since they have been privy to classified information. In recent years, the outpouring of criticism from former top officials has been notable, and an increasing number

have spoken out about the need for more transparency and changes to the current drone program.

Speaking to concerns that drone strikes generate anti-American sentiment, former commander of US forces in Afghanistan General Stanley McChrystal said, “The resentment created by American use of unmanned strikes...is much greater than the average American appreciates. They are hated on a visceral level, even by people who’ve never seen one or seen the effects of one.”⁴⁴ This hatred can lead to the creation of safe havens and support for militants, which in turn fosters precisely the sort of extremist groups that drone strikes are intended to disrupt and destroy. Robert Grenier, who headed the CIA’s Counterterrorism Center from 2004 to 2006 said that he is “very concerned about the creation of a larger terrorist safe haven in Yemen” because of drone strikes. He called for strikes to be scaled back, going so far as to say that the United States has “been seduced by [drone strikes] and the unintended consequences of our actions are going to outweigh the intended consequences.”⁴⁵

EVEN IF DRONE STRIKES ARE DESIRABLE FROM A MILITARY PERSPECTIVE, ARE ADMINISTRATION OFFICIALS ASKING THE RIGHT QUESTIONS ABOUT WHAT CONSTITUTES SUCCESS?

39 Michael Isikoff and Carl Sears, “Yemeni Tells White House of US Drone Strike That He Says Killed Innocent Kin,” NBC News, November 20, 2013, <http://www.nbcnews.com/news/other/yemeni-tells-white-house-us-drone-strike-he-says-killed-f2D11632453>.

40 Ibid.

41 Farea al-Muslimi, statement before *Drone Wars: The Constitutional and Counterterrorism Implications of Targeted Killing*, United States Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Human Rights, April 23, 2013, <http://www.emptywheel.net/wp-content/uploads/2013/04/04-23-13Al-MuslimiTestimony.pdf>. For other stories, see, for example Qais Ghanem, “Yemen: Two Years Under President Hadi,” *Gulf News*, January 15, 2013, <http://gulfnews.com/opinions/columnists/yemen-two-years-under-president-hadi-1.1132778>; Hakim Almasmari, “Suspected US Drone Strike Kills Civilians in Yemen, Officials Say,” CNN, September 3, 2012, <http://www.cnn.com/2012/09/03/world/meast/yemen-drone-strike/index.html?iref=allsearch>.

42 Sudarsan Raghavan, “In Yemen, US Airstrikes Breed Anger, and Sympathy for Al-Qaeda,” May 29, 2012, *Washington Post*, http://www.washingtonpost.com/world/middle_east/in-yemen-us-airstrikes-breed-anger-and-sympathy-for-al-qaeda/2012/05/29/gJQAUmK10U_story_2.html.

43 “Frailty of the Yemeni State Provides Fertile Ground for Al-Qaeda and Drone Attacks Pit More People Against the Government and Washington,” May 10, 2012, Al-Masdar Online, <http://almasdaronline.com/article/31848>.

A former vice chairman of the Joint Chiefs of Staff has also called on the administration to examine whether the drone program is achieving desired objectives by establishing a special interagency task force to evaluate covert drone operations and make recommendations to the president. In his testimony at a March 2013 Senate hearing, Marine General James Cartwright asked, “Are the current metrics telling the full story of operational effectiveness? Do these same

44 David Alexander, “Retired General Cautions against Overuse of ‘Hated’ Drones,” Reuters, January 7, 2013, <http://www.reuters.com/article/2013/01/07/us-usa-afghanistan-mcchrystal-idUSBRE90608020130107>.

45 Paul Harris, “Drone Attacks Create Terrorist Safe Havens, Warns Former CIA Official,” *Guardian*, June 5, 2012, <http://www.theguardian.com/world/2012/jun/05/al-qaeda-drone-attacks-too-broad>.



President Obama meets with John Brennan, now director of the Central Intelligence Agency. Source: Official White House Photo.

metrics serve to warn us when operations are no longer contributing to the desired end-state?”⁴⁶ His questions point to the lack of certainty on a key question: even if drone strikes are desirable from a military perspective, are administration officials asking the right questions about what constitutes success? Without greater transparency, it is not possible to adequately assess the costs and benefits of the drone program.

Calls for changes to the administration’s current approach are mounting. The Stimson Center’s Task Force on US Drone Policy, which included an impressive group of high-ranking former officials and experts, called for greater oversight and recommended that the Obama administration “evaluate rigorously the costs and benefits both of specific strikes and of kinetic versus non-kinetic means of combating terrorism.”⁴⁷ Likewise, a group of prominent foreign policy analysts, former diplomats, and scholars called for a reassessment of drone policies in Yemen in a March

46 General (Ret.) James E. Cartwright, testimony before *Constitutional and Counter Terrorism Implications of Targeted Killing*, Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, March 23, 2013, <http://www.lawfareblog.com/wp-content/uploads/2013/04/04-23-13CartwrightTestimony.pdf>.

47 Stimson Center, *Recommendations and Report of the Task Force on US Drone Policy*.

2013 letter to Obama. Coordinated by the Atlantic Council, the letter included signatories such as Barbara Bodine, former US ambassador to Yemen, and Anne-Marie Slaughter, former State Department director of policy planning, and called for a reevaluation of the reliance on drone strikes, “with the recognition that this approach is generating significant anti-US sentiment.”⁴⁸

Members of Congress have also called on the White House for greater transparency and accountability, and members from both parties have expressed frustration over the administration’s reluctance to provide information about who is being targeted or the legal basis for approving drone strikes. Despite repeated requests by members of Congress and civil liberties groups to the administration for nearly two years, the Justice Department memos relating to the killing of Anwar al-Awlaki were only released only after a Freedom of Information Act lawsuit was filed by the American Civil Liberties Union (ACLU).⁴⁹ Senators Mark Udall (D-CO), Ron Wyden (D-OR), and Patrick Leahy

48 Atlantic Council and the Project on Middle East Democracy, Yemen Policy Initiative, “Letter to President Obama,” March 26, 2013, <http://www.atlanticcouncil.org/images/files/uploads/yp1130326obamaletter.pdf>.

49 ACLU, “Anwar Al-Awlaki—FOIA Request,” <https://www.aclu.org/national-security/anwar-al-awlaki-foia-request>.

(D-VT), and Representatives Jerold Nadler (D-NY) and Adam Schiff (D-CA) have all articulated concerns about the drone program, demanding that greater information be shared regarding how an “imminent” threat is defined and how limits and boundaries apply.⁵⁰

Unless the administration heeds these calls it risks continuing a dangerous overreliance on a tactic that, although low cost in terms of risk to US forces, is incurring high costs in the long term. These costs include fomenting anti-US sentiment and negative international blowback that may help foster precisely the type of violent extremism the United States seeks to defeat.

Policy Recommendations

The US drone program in Yemen is undermining long-term US national security objectives by killing civilians and targeting low-level militants, which foments anti-US sentiment among Yemenis and creates safe havens for AQAP. In order to reverse this trend, the Obama administration should:

- Fulfill commitments for enhanced disclosure and transparency to the American public by responding to concerns of members of Congress and allowing a more rigorous role for congressional oversight. In particular, the administration should disclose information related to casualties caused by drone strikes, whether combatants or noncombatants, and explain how the determination that a target is “imminent” is made in order to enhance the level of trust and credibility regarding such operations.
- Limit the use of drone strikes and targeted assassinations only to instances where a specific individual is directly connected to an imminent threat to the US homeland or US citizens, and desist from so-called signature strikes. Persisting with the current approach is catastrophic for the US relationship with Yemen.
- To mitigate resentment and anger toward the United States, develop a public and consistent compensation program for families of noncombatants killed or wounded in drone strikes that will acknowledge legitimate grievances and provide financial compensation. Instead of keeping the payments secret, the United States should make its compensation policy public to help address anger and resentment from the Yemeni population.

⁵⁰ Mario Trujillo, “Court Releases DOJ Memo Justifying Drone Strike on US Citizen,” *Hill*, June 23, 2014, <http://thehill.com/business-a-lobbying/210240-court-releases-justice-department-memo-justifying-drone-strike>.

MEMBERS FROM BOTH PARTIES HAVE EXPRESSED FRUSTRATION OVER THE ADMINISTRATION’S RELUCTANCE TO PROVIDE INFORMATION ABOUT WHO IS BEING TARGETED OR THE LEGAL BASIS FOR APPROVING DRONE STRIKES

- Prioritize the development of a long-term strategy and invest more resources to address the underlying security gaps in Yemen with a sustained commitment to training and equipping, strategic technical assistance to regionally based Yemeni police and security forces, and expanding education programs in the United States for Yemeni civilian, security, and military personnel. Drone strikes may be unavoidable in certain cases, but this is only a tactic, not a replacement for a comprehensive strategy.
- To change the perception that the United States is focused on counterterrorism at the expense of development and reform initiatives, allocate greater resources for economic assistance and job-creation programs, and expand existing scholarship programs for Yemeni students to study in the United States at the undergraduate and graduate level.

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