

CANDIDATE: Chiara Margherita Cocciadiferro

**TITLE: Moral and Legal Accounts on the Use of Armed Drones
Against Suspected Terrorists**

ABSTRACT

Since the terrorist attacks in the US soil of September 11th, 2001, armed drones evolved from being a residual instrument of support for military operations on the ground (in particular, to conduct intelligence, monitoring and surveillance activities) to “the strategic weapon” employed to conduct counter-terrorism operations worldwide. Despite the massive use of these instruments, much of the conceptual landscape is yet to be examined by academic analysis.

This dissertation aims at investigating the moral and legal concerns related to the use of armed drones in counterterrorism operations. It will be demonstrated that such use do not meet the principles embedded in the Just War Theory (JWT), which are often mentioned as a justification in the political discourse but are frequently violated in practice. Nonetheless, the JWT remains the most appropriate theoretical framework to address the issues of justice (and injustice) in war.

Additional aspects pertaining to the philosophical inquiry are taken into consideration, in particular positive and negative arguments on drones are built, in order to provide a full spectrum of the actual debate concerning their use. The use of drones in asymmetric conflicts will be explored as well as the symmetry between armed drones and terrorist suicide attacks. From this perspective, the suicide bomber and the drone pilot stand on the two opposite sides of the spectrum of the ‘exposure to death’. The use of armed drones in war has sparked a debate with regard to the so called ‘crisis of military ethics’, while further problems materialize in relation to the their uncontrolled proliferation and the development of fully autonomous lethal drones.

The legal section of the analysis will prove that, notwithstanding the shortage of a specific drone-related legal regime, rules for regulating drone warfare already exist. They are embodied in the Laws of Armed conflict, International Human Rights Law and International Humanitarian Law. Applying the existing standards of International Law offers the best approach for regulating the use of armed drones.

In the legal section the use of armed drones will be evaluated in times of war but also outside an armed conflict. It will be demonstrated that two different legal regimes should be applied, despite too often situations that could have been handled with a law enforcement approach have been labeled as armed conflicts. The use of armed drones (both within and outside an armed conflict) amount to the definition of “use of force” as accepted in the U.N. Charter; accordingly, the acts performed by a state or by its individuals through armed drones should be held accountable under International Law.

The main concern with armed drones is not the technology itself but how they are used. Unmanned aerial vehicles offer potential benefits for counter-terrorism, law enforcement, environmental monitoring, human rights protection, and nonproliferation inspection, but their use for targeted killing of suspected terrorists is questionable ethically, legally and strategically.

Technology alone cannot be a determinant of legitimacy, but rather what matters is the ethical use of technology by human beings. A counter-terrorism policy based on the use of armed drones might result in immediate tactical gains, certainly not in an overall strategic advantage, in order to make it possible to disrupt and eventually remove for good the terrorist phenomenon as we know it today.