

Statement of John F. Tierney
Chairman
Subcommittee on National Security and Foreign Affairs
Committee on Oversight and Government Reform
U.S. House of Representatives

Hearing on “Rise of the Drones II: Examining the Legality of Unmanned Targeting”

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Good morning. Today, the Subcommittee continues its oversight of the use of unmanned weapons systems in the conflict in Afghanistan and around the globe.

On March 23, the Subcommittee held its first hearing on this emerging issue. We heard from a number of experts who testified to the wide array of issues implicated by the use of drones, including operational, political, and ethical questions. Today, we will take a closer look at one important aspect of drone use: the legality of using unmanned weapons to target individuals who pose a threat to our national security.

When the United States ratified the Geneva Conventions in 1955, the Senate Committee on Foreign Relations characterized the agreements

as a landmark in the struggle to obtain for military and civilian victims of war, a humane treatment in accordance with the most approved international usage. The United States has a proud tradition of support for individual rights, human freedom, and the welfare and dignity of man. Approval of these conventions by the Senate would be fully in conformity with this great tradition.

Warfare has changed significantly since the Geneva Conventions were written, but the ideals cited by the Senate Committee in 1955 have not. Today, we will examine how these laws apply in modern times.

The increasing reliance on unmanned weapons to target individuals has been well-documented in the press. Over the last decade, the number of unmanned vehicles used by the Department of Defense has gone from a few hundred to several thousand. Drones have been credited with eliminating senior leaders of the Taliban and other insurgent groups, and accounts of the recent addition of an American citizen to the target list have received widespread attention. These reports have raised serious questions about whether targeted killing and drone use comport with the relevant international and domestic laws.

The use of unmanned weapons to target individuals – and, for that matter, the targeting of individuals in general – raises many complex legal questions. We must examine who can be a legitimate target, where that person can be legally targeted, and when the risk of collateral damage is too high. We must ask whether it makes a difference if the military carries out an attack, or whether other government entities such as the Central Intelligence Agency may legally

conduct such attacks. We must ensure that the Administration's understanding of the authorities granted to it by Congress do not exceed what Congress intended.

We have here today a distinguished panel of legal experts to help answer some of these questions. I understand that you will not all agree on the answers, and I am looking forward to learning from your discussion of these issues.

On March 25, State Department Legal Advisor Harold Koh gave a speech at the annual meeting of the American Society of International Law in which he affirmed this Administration's commitment to following international law. In his words, this is a commitment to "following universal standards, not double standards." It is in this context, then, that we turn to our witnesses today – with the understanding that the United States is committed to following international legal standards, and that our interpretation of how these standards apply to the use of unmanned weapons systems will set an example for other nations to follow.

I do not expect that we will be able to fully answer any of these complex questions today. But I do hope that this will be the beginning of a conversation, one which this Subcommittee will continue with members of the Administration, including Legal Advisor Koh.