Remote Horizons

Expanding use and proliferation of military drones in Africa

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Colophon
February 2021

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This report was made possible with financial support from the Open Society Foundations.

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Executive Summary

The use of drones has risen sharply around the world. Since 2007, military drones have also increasingly been occupying the skies above Africa.[1] This trend is mainly seen in North Africa, the Sahel and the Horn of Africa.[2] Their growing use has been driven by both their use in counter-terrorism operations for targeted killings and the need for more situation awareness and information in regular military operations through a range of cameras and sensors fitted to the drones. Human rights activists, legal experts, United Nations Special Rapporteurs and affected communities have all raised concerns that the increased use of lethal force with remote weapons such as drones could stretch legal frameworks and lower the threshold for the deployment of lethal force.

It is alarming that states using armed drones in Africa are secretive about their use of drones in military and intelligence operations. Covert drone operations make it difficult to determine the legality of their use and this hampers debates on the military use of drones in Africa. Although the information in this report is not comprehensive, the findings demonstrate a pattern of growing drone use and proliferation throughout the continent that warrants further public and political debate.

The report first sheds light on the risks of military drone operations. Next, it describes the extensive use of drones in North Africa, the Sahel and the Horn of Africa in order to encourage debate on how these military drones shape military operations and how drones should be used. Lastly, the report provides recommendations to states operating armed drones, states hosting bases with armed drones and the African Union.

Key Findings

- Since 2011, the use of drones in North Africa, the Sahel and the Horn of Africa has increased significantly. Drones operations have been carried out in at least 20 states, of which armed drones have been used in at least 9 states. In some cases, their deployment by non- African states seems to be associated with a lowered threshold to use lethal force in counter-terrorism operation or in support of armed groups. In states were targeted strikes take place, drone attacks are causing growing concerns over potential civilian deaths.

- African states and states deploying armed drones in Africa do not systematically (1) state the grounds on which drone strikes are carried out, (2) publish information about the numbers and identities of the casualties or (3) publicly disclose the existence of any investigations following such casualties, including any reparations provided to victims of unlawful drone strikes.

- Civil society organisations and legal experts have criticised and expressed concerns about cooperation between non-African and African states in the use of military drones. The absence of a clear legal position by African states and the African Union on the use of armed drones, in particular in counter-terrorism operations, is a worrisome development, nor have they ensured that critical voices of civil society are included in the debate on the growing use of military drones in Africa.

1. The Growing Demand for Drones

Worldwide, the use of drones by state and non-state actors has been growing exponentially, as they are seen as efficient and relatively cheap aircraft.[3] They are deployed to gather intelligence and surveillance with the goal of tracking, detecting and identifying vehicles and people in a wide area. This information can be used to determine who or what will be attacked. Drones are also used in circumstances that are too dangerous or difficult for fighter jets, helicopters or ground vehicles. In these cases, drones can gather intelligence in risky areas, and carry out strikes if they are armed. Drones can also support other military vehicles and aircraft in attacks that are beyond their visual range, or provide support to enable more precise strikes. Thus, a drone is an aircraft that supports military operations by monitoring and attacking threats across wide spaces, while reducing the risks for the user.

There are various types of military drones, which come in all shapes and sizes. The North Atlantic Treaty Organization (NATO) divides them broadly into three classes. Class I drones are small drones, have a maximum endurance of three hours, are launched by hand or hand rail and can be operated from a maximum distance of 80 kilometres.[4] Some of these drones are smaller than a human hand. Class II drones, also called 'tactical' drones, can fly for a maximum of 10 hours, often need a small runway for launching and have a range of 100-200 kilometres. These drones can be equipped with infrared sensors and lasers for targeting. Some class II drones can be armed as well. Class III drones, called 'medium-altitude long-endurance' (MALE) or 'high-altitude long-endurance' (HALE) drones, have an endurance of up to 24 hours or more, need a runway and have a top speed of 300 kilometres per hour or more. Some can be operated from a distance of thousands of kilometres through satellite support. Most of these drones are able to carry armaments and some can be used in 'suicide' mode, turning them into loitering munitions. The infrastructure of drones includes test sites, training grounds and drone bases, which can have runways, hangars, command and control stations, communication equipment and training ranges.

NATO UAS CLASSIFICATION

Class	Category	Normal Employment	Normal Operating Atitude	Normal Mission Radius	Primary Supported Commander	Example Platform
Class III (> 600kg)	Strike/ Combat	Strategic/ National	Up to 65,000ft MSL	Unlimited (BLOS)	Theatre	Reaper
	HALE	Strategic/ National	Up to 65,000ft MSL	Unlimited (BLOS)	Theatre	Global Hawk
	MALE	Operational/ Theatre	Up to 45,000ft MSL	Unlimited (BLOS)	JTF	Heron
Class II (150-600kg)	Tactical	Tactical Formation	Up to 18,000ft AGL	200km (LOS)	Division, Brigade	Watchkeeper
Class I (< 150kg)	Small (>15kg)	Tactical Unit	Up to 5,000ft AGL	80km (LOS)	Battalion, Regiment	Scan Eagle
	Mini (<15kg)	Tactical Sub-unit (manual or hand launch)	Up to 3,000ft AGL	Up to 25km (LOS)	Company, Platoon, Squad	Skylark
	Micro (<66J)	Tactical Sub-unit (manual or hand launch)	Up to 200ft AGL	Up to 5km (LOS)	Platoon, Squad	Black Widow

In addition to military drone production, commercial drone production is growing as well; this has contributed to the proliferation of non-state drone warfare.[5] 'Commercial-off-the-shelf' (COTS) drones are widely available and relatively cheap, while their payloads and flight times are increasing rapidly.[6] The drones have platforms that are easy to build and acquire and can be equipped with weaponry, cameras and sensor systems.

The Black Sentinel Ultra, part of the art project 'The Drone Scrap Program 2054', addressing the socio-economic and political conditions in Ghana, where drones are viewed as commodity for greed and corruption.

Promises and perils of military drone use

With the rise in the use of military drones in warfare, an increasing number of experts have voiced serious criticisms of drone deployment. Firstly, experts explain that drones can make it easier to resort to the use of lethal force and may contribute to conflict escalation.[7] Drones can have relatively low costs and can be operated without direct risk to the pilot.[8] This could make the option of targeted killings by armed drones or with the support of unarmed drones more attractive than, for example, detaining or arresting suspects.

Secondly, drones are hailed for their precision strikes or ability to support precision strikes in combat operations. Drone strikes can indeed be more precise compared with using 'dumb' munitions. However, human error can result in civilian injuries or deaths when armed or unarmed drones are used to support attacks.[9] The targets of attacks can be derived from networks of informants and data gathered by drones. Different teams across various agencies and countries are often involved in analysing the intelligence and visuals from drones, which can increase the risk of

inaccurate use of the technology.[10] Thirdly, in so-called 'signature strikes' the targets are selected based on certain characteristics associated with the combatants, such as carrying weapons, and metadata, such as gender and age. Yet the visual distinctions between combatants and civilians are often at the very least ambiguous, if not non-existent.[11] Thus, even though drones are able to strike more precisely than 'dumb' munitions, this does not mean that they do not create civilian casualties, nor that they are less prone to human error, as the teams operating them have to understand and interpret the incoming data from sensors and the underlying algorithms while working together, and to decide who is a suspect and who is not.

2. Fog of Drone War in Africa

Africa has seen the proliferation and increasing use of military drones in the last 14 years. A sharp rise in the use of armed and unarmed drones by African and non-African states can be seen in particular in North Africa, the Sahel and the Horn of Africa. A worrisome aspect is that states are not being transparent about the deployment of drones in military operations. This hinders open debates on the military use of drones in Africa, in spite of various African parliamentarians, civil organisations and other civilians sharing their concerns about the proliferation of drones.

The first wide-scale military deployment of large drones in Africa by a foreign actor was in Somalia by the United States (US) in 2007.[12] The US deployed unarmed MQ-1 Predator drones (class III) and later MQ-9 Reaper drones (class III) to gather intelligence and support artillery strikes during military missions. In 2011, the first known lethal drone attack in Africa by a US Predator drone took place in Somalia.[13] In the same year, armed and unarmed class III drones appeared in North Africa as well, as the US, Italy and France deployed these aircraft to enforce the United Nations (UN) Resolution 1973 in Libya.[14] By 2013, American and French class III drones had appeared in Niger too.[15] Additionally, smaller drones were deployed during missions carried out by the UN and the European Union in Chad, the Central African Republic (CAR) and Mali.[16] To date, drones, both small and large, armed and unarmed, have been quietly yet consistently utilised by non-African actors to support their military operations in North Africa, the Sahel and the Horn of Africa.

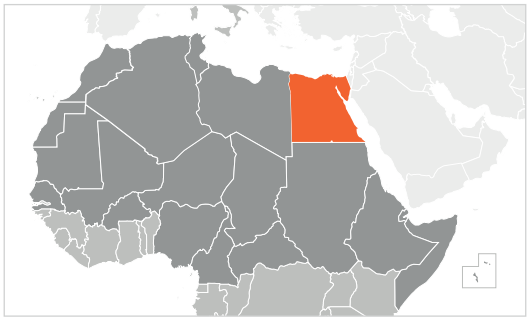
The acquisition and use of small military drones by states in North Africa and the Sahel really took off between 2011 and 2013, although Algeria has owned drones since 1999.[17] By 2013, the militaries of Egypt, Libya, Nigeria and Tunisia also owned unarmed drones.[18] Cameroon would soon

Drone use in North-Africa, the Sahel and the Horn of Africa.

Researched country
Country with drone event

Type I drone
Type II drone
Type III drone
Unknown drone type

1980



EGY Egypt receives US drones

DZA Algeria receives class II drones

NGA Nigeria uses class II drones.

SOM US uses unarmed class III drones.

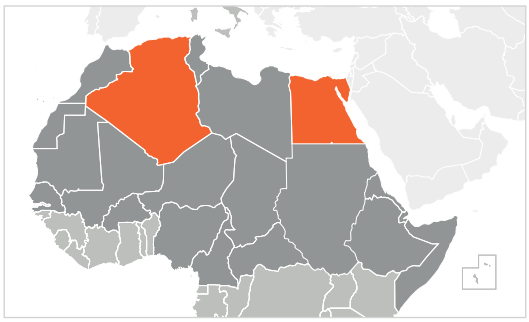
TCD France operates unarmed class II drones.

ITA US uses drone base in Sigonella for drone missions in North Africa.

SYC US uses drone base.

SDN Israel uses armed drones in Sudan.

1990



SDN Sudan operates Iranian drones.

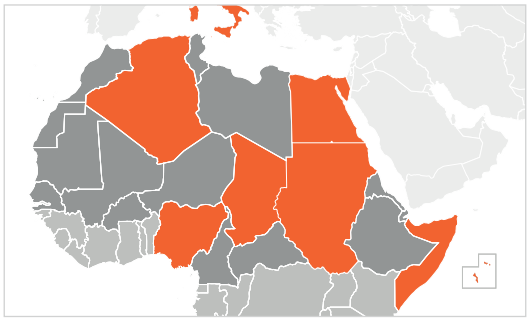
SOM US launches first known lethal drone attack with class III drone.

ETH US builds and uses drone base in Arba Minch. The base is closed down in 2015.

LBY
- Libya receives class II drones.
- US operates armed class III drones.
- France operates drones.
- Italy operates drones.

ITA
- France uses drone base in Sigonella for drone missi-ons in Libya.
- Italy uses drone base in Sigonella for drone mission in Libya with unarmed class III drones.

2000



EGY Egypt receives class II drones.

DJI US builds and uses drone base Camp Lemonnier for class III drones.

DJI US builds and uses drone base in Chabelly Airfield.

CMR US extends airbase Salak and supplies Cameroon with class I drones in 2015. US has access to the drone base.

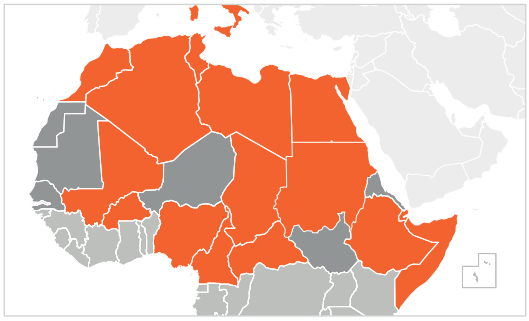
NER
- US uses US drone base in Niamey with unarmed. drones.hy in Niger, Mali and Libya
- France uses US drone base in Niamey with unarmed class II drones that fly in Mali.

MLI
- France operates unarmed class II and class III drones.
- US operates unarmed drones.

DZA Algeria receives class III drones.

EGY Israel uses armed drones in Sinai Peninsula.

2010



DJI Italy uses drone base in Chabelly Airfield with unarmed class III drone.

NER US uses US drone bases in Niamey. Unarmed drones fly in Niger, Mali and Libya.

TCD US operates drones.

NGA US uses unarmed class III drones in Nigeria.

CMR US builds and uses drone base in Garoua for unarmed class III drones.

MLI UN uses unarmed class I and class II drones in Mali.

NGA Nigeria uses armed class II drones.

ITA US bases armed drones in Italy Sigonella.

MLI UN uses unarmed class I, II and III drones in Mali.

LBY Libyan National Army is supported by armed class III drones of the UAE.

TUN US uses drone base for unarmed class III drones.

EGY Egypt uses class III drones in Sinai Peninsula from Bir Gifgafa Air Base.

2020

France operates class III drone. TCD

Government of National Accord is supported by armed Turkish class III drones. LBY

France launches first known drone strike with class III drone. MLI

Algeria launches first known drone strike. DZA

First known French lethal drone attack with class III drone. BFA

Morocco receives class III drones. MAR

Nigeria receives class III drones. NGA

NER US allowed to use armed drones.

CAF UN uses unarmed class II drones.

EGY Egypt uses class III drones at airbase Dakhla Airport.

MRT Mauritania receives Chinese drones.

EGY
- Egypt shows armed class III drones.
- Egypt uses Uthman Air Base for class III drones.

NER
- US extends drone base in Agadez.
- US CIA uses drone base in Dirkou.

follow the other nations, while Mauritania would acquire them in 2018, Niger in 2019 and Morocco in 2020.[19] Most of these drones were delivered by Israel and China.[20]

Beyond evidence that they exist, it is unclear when and how these drones have been used. This is also the case for the deployment of armed drones, which are currently held by the North African and Sahel countries of Algeria, Egypt, Libya and Nigeria. In Libya, armed drones are now the main drivers of its civil war.[21] Civilians, ambulances and hospitals are hit by missiles from drones and other weapons operated by various belligerents.[22] The perpetrators do not take responsibility for these attacks, resulting in a disturbing lack of accountability for these alleged violations of international humanitarian law.[23]

Those using lethal force in counter-insurgency and counter-terror operations and in operations where civilians are at risk must accept accountability, regardless the type of weapons used, in particular when mistakes are made. Drones are more prone to be used in these types of operations due to their unique capabilities, in particular in less accessible areas. Yet there have been numerous cases of civilian casualties that have not been reported or have been difficult to verify due to the absence of information provided by states deploying lethal force in these operations, including with armed drones.

African and non-African governments are quasi-secretive about the deployment of drones as they give selective disclosure on their drone use.[24] When states announce that specific individuals or groups are targeted by armed drones or artillery strikes have been supported by unarmed drones, information about the number of casualties and identities of the victims is repeatedly withheld. Governments sometimes declare that they cannot release this information for national security reasons.

As governments share only minimum information on the deployment of drones, it is hard to verify whether the drones are used in accordance with International Humanitarian Law (IHL) and International Human Rights Law (IHRL). In armed conflict situations, IHL applies; it prohibits attacks that do not distinguish between military objectives and civilians or civilian objects, also known as indiscriminate attacks.[25] In addition, attacks must not be disproportionate, which would be the case if the expected harm to civilians or civilian objects is excessive in relation to the concrete and direct military advantage anticipated.[26] Parties to the conflict are under a legal obligation to take all feasible precautions to ensure attacks are not indiscriminate or disproportionate.

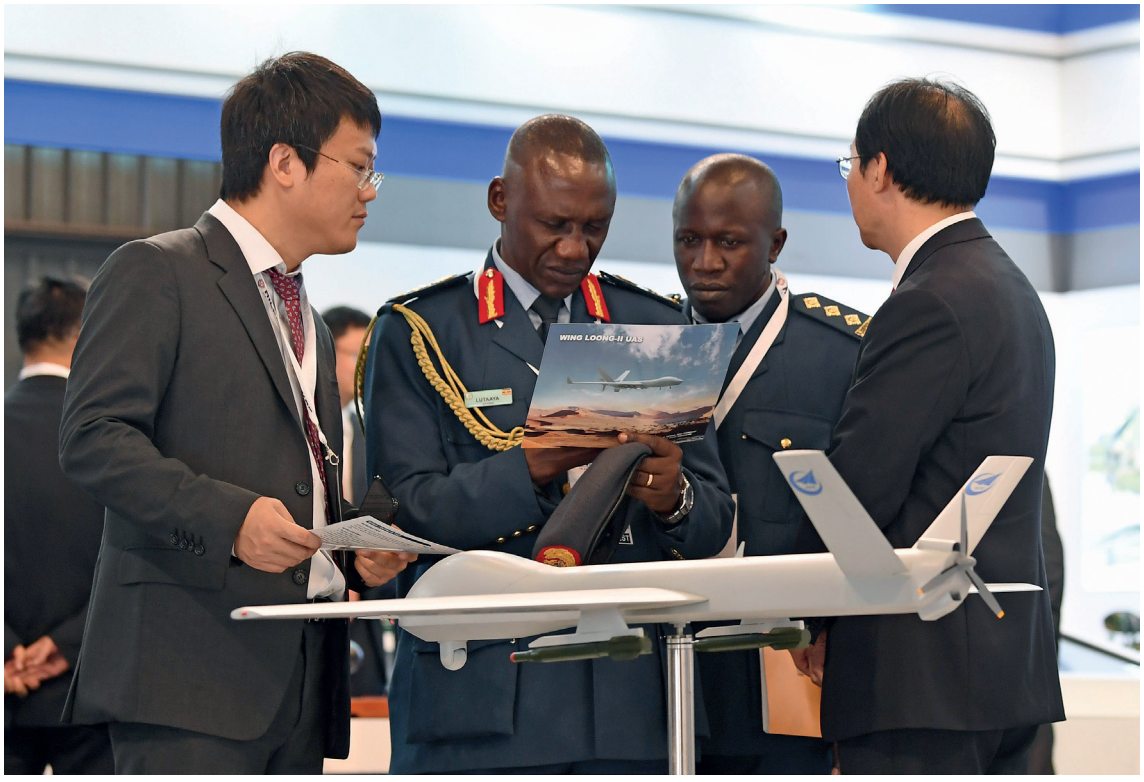
It is important to note, however, that even in situations of armed conflict, IHRL continues to be applicable. The right to life is a peremptory norm of international law and cannot be suspended or derogated from in times of war.[27] Violations of IHL that cause the death of civilians or other protected persons thus also amount to a violation of the right to life.[28] If lethal force is used outside the scope of an armed conflict, only IHRL applies, which stipulates that lethal force may only be used when strictly unavoidable to protect life.[29] This implies that other means of self-defence must be explored beforehand and shown to be inadequate, as well as that the potential harm in the use of force does not outweigh the protective goal.

There is strong evidence that civilians in Africa have been injured and killed by drone strikes.[30] Drone users may have mistakenly identified these civilians as armed militants or simply have been applying international law obligations inadequately. Worrisomely, governments often refuse to admit unlawful attacks, and thereby try to avoid taking responsibility for the victims of these attacks. Victims and relatives of victims of unlawful drone attacks have a right to reparations and access to information about alleged violations and investigations into such violations.[31]

The presence of foreign forces and their use of drones have led to protests in various countries in the region. Civilians were afraid the use of drones would kill or injure more innocent civilians. Furthermore, some have stated that the military interventions failed to diminish the attacks by terrorists. This led to the conspiracy theory that the foreign forces were collaborating with the terrorists, as civilians argued it was impossible that the foreign militaries could not have defeated the terrorists with sophisticated weapons such as military drones. Locals and opposition parties also criticised the developments as they saw foreign military interventions as an infringement of the sovereignty of their country.[32] They argued that their own national army should fight the terrorists instead.

The next section of the report consists of case studies of non-African and African actors who use or host drones in North Africa, the Sahel and the Horn of Africa. As these regions are experiencing increasing drone activity, examining these case studies can inform us what measures should be taken to ensure the protection of civilians. However, this does not mean that states in other parts of Africa do not have or sell drones as well. For example, Botswana, Côte d'Ivoire, South Africa, Sudan and Zambia all have class II drones, and South Africa has exported drones as well.[33] While in Kenya, the US has asked the government for permission to relocate armed drones there in support of operations against Al Shabaab in Kenya and Somalia, but it remains unclear if the Kenyan government is giving permission to do so.[34]

While these are all important cases to delve into, it was beyond the scope of this report to investigate the use of drones in these states as well.



Chinese sales booth during the Africa Aerospace and Defense (AAD) expo in Pretoria, South Africa on September 19, 2018. Chen Cheng, Xinhua

3. Dissecting Drone Use in Africa

African and non-African states increasingly use armed and unarmed drones in North Africa, the Sahel and the Horn of Africa. To describe how states have been using drones in these regions, we will look at each state separately. This chapter begins by analysing the drone activity of the United States, France, Italy and the United Nations in North Africa, the Sahel and the Horn of Africa. Thereafter, we look into the dynamics of drone use in Morocco, Algeria, Tunisia, Libya, Egypt, Mauritania, Mali, Niger, Chad, Nigeria, Cameroon, Ethiopia, Djibouti and Somalia. Lastly, we briefly describe the drone activity of non-state actors in the regions.

Non-African Actors

The United States

The US Security Strategy for Sub-Saharan Africa stated in 1995: "America's security interests in Africa are very limited. At present we have no permanent or significant military presence anywhere in Africa: We have no bases; we station no combat forces; and we homeport no ships… [U]ltimately we see very little traditional strategic interest in Africa."[35] From the 21st century onwards however, US policymakers increasingly saw Africa as "a site of valuable commercial, geopolitical, and security interests", over which the United States wanted to have some degree of influence.[36] The major change came after the 2001 attacks on the US by al-Qaeda, and the resulting 'Global War on Terror', as the US called it. As African states' borders and 'ungoverned' areas were seen as breeding grounds for terrorism, the US started to expand its military presence in Africa to counter al-Qaeda and associated armed groups.[37]

In 2003, the US Department of Defense stated that it had no plans to build permanent bases, but was looking for a more flexible basing option.[38] As the US presence spread significantly, the US did not want "to be seen as being very much directly involved" on the continent as they were wary of being perceived as colonialist.[39] In order to let the counter-terrorism missions in Africa play out in the shadows, the US relied heavily on the use of private military and security companies, local forces and drones instead of the deployment of US troops. Within a few years, drone bases worth millions of dollars sprang up across the African continent.

In 2007, the creeping involvement of the US in Africa was crowned with the establishment of the United States Africa Command (US AFRICOM).[40] The command is responsible for all US Department of Defense operations, exercises and security cooperation on the African continent, its island nations and surrounding waters. The US wanted AFRICOM's headquarters to be based in Africa, but because of resistance from African governments, Germany was chosen instead.[41] Around the same time, the US operated from West African bases in Ouagadougou in Burkina Faso and Nouakchott in Mauritania for their surveillance programs to counter al-Qaeda.[42] On the other side of the continent, the US supported the Ethiopian invasion of Somalia in 2007 by using drones to gather intelligence to counter the Islamic Courts Union and militias affiliated to them (which later became known as the al-Qaeda affiliate al-Shabaab).[43]

US drones in Somalia, Seychelles, Ethiopia and Djibouti

US drone deployment really took off with the Obama Administration. From 2009 onwards, US drones would steadily buzz over Somalia from a base in the Seychelles to gather intelligence for counter-terrorism missions.[44] Two years later, the drones were armed and drone strikes were launched in Somalia.[45] Members of Congress wrote in a letter to President Obama that the armed drone campaign had no transparency, accountability or oversight and that they were "concerned about the legal grounds for such strikes".[46] Nevertheless, the Obama Administration continued to keep details about the drone strikes secret.

In 2011, the US also invested millions of dollars in an airfield in Arba Minch in Ethiopia to build a drone base for MQ-9 Reaper drones (class III) to collect surveillance data on al-Shabaab.[47] As the base stadily turned into a key hub for counter-terrorism operations in Somalia, the US Air Force announced that the drone flights would "continue as long as the government of Ethiopia welcomes our cooperation on these varied security programs."[48] In 2015, the base was closed down, but the US was vague about why it had stopped the drone deployments from Arba Minch.[49]

The closure of the base in Ethiopia did not stop the drone campaign in Somalia. The Central Intelligence Agency (CIA) used a drone base in Mogadishu, the capital of Somalia.[50] US military intelligence agents were also sometimes involved in the counter-terrorism programme in Mogadishu, but the CIA led the operations.[51] There are a few reports about how the CIA selects targets in Somalia, but its drone campaigns have been less transparent than the drone campaigns of the US Department of Defense.[52] For example, a New York Times article reported that in 2012, Obama was having weekly meetings called 'Terror Tuesday', in which it was decided who in Somalia (and in other regions) should be added to the Joint Prioritised Target List, better known as the military's 'kill list'.[53] The US is allegedly also using an airbase at the Baledogle Airfield for drone operations, though it remains unclear if armed drones are operated from that location.[54]

In 2012, the Obama Administration published a new 'Strategy Toward Sub-Saharan Africa', which reversed its strategy in 1995, stating that "Africa is more important than ever to the security and prosperity of the international community, and to the United States in particular".[55] The security strategy included countering terrorist groups like al-Qaeda and advancing security cooperation with African countries and regional organisations through low-cost, small-footprint operations.[56] Various programmes were set up in which the US supported African countries in developing approaches for "tracking, apprehending, arresting, prosecuting, and incarcerating terrorists".[57] The US also started working with non-African countries on the continent through the Global Counterterrorism Forum

(GCTF), which was launched in 2011 to address 21st-century terrorism.[58] The forum brings together counter-terrorism coordinators, prosecutors, judges, police, border control and prison officials.

In line with the new strategy, the US Department of Defense expanded its counter-terrorism missions in Africa in a relatively low-cost and small-footprint manner by building and expanding drone bases. In East Africa, the Camp Lemonnier drone base in Djibouti was used in addition to the drone bases in the Seychelles and Ethiopia. In 2012, the US deployed ten Predator drones, four Reaper drones and several manned aircraft in their missions.[59] It was said that an average of 16 drones and four fighters were taking off and landing at the Camp Lemonnier base every day.[60] This base, for which the US has secured the lease until 2044, was and still is crucial to US military operations.[61]

The US Air Force enlarged its drone operations in Djibouti further still in 2013 by building a drone base at Chabelly Airfield.[62] Drones based at the airfield could cover Yemen, south-west Saudi Arabia, Somalia, Ethiopia and southern Egypt. At the time, the Pentagon stated that the airfield would only be used temporarily, for no more than two years. In 2014, however, the US and Djibouti signed a long-term contract for the base. Within a year, the Department of Defense proposed expanding the base further still.[63]

In 2017, the US decided to ease the rules aimed at preventing civilian casualties for counter-terrorism strikes in Somalia.[64] The new guidelines were similar to war-zone targeting rules, which allowed the US to engage targets easier. Since then, AFRICOM has increased the number of airstrikes.[65] An investigative report by Amnesty International shows that in 2017 and 2018, US drone strikes in Somalia killed and injured several civilians, including children, and might have violated IHL. AFRICOM denied the allegations, but did not conduct thorough, transparent investigations into the allegations.

US drones in Libya and Tunisia

In 2011, the US also sent armed MQ-1 Predator drones to Libya to support the NATO-led intervention to implement the UN Security Council Resolution 1973, which consisted of establishing a no-fly zone over Libya to end the violence and attacks on Libyan civilians.[66] The US supported Libyan rebel forces in the intervention with an aggressive air campaign. The US did not engage diplomatically or politically with the rebels, which led to misunderstandings of the internal dynamics among the rebels. This laid the foundation for the post-war power struggle in Libya. The US continued to deploy drones in Libya after the intervention ended.

In 2016, the Tunisian government allowed the US to base its own unarmed Reaper drones in the country to gather intelligence on the Islamic State in Libya after the US pressed the Tunisian government in secret.[67] In return, the US would share intelligence gathered by the drones with Tunisia to support their counter-terrorism operations within the country and their border security. The negotiations took place behind closed doors as the US was worried that Tunisia would otherwise pull out of the deal if the government was publicly associated with an outside military power. This was likely as frustration had grown among the Tunisian population with the post-revolutionary governments.[68] Tunisian officials were worried that military cooperation with the US could prompt a public backlash, encourage militants to cross the border into Tunisia and make it seem as if Tunisia was a party to the US military operations in Libya.[69] The establishment of a base in Tunisia was critical to the US as drones operated from Niger and Djibouti are further away from

populous areas in Libya and drone flights taking off from Sigonella in Italy are often cancelled due to weather-related issues.[70] Therefore, drones flying from Tunisia have more time to gather intelligence in the region.

At the end of 2016, the US stated that it had conducted 495 airstrikes in Libya, of which 60 per cent were conducted with Reaper drones.[71] However, US reporting on its airstrikes is inconsistent and incomplete. It is therefore likely that the US conducted more airstrikes. After 2016, the US continued with its drone strikes.

In 2017, the government created ambiguity and confusion among American civilians about the military operation in Libya and concealed the magnitude of the operation. At the beginning of the year, President Donald Trump said that he did not see a US role in Libya, but did see a "role in getting rid of ISIS".[72] A few months later, the President stated that the US had a "continued commitment" in Libya to defeat jihadists. Furthermore, the US launched at least eight airstrikes in Libya in 2017 and 2018, but the government initially reported just four of these strikes. [73]

US drones in Cameroon

The US built drone bases near and in the western Sahel as well, as this region was beyond the reach of drones based in East Africa and southern Europe.[74] In Salak in Cameroon, near the northern border region between Nigeria and Chad, the US extended a military base in 2013.[75] By 2015, the US had supplied the Cameroon military with six ScanEagle surveillance drones (Class I) at Salak and built an additional air base in Garoua in Cameroon as a base for unarmed Predator drones in the effort to counter Boko Haram.[76] Captain Jennifer Dyrcz, spokesperson for AFRICOM, stated that the Salak airfield was an important hub for their security assistance efforts and that they regularly had small numbers of US personnel (military and/or contractors) in the area supporting Cameroonian forces.[77]

The base in Salak was not only used for US security operations, but also served as an illegal prison.[78] Prisoners, mostly men and often Muslim and members of the Kanuri ethnic minority, were tortured by the Cameroonian military. Women and children have also been detained at Salak. The detainees were not Boko Haram fighters, but ordinary people arrested on suspicion of supporting Boko Haram.[79]

The US has denied being aware of the illegal torture. Yet various reports have been issued describing the torture practices. In 2007, the US State Department's Bureau of Democracy, Human Rights and Labor reported the torture at Salak.[80] Again, in 2016, a widely distributed Human Rights Report by the Department of State declared people were tortured at the Salak base, citing an Amnesty International report.[81] In 2017, Amnesty International published a new report about the torture at the base, showing that detainees could see Americans from their cells. Amnesty called for thorough, independent and impartial investigations.[82] Given the wide availability of the reports, AFRICOM's claim that it did not receive reports of human rights violations by Cameroonian forces in Salak is difficult to comprehend.[83]

Later, after The Intercept and Forensic Architecture carried out additional investigations into the torture practices, AFRICOM said it would "conduct a more informal, fact-gathering inquiry in order to determine whether further investigation is warranted".[84] AFRICOM failed to declare whether the findings of the investigation would be published.

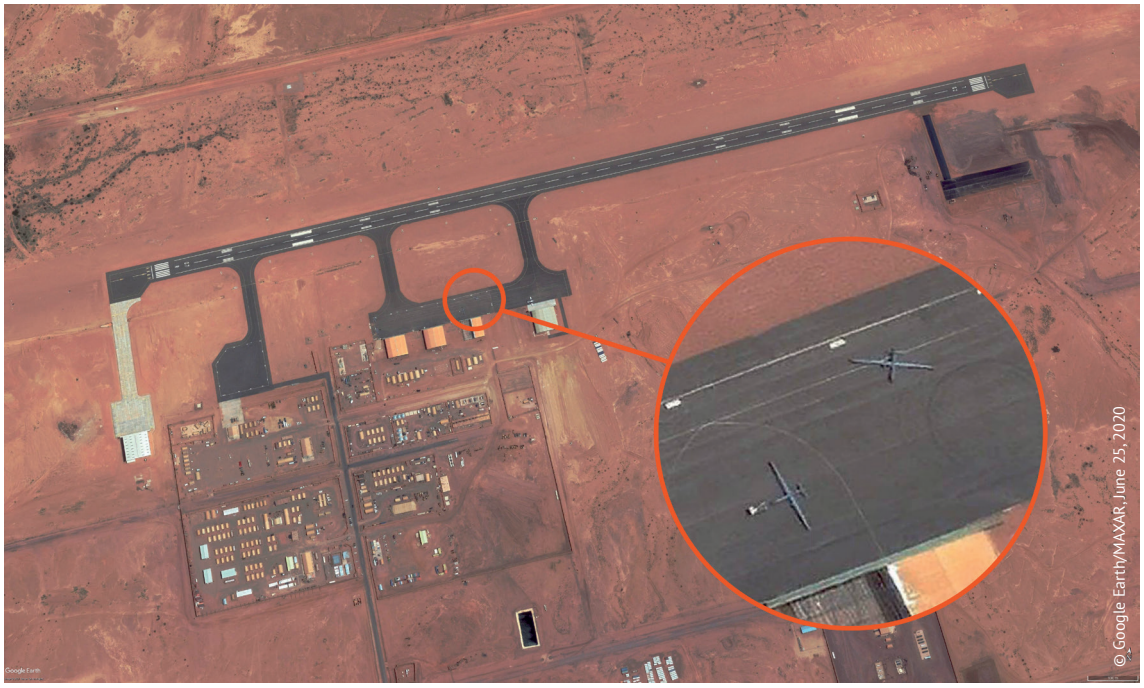
US drones in Niger

In 2013 the US expanded its drone operations in the middle of the Sahel from a base in Niamey in Niger, after a two-year discussion with the Nigerien government.[85] An unknown number of drones and 100 military personnel were stationed in Niger "to promote regional stability in support of US diplomacy and national security and to strengthen relationships with regional leaders committed to security and prosperity".[86] The drones fly in Niger, Mali and Libya, and share broad patterns of human activity with French forces and other US partners who are fighting 'terrorism'. The US and the Nigerien government were worried that the foreign deployment of drones would trigger a backlash among civil society, as foreign military interventions are a sensitive issue.[87] Therefore, both the US and Niger have remained vague about why, when, where and how drones would be deployed exactly. At the time, the US government also refused to share whether the US would use the base for a short period or permanently.[88] The President of Niger, Issoufou Mahadou, could not share this information either, but he did say that he welcomed the drones because he was "worried that the country might not be able to defend its borders from Islamist fighters based in Mali, Libya or Nigeria". Many people in Niger are however highly sceptical about the drone base and US intentions in the region.[89] There are various rumours about what the US is doing inside and outside the base, because local people are not being informed about what kind of military operations are conducted there. Journalists are not allowed onto the base either.

Despite the mistrust among the local population, the Pentagon opened a new drone base, named Air Base 201, in Agadez, Niger, in 2014, by upgrading the Agadez airport runway for USD 5-10 million.[90] Air Base 201 is property of the Niger military, but paid for, built and operated by the US.[91] It is unclear if and how local public perceptions about the US base affected the construction of the drone base. AFRICOM noted Agadez was an attractive option for the new base because of its proximity to the threats in the region. The perceived threats are, for example, arms traffickers, drug smugglers and Islamist fighters who are migrating across the Sahara. From Agadez, drones can fly over northern Mali and southern Libya, where traffickers and fighters are based. In November 2017, it was announced that the government of Niger had allowed the US to arm its drones for their military operations.[92] The US Department of Defense had to push the Nigerien government for two years to give permission for this, as Niger was reluctant to do so. Mohamed Bazoum, Niger's Foreign Minister, said in 2013 however that he "would really welcome armed drones to shoot down drug traffickers, and all those who live from activities linked to drug trafficking".[93]

In 2018, Air Base 201 was expanded at a cost of USD 110 million as the base became a key hub in the region.[94] In 2020, the presence of two MQ-9 Reaper drones at the base was confirmed.[95] The local population have been sceptical since at least 2018 about the intentions of the US. Locals in Agadez did not believe US personnel conducted security operations. Instead, some locals thought the US was provoking terrorism or was after gold, uranium, oil or the natural water aquifer beneath the Sahara.[96] This shows that the Nigerien and US governments were still failing to adequately explain the intentions of the US military to the Nigerien population.

In 2018, the US transformed a base in Dirkou in Niger into a CIA drone base to target extremists.[97] Strikingly, the base is only 560 kilometres away from the base in Agadez. The CIA refused to explain why it needs a separate base. One reason could be that the US needed a base closer to the southern Libyan border to be able to execute its military missions there. Another explanation could be that the Trump Administration wanted to expand CIA drone operations. This would be contrary to President Obama's policy, which limited the CIA's drone flights.



Satellite image of the US drone base in Agadez, Niger, showing two MQ-1C Grey Eagles armed drones.

In 2018, the African Commission on Human and Peoples' Rights (ACHPR) reported to the African Union that US drones had caused civilian deaths in Niger and stated that IHRL and IHL should be respected, particularly regarding the use of drones, and that impartial investigations should be carried out into all deaths caused by drones.[98] The accusation of the ACHPR is difficult to verify, as there are not many independent watchdog groups that focus on drone killings in the Sahel.

In 2019, the US government again created confusion about US defence policies in Africa. Secretary of Defence Mark T. Esper let the American population believe there would be a major reduction or even complete withdrawal of the US military in West Africa at the end of 2019.[99] In early 2020 however, formerly secret documents issued in 2018 revealed the US had planned 12 construction projects in Djibouti, Kenya and Niger.[100] The documents seem to show that the US planned to expand drone intelligence and warfare missions in Africa. Still, in 2020 the US Department of Defense continued to tell US journalists that the US had almost no physical footprint in Africa. The US admitted to only one military base in Africa, namely Camp Lemonnier in Djibouti.[101]

AFRICOM also began pushing for authorisation to carry out drone strikes in eastern Kenya against al-Shabaab in 2020, without consulting Congress.[102] This would mean that AFRICOM could be allowed to carry out drone strikes under certain circumstances. The draft guidelines on conducting drone strikes in Kenya authorise drone strikes in self-defence and drone strikes that anticipate a suspected threat. Furthermore, the Kenyan government would have to give its consent for every drone attack.

France

French interests in Africa are shaped by the colonial period, France's reliance on natural resources, French civilians living on the African continent and the migration from African states to Europe. After the French colonial period in Africa ended in the 1960s, France continued to see Africa as part of its sphere of influence. In 2013, the French Ministry of Defence reiterated that the "Sahel, from Mauritania to the Horn of Africa, together with part of sub-Saharan Africa, are [...] regions of priority interest for France due to a common history".[103] France has also been reliant on mineral extractions in the Sahel, such as uranium, which is vital for the country's energy production.[104] Furthermore, since the 1990s, French secret services have monitored and countered threats, such as attacks and kidnappings, against French citizens in Africa.[105] France, like other states in Europe, has also constructed migration to its homeland as a security threat.[106] France assumes the migration is caused by instability in African regions.[107] With a military intervention consisting of surveillance and policing, France tries to contain migration from Africa to Europe.[108]

The first French drones that flew in Africa were used in Chad between 2008 and 2009 to support the European Union Force Chad mission.[109] The tactical CL-289 drones (class II) were used in almost 80 missions. France started deploying heavier MALE drones in Africa from 2011.[110] The MALE Harfang drones (class III) were used during the NATO-led intervention in Libya in 2011 to gather intelligence and for reconnaissance, but were based at Sigonella, Italy.

In 2013, France launched Operation Serval in Mali to fight suspected 'terrorists' and restore Mali's territorial integrity.[111] In order to get the support of the French population for the operation, the French government argued that the operation was essential for the security of France.[112] In Operation Serval, France used class I drones, such as the French Survey Copters and Cassidian DRACs, and Harfang drones in Mali to gather intelligence.[113] The French government stated the drones were a "unique tool" and "essential for modern operations".[114]

Shortly after the start of Operation Serval, the French Minister of Defence Jean-Yves Le Drian explained that in the long term, fighter aircraft would be complemented with or even replaced by drones, as the deployment of drones was crucial in carrying out military operations.[115] A few months later, an urgent order was placed through the US Foreign Military Sales programme for two unarmed MQ-9 Reaper drones, which would be deployed in Mali in January 2014.[116] When the military programme for 2014-2019 was adopted, the urgent need for drones in order to gather intelligence was again highlighted.[117] It stated that France would acquire 12 class III drones before 2019 and possess 30 class II drones by 2025. The class III drones, stationed at the US base in Niamey in Niger, were extensively used to gather in-theatre intelligence for military operations, including acquiring enemy targets on the ground, and to help other armed aircraft with targeting through the use of laser sensors.[118] In 2014 for example, ten suspected Islamist fighters were killed in Mali after they had been spotted by a French drone.[119]

In August 2014, Operation Serval was replaced by the current counter-terrorism mission, Barkhane, which has been operating in Burkina Faso, Chad, Mali, Mauritania and Niger.[120] The mission began with a 3,000 strong force, including two Reaper drones and one Harfang drone.[121] The emphasis in the mission lies on the capacity to operate fast and flexibly, while having a light footprint.[122] The deployment of drones helps achieve this. Hence in 2015, a third Reaper was being operated by France in Niamey as well.[123] As the military perceived the use of drones to be a success in gathering

surveillance and intelligence for their counter-terrorism operations, France announced in 2017 that they had decided to arm their drones in the future.[124] Worryingly however, neither France nor the Europe Union have formulated a clear policy on how and when they would use the armed drones.[125]

France carried out its first drone strike in Mali in December 2019, only two days after the army finished testing drones for armed operations.[126] In the operation, in which helicopters and ground troops were deployed as well, 40 "terrorists" were "neutralized". Ten days later, nine terrorists were "put out of action" with the aid of a combat helicopter and armed Reaper drone.[127] In January 2020, 35 militants and 23 motorcycles were "neutralized" by combat helicopters and an armed drone.[128] A month later, the French government announced once again that it had "neutralized" 50 militants and destroyed 30 motorcycles and two pickup trucks in Mali with the help of a Reaper drone, Mirage 2000 airstrikes and combat helicopters.[129]

A sign warns "Danger - presence of ammunitions" at the back of a French Reaper drone armed with 2 GBU-12 bombs at the operation Barkhane's military base in Niamey, on December 15, 2019.

By using phrases such as "putting terrorists out of action" and "neutralising armed militants" instead of using the words 'killing' or 'executing', France suggests in its press releases that the army is fighting a clean, bloodless war. Moreover, press releases let the public believe that there have been almost no civilian casualties in the French military operations. However, it is extremely difficult for the French military to know who the 'terrorists' are. A French soldier who fought in Mali in 2019 said "the jihadists hide among the populations. Every man is a potential suspect. You can't get the flower in the rifle."[130]

There are indications that the deployment of armed drones in the Sahel has resulted in civilian deaths. In February 2020, France stated in a press release that it had "neutralised" 20 terrorists in a military operation in Burkina Faso with various aircraft, including a Reaper drone.[131] French news portal Mediapart has collected testimonials that indicate that during that military operation, several civilians were killed by a French drone.[132] Furthermore, several sources have reported that civilians were killed by French (drone) strikes in Gourma, but these strikes are not verified as there are no independent watchdogs in the area.[133]

In general, independently tracking possible civilian casualties in the Sahel remains difficult. Western journalists have to follow the instructions of the French army and do not have freedom of movement in the regions, unless they are willing to take the risk of travelling without protection.[134] Therefore, it is extremely difficult to verify whether there are indeed no attacks on civilians, as the French government claims.

Italy

After it gave up its colony Libya in 1943, Italy retained major strategic interests in the country and Africa as a whole. Italy is dependent on oil and natural gas from Libya and, like other European member states, seeks to have control over the migrants who cross the Mediterranean to come to Europe.[135] Since 2004, Italy has bought six Predator drones, and it has introduced six Reaper drones since 2010.[136] These unarmed drones are used actively over the Mediterranean and during NATO operations for reconnaissance, surveillance and target acquisition missions.[137] Since 2011, the drones have been deployed on the African continent as well. Yet in 2015, less than 40 per cent of the population were aware that Italy deployed drones in its military missions.[138] This raises the question if the government should make more effort to inform the public about the deployment of drones, and/ or if this reflects a lack of interest among the general public in wars fought far away with no risk to their own troops.

Since 2008, the US has used the Italian Sigonella air base as a base for US drones that are used to support military missions in North Africa.[139] Italy may have secretly authorised the US drone missions on a case-by-case basis, despite members of parliament having called on the Italian government to be more transparent about the American use of drones from the Sigonella air base.[140] In 2016, the Italian population learned that the US had armed the drones that were based in Italy.[141] Yet the Italian government refused to admit that American armed drone operations took place. Furthermore, the Italian government did not publicly declare a clear policy and legal position on the use of armed drones, despite consistent calls from European and Italian civil society organisations.[142]

In 2011, the Italian militarily intervened in Libya together with other NATO members to implement the United Nations Security Council Resolution 1973.[143] Italy deployed an unarmed Reaper to gather intelligence and shared its drone base in Sigonella with its allies.[144] By the end of the year, the Reaper had transmitted 250 hours of video.[145] During the intervention, Italy asked the US for permission to arm the drone, which it received in 2015.[146] It remains however unclear whether Italian drones have been armed or not.[147]

In 2013, Italy began Operation Mare Sicuro, a surveillance and maritime security operation near the coast of Libya and in the Mediterranean, in which Predator drones were deployed.[148] The Defence Minister Mario Mauro stated that the drones could be used to identify and track boats with migrants as well.[149] In November 2019, an Italian Reaper crashed in Tripoli, the capital of Libya, where rival groups had been fighting each other.[150] The Libyan National Army stated that they shot the Reaper down, posting photos of the wreckage on social media. Yet Italy's Ministry of Defence said that contact with the Reaper had been lost during a Mare Sicuro operation.[151]

In 2014, Italy deployed one of its unarmed Italian Predators in Djibouti from Chabelly Airport to support the European Union's anti-piracy mission Operation Atlanta.[152] Another drone was stationed at the airport as well, likely for back-up and operational continuity.[153] The Italian Ministry of Defence did not officially announce it would be sending drones to Djibouti. Therefore, it was not known for how long the drones would be deployed. The Predator drone monitored pirates along the Somali coast and World Food Programme ships transporting goods to Somalia.[154] At the time, members of parliament asked the Defence Minister if Italian drones were being used to support the secret US mission to counter the al-Shabaab militant group in Somalia as well, yet the Ministry of Defence refused to answer the question.

United Nations

The UN has been using drones in its monitoring operations since 2006.[155] In 2006, drones were used in the EUFOR RD Congo military operation by Belgium troops in the Democratic Republic of Congo to support the UN peacekeeping mission MONUC and in Sudan after the UN Security Resolution 1706 gave a mandate "to monitor trans-border activities of armed groups along the Sudanese borders with Chad and the Central African Republic."[156] In 2009, the UN replaced the European Union military operation in Chad and the Central African Republic. Some of the contributors that used surveillance drones in the military operation were also involved in the UN mission. Therefore, the UN took over these drones as well. In 2013, the UN considered deploying drones in the United Nations Operation in Côte d'Ivoire (UNOCI) after Côte d'Ivoire asked them to, yet in the end, the drones were not authorised due to an improvement in the security situation.[157]

In 2013, the Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) did get formal approval to use drones to track movements of armed militias and document atrocities, despite general scepticism on the use of drones among UN member states .[158] Member states criticised the intelligence that drones would generate, as states feared that any intelligence collection powers on the part of the UN could lead to the loss of sovereignty of member states.[159] Nevertheless, the UN did start expanding its use of drones after deploying them during MONUSCO, as they proved to be a useful tool in UN missions.[160] The Expert Panel on Technology and Innovation in UN Peacekeeping stated for example in 2014 that the use of drones constituted "an indispensable source of information" and that "their use should [...] be immediately expanded" and "maximum use" should be made of smaller drones, as the "UN peacekeeping simply cannot afford to cede the information advantage to those actors in a mission area determined to undermine prospects for peace and who use the advantages of modern technology to aid their violent cause".[161]

Since then, the UN has deployed drones in other missions as well where it has received the approval of the relevant state. In the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the Netherlands deployed ScanEagle and Raven drones (class I) from 2014 to 2016 from Camp Castor in Mali to gather intelligence.[162] The ScanEagles flew more than 1,000 hours. In 2015, Sweden complemented the Dutch drones with Shadow (class II), Wasp (class I) and Puma (class I) drones from a base in Timbuktu, Mali.[163] A year later, Germany flew Heron 1 (class III) and LUNA drones (class I) for MINUSMA as well.[164] A drawback in the UN mission was however that the UN lacked analysts who could interpret the data gathered by the drones.[165]

German Defence Minister Ursula von der Leyen (R) passes by a Heron drone as she visits the camp castor in Gao, Mali, on December 19, 2016.

In 2015, the UN repeatedly asked the South Sudanese government to allow the United Nations Mission in South Sudan (UNMISS) to use drones.[166] The government however dismissed all requests because they did not allow their military installations to be photographed. Additionally, they questioned why the UN wanted to use drones in the first place, because there were no 'terrorists' in South Sudan.

In 2017, the government of the Central African Republic did approve the use of drones during the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).[167] French tactical drones were used to locate armed groups and monitor their routes.[168]

African Actors

Morocco

In 2014, France agreed to sell three retired Israeli Aerospace Industries Heron 1 drones (class III) to Morocco, which Morocco received in 2020.[169] The drones will most likely be used in operations to counter extremist groups, as well as independence movements in the Western Sahara. The Israeli foreign affairs ministry stated it welcomed the open trade channels with Morocco, yet Morocco denies all ties.[170]

Algeria

Between 1998 and 1999, Algeria received ten Seeker drones (class II) from South Africa.[171] In 2013, Yabhon United-40 drones (class III) were delivered by the United Arab Emirates (UAE). A year later, the air force tested a Chinese CH-4 drone (class III) and discussed purchasing a Chinese Xianglong drone (class III) as well.[172] In the end, Algeria bought five CH-3 (class II) and five CH-4 drones from China in 2018.[173] The drones are capable of being armed. The Algerian military also showed footage of their Yabhon Flash-20 drone (class III).[174] In 2019, the Ministry of National

Defence announced for the first time that it had struck a target with the Yabhon United-40 drone with unguided bombs.[175] The ministry did not explicitly state that this was the first drone strike that Algeria had launched. It is unclear when, where and during which military operations the drones are used. It is also not clear how the general population feels about the use of military drones.

Tunisia

In 2011, uprisings within Tunisia mushroomed across the country, with civilians demanding a solution for the high unemployment, food inflation, corruption, lack of political freedom and poor living conditions.[176] The population ousted President Zine El Abidine Ben Ali, and Fouad Mebazaa stepped in as an interim president. In December 2011, Moncef Marzouki became President; he led the country until 2014. During his presidency, Tunisia received ScanEagle drones (class I), made by the US, which were operated by the Tunisian navy.[177] In 2016, it was announced Tunisia would receive more ScanEagle drones.[178] It is unclear how many drones Tunisia has and when and where they are deployed.

As previously explained, Tunisia secretly allowed US Reaper drones to be based in the country in 2016. When the existence of the US drone base was revealed to the public in October 2016, Colonel Behlhassen Oueslati denied that American drones were based in the country and used in counter-terrorism operations in Libya.[179] Defence Minister Farhat Horchani stated the drones were in Tunisia for training purposes and to "monitor the southern borders and detect any suspicious movements".[180] "Tunisia is a sovereign country and will not host foreign bases," Horchani stated.[181] In November 2016, the Tunisian President declared he personally agreed to let the American drones fly from the Tunisian base, as this was in the interests of Tunisia.[182] Despite the government's attempt to avoid opposition to the US presence in the country, the US military and its drones remained controversial among the Tunisian population and parliament.[183] It is unclear if US drones are still operating from Tunisia, but the commander of US AFRICOM did call Tunisia "one of [their] most capable and willing partners".[184]

The Tunisian military expanded its own drone arsenal by acquiring eight light American Puma drone systems (class I) in 2019.[185] In 2020, Tunisia ordered six Turkish Anka-S drones (class III) in 2020, but it was later reported that the contract was cancelled as Tunisia did not have the funds.[186] Yet later in 2020, Tunisia was interested in purchasing Turkish guided bombs for their future combat drones. The Anka-S drone is capable of carrying weapons. It is unclear when and where the drones will be deployed.

Libya

In 2009, Ghaddafi bought four Camcopter S-100 drones (class II) from Austria; the drones were delivered in early 2011.[187] Austria sold the drones to Libya so they could monitor the border and control migration. Ghaddafi used the drones however to fight insurgents.[188] In early 2011, the United Nations implemented an arms embargo against Libya, expressing "grave concern at the situation in the Libyan Arab Jamahiriya and [condemning] the violence and use of force against civilians".[189] A few weeks later, in March 2011, a NATO-led coalition started a military intervention in Libya to implement the United Nations Security Council Resolution 1973.[190] The resolution included a demand for an immediate ceasefire and an end to violence and attacks against civilians, as well

as a no-fly zone over Libya. The resolution furthermore stated "all necessary measures" should be used to protect civilians, "notwithstanding" the imposed arms embargo; thus suggesting that arming anti-Gaddafi forces could be justified, in spite of the arms embargo.[191] This led to the Canadian company Aeryon Labs Inc. supplying rebels with a quadcopter (class I), worth USD 120,000, to support their ground operations against Ghaddafi.[192] The small drones remained popular with citizens and certain militia brigades.

In 2014, a second civil war broke out in Libya. This civil war is being fought mostly between the Libyan National Army (LNA), led by commander-in-chief Mashal Khalifa Haftar, and the Government of National Accord (GNA), led by Fayez al-Sarray. Haftar is backed by the UAE, Egypt, Russia, Saudi Arabia, Jordan and France, while al-Sarray is supported by the UN, Italy and other Western states, Turkey and Qatar. Other armed groups, including the Islamic State of Iraq and the Levant (ISIL), are fighting in the country as well. The United States plays a limited role in the conflict and is primarily concerned with counter-terrorism.[193]

As the civil war continues, parties make heavy use of (armed) drones.[194] Outside powers like the UAE and Turkey supply drones and ammunition, despite the arms embargo.[195] Although the UAE and Turkey do not openly state that they are delivering drones, they put little effort into disguising the source of the drones.[196] It is unlikely that the LNA and GNA fly the large drones unaided; the operation and maintenance of these drones is complex and requires months of technical and simulator training, which is beyond the known capability of the militants.[197] Armed groups make use of smaller drones, like the Austrian Schiebel Camcopter S 100 drones.[198] One of these drones was shot down in 2015 in the west of Libya.[199]

Satellite image of Al Jufra Airbase in Libya shows a Chinese-build Wing Loong II armed drone, operated by the United Arab Emirates. August 27, 2019.

In 2016, the LNA was able to use at least two and possibly up to eight combat UAE Wing Loong II drones (class III).[200] In 2019, one of the Wing Loong II drones, which was paired with five BA-7 missiles, was destroyed, while another one had been spotted near Tripoli.[201] Meanwhile, the GNA had the aid of Turkish Bayraktar TB2 drones (class III) in 2019, which were manufactured by Baykar

Makina.[202] In May 2019, the GNA had four Bayraktar TB2 drones, but three of them were destroyed by LNA forces in June 2019. Because the drones were downed, the GNA received a new batch of probably eight Bayraktar TB2 drones from Turkey. Haftar forces responded to this delivery by planning strikes and attacking airports to try to destroy the new drones and their support facilities. As a result, a third batch of Bayraktar drones was delivered to the GNA.[203]

By 2019, the use of drones intensified in the Libyan civil war as they became the main means to conduct aerial attacks for both parties.[204] Within a year, the LNA and affiliated forces carried out some 850 drone strikes.[205] The GNA and affiliated forces conducted 250 airstrikes, of which an unknown number were performed by drones. Many drone strikes are unclaimed. Sometimes the LNA or GNA claims to be responsible for a drone attack, when a foreign state actually carried out that bombing.[206] Yet these foreign powers refrain from publicly naming the perpetrators, even when civilians, ambulances and hospitals are targeted by drones.[207]

In January 2020, Turkey and Russia pushed the warring parties to declare a ceasefire, yet the war only intensified.[208] When the coronavirus spread through the country, hospitals and civilian buildings were a target for the drones.[209] The GNA carried out attacks near Tripoli, while Turkey supported them with Bayraktar TB-2 drones. Several drones have crashed.[210] The LNA claimed it was responsible for taking down some of these drones, but this has not been verified. The GNA, on the other hand, declared that it had shot down a Wing Loong drone, operated by the UAE or Haftar forces, in January.[211] The GNA also announced that Jordan sold a Chinese Wing Loong drone to the LNA.[212] Jordan however denied the allegation.

A Turkish Bayrakter TB-2 armed drone crashed in the desert in Libya, April 2020.

Both sides not only use class III drones in their fight against each other, but also deploy smaller drones in their operations for intelligence collection and tracking troop movements. The LNA deploys an unknown number of Orlan-10 (class I) and Mohadjer-2 (class I) drones, while the GNA has Orbiter-3 drones (class I).[213] To gather intelligence, surveillance and reconnaissance, both parties make use of widely available commercial drones.[214]

Egypt

Since 1980, Egypt has had military drones in its arsenal. From the 1980s until the 1990s, Egypt had American Scarab drones, but Egypt only ever operated nine of the 59 drones.[215] The nine drones supported around 65 missions, but it is unclear in what areas they were deployed. From 1989, Egypt received American R4E-50 SkyEye drones too.[216] It is unclear where these drones were flown and what their purpose was. The drones are now inactive.

In 2012, the chairman of the Arab Organization for Industrialization, Hamdy Weheba, stated that Egypt had started the production of Chinese ASN-209 drones (class II).[217] Egyptian armed forces acquired six of these drones.[218] A year later, the Egyptian armed forces, under the command of Abdel Fattah el-Sisi, overthrew the Egyptian President Morsi in a coup d'état. In 2014, el-Sisi took office as the President of Egypt. Since el-Sisi has been in charge of the country, Egypt's relationship with drones has quietly intensified.

In 2013, it was speculated that Israel had launched a secret air campaign in Sinai with the approval of Egypt, thereby killing four Islamist militants with a drone.[219] The Sinai militants concentrate on attacking Israel, Egyptian security forces and civilians in Sinai. Worrisomely, the drone strikes in the region have killed civilians as well.[220] Since 2016, Israel has carried out more airstrikes against Sinai militants with unmarked drones under a covert agreement with el-Sisi.[221] Egypt started its own counter-insurgency operations in Sinai with Chinese Wing Loong drones in 2016 from Bir Gifgafa Air Base. The secret coalition between the two states is remarkable as they were opponents in various wars and have had an uneasy relationship in times of peace.[222]

It is hard to determine which strikes in Sinai are launched by Egyptian and Israeli drones. Some Israeli unmarked drones fly circuitous routes to give the appearance that they are based in Egypt, and both Israel and Egypt deny any Israeli involvement in the airstrikes.[223] In addition, journalists and human rights activists are prohibited from independently covering the military operations and are banned from large parts of the Sinai region.[224]

Egyptian Wing Loong I drones (class III) have been spotted at the Egyptian Dakhla Oasis Airport and Uthman Air Base as well.[225] It seems that since 2018, there have been Wing Loong II drones (class III) at the Uthman Air Base, near the Libyan border.[226] The Wing Loong II drones might be deployed by the United Arab Emirates. The drones are possibly used along the western border for security and counter-smuggling operations.[227]

As late as 2018, Egypt officially acknowledged it operated a Wing Loong drone.[228] In an Egyptian Air Force video, a single armed drone was shown destroying a target on the ground.[229] Yet when Egypt acquired Puma drones (class I) from the US around 2019, this was made public by the American government and not by Egypt.[230] In 2020, Belarus announced it would manufacture drones in Egypt.[231] This shows that Egypt has been opaque about its use of drones. It remains unclear how

many drones Egypt has in its arsenal, as well as when, where and for what military operations the drones are used. Furthermore, Egypt has not provided public information on the groups or individuals that have been targeted by drone strikes.

Mauritania

In December 2018, President Mohamed Ould Abdelaziz told the French newspaper Le Monde that Mauritania had bought Chinese drones.[232] The drones are used "to improve surveillance of the territory". It is unclear how many and what kind of Chinese drones Mauritania has, when the country obtained the drones and when, where and how they have been used. It is also not clear how the general population feels about the use of military drones.

Mali

In 2012, Mali experienced a Tuareg uprising, a seizure of northern cities by Islamist groups including Ansar Dine and al-Qaeda in the Islamic Maghreb (AQIM), and a military coup.[233] In 2013, France started to deploy drones in Mali to fight Islamist groups. At the time, Malians welcomed the French intervention. Yet within a few years, locals would protest multiple times in efforts to push France out of the country.[234]

At least since 2016, the Malian population has organised multiple protests against the foreign forces operating in the country.[235] The population accused the French army of going after innocent people, without sharing information on why they did so.[236] Moreover, neither the French forces nor the Malian government gave the population any information about the various French military operations. At the time, Major General Patrick Bréthous told Malian journalist Baba Ahmed "we are not here to highlight the results of our operations, but rather to ensure that the armed terrorist groups no longer have any sanctuary."[237] He argued that the Malian authorities should decide whether or not to provide information about the military operations. However, the Malian authorities have harassed journalists who cover security issues. [238] In addition, criticising the army can result in arrests on charges of contravening standards and undermining troop morale.

The opaqueness of the French intervention led to more unrest in the Malian state. In 2017, hundreds of Malians protested at the French embassy in the capital, saying that France was not impartial in the conflict between the Malian government and the armed groups.[239] Some protesters were not calling on France to leave the country, but rather wanted to know what the French military was doing exactly in the region, as they suspected France was attempting to gain control of Mali's natural resources.[240] In the same year, locals protested in Kidal in northeast Mali and attacked French forces on patrol with stones.[241] Again, in 2018 Malians protested at the French embassy in Bamako.[242] The anti-French sentiment among the Malian population rose even further in 2019, after at least 41 Malian soldiers were killed in an attack on the military camp of Boulkessi.[243] A general suspicion grew among the Malian population that France was assisting the jihadists in Mali, as France was unable to halt the attacks on the population, despite its sophisticated weapons and drones. This conspiracy theory circulated widely on social networks in Mali.

In 2020, the deterioration of the conflict, civilian deaths and the start of armed drone operations by France further increased the Malian population's opposition to the French military intervention.[244] Anti-France demonstrations continued and so did the spread of conspiracy theories. Moreover, at least some of the local population has become too terrified to talk to the French army.[245] When French soldiers talk to locals to gather intelligence for their military operations and then move on, the people who helped the French military can then be attacked or executed by non-state groups. Now that France is carrying out drone attacks, local villagers are afraid they could be attacked by the drones too. Thus, for at least part of the Malian population, French armed drone operations have reduced rather than increased their sense of security.

Niger

Within two decades, Niger faced three coup d'états in 1996, 1999 and 2010.[246] Then Majamadou Issoufou, Niger's current President, took office in 2011, after elections that were internationally perceived to be free and fair. Issoufou's government took a hard-line stance against terrorism and irregular migration and shifted a large part of the Nigerien budget to defence expenditure and to the securitisation of borders.[247] Simultaneously, Issoufou became head of the G5 Sahel counter-terrorism force and started to work closely together with France and the US in their counter-terrorism missions.[248] It is unclear to what extent France and the US have influenced these new Nigerien defence policies.

As explained previously, the US started to deploy unarmed drones in Niger to fight armed Islamists and drug traffickers in 2013. In 2014, a new drone base was built by the US in Agadez in Niger.[249] Strikingly however, the Nigerien parliament did not give official approval for the construction of the base, although this is required by the Nigerien defence treaties.[250] Djibril Abarchi, chairman of the Nigerien Association for the Defence of Human Rights, an independent watchdog group, said "we just know there are drones; we don't know what they are doing exactly. Nothing is visible. There is no transparency in our country with military questions. No one can tell you what's going on."[251] Nigerien authorities have imposed restrictions on press freedom, denied civil society demonstrations and made hundreds of arbitrary arrests.[252] Civil society organisations and individuals who publicly opposed the US drone deployment were, at least in some cases, detained or intimidated by the Nigerien government.[253] It is unclear if the US attempted to prevent the suppression of civil society or had conversations with its partners about these human rights violations.

Issoufou was re-elected in 2016, yet the elections were not perceived as fair this time.[254] After the elections, there were protests and riots in Niger, as well as terrorist attacks.[255] A year later, Issoufou stated an intention to increase the presence of American and French troops in Niger and gave the US permission to arm its drones, to the dismay of the opposition.[256] Adversaries of Issoufou believed the military presence of foreign powers on Nigerien soil was an infringement of the sovereignty of their country.[257] This was echoed by Nigeriens outside the parliament as well. "The presence of foreign bases in general and American in particular is a serious surrender of our sovereignty and a serious attack on the morale of the Nigerien military," said civic leader Nouhou Mahamadou.[258] Amadou Roufai, a Nigerien administration official, explained that Nigeriens are afraid that the drones would strike civilians accidentally. AFRICOM stated however that drones would only carry out strikes for self-defence purposes.[259]

Image uploaded by an anonymous user on Twitter shows a crashed US MQ-1C Grey Eagle with Hellfire missiles that crash-landed in Niger, January 26, 2021.

The existence of the US base was not common knowledge to all Nigeriens, journalist Joe Penney found when he held interviews in Niger in 2018.[260] One Nigerien expressed surprise at hearing that the Americans were fighting in the country and felt it was just another form of colonisation.[261] Yet other Nigeriens did appreciate that foreign countries were fighting on Nigerien soil. The mayor of Dirkou, Boubakar Jerome, said he approved of the US drone bases as they scare people.[262] In Niamey, a civilian welcomed the foreign military presence, as Niger could not combat terrorism alone.[263] Others saw the military bases as a source of income. An inhabitant of Agadez, who lives near a US drone base, said the drone base was not "a big deal" and hoped to make money out of it.[264] He appreciated the Americans wanting to help Niger and said the drones did not bother the civilians. A civilian who lived near the US CIA drone base in Dirkou however, did say that the base annoyed civilians, as the drones stopped them from sleeping.[265]

In 2019, a large demonstration broke out in Niamey in which protestors demanded the departure of foreign forces, as they infringed Nigerien sovereignty.[266] The protestors said that the national army should be provided with sufficient and adequate resources, so they could ensure their own security. At the end of 2019, the Nigerien army did expand their arsenal, but also allowed France to arm its drones.[267] The military received three French Delair DT26X Surveillance drones (class I) to support their military missions.[268] In 2020, Niger received another batch of four surveillance drones.[269] It is however unclear where and how often these drones are deployed.

Chad

President Idriss Déby Itno has been the President of Chad since 1990. Several rebellions have broken out in the country during his presidency. In 2008, when rebels entered the capital of Chad, N'Djamena, France deployed 11 CL-289 drones (class II) to gather intelligence on the rebels in Chad.[270] A Chadian news outlet questioned the usefulness of these drones at the time.[271] In 2014, Chadian news reported that the US had started to deploy drones from Chad to search for high-school girls who had been kidnapped in Nigeria.[272] In 2019, France supported Déby again when suspected militants entered Chadian territory from Libya.[273] French planes, supported by a Reaper drone, destroyed around 20 pickup trucks. It is unclear if people were killed during the air raid and if so, how many.

It remains unclear if the general public is aware of the presence of foreign drones in the country, and to what extent they support this, and if civilians or civil organisations have publicly voiced criticism.

Nigeria

Since 2006, Nigeria has used Israeli Aerostar drones (class II) to carry out surveillance on Boko Haram militants.[274] Nigeria sees the use of drones as essential because Boko Haram generally operates in remote areas and does not have fixed bases.[275] It is therefore hard to gather intelligence with soldiers on the ground. It seems that around 2009, the nine deployed Aerostar drones were grounded due to poor maintenance.

As the Boko Haram threat increased, Nigeria commissioned a counter-terrorist special force in 2011 and declared a state of emergency in 2013 in the regions of Borno, Yobe and Adamawa, where Boko Haram had been fighting.[276] In 2013, the Nigerian Air Force built their first light GULMA drones as well to gather intelligence during their military missions against Boko Haram.[277] Yet the drones were not deployed because of mechanical problems, although a source stated one GULMA drone had been lost during an operation in 2015.[278]

In 2014, Nigeria allowed the US to use an unarmed Predator drone to find 250 Nigerian schoolgirls who had been kidnapped by Boko Haram. In the north of Nigeria, conspiracy theories circulated that the US and other Western forces were trying to destroy Muslims and dominate Islam.[279] Civilians worried that the Nigerian government was allowing these foreign powers to take over the country. This narrative encouraged some Nigerians to join Boko Haram, especially young civilians without access to education.

At the same time, Nigeria bought armed Chinese CH-3A drones (class II).[280] Nigeria's use of armed drones was revealed in 2015, when an armed CH-3A crashed in Borno Province in Nigeria during a military mission against Boko Haram.[281] It is unclear when, where and how the drones have been used.[282]

The Nigerian Air Force continued to use drones in counter-terrorism operations. In 2016, the Nigerian Air Force reported for the first time launching a drone attack against Boko Haram, stating that it had "destroyed" their logistics base.[283] In 2018, Nigeria expanded its air campaign by carrying out multiple strikes on Boko Haram in north-east Nigeria with its CH-3A drones.[284] In mid-January, a drone killed members of Boko Haram and demolished their vehicles.[285] By the end of the month, another drone strike was launched against Boko Haram and its vehicles, killing insurgents.[286] A

few days later, the Nigerian Air Force shared videos in which a drone destroys a gun truck[287] and artillery gun[288] belonging to Boko Haram. It is unclear if the drones have injured or killed civilians as well.

The Nigerian Air Force began to see drones as the preferred medium for accurate and real-time intelligence gathering, remote sensing, weapon delivery and conveyance of materials for both military and civilian purposes.[289] Therefore the air force developed its own surveillance drone in collaboration with Portugal , the Tsaigumi (class I), in 2018.[290] It is unknown how many of these drones are deployed and how often they are used in missions. The air force is also working on the combat drone Ichoku, yet it is unknown what stage the production progress has reached.[291]

© Photo via Director of Public Relations and Information Headquarters Nigerian Air Force on Twitter.

The Nigerian Air Force received two Chinese Wing Loong II armed drones in September 2020.

President Muhammadu Buhari was proud of the Nigerian drone development and encouraged the air force to continue with the innovations and take "all necessary measures to tackle all forms of criminality across the country and to safeguard lives and property of all Nigerians".[292] He also tasked the air force with the mass production of Tsaigumi drones, as this could "possibly generate revenue as Nigeria's first military export product".[293] It is unclear what attitude the general population has to the Nigerian military drones, as journalists are often attacked and arrested arbitrarily, and covering news about terrorism and politics is very problematic.[294]

In 2020, the Nigerian Air Force revealed it had ordered eight drones from China that will fly over Katsina, Gusau and Gombe.[295] By November 2020, it had received a pair of Wing Loong II drones from China, to be used for counter-insurgency and anti-banditry operations.[296] Nigeria also ordered Aurosonde Mk 4.7 drones (class I) from the US and may purchase three PD-1 drones (class I) in 2021.[297]

Cameroon

In 2001, Cameroon formed the Bataillon d'Intervention Rapide (BIR), an elite high-readiness unit in the Cameroonian military to fight armed groups in the northern region of Cameroon.[298] In order to centralise the BIR's air surveillance, the Groupement d'Observation Aérienne (GOA) was formed. In 2013, Boko Haram spread into northern Cameroon from Nigeria.[299] As the situation worsened in 2014, Cameroon set up various military operations and deployed additional soldiers to fight Boko Haram in the north of the country. A Cameroon news site stated that drones and combat helicopters were deployed for the first time as well.[300]

As Boko Haram was fighting not only in Cameroon, but also in Chad, Nigeria and Niger, the states decided in 2015 to work together in their military operations against Boko Haram, after a year of discussion.[301] At the same time, Cameroon started to use light Israeli Orbiter II drones (class I) in its operations[302] and it bought five additional light ScanEagle drones (class I) from the US.[303] The drones were used for surveillance and supported artillery strikes.[304] The drones were probably based in Salak, a Cameroonian base to which US military personnel had unrestricted access.[305]

Although the US military had been stationed in Cameroon since 2013, the Cameroonian government informed the country only in 2015 about the foreign military presence.[306] President Paul Biya said that the US military would support the Cameroonian forces in intelligence, reconnaissance and surveillance missions. A Cameroonian news outlet stated that the majority of the people in Cameroon welcomed the Americans and their drones in the fight against terrorism, although some did see this involvement as troublesome.[307] However, it is likely that this statement is not the whole truth, as the government often represses oppositional views in the media.[308] Journalists who cover the counter-terrorism missions in particular consistently receive threats from the government, resulting in almost no coverage of counter-terrorism operations in the Cameroonian press.[309]

There is a lack of information on whether the use of drones in military missions against Boko Haram is fruitful. It is also unclear when, where and how often the Cameroonian and American drones are used.

Ethiopia

In 1995, the Ethiopian People's Revolutionary Democratic Front (EPRDF) won the first multiparty election in Ethiopia.[310] In 2005, the EPRDF won the elections for the third time, yet the electoral process was flawed and dozens of civilians were killed during electoral protests.[311]

Despite these human rights abuses, the US supported the Ethiopian military with armed drones and other military arsenals during the military invasion of Somalia in 2006.[312] In 2007, the Ethiopian Prime Minister Meles urged that the military operation had to be carried out in secret, as the American airstrikes were undermining the support among the Arab League, European Union and some African states for military and peacebuilding missions in Somalia.[313]

In 2011, the US built a drone base in Arba Minch in Ethiopia. US officials stated the drones would be unarmed, as the Ethiopian government considered their use as sensitive.[314] The drones were deployed up until 2016 to gather surveillance on groups with al-Qaeda links in Somalia.[315] Ethiopia denied the presence of the US in the country, stating they "don't entertain foreign military bases in Ethiopia".

In 2011, Ethiopia received small drones manufactured by the Israeli BlueBird company.[316] The order has still not been made public. Therefore, it is not known how many drones Ethiopia has and when, where and in which missions they have been deployed.

It is unclear if the Ethiopian population was aware of the existence of the American drone base. Most of the Ethiopian population have no exposure to independent media outlets that could disclose the use of drones in Ethiopia, as the government controls the radio and television.[317] If independent journalists or bloggers do manage to reach the population, they are attacked by the regime under the Anti-Terrorism Proclamation law. This law interprets terrorism as a "danger to the peace, security and development of the country and a serious threat to the peace and security of the world at large".[318]

During the internal conflict that erupted between the Ethiopian army and the Tigray's People Liberation Front in autumn 2019, public allegations were made that Ethiopia received support from the United Arab Emirates, which operates Wing-Loon II armed drones from an air base in Eritrea.[319] Despite satellite imagery confirming their presence in Eritrea, no actual evidence surfaced of the UAE deploying them over Ethiopia.[320] Similar claims about Ethiopia operating Chinese CH-4 drones against the Tigray force have not been substantiated so far.[321] The only confirmed drone use by the Ethiopian military concerns smaller commercial Chinese drones delivered in 2018 to the Ethiopian police.[322]

Djibouti

In 1977 Djibouti became independent from France. Since 1999, Ismaïl Omar Guelleh has been the President of the country. The opposition in Djibouti has complained regularly about illegal security crackdowns and the impossibility of free and fair elections.[323] The country hosts various armed forces, with the US and Italy having large drones based in the country. In 2014, the President stated that he welcomed the Americans because they would create peace in Africa and the world.[324]

When China and Djibouti signed an agreement in 2014 to build a military base near the American base, the US expressed its worries to the President.[325] Foreign Minister Youssouf argued that these worries were groundless, as the US had enough drones and fighter aircraft in Djibouti to control the whole region. Djibouti welcomed the Chinese base since China invests billions of dollars in Djibouti's infrastructure.

Information on what public opinion is on the foreign military forces and the drones is not widely available online, as there is no independent media outlet in the country itself.[326] The authorities also try to limit the population's access to social media.

Somalia

In 1991 the Somalian regime under General Barre collapsed, which led to a civil war. In 2000, a Transitional National Government was established, which was followed by the Transitional Federal Government (TFG) in 2004. At the same time, the Islamic Courts Union (ICU) controlled parts of the country and by 2006, the ICU was in charge of much of southern Somalia. In 2007, the TFG, with support of the United States, Ethiopian troops and African Union peacekeepers, dismantled the ICU. The ICU splintered into different factions, including al-Shabaab, which the US categorises as a terrorist organisation. Since then, al-Shabaab has been in control of various parts of Somalia and carried out attacks against militants and civilians.

An Ugandan soldier, part of the African Union Mission in Somalia, launching a surveillance drone on April 29, 2014 over the town of Qoryooley, Somalia, just over one month after the town was liberated from al Shabab militants by African Union forces.

The US started operations targeting al-Shabaab in 2007 with the deployment of special forces, helicopters, gunships and drones. It is unclear how much influence the Somalian government has over the US counter-terrorism operations in the country and if the government is fully briefed about the missions. It is known that Somali intelligence officials are not told what agency or command the Americans work for.[327] Around 2011, the Somalian President Sharif said the US drone strikes both strengthen and weaken the government, as the drones support its fight against "criminals" but are also an infringement of the country's sovereignty. Although the American drones interfere with Somalia's sovereignty, Sharif has called on the US to increase its assistance to the Somali military.

The US airstrikes have killed militants, but also civilians, including children. Worrisomely, the US has not acknowledged most of these civilian casualties.[328] Some survivors and families who have been affected by drone strikes were able to pressure the US to re-open investigations around these lethal airstrikes.[329] These survivors and families were often from influential Somalian clans who had the power to generate public attention and pressurise the government. Civilians from less

influential clans or civilians who live in remote areas without governmental control and who are affected by drone strikes have less ability to exert pressure on the US.[330] In addition, journalists who do not censor themselves face the risk of being attacked, arrested arbitrarily and tortured.[331]

Somali analysts have warned that the US bombings that cause civilian casualties could increase support for al-Shabaab.[332] Abdillahi Sheikh Abukar, the Executive Director of the Somali Human Rights Association, an independent, non-governmental organisation in Somalia, explained that the population of Somalia is growing resentful of the foreign actors that cause them harm and do not accept responsibility for the civilian casualties they incur.[333] At the same time, al-Shabaab will use the foreign attacks in its recruitment drives and propaganda, warns Mahad Dhoore, a Somalian member of parliament.[334]

In 2020, the government of Somalia said that it had no knowledge of civilian casualties caused by US drone strikes, thereby avoiding accountability for these civilian casualties.[335]

Sudan

The earliest armed drones in Sudan ware allegedly from Israel, who used them in a strike against a convoy, according to anonymous Israeli defence officials in 2009.[336] During the period 2010-2015, the Sudanese military operated various Iranian military drones used for reconnaissance and targeting support in Darfur and the Nuba mountains including the Ababil and a Zagil type drones.[337]

Non-state Actors

In Africa, various armed groups make use COTS drones. Armed groups can obtain these drones relatively easily, as they are cheap and often purchased by 'hobbyists'.[338] Most of these drones are produced by China, which has refused to restrict drone sales to halt their proliferation.[339] African countries such as Sierra Leone are worried that these drones will fall in the hands of armed groups.[340] They are struggling to regulate the sale of these drones and are enacting legislation. Furthermore, these COTS drones will be harder to combat in the future, as the technology used in these drones is advancing rapidly.

In West Africa, the Islamic State West Africa Province (ISWAP), commonly known as Boko Haram, is active in Nigeria, Chad, Niger and northern Cameroon and has 1,500 to 3,500 fighters.[341] ISWAP has developed its own drones for reconnaissance and surveillance operations.[342] States fear that ISWAP has ambitions to weaponise the drones for attacks.[343] Since 2015, the Islamic State in the Greater Sahel (ISGS) has operated in the West African countries of Mali, Niger and Burkina Faso.[344] ISGS is also known to use COTS drones in Mali for surveillance purposes.[345] In North Africa, armed groups are operating drones too. The Egyptian General Command of the Armed Forces announced in 2018 that it captured a drone used by so-called "terrorists" in the Sinai region during a military operation. The drone was said to be used to monitor movements by army troops in central and north Sinai.[346] The Algerian Ministry of Defence published in the ministry's journal that it had captured 11 drones belonging to "terrorists" in Algeria in 2019.[347] It is possible that more non-state actors in Africa make use of COTS drones.

4. Drone Strikes and State Responsibility

The Use of Force and Consent from the Host State

Among other justifications, foreign powers have consistently invoked the consent given by African host states to attest to the lawfulness of drone strikes against suspected terrorists residing in their territory. France considers itself a party to the armed conflict in Mali at the invitation of the Malian government and relied on the consent of neighbouring countries to expand its counter-terrorism campaign in the Sahel region.[348] Similarly, the Obama Administration asserted in 2012 that US-conducted drone strikes were being carried out with the "full consent and cooperation" of the host states.[349] On some occasions such consent has been publicly expressed, as was the case in 2013 when Somali President Mohamud asserted his support for drone strikes in Somalia against foreign fighters.[350]

Indeed, under international law, a state's consent may preclude the wrongfulness of acts that would otherwise be contrary to international law.[351] As part of its jus ad bellum framework, Article 2(4) of the UN Charter prohibits the use of force "against the territorial integrity or political independence of any state". As such, if a foreign power deploys military force in another state's territory, but with the validly given consent of the said host state, this would not constitute a violation of the UN Charter.[352]

It is important to note, however, that such consent may only justify the resort to force that falls within the limits of what has been agreed to by the consenting state.[353] In the above-mentioned statement, President Mohamud only expressed his support for drone strikes insofar as these target foreign fighters. Based on the scope defined in this statement, it would follow that any US strikes against Somali citizens would require further justification under the jus ad bellum framework.[354] Similarly, once consent to drone strikes is withdrawn, the targeting state must refrain from carrying out any further strikes from that time onwards.[355]

International Human Rights Law and International Humanitarian Law

Moreover, while consent may enable the resort to drone strikes as governed by jus ad bellum, the states concerned will still be under an obligation to ensure that these strikes do not contravene international humanitarian law and the standards of human rights law. As recently confirmed by UN Special Rapporteur on extrajudicial killings Agnès Callamard, the legality of a drone strike under the law regulating inter-state use of force does not say anything about its wrongfulness under IHL or human rights law.[356] Former UN Special Rapporteur on extrajudicial killings Philip Alston similarly warned that a positive obligation still rests on the consenting state to require the targeting state to demonstrate that the force used will comply with applicable IHL and international human rights law.[357] If there is any doubt as to the lawfulness of a strike that has already occurred, the host state should investigate and, in the case of a finding of wrongdoing, prosecute those responsible and seek compensation for the victims.[358]

Similarly, the foreign power operating the drone strikes remains under an obligation to respect applicable IHL and human rights law. The right to life, which applies both in peace time and during situations of armed conflict, extends to all "'persons located outside any territory effectively controlled by the State, whose right to life is nonetheless impacted by its military or other activities in a direct and reasonably foreseeable manner".[359] Foreign powers like the US and France are therefore under an obligation to respect this right and to conduct prompt, thorough and effective investigations into any allegations of arbitrary deprivation of life resulting from their deployment of armed drones in the territory of another state and, where appropriate, prosecute such incidents and ensure reparations for the victims.[360] In addition, they are required to take steps to prevent any similar violations from happening in the future.[361] Similarly, under customary international law, states operating drone strikes in another state's territory have the duty to investigate any alleged violations of IHL resulting from these strikes, prosecute those responsible and provide reparations.[362]

Assistance with Drone Strikes

In addition to the states directly concerned, any state providing assistance with armed drone operations may also bear responsibility under international law for any IHL or human rights violations arising from lethal drone strikes. As explained above, countries including Djibouti, Cameroon, Niger, Tunisia and Italy have allowed the deployment of US drones from military bases located on their territory. This operational support is in many cases crucial to the US's drone programme in the region. Under the International Law Commission's Draft Articles on Responsibility of States for Internationally Wrongful Acts, a state can be held responsible for assisting or being complicit in IHL or human rights violations if it does so with knowledge of the circumstances of the wrongful act, with a view to facilitating the execution of the act and if such act would be wrongful if committed by the assisting state itself.[363] States permitting another state to carry out an armed attack against a third state from its territory may also be in breach of the prohibition of the use of force under jus ad bellum.[364]

International human rights bodies, including the Human Rights Committee and the European Court of Human Rights, have similarly held that a state may be found responsible for extraterritorial human rights violations where it has contributed to such violations.[365] States are thus under an

obligation to assess the risks that any form of assistance with another state's drone operations could contribute to human rights or IHL violations.[366] A similar view seems to have been adopted by the African Commission on Human and Peoples' rights when issuing its recommendations to the Nigerien government in 2018. Here, the Commission expressed its concern that US drones have "caused deaths among the civilian population" and called on Niger to:

> Ensure respect for international human rights and humanitarian law, particularly regarding the use of combat drones and carry out independent and impartial investigations into all deaths caused by drones and bring the alleged perpetrators to justice, including payment of compensation to the victims and members of their family.[367]

Thus far, there have been no reports of any drone strikes in Nigerien territory. With this in mind, there is good reason to interpret the broadly formulated recommendation of the African Commission as not only placing a responsibility on Niger to make sure any drone strikes on its own territory do not violate IHL or international human rights law, but also in relation to strikes in Libya or the broader Sahel region.

In practice, however, transparency and accountability mechanisms in relation to drone strikes have been noticeably lacking. As also described above, information on civilian casualties arising from drone strikes is repeatedly withheld by governments, which often cite national security concerns. This makes it very difficult to verify whether such strikes complied with international human rights and IHL standards or whether states are fulfilling their duty to investigate.

In order to comply with their obligations under international law, foreign powers deploying armed drones as well as those states permitting such deployment on their territory should establish clear oversight mechanisms to enable independent scrutiny of any decisions authorising armed drone use. This will allow effective parliamentary oversight and judicial review of such decisions. Greater transparency will also enable civil society organisations to carefully monitor the military use of drones and their impact on the civilian population.

The ongoing refusal to acknowledge civilian casualties and the further lack of transparency in relation to drone operations present a serious obstacle for any steps towards accountability and ensuring respect for the right of victims of unlawful drone strikes to a remedy. Such blatant denial of justice and redress to victims may increase feelings of resentment, distrust and frustration in affected communities, which in turn may contribute to further political, social and economic instability in the region.[368]

5. Conclusion

An uncountable number of drones are increasingly monitoring and impacting lives all over North Africa, the Sahel and Horn of Africa. This expanding military drone activity is partly the result of military cooperation between African and non-African states, often justified by a discourse about the need for regional stabilisation in the face of the growing spread of armed militants groups throughout northern Africa. However, states frequently gloss over the risks of drone warfare: the fact that the use of drones makes it easier to resort to violence and, even though drones are framed as precise, the fact that their use risks civilian casualties and conflict escalation if not embedded in a clear legal framework, with oversight and as part of a clear military strategy that goes beyond merely targeted killings.[369]

There is strong evidence that drones have killed and injured civilians in Africa.[370] Journalists, experts and civil society groups have written about civilian casualties in Burkina Faso, Mali, Libya and Somalia. It is alarming that states do not systematically publish the grounds on which individuals and groups are targeted, or give information about the numbers and identities of the casualties. Furthermore, there is little public disclosure about the existence of any investigations following such casualties, including any reparations provided to victims of unlawful drone strikes.[371] This lack of transparency makes it very hard to verify whether drone attacks were carried out in accordance with IHL and IHRL. These indications of civilian casualties also underline the need for states deploying drones to put in place stronger military operational standards.

Civil society organisations and activists in the region have strongly criticised these military drone alliances. Yet this criticism has not significantly altered how drones are used in Africa. Instead, states have severely repressed oppositional views in the media. This ongoing secrecy by states about drone deployments in Africa and censorship of the press limits the space for civil society to engage meaningfully in a debate about drone warfare in Africa. This further hinders transparency about the use of lethal force with armed drones, in particular in areas inaccessible to journalists and researchers wanting to investigate the impact of military operations. Neither the states that operate drones themselves nor the states that host the military drone bases on their territory provide information about the drone operations. If African and non-African states sincerely want to stabilise regions in Africa, they need to be transparent about their military operations and be open to criticism by civil society groups, researchers and experts. Otherwise, the growing use of remote warfare with drones could seriously undermine legitimate security concerns and public support, and risk normalising the use of lethal force with drones.

Drones are developing rapidly and their deployment will continue to grow in the foreseeable future. Although drones do support militaries in their operations by enabling improved data collection and situational awareness, their use simultaneously causes ongoing civilian suffering. In order to protect civilians from drone attacks, we strongly recommend the following:

6. Recommendations

To states operating armed drones

- Outline and publish clear and robust legal positions around the use of lethal force with armed drones in compliance with international humanitarian law and international human rights law. This should include the obligation to prevent or mitigate all unlawful deaths and broader civilian harm resulting from armed drone operations and to investigate all allegations of such incidents.

- If armed drones are used in counter-terrorism operations, states should provide timely public information on the legal and factual grounds on which specific individuals or groups are targeted, and provide information on the number of casualties and their identities. The information released should also include the measures taken to avoid civilian harm.

- In case of the use of lethal force, including with armed drones, states must conduct prompt, thorough, independent and impartial investigations into all allegations of unlawful deaths or civilian harm and publish the results of each investigation, including any remedies provided, in a timely manner.

- States should ensure that the rights of victims of drone strikes are upheld, including by ensuring effective access to judicial remedies and reparation.

- Where there is sufficient evidence of unlawful drone strikes, states should bring those responsible to justice.

- States should engage with civil society groups, academics and other relevant experts to ensure concerns about the expanding use of drones are included in policy-making and public oversight.

To states hosting bases with armed drones

- States must not be complicit in unlawful drone strikes, for example by providing logistical support or data used to track down targets. States should ensure this by outlining and publishing clear and robust legal standards governing all forms of assistance with drone operations. These standards should include a comprehensive risk assessment of whether the assistance provided could contribute to violations of IHL and international human rights law.

- States should establish a clear oversight framework to ensure that any government decisions to authorise the provision of assistance to drone operations are subject to independent scrutiny. This should include effective parliamentary oversight and judicial reviews of such decisions.

- States should communicate the legal position on the use of lethal force outside armed conflicts, in compliance with international human rights law, to the states deploying drones on territory.

- States should demand clarity on the legal framework around the use of lethal force with armed drones and/or how data collection with drones is used in military operations to ensure this will be in compliance with international humanitarian law and international human rights law.

- States should publicly disclose information on any agreement with other states on the establishment of military bases on their territory used for the deployment of armed drone operations.

- States should ensure prompt, thorough, independent and impartial investigations into all cases where authorities have provided assistance with unlawful drone strikes.

To states consenting to the use of force by other states on their territory, including through armed drone operations

- States cannot consent to military interventions that violate international humanitarian law or international human rights law and states are under a positive obligation to ensure this does not happen.

- In light of this obligation, states should require the targeting state to demonstrate that the force used will be lawful under international humanitarian law and international human rights law.

- In case of any doubt as to the lawfulness of a drone strike, states should carry out prompt, thorough, independent and impartial investigations and, where appropriate, prosecute those responsible.

- States should ensure that the rights of victims of drone strikes are upheld, including by ensuring effective access to judicial remedies and reparation.

- States should publicly disclose information on any agreements with other states on the use of force on their territory, including through armed drone operations.

To the African Union

- Request a debate with member states on all the relevant issues surrounding the production, use and proliferation of drones that impact security and could cause civilian harm.

- Outline a clear position as the African Union that sets out key concerns about transparency and accountability in drone strikes by member states, and the wider concerns about the growing use of remote-controlled lethal force in military operations.

- Call for clear agreement on the hosting of armed forces using military drones for targeted strikes or data collection in the territory of member states.

- Ensure the voices of civil society groups, academics and experts are included in the wider debate about the growing drone use and proliferation.

- Provide clear guidelines for export controls for member states that are producing and exporting military drones and related technology. These guidelines should be in compliance with state obligations under the Arms Trade Treaty which, among other requirements, places a duty upon states to assess the risk that the arms or items at stake may be used to commit or facilitate violations of IHL or international human rights law. If this assessment leads to a finding of an overriding risk of such violations, the state should not authorise the export.

- The African Commission on Human and Peoples' rights should closely monitor drone strikes and casualties and include in its periodic reports information on such drone strikes and casualties.

- In issuing its recommendations to member states, the African Commission on Human and Peoples' rights should continue to call upon states operating, providing assistance to or consenting to drone strikes to ensure respect for international humanitarian law and international human rights law in relation to these operations.

- The African Commission on Human and Peoples' rights should continue to call upon states to carry out prompt, thorough, independent and impartial investigations and, where appropriate, prosecute those responsible and provide remedies to the victims.

7. Endnotes

1. Military drones are also called Remotely Piloted Aircraft Systems (RPAS), uncrewed or unmanned aerial vehicles (UAV) and uncrewed or unmanned combat air vehicles (UCAV). Another frequently used term is uncrewed or unmanned aerial systems (UAS), which includes drones, control stations, drone terminals and other apparatus. In this report, the term "drone" is used or the specific name of a type of drone.

2. North Africa covers Algeria, Egypt, Libya, Morocco, Mauritania, Sudan and Tunisia. The Sahel covers Senegal, Mali, Burkina Faso, Algeria, Niger, Nigeria, Cameroon, the Central African Republic, Chad, Sudan and Ethiopia. Lastly, the Horn of Africa covers Djibouti, Eritrea, Ethiopia and Somalia. Drones are also used in West, East, Central and South African states. Although it is important to discuss the use of drones in these regions as well, this discussion is beyond the scope of this report.

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