

**Contributions to Work on Drones and Targeted Killings
From OSF Unit Proposed Strategies 2014 - 2017**

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INTRODUCTION

Rachel Reid nominated a shared framework to develop an international norm on targeted killings and the use of weaponized drones. Key objectives include: reducing the frequency and scope of U.S. and other states' lethal targeting operations; internationalizing policy discussion; and setting precedents that protect human rights and the rule of law. OSF staff brings distinct authority, expertise and experience on this topic and these strengths could form the basis of a global initiative to develop a new norm on drones and targeted killing. Thinking on this issue has been organized by Rachel Reid of the Regional Policy Initiative on Afghanistan & Pakistan and includes a wide range of program staff from the Open Society Justice Initiative, the National Security and Human Rights Campaign in U.S. Programs, the Open Society foundation in Pakistan, and the Arab Regional Office.

ADVOCACY AND OPERATIONAL OFFICES

OSF-DC

Ending the War Framework for Counterterrorism – After 9/11 the US adopted a “war” framework which poses major legal and political challenges for human rights, particularly on detention without charge and **targeted killings**. The coming end of US combat operations in Afghanistan creates an opportunity to end the “war,” but threats from terrorist groups elsewhere are being used to argue against doing so. OSF is working closely with USP to encourage a new US counter-terrorism framework, including an end to Guantanamo detentions and **curbs on targeted killings**. OSF-DC has played a key role on these issues because Mort, Steve and Wendy have senior government experience and contacts on national security and human rights and OSF-DC strongly supports this “field” through grant making, convening and strategic advice.

Shared frameworks: Targeted Killing – We have expressed concerns about specific aspects of this proposed shared framework, but are deeply involved in collaborative OSF efforts in this area.

Work plan: Counter-Terrorism – Work to obtain a narrowing or repeal of Authorization to Use Military Force adopted after 9/11; promote the responsible closure of Guantanamo and reform of rendition policies; obtain the public release of all or part of the SSCI Report on CIA interrogations; **increase the transparency and accountability of drone strikes**; reform profiling policies and mandate data collection on profiling.

GEOGRAPHIC PROGRAMS AND FOUNDATIONS

OSA- Open Society Afghanistan

Under Shared Frameworks: Drones and targeted killings, particularly the civilian harm aspect. There has been a rapid increase in the use of drones for targeted killings in the past year, which we anticipate indicates the future of U.S. counter terrorism strategy in Afghanistan. In the last four years civilian casualties from airstrikes reduced dramatically because of improvements in U.S. and NATO's operational guidelines. However the U.S. shift from counter-insurgency to counter-

terrorism combined with significantly reduced U.S. ground presence could result in a significant increase in civilian harm.

Pakistan

We are likely to collaborate in a number of shared framework discussions, related to themes we work on, that are currently going on. But currently, we are only collaborating with RPI for work on drones in Pakistan. The issue is part of the shared frameworks discussion as a number of countries/programs are facing related problems from use of drones.

RPI- Regional Policy Initiative

Our main efforts have been on civilian casualties, compensation for civilian harm, and detention abuse. RPI has proposed an ambitious shared framework to develop a global norm on targeted killings and drones. This is an extension of our recent experience in this field, including research in Waziristan through a partner we provide technical and financial support to, and building a coalition of leading international human rights and civil liberties groups on targeted killings. Going forward we will help mobilize civil society organizations and build coalitions in Pakistan and potentially Yemen, in collaboration with ARO.

Program/Foundation Concepts and Initiatives:

Civil Society Advocacy on U.S. Drone Attacks

U.S. drone strikes and targeted killings in Afghanistan, Pakistan, and Yemen has resulted in thousands of civilian casualties and has provoked significant political blowback. Yet legal and policy research as well as political debate has largely occurred in the United States and international community, without input from civil society organizations within affected countries. RPI's experience working with partners on civilian protection in the region, including successful advocacy around operational guidelines for night raids and airstrikes, combined with research, advocacy, and expertise on drone strikes and targeted killing means it is well placed to address this gap, and increase the global nature of advocacy efforts. *RPI will work with partners to form coalitions within and networks across countries to advocate on drone strikes and targeted killings, and when necessary, develop research and documentation to support such advocacy.*

Expected outcomes:

- A coalition of civil society organizations within countries and regional network that engages in sustained advocacy with the U.S. and other governments, as well as regional and international bodies, including the NATO, the AU, the EU, the League of Arab States, and the UN.
- New policies, legislation or operational guidelines that constrain the use of drone strikes and targeted killing, mandate investigations into civilian casualties, and ensure they are consistent with international law.
- Improved compensation policies from domestic governments, and greater accountability for countries that consent to drone strikes against their own citizens in violation of International Humanitarian Law.

Partners will include many of those identified in “Fealty to Field,” including AIHRC, HRCP, FRC, and in Yemen, the National Organization for Defending Rights and Freedoms (HOOD). RPI will collaborate closely with the foundations as well as OSI-DC, National Security and Human Rights Campaign, and Justice Initiatives. The most significant risk is that partners will not be able to agree on positions and common advocacy strategies given the provocative and controversial nature of drone strikes, and the political sensitivities related to such work. RPI’s work coalition building in the U.S. and experience with partners will mitigate this risk, as will political changes in countries like Pakistan, which have opened new, safer space for civil society to work on this issue.

Contributions to Shared Frameworks

RPI is proposing a shared framework on a global norm for targeted killing and drones (see Souk). There has been a marked increase in the use of lethal force outside traditional battlefields, potentially in violation of international law. Existing international law governs any such use of lethal force, but the rapid expansion in use and proliferation of drone technology is already changing norms on state responses to terrorism and other threats. A global norm could take many different forms, from reinforcing or strengthening international law relating to targeted killings, to transparency measures, or operational standards on targeting and civilian protection. RPI’s plan to develop civil society advocacy on drone strikes and targeted killings (see Concepts) will not only be a strong contribution to a shared framework, but it is an initiative that will benefit greatly from collaboration with other elements of the network.

Other Significant Collaborations

(a) Drones and Targeted Killing

As part of its research and advocacy on U.S. drone strikes and targeted killings in Afghanistan and Pakistan, RPI collaborates with JI, NHRSC, and OSI-DC on advocacy. Most recently RPI collaborated on production of a joint statement by 10 major U.S. human rights organizations on the legality of such operations. RPI will extend its collaboration to ARO and other foundations and programs to connect civil societies in affected countries, in particular Yemen, and support advocacy not only in the U.S. but also with other governments as well as regional and international bodies, including the NATO, the AU, the EU, the League of Arab States and the UN.

U.S. Programs

International dimensions of U.S. policy on targeted killings: Given our work on U.S. targeted killings policy, we are actively engaged in discussions with the Regional Policy Initiative for Afghanistan and Pakistan, OSIDC, and the Justice Initiative to explore the idea of a shared framework to address targeted killings and/or the use of drones, with an eye toward achieving international agreement about standards and policy.

THEMATIC PROGRAMS

DPP- Documentary Photography Project

DPP Envisions participation in the shared frameworks, but have defined the following criteria for joining:

- Topics can be effectively shown visually and have the potential to be impacted by strong images
- The region is located where the Foundations are active, but where DPP has not established a presence
- A network of and infrastructure for professionally-trained photographers already exists
- A network of relevant organizations with whom our grantees can work already does or will exist
- There is additional funding available within the Foundations

Of the shared frameworks currently under consideration, the following are of potential interest: Food Security in the Context of Climate Change in Africa; **A Global Norm on Drones and Targeted Killing**; Jekhutno- A Shared Framework on Roma; and Eminent Domain and State Abuse of Expropriation. In terms of specific DPP contributions, we envision participation could happen at various levels:

- Active involvement:
 - Support grants and training to cover the topic
 - Fully integrate grantee projects into larger shared framework activities
 - Fund a curator or collaborative artist to create an engagement project
- Inclusion in guidelines:
 - List shared frameworks as priority topics in exhibition/grant guidelines
- Moving Walls:
 - Choose a theme directly or broadly related to a shared framework

DPP participated in the food security charrette, and we are refining our initial proposal as a result. We envision working through an organization such as Market Photo Workshop to give grants and train photographers, rather than doing so ourselves. We see 2014 as the time to research potential partners and mechanisms to advance food security, and develop a pilot grant by the end of the year. This will also help inform the role that DPP can play in other shared frameworks.

We anticipate a few challenges in our participation. While we can signal interest, our involvement will be determined by the strength of the submitted proposals, and whether organizations and photographers are interested in working on the issue. In addition, we are a small program and the level of our participation will be limited if we cannot augment it with centrally allocated funds.

OSJI- Open Society Justice Initiative

Accountability, Liberty, and Transparency

Our national security work seeks to expose and obtain accountability for human rights violations associated with security and counterterrorism policies and practices worldwide. In doing so, it often relies upon, and enables, greater access to information about the often secret world of counterterrorism. **The War on Terror has morphed** – from a secret war of rendition and torture to a **campaign of secret killings**, only now starting to be acknowledged and discussed by the US

government. The recent openings are not a coincidence: public opinion has moved from a position of complete deference to government claims, to one of more nuanced skepticism. The passage of time, coupled with work by the Justice Initiative – litigation in Europe and reporting globally – and others, have created new political possibilities for accountability for torture and rendition which were not there a few years ago. But the locus of counterterrorism activities is also shifting, increasingly to countries in Africa where the challenges of transparency and accountability are formidable.

Goal: Promote transparency and accountability for human rights violations associated with counterterrorism and national security practices with a view to substantially reducing such violations and to countering the argument of exceptionalism underlying them.

We will continue to push for accountability for rendition while capitalizing on our recent win in the *El Masri* ECHR case. We will **pursue litigation as well as documentation on drones/targeted killings, which is a signal issue of our time for defining the policy/legal boundaries of war and use of military means.** As global counterterrorism efforts intensify in Africa, we will **pursue documentation and advocacy with respect to human rights abuses associated with such efforts.** We will continue to monitor and address the growing trend of exceptionalism and specific human rights abuses associated with national security policies around the world.

2014 Objectives:

- Build on and implement court judgments holding states participating in CIA rendition and US **targeted killings** accountable and/or requiring greater transparency with respect to such participation (including by referencing the NS/RTI Principles in our advocacy).
- Document and advocate for accountability to redress and curb counterterrorism-related abuses in the context of **US targeted killing and drone operations.**
- Undertake an advocacy investigation and report on discrimination and counterterrorism in Nigeria.
- Document and advocate for accountability to redress and curb counterterrorism-related abuses elsewhere in Africa while also engaging with the African Union to promote rule of law and human rights standards in counterterrorism policies and practices.
- Continue to monitor arbitrary detention, torture and abuse, government surveillance, deprivation of due process and use of secret courts to adjudicate national security issues, and suppression of peaceful dissent, among other human rights abuses associated with counterterrorism and national security policies and practices, with a view to seizing one or perhaps two opportunities that may arise to effectively check these abuses through a combination of Justice Initiative tools.

Proposed OSF Partners: OSIWA, OSF-DC, USP, OSEPI, OSIEA, MENA, AfRO, OSIWA
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