

AMERICAN DRONE ATTACKS IN YEMEN: AN ANALYSIS

DIPANWITA CHAKRAVORTTY

THE BEGINNING

Yemen's tryst with American drone attacks began in the year 2000 when the USS *Cole* was bombed on October 12. The USS *Cole* was a United States Navy guided-missile destroyer and was docked in the Aden harbour during the attack. Around 17 American sailors were killed and 39 injured during the attack. It was believed that an Al Qaeda operative named Qaed Salim Sinan al-Harethi was the mastermind behind the attack.¹ He was a citizen of Yemen but was trained by Al Qaeda in Saudi Arabia. The porous border between Yemen and Saudi Arabia helped Al Qaeda flourish in this region.

After 9/11 and the subsequent declaration of the War on Terror by the US, Yemen became an important ally. On the one hand, Washington realised the importance of gaining a strong foothold in Yemen to attack Al Qaeda in the region and, on the other, the Yemeni government, headed by President Ali Abdullah Saleh understood the importance of US support to maintain its authoritarian assertion against the Houthi rebels in Yemen.²

Dr **Dipanwita Chakravortty** is Research Associate, Centre for Air Power Studies, New Delhi.

1. "CIA Killed Al-Qaeda Suspects," BBC, 5 November 2002, <http://news.bbc.co.uk/2/hi/2402479.stm>
2. The Houthis are Zaidi Shia tribesmen from Northern Yemen. During this period, the Houthis had become one of the strongest rebel groups in Yemen with their own flags, leadership, organisation and, most importantly, public support. They were one of the biggest challengers to the Yemeni government and it was imperative for Saleh to defeat them.

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A couple of month's post 9/11, on November 25-27, 2001, Saleh visited Washington and publicly stated his support for the War on Terror. He met President Bush and pledged his assistance for the US policies in West Asia. In return, he sought economic and military support as well as assurances of reduced pressure on matters such as democratisation. He signed a US\$ 400 million deal with Washington which not only included an economic package but also military aid.³ As per the deal, the US was allowed to legally step into the soil of Yemen to 'create a counter-terrorism camp' which was to be run by the Central Intelligence Agency (CIA) and the US Marines in order to train Yemeni soldiers

to combat Al Qaeda terrorists. The then CIA Director George Tenet was the man behind this deal and he assured Saleh that it was beneficial for Yemen and its government to have strong Special Forces trained by the US military who could provide quick support from their local base in Yemen. Yemen also received high-mobility multi-purpose wheeled vehicles and armoured personnel carriers. The *coup de grace* of the deal was the approval by Saleh to fly Predator drones armed with Hellfire missiles over Yemen.⁴ According to Jeremy Scahill, the Predator drones were parked in Camp Lemonier in Djibouti which is just 245km flying distance away from Aden in Yemen.⁵

Until November 2001, the US military aid to Yemen was negligible. There was no military financing, while military sales had dwindled down to just 8

3. Barak A. Salmoni, Bryce Loidolt, Madeleine Wells, "Regime and Periphery in Northern Yemen: The Huthi Phenomenon," RAND Corporation, April 28, 2010, pp. 124-128.

4. Ibid.

5. Jeremy Scahill, "The Dangerous US Game in Yemen," *The Nation*, April 18, 2011, <https://www.thenation.com/article/dangerous-us-game-yemen/>

percent of the total that was sold in the early 1990s. The International Military and Training Programme had also reduced to one-third of its intake. The United States Agency for International Development (USAID) had already closed its doors by the mid-1990s and there was almost no civil aid coming from Washington to Yemen. Suddenly, things changed dramatically after the November 2001 meeting.⁶

A few months later, in March 2002, US Vice President Dick Cheney visited Sana'a and discussed increasing military aid in terms of deputation of US military advisers to train counter-terror and Special Forces units in the Yemeni Army. Saleh, on the other hand, agreed to share intelligence against Al Qaeda in Yemen.⁷ These high profile meetings played a very important role as they slowly set the stage for US interference in the domestic arena of Yemen. It not only established the infrastructure for future military excursions in the region but also provided legitimacy to the US to pursue the same. Further, it helped the US to officially declare Yemen as part of the combat zone in support of Operation Enduring Freedom.⁸ This allowed the US to deploy its Special Forces in Yemen. The Yemeni government, facing stiff opposition from its population, stated that the US soldiers were deployed to aid the home forces against Al Qaeda and denied that it would allow the US troops to take part in any operations on its territory.⁹ However, the reality of the statement was soon showcased.

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6.. Barak A. Salmoni, Bryce Loidolt, Madeleine Wells, "Regime and Periphery in Northern Yemen: The Huthi Phenomenon," RAND Corporation, April 28, 2010, pp. 124-128

7. Michael Gordon, "A Nation Challenged: The Vice President Cheney Asks Yemen to Join the Pursuit of Al Qaeda's Remnants," *New York Times*, March 15, 2002, <https://www.nytimes.com/2002/03/15/world/nation-challenged-vice-president-cheney-asks-yemen-join-pursuit-al-qaeda-s.html>

8. Laurence Kapp, "Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom: Questions and Answers About U.S. Military Personnel, Compensation, and Force Structure," Congressional Research Service, February 16, 2005, <https://fas.org/sgp/crs/natsec/RL31334.pdf>

9. Michael Smith, "US Special Forces in Djibouti as 'Stepping Stone' to Yemen," *The Telegraph*, September 19, 2002, <https://www.telegraph.co.uk/news/worldnews/africaandindianocean/djibouti/1407680/US-special-forces-in-Djibouti-as-stepping-stone-to-Yemen.html>

THE FIRST DRONE ATTACK IN YEMEN

On November 3, 2002, the CIA conducted its first lethal drone strike outside a war zone in Yemen by killing six men, including al-Harethi.¹⁰ These half-dozen men, including an American citizen, were travelling in a car through the desert in the Marib province (which is east of Sana'a) when they were killed by a Hellfire missile shot from a US Predator drone.¹¹ This attack was one of the first successful strikes by American drones which set a precedent of targeted killing through drones in Yemen.

The 2002 drone attack became the subject of debate regarding the legality of killing through drones which were earlier used only for surveillance purposes. The Yemeni Cabinet suggested that the six men died due to an accidental explosion of explosives that were being carried in the car.¹² In Washington, on the other hand, officials quickly admitted that the CIA had carried out the operation.¹³ This forced the Yemeni Cabinet to issue a brief statement urging "people to be united against terrorist activities that targeted our country, its people and its national economy..."¹⁴ In the statement, there was no clarity if the Yemeni authorities were aware of this sudden attack or if any permission was sought by Washington to conduct the strike.

Many countries like Sweden, Germany and France put across their disapproval of the strike. Swedish Foreign Minister Anna Lindh said, "If

10. The dead included Al Qaeda leader Qa'id Salim Sinan al Harithi, also known as Abu Mi (one of the alleged masterminds behind the USS *Cole* attack) and Abu Ahmad al Hijazi, a naturalised US citizen also known as Kemal or Kamal Darwish. The other four killed were identified as Salih Hussain Ali al Nunu or Zono (aka Abu Humam); Awsan Ahmad al Tarihi (aka Abu al Jarrah); Munir Ahmad Abdallah al Sauda (Abu Ubaidah); and Adil Nasir al Sauda (Abu Usamah, initially identified as al-Qia'gaa). All six names were released by the Yemen government three weeks after the attack. For more details, please see, "Yemen: Report US Covert Actions since 2001-2011," The Bureau of Investigative Journalism, <https://www.thebureauinvestigates.com/drone-war/data/yemen-reported-us-covert-actions-2001-2011>

11. James Risen, "Threats and Responses: Drone Attack," *New York Times*, November 8, 2002, <https://www.nytimes.com/2002/11/08/world/threats-responses-drone-attack-american-was-among-6-killed-us-yemenis-say.html>

12. David Johnston, "Threats and Responses: Hunt for Suspects; Fatal Strike in Yemen," *The New York Times*, November 6, 2002, <https://www.nytimes.com/2002/11/06/world/threats-responses-hunt-for-suspects-fatal-strike-yemen-was-based-rules-set-bush.html>

13. "CIA killed al-Qaeda Suspects in Yemen," BBC, November 5, 2002, <http://news.bbc.co.uk/2/hi/2402479.stm>

14. Brian Whittaker, "Killing Probes the Frontiers of Robotics and Legality," *The Guardian*, November 6, 2002.

the USA is behind this, with Yemen's consent, it is nevertheless a summary execution that violates human rights. If the USA has conducted the attack without Yemen's permission, it is even worse. Then it is a question of unauthorized use of force."¹⁵ Increasing international pressure against the drone attack pushed the US on its back foot and it released a statement stating, "American citizens working for Al Qaeda overseas can legally be targeted and killed by the CIA under President Bush's rules for the war on terrorism. The authority to kill US citizens is granted under a secret finding signed by the president after the 11 September attacks that directs the CIA to covertly attack Al Qaeda anywhere in the world. The authority makes no exception for Americans, so permission to strike them is understood rather than specifically described."¹⁶ In other words, with this statement, the US openly declared two major developments

- The US could strike any country, at any time without requiring the permission of the stated country if it perceived that the country was involved in the war on terrorism and an American citizen was involved in the same. This widened the theatre of the War on Terror.
- America was not accountable to any country or authority for any strikes they carried out for the cause of the War against Terror.

However, this statement was challenged vehemently by the Americans themselves. The CIA authorities claimed that the American citizen, Kamal Derwish, who was in the car along with Qaid Salim Sinan al-Harethi, was the leader of an Al Qaeda cell in suburban Buffalo, New York. This was challenged by the then president of the American Muslim Council's Buffalo chapter Mohamed Albanna who said, "Derwish has not been tried and has not been found guilty so, in that sense, he's still an innocent American who was killed. That's what the law states."¹⁷

The matter was raised in the UN and after much deliberation, on January 2003, the UN's Special Rapporteur on Extra-Judicial, Summary or Arbitrary

15. Ibid.

16 Sue Chan, "Licence to Kill," CBS News, December 3, 2002, <https://www.cbsnews.com/news/cias-license-to-kill/>

17. Ibid.

With the increasing negative public opinion, Condoleezza Rice, the then president's national security adviser stepped in and stated that there was no constitutional violation in conducting the drone strike. She argued that this was within the ambit of the constitutional rights of the president when America was at war.

Executions Asma Jahangir issued her first report on the US drone strike that took place outside of the battlefield. The report noted, "The Special Rapporteur acknowledges that governments have a responsibility to protect their citizens against the excesses of non-state actors or other authorities, but these actions must be taken in accordance with international human rights and humanitarian law. In the opinion of the Special Rapporteur, the attack in Yemen constitutes a clear case of extrajudicial killing."¹⁸ The US, in retaliation, responded by stating, "'The Government of the United States respectfully submits that inquiries relating to allegations stemming

from any military operations conducted during the course of an armed conflict with al Qaeda do not fall within the mandate of the Special Rapporteur."¹⁹ With this, the matter came to a closure in the UN, despite several countries contesting the statement.

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18. "Extrajudicial, Summary or Arbitrary Executions: Report of the Special Rapporteur, Asma Jahangir," December 22, 2003, <http://repository.un.org/handle/11176/247080>

19. Philip Alston, Jason Morgan-Foster, William Abresch, "The Competence of the UN Human Rights Council and its Special Procedures in Relation to Armed Conflicts: Extrajudicial Executions in the 'War on Terror'", *European Journal of International Law*, vol 19, issue 1, February 1, 2008, pp. 183–209.

20. Ibid.

analyst, in CBS News, sums up this debate by stating, "This is legal because the president and his lawyers say so—it's not much more complicated than that."²¹

DRONE ATTACKS UNDER OBAMA PRESIDENCY

Under the Bush Presidency, there was just one drone attack which has been discussed above. In 2009, with the onset of the Obama presidency, the drone game in Yemen changed completely. The same year was an important milestone in the history of Yemen. Al Qaeda in the Arabian Peninsula (AQAP) was formed in January 2009 when two distinct branches of Al

Qaeda came together to form a single militant organisation. In its inaugural video, aired in early 2009, the then leader of AQAP Nasir al-Wuhayshi formally declared the union of the Saudi and Yemeni strands of Al Qaeda.²² However, the antecedents of this insurgent group can be traced back to the 1990s when hundreds of Mujahideen returned from Afghanistan after years of fighting with the Soviets. Due to the collapse of the Soviet Union and the changing geopolitical landscape, these former Mujahideen were not allowed to resettle in their own countries like Saudi Arabia and Iraq. They were instead welcomed by the then Yemeni ruler, Ali Abdullah Saleh, with open arms.²³ He dispatched these militants on a *jihad* to fight against the Soviet-backed Marxist government of South Yemen. The southern secessionists were crushed by these experienced *jihadists* and, subsequently, Northern and Southern Yemen were unified under Saleh's rule in 1990.²⁴

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21. Chan, n.16.

22. "Al-Qaeda in the Arabian Peninsula", Council on Foreign Relations Backgrounder, 19 June 2015, <http://www.cfr.org/yemen/al-qaeda-arabian-peninsula-aqap/p9369>.

23. Ibid.

24. John Rolins, "Al Qaeda and Affiliates: Historical Perspective, Global Presence, and Implications for U. S. Policy," Congressional Research Service, February 5, 2010.

These militants settled in South Yemen and started to form rudimentary terror outfits. However, after the November 2001 meeting between Saleh and President Bush, these outfits became the primary target of the Yemeni Army. From 2002 to 2006, President Saleh led an active operation against them and they were forced to either flee from Yemen or remain in hiding.²⁵

On February 3, 2006, there was a massive prison break-out in Yemen, in which 23 alleged Al Qaeda militants in Yemen escaped, including Jamal al-Badawi, Qasim al-Raymi and Nasir al-Wuhayshi (who became the leader of AQAP when it was officially formed in January 2009).²⁶ These three militants fled to Southern Yemen and started taking in new recruits and experienced Arab fighters who were returning from Iraq and Afghanistan. The group established several bases to launch fresh attacks and were protected by the local tribes who had got increasingly disenchanted with the Saleh government. The group rallied on the grounds of "resurrecting Al Qaeda from the ashes to save Yemen from the despotic rule of Saleh and destroy America which had completely crippled the country through drone attacks."²⁷ This incident of the prison break-out was instrumental in completely turning the history of Al Qaeda. Several analysts like Gregory D. Johnsen have argued that President Saleh was an accomplice to the same.²⁸ In November 2005, when President Saleh visited the US in the hope of being rewarded for Yemen's help in the War against Terror, he was informed that the Yemeni government was suspended from the USAID programme. President Bush, during his meeting with President Saleh, called on the latter's bluff regarding Yemen's participation in the War on Terror, especially when it was providing safe haven for Al Qaeda operatives. He quoted the then US Ambassador to Yemen Thomas Krajeski who had claimed that "all democratic processes in Yemen had stopped." On the other hand, President Saleh reiterated his firm stand against terrorism and corruption but to no avail. Johnsen points out that "permitting a prison break in a high profile prison cell allowed Saleh to

25. Gregory D. Johnsen, *The Last Refuge: Yemen, Al-Qaeda, and America's War in Arabia* (New York: W.W. Norton, 2013), p. 59.

26. *Ibid.*, p. 63.

27. *Ibid.*, p. 63.

28. *Ibid.*, p. 68.

dictate his terms again to the US”²⁹ Daniel Byman concurs and argues that “Saleh realised that it needed terrorists on the move to continue getting aid from the U.S.”³⁰

Nevertheless, the escape of key militants from the prison set the course for the formation of AQAP. Soon after their escape, they were able to attempt simultaneous attacks on oil and gas facilities in Marib and Hadhramaut. In March 2007, Al Qaeda officially announced its reemergence, naming Al Wuhayshi as its commander.³¹ It underlined its renewed presence in the country with a suicide attack on a convoy of Spanish tourists a few days later. They started carrying out several scattered suicide attacks across Saudi Arabia and Yemen. The series of suicide attacks culminated in September 2008 when the US Embassy was attacked in Riyadh, resulting in 18 deaths.³² The US started pressurising the Saudi monarchy to renew its fight against Al Qaeda. Subsequent raids and the intense crackdown forced several Al Qaeda militants to flee to their brethren in Southern Yemen. The time was ripe for the formation of a unified militant organisation in the form of AQAP.

The first official operation of AQAP took place in August 2009 when they tried to attack Saudi Arabia’s security chief Prince Mohammed Nayef. The suicide bomber had concealed a high explosive device inside his body and tried to blow away the convoy of the prince.³³ Even though he was successful, the prince survived. A few months later, in November 2009, Nidal Hasan, a military psychiatrist, suddenly opened fire at Fort Hood Army base when he was preparing to deploy with his unit. Around 13 people were killed and 30 were wounded. He was declared a hero by the AQAP who

29. Ibid., pp. 70-72.

30. Daniel Byman, “Our Two-Faced Friends in Sana’a”, *The Slate*, January 5, 2010.

31. Fred Burton, “Al Qaeda in the Arabian Peninsula: Desperation or New Life?” *Stratfor Global Intelligence*, January 28, 2009, http://www.stratfor.com/weekly/20090128_al_qaeda_arabian_peninsula_desperation_or_new_life

32. Ellen Knickmayer, “Attack Against U.S. Embassy In Yemen Blamed on Al-Qaeda,” *The Washington Post*, September 18, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/09/17/AR2008091700317.html?noredirect=on>

33. Margaret Coker, “Assassination Attempt Targets Saudi Prince,” *The Wall Street Journal*, August 29, 2009, <http://online.wsj.com/article/SB125144774691366169.html>

Mansour Hadi became the president of Yemen on February 21, 2012, in an uncontested election. The transition of power was followed by a series of uprisings and protests that created a situation which swiftly deteriorated into a civil war.

accepted that he had been radicalised by the group.³⁴ On Christmas day of the same year, a Nigerian man, Umar Farouk Abdulmutallab, tried to detonate a bomb concealed in his underwear in an attempt to destroy a Northwest Airlines Airbus A330. He confessed to the CIA investigators that AQAP operatives had trained him in Yemen.³⁵ In the light of these events, in January 2010, the Yemeni government launched a major offensive against AQAP, with the support of numerous US troops. The US not only provided intelligence but also deployed unmanned drones and fired cruise missiles.³⁶

They targeted the organisation's senior leaders and training camps in the governorates of Shabwa, Abyan and Marib. During 2009 and 2010, there were only three drone strikes while the majority of the offensive was carried out by the Yemeni military, assisted by US troops stationed in Yemen.

DRONE ATTACKS DURING ARAB SPRING (2011-14)

The tides again changed for AQAP when the Arab Spring reached the shores of Yemen in 2011. From then, till early 2015, AQAP became embroiled in the domestic politics of Yemen. Due to the popular unrest, President Ali Abdullah Saleh who came to power in 1978, ceded his position to Abd Rabbuh Mansour Al Hadi under the proposals of a Gulf Cooperation Council (GCC) initiative on November 23, 2011.³⁷ Mansour Hadi became the president of Yemen on February 21, 2012, in an uncontested election.

34. Billy Kember, "Nidal Hasan Sentenced to Death for Fort Hood Shooting Rampage," *The Washington Post*, August 28, 2013, https://www.washingtonpost.com/world/national-security/nidal-hasan-sentenced-to-death-for-fort-hood-shooting-rampage/2013/08/28/aad28de2-0ffa-11e3-bdf6-e4fc677d94a1_story.html?utm_term=.c656513e54f6

35. "Underwear Bomber Abdulmutallab Sentenced to Life," *BBC*, February 16, 2012, <http://www.bbc.com/news/world-us-canada-17065130>

36. Johnsen, n. 25, p. 112

37. Laura Kasinof, "Yemen: From the Arab Spring to a Leaderless Nation", *Defence One*, January 15, 2015, <http://www.defenseone.com/threats/2015/01/yemen-arab-spring-leaderless-nation/103692/>

The transition of power was followed by a series of uprisings and protests that created a situation which swiftly deteriorated into a civil war. Protestors loyal to the Saleh family sporadically attacked several government institutions that led to violent responses by the pro-government forces. The Shia group known as the Houthis, who live in the northwestern part of the country, began running a parallel government in three provinces of Yemen, namely al-Jawf, Hajjah and Sa'ada. They consolidated their power, using the power vacuum created by the uprisings in 2011.³⁸ Due to the lack of political stability as well as the complete failure of the military structure in Yemen, AQAP began to expand its territorial hold and began running a parallel government in the Southern province in alliance with various local tribes. Osama bin Laden, who was safely ensconced in Pakistan during this time, sent out a statement urging AQAP to focus on "filling the gap in governance and winning over the civilian population as Yemen was the most suitable for *jihad*."³⁹

Soon after, in September 2012, Mansour Hadi announced an army offensive against AQAP in the Southern province, backed by US forces. This was supported by a three-fold increase in the number of drone attacks authorised by President Obama.

The rise of AQAP was a red flag to the White House which compelled the US military to increase its momentum in its Yemen campaign. This led to a sharp spike in the number of drone attacks in 2011 from the previous years.⁴⁰ One of the most high-profile drone strikes during the year was carried out on September 30, 2011, when Anwar-al Awlaki was killed. Al-Awlaki was a well-known Yemeni-American preacher but the US officials alleged that he was a recruiter for AQAP. The attack was the first known case of the American government targeting and killing a civilian through a drone

38. Salmoni, et al., n. 3, pp. 143-44.

39. Ibid.

40. "Yemen: Reported US Covert Actions since 2001-2011," The Bureau of Investigative Journalism, <https://www.thebureauinvestigates.com/drone-war/data/yemen-reported-us-covert-actions-2001-2011>

strike.⁴¹ Two weeks later, Al-Awlaki's 16-year-old son was also killed in a drone strike which was labelled as a collateral death by the US. However, many analysts claim otherwise.⁴²

Soon after, in September 2012, Mansour Hadi announced an army offensive against AQAP in the Southern province, backed by US forces. This was supported by a three-fold increase in the number of drone attacks authorised by President Obama. There were 47 drone strikes that were authorised and which resulted in the deaths of 279 people.⁴³ This, however, did not stop AQAP from launching major terror attacks. In May 2012, as a way of protesting against the new government which they felt was a puppet government under the leadership of Western powers, they bombed a military parade in Sana'a that killed more than 120 people.⁴⁴

By the beginning of 2013, Yemen became embroiled in democratic processes like the National Dialogue Conference (NDC) in which most of the stakeholders, including President Hadi, became involved.⁴⁵ A series of dialogues took place between the stakeholders in order to rewrite the Constitution of Yemen. This made the armed offensive against the AQAP take a back seat to the Yemeni forces. Without a partner, the US military too scaled down its operations during the year by limiting its drone strikes to 24.

The NDC slowly started unravelling by the end of 2013. The Southern leaders boycotted the NDC as they rejected the notion of a coalition government and instead called for a split in the country.⁴⁶ Completely disillusioned by the ruling government and its lack of steps to improve the conditions, several thousands of people came out and protested against it. On October 14, thousands of people demonstrated in Aden in support of

41. "Awlaki Family Files Suit against US Government over Drone Strikes," The Fox News, July 18, 2012, <https://www.foxnews.com/politics/awlaki-family-files-suit-against-us-government-over-drone-strikes>

42. Ibid.

43. "US to Step up Drone Strikes Inside Yemen," *The New York Times*, April 26, 2012, <https://www.nytimes.com/2012/04/26/world/middleeast/us-to-step-up-drone-strikes-inside-yemen.html?mtrref=www.google.co.in&gwh=2435D611B007850E7ADA534C858D6F13&gwt=pay>

44. "'Al-Qaeda Attack' on Yemen Army Parade Causes Carnage," BBC, May 21, 2012, <https://www.bbc.com/news/world-middle-east-18142695>

45. Charles Schmitz, "Yemen's National Dialogue," Middle East Institute, March 10, 2014, <http://www.mei.edu/content/yemens-national-dialogue>

46. Ibid.

secession and self-determination. They issued a statement calling on the Yemeni government and all military personnel stationed in the south to withdraw by March 30, 2015.⁴⁷ Over the following weeks, pro-independence rallies continued. In December 2014, several government buildings in Aden were taken over by the members of the Southern Movement.

In the garb of independence rallies, AQAP escalated its terrorist attacks in the country, targeting Houthis and government institutions. On February 13, 2014, AQAP militants carried out an attack on the central prison in Sana'a, freeing 29 prisoners, including 19 suspected of affiliation with AQAP.⁴⁸ Between April to December 2014, they carried out 28 distinct terror blasts in which more than 86 soldiers and around 150 Houthi tribesmen were killed.⁴⁹ However, the US reduced the number of drone strikes further to just 17 air strikes.⁵⁰ This change in tactic can be attributed to two factors. Firstly, President Obama did not want to interfere in the domestic goings on in Yemen.⁵¹ An active military presence or carrying out military strikes without the Yemeni military's involvement would have been construed as direct interference by the US in the internal affairs of the country. President Obama chose to de-escalate the drone attacks and pursue a 'wait and watch' policy instead. Secondly, in his second term, President Obama became hesitant to use force or commit troops, especially in the wake of the anti-ISIS (Islamic State of Iraq and Syria) campaign.⁵² He further consolidated regulations on drone strikes by putting in place several restrictions on drone strikes, especially those that had the potential of high civilian casualties. Additionally, he insisted on routing all drone strike commands through the White House instead of

47. "Yemen", *UNSC Report*, December 2014, http://www.securitycouncilreport.org/monthly-forecast/2014-12/yemen_12.php.

48. Bill Rogio, "AQAP Storms Prison in Yemen's Capital, Frees Al Qaeda Operatives," *The Long War Journal*, February 13, 2014, https://www.longwarjournal.org/archives/2014/02/aqap_storms_prison_i.php

49. Ginny Hill, *Yemen Endures: Civil War, Saudi Adventurism and the Future of Arabia* (Oxford University Press, August 2017).

50. "Drone Strikes in Yemen," The Bureau of Investigative Journalism, <https://www.thebureauinvestigates.com/projects/drone-war/yemen>

51. William A. Rugh, "Problems in Yemen, Domestic and Foreign," Middle East Policy Council, vol. 22, no.4, <http://www.mepc.org/journal/problems-yemen-domestic-and-foreign>

52. "Obama Won't Send Ground Troops to Fight ISIS," *The News Week*, November 16, 2015, <https://www.newsweek.com/obama-wont-send-ground-troops-fight-isis-395249>

War against the Houthis provided a suitable environment for the expansion of Al Qaeda. The withdrawal of government army units from their bases in the South allowed Al Qaeda to acquire very large quantities of sophisticated and advanced weapons, including shoulder-fired missiles and armed vehicles.

the Pentagon.⁵³ This further stifled the US military plan of action in Yemen. His three Secretaries of Defence—Robert Gates, Leon Panetta and Chuck Hagel—accused the Administration of excessively interfering in military matters. In his memoirs, Robert Gates says that “the controlling nature of the Obama White House and the staff took micromanagement and operational meddling to a new level.”⁵⁴

SAUDI-LED INTERVENTION IN YEMEN

In Yemen, the domestic situation worsened drastically. The Houthis consolidated their power in Sana’a by January 2015 which compelled Mansour Hadi to flee to Aden in February.⁵⁵ In this backdrop, AQAP managed to expand its territories in the Southern part of the country and create a mini-state. Even though its leader Nasir al-Wuhayshi was killed in an American drone strike, the organisation continued to flourish under its new leader Raymi. A senior Yemeni government official said the war against the Houthis provided a suitable environment for the expansion of Al Qaeda. The withdrawal of government army units from their bases in the South allowed Al Qaeda to acquire very large quantities of sophisticated and advanced weapons, including shoulder-fired missiles and armed vehicles.”⁵⁶ Most of the Yemeni forces withdrew from the Southern

53. “Pentagon to Take Over Some CIA Drone Operations : Sources,” Reuters, May 21, 2013, <https://www.reuters.com/article/us-usa-drones/pentagon-to-take-over-some-cia-drone-operations-sources-idUSBRE94K03720130521?feedType=RSS>

54. “Pentagon ex-Head Gates Criticises Obama’s Afghan Tactics,” BBC, January 8, 2014, <https://www.bbc.com/news/world-us-canada-25645855>

55. “Yemen Crisis: President Hadi Flees as Houthi Rebels Advance,” BBC, March 25, 2015, <https://www.bbc.com/news/world-middle-east-32048604>

56. Greg Miller, “Al-Qaeda Group Is Taking Advantage of Yemen Chaos to Rebuild, Officials Say,” *Washington Post*, April 5, 2015, http://www.washingtonpost.com/world/national-security/al-qaeda-franchise-in-yemen-exploits-chaos-to-rebuild-officials-say/2015/04/04/207208da-d88f-11e4-ba28-f2a685dc7f89_story.html

provinces including Mukalla – which is one of the main sea-ports in the Gulf of Aden – and moved towards the North. The city was left completely defenceless which allowed AQAP fighters to seize government buildings and free around 150 of their comrades from jail. They were supported by tribal leaders who aided them by looting army bases in a bid to claim independence from the North. The entire area became awash with advanced weaponry which was given by the US to the Yemeni government to fight AQAP in the South. They also looted Mukalla's central bank branch of an estimated US\$ 100 million.⁵⁷

With this swollen war loot, they established a quasi-state, with Mukalla as its capital. The city of Mukalla was important to the AQAP as it provided them with easy access to sea-trade as well as well as a strong defence. They abolished taxes for local residents and established *Sharia* courts. They also gained control over the ports in Mukalla and Ash Shihr where they began to impose tax and custom tariffs on ships and traders.⁵⁸ They started operating speedboats manned by Rocket Propelled Grenade (RPG)-wielding fighters to impose fees on international ship traffic, including tankers and private traders. They earned an estimated amount of US\$ 2 million every day on these port taxes. They also began to run a black market for fuel smuggling. Most of the oil infrastructure came under the control of tribal leaders who were in alliance with AQAP.⁵⁹

On the other hand, in North Yemen, Saudi Arabia and its allies like the UAE, Egypt, Morocco, Jordan, Sudan, Kuwait, Qatar and Bahrain declared Operation Decisive Storm on March 25, 2015, against the coup by the Houthis

The city of Mukalla was important to the AQAP as it provided them with easy access to sea-trade as well as well as a strong defence. They abolished taxes for local residents and established *Sharia* courts.

57. Yara Bayoumy, Noah Browning, Mohammad Ghobari, "How Saudi Arabia's War in Yemen has Made Al Qaeda Stronger – and Richer," *Reuters*, April 8, 2016, <http://www.reuters.com/investigates/special-report/yemen-aqap/>

58. Ibid.

59. Bruce Reidel, "Al Qaeda's Hadramawt Emirate," Brookings Institute, July 12, 2015, <https://www.brookings.edu/blog/markaz/2015/07/12/al-qaidas-hadramawt-emirate/>

which had forced President Hadi to flee the country.⁶⁰ The next few weeks saw a highly destructive operation with a broad spectrum of aerial and naval attacks. The operation was declared to be over on April 21, 2015. The Saudi Defence Ministry announced the commencement of a new phase—Operation Restoring Hope—and the Saudi National Guard was ordered to join the military operation.⁶¹ The air and naval operations have continued till date.

The Obama government did not wholeheartedly support the operation although it realised that defeating the Houthis was of great importance as they were supported by the Iranians.⁶² It attempted to balance between its own war against AQAP and to please its partner in the region—Saudi Arabia – during the operation. It provided intelligence as well as logistical support to the Saudi-led coalition. Further, it increased arms sales to Saudi Arabia and its allies to aid them during the operation.⁶³ By the end of the Obama Presidency in 2016, the US started following an often confusing policy towards Yemen. On the one hand, President Obama criticised Saudi Arabia for the indiscriminate air strikes which had led to a high civilian casualties, by temporarily banning the sale of bombs to Saudi Arabia, while, on the other, he authorised an increasing number of drone strikes. This can be attributed to the fear of increasing Iranian influence in the war-devastated country. One can argue that President Obama did not want Yemen to become a war theatre between Saudi Arabia and Iran, with both countries directly intervening. Thus, he tried to rein in Saudi Arabia while continuing the aggression against AQAP.

President Obama sanctioned the massive expansion of the drone programme in Yemen which was termed as the “global apparatus for killing” by the media.⁶⁴ The use of drones became synonymous with Obama’s ambition

60. Noah Browning, “Arab Coalition in Yemen sees Victory ‘no Matter What’,” *The Sydney Morning Herald*, September 15, 2015, <https://www.smh.com.au/world/arab-coalition-in-yemen-sees-victory-no-matter-what-20150915-gjmmif.html>

61. Ibid.

62. Daniel Byman, “The U.S. Yellow Light in Yemen,” Brookings Institute August 3, 2018, <https://www.brookings.edu/blog/order-from-chaos/2018/08/03/the-u-s-yellow-light-in-yemen/>

63. Ibid.

64. “Under Obama, an Emerging Global Apparatus for Killing,” *The Washington Post*, December 27, 2011, https://www.washingtonpost.com/national/national-security/under-obama-an-emerging-global-apparatus-for-drone-killing/2011/12/13/gIQANPdILP_story.html?utm_term=.4980685d9e3e

to escalate the war against Al Qaeda while extricating the US military from costly ground wars in West Asia. Thus, targeted killing through drones became a viable option.

DRONE ATTACKS DURING TRUMP PRESIDENCY

Donald Trump took over as the US president on January 20, 2017, when he inherited an escalating counter-terrorism war in Yemen. He gave the issue his priority attention by visiting the headquarters of the CIA on his first full day in office as president and evaluating its drone programme. According to *The Washington Post*, "Trump seemed unimpressed as the head of the CIA's drone campaign told him about how the agency, aiming to limit civilian casualties, had created unique munitions to that end. Instead, he asked, 'Why did you wait?' when the CIA explained how they verified the targets and waited till they were far away from civilian spaces."⁶⁵ Immediately after the meeting, there was a dramatic increase in the number of drone attacks in Yemen.

Further, to escalate the drone war, Trump has completely taken a U-turn in the US presidential policies regarding drone attacks in Yemen. In 2013, President Obama declared Yemen as no longer a part of the active war zone and, thus, any planned aerial attack approval had to be taken through the White House. The Trump Administration effectively side-stepped the policy by declaring Yemen as an area of "active hostilities" in March 2017.⁶⁶ He also eliminated many safeguards that President Obama had put into place in an effort to minimise civilian casualties. One of the requirements that was completely removed was that officials had to verify that civilians weren't in danger from a planned drone attack before authorisation of the same. Andrew Cockburn, an analyst, points out that any Obama period restrictions on unmanned aerial vehicles during conflict have been "loosened or simply

65. Greg Jaffe, "For Trump and his Generals, 'Victory' has Different Meanings," *The Washington Post*, April 5, 2018, https://www.washingtonpost.com/world/national-security/for-trump-and-his-generals-victory-has-different-meanings/2018/04/05/8d74eab0-381d-11e8-9c0a-85d477d9a226_story.html?utm_term=.1a2b4174f4ad

66. Charlie Savage, Eric Schmitt, "Trump Administration Is Said to Be Working to Loosen Counterterrorism Rule," *The New York Times*, March 12, 2017, <https://www.nytimes.com/2017/03/12/us/politics/trump-loosen-counterterrorism-rules.html>

shredded.”⁶⁷ In other words, President Trump removed all restrictions that were put in place for the drone programme by the Obama Administration and, instead, took an aggressive stand on the usage of drones to fight terror. Gen Thomas Waldhauser, who was in charge of US military operations in West Asia during 2017 said that he now had “leeway to order strikes without clearing them with the White House.”⁶⁸

In 2017, the number of drone strikes increased to double those of 2016. The US military, along with the CIA, has carried out 127 air strikes, including 86 drone strikes against AQAP and ISIS in Yemen.⁶⁹ This is a massive increase from 47 strikes that were carried out in 2016, which was the last year of the Obama Administration. Till September 2018, there were 35 confirmed US drone strikes.

Table 1: Types of Strikes by Various US Administrations

Year	Administration	Drone Strikes	Air Strikes	Total Strikes
2002	Bush	1	0	1
2003	Bush	0	0	0
2004	Bush	0	0	0
2005	Bush	0	0	0
2006	Bush	0	0	0
2007	Bush	0	0	0
2008	Bush	0	0	0
2009	Obama	1	0	1
2010	Obama	2	0	2
2011	Obama	10	3	13
2012	Obama	47	9	56
2013	Obama	24	1	25

67. Andrew Cockburn, *Kill Chain: The Rise of the High-Tech Assassins*, (Henry Holdt & Co., 2015), p.12

68. Ryan Browne, “Pentagon Receives more Freedom to Carry out Counterterror Raids,” CNN, March 14, 2017, <https://edition.cnn.com/2017/03/14/politics/pentagon-authority-yemen-libya-somalia-counterterrorism/index.html>

69. “CENTCOM Updates Counterterrorism Strikes in Yemen,” US Central Command, 2018, <http://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/1523709/centcom-updates-counterterrorism-strikes-in-yemen/>

2014	Obama	17	0	17
2015	Obama	24	0	24
2016	Obama	42	1	43
2017	Trump	86	41	127
2018	Trump	26	9	35

Source: The Bureau of Investigative Journalism

The surge of drone strikes in Yemen can be attributed to three main factors. First, it helps President Trump to keep one of his most important campaign promises, “to bomb the s--- out of ISIS.”⁷⁰ Since the Battle of Raqqa in 2017, there has been an increase in terror activities by a newly formed group in Yemen known as the ISIS-Y. It is one of the offshoot groups that has mainly members who have returned from Syria and Iraq after their territory was occupied by the Syrian/US forces. It operates small attack cells and is more deadly than AQAP as it mainly focusses on suicide bombing.⁷¹ It is slowly occupying the vacuum left by the displacement of AQAP in Southern Yemen. Thus, as part of the ‘War of Annihilation’, Southern Yemen became part of the larger war against the ISIS.⁷²

Second, President Trump not only loosened the rules of drone strikes, he also widened the war by authorising the US generals to target certain civilians who were related to terrorists. In an interview with Fox News, President Trump said, “The other thing with the terrorists is you have to take out their families. They care about their lives, don’t kid yourself. When they say they don’t care about their lives, you have to take out their families.”⁷³ In other words, the CIA ‘target list’, as authorised earlier by President Obama would no longer be limited to key terrorist leaders but has been expanded to include foot soldiers, preachers, family members of identified terrorists

70. “Donald Trump: ‘I Would Bomb the s--- out of’ ISIS,” *The Business Insider*, November 13, 2015, <https://www.businessinsider.in/DONALD-TRUMP-I-would-bomb-the-s-out-of-ISIS/articleshow/49773298.cms>

71. “ISIS in Yemen,” *Critical Threats*, <https://www.criticalthreats.org/organizations/isis-in-yemen>

72. Jared Keller, “The US Campaign Against ISIS Is Entering A Deadly New Phase In Yemen,” *Task & Purpose*, December 21, 2017/

73. Margaret Hartmann, “Trump Questioned Why CIA Avoided Killing Terrorist’s Family: Report,” *New York Magazine*, April 6, 2018, <http://nymag.com/intelligencer/2018/04/trump-asked-why-cia-drone-avoided-terrorists-family-report.html>

CIA 'target list', as authorised earlier by President Obama would no longer be limited to key terrorist leaders but has been expanded to include foot soldiers, preachers, family members of identified terrorists and any other individual who is seen to be involved with the targeted individuals.

and any other individual who is seen to be involved with the targeted individuals. This definition definitely broadens the scope of attack and the CIA has definitely stepped up its activities in relation to this.

Another aspect of the increasing drone strikes due to the widening of the war theatre is the complete authorisation by President Trump to the CIA and the US military to carry out drone strikes without White House approval.⁷⁴ During the Obama presidency, especially in his second term, there was a deliberate attempt to centralise the command structure of military decisions by routing all resolutions through the

White House. President Trump, on the other hand, has completely outsourced his authority as commander-in chief for military affairs to the Pentagon and the US military.⁷⁵ The group of generals surrounding President Trump – which includes the then Secretary of Defence Gen James Mattis (Marine Corps), National Security Adviser H.R. McMaster (US Army), Chief of Staff Gen John Kelly (Marine Corps) and the Chairperson of the Joint Chief of Staff General Joseph Dunford (Marine Corps) – have been given the authority to raise troop levels in Iraq, Yemen and Syria which is an authority that is usually held by the White House.⁷⁶ This 'outsourcing of drone warfare' became evident when the US Air Force dropped a powerful bomb on an alleged ISIS complex in Afghanistan without the approval of President Trump who later said, "What I do is I authorize my military. We have given them total authorization and they have done the job as usual."⁷⁷ CIA Director Mike Pompeo further added,

74. "Donald Trump Gives CIA Power to Carry out its own Drone Strikes," *The Independent*, March 14, 2017, <https://www.independent.co.uk/news/world/americas/donald-trump-cia-power-drone-strikes-military-a7628561.html>

75. Steve Niva, "Trump's Drone Surge: Outsourcing the War Machine," Middle East Research and Information, Project, <https://www.merip.org/mer/mer283/trumps-drone-surge>

76. Ibid.

77. "Trump: I'm Giving the Military 'Total Authorization'," *The Military Times*, April 13, 2017, <https://www.militarytimes.com/news/pentagon-congress/2017/04/13/trump-i-m-giving-the-military-total-authorization/>

“When we have asked for more authorities, we have been given it. When we ask for more resources, we get it.” This ‘outsourcing of authorisation’ has allowed the president to distance himself from the actions of the US military.⁷⁸ The latter, on the other hand, has embraced this power by intensifying the air strikes over Yemen and Syria.

Lastly, the changing dynamics of the US-Saudi relations prompted President Trump to increase the number of drone attacks in Yemen. The emergence of Saudi Arabia as a regional hegemon under Crown Prince Mohammad bin Salman has pushed the US to reconsider its relations with the kingdom. Apart from this, there are increased American arms sales to the kingdom due to the Yemen conflict.⁷⁹ Thus, there is very little possibility that President Trump will try to antagonise the strongest US ally in the region by not aiding it during the conflict.

IS THE DRONE WARFARE EFFECTIVE IN YEMEN?

After 16 years of drone attacks in Yemen, the question still lingers on the effectiveness of the same. More than 345 drone attacks have killed hundreds of innocent civilians and children. These attacks have been criticised by several countries and human rights organisations, especially on the question of legality. This had taken the form of debates regarding the legal regime that can be used to judge targeted drone attacks. The human rights communities as well as academics have termed them “extra-judicial executions” while their opponent, i.e. the US, has reasoned their legality in terms of self-defence which allows targeted killing as a legitimate act of war.⁸⁰

The more imperative question that needs to be asked, other than the legality angle, is about the effectiveness of the drone programme. The US has deemed this warfare tactic as “successful” and, thus, it has steadily increased

78. Schmitt and Rosenberg, “C.I.A. Wants Authority to Conduct Drone Strikes in Afghanistan for the First Time,” *The New York Times*, September 15, 2017, <https://www.nytimes.com/2017/09/15/us/politics/cia-drone-strike-authority-afghanistan.html>

79. Byman, n.62.

80. David Kretzmer, “Targeted Killing of Suspected Terrorists: Extra-Judicial Executions or Legitimate Means of Defence?” *European Journal of International Law*, vol. 16, issue 2, April 1, 2005, pp. 171–212 <https://academic.oup.com/ejil/article/16/2/171/566821>

its usage in Yemen.⁸¹ The success of the same can be evaluated using certain parameters which are: killing of AQAP members; deterring the growth of AQAP and other terror activities; and helping create a stable government in Yemen.

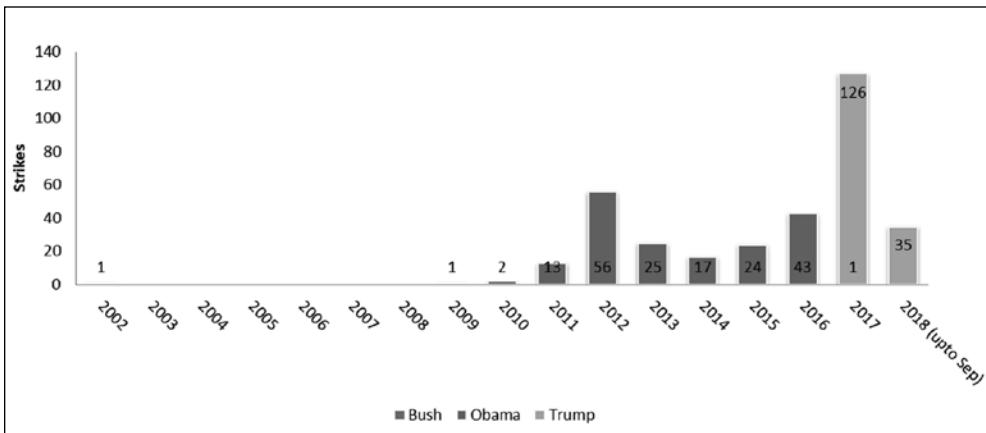
Table 2: Impact of Air/Drone Strikes from 2002-18

Year	No. of Air and Drone Strikes	No. of People Reported Killed
2002	1	6
2003	0	0
2004	0	0
2005	0	0
2006	0	0
2007	0	0
2008	0	0
2009	1	34
2010	2	7
2011	13	132
2012	56	279
2013	25	129
2014	17	127
2015	24	103
2016	43	209
2017	127	184
2018	35	25

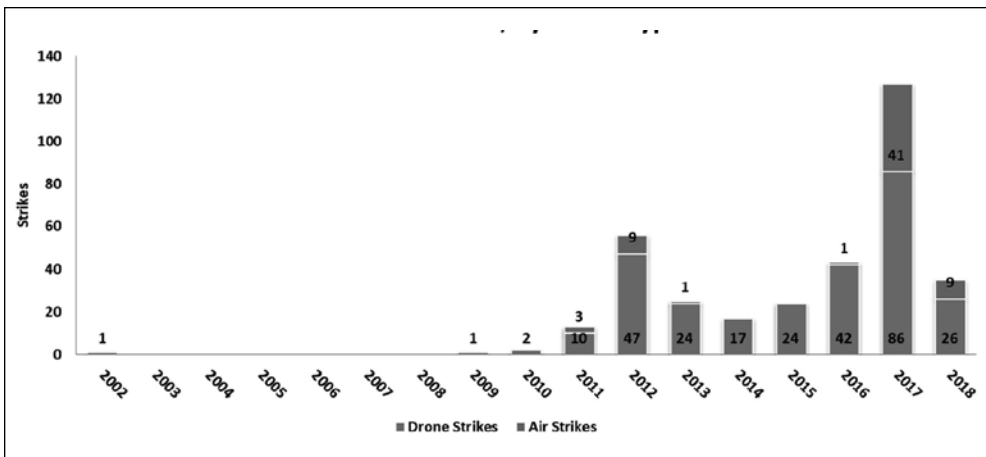
Source: Adapted from The Bureau of Investigative Journalism⁸²

81. Dan de Luce, "The Drones are Back," *Foreign Policy*, March 26, 2018, <https://foreignpolicy.com/2018/03/26/the-drones-are-back/>

82.. https://docs.google.com/spreadsheets/d/1lb1hEYJ_omI8lSe33izwS2a2lbiygs0hTp2A1_Kz5KQ/edit#gid=977256262

Fig 1: Total US Strikes in Yemen, by Year and Administration

Source: Adapted from The Bureau of Investigative Journalism⁸³

Fig 2: Total US Strikes in Yemen by Strike Type

Source: Adapted from The Bureau of Investigative Journalism⁸⁴

One cannot deny that the drone programme has been successful in eliminating several AQAP leaders who have directly or indirectly aided terror activities across the world. Nonetheless, these leaders are

83. https://docs.google.com/spreadsheets/d/1lb1hEYJ_omI8lSe33izwS2a2lbiygs0hTp2Al_Kz5KQ/edit#gid=977256262

84. https://docs.google.com/spreadsheets/d/1lb1hEYJ_omI8lSe33izwS2a2lbiygs0hTp2Al_Kz5KQ/edit#gid=977256262

quickly replaced by others in the organisation after their death.⁸⁵ Thus, the programme is successful in the short term but is a big failure in its attempt to break the organisation. Secondly, as no full investigation of the targeted individual is ever carried out, one is dependent on the US narrative regarding the profile of the same. Thus, the numbers of AQAP members and supporters who have officially been reported killed as part of the drone warfare is questionable and, most probably exaggerated. Since the Trump presidency has consented to kill a terrorist regardless of the civilians around him, this has further inflated the numbers. It is extremely difficult to establish the civilian status of individuals who are part of the collateral damage. Hence, most of the identities comprises guesswork instead of proper identification.

The US government claims that the drone programme has diminished the possibilities of the growth of the AQAP.⁸⁶ However, the ground reality is contrary to this narrative. Drone strikes are widely reported in the local media and extremely unpopular among the local Yemenis. A survey in 2017 found that 73.5 percent of Yemenis believed that the US drone programme in Yemen justified attacks by AQAP on Americans and other Westerners.⁸⁷ As the drone war intensified, infrastructural and economic conditions also worsened, apart from increasing civilian deaths which directly affected the locals and their lifestyle. The indiscriminate targeting undermined any sense of loyalty towards the Yemeni government. In this backdrop, AQAP provided an alternative to the civilians to fight against the Americans using terror to claim justice and empowerment. Thus, the drone programme is a 'gift from heaven' for AQAP.

Lastly, the continued use of drones during the transitional period of governance when the new Constitution was being framed to usher in a more accountable government indicated the lack of respect for Yemeni

85. Michael Horton, "Drone Warfare in Yemen: A Catalyst for the Growth and Evolution of AQAP," *Jamestown Foundation*, vol 15, issue 17, September 11, 2017, <https://jamestown.org/program/drone-warfare-in-yemen-a-catalyst-for-the-growth-and-evolution-of-aqap/>

86. Ibid

87. Ibid.

sovereignty.⁸⁸ The constant violation of the same, irrespective of different governments, breeds a sense of disrespect and frustration among the local Yemenis regarding their own government. The public opinion has become increasingly anti-government which aids AQAP and other terror outfits to thrive.

Hence, analysis of the metrics of drone warfare challenges the US narrative of the programme being successful. Instead, it has provided a platform for AQAP to spread its narrative and provide an alternative to the Yemenis. The limited success of the programme has no long-term benefit as it has turned the local Yemenis against their own government as well as the US. However, the world is slowly waking up to this never-ending conflict in Yemen. In the US, there are already winds of change that are slowly challenging the increased drone attacks in Yemen. Around 50 members of the US House of Representatives backed a bipartisan resolution that invoked the 1973 War Powers Act. They declared that Congress never authorised US drone attacks in Yemen, as it is legally bound to do under the Act. They directed President Trump to withdraw all American military personnel from the country. On the other hand, many state leaders compelled the Saudi-led coalition and the Houthis to come together for negotiations. Oman, which is a trusted ally of both parties, has taken the initiative to be the mediator and host the dialogues. This will shift the focus from military operations to political processes which will help Yemen slowly limp back to normalcy in the coming years. There is a need to support this transformative process by every stakeholder in the region, especially the US, which needs to move beyond its current confusing policy of drone attacks as well as support to the Saudi-coalition to bring stability in the country. President Trump has to curtail the drone programme to give peace and stability a fighting chance in Yemen.

88. Jillian Schwedder, "Is the US Drone Program in Yemen Working?" Brookings Institute, September 28, 2015, <https://www.brookings.edu/blog/markaz/2015/09/28/is-the-u-s-drone-program-in-yemen-working/>