

## Interview – Jessica Dorsey

Written by E-International Relations

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# Interview – Jessica Dorsey

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Jessica Dorsey, JD, LL.M., is an assistant professor of international and European law at Utrecht University, an associate fellow at the International Centre for Counter-Terrorism – The Hague, and a member of the executive board of Airwars. She is an expert in many academic and policy networks focused on the use of armed drones, with a specific focus on the use of force, and the interplay of humanitarian law and human rights with efforts to counter terrorism. In 2017 the European Parliament contracted Jessica to publish a study outlining policy guidance for the use of armed drones for EU member states. She also collaborated with the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on a 2014 report on the civilian impact of armed drones. Her most recent report (with Nilza Amaral) for Chatham House, specifically on military drones in Europe, can be found here.

### **Where do you see the most exciting research/debates happening in your field?**

I don't know about *exciting*, but at least the most *controversial* discussions are happening at the intersection of current war-fighting technologies and the constant push for further automation. The lethal autonomous weapons/killer robots debate is an example of this. However, the research I've been doing on drones is still extremely relevant to this discussion; without an agreed legal framework in place for platforms with humans (still) in full control, how will we ever be able to take humans out of the loop and expect things to go well?

### **How has the way you understand the world changed over time, and what (or who) prompted the most significant shifts in your thinking?**

Not to disappoint future international lawyers, but spoiler alert: law isn't the only game in town. It took me quite some time to come to this realization after law school, and was able to do so partially through my experience advocating at the United Nations and European Parliament where I was perhaps one of only a few lawyers in the room filled with diplomats, MPs with different backgrounds, policy makers, etc., and I had to translate my legal jargon to a language that was persuasive and understandable for everyone else. Thinking like a lawyer has many advantages in certain contexts, but we do ourselves a disservice if we keep our "law blinders" on thinking that all the solutions to the world's problems can be found solely in legal frameworks. Being able to start with the legal underpinnings, but then think multi-dimensionally, interdisciplinarily and specifically look at the way other disciplines interact with and inform the law is absolutely integral in being an adept practitioner.

### **A lot of your recent work has focused on drone warfare, what first drew you to this area of debate?**

My formative years in law school were spent post-9/11 in the United States during the Bush administration, when Guantánamo Bay and torture were the controversies *du jour*. This gave me a critical insight of my own government (I am American and since 2014, also Dutch) and taught me the importance of fighting for transparency and accountability from any governments acting in this novel counterterrorism space. The "War on Terror" has unfortunately provided countless areas and offshoots of issues that need critical engagement from the public and speaking truth to power. My interest in the use of armed drones grew out of this era and I unfortunately do not see these issues fading out any time soon.

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**In a recent paper for Chatham House, you discuss how transparency can help increase accountability in drone warfare. What is the mechanism for this and can you give some recent examples of effective policy?**

The separation between the two notions of transparency and accountability is important to emphasize. Often, we see the two notions linked together, with policy makers, practitioners, and advocates asking for “more transparency and accountability” on a number of issues. I have pleaded for these two in tandem in many fora from discussions at national ministries to the EU and UN levels. In our paper, we took a good amount of page space to talk about why these notions are separate but intimately linked—without transparency, accountability cannot be possible. We make a number of practical recommendations—such as a best practice documents put together by EU Member States working together with the UK—that aim for a heightened level of transparency, accountability and adherence to the rule of law. When those three elements are balanced, the “sweet spot” of an increased legitimacy of operations can be reached, which is in the interest of military and state actors deploying these weapons in their operations.

As for the mechanisms of this, there are a number of actions that States can implement now to increase transparency and accountability. Some of those related to transparency are: publishing legal guidelines for the use of armed drones; publishing rules of engagement for drone operations; making public reporting requirements for civilian casualties, etc. As for increasing accountability, we suggested: oversight bodies established by national parliaments; due diligence mechanisms when it comes to intelligence sharing; establishing inter-parliamentary exchanges to learn from experiences of other States, etc.

**With the U.K. having left the EU, Ukraine not being a member and Serbia likely not a member until after 2024, France is now the only confirmed EU member state to have armed drone capabilities. Will this have a significant effect on the possibility of a joint agreement on drone policy in Europe?**

It is my understanding that France will likely not hold the title as the sole EU country using armed drones for much longer. The Dutch, Italians, Greeks, Spanish and perhaps the Germans might not be far behind. Arming the drones they've already been in the process of acquiring is a political question currently making the rounds in national parliamentary debates. But the focus solely on countries already deploying armed drones is the wrong one, in my view, when you speak about the relevance of a common interpretation of legal obligations. Because European countries are already woven into the fabric of US drone strikes through shared intelligence platforms and infrastructure (e.g., Netherlands, Italy, Germany), there is an urgency of a joint agreement so that the rules are crystal clear and this agreement should begin and end with an unwavering commitment to the recognized rule of law underpinning democratic states.

**If the West is viewed collectively and the U.S. as the most active ‘drone user’, is a joint position on US drone strikes the most important thing for EU states? Alternatively, is there reason to include the U.S. in European discussions, as is done similarly in the Organisation for Security and Cooperation in Europe for example?**

I'm not sure a joint position on US drone strikes by the EU is really necessary and I'm not sure what such a position would aim to achieve. However, a joint position on the legal framework surrounding military drone use, generally, would be extremely beneficial. There is definitely room for a political block, such as the EU, with fundamental rule of law principles upon which it is built at its heart, to engage critically with states like the US or the UK in illegal activity. In this context, the EU should do two things in order to shape norms on military drone use in the future: 1) be critical (publicly or through diplomatic channels) of any state using armed drones in a way that runs contrary to international law and 2) lead by example by pronouncing itself on a collective legal framework regarding the use of armed drones that adheres to international laws and norms.

There are of course political risks and sensitivities of openly criticizing a powerful ally, but it is incumbent upon other members of the international community to ensure that everyone is beholden to the rule of law and a laws-based international order or the risk is that this common baseline falls away and it's a Wild West for the use and deployment of any future technologies or developments, not just by (allied) state actors, but by non-allied or non-state actors as

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well. It's two decades of drone warfare coming home to roost. It is already happening and will continue to do so as military drones proliferate without an intervention to turn the tide.

### **Has the global pandemic in any way changed debates in technology, automated weapon systems and politics? Will space drones come into play?**

Of course there are some using the pandemic to pivot the discussion towards increasing automation, and some have analyzed the effects of the pandemic on armed conflict, generally, but I'm not sure that the pandemic has really changed the fundamental discussion around the deployment of armed drones in counterterrorism and military operations as such. As for space drones...they're already a thing and the use of lasers linking satellites to drones. What we know from experience of terrestrial conflicts, where there's a conflict or potential for a conflict, you can bet drone technology won't be far behind.

### **With feet in both law and politics, and both policy and academia, you are also an Assistant Professor of Education in International and European Law at Utrecht, how would you describe what you are currently working on in this role?**

In my role as Assistant Professor of Education in International and European Law, I am affiliated with Utrecht Law School's Legal Skills Academy, in which we integrate practical skills-based initiatives in LLB and LLM curricula. Through this, I try to bring the experience from the field to the classroom, offering students insights into how the law can be used in reaching policy goals or in human rights campaigning, for example. I also collaborate on initiatives to bring the classroom to the field in the way that I help facilitate bridging the academic process with my civil society network and find ways that the two can complement one another with work they have in common. For example: the Public International Law and Human Rights Clinic recently partnered with an NGO working on civilian casualty issues to advise them on questions of international humanitarian law. That partnership assisted the NGO in reporting on conflict-related issues for its own advocacy work. Those kinds of possibilities and successes satisfy both the practitioner and the academic in me! A win-win.

### **What is the most important advice you could give to young scholars of International Relations?**

Go out of your way to chat to people about their jobs you might see yourself in one day—almost everyone loves talking about themselves and their work, especially if they're passionate about it! And this kind of community building can pay dividends—who knows, for the price of offering to buy someone you admire a cup of coffee, you might land yourself a research assistant position or something similar that could lead to other opportunities.

Find ways during your studies to obtain practical experience at organizations you're interested in working for down the road. Internships, externships, clinical programs, fellowships, etc., offer opportunities for you to see the inner-workings of these big institutions you may read about in your textbooks or the small-scale NGOs you might want to apply for once you graduate. Many organizations and institutions have made strides in paying students for this work, which I find absolutely crucial to making the field accessible to everyone—not just those who can afford to work for free. By having this kind of experience under your belt, you make yourself a much more interesting candidate during the interview process and you've already learned a great deal of how the subjects you're reading about for class work in a real-world setting. And a final piece of advice for the young scholars who will one day become older and more successful scholars: always pay for the coffee at the meetings with students eagerly inquiring about your work; and leave the door open and the ladder down