

# BELGIUM

## Introduction

In January 2018, Belgium planned to acquire four MQ-9 reaper drones, which will replace the 13 B-hunters that the Belgian army has bought in 1998 and deployed since 2004. These older models have been used for intelligence gathering, reconnaissance, and surveillance, amongst other things, in the operation Althea in Bosnia-Herzegovina in 2005, the EUFOR operation in the EU, and in the Democratic Republic of Congo<sup>1</sup>. Valued at nearly €180 million, the new Reaper-contract is supposed to deliver two systems to be put into service by the end of 2021.<sup>2</sup> The process for acquiring these types of drones was started with the 'Strategic Vision' laid out by the Belgian Ministry of Defence in 2016. The plan was to acquire two unmanned aerial vehicles capable of medium altitude and long endurance (MALE UAV) systems at first, before acquiring another four systems on a longer term before 2030, for a total sum of €490 million. The last four systems would 'preferentially' be of European-origin<sup>3</sup>. According to the Strategic Vision, the drones would have the possibility to be armed, though this would require a separate decision of the Belgian government. The Strategic Vision furthermore already anticipates arming the Reapers, as it included a footnote on the potential costs for arming the drones. It also states that Belgium's Ministry of Defence will show to be flexible in the future, if necessary, and that arming the MALE-drones is kept open as an option for supporting ground troops and providing tactical air support.<sup>4</sup> During a parliamentary discussion, Minister of Defence Vandeput stated that the Reapers would be 'armable, but not armed', adding that arming it would require extra parts which were not part of the order either<sup>5</sup>.

## Articulate clear policy

There has not been any serious debate in the Belgian parliament on the wider impacts of the use of drones, in particular about their use for targeted killings and how this is related to their national position. Nor are there publicly available statements from Belgian officials regarding the legality of drone strikes or the Belgian legal position on the use of armed drones. In April 2015, An ICCT research project gauged the extent to which European Union (EU) governments share the United States' position on armed drones and targeted killing. In doing so, the authors of this rapport, Jessica Dorsey and Christophe Paulussen, sent a questionnaire to the Ministries of Foreign Affairs, Defense, Justice and intelligence services of all 28 EU Member States. No Belgian ministry or governmental office responded to the questionnaire. At the time of writing that report, the Minister of Defense of Belgium, Pieter de Crem, said there was no plan to replace these with a successor model<sup>6</sup>, which has proven to be incorrect, since successor models are planned to acquire.

Belgium seems to be hesitant with regard to these topics: when the Minister of Foreign affairs Reynders was asked in 2011 if he would discuss the judicial and ethical issues accompanying 'targeted killings' with the United States, Israel, and Russia, he said he was not considering it, and stated that it was better for Belgium to wait for the reactions of those countries to the issues surrounding drones. Pax Christi Flanders published a report on this in 2012 and organized a lecture in the House of Parliamentarians in April 2013. In response to parliamentary questions regarding the acquisition of drones in February 2018,

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<sup>1</sup> Pax Christi Flanders, Oorlog voeren in de 21<sup>ste</sup> eeuw: drones, (2012,5), pp. 8, available at: [https://www.paxchristi.be/sites/default/files/5\\_oorlog-voeren-id-21ste-eeuw\\_drones.pdf](https://www.paxchristi.be/sites/default/files/5_oorlog-voeren-id-21ste-eeuw_drones.pdf).

<sup>2</sup> EFAD, Belgium to acquire 'armable' Reaper drones (26 February 2018). <https://www.efadrones.org/belgium-to-acquire-armable-reapers-drones/>

<sup>3</sup> Ibidem.

<sup>4</sup> Steven Vandeput, De strategische visie voor Defensie (29 Juni 2018), pp. 59, available at: <https://www.mil.be/sites/mil.be/files/pdf/strategic-vision-belgian-defense-nl.pdf>.

<sup>5</sup> EFAD, Belgium to acquire 'armable' Reaper drones (26 February 2018). <https://www.efadrones.org/belgium-to-acquire-armable-reapers-drones/>

<sup>6</sup> Paulussen, Dorsey and Boutin, 'Towards a European Position on the Use of Armed Drones?', the introduction, available at: <https://www.icct.nl/download/file/ICCT-Dorsey-Paulussen-Towards-A-European-Position-On-Armed-Drones-And-Targeted-Killing-Surveying-EU-Counterterrorism-Perspectives.pdf>. pp. 9.

The Minister of Defence reiterated that any potential need for bombing-capacity would first be discussed within the government.<sup>7</sup>

### **Prevent Complicity**

Belgium is not part of any drone warfare networks, except of the “14 Eyes” intelligence-sharing coalition, which includes countries like Spain, the Netherlands, Italy, Spain, Sweden, the US, UK, Canada, Australia and New Zealand. As Belgium is part of this network as well, it has to make sure that it prevents complicity. The Netherlands, for example, has been accused of contributing to unlawful use of drones in Somalia, by sharing data with US allies<sup>8</sup>. Furthermore, if Belgium will arm their drones in the future, it has to prevent unlawful killings by its own MQ-9 Reapers by articulating clear and detailed policy in full compliance with international law.

### **Control proliferation**

In line with our call to control proliferation, Belgium has signed the Joint Declaration for the Export and Subsequent Use of Armed or Strike-Enabled Unmanned Aerial Vehicles on October 28th, 2016. By signing this declaration Belgium has signaled its intention to regulate the production, export and use of armed and strike-capable drones, in order to uphold International law and international humanitarian law. However, the Declaration remains ambiguous, as it does not specify how international and human rights law must be interpreted and applied, nor is the Declaration legally or politically binding. The follow-up process that should have developed strong international standards remains opaque and non-inclusive to civil society. Hence, increased proliferation and the growing deployment of drones remain key challenges that need to be addressed. This is especially pertinent because existing definitions in arms export control regimes are increasingly blurred due to new developments surrounding armed drones and related technologies and the ease with which civilian drones can be transformed into military capable drones<sup>9</sup>.

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<sup>7</sup> Ibidem.

<sup>8</sup> For more information, see the country report on the Netherlands on the EFAD website.

<sup>9</sup> Jessica Dorsey, 'Towards an EU common position on the use of armed drones', EU Directorate-General for External Policies (5 June 2017) pp: 31, available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578032/EXPO\\_STU\(2017\)578032\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578032/EXPO_STU(2017)578032_EN.pdf).