Disarmament Commission

Strengthening regulations for the use of military drones

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Introduction

Drones have been around for a long time. A predecessor of drones was first used in 1849, when the Austrians attacked the city of Venice, in Italy, with unmanned balloons loaded with explosives. Since then, these early versions of drones have grown and evolved into a precise, deadly weapon used in modern warfare. Modern-day drones are also known as Unmanned Aerial Vehicles (UAVs), which still retains its definition of an aircraft with no pilot on board.

UAVs were mainly used, in the past, for intelligence, surveillance, and reconnaissance missions. Their roles have however expanded to other areas, including: electronic attacks, strike missions, destruction of enemy air defence, network node or communications relay, combat search and rescue and derivations of these missions.

The growth in the usage of military UAVs, their rapid development and the perfecting of these drones is quite alarming and in order to prevent the misuse of these tactical weapons, reasonable regulations need to be put in place and followed through. Although some regulations are already in place, these are lacking and need to be improved.

Definition of Key Terms

Unmanned Aerial Vehicles (UAVs)

UAVs are aerial vehicles which are unmanned, thus without a pilot, and often piloted from a far away location or pre-programmed. UAVs, also known as drones, have greatly increased in number and capabilities over the past decennia. They are used as deadly and precise weapons and are not only used for performing reconnaissance missions.

Reconnaissance missions

A reconnaissance mission is a military observation of a country or region with the goal to locate an enemy or a specific place (hide-out, headquarter etc.). A party also often uses these missions in order to form a proper war/action plan.

United Nations Charter

The United Nations Charter is the foundation treaty of the United Nations, and its articles act as the United Nations' base principles. It is legally binding upon the contracting states, and seeing as virtually every nation in the world is member of the United Nations, the charter is legally binding for every nation.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights is a declaration created and accepted by the United Nations General Assembly in 1948. In contrast with the United Nations Charter, the declaration is merely a recommendation and the articles are not legally binding yet are highly respected principles, which are expected to be recognized and followed through with; not doing so could cause international condemnation. The Universal Declaration of Human Rights is a ground-breaking milestone document in the history of human rights.

Network Node

A Network Node is a point in a communications network, which can store, create and send data along network routes.

General Overview

History of UAVs

As stated in the Introduction, the first versions of military drones were bomb-dropping balloons. Approximately half a century later, these balloons evolved into the Kettering Bug, a small biplane equipped with and guided by gyroscopes, a barometer and an early version of the computer, with a range of up to 75 miles. Although the Kettering Bug was never used in combat, it was an interesting technological advancement for that period. This later evolved into smaller aerial vehicles, which we would currently more commonly associate with drones, due to the shape and size of the weapons. In 2000 the American Central Intelligence Agency (CIA) started flying UAVs over Afghanistan. These drones were unarmed, yet armed drones were deployed after the 2000 9/11 attacks. On February 4, 2002, the CIA used an armed

UAV in a targeted killing in the Paktia Province in Afghanistan. This is only one of many examples of the use of UAVs for military means and now over 28 nations have operating armed drones in their possession.

Usage of UAVs in combat

UAVs are generally used in combat whenever it is too dangerous to send a piloted vehicle. Although quite expensive, the drones are effective and equipped with 'colour and black-and-white TV cameras, image intensifiers, radar, infra-red imaging for low-light conditions and lasers for targeting', according to http://www.bbc.com/news/world-south-asia-10713898. As stated in the Introduction, drones' roles have expanded to other areas, including electronic attack, strike missions, destruction of enemy air defence, network node or communications relay, combat search and rescue and derivations of these missions. The wide variety of missions these UAVs can carry out makes them a tactical weapon that is worth the money invested in them. The fact that there is no pilot that is at risk, but is controlling the drone from safe location far from the conflict zone and that UAVs are cheaper than piloted fighter jets make them beneficial to member states.

Ethical and legal questions

One of the problems with UAV strikes is the civilian casualties that come with them. The New America Foundation estimated that between 2004 and 2011, the civilian fatality rate was around 20%. Several sources have reported that over 160 children have died from drone strikes in Pakistan, and that over 1000 civilians have been hurt. The problem with collecting this data is that the only sources are the local officials and media, which are not always entirely reliable and truthful. Independent observers are usually unable to gather their own data due to the fact that the warzones are unsafe and often inaccessible.
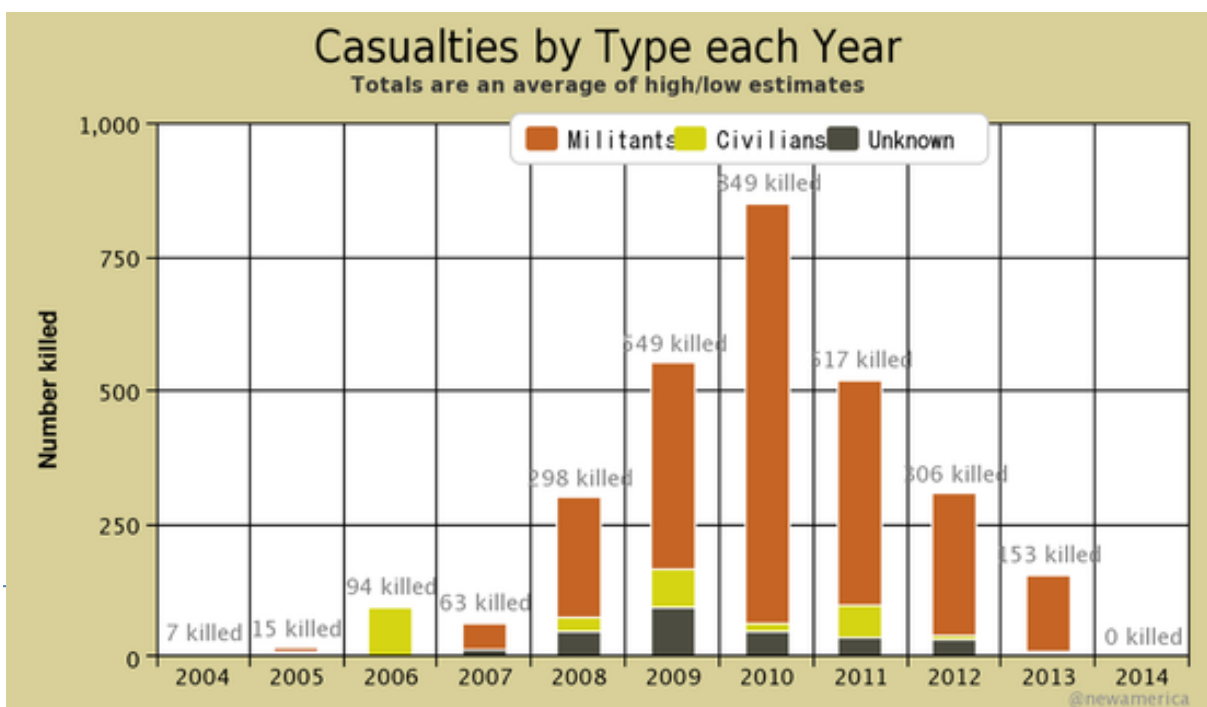

Figure 1: A bar graph displaying the casualties by type each year, 2004-2014, as a result of UAV attacks

Figure 1 depicts the casualties by type, including militants and civilians, each year, 2004-2014, as a result of drone strikes. Due to the fact that a lot of civilians are harmed during UAV attacks, several anti-drone protesters claim that these strikes are not damaging to the insurgencies they are aimed at and that they are counterproductive. These strikes alienate the locals and encourage them to join the military ranks of these insurgencies and rebellions, according to these protesters.

To quickly address the legal aspect of these drone strikes is to say that the legal framework that justifies these attacks is not clear at all. Transparency is also an issue, seeing as nations using drone strikes don't clarify the nature of the threat they are trying to tackle nor are they applying international rules regarding the use of force.

Case studies

The number of United States drone strikes in Pakistan from 2004 until 2016 stands at 403, with 3058 deaths in total, of which around 17% were civilians or other non-militants. Several UAV attacks in Pakistan with a high fatality rate include:

- The Makin drone strike on the 29th of April 2009, which killed at least 80 people, but missed the main target. A lot of the casualties were people attending the funerals of people killed in the air strikes earlier in the day.

- US drone which kills thirteen people on the 12th of April 2010. All thirteen were civilians.

- 48 are killed and 50 are wounded on the 17th of March 2011, when an American drone fires several missiles. Mostly civilians are killed, along with 12 Taliban helpers.

Several other case studies include:

- Israeli drone strike kills five members of the Islamic State in Sinai drone strike on the 18th of February 2017.

- As a response to a rocket, which hit Israel, claimed by the Islamic State, an Israeli drone strike kills one person on the 12th of April 2017.

- Drone strike carried out by United Kingdom kills Reyaad Khan, a British member of the Islamic State on the 21st of August 2015.

Major Parties Involved

USA

The United States of America has carried out numerous drone strikes throughout the past 13 years, as mentioned above. Their drone technology is advanced and used often; using UAVs to counter terrorism was in fact one of Obama's main focal points during his campaign when running for president.

The USA has carried out drone strikes in Pakistan, Yemen, Afghanistan, Somalia and Libya. These actions have greatly been condemned by Human Rights Organizations such as Amnesty International, due to the lack of humanity shown when carrying out these strikes. Innocent civilians are killed as result of these strikes and are not in cue with the Universal Declaration of Human Rights, specifically Article 3 which reads: '*Everyone has the right to life, liberty and security of person.'*

Pakistan

Pakistani civilians have become victims of the high number of UAV attacks sent to Pakistan, due to the active terrorist groups and insurgencies in Pakistan. The Pakistani government has also expressed its concern regarding these actions that have been taken by the USA and condemned the actions, stating the following: '*Pakistan wishes to once again state that the drone attack was a violation of its sovereignty, an issue which has been raised with the United States in the past as well.*' The situation remains a large political and ethical issue, and the question whether the Pakistani government will call for financial compensation is present, with specialists calling for fines of millions of dollars.

China

China is one of the leading parties in drone technology. A concept, which is currently greatly on the rise is the creation of swarms of drones, multiple drones acting as one large body. Some militaries even suggest that drone swarms may rule the future battlefield. If that is the case, then the nation in control of the best swarm may be the winning party. According to China that would be them. Despite this, China has, so far, refused to use UAVs in targeted killings.

Israel

Israel has carried out drone strikes in the past, mainly to combat the Islamic State. Some of these strikes have been carried out very recently. These strikes, although aimed at specific targets, usually cause a lot of civilian casualties.

United Kingdom

The UK launched its first targeted drone strike on August 21st 2015. Since then, it has launched multiple targeted strikes. The United Kingdom has been criticized by the nation's politicians for its lack of transparency on the issue and their use of a 'kill list.'

United Nations Office for Disarmament Affairs (UNODA)

While the main goal of the UNODA is to promote the disarmament of large-scale nuclear, biological and chemical weapons of mass-destruction, it also focuses on small arms and conventional weaponry, such as UAVs. It was established in 1998 under the plan of Secretary-General Kofi Annan to reform the United Nations.

The UNODA has hosted meetings regarding drones and discussed the situation at the United Nations Headquarters and brought legal, ethical and political aspects into perspective. Some topics that have been discussed are: the differences between drones and armed drones, the deployment of drones in extraterritorial areas, meaning between country borders thus beyond national laws and the accountability of nations partaking in these actions.

Amnesty International

Amnesty International has voiced their concern of the ethical side of this issue, publishing reports on innocent civilians being killed by drone strikes. They are also incredibly concerned by the failure of the Pakistani government to enforce the rights of the victims of the drone strikes. According to them, Pakistan has the right and responsibility to actively investigate the drone strikes and ensure proper judicial actions to be taken thereafter, regarding the political side and the side of the victims.

Timeline of Key Events

Date	Description of Event
1984	Earliest versions of drones, balloons with explosives, are used by the Austrian government in Venice
26th June 1945	Charter of the United Nations is signed in San Francisco, USA
10th December 1948	Universal Declaration of Human Rights is proclaimed by the United Nations General Assembly in Paris, France
29th April 2009	Makin drone strikes are executed
12th April 2010	United States drone strike kills thirteen civilians in Pakistan

17th March 2011	48 people are killed and 50 are hurt due to UAV attacks in Pakistan, most of which are civilians
24th December 2014	Arms Trade Treaty goes into force

UN involvement, Relevant Resolutions, Treaties and Events

Although several treaties have been put into place, these treaties aren't strict or enforce any stringent laws. More information on these treaties is mentioned below. The USA, the UK and France voted against the resolution mentioned. Despite this, it did pass and was adopted by the UN Human Rights Council.

- Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law, 28th of March 2014, **(A/HRC/25/L.32)**

- The Arms Trade Treaty (ATT)

- United Nations Register of Conventional Arms

- Missile Technology Control Regime (MTCR)

- EU Common Position on Arms Export Controls

- The Wassenaar Arrangement

Previous Attempts to Resolve the Issue

The Arms Trade Treaty (ATT) went into force on the 24th of December 2014. It is a treaty, which regulates the trade in conventional arms, from small arms to warships. The treaty states Articles 2 (3, 4 & 7) and 51 of the United Nations Charter as their basic principles and urges all member states to recognize and respect them, as well as the Universal Declaration of Human Rights. Furthermore, they see it as the nation's responsibility to establish and implement their respective national control systems. The treaty aims to:

- Establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms

- Prevent and eradicate the illicit trade in conventional arms and prevent their diversion

for the purpose of:

- Contributing to international and regional peace, security and stability

- Reducing human suffering

- Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties.

Article 51, mentioned above, is as follows: '*Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.'* The United States of America has been accused of not respecting this article, due to the attacks carried out it Pakistan, Yemen, Afghanistan, Somalia and Libya.

Several other arms trade treaties and arrangements, such as the United Nations Register of Conventional Arms, the Missile Technology Control Regime (MTCR), the EU Common Position on Arms Export Controls and the Wassenaar Arrangement, are also worth mentioning. All of these treaties cover drones and mainly aim to ensure the transparency in the trafficking of these weapons. The problem with these treaties and the ATT is that they are not very strict and do not grant any veto power to countries in organizational decisions.

Possible Solutions

First of all, one of the most important aspects of the solution is the actual goal of the solution, and of the major problems of drone strikes is the lack of humanity, which comes with the carrying out of these drone attacks. The fatality rate of innocent civilians as a cause of drone strikes is unnecessarily high. Luckily, this death rate has greatly decreased of the previous years, but action needs to be taken to ensure this rate stays as low as possible.

Another important part of the issue is the criteria of the approval of a drone strike. Lots of factors need to be taken into account, such as the number of civilian that could be victims of the strikes, the precision of the drones and the reason for carrying out a drone strike. Is the potential victim dangerous enough, is the situation already under control, would

these strikes help end this conflict or only stimulate it? By ensuring these factors are looked at and these question are answered before deciding whether to carry out the attacks or not, the usage of UAVs could be limited.

Furthermore, strengthening the regulations mentioned above and ensuring these are followed could dramatically improve the situation regarding drones. By limiting the amount of attacks and reducing the amount of drones that are armed, used and in operation, the tragedies that befall as a result of them could greatly decrease in numbers.

Moreover, by encouraging meetings and international talks about the issue, more awareness would be raised for the issue and nations would perhaps cause nations to be more aware of the situation and the unnecessary casualties drone attacks could cause. By encouraging member states to think more about the problematic effects of these drone strikes, the amount of UAV attacks could be limited.

Lastly, creating a completely transparent framework as mentioned in the general overview would be a great solution.

Appendices

For the necessary sources, please see the bibliography.

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