Background

A new era of warfare began in 2002 when the first armed Predator MQ-1 drone launched a Hellfire missile at a car with suspected terrorist in Yemen. Since then, increased use of “unmanned” aerial systems, also known as drones, has provided states with a new means to conduct lethal operations abroad. Thousands of strikes have been carried out in and outside of armed conflict, killing thousands of people, including many civilians. Neither the law nor the public debate around drones have been able to keep up with the technological developments enabling remote warfare. This has opened up a Pandora’s box of legal and ethical questions.

There have been extensive investigations into the impact of targeted killings outside recognised areas of “hostile activities” such as Pakistan and Yemen. This work by NGOs and academics has highlighted the previously undocumented cost of drones. The drone programme, which has been shrouded in secrecy, has killed thousands and wounded many more. Increasingly, its critics suggest that the drone programme is perceived by affected communities as a hypocritical betrayal of the West’s purported commitment to the rule of law and justice.

Furthermore, this work has encouraged international debate on the legality and acceptability of remote warfare. UN Special Rapporteurs have led numerous investigations into the issue. The main concerns among humanitarian and human rights organisation have been that the new technology has lowered the threshold for carrying out targeted killings. In the absence of proper transparency, accountability, and regulations, the increased use of drones has seen an accompanying rise of lethal force, particularly outside of traditional warzones. In addition, researchers, academics, and human rights activists have been challenging the assumption that these new technologies lead to less civilian casualties and have demonstrated the negative impact of continued drone operations on livelihoods and well-being of communities in affected areas.

Current context

Since last year, a number of states spoke out about drones in the First Committee and the Human Rights Council, while other political forums such as the European Parliament and the EU Parliamentary Assembly raised concerns over the impact of targeted killings and the use of armed drones outside areas of active hostilities. The accidental killing of two US hostages by US drones in Pakistan in early 2015 reignited the domestic debate in the US over targeting information, transparency, and accountability measures. Yet the international community has so far failed to provide any solutions to this debate, attaining a “wait-and-see” attitude while extrajudicial killings continue, potentially setting a precedent for other states to follow.

A clear legal framework on the use of armed drones, including outside areas of active hostilities,
is needed to prevent the further stretching of definitions within international humanitarian and human rights law (IHL and IHRL) that is currently taking place. The current inertia from states to set boundaries to the blatant abuse of armed drones undermines the credibility of international community to uphold shared values on protection of civilians and human rights.

At the same time, the drone industry is picking up pace and proliferation of drones has exploded. Over 90 states have acquired military drones, 23 of which have the capability of using armed drones. Major drone exporters have no qualms exporting drones to repressive regimes or conflict areas such as Nigeria, Saudi Arabia, Sudan, or Syria.

It is estimated that by 2020, over $11 billion will be invested in drone technology, which covers both civilian and military drones. The ease with which dual-use drone technology is spreading already results in non-state actors and terrorist groups utilizing drones for military operations, e.g. most recently the Islamic State in Syria and Iraq.

Existing arms export agreements seem unfit to counter the fast proliferation of new types of drones. Without an international effort to address this problem, too little will be done too late. A real and viable solution will need to focus on a solid legal framework and discussions with all key actors, including drone producers, states, and civil society.

Recommendations for governments

**During First Committee:**
- All delegations should express humanitarian, moral, and legal concerns over the use of armed drones inside and outside armed conflicts and increased proliferation of armed drone technology.
- They should highlight the need for a focused discussion on the use of armed drones, including the application of international law and transparency.
- They should call for legal regulations on the use and trade of armed drones, condemn and indicate their commitment to not participate in extrajudicial killing, and call for increased
transparency about armed drone use and casualty recording practices.

**Beyond First Committee:**

- States should also discuss the use of armed drones in Third Committee and the Human Rights Council, where they should support the work of Special Rapporteurs, and highlight concerns about extrajudicial killings and the human rights implications of drone strikes.
- States should provide their legal opinions and political positions on the use of armed drones for targeted killings outside of areas of active hostilities, drawing upon the framework of IHL and IHRL.

- Manufacturers, states, and export control regimes should work together to establish standarised categories for export control lists, in order to provide consistent understandings of platforms, payloads, and dual-use applications of drone technologies. This should support improved control measures over the import and export controls on “unmanned” systems and prevent proliferation to unintended end-users.

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9 Ibid.