

Legal Justification for the Civilian Deployment of Autonomous Aid Balloons to Gaza

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Purpose

This document affirms the legal basis under international humanitarian law (IHL), human rights law, and customary legal principles for civilians to engage in the nonviolent delivery of humanitarian aid into the territory of Gaza using unarmed, unmanned, high-altitude balloon systems. It is intended for use by aid teams, legal observers, journalists, and officials seeking to assess or understand the legitimacy of such operations.

I. Legal Classification of the Action

The use of autonomous balloons to deliver food and medical aid into a besieged territory qualifies as a protected humanitarian action under international law. The activity is:

- Civilian-led and unaffiliated with armed actors
- Conducted without violence, surveillance, or military intent
- Intended solely to uphold the right to life and freedom from hunger

The payloads consist of humanitarian aid only: food, medicine, or survival materials. No weapons, surveillance equipment, or political messaging are included.

II. Applicable Legal Frameworks

A. Geneva Conventions (1949) and Additional Protocol I (1977)

- Article 59, Geneva Convention IV:
“If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes... and shall facilitate them by all the means at its disposal.”
- Article 70, Additional Protocol I:
“If the civilian population is not adequately provided with supplies essential to its survival, relief actions which are humanitarian and impartial in character and conducted without any adverse distinction shall be undertaken.”
“The free passage of such relief consignments shall not be impeded...”

B. Customary International Humanitarian Law (CIHL), Rule 55

“The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction.”

This rule is binding on all parties to international and non-international armed conflicts and is universally recognized.

C. Rome Statute of the International Criminal Court

- Article 8(2)(b)(xxv) defines the intentional use of starvation of civilians as a method of warfare as a war crime.

Delivering food and medical aid to civilians who are being denied humanitarian access is not only lawful—it is part of the international community’s obligation to prevent the commission of war crimes through inaction.

III. Right to Act: Civilian and Non-State Humanitarian Relief

International law does not reserve the right to provide humanitarian relief solely to states, the United Nations, or the International Committee of the Red Cross. The Principles of Humanity, Impartiality, Neutrality, and Independence guide all legitimate humanitarian actions, whether carried out by governments, NGOs, or civilians.

Where official humanitarian corridors are blocked or politicized, and where famine or siege conditions exist, civilian humanitarian actors have a lawful basis to act, particularly under:

- International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 11

“The States Parties... recognize the right of everyone to be free from hunger.”

“To achieve the full realization of this right, States shall take measures to improve methods of food distribution and ensure equitable food supply globally.”

All bordering states involved in this action—including Egypt, Türkiye, Cyprus, and Greece—are signatories to the ICESCR and are obligated to respect and not obstruct humanitarian relief delivered in good faith by civilians.

IV. On the Legality of Balloon-Based Delivery

- These systems do not enter airspace with hostile intent
- They carry no surveillance equipment
- They do not cross international borders under military control or escort
- They are autonomous, demilitarized, and passive

Under international legal definitions, such systems do not constitute a military object, nor do they violate sovereignty in any legally actionable sense.

Interception, destruction, or criminalization of these humanitarian payloads may itself constitute a violation of IHL, particularly when accompanied by:

- Evidence of famine or siege

- Obstruction of neutral aid
- Intent to deprive civilians of survival items

V. Summary

The civilian use of autonomous balloons to deliver food and medicine into Gaza is:

- Nonviolent
- Lawful
- Protected under international humanitarian law
- In response to a legally defined humanitarian emergency

Participants are protected as non-combatants, and the materials they transport are protected as humanitarian consignments.

Any actor—state or non-state—who obstructs or criminalizes such relief efforts risks legal liability under IHL and customary law.

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