United Nations Disarmament and International Security

Topic: Drone Warfare

I. Background

In 1998, the United States put its first unmanned aerial vehicle (UAV, or "drone") in service. In 2002, the U.S. had a stockpile of 50 drones, and by 2012, they had around 7,500. As this number increased, the drones experienced great technological advancement. Smaller and more compact drones are being built, and are being developed so that they are automated and less dependent on human controllers. The U.S. has developed drones mostly in order to aid the war on terrorism and to kill high profile targets, while simultaneously reducing cost in both manufacturing and in American lives. This development began in order to augment surveillance, but later, their use included direct lethal attacks on targets in foreign nations. The U.S. is continuing its research of drones, with plans to spend $98 billion on development by 2021.

The U.S. has deployed them for both purposes mostly to Iraq, Afghanistan, Pakistan, Yemen, and Somalia. The United States' frequent use of drone warfare has created international controversy for several reasons. The U.S. has presented a legal defense of drone use claiming that they are used to kill immediate threats to the security of the United States. International critics, however, have claimed that because most of the drone attacks carried out by the U.S. were not directed at a state or country - but rather a group within a state, such as Al Qaeda - the legality of the attacks is questionable from an international standpoint. The attacks would have more legitimacy under international law if the attacks are used to prevent an "imminent threat to life" and if there were no other options to prevent this threat, though this is not always the case. The strikes also maintain legitimacy if they are carried out in a manner proportional to the threat the attack is a response to. Indeed, the U.S. has loosened its regulations and requirements for

drone strikes, leading to greater consequences and scrutiny. If these guidelines are not followed in an active warzone, then the perpetrator would be guilty of war crimes. In the cases of Pakistan, Somalia, and Yemen, none of which are labeled active warzones by the United States, the lethal use of drones has come under great criticism internationally because the attacks fall into a grey area of international jurisdiction, but are hardly justifiable. Furthermore, these critics believe use of drones to be inhumane as they reduce accountability and have resulted in the deaths of many civilians, including children.

Because drones are remotely operated by someone hundreds or thousands of miles away, the relationship between attacker and target is severely reduced. It should be noted, however, that drone operators are prone to experience post traumatic stress disorder and other negative effects of combat similar to those experienced by other soldiers that play a more typical and intimate role in combat. If it is the case that there are unanticipated civilian casualties, those operating the drones are not always informed or in a position to gain such information. This ultimately minimizes accountability, especially in the situation of a civilian death or casualty. It is rarely the case that the target or targets are alone. Attacks have occurred when the target is with friends, family, associates, or other civilians. It is not surprising then that drone strikes often hit civilians that were not involved in activities that would cause direct or indirect harm to the United States. In at least one occasion, targets were attacked while attending funerals, resulting in more civilian deaths than deaths of targets. This calls into question whether the United States is reacting in a proportional manner, by taking into account the ratio of civilian deaths to those of combatants. Even more casualties have occurred because those attempting to aid targets that have been attacked by drones are in turn attacked by drones to prevent the recovery of the initial targets. This has incited fear into would-be rescuers who instead wait to provide aid or refuse to help at

all. Some of these civilian casualties occur simply because the drone technology is not advanced enough to correctly identify a target. Because the drone attacks occur randomly and with little warning, citizens of targeted countries have grown fearful of attack. This has caused minor social disruptions as some people have become afraid to carry out basic parts of daily life such as going shopping or to school. Increasingly often, the United States will gather a minimal amount of intelligence on a target and then proceed to carry out an attack based on information gained from drone surveillance. As a result, drone attacks are being carried out based on potentially inaccurate information that increases civilian casualties. While there is no agreed upon number of casualties, the United States government has resorted to skewing the records of their attacks. They do so by using an altered definition of militant that includes all military able men aged 16-60. They would only be reclassified as civilian after the fact if clear evidence presented itself to the contrary. This means that the U.S. is not holding itself accountable, and they will remain free of accountability until an outside authority begins to hold the United States to a higher standard of responsibility.

Though the lethality and lack of accountability of drones are at the forefront of the issue, they are not the only questionable functions of drones. One of the main uses of drones is to carry out reconnaissance missions. Drones are capable of providing real-time intelligence to drone operators without the knowledge or approval of the target or targets. Former National Security Agency Contractor, Edward Snowden, listed this ability of UAVs as a reason he spoke out against the United States expansive collection of data and intelligence, domestically and abroad. Snowden stated that he could observe entire villages through drones, and how these observations would be used to make decisions on whether or not to carry out an attack on a target. Seeing this,

Snowden feared the increasing use of drones by the United States to collect information on unknowing targets.

While the U.S. has developed and fine-tuned UAVs for surveillance and lethal attacks, other countries are considering following their example. China has already begun producing drones ranging in size and power, and that are comparable to those used by the United States. One of China's primary reasons for creating its own drone program is for surveillance purposes, especially over disputed territories, including the Diaoyu/Senkaku islands that both China and Japan claim as their own. Another reason for funding a drone program is the economic gain to be had by selling drones to other countries, namely Pakistan and the United Arab Emirates. Russia, too, has been working to develop its own drone program, but has not been nearly as successful as China or the U.S. Because they have been slow to make any progress, they have purchased drones from Israel at no small cost in order to catch up with other leading countries. A 2013 estimate put out by the United States Congress stated that about 76 countries had UAVs. Though not all of these countries have developed drones to the extent the U.S. has, the drone age is just beginning. Since this is the case, there is a lot in terms of international agreements and standards that have not been established when dealing with UAVs and drones.

II. UN Involvement

In 2012 Christ of Heyns, a special rapporteur on extrajudicial killings, claimed drone strikes are inhumane and that they go against international law. In calling for further investigation of drone warfare, Heyns implied that certain drone attacks were war crimes. This call prompted several countries that have been targeted by the United States' drone attacks to support such an investigation. This in turn prompted the United States to respond by saying their attacks were completely within the bounds of international law.

At the same time Ban Ki-Moon, UN Secretary General, called for the use of drones in the Democratic Republic of Congo in order to gather intelligence that would aid in the fight against rebels in the country. The U.S., U.K., and France all supported this idea, while Russia and China opposed it. Though these drones would be unarmed, they would set a precedent for the use of UAVs with the support of the UN. This precedent was officially established in 2013 when the UN carried through with deploying UAVs in the Congo.

Both these instances demonstrate that because the use of drones in warfare and in general is such a recent occurrence, there is much the UN has not yet covered on the issue. There is still a great amount of indecision and argument within the UN about the use of drones, armed or unarmed. As a result, reaching a resolution on the issue has become problematic. Though this means researching based on precedent might be difficult, the potential for creative solutions is enormous.

III. Questions to Consider

1. Under what circumstances should drone attacks be legal, if at all?
2. By what means can this body establish legal precedents that regulate drone use and how can these precedents be enforced?
3. What criteria must a target or targets meet in order for an attack to be carried out?
4. Who should be allowed to develop, sell, and use UAVs, armed or unarmed?
5. To what extent should countries be allowed to develop drones?
6. What are the beneficial uses and results of using UAVs and what steps can be taken to implement them into international law?

IV. Suggested Sites

https://www.cia.gov/library/publications/the-world-factbook/ - The CIA World Factbook

https://www.bbc.co.uk - BBC World News

http://www.economist.com/ - The Economist

http://www.ebscohost.com/ - Ebscohost