

Table of Contents

Title	Page
Introduction to SOCHUM.....	2
<u>Topic 1</u> : Question the legality of state-sponsored infringement of privacy.....	4
<u>Topic 2</u> : Freedom of speech and expression in the media.....	18
<u>Topic 3</u> : Question the legality and legitimacy of the use of Unmanned Aerial Vehicles (UAVs).....	31

SOCHUM – An Introduction

The Social, Cultural and Humanitarian Affairs Committee (SOCHUM) is one of the six specialized subcommittees of the United Nations General Assembly and is generally referred to as the Third Committee. It was established after the development of the Universal Declaration of Human Rights in 1948.

Year after year, the General Assembly allocates to its Social, Humanitarian and Cultural Affairs Committee agenda items relating to a range of social, humanitarian affairs and human rights issues that affect people all over the world.

An important part of the Committee's work focuses on the examination of human rights questions, including reports of the special procedures of the newly established Human Rights Council. The Committee discusses the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the promotion of the right to self-determination.

The Committee also addresses important social development questions such as issues related to youth, ageing, disabled persons, family, crime prevention, criminal justice, and drug control.

Some examples of the articles in the Human Rights Declaration are:

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 26 (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Universal Declaration of Human Rights, 1948.

The aim of the committee would be to allow all nations to come to a consensus which match up with the human rights and satisfy most foreign policies.

Topic 1: Question legality of state-sponsored infringement of privacy

Unwarranted government surveillance is an intrusion on basic human rights that threatens the very foundations of a democratic society.

- Tim Berners Lee Wired

Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.

- Benjamin Franklin

A Statement of the Problem

Many consider surveillance a necessary practice for State security. Aside from defence, surveillance, specifically communications surveillance, is now being used for commercial purposes as well. This practice, however necessary or legitimate, interferes with certain fundamental human rights, particularly the right to privacy that each entity, whether individual or business, expects to be able to exercise.

With the utilisation of technology increasing, surveillance has reached a vast scope that has surpassed all previous expectations. Whereas technology has transformed the field of surveillance and monitoring, it has increased the risk of these actions infringing upon the right to privacy. Surveillance has risen dramatically in recent years as governments label it as necessary under the ever-present threat of terrorism but with no international framework or regulation for this surveillance, there is no guarantee that these state-sponsored acts are indeed following international human rights laws.

After the leaks by Edward Snowden on the actual scope of the USA's National Security Agency's surveillance, an ongoing debate has started on whether or not the surveillance conducted is actually for the said purpose and whether a promise of safety can outweigh the compromising of fundamental human rights. It has become evident that other more prioritized rights since have overshadowed the right to privacy even before surveillance has been conducted. A specific example of this would be the United States' Constitution, which does not mention a specific right to privacy but has the right exist in the "penumbra" of several other rights. The general population, however, demands for an international legal framework that establishes a guide for surveillance and under which circumstances it can occur.

Definitions of Key Terms

Communication: Communication includes activities, interactions and transactions transmitted through electronic mediums, such as content of communications, the identity of the parties to the communications, location-tracking information including IP addresses, the time and duration of communications, and identifiers of communication equipment used in communications.

Communications surveillance: Communications surveillance is inclusive of the monitoring, interception, collection, analysis, use, preservation and retention of, interference with, or access to information that includes, reflects, arises from or is about a person's communications in the past, present or future.

Privacy: Privacy is the right to control who knows what about you, and under what conditions. It is the right to share different things with your family, your friends and your colleagues and also includes the right to know that your personal emails, medical records and bank details are safe and secure.

Principle of Proportionality: The principle of proportionality is the idea that an action should not be more severe than is necessary, especially in a war or when punishing someone for a crime.

The Right to Privacy

Privacy is one of the essential human rights and cannot be compromised by governments or private companies unless and until the interference is deemed necessary by law. Privacy Laws are those that relate to an individual or business entity's expectation to be left free from scrutiny or public exposure in their daily lives by either the government or other members of the public. Privacy is central to the maintenance of democratic societies. It is essential to human dignity and reinforces other rights, such as freedom of expression and information, and freedom of association, and is recognised under international human rights law.

The right to privacy is stated in United Nations (UN) Declaration of Human Rights under article 12, which reads as follows:

“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

The International Covenant on Civil and Political Rights (ICCPR) also states privacy as a right under article 17, which reads as follows:

- “1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.”

The European Court of Human Rights (ECHR) also states privacy as a fundamental right in its Article 8, which states:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

These provisions are expansive yet ambiguous. They are also coupled with the vital question of whether they would apply to extraterritorial surveillance in the first place. Privacy cases have been litigated for decades, and decisions have been handed down in disputes over many issues. More recent cases and legislative enactments have dealt with the lines between private activities and those for which an individual has no expectation of privacy. Moreover, a great deal of modern privacy law has emerged around the increasing concerns over one's expectations of privacy in electronic transactions like surfing the Internet, sending E-mails or text messages, or even the books read on portable devices.

Another frequent source of infringement upon the privacy interests of modern citizens is websites that collect data on visitors and then either use that for direct marketing or sell the information to third parties, i.e. surveillance. Similarly, personal data has become a massive area of concern, with strict new laws regarding the sharing and dissemination of medical history (HIPAA), misinformation in credit reports (Fair Credit Reporting Act), and many other laws implemented to keep the right to privacy of the general population integral.

The application of European Court of Human Rights (ECHR) as well as the ICCPR on surveillance and monitoring remains questionable as new technology surpasses previous boundaries. Although human rights treaties permit Nations to restrict the rights to privacy and freedom of expression when necessary to protect national security or public safety, these treaties provide little concrete guidance to Nations on when such derogation is permissible therefore making it difficult to judge the severity of infringement done through these means.

Espionage

Surveillance is only one of the forms of espionage. Espionage has been an important military tool for states not only in modern times but has been recognized since the beginning of the

recorded history. Espionage implies the collection of information of an entity without the entity in question's consent or at times knowledge. Although surveillance and espionage are thought to be military tactics, it is also used in the business field. 'Industrial espionage' refers to the collection of data to be used for marketing or research strategies by a business.

The two main types of espionage are electronic surveillance and human intelligence, categorized due to the differences in the gathering of data. Human intelligence refers to the spying that is done by humans where certain individuals have divulged the information that is collected either knowingly or unknowingly. Electronic surveillance, on the other hand, refers to the use of technological methods for the gathering of information. Due to the recent surge in technology, this form of espionage has seen an upsurge.

Surveillance in the digital age

Before the adoption of the Internet, well-established legal principles and logistical burdens inherent in monitoring communications created limits to State communications surveillance. In recent decades, those barriers to surveillance have decreased and the application of legal principles in new technological contexts, as surveillance becomes more complex, has become unclear. The explosion of digital communications content and information about communications, the falling cost of storing and mining large sets of data, and the provision of personal content through third party service providers make State surveillance possible at an unprecedented scale.

As technologies that assist State communications surveillance advance, nations are failing to ensure that laws related to communications surveillance adhere to international human rights and appropriately protect the rights to privacy and freedom of expression. The frequency with which States are seeking access to both communications content and communications metadata is rising dramatically but without adequate scrutiny. While it has long been agreed that communications content deserves significant protection in law because of its capability to reveal sensitive information, it is now clear that other information arising from communications – metadata and other forms of non-content data – may reveal even more about an individual than the content itself, and thus deserves equivalent protection.

When accessed and analysed, communications metadata may create a profile of an individual's life, including medical conditions, political and religious viewpoints, associations, interactions and interests, disclosing as much detail as, or even greater detail than would be discernible from the content of communications. Despite the vast potential for intrusion into an individual's life and the chilling effect on political and other associations, legislative and policy instruments often afford communications metadata a lower level of protection and do not place sufficient restrictions on how they can be subsequently used by agencies, including how they are data-mined, shared, and retained.

After the 9/11 terrorist attacks on New York and Washington D.C., privacy laws were among the first to be eroded. Laws like the USA Patriot Act allowed for things that had previously been unheard of in American legal history, such as unwarranted wire taps, Internet monitoring, and other forms of domestic intelligence gathering by the government for the supposed purpose of national security and protection of citizens from terrorism. The 2013 revelations by Edward Snowden of the scope and magnitude of electronic surveillance programs run by the US National Security Agency (NSA) and some of its partners, chief among them the UK Government Communications Headquarters (GCHQ), have provoked intense and ongoing public debate regarding the proper limits of such intelligence activities.

Privacy activists and organisations decry such programs, especially those involving the mass collection of the data or communications of ordinary individuals across the globe, arguing that they create a climate that diminishes basic freedoms, while government officials justify them as being necessary for the prevention of terrorism. While the surveillance actions have been challenged, it is not yet clear whether the public interest in protecting national security will be considered a more important concern than the privacy interests of the individual citizens affected by these monitoring programs.

Activities that compromise the right to privacy, including communications surveillance, can only be justified when the law prescribes them, they are necessary to achieve a legitimate aim, and are proportionate to the aim pursued. In order for Nations to meet their human rights obligations in relation to electronic communications surveillance, whether domestic or extraterritorial, certain standards and principles have to be met. These standards have to be applied and principles should be met regardless of the aim of the surveillance. Private sector surveillance will also have to meet these guidelines. Also, the determination of whether the State may conduct communications surveillance that interferes with protected information must have met the conditions of these principles.

The principles include:

- Legality – Any limitation made by the utilization of electronic surveillance must be prescribed by law.
- Legitimate Aim – Only that surveillance must be permitted by law that is conducted by specific State authorities to achieve a legitimate aim that is related to a fundamental legal right essential in a democratic society.
- Necessity - Surveillance must only be conducted when it is the only means of achieving a legitimate aim and least likely to infringe upon human rights.
- Adequacy - Any instance of communications surveillance authorised by law must be appropriate to fulfil the specific legitimate aim identified.
- Proportionality - Decisions about communications surveillance must be made by weighing the benefit sought to be achieved against the harm that would be caused to the

individual's rights and to other competing interests and should involve a consideration of the severity of the infringement of the right to privacy.

- Transparency – Nations have to be transparent about the scope of their communications surveillance.
- Safeguards against illegitimate access - Nations should enact legislation criminalising illegal communications surveillance by public or private actors. The law should provide sufficient and significant civil and criminal penalties and avenues for redress by affected individuals.

Data Protection Laws

Despite the fact that most Nations have Constitutional protections of privacy and personal data, only 101 countries in the world have domestic data protection legislation. The absence of domestic legislation for data protection facilitates rights-limiting practices when it comes to data protection, as there is no regulation or control of activities of public and private entities that entail the collection, processing and storage of personal data. This absence raises concern for the safety and security of the data storage, fails to provide individuals information on their right to privacy and denies people necessary protection of their personal data or legal recourse in case of violations by an independent authority.

In Kenya, a Data Protection Bill has been in the works since 2012, and has been forwarded to the Attorney General for publication. The Bill was expected to be presented in Parliament by the end of May 2014, but this has not yet occurred.

The absence of such legislation in Kenya is worrying. The Kenyan government has been embracing technology to address socio-economic problems, for example through the use of mobile cash transfers in the deployment of social protection programmes. Whilst not discrediting the benefits that emerge from such programmes, the legal void in which they operate raises privacy concerns. A strong data protection bill must be passed immediately to protect Kenyans while these programmes are advanced.

In Turkey, a packet of Constitutional amendments in 2010 included an explicit recognition of the right to data protection to the Constitution. However, this constitutional protection for the right has not been appropriately supported by domestic legislation. As such, the absence of data protection laws has permitted rights-limiting practices. For instance, the Ministry of Education sold the data of 17 million students to a mobile operator and Turkey's largest internet service provider installed deep packet inspection technology to create profiles of an individual's online activities to sell to advertisers.

Both Guinea and Egypt lack data protection laws, and no bills have yet been drafted to address this absence. It is essential that all countries adopt data protection laws to ensure the protection

of the right to privacy of citizens in accordance with international human rights law as well as the states' Constitutional rights.

Surveillance under international law

The majority of Nations engage in espionage. However, despite extensive practice, there is no legal specific international instrument regarding on it. Nations do spy, but there are not preaching that their actions are in accordance with international law.

It is questionable that Nations has not done the elimination of espionage through the use of law yet as their national sovereignty and security remains at stake. This could be explained by the fact that most domestic legal systems tend to prohibit intelligence gathering by foreign affairs while not only protecting but also improving the state's own capacity to conduct such operations abroad.

Taking into consideration the events that moved the international community – the declaration made by Snowden about NSA spying operation on world leaders and on the other hand, the worrying facts revealed by the reports made by Privacy International concerning the industrial espionage, there is an urgent need for specific and precise regulations regarding espionage to ensure a clear understanding on this matter in line with human rights standards.

Espionage might represent an infringement of the principle of sovereignty between states and can be conceptualized as interference, as shown in Article 2 of the Charter of the United Nations. The concept of state sovereignty is inclusive of but not limited to the state's "right to exercise jurisdiction over its territory and over all persons and things therein, subject to the immunities recognized by international law." Therefore as state is generally free to prescribe the forms of surveillance and investigation it wishes in relation to people, places and things on its sovereign territory. However, each state's sovereignty is constrained by doctrines of international law and obligations assumed under international treaties. An example of this would be that all Nations must abide by international human rights obligations in their conduct within their territories.

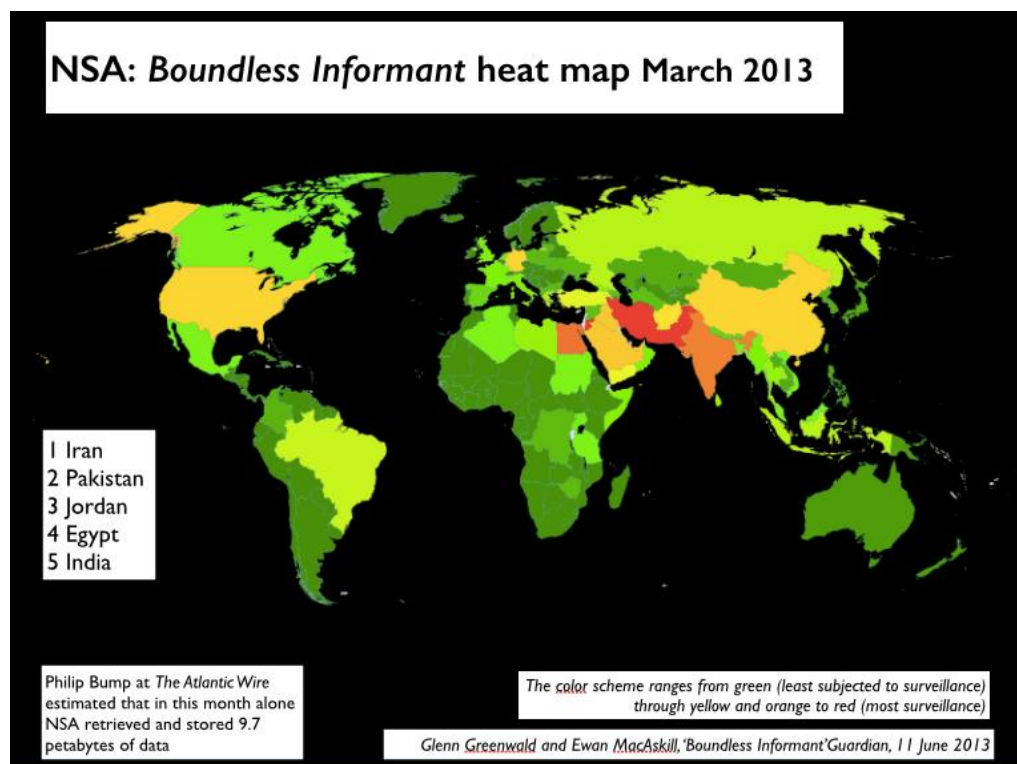
Both forms of espionage may trigger the application of international human rights norms. Concerning electronic surveillance, there are issues of privacy rights as well as the freedom of expression and opinion, as it involves clandestine surveillance of communication or conduct. Covert electronic surveillance indisputably impairs privacy. Privacy rights are enshrined in international human rights law. The most notable international instruments regulating this right are the International Covenant on Civil and Political Rights (ICCPR). The provisions of the ICCPR do not offer a comprehensive definition of the concept of privacy. In order to give some clarifications, the U.N. Human Rights Committee reiterated that Article 17 protects against "unlawful" and "arbitrary" intrusion, with unlawful meaning that "no interference can take

place except in cases envisaged by the law” and that the law must itself “comply with the provisions, aims and objectives of the Covenant.”

The principle of non-interference in sovereign affairs, concomitant to principle of sovereignty is recognized in the U.N. Charter itself (Article 24). Moreover, the General Assembly Declaration on Principles of International Law concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations declares that no State has the right to interfere in the actions or territories of another sovereign state under any circumstances.

Mostly, transnational espionage has been conducted by Nations invoking national security issues. The main justification concerns the right of self-defence. However, in the absence of a legal framework regulating the specific circumstances in which spying is permitted to be conducted in self-defence, the legitimacy of this practice is unclear. Intelligence will probably continue to exist at the edge of international legitimacy. On the other hand, espionage conducted as preparation for an armed attack may be considered a “threat or use of force” precluded by the U.N. Charter and customary international law. It is, therefore, a violation of international law unless the use of force at issue is itself authorized by the Security Council under chapter VII of the U.N. Charter or is exercised in self- defence.

UN Actions and Resolutions



Ever since when Edward Snowden shed light on the scope of international and national espionage that is done by certain Nations, the United Nations has focused on the issue of the “right to privacy in the digital age”. Inevitably, the United Nations did not remain silent on this matter. In June 2013, the discussions before the United Nations Human Rights Council (UNHRC) focused on how to protect the human rights of privacy and free expression in the digital age with the U.N. High Commissioner for Human Rights, Navi Pillay, noting that mass surveillance today poses one of the greatest threats to human rights. During the debates, nations identified the necessity of specific international regulation related to this matter.

In December 2013, the United Nations General Assembly adopted resolution 68/167, which expresses deep concern at the negative impact that surveillance and interception of communications may have on human rights. The General Assembly affirmed that the rights held by people offline must also be protected online, and it called upon all States to respect and protect the right to privacy in digital communication. The General Assembly called on all Nations to review their procedures, practices and legislation related to communications surveillance, interception and collection of personal data and emphasized the need for Nations to ensure the full and effective implementation of their obligations under international human rights law.

As General Assembly resolution 68/167 recalls, International Human Rights Law provides the universal framework against which any interference in individual privacy rights must be assessed. The International Covenant on Civil and Political Rights, ratified by 167 States to date, provides that no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation. It further states, “Everyone has the right to the protection of the law against such interference or attacks.”

Other International Human Rights instruments contain similar provisions. While the right to privacy under International Human Rights Law is not absolute, any instance of interference must be subject to a careful and critical assessment of its necessity, legitimacy and proportionality. This is the first UN resolution, treaty or convention that is solely focused on the issue of mass surveillance and the resulting human rights violations.

Special rapporteurs of the UN Human Rights Council have started examining the impact of counter-terrorism measures on the right to privacy. Litigation already is or soon will be pending, either before domestic courts in Nations where human rights treaties are directly applicable, or before international judicial bodies. Some of these cases are likely to proceed to an examination of the merits, particularly in Europe, where standing, state secrets and political question doctrines are either non-existent or are not as onerous for applicants to overcome as they are in the United States.

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression presented his report to the UN Human Rights Council concerning “the implications of Nations’ surveillance of communication on the exercise of the human rights to privacy and to freedom of opinion and expression.” in June 2013, coinciding with the news of the large scope of the United States’ government surveillance, with the State reportedly obtaining the “phone records of millions of Verizon customers daily” and “tapping directly into the central servers of nine leading U.S. Internet companies” through a surreptitious surveillance program known as PRISM under the direction of the U.S. National Security Agency.

In this report the Special Rapporteur proposes adapting a universal standard for state surveillance through a test initially formulated by the Human Rights Committee in General Comment 27, addressing when a derogation from the State’s duty to protect freedom of movement may be permissible. The test lays out the following requirements to secure the right to privacy as well as the freedom of expression:

1. Any restriction must be provided by the law
2. The essence of any human right cannot be subjected to restriction
3. The restriction to be made must be necessary in a democratic society
4. Any decision exercised when implementing the said restrictions cannot and must not be autonomous
5. The restriction must be necessary for reaching the legitimate aim and the measures to be implemented must obey the principle of proportionality.

The Special Rapporteur affirms that while national security may merit surveillance of personal communications in certain situations, “national laws regulating what would constitute the necessary, legitimate and proportional State involvement in communications surveillance are often inadequate or non-existent,” thereby creating a high risk that human rights are infringed upon without sufficient justification.

He also notes that states have increased their use of technological surveillance, deeming the surveillance necessary under a broadening definition of ‘national security’. With the costs of obtaining and storing data being greatly diminished, the practical constraints on Nations have reduced further. States are now able to more easily target communications via email or mobile phones of either specific individuals or an entire national populace. Advances in technology have further permitted Nations to more easily monitor and censor on a massive scale the expression of opinions deemed dangerous or inappropriate, restricting individuals’ freedom of expression.

The Special Rapporteur identifies several means for ensuring that privacy and free expression rights are protected. The central recommendations are that all States should:

1. “Update and strengthen ... laws and legal standards” by employing the suggested test (see above) for ensuring government surveillance is only permitted in truly exceptional situations. Further, States must notify individuals whom they monitor.
2. “Facilitate private, secure, anonymous communications” by not requiring individuals to give identifying information in order to access the Internet or to use mobile phones. Nations also “should not require the retention of particular information purely for surveillance purposes.”
3. “Increase public access to information” so that the public better understands how and when their privacy is at risk. This will allow individuals to evaluate for themselves what information to make available and in what forums.
4. “Regulate the commercialization of surveillance technology.” Noting that private companies can also violate individuals’ rights to privacy and free expression, the Special Rapporteur affirms that Nations must hold private companies to the same high standards to which they should hold themselves when it comes to collecting and retaining private information.

The main aim of the UN is to create an International framework, consistent with upcoming technologies, to address surveillance issues in accordance with human rights law.

Organisations

National Security Agency:

The National Security Agency/Central Security Service (NSA/CSS), founded in 1952, is the USA’s signals intelligence (SIGNIT) agency, and the biggest of the State’s Intelligence Agencies. Its main focus is on overseas, rather than domestic, surveillance. The core mission of the organisation is to protect the United States’ national security systems and to produce foreign SIGINT information. The data released by Edward Snowden was of this agency and its mass surveillance programs. The NSA says that the actual amount of data it collects is only a tiny proportion of the world’s Internet traffic, roughly equivalent to a “dime on a basketball court”. This is, however, still a very large amount of data.

All of the following organisations are against mass surveillance and are working to stop the infringement of privacy.

American Civil Liberties Union (ACLU):

The ACLU is the United States’ guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantee everyone in the country.

Electronic Privacy Information Center (EPIC):

Established in 1994, EPIC is a public interest research center in Washington, D.C. It was established to direct public attention toward emerging civil liberties issues and to protect

privacy, the First Amendment, and constitutional values. EPIC publishes an award-winning e-mail and online newsletter on civil liberties in the information age - the EPIC Alert. EPIC also publishes reports and even books about privacy, open government, free speech, and other important topics related to civil liberties.

Privacy International:

Privacy International is an international human rights group, based in London and registered as a charity in the United Kingdom with offices in countries all over the world. The organisation has led campaigns national id cards, video surveillance and other privacy violations in numerous countries including Australia, New Zealand, United Kingdom, and the Philippines. Privacy International also sponsors yearly international conferences on privacy issues.

The organisation petitions to make sure that surveillance is consistent with the rule of law and advocates for strong national, regional, and international laws that protect privacy. Privacy International also conducts research to facilitate policy change. The foundation works to raise awareness about technologies and laws that place privacy at risk so as to ensure that the public is informed and engaged.

One of its most important projects is the Surveillance Industry Index consisting of a collection of documents on the private surveillance sector. There are 1,203 documents detailing 97 surveillance technologies contained within the database. The Index features 338 companies that develop these technologies in 36 countries around the world. This research was conducted as part of the Big Brother Incorporated project, an investigation into the international surveillance trade that focuses on the sale of technologies by Western companies to repressive regimes that intend on using them as tools of political control.

Electronic Frontier Foundation (EFF):

With a tagline of “Defending your rights in the digital world”, EFF was established in 1990 to defend civil liberties and rights in this digital era. The foundation promotes user privacy, free expression, and innovation through impact litigation, policy analysis, grassroots activism, and technology development. The organisation labours to ensure that rights and freedoms are enhanced and protected as our use of and reliability to technology grows.

The Electronic Frontier Foundation, together with Access, Human Rights Watch, Amnesty International and Privacy International, the NGOs addressed an open letter to the United Nations General Assembly on November, 10, 2013 calling for all nation members to take a stand against indiscriminate mass surveillance, interception and data collection, both at home and abroad and to uphold the right of all individuals to use information and communication technologies such as the internet without fear of unwarranted interference.

The Open Letter links privacy to other rights, including the right to the freedom of expression. It states that the presence of legislation is not satisfactory and not the only requirement needed

to make surveillance lawful under international legislation. The Letter also states that collection and interpretation of metadata and other third party communications is an interference of privacy. It affirms that “indiscriminate mass surveillance is never legitimate as intrusions on privacy must always be genuinely necessary and proportionate” and confirms, “When States conduct extraterritorial surveillance, thereby exerting control over the privacy and rights of persons, they have obligations to respect privacy and related rights beyond the limits of their own borders.”

Questions a Resolution Must Answer

During committee session, all delegates must focus on forwarding discussion in relation with legislation for electronic surveillance as well as human intelligence. Being the Third Committee, the discussion must focus on protecting and preserving the fundamental and essential human rights and civil liberties of the population. The following queries are suggestions of areas that must be focused on when drafting a resolution:

How can the UN protect the states that have not ratified the resolution on mass surveillance?

Can the self-defence be considered a lawful reason for espionage?

What is the most efficient and suitable international legal framework that can be applied taking into consideration the current global situation?

What form of legislation will be most appropriate when dealing with transnational surveillance and its significances?

What legal limits can be applied to surveillance? How can these be applied?

What sanctions should be put into action when a State fails to follow the sad international framework?

Bibliography

1. Electronic Frontier Foundation: <https://www.eff.org/about>
2. National Security Agency: <http://www.nsa.gov/about/mission/index.shtml>
3. Human Rights Treaties and Foreign Surveillance: Privacy in the Digital Age by Marko Milanovic: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2418485
4. EJIL: Talk! – Foreign Surveillance and Human Rights: Introduction: <http://www.ejiltalk.org/foreign-surveillance-and-human-rights-introduction/>
5. EJIL: Talk! – More on the UN and Surveillance and Privacy in the Digital Age: <http://www.ejiltalk.org/more-on-the-un-and-surveillance-and-privacy-in-the-digital-age/>

6. International Principles on the Application of Human Rights to Communications Surveillance | Necessary and Proportionate: <https://en.necessaryandproportionate.org/text>
7. Privacy International: <https://www.privacyinternational.org/>
8. Open Letter from International Human Rights and Privacy Rights Organizations: "The United Nations General Assembly Must Uphold Individuals' Right to Privacy": <http://www.hrw.org/node/120813>
9. Addressing the right to privacy at the United Nations: <https://www.privacyinternational.org/blog/addressing-the-right-to-privacy-at-the-united-nations>
10. Cyber Protection Act Too Broad, Infringes on Our Privacy Rights - American Civil Liberties Union: <https://www.aclu.org/blog/technology-and-liberty-national-security/cyber-protection-act-too-broad-infringes-our-privacy>
11. UN Expert Proposes Universal Standard for State Surveillance, Infringement on Right to Privacy - International Justice Resource Center: <http://www.ijrcenter.org/2013/06/11/un-report-on-communication-surveillance-and-the-right-to-privacy/>
12. Privacy Law - HG.org: <http://www.hg.org/privacy.html>
13. SSprivacy.doc - statesurv.pdf: <http://www.surveillance-and-society.org/articles1/statesurv.pdf>
14. Privacy | Wex Legal Dictionary / Encyclopedia | LII / Legal Information Institute: <http://www.law.cornell.edu/wex/privacy>
15. The Right of Privacy: Is it Protected by the Constitution?: <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/rightofprivacy.html>
16. 3rd Committee of the GA (SOCHUM) - BISMUN Conference 2014: <http://bismun.com/3rd-committee-of-the-ga-sochum/>
17. Human Rights Documents: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/25/L.12
18. Right to Privacy in the Digital Age: <http://www.ohchr.org/EN/Issues/DigitalAge/Pages/DigitalAgeIndex.aspx>
19. United Nations News Centre - General Assembly backs right to privacy in digital age: <http://www.un.org/apps/news/story.asp?NewsID=46780#.U6Vb5rGtyZc>
20. The Universal Declaration of Human Rights: <http://www.un.org/en/documents/udhr/>
21. United Nations: Privacy: <http://www.un.org/en/aboutun/privacy/>
22. Resolution adopted by the General Assembly - 68/167. The right to privacy in the digital age: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/167

Topic 2: Freedom of speech and expression in media

Introduction

This issue has been picked for the third committee in CAMUN accordingly as this committee deals with social, humanitarian and cultural wrong doings. Issues such as these affect the international community therefore the committee commonly interacts with the Human Rights council, established in 2006, to clarify what exactly the human rights says upon the issue and whether or not they will be able to provide a solution rather than the nations present as they have first-hand knowledge. In a previous session the committee was able to submit 59 draft resolutions, which more than half were given by the human rights council as many of the issues on the agenda affected the human rights.

The Universal Declaration of Human Rights (UDHR) was adopted by the General Assembly of the United Nations on 10 December 1948 and provides human rights standards accepted by all member nations. The UDHR represents the normative basis that led to formulating the standards for freedom expression.

In almost every country, people depend on the media to communicate and express their opinions. Media can be found in many forms: television, print, and countless smaller practices. It has also been able to maintain its freedom in many parts of the world in the sense that it is not censored, it is accessible to the public, and those who use or produce the media are safe from online threats or attacks. When this is the case, media freedom both promotes and maintains our universal human rights to information, communication, and freedom of expression.

In some areas of the world, however, media is greatly restricted. Usually by means of government censorship, political strife, or lack of development, citizens are deprived of a key form of communication and information. In turn, these people lose their personal, civil, and political human rights. According to a 2013 report by Freedom House, an independent watchdog organization that promotes media freedom, “the percentage of people worldwide who enjoy a free media environment fell to its lowest point in more than a decade.” In recent years, as media continues to expand, censorship issues have worsened, particularly in developing countries. In many of these countries, authoritarian regimes and restrictive governments fear new forms of media and thus attempt to control them. Simultaneously, journalist safety and censorship of press news is another major human rights violation and a serious challenge to free media.

There is no democracy without freedom of expression and it is believed that the right to free speech is a fundamental human right. In a way, however, it is more than that. In the shadow that inevitably falls whenever there is a deficit of freedom of expression and information, violations of other human rights remain hidden.

The issue of the freedom of speech has been individually addressed by certain Nations and formally addressed and with a solution drafted for specific occasions. The Secretary General himself has called upon on nations to not inflict censorship on their media outlets such as newspapers and social networking sites. In the wake of continuous media development, the Social, Cultural, and Humanitarian Committee (SOCHUM) must take immediate actions to ensure that these new forms of media are accessible to every citizen, thus maintaining and preserving human rights to expression, opinion, and information.

Definitions of Key Terms

Freedom of speech: Freedom of speech is defined as the right of people to express their opinions publicly without governmental interference, subject to the laws against libel, incitement to violence and rebellion.

Freedom of speech covers not only government issues but also everyday social encounters. Racial comments may be taken off from a site or hateful comments towards a major political figure. Is this then a violation of human rights? For people have leaked company information to newspapers as an anonymous source and the judicial system declared that prosecuting the news companies was a violation of human rights and therefore the information was allowed to be published.

Freedom of expression: Freedom of expression is another term used for freedom of speech yet it implies that a person could use media to communicate their opinion to others.

Progress has been made in recent years in terms of securing respect for the right to freedom of expression. Efforts have been made to implement this right through specially constructed regional mechanisms. New opportunities are emerging for greater freedom of expression with the Internet and worldwide satellite broadcasting. New threats are emerging too, for example with global media monopolies and pressures on independent media outlets.

Media Freedom

Vital to this topic is an understanding of what constitutes “free media” and how such a free environment can be achieved in nations that continue to develop across social, political, and economic lines. Freedom House, which works in close alliance with the UN Human Rights Council, is the primary analytic body for global media freedom; throughout the year, the organization systematically analyses the print, broadcast, and Internet media of each country. Levels of freedom are determined on an index of how such media operates in their legal, political, and economic environments. In the legal category, the index analyses legislative frameworks that influence media content, along with the extent the government uses these

frameworks to restrict media. In the political category, the index assesses levels of government interference and censorship of media, outside of legal measures and frameworks. Furthermore, the index determines press ability to report uncensored news and assesses their safety from physical threats or cyber bullying. Under the economic category, the index analyses national structures of media ownership, determining whether media is heavily concentrated, shared, privately owned, or publicly funded.

A free media is one that promotes and maintains the human rights of the citizens to which it is available. Furthermore, free media is available to the public; it allows the public to access media itself, which as a mediated environment is one that is viewed but also created by its own users. Free media also promotes a safe environment where bloggers, users, and journalists are encouraged to create and use media without fear of expression or repression for their opinions. In developing countries, maintaining a free mediated environment is crucial to the preservation of human rights. Without transparency, accountability, and communication, citizens are no longer active participants in the social and political spheres of their country.

The Universal Declaration of Human Rights (UDHR) was ratified in 1948, just three years after the United Nations (UN) was founded. In relation to media freedom, an integral section of this declaration is Article 19, which states, “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of



frontiers.”¹⁵ While Article 19 holds true today, its creation suggests an international concern for freedom of speech, press, and media broadcasting during the post-World War II era.

Today, the convergence of satellite communication, the World Wide Web, and the Internet has dramatically increased personal communication, opening new frontiers for professional communication like online news blogs and websites. Furthermore, the recent development of blogs and social media sites is continuing to enhance personal modes of communication across cities, countries, and continents. Such broad connections between people certainly enhance human rights to freedom of expression and information; however, the entire global community does not equally benefit from these enhancements. Only 39% of the world and 31% of the developing world have Internet access; this means that a large portion of the world does not have access to these technological advancements or the benefits that they bring, which

highlights the effect of economic disparity on human rights. Without equal access, residents in countries of mediated environments lose their freedoms of expression and information.

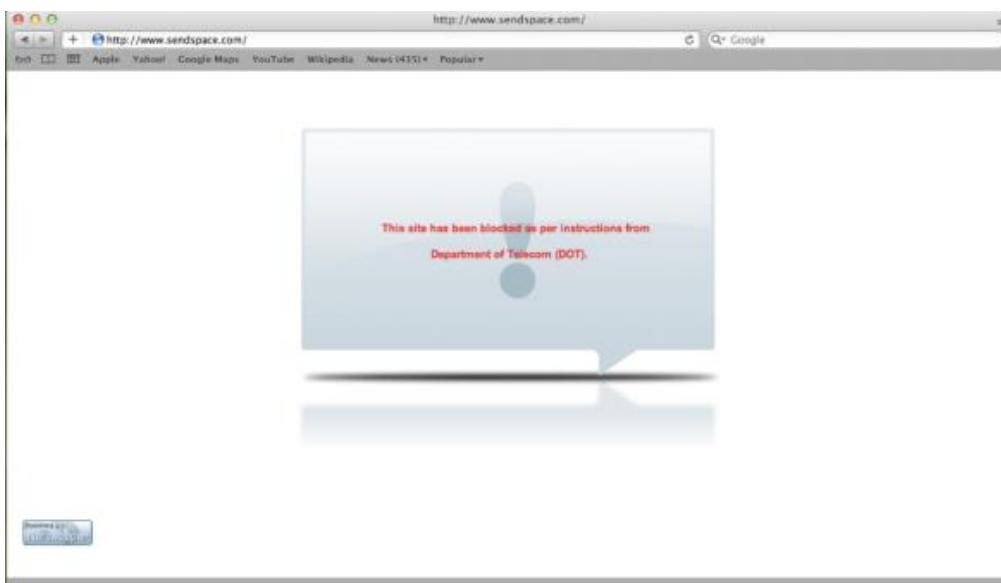
Media has become a large piece in society and therefore many are using it as a medium for freedom of speech, which has completely changed and broadened the spectrum yet in some places there has been government interference with these posts. This in turn has become a violation of human rights. Sometimes the forms of expression are different, not only in writing but also in the form of art. Songs or films that are offensive in the eyes of the State have been and still continue to be banned from countries.

Freedom House reports “less than 14 percent of the world’s inhabitants live in countries with a free press, while 43 percent had a Partly Free press and 43 percent lived in Not Free environments.”¹⁴ These alarming statistics are certainly a threat to those who live in a world without media freedom or to those who fear to express their opinions.

However, it has made it more difficult for countries to censor information as there are multiple amounts of people publishing documents on very controversial topics. People would protest in an ironic manner known as a silent protest to let the government know that they are pressuring for change and the right to freedom of speech.

There is strong possibility shown, by far in the brief history of Bangla social media including blogosphere. It also can act as the distance reducer tool. This new social media where the participant can be in control of the media and its content and can organize them for social change can reshape development journalism. Many cases shows that bloggers acting as a social change makers also as trendsetter in local development. But the influence of consumerism and whole social sphere cannot be overlooked.

People don’t have to assemble a crowd or meet a specific group as they can now post videos accessible to anyone in the form of a song, speech or skit. Others may watch it and share it. The only control the government has over this is blocking the site.



Journalism and freedom of speech

Not one country is responsible for censorship, there have been multiple cases where human rights officials and journalists have been murdered, interrogated illegally, convicted with false charges and threatened to shut down their companies for certain articles of information that has been published.

Informal censorship refers to a variety of activities by public officials - ranging from telephone calls and threats to physical attacks - designed to prevent or punish the publication of critical material. The right of journalists to protect their sources is also important in ensuring the free flow of information on matters of public interest. International and regional human rights mechanisms have asserted that journalists should never be required to reveal their sources except under certain conditions

Accountability for violating this right must be taken serious and as mentioned before it has not only been a couple of countries but multiple cases have occurred and there for nations should strive to create a permanent and well thought out solution to accompany all.

As media has become a more suitable medium for freedom of speech and expression what actions should be taken towards countries that block sites or ban any content that they find unsuitable?

List of the 10 countries most encouraging towards freedom of speech:

- | | |
|-------------------|-------------|
| 1. New Zealand | 6. Estonia |
| 2. Australia | 7. Portugal |
| 3. United Kingdom | 8. Uruguay |
| 4. Japan | 9. Chile |
| 5. United States | 10. Jamaica |

Each of these countries have thus far displayed that they are accepting of freedom of speech and do not place heavy sanctions on their reporting companies. Although in earlier times some of them had a very different perspective in recent years they have been able to campaign successfully to reverse the censorship laws and reduce government control to a minimum.

Ensuring freedom of expression and of the media is one of the main challenges facing enlargement countries. Political interference in the media, economic concerns such as media concentration and various forms of harassment, including violence against journalists, are topical issues in societies of the Western Balkans and Turkey. Improving this situation inevitably goes beyond a simple transposition of EU rules: it calls for behavioural and cultural change in politics, judiciary and media. The European Union has even set up a guideline to ensure that the right is not violated but also not abused.

The Rights of Journalists

In 1991, World Press Freedom Day was founded alongside the creation of the Windhoek Declaration, which emphasizes that press freedom is fundamental to the plurality of mass media and the preservation of free information. Since then, each Press Freedom Day has celebrated the Declaration, but it also reminds the international community that freedom is not found in every region of the world. “Safe to Speak: Securing the Freedom of Expression in All Media” was the theme for 2013, and journalist safety and issues of impunity were key discussions of the conference.

Despite international awareness efforts, the safety of journalists remains a human rights concern. In the past ten years, more than 600 journalists and media workers have been killed, meaning that a journalist is essentially murdered once a week. Furthermore, UNESCO reports that journalists are constantly threatened, harassed, and intimidated in both print and online environments. Historically, press freedom was solely prevalent for print forms of newspapers and magazines.

Today, however, press freedom battles against a frontier that now includes the Internet, television, and radio. These new forms of media inherently allow a freer environment for expression and broadcast, but when censored can create worse conditions for a free press. Freedom House reports that within the past decade, press freedom and journalistic rights plummeted to its lowest level in 2012. Only 14% of the world’s population live in a free press environment - that is, a setting where “coverage of political news is robust, the safety of journalists is guaranteed, state intrusion in media affairs is minimal, and the press is not subject to onerous legal or economic pressures” – showing that more journalists are pressured everyday. Reasons for this grave decline in press freedom has been correlated to three significant factors: sophisticated repression of journalism and new media by independent regimes, unremitting effects from the European economic crisis, and ongoing threats from non-state actors such as radical Islamists and organized crime groups. In the face of new media forms, the safety of journalists who work for old media is still quite pervasive.

This past year, UNESCO collected numerous accounts of journalist killings to emphasize the necessity of increased journalist safety. On 8 April 2012, the body of reporter Regina Martinez Pérez was found beaten and strangled in Mexico City, Mexico. Pérez was a national correspondent for the investigative news magazine Proseco. An anonymous journalist acquainted with Pérez told the CPJ, “Regina would always write about one-third more of the real truth than I dared to do in any story we covered. And I write more than most reporters.” Just three days before this incident, Mahad Salad Adan, the editor for the Voice of Hiran, had his life taken from him. He was leaving his house in Beledweyne, Somalia when three unidentified assailants shot and killed him. Adan had been the only reporter who voiced stories

about the clashes between the militant Islamist group al-Shabaab and Ahlu Sunnah Waljama, the pro-government Sufi militia.

According to UNESCO officials, “after the murder, the Somali government issued a statement in which al-Shabaab was blamed for killing Adan, although the insurgents have not taken public responsibility for the crime.” The account of Adan’s grave murder exemplifies many similar cases of impunity, that is, criminal cases against journalists that go unpunished. In 2012, a slim one in ten cases of crimes against journalists was convicted. Impunity not only disregards national law, but also discourages the remaining public from speaking out against political contestations or crimes. Until journalists can operate in a safe environment, the public will suffer without free information.

The UN, particularly UNESCO, has published several resolutions and models that promote press safety as well as delineate methods for creating a friendly press environment. Even so, it is quite evident that journalists, both those online and in the field, are consistently denied intrinsic human rights. To preserve both journalists’ individual rights and the intangible rights of their audience, this Committee must seek out new frontiers for journalist safety.

On 3 May 2013, UNESCO hosted its annual World Press Freedom Day in San Jose, Costa Rica. Concern for journalist safety has certainly increased, as UNESCO emphasized the statistic that 121 journalists were killed last year, which is almost double the number from both 2011 and 2010.

Violence against journalists has continued throughout 2013. The murder of Thomas Pere, a Ugandan journalist, has attracted the most attention. Pere reported on social issues for the New Vision newspaper. On 16 June, Pere left work to return home when he was abducted and killed by two unidentified men; he is the fourth murdered journalist from Uganda since September 2010. Irina Bokova, Director-General of UNESCO, condemned Pere’s killing as “an attempt to choke off democratic debate and muzzle the basic right of freedom of expression.” Uganda’s media environment was ranked Partly Free in Freedom House’s 2013 report, contributing to the 47% of countries who are also ranked Partly Free. Pere’s murder alongside this statistic suggests that 47% of countries are likely to have a similar journalist murder case, which should certainly alarm the international human rights community.

Journalists who work for new media forms are also experiencing a decline in press freedom. In Vietnam, on 15 June 2013, authorities arrested Dinh Nhat Uy in the Long An. Uy worked for an investigative blog; he is one of three Vietnamese bloggers to be arrested in June alone. He was charged with “abusing democratic freedoms,” which equates to seven years in prison according to Vietnamese legal codes. In July 2013, state-sponsored newscasters reported that Uy was “compiling and publishing distorted and untrue articles and pictures on his blog,

tarnishing the prestige of state bodies.” According to the Committee to Protect Journalists, the Vietnamese state has banned private media and intensified its censorship of both old and new media; the state runs all newspapers and television channels. Uy’s story exemplifies the regressive nature of authoritarian regimes in the face of new media forms.

Furthermore, the statistic from 3 May 2013 that nine out of ten cases against journalists go unpunished shocked those who attended and took part in the event. Philippe Kridelka, Director of UNESCO in New York City, stated, “This cannot stand. Violence and impunity undermine basic rights and freedoms, they erode public faith in the rule of law, they encourage self-censorship and they poison governance.” It has become evident that if the state is not held responsible for or related to the crime, the act can go unpunished. Even so, national legislative instruments should certainly be available to protect journalists from organized intimidation and ensure that it is addressed. To decrease impunity, SOCHUM must make “careful, context-sensitive consideration of the differing needs of journalists” depending on their environment of physical and legal safety.

Equal Internet Access

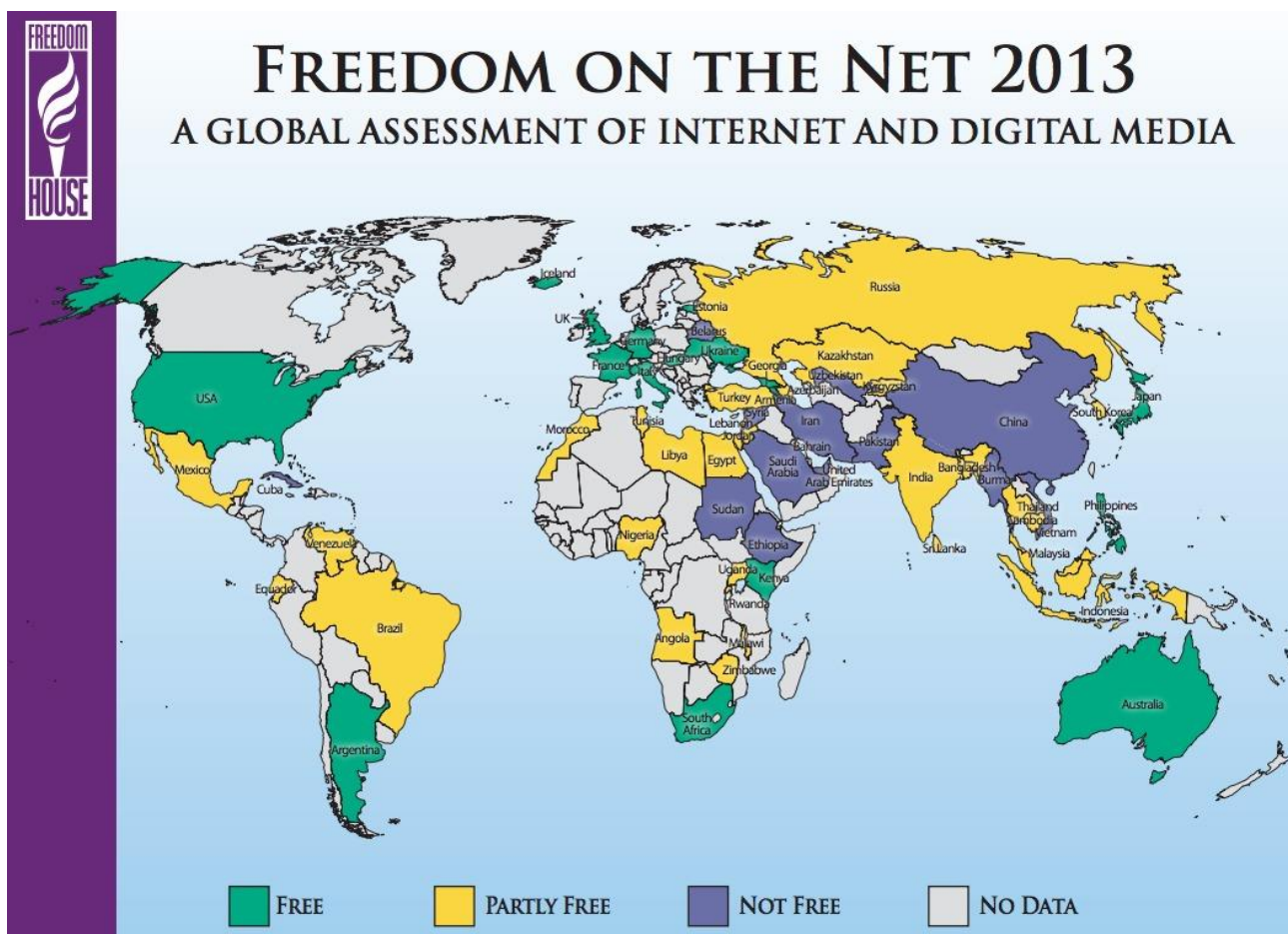
State and non-state censorship is not the only hindrance to media freedom; access to media, particularly the Internet is another major consideration. Of all media forms, the Internet is the fastest growing and most revolutionary. It has changed how we communicate with neighbours, access health services; obtain the news, and more. In 1993, the number of Internet users was approximately ten million. Just nine years later, in 2002, 670 million people were using the Internet.

These exponential increases suggest the dominance of the Internet in daily lives and across the globe; yet, the percentage of the world that does not have access to the Internet is even more astonishing. As of July 2013, 61% of the global population was not using the Internet. In a comparison between developed and developing countries, the International Telecommunications Union determined that only 31% of Internet users are living in developing nations. Experts call this drastic disparity between those with and without Internet access the “global digital divide.” Such a divide, which is acutely present, creates a severe human rights issue. In June 2012, the United Nations hailed that the Internet has “become an indispensable tool for realizing a range of human rights.”

Although the Internet and ICTs seem to create a horizontal flow of fast communication between people, it has paradoxically created greater humanitarian inequality for those unable to access it; thus, those without access lose their right to communication and the right to acquire information. Indeed, the Internet now facilitates access to social, political, health, and

educational resources: Facebook and blogs improve social communication; an array of news websites and television shows have increased political information access; medical clinics have increasingly turned to technology for their services; and schools have integrated teaching websites into their classroom lessons. Assuming non-access is equivalent to poverty is a common misconception: Internet access is not solely caused by economic woes and disparities. Instead, our global community should interpret the digital divide as an issue of social development. Internet does maintain the potential to create an even global playing field between developed and developing countries; timely access to information is a necessity to human rights. In similar vein, if more regions gain access to the Internet, equal levels of communication could increase dialogue between nations. Thus, dramatic improvements in the field of education, healthcare, political elections, and global transparency could become a reality.

The following image shows the freedom of digital media in all countries around the world as of 2013.



Limitations to the Media

Some countries have expressed that there are limitations to freedom of speech due to the following reasons:

- Prescribed by the law
- Necessary and proportionate
- Pursues a legitimate aim such as:
 - In the interest of national security, territorial integrity and public safety,
 - Prevention of disorder and crime
 - Protection of health and morals
 - Protection of reputation or rights of order
 - Prevention of distribution of information given in confidence or secrecy
 - Maintenance of impartiality and authority of the judiciary
 - Personal safety is intact.

If the statements are false or misleading a person may feel violated yet those who have published the work have exercised their right to freedom of speech and expression and will not be held liable for lying or being biased.

The UN and Free Media

Secretary General Ban Ki-moon stated the following in 2010: “Media independence, tolerance for ethnic and religious diversity and a robust civil society are all fundamental to modernization. They are essential to creating growth, prosperity and opportunity.”

USA welcomed the first UN resolutions on freedom of speech and expression for women on June 6th 2013. Only last year did they produce the first resolution for freedom of speech. The resolution emphasises on the importance of women as journalists and human rights defenders that exercise the protection of freedom of expression and opinion but also recognises the risk that they are taking while carrying out this task. Although this addresses mostly women in general journalists have the same amount of risk and responsibility. They have the obligation to write and report on everything yet as mentioned before face a great many challenges doing so. They are encouraged to stay unbiased and use fact most often sometimes though the truth may seem as if it is partial to one side. When this is the case certain nations do not wish for that information to be published.

The UN has also made a resolution to confirm the freedom of expression online as to ensure that everyone now also has the right to freedom of speech on media. As they have noted that the Internet has become a much larger part of freedom of expression and freedom of speech.

A number of UN treaties concerned with the rights of specific groups expressly or implicitly protect their rights to freedom of expression. Such concerns have therefore been raised with the bodies overseeing the implementation of these treaties

The Inter-American Commission on Human Rights established a Voluntary Fund for Freedom of Expression, to which member nations could contribute, to facilitate the functioning of the office of the special rapporteur. Promotional activities have included the development of declarations, networks, and technical support to nations. In November 2000, the African Commission on Human and Peoples' Rights (ACHPR), and Article 19 adopted a joint statement noting the importance of freedom of expression, and the limited protection given to this important right by Article 9 of the Charter. A Declaration of Principles of Freedom of Expression was adopted by the ACHPR in October 2002.

Influence

Does the difference in income or a countries GDP effect how much they can say and how much they can censor? Many Developed countries have in recent years faced many leaks over government actions or military information. Yet many under developed countries do not have these issues as they do not have such secrets. Does this then imply that countries with greater influence are able to side step violation of human rights?

How should a country handle individual claims of the violation of freedom of speech? Should the punishment be severe or would they only set forth a warning? This is a very delicate situation and the resolution needs to have right balance in which people and nations are not capable of violating the right but also not overly strict as to spark rebellion against the solution.

Example of solutions put forward

Nations Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

- Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- Recognizing and promoting the use of sign languages.

More Suggestions

Could freedom of speech be abused? When have you violated other rights?

Because one may make a racial comment and proclaim it to be freedom of speech should they then be prosecuted or not? Should there be stricter laws concerning individuals or should there be laws to prevent the government in general from invoking censorship and violating the human right. This topic may involve more issues on a broader scale all countries must see whether or not they have encountered such a dilemma and figure out a way to get around the issue without going off topic or into too much detail.

Presence of a religious debate

All delegates are urged to try and avoid this as it is a much more sensitive topic but there is a very strong link between the right to religious liberty and the right to freedom of speech. A fine line must be drawn between the two. A possible clause may be put in the resolution to clarify how and when the one cancels out the other and what should be done about it. This is also part of the limitations which freedom of speech has.

Bibliography

1. Welcome to the United Nations: It's Your World: www.un.org
2. Article 10 Freedom of expression | Liberty: <http://www.liberty-human-rights.org.uk/human-rights/what-are-human-rights/human-rights-act/article-10-freedom-expression>
3. United for Human Rights: UN Universal Declaration, Abuse & Violation of the Freedom of Expression: <http://www.humanrights.com/what-are-human-rights/violations-of-human-rights/expression.html>
4. The Universal Declaration of Human Rights:
<http://www.un.org/en/documents/udhr/index.shtml#a19>
5. Protecting Human Rights, Including Freedom of Speech, Media, Bedrock Principles for Prosperity, Progress, Says Secretary-General to Kyrgyzstan Parliament:
<http://www.un.org/News/Press/docs/2010/sgsm12826.doc.htm>
6. 'Freedom of Expression Is Your Right — It Must Be Nurtured and Protected,' Says Secretary-General in Message to Asia Media Summit:
<http://www.un.org/News/Press/docs/2010/sgsm12911.doc.htm>
7. <http://www.un.org/sg/dsg/statements/index.asp?nid=421>
8. <https://geneva.usmission.gov/2013/06/13/u-s-welcomes-un-resolution-on-freedom-of-expression-and-opinion-for-women/>
9. <http://www.regeringen.se/content/1/c6/19/64/51/6999c512.pdf>
10. http://www.hrea.org/index.php?base_id=147
11. http://www.academia.edu/2241550/Social_media_and_freedom_of_speech
12. "A Radio Voice Silenced." UNESCO: Communication and Information:
<http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/beyond-the-statistics/mahad-salad-adan/>
13. "About World Press Freedom Day." UNESCO:
<http://www.unesco.org/newcelebrations/international-days/world-press-freedom-day/about-world-press-freedom-day/>
14. "Safe to Speak: Securing Media Freedom of Expression in All Media.":
<http://www.unesco.org/new/en/unesco/events/prizes-andcelebrations/celebrations/international-days/world-press-freedom-day/2013-themes/>
15. "Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression": <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx>
16. "UNESCO Chief Calls for Investigation into Murder of Ugandan journalist":
<http://www.un.org/apps/news/story.asp?NewsID=45280&Cr=journalist&Cr1=#.UTxIj7wL0g>
17. SOCHUM | National High School Model United Nations:
<http://imuna.org/nhsmun/committee/sochum>

Topic 3: The legality and legitimacy of the use of Unmanned Aerial Vehicles

“A drone is often preferred for missions that are too "dull, dirty, or dangerous" for manned aircraft.” – Nick Hahn

A Statement of the Problem

The use of Unmanned Aerial Vehicles, colloquially known as drones, is not a new phenomenon. In the 21st century, the technology has reached a point of sophistication that the UAV is now being given a greatly expanded role and is largely seen as a “game-changer” in many industries – the New York Times referred to them as “a new paradigm”. However, while military forces have used these remotely piloted drones for decades, it is over the last decade that they have seen use as an offensive weapon used for military attacks. While currently drones still require human ‘operators’ it is foreseeable that these drones will in the future be programmed to be increasingly autonomous.

Technological advancement, in the form of “Unmanned Aerial Vehicles”, is currently at the forefront of debates about International Humanitarian Law. These unmanned drones promise to become one of the most efficient and effective weapons of combat due to the fact that they remove the element of human casualty from the equation of the user of this technology. Fewer soldiers will be required because fewer lives will be lost. Because of this, training will be easier. Decisions will be better because there is no fear of personal safety which is often a cause for hasty decisions and mistakes.

UAVs have obvious appeal for a nation at war. First, as they are not piloted and do not carry humans who can be harmed, UAVs can enter more adversarial environments than piloted aircraft. Second, UAVs, because they do not face limitations of human endurance, can loiter over targets for far longer periods of time than can a piloted aircraft. Third, UAVs are designed to be expendable.

Their cost is about 5–10 percent of a piloted aircraft, such as the F-16. The reason, he argued, is that they are considered to be “very precise and very limited in terms of collateral damage.”

However, the use of drones in warfare is not without its drawbacks. On a moral and ethical level, there is fear that the acts and horrors of war will lose their importance because of the fact that the perpetrators of these acts and horrors will not witness or experience them. Conversely, the use of drones itself harms the users in the form of stress disorders experienced by the pilots of drones which are similar to the disorders experienced by personnel who are at the site of combat. There are also several legal questions surrounding the use of drones in warfare, particularly regarding their use as offensive weapons, rather than as reconnaissance and surveillance tools as was originally intended for them.

Definitions of Key Terms

Unmanned Aerial Vehicles: Unmanned aerial vehicles, commonly referred to as UAV's, are defined as powered aerial vehicles sustained in flight by aerodynamic lift over most of their flight path and guided without an onboard crew. They may be expendable or recoverable and can fly autonomously or piloted remotely.

Unmanned Aircraft Systems: A UAS is the unmanned aircraft (UA) and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft.

Unmanned Aerial Vehicle Systems: The acronym UAV has been expanded in some cases to UAVS (Unmanned Aircraft Vehicle System).

Combatants: All members of the armed forces of a party to the conflict are combatants, except medical and religious personnel.

History of the use of UAVs

The history of unmanned powered aircraft runs concurrently with the history of manned aircraft. On 6 May 1896, Dr. Samuel Pierpoint Langley launched a steam-powered aircraft over the Potomac River. This pilotless aircraft recorded the first heavier-than-air, sustained, powered flight on a flight lasting a little over one minute. Pilotless aircraft have been used in combat practically since their inception, and saw a fair amount of use for photographic reconnaissance during the Vietnam War. The use of the term 'Unmanned Aerial Vehicle'(UAV) began gaining popularity in the early 1990's to separate it from similar military systems of Vietnam-era 'Remotely Piloted Vehicles' (RPV) and cruise missiles.

The initial motivation for the use of UAVs was to fulfil battlefield investigation requirements, due to the dual reasons of the large 'loiter time' offered by drones compared to manned aircraft, as well as the personal safety of personnel operating the UAV's. Loiter Time is essentially the endurance of an aircraft and its capacity to stay airborne and continuously operational in a given region's airspace without requiring refuelling. Some modern UAV's offer over 30 hours of loiter time which is several times that of most manned aircraft. The protection of personnel during reconnaissance missions became especially important following the incident on 1 May 1960, when a US reconnaissance aircraft was shot down by the Soviet Union, causing an international incident, and its pilot, Francis Gary Powers, was taken prisoner and convicted of espionage. However, the role of these UAV's increasingly shifted from reconnaissance to a more aggressive role starting with the US using the 'Predator' UAV for "armed

reconnaissance” in Afghanistan during Operation Enduring Freedom in Afghanistan starting in 2001, and increasingly in Iraq in 2003.

The first use of a UAV as a weapons platform was on 15 November 2001 when a Predator UAV used ‘Hellfire’ missiles to kill Muhammad Atef, al Qaeda’s chief of military operations. A Predator UAV was again used on 3 November 2002 in Yemen to destroy a car containing al Qaeda operative, Ali Qaed Sinan al-Harthi, and five of his companions. While a variety of different types of UAV’s have been used to fulfil different reconnaissance needs, the use of the Predator UAV by the US as a weapons platform has been supplemented recently with use of the ‘Reaper’ UAV, which is an upgraded version of the Predator design offering a greater ordinance-carrying capacity and therefore greater offensive capabilities.

The operators of the UAV’s are generally situated either close to the battlefield in mobile command centres, as is generally the case for US Army and Air Force UAV’s, or as in the US’s Central Intelligence Agency’s (CIA) use, far away from the battlefield in command centres located within the United States. While the armed forces drones are operated by military personnel – often, military pilots – civilian contractors often operate CIA drones. The UAV’s are controlled through either line of sight remote control or through satellites.

Currently, despite the majority of UAV’s being operated by the USA, a great number of countries, including India, Pakistan, China, the Republic of Korea, Japan, Malaysia, Indonesia, South Africa, Jordan, and many others either have drone programs in place or in development.

The Just War Theory

The Just War Theory is a largely Christian philosophy on the basis of which nations seek to legally and morally justify going to war. The theory is a set of rules for military combat and attempts to merge three main ideas:

1. Taking human life is extremely wrong.
2. It is the obligation of Nations to defend their citizens and defend justice.
3. The protection of innocent human life and defending important moral values sometimes requires willingness to use force and violence.

The history of Just War Theory begins in the works of some important philosophers. Augustine (354-430) provides a foundation for Just War Theory in Western literature. Thomas Aquinas (1225-1274) codified Augustine's reflections into the distinct criteria that remain the basis of Just War Theory as it is used today. The need by a civil society to provide sound justification for going to war is one of the many practical influences that Philosophy has on our lives. There are two traditional categories of requirements for just wars, both with Latin names.

Jus ad bellum: Justice of war. The conditions required for justly going to war; the right to go to war. Here are its four criteria:

Just Authority: The first condition in Just War Theory is Just Authority, also known as Competent Authority. A political authority within a political system that allows distinctions of justice must initiate a just war. A legitimate authority wages a just war. Individuals or groups that do not constitute the legitimate government cannot wage a war.

Just Cause: This is the central condition for many discussions over the justification of a war. If a Just Cause cannot be shown, many people will reject the call to war. A just war needs to be in response to a wrong suffered. Self-defence against an attack always constitutes a just war; however, the war needs to be fought with the objective to correct the inflicted wound.

Just Intention: The Just Intention (or Right Intention) condition in Just War Theory sets a limit to the extent of the war. Even given a Just Authority and a Just cause, it is possible for a warring state to go beyond the bounds of its justification. The primary objective of a just war is to re-establish peace. In particular, the peace after the war should exceed the peace that would have succeeded without the use of force. The aim of the use of force must be justice.

Last Resort: War is morally permissible only when no other means to achieving the Just Cause is possible. This means that the nation considering war has exhausted all potential solutions, including political and diplomatic.

Jus in bello: Justice in war. The conditions required for the just conduct of war; the right conduct in war, i.e. how to conduct a war in an ethical manner. The criteria provide standards of conduct for nations, armies, and individual soldiers at war. Here are three of the key criteria for just (or justifiable) behaviour in war:

Proportionality: The proportionality of the use of force in a war. The degree of allowable force used in the war must be measured against the force required to correct the Just cause and limited by Just Intention.

Distinction: Innocent, non-military people should never be made the target of attacks. The use of force must distinguish between the militia and civilians. The deaths of civilians are only justified when they are unavoidable victims of a military attack on a strategic target.

Necessity: Necessity is the idea that the minimum of force should be used and directed towards disabling the enemy's military.

A war is only a Just War if it is both justified, and carried out in the right way. Some wars fought for noble causes have been rendered unjust because of the way in which they were fought.

International Humanitarian Law

Armed conflict is as old as mankind itself. There have always been customary practices in war, but only in the last 150 years have Nations made international rules to limit the effects of armed conflict for humanitarian reasons. Usually called international humanitarian law, it is also known as the law of war or the law of armed conflict as well as *jus in bello*.

International humanitarian law is a set of rules that seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict. International humanitarian law is part of international law, which is the body of rules governing relations between Nations. International law is contained in agreements between Nations – treaties or conventions –, in customary rules, which consist of State practise considered by them as legally binding, and in general principles.

International humanitarian law applies to armed conflicts. It does not regulate whether a Nation may actually use force; this is governed by an important, but distinct, part of international law set out in the United Nations Charter.

A major part of international humanitarian law is contained in the four Geneva Conventions of 1949. Nearly every State in the world has agreed to be bound by them. The Conventions have been developed and supplemented by two further agreements: the Additional Protocols of 1977 relating to the protection of victims of armed conflicts. Other agreements prohibit the use of certain weapons and military tactics and protect certain categories of people and goods. These agreements include:

- the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, plus its two protocols;
- the 1972 Biological Weapons Convention;
- the 1980 Conventional Weapons Convention and its five protocols;
- the 1993 Chemical Weapons Convention;
- the 1997 Ottawa Convention on anti-personnel mines;

- the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Many provisions of international humanitarian law are now accepted as customary law – that is, as general rules by which all Nations are bound. International humanitarian law covers two areas:

- the protection of those who are not, or no longer, taking part in fighting;
- restrictions on the means of warfare – in particular weapons – and the methods of warfare, such as military tactics.

Beginning in the nineteenth century, nations began codifying just-war notions, treaties, and protocols; these form the basis of IHL. IHL seeks a “balance between humanitarian concerns and the military requirements of States.”¹⁸ Among other things, IHL expects states to differentiate between civilians and combatants, and to ensure that the incidental damage to civilians be proportional to the military advantage.

Measures must be taken to ensure respect for international humanitarian law. Nations have an obligation to teach its rules to their armed forces and the general public. They must prevent violations or punish them if these nevertheless occur.

In particular, they must enact laws to punish the most serious violations of the Geneva Conventions and Additional Protocols, which are regarded as war crimes. The States must also pass laws protecting the red cross and red crescent emblems.

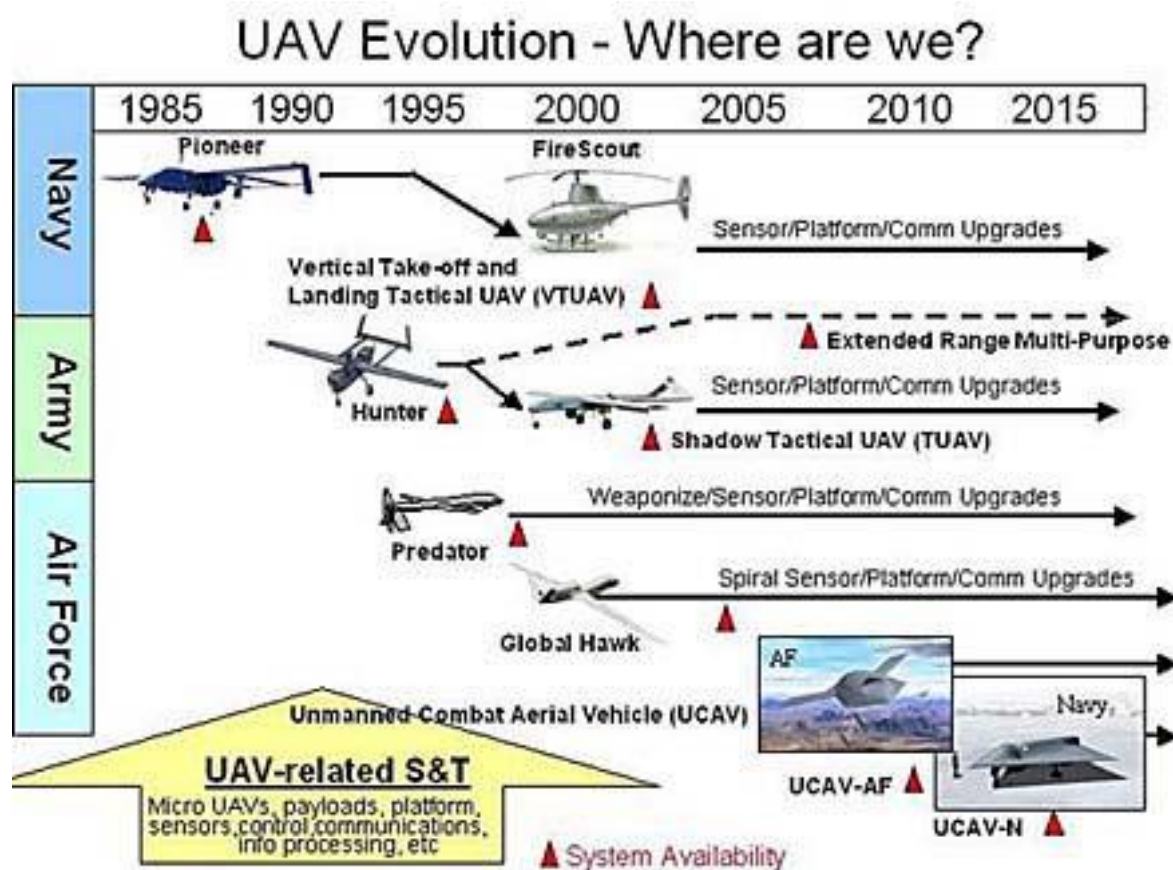
Measures have also been taken at an international level: tribunals have been created to punish acts committed in two recent conflicts (the former Yugoslavia and Rwanda). The 1998 Rome Statute created an international criminal court, with the responsibility of repressing inter alia war crimes.

In 2009, the International Committee of the Red Cross issued guidelines on how to interpret international humanitarian law. The report was motivated by awareness that in the last several decades, warfare has moved closer to population centres. This trend has blurred the line between combatants and civilians and made it difficult to distinguish between legitimate and illegitimate targets. The ambiguity over the legitimacy of targets, however, has been inversely proportional to the specificity of the weaponry that modern militaries possess.

The Legality of Unmanned Aerial Vehicles

The use of unmanned aerial vehicles (UAVs) and precision weapons by the United States and other countries have increased dramatically in recent years. Some observers wrongly conflate increasingly sophisticated technology with increasingly sophisticated individual judgment. For example, the military's Joint Vision 2010 notes, "In all operations technological advances . . . allow them [the warfighters] to make better decisions." True, these technologies provide militaries with more information with which to distinguish a combatant from a civilian. They also allow militaries to pinpoint and target some individuals, while sparing others.

Spokespeople for the U.S. government often highlight the precision of UAVs and argue that this quality enables military action to comply with the international humanitarian law principles of distinction and proportionality. The weapons, however, do not ensure that a selected target is a legitimate target. That determination is of a legal and ethical, rather than technological, nature. In short, technology does not provide an easy way to comply with international legal principles of distinction and proportionality. To the contrary, technology may make those goals more ambiguous and their achievement more problematic.



While there is little argument against the use of drones or UAV's as tools for reconnaissance, there is a great deal of debate regarding the legality of the use of these drones in their offensive roles, particularly when they are used for targeted killings. This legal quagmire gets deeper due to the fact that UAVs have been used as offensive weapons in what was formally called the "War on Terror" and is now being referred to as the war against "al Qaeda, the Taliban and associated forces". This terminology is important because it defines whether or not an 'Armed Conflict' actually exists and whether or not the rules of war are applicable.

There is nothing in international humanitarian law that prevents targeted attacks on persons as long as they are combatants or as long as such an attack is a military necessity. Therefore, the use of drones or UAVs for these kinds of attacks is not legally controversial. However, the legal issues are not as clear when it comes to the use of drones and UAVs to target members of terrorist organizations due to the fact that the legal definition of these members as combatants is not clear and because the question of whether the organizations that they belong to constitute armed forces or armed groups is fairly murky.

As has been mentioned before, according to the rules of war, *jus in bello*, force may only be applied as long as they respect the key principles of necessity, proportionality and distinction. The legality of the use of drones and UAVs in the context of their use in an armed conflict will therefore necessitate examination of whether or not the use of drones and UAVs violates or respects the principles of necessity, proportionality and distinction.

It seems likely that in the case of drone strikes the necessity of the use of drones to accomplish a particular military objective must also be evaluated on a case-by case basis. As with the use of any other military weapon, for each opportunity or use of UAVs or drones, the question of whether the use offers a military advantage or accomplishes a tangible military goal must be answered affirmatively.

In order for a drone strike to comply with the principle of distinction, the operator may target only combatants or military objectives, and not civilians or civilian objects, unless the civilian or object has forfeited his protected status by participating in the hostilities. The problem with this in the given scenario of combating terrorism and targeting terrorists is that, unlike what is traditionally done and required for armed forces, the threats sought to be neutralized rarely distinguish themselves from civilian populations or carry their weapons in plain sight. "Unlike World War II, modern-day wars are fought by armies and militias that may appear civilian and may not resemble traditional soldiers."

In such a scenario drones might actually offer a better alternative to neutralizing threats than conventional means because of their superiority in terms of surveillance. The use of a drone or

UAV means that more time can be spent in a given conflict area assessing and confirming the identity of a target and the viability of attacking the target. The fact that this can be done with little to no personal danger facing the personnel making the judgment of the viability of a target means that it is far less likely for such a decision to be rushed unnecessarily or mistakes made in such a situation.

One of the main criticisms of the use of drone and UAV strikes is that the amount of civilian casualties is immensely disproportionate and excessive, when compared to the military advantage they offer. Some estimates of public news reports put civilian casualties at approximately one out of every three fatalities caused by drone attacks. Research performed at Stanford University and New York University have shown "significant evidence that US drone strikes have injured and killed civilians" in Pakistan.

Year	Number of Strikes	Range of Fatalities
2004–2007	9	89–112
2008	33	274–314
2009	53	369–724
2010	118	607–993
2011	70 (11/15/2011)	328–470

Table 1: Estimated Total UAV Strikes and Associated Fatalities in Pakistan, 2004–2010
Source: New America Foundation

Unmanned aerial vehicles have become more of a concern in recent years as their numbers and types have proliferated and their potential for delivering weapons of mass destruction has become greater, owing to increases in their range and payload capabilities. The main problem with the use of drones arises out of the fact that they are used to in to eliminate targets far from anything resembling a traditional battlefield and far more often than is conscionable; drones are used to attack targets in civilian areas. Even in such situations, despite the fact that such targeted strikes are skating on very thin proverbial legal ice, drones actually offer a better alternative than using conventional airstrikes, for example- The tactical advantage of having a weapon that can both perform safe reconnaissance for extended periods of time and allow such strikes to be conducted in a patient manner that, if anything, increases their utility and decreases the potential for collateral damage.

Whatever the case may be, in all cases involving the use of drones in targeted strikes on military objectives, even if it is a person, a strict rule of necessity and proportionality needs to be applied in order to prevent the misuse of these weapons. As with any modern weapon, Unmanned Aerial Vehicles as efficient and deadly and they must be used judiciously. However, if used prudently, UAVs represent a great deal of tactical benefit in the conduct of both

conventional warfare as well as non-conventional warfare against terrorist groups. In such cases, the only questions that remain are ethical and moral, concerning the dehumanization and the ignorance of the horrors of war, rather than legal.

On the other hand, the use of UAVs by civilians also faces the question of legality. Several states in the United States of America have confronted the issue of the illegal use of drones by the US population through adopting several laws and acts which regulate the use of the vehicles to certain purposes as well as rules for their flight. The purposes for such regulation appear to be not only to protect public safety and governmental interests, but also to guard the privacy interests of citizens while allowing for beneficial uses such as looking for a lost child, managing a disaster zone, or reporting on newsworthy events. The acts have made exemptions for the use of the UAVs in certain situations. These include the use of UAVs by a real estate broker to photograph property for market or sale, the use of drones to monitor oil field rigs and pipelines for safety purposes, and any use of a UAV less than eight feet off the ground so long as the device isn't used to perform surveillance of another person or other's property.

Currently, there is little consensus among these governing dimensions on how to balance the positive aspects of a UAV in legitimate data collection against the potential harm and invasion of privacy posed by unwarranted governmental surveillance or overzealous reporters. State laws have also set out procedures pertaining to civil and criminal penalties for using UAVs with the intent to conduct surveillance on another person or another's real property. A certain bill has a clause that requires governmental entities that use UAVs within the State of Texas to record and report their UAV use. This addresses the perception that the government's use of drones may be questionable in some instances and facilitates oversight by the public and newsgatherers.

However, paparazzi, stalkers, criminals, or simply those with an unethical agenda will undoubtedly explore these new advances in ways we cannot yet imagine. What is needed is thoughtful consideration of how the very best attributes of UAVs can be harnessed while protecting the public against its abusive use by the government or the public. The only thing certain is that UAVs will be in our future and at some point the law will have to catch up and adjust itself to this new technology.

The United Nations and Unmanned Aerial Vehicles

UN peacekeeping missions have used surveillance UAVs in less publicized instances, but typically during peacetime. For example, the Security Council in Resolution 1706 mandated the use of aerial surveillance to monitor trans-border activities of armed groups along the Sudanese borders with Chad and the Central African Republic (CAR). As early as 1999 the UN General Assembly (GA) adopted a resolution expressing concern that the latest information

technologies and means of telecommunication “can potentially be used for purposes that are inconsistent with the objectives of maintaining international stability and security, and may adversely affect the security of states.

Subsequently, the Secretary General (SG) has produced several reports and also set up a Group of Government Experts (GGE) on Developments in the field of Information and Telecommunications in the context of International Security. In its June 2103 report, the GGE acknowledged that the use of information and communication technologies (ICTs) has reshaped the international security environment. It also observed that, “ICTs are dual-use technologies and can be used for both legitimate and malicious purposes. Any ICT device can be the source or the target of misuse.” Thus the group concluded that “international law and in particular the UN Charter, is applicable and is essential to maintaining peace and stability, and promoting an open, secure, peaceful and accessible ICT environment.”

“Drones are not inherently illegal weapons,” Christof Heyns, the UN Special Rapporteur Special Rapporteur on extrajudicial, summary or arbitrary executions, acknowledged. However, the Special Rapporteur also mentioned that focusing their use is necessary. Expressing concern about the potential for illegal use of armed unmanned aerial vehicles, or drones, two United Nations human rights experts called on States to be transparent in their use, to investigate allegations of unlawful killings and to respect the full range of applicable international law.

The experts urged the protection and adherence of humanitarian standards, the applications of which have become problematic as countries functionally widened the definition of battle zones and appropriate targets in the fight against terrorism and insurgencies. They also noted that the right to life must be protected as the supreme right, along with the right not to be deprived of life without strong legal rationales. The experts agreed that crucial in maintaining such human rights protections was transparency on the part of countries that use drones, urging “States to declassify, to the maximum extent possible, information relevant to their lethal extra-territorial counter-terrorism operations and to release its own data on the level of civilian casualties inflicted through the use of drones.”

The United Nations affirms that unmanned aerial vehicles should be regulated and controlled by existing international laws, including international human rights laws. It states the uses of these armed, unmanned aerial vehicles should strictly adhere to the existing international laws, relevant international laws, and whether a target is a legitimate target.

Inspired by the successes of unmanned drone (unmanned aerial vehicles or UAVs) surveillance of western countries, the United Nations Department of Peacekeeping Operations towards the end of 2012 announced that it intended to actually begin using such technology in peacekeeping operations. Subsequently, in January 2013, the UN announced that it would deploy UAVs for surveillance in the Kivu provinces (North and South) of eastern Democratic Republic of Congo

(DRC) “to improve awareness and promote deterrence to those who move around with bad intentions in that area.” The UN did not reveal the actual deployment date of the UAVs. Because of the sensitivities generated by the continued use of armed UAVs in Afghanistan, Pakistan and Somalia, the UN observed that drones used by UN peacekeepers would essentially be “flying cameras to improve situational awareness.”

Then, the Security Council adopted Resolution 2098, which inter alia formally gave MONUSCO the go-ahead to contract UAVs for the purposes of observing and reporting on flows of military personnel, arms or related materiel across the eastern border of the DRC. The deployment of UAVs for the MONUSCO mission started with two unmanned aerial vehicles, which were deployed in December 2013. It reached its full operational capability of five UAVs in April 2014. The Mission continues to use its remaining UAV for surveillance operations. The drones are operated by the independent Italian contractor that supplied the aircraft to the United Nations.

The UN has contemplated UAV deployment in its peacekeeping missions for years. UAVs, the UN believes, are a modern response that can rapidly improve success and reaction rate of peacekeeping forces through surveillance. Whilst there are still lingering concerns in the law on the use of UAVs, it appears their perceived deployment—apparently at the time the IB launched its offensive against the M23 rebel group, the UAVs had not been deployed yet—partly played a role in finally ending the M23 rebellion of the M23 group in eastern DRC. In the end, with the rapid changes in the world, especially developments in ICTs, the UN has to adapt by creating and maintaining structural and operational flexibility. The use of UAVs in UN peacekeeping missions is such an adaptation.

The deployment of drones in the DRC represents a defining moment in UN peacekeeping and aerial surveillance during ongoing conflict. Article 57(2)(a) of Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 8, 1977 sets forth the requirements with respect to attacks during conflict of an international character. Under these requirements, known as the principle of precaution in attack, UAVs would significantly increase the precautionary obligations of peacekeepers. In the case of the recent fighting in eastern DRC, no report has emerged that MONUSCO personnel deliberately targeted civilians with no military value. MONUSCO’s actions seem to only have resulted in the internal displacement of civilians. No report has emerged that the peacekeepers killed civilians. It appears MONUSCO/IB’s targeting was well orchestrated, justifying the use of UAVs in UN peacekeeping missions.

Suggestions

Unmanned Aerial Vehicles, the result of technological sophistication, have changed modern warfare drastically and have also had a great effect on domestic and commercial foundations. The utilisation of UAVs has raised several ethical, moral and legal questions. Delegates should aim to focus on the following throughout their research and during the preparation of a working paper.

Can the just war theory be used to justify the use of UAVs?

How can the use of the UAVs be regulated so the associated risks are diminished while simultaneously reducing the benefits of this new technology as less as possible?

The formation of an international framework for the operation of the unmanned aerial vehicles

How can the criteria of *jus in bello* best be incorporated into the use of drones?

How can the infringement of UAVs upon human rights be reduced?

What form of penalty would be incurred by those that make the use of illegally and do not conform to the respective law in question?

Bibliography

1. Customary IHL - Rule 3. Definition of Combatants: http://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter1_rule3
2. The UAV - Unmanned Aerial Vehicle: <http://www.theuav.com/>
3. Unmanned Aircraft (UAS) – General FAQs: http://www.faa.gov/about/initiatives/uas/uas_faq/?print=go#Qn1
4. Unmanned Aerial Vehicle: <http://www.defense.gov/specials/uav2002/>
5. Just-War Theory: <http://www.mtholyoke.edu/~jasingle/justwar.html>
6. War and international humanitarian law – ICRC: <http://www.icrc.org/eng/war-and-law/>
7. What_is_ihl.pdf: http://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf
8. Just War Theory: http://oregonstate.edu/instruct/phl201/modules/just_war_theory/criteria_intro.html
9. BBC - Ethics - War: Just War – introduction: <http://www.bbc.co.uk/ethics/war/just/introduction.shtml>
10. Welcome to the United Nations: <http://www.un.org/en/>

11. Unmanned Aerial Vehicles are fast becoming a game-changer in the UN world | UN Special: <http://www.unspecial.org/2014/04/unmanned-aerial-vehicles-are-fast-becoming-a-game-changer-in-the-un-world/>
12. Daily Press Briefing by the Office of the Spokesperson for the Secretary-General: <http://www.un.org/News/briefings/docs/2014/db140115.doc.htm>
13. Press Conference by Secretary-General Ban Ki-moon at United Nations Headquarters: <http://www.un.org/News/Press/docs/2013/sgsm15554.doc.htm>
14. Force for the Future: <http://www.un.org/en/peacekeeping/forceforfuture/>
15. The Use of Unmanned Aerial Vehicles (Drones) in United Nations Peacekeeping: The Case of the Democratic Republic of Congo | ASIL: <http://www.asil.org/insights/volume/18/issue/13/use-unmanned-aerial-vehicles-drones-united-nations-peacekeeping-case>
16. United Nations News Centre - UN launches unmanned surveillance aircraft to better protect civilians in vast DR Congo: <http://www.un.org/apps/news/story.asp?NewsID=46650>
17. Delegates Argue Merits of Unmanned Aerial Vehicles, Other Technologies as Security Council Considers New Trends in Peacekeeping: <http://www.un.org/News/Press/docs/2014/sc11434.doc.htm>
18. The Use of Unmanned Aerial Vehicles in Contemporary Conflict: A Legal and Ethical Analysis - pol20122a.pdf: <http://www.palgrave-journals.com/polity/journal/v44/n2/pdf/pol20122a.pdf>
19. A Game of Drones: The Legality of the Use of Unmanned Aerial Vehicles in Targeted Strikes and Targeted Killings by Parthan Vishvanathan - SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2385448
20. Unmanned Aerial Vehicles & International Law - 2013-04-10-07 Prof Gill.pdf: http://www.ismllw.org/seminaires/2013_04_09_Munster_textes%20des%20orateurs/2013-04-10-07%20Prof%20Gill.pdf
21. Jackson Walker L.L.P: <http://www.jw.com/template/get/fogle1030>
22. an_improved_missile_verification_system.pdf: http://www.un.org/Depts/unmovic/new/documents/technical_documents/an_improved_%20missile_verification_system.pdf