I: The Use of Drones in Times of International Unrest and Warfare

Introduction

Drones have historically been a controversial and complicated issue. They have garnered a wide range of reactions from government leaders, non-governmental organizations (NGOs), and everyday individuals alike. The development of drones and other unmanned aerial vehicles (UAVs) have ultimately led to a metaphoric scramble for legislation within Member States across the international community. The United Nations (UN) has both discussed and operated drones and other UAVs since late 2015.[1] One of the first of these events took place through debate for the UN General Assembly titled "Engaging Drones: Engaging the international community on unmanned systems," where the threat and usage of drones had been used in ways that threatened civilians in places of war or other unrest.[2]

Both State and non-State actors have used drones in a myriad of ways: intelligence-gathering, various uses of force, fearmongering, and more.[3] The usage of drones for warfare and intelligence-gathering is not the only purpose that drones and UAVs perform. The UN has since adopted the use of these machines for peacekeeping operations and humanitarian efforts in places like South Sudan.[4] Despite this usage through various UN committees, the UN Security Council (UNSC) has never passed an official resolution on the regulation of drones for the international community.

Early Use of Drones and UAVs in Conflict

The first operational UAV usage occurred post-Vietnam War, but has only seen wide-spread usage in a post-9/11 world.[5] Development of drones and UAVs began as early as 1982 with the State of Israel became the first Member State to formally use UAVs in conflict, followed quickly behind by Western Member States like the United States.[6] These early iterations of the UAV were used primarily to combat surface-to-air missiles.[7] In later years, however, is when drones and UAVs were equipped with cameras and ammunition with the purpose of acting as surveillance and weapons in performing drone strikes against adversaries.[8] Recently, various Member States have started programs to develop anti-UAV weaponry and countermeasures, such as the United States' "Counter-Unmanned Aerial Aircraft Systems (C-UAS)" Homeland Security program.[9]

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[1] "Discussing Drones at the UN Headquarters," *United Nations Office for Disarmament Affairs*, October 27 2015, accessed 14 September 2023, https://disarmament.unoda.org/update/discussing-drones-at-the-un-headquarters-2/

[2] "Discussing Drones at the UN Headquarters," *United Nations Office for Disarmament Affairs.*

[3] "Discussing Drones at the UN Headquarters," *United Nations Office for Disarmament Affairs.*

[4] "Drones to Help Protect Civilians of South Sudan," *United Nations News*, 12 October 2015, accessed 14 September 2023, https://news.un.org/en/audio/2015/10/605372

[5] "A Brief History of Drones," *Imperial War Museums*, accessed 15 September 2023, https://www.iwm.org.uk/history/a-brief-history-of-drones

[6] John W.R. Taylor & John F. Guilmartin, "Unmanned Aerial Vehicles (UAVs)," *Britannica*, accessed 15 September 2023, https://www.britannica.com/technology/military-aircraft/Unmanned-aerial-vehicles-UAVs

[7] "Unmanned Aerial Vehicles (UAVs)," *Britannica.*

[8] Fred Kaplan, "The First Drone Strike," *Slate*, September 14, 2016, accessed 15 September 2023, https://slate.com/news-and-politics/2016/09/a-history-of-the-armed-drone.html

[9] "Counter-Unmanned Aerial Aircraft Systems (C-UAS)," *U.S. Department of Homeland Security*, July 2 2023, accessed 3 November 2023, https://www.dhs.gov/science-and-technology/counter-unmanned-aircraft-systems-c-uas

Recent Developments

In the past fifteen years, Member States have experienced a rapid buildup of drones and UAVs in a race to gather as many of these new weapons as possible. Unlike nuclear weapons with global regulations, drones and UAVs are a relatively untouched area of global standards.[10] Armed UAVs have become a real threat to civilians and officials of organizations alike where assassinations and mass destruction are now carried hand-in-hand.[11] Attacks are not centered in any one place as Member States such as Ukraine, the Russian Federation, the Syrian Arab Republic, the Republic of Yemen, the Republic of Iraq, and many more have faced numerous attacks in recent years.[12]

There is a significant imbalance of drone resources that contributes to the rapid arms-gathering of the devices that is leading towards human rights being put second to justifications of "counter-terrorism and security rhetoric."[13] Surveillance on civilians is being used at will by governments and armed groups alike, allowing for information that might otherwise be sensitive to be leaked. Following this line of thought, Special Rapporteur Agnes Callamard has called the group of Member States that are particularly prolific in their use of armed UAVs as a "drone power club" that use the lack of standards for the international community as an execute their own justifications on using deadly force for assassinations and other targeted attacks.[14] This exclusionary "power club" serves to divide the United Nations and other States, acting as a cause of strife and tensions.

Counterterrorism and humanitarian efforts are the primary focus thus far with the UN's use of drones and UAVs.[15] Peacekeeping operations have started to push towards heavier deployment of UAVs with the justification of it being safer for Peacekeepers themselves in addition to "avoid[ing] being outpaced and [peacekeeping operations'] effectiveness [being] diluted."[16] With the varied rules and standard practices across the international community, it does make it difficult for Peacekeepers to operate drones in conflict zones as they might be able to operate in the same capacities with actual bodies. This complicated balance is what lends itself towards the importance for continued discussion and debate within the United Nations in regard to uniform standards across the world.[17] The Delhi Declaration was created in order to address "[abuse] of drones, information and communication technologies, . . . and create guidelines that will help to tackle the growing issue[s]."[18]

Conclusion

While the regulation of drones and other UAVs may have been addressed within individual governments of Member States, legislation for the global community has yet to be formally passed. As technologies revolving around these multi-use machines expand in such a rapid and uncontrolled fashion, it is inevitable the abuses will occur in using them. Terrorist organizations and private citizens alike have an increasingly large selection of mainstream drones and UAVs as they enter the free market, allowing unprecedented spyware and potential weaponry to become widely available to all. The United Nations has not yet caught up to the current race of arms-gathering in the form of aerial

[10] "All Drone Strikes 'in self-defense' Should Go Before Security Council, Argues Independent Rights Expert," *United Nations News*, 9 July 2020, accessed 15 September 2023, https://news.un.org/en/story/2020/07/1068041

[11] "All Drone Strikes 'in self-defense' Should Go Before Security Council, Argues Independent Rights Expert," *United Nations News.*

[12] "UN, Statement of a Special Rapporteur on Drone Attacks," *International Committee of the Red Cross*, 2023, accessed September 15 2023, https://casebook.icrc.org/case-study/un-statement-special-rapporteur-drone-attacks

[13] "Counter-terrorism 'rhetoric' Used to Justify Rise of Surveillance Technology: Human Rights Expert," *United Nations News*, 14 March 2023, accessed 14 September 2023, https://news.un.org/en/story/2023/03/1134552

[14] "All Drone Strikes 'in self-defense' Should Go Before Security Council, Argues Independent Rights Expert," *United Nations News.*

[15] "FEATURE: Does drone technology hold promise for the UN?", *United Nations News*, September 6, 2017, accessed September 15 2023, https://news.un.org/en/story/2017/09/564452-feature-does-drone-technology-hold-promise-un

[16] "Security Council: force commanders of UN peacekeeping missions brief on main challenges," *United Nations News*, July 26 2013, accessed September 15, 2023, https://news.un.org/en/story/2013/06/443322.

[17] "The Expanding Use of Armed UAVs and the Need for International Standards," *United Nations Office for Disarmament Affairs*, November 30, 2018, accessed September 14 2023, https://disarmament.unoda.org/update/the-expanding-use-of-armed-uavs-and-the-need-for-international-standards/

[18] "UN Security Council Boosts Commitment to Fight Digital Terror," United Nations News, October 29 2022, accessed September 15, 2023, https://news.un.org/en/story/2022/10/1130007/

vehicles and faces the difficult challenge of balancing the respect to State sovereignty while simultaneously creating a foundation in which States may be able to standardize their practices for UAV and drone usage.