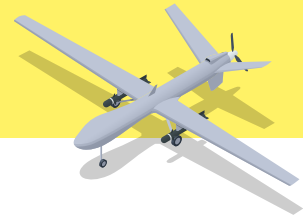


Making Drones Matter in the Disarmament Debate

October 2024



The use of **uncrewed aerial vehicles (UAVs), better known as **drones**, is significantly growing worldwide – both on and beyond the battlefield. From long-range explosive one-way military drones to widespread use of weaponised commercial drones and ongoing campaigns of extrajudicial killings with drones, State and non-state actors have fully incorporated drones into their military campaigns.**

UAVs' growing use, fuelled by their increasing accessibility due to the rapid technological advancements, is posing significant new challenges for maintaining peace and security. It raises questions over the adequacy of existing arms export controls and continues to challenge existing norms on the use of lethal force and protection of civilians. There is currently no comprehensive international framework to govern them, nor is there an established international policy platform at which to discuss the matter.

PAX urges States to close this gap and develop robust international standards that would effectively regulate the use and export of armed drones, ensuring their compliance with international legal principles. This policy brief provides an analysis of the main issues that need to be addressed in the debate on conventional weapons and disarmament, along with recommendations on the content of and process for developing international standards on armed drones.



Context

Since the first drone strike in 2001 in Afghanistan by the United States (US), armed drones have proliferated globally, with around 50 countries and 65 armed groups worldwide operating or acquiring them as of 2024. Meanwhile, the military drone market is growing at nine percent annually, with projections for further expansion. Drones have become essential for militaries as means of close air support, intelligence, surveillance, target acquisition and reconnaissance (ISTAR), and suppression of enemy defences. They offer low-cost, long-endurance capabilities with minimal risk to military personnel. Yet, the very same unique characteristics of drones that have made them so attractive for the armed forces have also opened up ways for misuse, raising major concerns about their implications for human rights and international peace and security.

Over the past 15 years, PAX has documented developments around the use and proliferation of armed drones through open-source investigations (OSINT), with a focus on their impacts on civilians. The continuous use of military drones for extrajudicial killings and in counter-insurgency operations in remote areas, as well as the growing deployment of drones to strike civilian targets as terror weapons have resulted in substantial civilian harm and thousands of civilian casualties. The risks of misusing armed drones come from both States and non-state armed groups. The latter have increasingly utilised commercial and dual-use drone technology for military purposes by equipping them with bombs for attacks, while this type of drones fall outside the scope of export control mechanisms.

The following section examines in greater detail the main areas of concern with regard to the use and proliferation of drones that must be addressed to prevent and minimize armed drones' harm to civilians, human rights, and international peace and security.



Analysis: Main Concerns Around the Use and Proliferation of Armed Drones

The use of drones for extrajudicial killing

The US drone campaigns since the 'war on terror' in 2001 - both in conflict settings in Afghanistan, Iraq, and Syria, as well as outside of conflict zones in the context of the counter-terrorism operations in Pakistan, Yemen, and Somalia - have resulted in hundreds of civilian casualties. Only after in-depth reporting by human rights groups and court cases brought by victims of drone strikes did the US go public with its legal justification to carry out targeted killings outside areas of armed conflicts and acknowledge the accompanying collateral damage. The failure of the international community to condemn and push back against such operations - conducted without clear legal justification, transparency, and accountability - set a worrying precedent, resulting in impunity and replication of these practices by other states. Türkiye has now taken over as the leader in drone killings with its operations in Syria and Iraq, with numerous credible reports of civilian casualties. But similar tactics have also been applied by Israel in their operations in Lebanon, Syria, Gaza, and the West Bank, as well as by Morocco in Western Sahara.

Extrajudicial killings raise significant concerns about their morality, jurisdiction, and accountability, as noted by UN Special Rapporteurs. While states often claim self-defense against terrorist threats to justify drone strikes outside their borders, those justifications frequently lack sufficient evidence to be deemed legitimate under international law. In the absence of authorisation from a host state or the UN Security Council, these actions violate State sovereignty and may amount to crimes of aggression, undermining international peace and security. Moreover, targeted killings conducted outside of an armed conflict do not fall under the purview of international humanitarian law and amount to arbitrary deprivation of life as a human rights violation. It is therefore crucial for the international community to reaffirm applicability of international law, including the UN Charter, international humanitarian law, and international human rights law to armed UAVs, and to uphold established international norms by armed drone users.

Lack of accountability for civilian casualties in counterinsurgency operations

With the rise of militancy in remote regions and border areas, armed drones have also become popular in counter-insurgency operations by States to track and strike at these groups within their own territory. However, similarly to the practice of extrajudicial targeted killings, those operations are accompanied by disturbing reports of civilian casualties and risks conflating armed conflict with law enforcement, ultimately undermining human rights protections. States such as Nigeria, Burkina Faso, and Ethiopia provide alarming examples of basing their operations on insufficient or faulty intelligence, leading to the targeting of civilians

instead of insurgents. There is also little public disclosure and government accountability for civilian harm and no reparations provided to families of the victims.

The proponents of armed drones praise them for accuracy that is supposed to lead to heightened civilian protection, but this capability is completely negated when States disregard their responsibilities to take all feasible precautions to avoid civilian casualties. Civilian harm from drone strikes can be prevented and minimised through the confirmation of targeting intelligence, improved data analysis, training of drone personnel on protection of civilians, and thorough and transparent investigation of any civilian collateral damage. States should ensure victims' access to justice and right to reparation in accordance with national and international human rights law. However, if individual States do not adhere to their human rights obligations, the international community must establish dedicated international oversight mechanisms and seek lawful measures to ensure their compliance.

Challenges around export controls

Existing regulations, which primarily focus on large military drones, are fairly limited in their effectiveness to deal with armed drone proliferation, due to the voluntary and non-binding nature of some of the arms control regimes - such as the Arms Trade Treaty (ATT) - and the limited participation of States. For instance, major exporters like the US, United Arab Emirates, Russia, Türkiye, and Israel are not part of the ATT, while risk assessments for drone misuse by States are often not strictly implemented, resulting in continuing exports and use in disputed operations that violate humanitarian and human rights law. The current regulatory scheme's limited oversight, monitoring, and accountability mechanisms for drone exports, along with gaps in export controls over novel developments, weaken existing international norms and standards aimed at preventing weapons from falling into the wrong hands.

The recent increase of the use of weaponised commercial drone technologies, including parts and components to build military-grade drones, underscore the necessity to improve regulation and oversight. Such UAVs have been seen as a very attractive acquisition for non-state armed groups, particularly since the professionalisation of this practice by ISIL in the 2010s, and more recently by militias in Iraq, Syria, and Yemen. However, State militaries are also increasingly mass producing commercial drones to be used as one-way explosive drones or deploying military drones that are largely assembled with commercial parts and components. Examples of this emerging trend can be found in Ukraine, Sudan, Syria, and Yemen. These types of drones are often used against military bases, for long-range strikes on civilian and energy infrastructure, and for attacks against cargo ships and oil tankers on commercial sea routes. Since commercial drones, and commercial parts and components are not subject to any export control mechanisms, it is crucial to develop and enforce robust assessment procedures for export licenses for drones, their parts, and related technology, to prevent misuse.



Policy developments

Alarmed by these worrying developments, legal experts, human rights groups, and peace organisations have provided insights and policy suggestions around transparency, accountability, and stricter export control mechanisms. UN Special Rapporteurs on extrajudicial, summary, or arbitrary executions have repeatedly called on States to regulate drones' use and enhance accountability. The UN Secretary-General has also warned about the perils of the misuse of armed drones in A New Agenda for Peace. Yet, the issue is still largely addressed only through a national security lens by States that are focusing their efforts on curtailing access to this technology by unwanted end-users, particularly armed groups. Despite some attempts to deal with the growing challenges of drone proliferation and potential misuse in 2016 through an US-initiated Joint

Declaration process, there are still no international standards on the use and export of armed drones.

Against this backdrop, the initiative of Portugal, alongside the UN High Representative for Disarmament Affairs, to reintroduce this issue at the policy level during the 78th Session of the UN General Assembly First Committee in 2023, has been a welcome development. In March 2024, a group of 21 States led by Portugal published a Joint Statement on increasing multilateral exchanges of views regarding armed Uncrewed Aerial Vehicles, reiterating the need to step up the debate about ways to improve transparency, oversight, and accountability in the acquisition, transfer, and use of armed drones, including by non-state actors.

It is crucial to build on this momentum and take concrete steps to establish a policy track where all relevant questions around drone-related legal, ethical, and export controls challenges can be considered, with a longer-term objective to develop robust international standards on their use and export. In this context, PAX calls on States, including drone-operating States, to implement the following recommendations.

Recommendations

- 1. Acknowledge, in all relevant international forums and policy documents, the ethical, legal, and humanitarian challenges posed by the use of drones on and beyond the battlefield; commit to upholding and strengthening international legal frameworks to prevent the erosion of established norms; and ensure the protection of human rights and mitigation of civilian harm.**
- 2. Explicitly condemn practices of extrajudicial killings using drones and reaffirm applicability of international law, including the UN Charter, international humanitarian law, and international human rights law to armed UAVs.**
- 3. Assert the need for transparency, oversight, and accountability in the use of drones by all States, which should include the recording of casualties and provision of victim assistance.**
- 4. Strengthen export control regimes for armed drone transfers and use, including through pursuing them in relevant arms control and disarmament forums, and develop mechanisms for improving controls over the acquisition of militarised commercial drones by both State and non-state actors.**
- 5. Establish an inclusive process involving States, academics, industry representatives, and civil society groups to develop robust international standards that would address all relevant questions around legal, ethical, and export controls challenges that arise from drone proliferation and subsequent use.**
- 6. Clarify legal positions on the use of force through armed drones and the justifications for their use outside of armed conflict, in line with the recommendations by the UN Special Rapporteur on Extrajudicial Killings 2020 report.**
- 7. Take all possible measures to avoid civilian casualties while deploying armed drones and investigate and transparently disclose any instances of civilian harm, ensuring victims' access to judicial remedies and reparation.**