EKIN SNY JMUN BACKGROUND GUIDE

THE USE OF UNMANNED AERIAL VEHICLES

UNITED NATIONS HUMAN RIGHTS COUNCIL (UNHRC)

Description of the Committee

In March 2006, the Human Rights Council (HRC) was established to replace the United Nations Commission on Human Rights. Meeting three times annually at the United Nations office in Geneva, Switzerland, the Human Rights Council is the world's highest intergovernmental body for the promotion and protection of human rights. Although its decisions are not legally binding, the Human Rights Council can pass resolutions condemning or raising awareness about violations of human rights,

appoint experts to study a particular rights issue in greater detail, or work with the Office of the UN High Commissioner for Human Rights to gather information on human rights issues and help states better protect human rights.

The council is comprised of 47 countries that are elected by a majority vote of the General Assembly. Each member state on the council is required to respect human rights in its own country and policies or face suspension of its council membership. The current membership of the council includes 13 African member states, 13 Asian member states, 8 Latin American and Caribbean member states and 13 European and other member states.

TOPIC: THE USE OF UNMANNED AERIAL VEHICLES

Introduction

An unmanned aerial vehicle (UAV) refers to an aircraft that does not require a physical pilot to operate. In some cases, pilots for UAVs can be safely controlling the aircraft thousands of miles away. Since the September 11, 2001 terrorist attacks on the United States, the use of UAVs for surveillance as well as military strikes to target those suspected of terrorism has

DID YOU KNOW...
Seventy-five countries have acquired UAVs as of December 2011?
Source: U.S. General Accounting Office, July 2012

skyrocketed, especially in places like Pakistan, Afghanistan, Yemen, and Somalia. With more and more countries seeking UAV technology, some experts have also warned of a coming global UAV arms race.

While some believe UAVs are useful tools in combating critical security threats like terrorism, there have also been growing concerns about transparency and accountability when UAVs are used in military operations. This includes the issue of due process for those individuals targeted in UAV strikes as well as the problem of collateral or unanticipated damage resulting from such attacks, including civilian casualties. There has also been worry about the future deployment of certain UAVs that could potentially launch military strikes with a computer rather than a human making targeting decisions.

Overall, the use of UAVS, especially for military strikes, continues to elicit serious debate from UN member states, human rights groups, security experts, and legal scholars. The release of a much-anticipated study on UAVs in 2013 by a UN expert on counterterrorism and human rights is likely to bring even more attention to this issue.

Background

Many experts cite February 2002, when the U.S. tried to kill then Al-Qaeda leader Osama Bin Laden with a missile fired from a UAV, as a defining moment for the use of armed UAVs. While the attack was not successful—many journalists and human rights advocates have asserted that Afghan civilians were killed in the strike rather than terrorists—hundreds of strikes involving UAVs since occurred places like Pakistan, Yemen, Libya, Iraq, Somalia, and Gaza.

Many languages of UNESCO
Source: http://www.unesco.org/en/

upporters of a broader reliance on UAV strikes suggest they are an effective method countries can use to disrupt terrorist networks and respond to imminent security threats. A recent study, for example, estimates that more than 3,000 Al-Qaeda, Taliban, and other militants have been killed by UAVs in Pakistan and Afghanistan including 50 high-level leadership figures in Al-Qaeda and the Taliban.[1] In many cases, those defending UAV strikes argue that alternatives—whether capture operations, the launch of cruise missiles, and dropping bombs from piloted aircraft—would be more expensive, endanger the lives of military service- members, and could potentially increase the risk to civilians on the ground.

On the other hand, others suggest that there is strikingly low accountability for civilian deaths and collateral damage caused by UAV strikes. A study by a UN human rights expert, for instance, found that 400 civilians had been killed by UAV strikes in Pakistan alone and an additional 200 people were "probable non-combatants."[2] Along similar lines, many also assert that countries using UAVs have not been candid concerning how exactly individuals are selected for strikes. In fact, advocates of a more limited and constrained approach to UAV strikes say that prioritizing the capture or arrest of such individuals could potentially provide valuable intelligence, lessen the chance of civilian casualties, as well as ensure that international human rights standards are upheld.

Currently, the International Institute for Strategic Studies estimates that eleven countries have armed UAVs in their militaries: the United States, France, Germany, Italy, Turkey, the United Kingdom, Russia, China, India, Iran, and Israel.[3] Another report by the U.S. Government Accountability Office found that seventy-five countries around the world currently have UAV technology.[4] Military experts expect these numbers to increase.[5]

Challenges

A key challenge facing the international community is that many policies involving the use UAVs by militaries are secret or classified by governments. This makes objective, independent scrutiny of internal government planning processes associated with UAV strikes challenging, especially for NGOs promoting human rights.Additionally, as UAV strikes are frequently conducted in remote or unstable areas, it is difficult to gather reliable information on resultant collateral damage and civilian casualties.

> **"The truth is all the [UAV casualty] public numbers are unreliable."**
> **Daniel Byman, Brookings Institution**

Other experts have noted that, at times, determining who is actually a "civilian" can by extremely difficult as the term itself lacks a precise definition.[6] Discussing efforts to clarify the number of casualties from UAV strikes, Daniel Byman at the Brookings Institution, has claimed, "The truth is all the public numbers are unreliable."[7]

Finally, there is also a lack of international standards specifically concerning UAVs. While many other types of weapons—including chemical weapons, small arms, and landmines—have conventions or agreements regulating or in some instances banning their use, there is no such legally binding international accord directly related to UAVs. While some human rights experts and scholars have attempted to clarify how already existing human rights agreements could also apply to the more recent use of UAVs, it is unclear to what extent those countries current using UAVs for military purposes will follow these recommendations.

Critical Thinking
Could better public data about UAV strikes help human rights? How?

Current Situation

The international community stands at crossroads on the issue of UAVs. While UN experts, scholars, human rights groups, and UN member-states have debated and issued reports over the legality of the use of such mechanisms, there is little consensus concerning how to move forward.

Recently, the U.S., in particular, has come under intense criticism for its use of UAVs in so-called "signature strikes" where a suspicious group or individual is targeted based on a general basket of variables rather than more specific information detailing a concrete threat. Dayna Greenfield, an expert on Yemen, notes that such tactics can actually alienate and motivate civilians to support terrorist networks, accomplishing the very opposite of what the UAV strikes are commonly intended for.8 Still, experts have discovered that strikes by UAVs, including signature strikes, have actually begun to decline in recent months.9

Few, however, believe a global, universal ban on all types of UAVs is a realistic option. In addition to the United States' use of UAVs, for example, the United Kingdom has used armed UAVs in its operations in Afghanistan. Israel has also used UAVs for strikes in Gaza. In some cases, there is also the potential for using UAVs for humanitarian purposes and to help protect human rights. In 2011, the North Atlantic Treaty Organization used UAV strikes during its military campaign in Libya—an operation many have linked with protecting Libyan civilians under the Responsibility to Protect principle. The UN also hopes to use UAVs equipped only with cameras as an early-warning mechanism to support the efforts of UN peacekeepers operating in the Democratic Republic of the Congo.10

International Action

Past UN Action

Previously, the UN Social, Humanitarian, and Cultural Committee (SOCHUM)—another UN body that discusses human rights issues—and the Human Rights Council have overwhelmingly passed resolutions condemning extrajudicial, summary, and arbitrary executions. Similarly, the International Covenant on Civil and Political Rights, which has over 160 state parties, guarantees the right to life and calls for due process protections.11

Ben Emmerson, UN Special Rapporteur on Counter-Terrorism and Human Rights, briefs correspondents at UN Headquarters

During a SOCHUM meeting in 2009, a UN special rapporteur attempted to frame the use of UAVs as not a question of 'if' but 'how'. He noted, "While there may be circumstances in which the use of such [UAV] techniques is consistent with applicable international law, this can only be determined in light of information about the legal basis on which particular individuals have been targeted. . ."12

In January 2013, the UN Special Rapporteur on Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Ben Emmerson, announced he wouldundertake a comprehensive study on the use of UAVs . Emmerson also made clear that his investigation would not just focus on the United States. "The United States may be the market leader in the use of drone technology, but there are more than 50 states with the technology that can be easily converted into an active drone arsenal," he commented.13

Completing a preliminary version of the report in September 2013, Emmerson called additional transparency for the processes related to UAVs strikes while acknowledging "If used in strict compliance with the principles of international humanitarian law, remotely piloted aircraft are capable of reducing the risk of civilian casualties in armed conflict by significantly improving the situational awareness of military commanders." Emmerson also noted there is "no clear legal consensus" on numerous issues related to UAV strikes; invited for more transparency from the United States concerning UAV strikes; and asked states who conduct UAV strikes to conduct prompt investigations following allegations of civilian casualties.14

> "U.S. policy and practice on targeted killings and drones are not only of concern in their own right: they also set a dangerous precedent that other states may seek to exploit to avoid responsibility for their own unlawful killing."
> Amnesty International, October 2013
> Source: Amnesty International, October 2013

National Action

> "America's actions are legal. We were attacked on 9/11 . . .
> Congress overwhelmingly authorized the use of force. Under domestic law, and international law, the United States is at war with al Qaeda, the Taliban, and their associated forces. . . . So this is a just war. . ."
> President Barack Obama, May 2013
> Source: NPR, May 2013

In various forums, Pakistan has repeatedly declared that it believes strikes by UAVs constitute a breach of national sovereignty if governments are not properly consulted beforehand. In 2012, Pakistan's foreign minister called strikes involving UAVs within its territory "totally counterproductive."15 In March 2013, Ben Emmerson publicly acknowledged, "The position of the government of Pakistan is quite clear. It does not consent to the use of drones by the United States on its territory and it considers this to be a violation of Pakistan's sovereignty and territorial integrity."16

Later, in May 2013, U.S. President Barack Obama made a major policy speech on the use of UAVs to combat terrorism. In his remarks, Obama defended the use of UAVs as a counterterrorism tool, while also arguing that it is essential and legal for the U.S. government to disrupt plots that may present imminent national security threats.[17] Nevertheless, Obama also pledged reforms to bring more transparency to the use of UAVs by the United States, including declassifying certain information related to past UAV strikes.

Civil Society Action

Civil society groups have been especially active in raising awareness about potential human rights violations resulting from UAV strikes. This includes attempting to gather and publish information concerning civilian casualties as well as calling for expanded accountability and transparency from governments using UAVs to combat terrorism.[18]

For example, on October 2013, Malala Yousafzai, a young Pakistani girl shot by Taliban forces as a result of her efforts to advance girls' right to education, participated in a one-on-one meeting with President Obama. Addressing the issue of UAV strikes in Pakistan, she suggested such tactics alienate civilians and actually heighten the risk of terrorism.[19] A coalition of civil society groups have also banded together to oppose the future deployment of automated "killer" robots. Such groups have suggested the need for, at minimum, a global moratorium on the use

Pakistani tribesmen hold banners as they march during a protest rally against US drone attacks, in North Waziristan district on January 21, 2011.

systems.[20] In the same month two major international human rights groups, Amnesty International and Human Rights Watch, released investigative reports about UAV strikes in Pakistan and Yemen claiming the attacks may have constituted war crimes. The report from Amnesty International warned, "U.S. policy and practice on targeted killings and drones are not only of concern in their own right: they also set a dangerous precedent that other states may seek to exploit to avoid responsibility for their own unlawful killings."[21]

Recommendations for Creating a Resolution

When crafting a resolution on this issue, delegates should consider the following steps:

- First, identify a potential solution that countries equipped with UAV technology and specifically armed UAV capabilities could ultimately support.
- Second, consider the potential uses of UAVs as early warning mechanisms or to respond to humanitarian and human rights emergencies.
- Third, in addressing concerns related to transparency and accountability from UAV strikes, delegates should remember the specific mandate and authority of the Human Rights Council.
- Fourth, delegates should remember the impacts past UAV strikes have had on civilians as well as difficulty compiling accurate data related to casualties.

Delegates should also not underestimate the role of civil society in raising awareness about UAV strikes as well documenting cases of collateral damage. Finally, it is critical that a resolution recommend relevant follow-up action by the Human Rights Council as well as other UN bodies.

Pakistani tribesmen hold banners as they march during a protest rally against US drone attacks, in North Waziristan district on January 21, 2011.
Source: THIR KHANAFP/Getty Images

Questions to Consider:

1. Has your country or citizens within your country ever been the target of a UAV strike? Was the strike carried out in consultation with your national government?
2. Is there an armed conflict or peacekeeping effort in your country where non-military UAVs could be helpful in monitoring groups and preventing conflict-escalation?
3. Has your country been the target of international terrorism in recent years? Does your government believe UAVs could be useful tools in deterring or dismantling terrorist or extremist networks?
4. How has your government responded in recent years to the dramatic rise in the use of UAVs around the world whether in the UN or other forums?
5. Have global terrorist networks been known to operate within your country or are they based within your country?
6. Is your country used as a base of operations for another to conduct military operations using UAVs? How does this situation impact your country's stance on the issue or with those countries that use UAVs?
7. Is your country a major exporter or importer of UAV technology?
8. What role can UAVs play in UN peacekeeping or peace-building efforts around the world?

RESEARCH AID

The website for the UN Human Rights Council provides background information on the UN's main human rights body.

- **UN Human Rights Council,** http://www.un.org/en/ga/

The website for the CIA World Factbook provides substantial and well-organized information about UN member states. This is an excellent starting place for delegates wishing to learn more about their assigned country.

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

The website for the United Nations Office of the High Commissioner on Human Rights provides background on the work of the High Commissioner for Human Rights.

- **Office of the UN High Commissioner for Human Rights,**
  http://www.ohchr.org/EN/Pages/WelcomePage.aspx

The webpage of United Nations Office of the High Commissioner on Human Rights provides background on the work of the High Commissioner for Human Rights.

- **Office of the UN High Commissioner for Human Rights,**
  http://www.ohchr.org/EN/Pages/WelcomePage.aspx

The website for the United Nations Social, Humanitarian, and Cultural Affairs Committee provides background on another UN organ that carries out human rights work.

- **Social, Humanitarian, and Cultural Affairs Committee (Third Committee),**
  http://www.un.org/en/ga/third/index.shtml

Amnesty International is an UN-accredited NGO that has conducted significant research and analysis on the issue of UAVs. Its website provides background on human rights concerns related to UAVs.

- **Amnesty International,** http://www.amnesty.org/

Human Rights Watch is an UN-accredited NGO that has conducted significant research and analysis on the issue of UAVs. Its website provides background on human rights concerns related to UAVs

- **Human Rights Watch**, http://www.hrw.org/