

Joint civil society statement on drones

UN General Assembly First Committee on Disarmament and International Security

Delivered by Mitzi Austero, Non-Violence International South East Asia, 17 October 2018

“A drone killed my son, Mohammed Saleh al Manthari. One day, without warning, it appeared in the sky and killed him. I have not been told why. He was never charged with nor convicted of a crime. No one has apologized to us or sought to repair the damage caused by my son’s killing.”

Interview by Reprieve with Saleh al-Manthari, who lost his son to a drone strike on March 29, 2018 in Al-Baydah, Yemen.

This statement is presented on behalf of 54 civil society organisations, from 20 countries. Together, we are committed to protecting individuals and preventing and mitigating harm, including violations of international human rights and humanitarian law, from the use of drones in domestic and international deployments of force.

The use of armed drones by a small number of elite user states continues to inflict serious harm upon communities, leaving an ever-longer trail of death, injury, and psychological trauma.

The use of drones by some states in the deployment of force has raised serious ethical and legal concerns, particularly outside of recognised situations of armed conflict, or against groups or individuals who appear to match a particular profile. Shrouded in secrecy, many of these attacks may have violated the right to life. Victims are often left optionless when it comes to any form of meaningful redress. Without a clear or sound legal basis, many of these attacks are legitimized by reference to overly broad interpretations of the core international legal norms and obligations that govern the use of force.

Other states, whilst not directly conducting drone strikes, are potentially complicit in unlawful strikes through the provision of assistance, including intelligence, logistical and operational support.

Such activities and policies must be robustly challenged by those who value human dignity, the protection of rights, and international norms.

Beyond condemnation of these practices however, an international policy response is needed to address the possession, use and transfer of armed drones themselves.

As the UN Secretary-General has noted, “armed drones have unique characteristics that make them particularly susceptible to misuse in comparison to other technologies.” These characteristics raise concerns that legal, ethical, practical, and political constraints to the use of deadly force can be weakened for states acquiring drones, threatening international peace and security – not least through increased potential for escalation and resort to force – and increasing the risk of human rights violations being committed.

Many states have, including in this forum, rightly stressed the applicability and importance of upholding international law – including humanitarian and human rights law – in the use of drones. Whilst such statements are important, reasserting a need to respect the law has not proved sufficient to address the ongoing harms caused by drones to individuals and their communities. With some countries offering divergent and problematic interpretations of core legal concepts in their use of drones, and others remaining opaque in their position, states need to reaffirm the existing international legal constraints that exist on the use of lethal force.

As more states develop, acquire and deploy military drones, and current users increase the rate of strikes, the international community must actively decide what role – if any – these technologies should play in the use of force and articulate what the specific limits and standards for their use are. Such articulation is essential if we are to prevent the erosion of existing norms and boundaries.

We strongly believe that a progressive, inclusive, international process must be developed on this issue.

With the rapid growth in production and proliferation of military drones, States must also seek to establish clear standards and guidelines for risk assessment and export policies relevant to the unique characteristics of drones. This should include reviewing existing arms export mechanisms to ensure they are future-proofed for unmanned military systems, and increased engagement with states not party to existing arms export agreements. We welcome the common understanding that drones are included within the provisions of the Arms Trade Treaty, and thus export authorisation must be subject to robust risk assessment. We call on ATT States Parties to ensure this is implemented.

We understand that states led by the US are developing political commitments on armed drone exports, building on the 2016 joint political declaration addressing the export and subsequent use of drones.¹ Whatever the results of this initiative, this cannot represent the end of states' multilateral engagement on armed drones but just the start.

We welcome the UN Secretary-General's inclusion of armed drones in his Agenda for Disarmament and the commitment therein to support states in discussions of common standards on the "transfer, holding and use" of armed drones.² We also welcome the recommendation from UNIDIR, following an extensive study, that a "transparent and inclusive multilateral process" should be undertaken "to develop international standards applicable to armed UAVs."³ We appreciate the efforts of States who are supporting multilateral engagement on this issue, and urge others to do so as well.

We recall the 2014 EU Parliament Resolution on armed drones and their subsequent annual recommendations to EU states to engage in the UNGA on the topic of armed drones.

We call for greater attention to be given to the issue of the use of armed drones in all relevant international forums, including in the First and Third Committees, the Human Rights Council and its special procedures.

States, in partnership with international organisations and civil society, should work to prevent and mitigate harm from drones; ensure the voices of victims are heard and their rights respected and protected; account for casualties and unlawful killings; and ensure meaningful transparency, accountability, and oversight for these systems.

¹ <https://www.state.gov/t/pm/rls/fs/2017/274817.htm>

² https://front.un-arm.org/documents/SG+disarmament+agenda_1.pdf

³ <http://www.unidir.org/files/publications/pdfs/increasing-transparency-oversight-and-accountability-of-armed-unmanned-aerial-vehicles-en-692.pdf>

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Women's International League for Peace and Freedom Nigeria
Women's Right to Education Programme
World Council of Churches Commission on International Affairs

This statement drafted by Article 36 in consultation with partners. Contact: Anna de Courcy Wheeler anna@article36.org and Elizabeth Minor elizabeth@article36.org