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Mapping: International activity by states and the UN on armed drones

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Summary

At First Committee in recent years few states have raised or referred to the issue of armed drones – though this increased significantly in 2018. 7 states did in 2017 (see https://bit.ly/2KqHtwf for a summary of statements) but 16 did in 2018 (see https://bit.ly/2NsHbaT), including 7 states that had not spoken on this issue at First Committee before).

At First Committee in the last few years, states have (among other themes):

- Highlighted that existing laws (IHL/IHRL) and norms must be upheld when using armed drones (some states have condemned violations by others; national positions/interpretations on how the law applies have generally not been stated at a specific level)
- Raised the humanitarian and human rights impacts of drone strikes (e.g. civilian casualties, lack of accountability); noted moral/ethical concerns with these technologies; and suggested risks to global peace and security (e.g. lowering thresholds for states' use of lethal force)
- Raised concerns about proliferation amongst states (as a global peace and security concern), or to non-state armed groups
- Situated armed drones within broader concerns relating to new technologies (e.g. how these could change the nature of conflict and must be fully understood/scrutinised)
- Called for continuing discussion/dialogue in appropriate forums (including human rights forums); reaching collective understandings (on how the law applies); action on specific issues (e.g. the use of armed drones outside of armed conflict); or for regulatory/legal frameworks
- Called for greater transparency and accountability (relating to transfer and/or use)

A similar range of concerns was seen at the HRC in 2014.

This document gives a breakdown of discourse in these forums in recent years, as well as data on which states have endorsed the US export-control declaration initiative, and recent relevant materials from the UN system. It is meant to aid overall

understanding of the landscape, and will represent a simplification of many countries' positions.

1. Statements and resolutions made by states on drones in international disarmament and human rights forums in recent years:

a. First Committee (2013-18)

States that have raised or mentioned drones in their statements to general, conventional weapons, or other disarmament issues debates during 2013-17, by region (years that statements were made in brackets):

- *Europe/Western Group:*
  Austria (2013, 2018), Bulgaria (2018), Ireland (2014-18), Israel (2015), Netherlands (2015, 2016, 2018), Portugal (2015, 2017, 2018), US (2016)

- *Latin America and the Caribbean:*
  Brazil (2018), Chile (2018), Costa Rica (2013-18), Cuba (2017, 2018), Ecuador (2013-18), El Salvador (2018), Mexico (2018), Trinidad and Tobago (2018), Venezuela (2015-16)

- *Africa:*
  Burkina Faso (2015), Botswana (2016)

- *Middle East/Asia:*
  Bangladesh (2014, 2016), Lebanon (2016, 2017), Nepal (2018), Pakistan (2013-18), Thailand (2018)

Breakdown of main themes raised or calls made in statements (region highlighted):[1]

- **Concern expressed about the need to uphold the law** (IHL and/or IHRL) in the use of drones (and/or, clear statement that violations of law have been perpetrated by current users/use):
  Austria (2013, 2018), Bangladesh (2014), Brazil (2018), Bulgaria (2018), Costa Rica (2013-16), Ecuador (2015), El Salvador (2018), Ireland (2014-18), Netherlands (2015, 2016, 2018), Portugal (2018), Pakistan (2013, 2014, 2017, 2018), Portugal (2015), Venezuela (2015, 2016), Trinidad and Tobago (2018)

- Concern expressed at the **threat of challenges to established legal frameworks or the re-interpretation of the law** through the use of drones:
  Chile (2018), Costa Rica (2015), Pakistan (2015), Trinidad and Tobago (2018)

- Concern expressed about **humanitarian and human rights impacts** (including civilian casualties), and/or **moral/ethical concerns** (including dehumanisation of conflict):
  Austria (2013), Costa Rica (2013, 2015, 2016, 2018), Cuba (2017, 2018), Ecuador (2015), El Salvador (2018), Ireland (2015), Lebanon

[1] Note that the wording here may oversimplify some positions and not reflect exact language used by all states – it is intended to aid overall understanding of the themes raised. It does not cover every theme raised e.g. Pakistan has raised violations of sovereignty

(2017), Pakistan (2013, 2014), Portugal (2015, 2017), Trinidad and Tobago (2018)

- Concern expressed that drones may **lower the threshold** for the use of force:
  Costa Rica (2015), Pakistan (2015), Trinidad and Tobago (2018) also highlighted the risks posed by drones to international peace and security

- Concern about drones included within/linked to a **broader basket of concerns at new technologies/developments** (e.g. autonomous weapons, cyber issues):
  Chile, (2018), Cuba (2018), Botswana (2016), Ecuador (2016, 2018), Lebanon (2016), Mexico (2018), Nepal (2018), Pakistan (2013, 2015), Portugal (2018), Thailand (2018)

- Concern expressed at **proliferation** to non-state actors and/or amongst states:
  Costa Rica (2013), Israel (2016), Netherlands (2016, 2018), Pakistan (2013, 2017, 2018), Venezuela (2016)

- **Call for collective consideration of issues** by states or UN action/ welcoming of further discussion in appropriate forums (including disarmament and/or human rights):
  Burkina Faso (2015), Costa Rica (2013, 2015), Ecuador (2015, 2017), Ireland (2014-18), Mexico (2018 – along with other new technologies), Nepal (2018 – along with other new technologies), Netherlands (2016, 2018), Thailand (2018 – along with other new technologies)

- **Call for specific regulatory/legal frameworks** for drones:
  Cuba (2017, 2018), Ecuador (2013, 2014, 2018), El Salvador (2018), Lebanon (2016 – along with other new technologies), Pakistan (2013, 2015, 2017, 2018), Portugal (2015, 2017, 2018), Venezuela (2015, 2016 - noting proliferation was predictable in context of lack of an international response). Costa Rica also called for 'concrete action' (2016, 2017, 2018)

- Concern at lack of and/or call for greater **transparency/accountability**:
  Brazil (2018), Costa Rica (2013, 2015-18), El Salvador (2018), Netherlands (2015, 2016), Pakistan (2013), Portugal (2015, 2017)

- The US only spoke to note the recommendation of the GGE to include armed drones on the UN Register of Conventional Arms, in 2016. No First Committee resolutions have implicated drones (apart from the 2016 resolution to adopt the recommendations of the GGE)
- In 2016, Ireland welcomed the Joint Declaration (see below) and the Netherlands noted at a side event that it would host a follow-up meeting. These states also highlighted this process in 2018. No other states have mentioned the initiative.
- In the civil society presentations, Non-Violence International Southeast Asia presented a joint statement on behalf of 54 organisations, from 20 countries, and the regions of Europe, North America, Latin America, Africa, the Middle East, and Southeast Asia.

More detail:

- See reports written up by Article 36 for Reaching Critical Will's monitor for 2015 https://bit.ly/2JUZqyx, 2016 https://bit.ly/2NFEDRV, 2017 https://bit.ly/2KqHtwf, 2018 https://bit.ly/2NsHbaT
- Statements (where available) are on RCW's website: http://www.reachingcriticalwill.org/disarmament-fora/unga

b. Human Rights Council (2014) and Third Committee

i. Resolutions

A/HRC/RES/25/22 (2014) put forward by Pakistan:

- Expresses concern at civilian casualties and the broader impact of drones on communities
- Notes special rapporteur reports A/HRC/25/59 (human rights and counter terrorism) and A/68/382 (extrajudicial executions) and the role of civil society organisations in highlighting the humanitarian and human rights impacts
- Calls on states to: comply with their international legal obligations (including Charter, IHL, IHRL); ensure transparency in use and conduct investigations
- Invites UNHCHR and HRC to pay attention to violations; decides to organise a panel discussion
- Passed 27 to 6 with 14 abstentions:

In favour:
Algeria, Argentina, Botswana, Brazil, Chile, China, Congo, Costa Rica, Cuba, Gabon, Indonesia, Ireland, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Morocco, Pakistan, Peru, Philippines, Russia, Saudi Arabia, Sierra Leone, South Africa, Venezuela, Viet Nam

Against:
France, Japan, Republic of Korea, FYR Macedonia, United Kingdom, United States

Abstaining:
Austria, Benin, Burkina Faso, Côte d'Ivoire, Czech Republic, Estonia, Ethiopia, Germany, India, Italy, Montenegro, Namibia, Romania, United Arab Emirates

A/RES/72/180 (2017) (proposed in Third Committee, adopted December 2017 without a vote – biennial resolution running since 2013):

"5. *Urges* States, while countering terrorism:
…
(u) To ensure that any measures taken or means employed to counter terrorism, including the use of remotely piloted aircraft, comply with their obligations under international law, including the Charter of the United Nations, human rights law and international humanitarian law, as applicable, in particular the principles of distinction and proportionality;"

Resolution was proposed by: Argentina, Australia, Austria, Belgium, Brazil, Czech Republic, Dominican Republic, Finland, Iceland, Ireland, Japan, Liechtenstein, Mexico, Poland, Spain, Sweden and United Kingdom

ii. Statements

States that spoke at the HRC on armed drones during 2014 (when drones were last considered in a significant way) included:[2]

- *Europe/Western Group:*
  Austria, Belgium, France, Germany, Ireland, Netherlands, Switzerland, United Kingdom, United States

- *Latin America:*
  Bolivia, Brazil, Chile, Cuba, Ecuador, Mexico, Venezuela

- *Africa:*
  Algeria, South Africa

- *Middle East/Asia:*
  Indonesia, Iran, Malaysia, Pakistan, Sri Lanka

Breakdown of main themes raised or calls made in statements (region highlighted):

- Need for **transparency/accountability/investigations**
  Bolivia, Brazil, Ecuador, Indonesia, Ireland, Mexico, Netherlands, Pakistan, Sri Lanka, Switzerland

- **Need for compliance with all relevant law** in use of drones
  Bolivia, Brazil, Chile, Cuba, Ecuador, Germany, Iran, Ireland, Malaysia, Netherlands, Pakistan, South Africa, Sri Lanka, Switzerland, Venezuela

- **Need for some kind of clarification or to reach consensus** on how laws apply in use of drones
  Austria, Belgium, Brazil, Pakistan, Switzerland

- **Illegal attacks** may have occurred
  Brazil, Chile, Cuba, Iran, Pakistan, South Africa, Venezuela

- Impact **on civilians/casualties/humanitarian** impact:
  Austria, Chile, Cuba, Ecuador, Ireland, Malaysia, Pakistan, Sri Lanka, Venezuela

- **HRC is the wrong forum** to consider these issues (should be disarmament)
  France, Germany, United Kingdom

- **Armed drones are only the same** as other means/methods of warfare (and existing law is adequate):
  France, UK

More states made statements during the presentation of Heyns's and Emmerson's reports at Third Committee on 25 October 2013, but full records were unavailable

[2] Statements collected from: 2 presentations/interactive dialogues with the above mentioned special rapporteurs (see reports A/HRC/25/59 and A/68/382): 11-12 March https://bit.ly/2uZ65Cm and https://bit.ly/2OfDJwA 12-13 June; A panel discussion following the A/HRC/RES/25/22: 22 September https://bit.ly/2JVmvBb

(apart from the webcast https://bit.ly/2LLnGop). The EU expressed the position during that debate that:

(a) The current international legal framework is adequate to govern drone strikes;
(b) The right to life can only be adequately protected if all constraints on the use of force set out by international law are complied with;
(c) International central norms on the use of force must not be abandoned to suit the current use of drones;
(d) There should be transparency surrounding all drone operations to enhance accountability.

2. US initiative on drones and export control

- Full text of the declaration (released in 2016) available here: https://www.state.gov/t/pm/rls/fs/2017/274817.htm
- A text of more detailed principles/guidelines building on the declaration has been in development since then (with the reported participation of the US, UK, Netherlands, Germany and possibly other states)
- As of mid-2019, the process to develop these political standards is now ending, and it is expected that the group will present the document soon, and engage other states on adopting the standards.
- A joint statement of civil society concerns expressed about this initiative (which are still relevant) is available here: http://www.article36.org/updates/joint-statement-standards-sep-17/

States that endorsed the declaration (53) by region (ATT parties in *italic*):

EU countries: *Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, Germany,* Greece, *Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom* (EU countries that did not endorse were Croatia, Cyprus, France)

Non-EU European countries: *Albania*, Georgia, Kosovo, *Montenegro, Norway, Serbia*, Ukraine

Other western group countries: *Australia*, Canada, *New Zealand*, United States

Africa: Malawi, *Nigeria*, *Seychelles, South Africa*

Asia: Iraq, *Japan*, Jordan, Philippines, *Republic of Korea*, Singapore, Sri Lanka

Latin America: *Argentina*, Chile, Colombia, Mexico, *Paraguay, Uruguay*

3. Recommendations by UNIDIR, UNODA and the UNSG's 2018 disarmament agenda

The UNSG's 2018 Disarmament Agenda https://bit.ly/2Lrvaxd highlights drones in a section on p38-40:

- Notes armed drones "pose well-known and documented implications for humanitarian and human rights principles" and that "armed drones have unique characteristics that make them particularly susceptible to misuse in comparison to other technologies"

- Pledges that UNODA and UNIDIR will "support Member States in exploring common standards for the transfer, holdings and use of armed unmanned aerial vehicles in order to ensure accountability, transparency and oversight for their use"
- Germany is currently a champion of this area: https://bit.ly/2Yr4NNV Currently all scheduled actions (pertaining to research and a military table-top exercise) have been completed

In autumn 2017, UNIDIR released its report 'Increasing Transparency, Oversight and Accountability of Armed Unmanned Aerial Vehicles' https://bit.ly/2s2CJVl

- This noted concerns about drones bringing about a dangerous expansion in the use of armed force, a lack of transparency and clarity about how norms apply, and proliferation
- It notes that the international community urgently needs "to develop common understandings and standards to improve transparency, oversight and accountability of armed UAVs in order to reduce potential for their misuse, and thus enhance civilian protection, ensure the rule of law, and help to maintain stability"
- It concluded that given there is currently "a patchwork of measures that does not add up to an effective response to issues around the use of armed UAVs," "there is a need for a transparent and inclusive multilateral process to develop international standards applicable to armed UAVs. Such a process should engage in depth with issues around the use of armed UAVs, and not only focus on controlling their acquisition." UNIDIR recommended that this should take place under the auspices of the UN

UNODA's 'Study on Unmanned Aerial Vehicles' released in 2015 https://bit.ly/2LoCj4Q notes:

- "Due to their unique characteristics, armed UAVs raise particular implications for the maintenance of international peace, security and stability, as well as the integrity of international humanitarian and human rights principles."
- And recommends examining mechanisms to ensure transparency, accountability and oversight