



ABHIDHVAJ LAW JOURNAL

[www.abhidhvajlawjournal.com]

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

Editor In chief – Assistant professor Dr. Taru Mishra

Publisher & Founder – Vaibhav Sangam Mishra

Frequency – Quarterly (4 Issue Per year)

Copyright © 2022

Drone Should be Ban By International Laws.

AUTHOR'S NAME - Snehil singh, B.A,LL.B (Hons.), Third Year.

INSTITUTION NAME - Babu Banarasi Das University, Lucknow.

“I wanted to prove that performance is largely a result of inspired design and highly optimized and integrated subsystem, not the application of the most advanced technology.”

*Karem¹***ABSTRACT :**

Before we start to discuss why drones should be banned by international laws. Firstly, we should understand what actually a drone is, it is basically an unmanned aircraft. Drone means, “An aircraft without a pilot which is controlled from the ground and used for taking photographs, dropping bombs and delivering goods, etc.”² As From the word we can know that it does not requires a man or pilot to operate by sitting but due to technological advancements, it can be operated by a person sitting in a particular place within the range. The drone can be also known as UAVs. The first drone which was named “Albatross” stays in the air for more than 56 hours. It was designed by Abraham Karem. When the first drone was made it took almost 30 crewmembers to fly a single UAV. So, at that time Pentagon has almost given up on this idea due to the high manpower needed and its reliability issue. Later Karem made a more advanced version of the albatross which was named ‘Amber’. This drone was a predator drone which helped him to earn his nickname “Drone Daddy”. Amber was able to fly in the air for days and it was operated by only 3 crew members.

According to the economist magazine Abraham Karem, what are the man who “established the autonomous aircraft that changed the way of contemporary warfare is waged and continuously pioneering additional aerial innovation”.

Drones are used by the military for various purposes like –:

The purposes for which the military uses drones are listed below-

Target and destroy :

They help us to view the enemy's base camp and also help us to know where Guns are kept and missiles are planted so that they can be destroyed easily.

Reconnaissance :

¹ Also knowns as Abraham Karem , an aerospace engineer.

² According to oxford dictionary.

They help us to know whatever is happening on the battlefield and what enemy soldiers are doing. So that we can get to know more about their fighting techniques.

-Logistic :

The drones help to deliver cargo to the soldiers on the battlefield, where trucks or unable to reach.

Combat :

The drones are loaded with missiles and guns which help to provide attack capability for high-risk missions.

Pros and cons of military drones⁴ :

These advantages and disadvantages are suggested by the analysts and practitioners of the world :-

Pros of drones :

These are some advantages of using drones in fieldwork which are listed below-

Price to produce and maintain drone is low :

As compared to planes, the cost of production is less. The cost of maintenance is also less and the money can also be saved when there is no need to train the pilots and maintenance staff.

Reduces soldier's death and usage :

Only a few soldiers can be deployed overseas in areas with drones to easily win the fight, which can even reduce personal involvement in high-risk tactical missions.

Reduce civilian casualties :

It reduces civilian life risk in the fight as compared to more traditional airstrikes from bombers and fighter jets which was used to destroy territory in previous time.

It created pressure on the terrorist organization :

As the drone can however and can continuously surveil from the sky on terrorist's movements, their training and operation are not secret anymore now.

Eliminating leaders of the terrorist organization :

Military drones have demonstrated that they are very good tools for eliminating the leaders of terrorist organization and they are also good at destroying well-defended and well-hidden targets in any area or territory.

Cons of drones :

There are a few of the disadvantages of using drones in fieldwork which are listed below-

High collaterals damages :

In some cases, the targets of the Army are residing in residential areas which causes an increase in civilian casualties. So, they are unable to strike there with the help of a drone.

International laws are breached:

Not every strike is considered as war declared, some of them are conducted secretly in countries that are not at war. Use of the drone to destroy military targets when war is not declared is considered illegal by most experts. This led to ethical and political concerns regarding transparency, legitimacy, and sovereignty of hostile action⁵.

Rule of law breached :

According to democratic rules of countries, criminal terrorists should also get a fair chance of trial before being condemned. Those terrorists who were executed by drone strike do not get a fair chance of trial which goes against universal human rights.

The effectiveness of drone strikes cannot be evaluated :

Some of the missions of the military are very classified and secret, if the terrorist is captured, he can be interrogated and can provide intelligence regarding another organization. The practice of this method was stopped by the use of drone strikes on the terrorist organization.³

Are drones lawful? :

Yes, they are considered lawful because under international humanitarian laws⁵ drones are not prohibited or banned to use. From this, we get to know that drones are not considered different from weapons launched or controlled by men like helicopters or other combat aircraft.

³ <https://www.britanica.com>

Not all drones are used for military purposes some are also used for random purposes without guns. These drones are used for watching the areas and maintaining the security of the place. If at some place some object catches fire and nobody gets to know about it then at the time and place drone become useful as it helps to deliver information to the crew members and they call for support and stop that fire from causing more damage. Drones also help to deliver medical aid and food facility in less time without going through traffic even though most of the drones of the military are unarmed and are used for surveillance purposes for identifying and catching their target. Drones are not mentioned in the list of legal instruments that can be used in war. The use of drones in combat situations is strictly against the rule mentioned in International Humanitarian Laws. It actually means that there should be a difference between combatants and civilians in the country. If there is no difference made between them then in a drone attack there is a higher risk of civilian casualties. So, there should be a difference made between both of them. The crew which is using drones should take care of all necessary precautions to take care of the civilian population and also their infrastructures.

Special rules for drones :

With the advancement of the modern era, drones are made- a machine that can run without man sitting in it. This is the breakthrough in the new technological era. The key feature for international laws or rules on drones depends upon the type of weaponry does the drone contains. The latest drones currently are able to use missiles and drop bombs in specific areas. These are the types of weaponry that are restricted by Law Enforcement Efforts. International human rights have also put a restriction on the use of such heavy weaponry.

This type of weapon use is only allowed by the military when they needed it immediately to save a human life. The police force is also using drones but only for surveillance purposes and for the protection of the lives of civilians. The weapons allowed on drones are sided arms rifles, when the drones are equipped with the above military equipment then only, they will be considered lawful but the use of missiles and bombs by drone is lawful on the battlefield only because to kill the combatants of the opposite force. Also, in a battle, the crew member should take the proper precautions so that no civilian life should be in danger. The use of armed drones in armed conflict is lawful as the delivery of other battlefield equipment to military soldiers.⁴

⁴ <https://www.asil.org>

CONCLUSION :

According to the laws of drones and international humanitarian laws, in civilian areas or areas with high civilian casualties, the use of armed drones with heavy weaponry should be banned and, in those areas, only drones should be used for surveillance purposes and for maintaining the security of the place and for delivering of goods and services. The operation of the military to catch any criminal should be done by military soldiers. The use of a drone with equipped heavy machinery should only be allowed to use on the battlefield in armed conflict only to reduce the size of opposing armed forces. So accordingly, drones should not be completely banned until they violate international human rights.

