

A Study of International Human Rights Issues in Unmanned Aircraft Operations

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Abstract: With the development of technology, intelligent devices are being used more and more in every aspect of people's lives, and humans are becoming more dependent on intelligent products. Of course, not only in everyday life but also in the military, where intelligent devices play an increasingly important role. From the early days of cold warfare to the present day, the use of science and technology has greatly impacted how warfare has changed. Drones, combat robots, and cruise missiles are all the fruits of intelligent military warfare. Of these, drones are relatively widely used and play an essential role. As a new form of combat, drones have a great deal of autonomy, making them far more destructive than other forms of combat. The low cost of drones has led to the use of drones by the major powers, and the question of how to restrict the use of unmanned combat devices, especially drones, cannot be ignored. There are currently no international conventions that explicitly regulate drone use; the only ones that have any effect are the international human rights conventions. Drones pose a significant threat to human rights, particularly in terms of their indiscriminate strikes and lack of accuracy, which is one of the issues that should limit their use in warfare. The issues arising from using drones and how they threaten human rights should be the focus of attention.

Keywords: Human rights, International law, Convention, State.

1. Introduction

In today's environment of technological development, unmanned combat is increasingly adopted by various countries. UAVs are preferred by nations for their low cost, flexible combat methods, and ability to strike targets quickly. They are gradually being used in counter-terrorism activities as well as in warfare. To some extent, intelligent combat has even become the future of human action, and unmanned combat has become an indispensable part of it as one of the primary development projects of various countries.

However, with the development of drone technology, drones as a weapon of war have also given rise to a series of problems, among which human rights are particularly prominent. Although international law and human rights conventions are pretty restrictive for the owners of state parties, there are still some gaps in the use and regulation of drones as an emerging technology. Moreover, collateral damage from strikes is one of the inevitable additional damages of drones as military weapons, and this damage often leads to discussions about human rights and ethics. The focus of this paper is to discuss some of the legal issues related to human rights in the context of armed strikes

using drone technology and the nature of the acts attributed to drones in the fight against terrorism from the perspective of international law and international conventions on human rights protection, to have a clearer view of drone activities in the context of international law. This paper will focus on the above issues using a comparative methodology, case study, and literature analysis. The primary purpose of this paper is to discuss the need to regulate the use of intelligent weapons by analyzing the harm caused by drones to human rights and raising awareness of the need for strict restrictions on the use of intellectual weapons by raising awareness of the indiscriminate use of drones.

2. Literature Review

Unmanned aerial vehicles (UAVs), broadly defined as a variety of remotely piloted vehicles that do not require a pilot to board and fly them (but can have a crew), are often divided into military and civilian uses [1]. Early UAVs entered the military arena as special reconnaissance or test missions and later evolved into offensive weapons on the battlefield. The first combat use of drones was on 15 November 1964 when the Chinese People's Liberation Army (PLA) used an F-6 to shoot down a U.S. Firebee reconnaissance drone. Some drones are now armed for combat missions, launching air-to-ground attacks and taking on a more military role. The rapid increase in weapon autonomy is due to the maturation of the science and technology of artificial intelligence, which will lead to significant changes like future warfare, thus placing demands and challenges on international law today. Much of the current academic debate on the legality of A.I. weapons is based on the principles of proportionality and distinction in international humanitarian law, as there are no specific provisions on A.I. weapons in the laws of war. Kevin Heller has questioned the legality of the use of drones in counter-terrorism operations, arguing that they do not fully comply with existing international human rights law and international humanitarian law; scholars such as Heyns have argued that the use of drones to violate the human right to life must at all times comply with international law on the use of force [2]. Their discussions also led to an expert seminar on "Armed Drones and the Right to Life [3]." Related to this discussion was Professor Kenneth Anderson, whose paper "Targeted Killing and Drone Warfare: How We Came to Debate Whether There is a 'Legal Geography of War' on the issue of targeted killing by drones, which discusses, for example, the legality of U.S. drone use in the Libyan war [4]. International law scholar Wang Meili also examines the military service of drones in the context of controversies over the laws of war and international humanitarian law. International law scholar Wang Meili also discusses the issue of military use of drones in the context of the controversy over the law of war and international humanitarian law.

The use of drones should be strictly limited to international norms based on the protection of human rights, but there are few relevant laws and regulations. The only directly applicable restrictive rule is the Convention on Cluster Munitions, which regulates the use of drones by prohibiting "the use of sub-bombs dispersed or delivered from a cartridge box on board an aircraft." The only relevant regulation is the Convention on Cluster Munitions, which regulates the firing of cluster bombs from drones by prohibiting "the use of sub-bombs dispersed or delivered from a box on board an aircraft." The rest of the legal system is not yet in place, leaving considerable legal gaps. In summary, there is a lack of systematic analysis and study of the challenges posed by human rights in the academy.

3. Innocent Anonymous

Firstly, focusing on why unmanned combat is so popular in today's world and why military powers are spending so much money on what seemed like a nebulous form of combat in earlier years. Firstly, the cost of drones is low; compared to training a qualified fighter pilot, the cost of training combatants for drones will be far less than the cost of training traditional combat pilots. Moreover from another perspective, the risk to the life and safety of a drone combatant will be far less than that of a traditional

fighter pilot, almost to the point of negligible risk to survival, unless the combat section is breached, which also basically predicts victory in war or not. Statistically, the training cycle for a qualified fighter pilot is around five years or more, and the risk to life can occur at any time during the mission. Compared to the price of a drone, the training of a pilot and the acquisition of a fighter jet is cost-prohibitive and can be a considerable cost saving in economic terms.

Secondly, drones do not have as high demands on the operational environment compared to conventional fighter aircraft. One of their great advantages is the ability to operate at ultra-low altitudes and with a high degree of agility. Drones are the best solution when it is not necessary or possible to use large fighter aircraft to assist in simple strike missions, and they often play an essential role in counter-terrorism operations. Their ability to strike quickly, often before terrorists can be diverted, is devastating and effective in destroying international terrorism.

Finally, drone warfare has a few problems that can arise in real-life combat, such as pilot fatigue, human error, and poor judgment. Highly accurate electronics help combatants to minimize the element of error and thus achieve their mission. Furthermore, their reconnaissance capabilities are also excellent. Compared to the biases that can occur with human reconnaissance, the images transmitted by drones will more fully replicate the reality of the battlefield, thus helping commanders to give the proper orders and reduce errors. In summary, the use of drones has many advantages, but serious problems cannot be ignored, the most important of which is the issue of strike accuracy. This is also the most crucial part of international human rights law concern. A report by China's CCTV in 2015 showed that 90 percent of deaths and injuries in U.S. military assassination missions in the Middle East were accidental civilian killings, with less than 10 percent of the terrorists killed. A former U.S. Army UAV operator named Brandon Bryant also admitted that the U.S. military could not make precise identifications of whom they were hitting and in most cases, did not know whether they were targeting the target. Moreover, in his calculations, he carried out around 1,600 kills, many of them children, but after he retired from the military, he was given a report card showing that he had destroyed a total of 1,626 people during his service [1]. It is clear that the military does not have a clear idea of the extent of the damage caused by its personnel, and this is only the impact of one combatant, as the U.S. military has an unknown number of drone operators in service every year, and the damage they cause during their service will far outweigh the rewards of their counter-terrorism missions. During their missions, drones are often required to hover at low altitudes to find and kill their targets, which threatens the lives of ordinary people living in residential areas and creates a sense of panic. It has also hurt the economy.

After 9/11, the right to self-defense was taken to a new level by the United States and Israel, which gave them the right to use force against the owners of non-state organizations such as terrorists, and even demanded "unrestrained self-defense [4]." With this intensity of counter-terrorism, drones are increasingly taking on a more critical role. However, questions about the accuracy of drone strikes have never ceased to arise. There have been numerous reports of civilians being killed, and the U.N. Human Rights Council has demanded that striking countries disclose the number of casualties, all to no avail. According to the British non-profit organization, the Bureau of Investigative Journalism. The U.S. carried out 376 drone strikes in Pakistan between 2004 and 2013, killing 2,525 and 3,613 people. These figures show that drone strikes are not effective in achieving their objectives but add to the high number of civilian casualties. The use of drones is not a permissible use of weapons of mass destruction, such as nuclear weapons, in terms of international law. However, the targets are often in crowded areas, and collateral damage is inevitable. Once the explosive charge is extended, the threat to the lives of non-combatants and civilians increases exponentially. Often, there is an exact number of blast radii for the explosives the striking State claims to be carrying, but in practice, the resulting damage radius is often different from the original radius. This is partly because the accuracy does not meet the academic standard, and there is still considerable variation; it is also partly because

the attacking State, to ensure that the mission is completed, often carries much larger explosives than the established strike standard and kills with a miss-no-miss philosophy. A 'signature attack,' for example, is tacit permission for a drone to fire on an unidentified ordinary person, even if the death of an innocent person is inevitable. Even if an innocent person is killed by mistake, the operation report is still written as having killed the enemy to get away with it. This is a significant violation of the principle of distinction in Article 48 of Additional Protocol I to the Geneva Conventions, which does not distinguish between combatants, non-combatants, and civilians. However, the lack of coercive power prevents every unlawful action by the attacking State from being brought to justice, even if the law is enforceable. As the emergence of drones and their use in combat is very short, there is no international consensus on using drones as weapons in warfare, nor on the use of international humanitarian law. The need to combat terrorism will inevitably lead to a more significant commitment to using drones, so improving the application of international humanitarian law to drones and related domestic laws is a priority.

4. Legitimate murder

The most frequent use of drones in today's society is in the fight against terrorism, seen in Afghanistan and on the ground after the September 11 attacks, when President Bush told a joint session of the House and Senate that he would use all weapons to fight terrorism worldwide. Before 9/11, the U.S. military had fewer than 200 drones, but after the events, the number rose steeply to 7,000. Compared to President Bush, President Obama has used drones more frequently, struck more widely, and killed more terrorists, but also caused more civilian casualties.

The question then arises as to whether, if the aim is to combat terrorism on a global scale, the sovereignty of other countries and the human rights of their nationals will be violated. In other words, is the act of such a strike a legitimate act of killing. In conventional warfare, there is a fire suppression component to fighter jets, if not for precision strikes, then for covering territory control. This is why using force and self-defense is a severely restricted right, as that would directly start a war, and the civilian casualties would be countless. Unlike fighter aircraft, targeted killings by drones do not aim to suppress firepower, only the complete elimination of potential terrorists in the area. Targeted killing by armed drones in counter-terrorism operations can be defined as "the deliberate killing of a specific person or group of persons."

The U.S. counter-terrorism strikes in Yemen were carried out at the invitation of the Yemeni government, which could be considered a form of military assistance. However, the armed strikes in the Pakistani region are different. Although some Pakistani officials believe that the U.S. counter-terrorism operations help maintain peace on the map and that the U.S. is an ally of Pakistan, doing so is in some ways helping an ally maintain peace in its territory and contributing to the world's efforts to combat terrorism. Nevertheless, some Pakistani officials in the region do not share the same view, arguing that the U.S. action in the Federally Administered Tribal Areas of Pakistan (FATA) is a violation of Pakistan's sovereignty, even though many believe the area is not part of Pakistan, but rather a terra nullius. The principles of respect for national sovereignty and non-interference, based on the principles of international law, have been seriously violated in this act. Despite being an ally, Pakistani dignitaries have publicly condemned the U.S. strikes on many occasions, raising a question as to whether the act was invited.

The 2002 U.S. National Security Strategy expanded the interpretation of the right to self-defense to require pre-emptive strikes against potential terrorist acts and deemed such acts to be lawful. The 2004 Global Security Report recognizes the limited right of pre-defense, which is based on customary law but does not consider U.S. counter-terrorism legitimate. Terrorist strikes as legitimate pre-defense. It is important to note that pre-defense can only be used in cases of great urgency where the threat of attack has arisen, and the threat cannot be avoided, and there is no other way to avoid it. Furthermore,

for most U.S. strikes, the threat was not so urgent and did not appear to be inevitable. The U.S. acted partly based on post-9/11 concerns for its national security, but it has to be acknowledged that there was a substantial national interest at stake.

In the wake of 9/11, the U.S. launched a decades-long campaign against terrorism in various regions of the world, and some years ago, the perpetrator of 9/11, Osama bin Laden, was found and killed by U.S. drones, a remarkable feat. However, on the other hand, it is also clear that international terrorism could not have had such an impact on the U.S. so similarly to 9/11. The U.S. then has been relentlessly pursuing an expanded interpretation of the right to self-defense and pre-emptive defense to base its global military operations on a legally legitimate interpretation, thus achieving its long-armed jurisdiction.

5. Who is Responsible

The problem of attribution of responsibility for combat strikes by drones lies in the desire of combatants to avoid their responsibility and to dilute their obligations. In general, the responsibility for wrongful acts committed by States lies with the State, as stipulated in the Draft Articles on Responsibility of States for Wrongful Acts adopted by the United Nations in 2001, which require the existence of an internationally wrongful act, and the need for that internationally wrongful act to be considered an act of the State. In our view, human rights violations are internationally wrongful acts and the only question is whether the wrongful act is attributable to the State.

According to the Draft Articles on Responsibility of States for Wrongful Acts, States are responsible only for internationally wrongful acts committed in the name of the State or Government or attributable to the State under national law. From the point of view of international law, the State should be responsible for acts attributable to the State that is exercised by the executive or by the State in the name of the State or for actions attributable to the State in other national laws. Such conduct does not require authorization because it is inherently under the control of the State and is naturally attributable to it. The question arises as to whether the conduct of non-State actors can be attributed to the State. 2018's Syrian attack on a Russian armed base in Syria was claimed by Russia to have involved an act of the State, arguing that an unidentified State directed the strike. However, the draft treaty only found that the attack was, in fact, "on the instructions of the State" or "under its direction or control," and Russia was unable to prove that the Syrian terrorist organization was directed, and the lack of evidential material made it impossible to attribute blame to the State. Secondly, the determination of authorization.

Secondly, the determination of authorization. While entering another country's airspace without any authorization is undoubtedly an infringement of the sovereignty of the sovereign state, the question arises as to whether all strikes carried out in the territory of the authorizing state with authorization are lawful. For example, the authorizing State gives the executing State the right to combat terrorist activities within its territory. However, the executing State uses this privilege to enter the airspace of the authorizing State at will to monitor the movements of its nationals and to target individuals or organizations that fit the profile of terrorism. On the face of it, this is an authorized act, but a question of scale must be considered. It is a question of how to determine a reasonable scope for safeguarding the safety of life and property and the privacy of individuals within the territory of the authorizing State. It is inevitable that the executing State, in the execution of its tasks, will need to carry out pre-reconnaissance acts to ensure that the strikes are precise and that as much damage as possible is minimized. If, however, the State of enforcement does not exercise due diligence and indiscriminately spies on the daily lives of the nationals of the authorizing State to steal user information, it is exceeding its mandate.

It is difficult to define where the boundaries of such excess are because all acts can be perfectly evaded under the pretext of carrying out a mission, and the only people who are violated by such

excess are the nationals of the authorizing State. However, from a legal point of view, since the State of enforcement has been given such powers by the authorizing State, and its acts are lawful, the authorizing State can only bear the responsibility for any problems that arise.

6. Conclusion

From the perspective of international human rights, the use of drones as new technology in warfare certainly has unparalleled advantages. The mere fact that the pilots' lives can be safeguarded is reason enough for humanity to devote more significant effort to research. However, there are still undeniable risks involved. Authorized killing seems to be a topic that cannot be avoided, and this is where the legal gaps in this area are the greatest. A unified international standard seems to be one of the solutions aimed at protecting the fundamental rights of human beings rather than the interests of the big countries with drone technology.

Moreover, international humanitarian law should play a more significant role in setting out more detailed responsibilities for countries that use drones in combat so they can have a more transparent line of conduct. In particular, the Geneva Convention's Additional Protocol I should be given greater weight and reliance on its four basic principles. For their part, the major powers must not trample on the sovereignty of other states and must not exercise their interests using authorized acts.

The definition of international responsibility should also be more clearly defined, and the question of the attribution of responsibility for the acts of non-state organizations should be determined rather than being left unproven. The ease of use of drones and their increasingly low cost does not mean that they are free to violate the lives, health, and property of others, but that they should be more strictly limited and protected. The future of warfare is destined to be intelligent and unmanned, but technological development is no reason to ignore human rights. We need to ensure, as Michael Moller, Executive Director of the United Nations Office at Geneva, has said, that pre-emptive action must be taken to ensure that the ultimate decision to end life remains in the hands of human beings themselves.

The main point of this paper is to raise the issue of the disadvantages of drone warfare and the challenges and violations of human rights so that they can be taken into account. Whether for better protection of human rights or to limit the creation of new weapons, drones should be kept within reasonable limits. The issues identified above in the text will be instructive in terms of how to protect, particularly how States can comply with the operational norms of international law. It is also constructive in terms of how to use existing international rules better, helping people remedy their rights through existing regimes when they cannot immediately change existing international regulations.

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