

IMPLICATIONS OF THE USE OF DRONES UNDER INTERNATIONAL LAW

Sahiba Maqbool *

ABSTRACT

After the attacks of September 11, the United States of America applied all measures necessary to eliminate Al-Qaeda and their associates anywhere in the world. The United States asserted time and again that they are involved in an armed conflict with Al-Qaeda globally. Therefore, under the pretext of a Global War on Terror, the United States of America initiated targeted killings, besides other counter-terrorism measures, with the help of Unmanned Armed Vehicles also known as predator drones or drones. The usage of drones is particularly problematic when it is applied outside of battlefields, such as is the case in Pakistan, Yemen and Somalia. This paper focuses on the legality of drones under international law in Pakistan only. The North Western Frontier Provinces and Federally Administered Tribal Areas of Pakistan share a border with Afghanistan. Therefore, Al-Qaeda remnants often flee to North Western Frontier Provinces and Federally Administered Tribal Areas of Pakistan for safe haven. This is seen by the United States as a spillover of the Afghan Conflict into Pakistan and as a justification for use of drones in Pakistan. Considering these facts, this paper shall analyse the legality of drone operations in Pakistan under the UN Charter, International Humanitarian Law and Human Rights Law. The use of drones seems to have infringed Articles 2 (4) and 51 of UN Charter, the principles and rules on the conduct of hostilities under International Humanitarian Law and the principles of necessity and proportionality under the law and order paradigm of Human Rights Law. Due to the infringement of these rules and principles, the International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts comes into play. The United States of America may be held accountable under these Articles.

* BA, LLB (University of Kashmir), LLM (Geneva Academy of International Humanitarian Law and Human Rights).