



Advisory Opinion on the Legality of Use of Drones

ARGUED: 26 November 2019

DECIDED: 26 November 2019

1 This advisory opinion was signed and agreed upon by Vice President Postula of India, Justice Marr of the
2 Islamic Republic of Iran, Justice Peavey of Singapore, and Justice Anderson of Austria.

3 The question presented before the Court was the legality of the use of Unmanned Aerial Vehicles (UAVs) in
4 conflict zones as well as the distinction, if any, between the use of UAVs as an intelligence gathering tool and as a
5 tool of targeted weapon of war. This was a request from the Secretary-General on behalf of the General Assembly.

6 Under Article 65, paragraph 1, of the Statute and Article 96, paragraph 1, of the Charter Along with the
7 competence of the General Assembly to seek advisory opinions These requests are made in accordance with the
8 Charter And the questions submitted to the Court are legal in character. This gives the Court jurisdiction to present
9 this advisory opinion

10 The Court was asked to consider articles 25 through 28 of the Hague Convention and the Fourth Geneva
11 Conventions, Law of Armed Conflict, and Use of Force in deciding this opinion. In addition, the Court also used
12 precedents set by previous Advisory Opinions on Nuclear Weapons and international humanitarian law.

13 As established by this Court in previous advisory opinions on the use-of-force in cases of indirect uses of
14 force, non-lethal activities, which includes intelligence gathering operations, does not constitute a use-of-force and
15 thus is not illegal.

16 This case deals closely with the concept of justified use-of-force and how it applies to the use of UAVs in
17 conflict zones. First and foremost, the purposeful targeting of any civilian populations with UAV technology is a
18 direct violation of the Geneva Conventions on the laws of war, specifically the 4th Convention on the Protection
19 of Civilian Persons in Time of War. Additionally, it violates the Right to Life as established in the International
20 Covenant on Civil and Political Rights under Article 6, which states that no one shall be arbitrarily deprived of
21 his life. This right cannot be derogated even in times of conflict. However, this is complicated by the concept of
22 just use-of-force in cases of self-defense. In order for self-defense to be justified, it has to be both necessary and a
23 proportionate response to the act of aggression. In cases where one state has consented for the use-of-force to be
24 exercised on their territory by another state the use-of-force prohibition has not been violated. Barring the attacking
25 of civilians this does not make the use of UAV illegal.

26 The Court has come to the conclusion that the use of UAVs is illegal in the attack and bombardment of
27 towns, villages, dwellings, or buildings which are undefended. The Court firmly believes that utilizing UAVs for the
28 purpose of committing war crimes are illegal and nations should abstain from using them if it violates international
29 humanitarian law.

30 The Court would highly recommend that nations who wish to use UAVs abide by the Hague Convention
31 and the Geneva Convention while using UAVs toward militant groups, especially the aspects of proportionality and
32 bearing in mind the Just War Doctrine in all activities. However, the court is not willing to ban their use outright
33 due to the fact that the technology abides by the Legal Use of Armed Conflict in the abstract.

34 The Court recognizes that this advisory opinion is not binding, however the Court hopes that the General
35 Assembly will utilize this opinion to influence future international law, especially with regard to UAVs.

Signed By

Justice Elliot Anderson

Justice Rebecca Postula

Justice Ashton Kimberly Marr

Justice Tiana-Marie Peavey