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Drone Warfare in the Mirror of Human Rights

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ABSTRACT

International humanitarian law is divided into two main "branches": jus in bello and jus ad bellum. The jus ad bellum is the branch of international humanitarian law that deals with the rules that govern the justification of the use of force by states, for example, the question of whether a war is defensible; historically, it was the analysis that formed the basis of the just war theory. Today, Article 51 of the UN Charter reflects a recognized jus ad bellum justification in the form of self-defense; other similar justifications, such as those based on the responsibility to protect and humanitarian intervention, have still not acquired the status of customary international law. The traditional distinction between the two bodies of international humanitarian law entails that warfare, governed by the principles of military necessity, is a distinction between proportionality and humanity (jus in bello), separated from reasons and legal justification (jus ad bellum). However, such distinctions between these two categories of law in armed conflict are increasingly arbitrary and outdated, and the justification of the use of drones in humanitarian law terms further complicates the situation.

Keywords: *Drones; Terrorism; Humanitarian Law; Drone Strikes; Military Law*

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INTRODUCTION

International humanitarian law is divided into two main "branches": jus in bello and jus ad bellum. The jus ad bellum is the branch of international humanitarian law that deals with the rules that govern the justification of the use of force by states, for example, the question of whether a war is defensible; historically, it was the analysis that formed the basis of the just war theory.

Today, Article 51 of the UN Charter reflects a recognised jus ad bellum justification in the form of self-defence; other similar justifications, such as those based on the responsibility to protect and humanitarian intervention, have still not acquired the status of customary international law.

In addition, for a legitimate situation of self-defence to exist, the armed attack must be attributable to the state (the content of which was elaborated by the International Court of Justice in the Nicaragua case), and finally, the response to self-defence must also meet the requirements of necessity and proportionality (and the state is obliged to promptly notify the Security Council of such action).[1] "*Humanitarian law does not, of course, exist in a vacuum, but as a sub-field of international law, which comes into contact not only with other rules of international law, but also with other legal systems.*"[2]

The traditional distinction between the two bodies of international humanitarian law entails that warfare, governed by the principles of military necessity, is a distinction between proportionality and humanity (jus in bello), separated from reasons and legal justification (*jus ad bellum*). "*The rules applicable in an armed*

[1] Siska, Katalin, 2010, *The basic questions of international law in the context of the theory and history of international relations: a textbook for public administration managers*, Debrecen: Debreceni University Publishing House, Debrecen, p. 69-82. and Siska, Katalin-Szemesi, Sándor, 2006, *The history of international law*, Debrecen: Kossuth University Publishing House, p. 66-81.

[2] Ágoston Mohay: Some questions of the limits of application of humanitarian law - from the perspective of European judicial forums, JURA 2017/2. p. 134.

conflict already in progress are contained in the ius in bello set of rules."[3] However, such distinctions between these two categories of law in armed conflicts are increasingly arbitrary and outdated, and the justification of the use of drones from a humanitarian law perspective further complicates the situation.

I attempt to resolve the conflict arising from this situation in the form of the present paper by applying a fundamentally evaluative research method. As a tentative conclusion, I hypothesize that the use of military drones is fully justifiable from a humanitarian law perspective, and that the use of drones is the most appropriate tool for compliance with the rules of humanitarian law in 21st century warfare. I considered it appropriate to use the evaluative research method, because evaluative research is carried out when some kind of social intervention is taking place or is planned.[4]

The use of military drones is clearly a social intervention that will have certain social effects, whether positive or negative. I structured my thesis in this light, starting with a military law perspective in which I reviewed the foundations of humanitarian law in order to define the conceptual basis, and then analysed the military law situation of drones specifically, thus linking humanitarian law to military drones. I then used a conceptual method to analyse the use of military drones and their compliance with the humanitarian law principles arising from their use.

[3] Katalin Siska - Sándor Szemesi: A nemzetközi jog alapintézményei, Lícium Art Könyvkiadó Kft., Debrecen, 2011. p. 177.

[4] Earl Babbie: The Practice of Social Science Research (2003) p. 383.

THE FUNDAMENTALS OF HUMANITARIAN LAW

Initially, all armed confrontations were called war, but nowadays, given the nature, quality, spatial manifestation and extent of violence, or the aspects of establishing legal responsibility, 'war' no longer perfectly covers all forms of armed confrontation. The concept of 'armed conflict' emerged in the second half of the twentieth century through a long process of legal development and now serves as a comprehensive umbrella term, which is also preferred in modern international legal terminology. At the same time, it is necessary to note that not all armed conflicts are wars, but all wars are a form of armed conflict.

However, 'armed conflict' is a rather broad concept, covering various manifestations of violence. Armed clashes can be grouped into international and non-international armed clashes on the basis of whether the clash crosses state borders. However, it is important to note that, initially, conflicts within borders were governed exclusively by internal, national law (the reason for which, moreover, goes back to sovereignty); international or inter-state conflicts were governed by international humanitarian law, in fact by the rules *of ius in bello*. This has now changed to the extent that certain non-international conflicts may also be covered by humanitarian law: for example, if the intensity of the internal conflict becomes such that neighboring states treat it as a conflict to be considered as a conflict within the same category as the international conflict, or if it is initiated to assert the right of self-determination.

It also includes liberation movements or, for example, the historical emergence of movements to abolish slavery[5] or struggles for

[5] Katalin Siska: Slavery in Islamic law. Has it ended or is it still going on? -Kiskolci Jogi Szemle: Journal of the Faculty of Law and Political Science, University of Miskolc 11: (2016) p. 1.

the rights of minorities.[6] "*The particular relationship between religion and nationalism - whether their incompatibility or their coexistence - has long been a focus of scholarly interest.*"[7] Obviously, the historical context is also an obstacle to this kind of development, for example the Turkish millet system. "*The religiously based division was represented by the millet system, whose socio-cultural 'fabric' was determined by linguistic, communal, ethnic and family affiliations in addition to religious aspects, and was in effect created to fuse family and community.*" [8]

The *ius in bello* is in fact the law applicable in war, the set of rules governing wars. The concept should not be confused with the right to go to war, *ius ad bellum*, which is part of the sovereignty of states. In a narrower sense, humanitarian law is a set of humanitarian rules applicable in armed conflicts. In a broader sense, humanitarian law is generally understood to be the law of armed conflict, or *ius in bello*, (Some authors also use the term 'law of war' synonymously, but in our view the law of war is identified with one of the two major branches of humanitarian law, the law of The Hague.)

We distinguish between two distinct branches of humanitarian law, Hague law and Geneva law: the former refers to a number of Hague Conventions and deals with warfare (war), its means and methods, while the latter refers to the more narrowly defined norms of humanitarian law adopted in Geneva. "*The rules of modern international humanitarian law are contained in the Geneva Conventions.*"[9]

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[6] Katalin Siska:The Development of Minority Rights in Turkey, with Special Reference to the Provisions of the Treaty of Lausanne - IUSTUM AEQUUM SALUTARE 12: p. 1. (2016) Available on website: https://ias.jak.ppke.hu/20163sz/11_Siska_IAS_2016_3.pdf (Accessed 21.08.2023.)

[7] Katalin Siska: Continuity and Change, Islam and Secularism in the Late Ottoman Empire and Young Turkey, JURA 23: p. 1. Available on website: https://szakcikkadatbazis.hu/doc/7565490 (Accessed 20.09.2023).

[8] Katalin Siska: The dimensions of the Ottoman public administration - Pro Publico Bono: 2017/1 p. 184. Available on website: https://folyoirat.ludovika.hu/index.php/ppbmk/article/view/1912 (Accessed 19.09.2023).

[9] Lászlóné Katalin Szűcs Siska:International Law. Universitas-Győr Nonprofit Ltd. Publisher, Győr, 2023. p. 305.

The basic principles of Geneva law are humanity, necessity, proportionality and distinction. International armed conflicts are therefore mainly wars characterised by "combat being fought by armed forces under responsible command, the parties wearing uniforms or distinctive markings which can be recognised at a distance." Typical non-international armed conflicts are civil wars, resistance movements, insurrections and mass uprisings, which are therefore not subject to the rules of humanitarian law, with the exception already mentioned.

Piracy, internal tension and distress are also outside the scope of its scope. As a general rule, these are governed by the internal laws of the state concerned. The armed conflicts are closely linked to the modes of warfare. The mode of warfare is in fact the totality of the forms and methods of employment of armed forces. Modes of warfare include the movement-centred culture of war, the material-centred culture of war, the guerrilla culture of warfare and, according to some authors, terrorism.

It is important to note, however, that there is currently no comprehensive and complete definition of terrorism, and therefore its taxonomical classification is also disputed.In addition to the act itself, terrorism is also defined by the goal to be achieved, the motivation and the quality of the perpetrator. In our contemporary terms, many contemporary wars would be better classified as acts of terrorism, but the main distinction between war and acts of terrorism is that while the aim of war is to weaken the enemy's forces, with civilian casualties being primarily incidental or collateral, the primary aim of terrorism is to carry out attacks against civilians, to destroy, bomb, and cause international repercussions and outrage.

It is also characteristic of terrorism that, despite the global nature of the problem, its eradication is still primarily left to national law. Obviously, the influence of various Islamic and other ideologies is quite strong here, and there are signs of liberalisation and a willingness to align with Western perceptions in Islamic areas. I am

thinking here, for example, of "*Turkey's historic move after the Second World War to oppose communism and Soviet expansionism.*"[10] To crown this policy, Turkey became a member of NATO in 1952, along with Greece. It is important to note, however, that the relationship between church and state in Turkey is still characterised by secularism, which is obviously an obstacle to this development.[11]

Obviously, when analysing the concept of terrorism, we cannot overlook the concept of citizenship, since identity is a decisive factor in the theoretical approach to terrorism.[12] Terrorism is one of the most typical forms of warfare today. Acts of terrorism are not recognised by the ius in bello, terror is illegal and some of its conduct can be considered war crimes. In armed conflicts, acts against civilians and property are generally prohibited, they can only result in collateral damage and must be necessary and proportionate.

Furthermore, the precise definition of combatants and the problems arising from the categorisation of those who are and are not involved in actual war conflicts are still a matter of debate. The notion of combatant has come under increasing attack as insurgent groups and guerrillas have begun to emerge in many hostilities, particularly after World War II. Protocol I attempted to redefine the concept of combatant in the light of modern warfare tactics, but it remained controversial. The distinction between civilians and military personnel remains the basis of the provisions guaranteeing the protection of civilians. Under the 1907 Hague Convention,

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[10] Katalin Siska: Reflections on Turkey's Foreign Policy in the 21st Century - JURA 24: p. 428. (2018) Available on website: https://jura.ajk.pte.hu/JURA_2018_1.pdf (Accessed 22.08.2023.)

[11] Katalin Siska: Reflections on the Roots of Turkish Secularism - JURA: 22: p. 333. (2016) Available on website: https://szakcikkadatbazis.hu/doc/2242359 (Date of access: 23.08.2023.)

[12] Katalin Siska: The impact of Mustafa Kemal Atatürk on the concept of Turkish identity and citizenship, with special reference to constitutional law - JOG STATE POLITICS: JURAL AND POLITICAL STUDIES JOURNAL 8: p. 71. (2016) Available on website:: http://epa.oszk.hu/03000/03010/00001/pdf/EPA03010_jap_2016-01_061-075.pdf (Accessed 16.08.2023)

combatants are defined as soldiers of the army and, under certain conditions, members of militias and popular insurgents.

This clear definition of combatants was undermined by the spread of guerrilla warfare. According to Mao Tse-tung, the guerrilla lived among the population like a fish in the sea, making it difficult to distinguish between combatants and civilians. Civilians should not be targets for military attack. The Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict protects cultural objects and buildings, as well as objects necessary for the survival of the civilian population, such as food, livestock and drinking water supplies.

The 1949 Geneva Convention recognises the status of a guerrilla as a combatant, provided that he carries his weapons openly, distinguishes himself from the civilian population, is under responsible command and respects the laws and customs of war. The 1977 Additional Protocol I on the Protection of Victims of International Armed Conflicts relaxed these conditions considerably: the open carrying of weapons was only required during military confrontation or during the build-up to it, i.e. when exposed to the enemy's detection.

The situation is further complicated by the emergence of drone operators which represent a rather hybrid version of the combatant status. Having reviewed the basics of humanitarian law, and in order to have a better overview of the humanitarian problems arising from the drone operator, I considered it important to address the general situation of military drones from a specifically military law perspective, thus linking humanitarian law and the problems arising from the use of drones

THE STATUS OF DRONES IN MILITARY LAW

The United States Federal Aviation Administration (FAA) Modernization Act of 2012 states that a drone is a device consisting of an unmanned or unmanned aircraft and the components necessary for its safe and efficient operation.[13] Unmanned Aerial Systems ("UAS") are therefore complex structures that are essentially made up of two components. The first is the flying surface itself, which allows three-dimensional movement, and the second comprises the instruments and devices that are mounted on the first element. "*The moving platform, which is the basis of the drones, is the part of the system that can fly remotely or autonomously.*[14] "

In the former case, a human controls the device from the ground. This type of control is most commonly seen in drones used for combat and recreational purposes. Today, however, it is also possible to pre-program the flight path using a computer on board the UAS or other communication devices. As a result, the system will fly autonomously without external intervention, with human intervention only required in an emergency. *However, full autonomous operation remains to be seen, as science has not yet reached the stage where UAS are capable of making decisions and planning autonomously, so human intervention is still a constant but not necessarily necessary feature of drone operations.*[15]

The technologies that make up the second component of unmanned aerial systems can be divided into two groups. In the first group, there is a relatively stable element, which is nothing more than

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[13] FAA Modernization and Reform Act of 2012, Pub. L-. No. 112-95. § 331(9).

[14] AIR 160: Interim Operational Approval Guidance 08-01 of the Aviation Safety Unmanned Aircraft Program Office of the FAA on Unmanned Aircraft Systems Operations in U.S. National Airspace System, 13 March 2008. Available on website: http://www.uadrones.net/civilian/resear-ch/acrobat/080313.pdf (Retrieved 26.05.2023).

[15] Noel Sharkey: Saying 'No!' to Lethal Autonomous Targeting, Journal of Military Ethics, 2010.(4) 369-383.

the systems that provide the control and communication links necessary to coordinate the movements of UAS.[16] The second is a variable component consisting of solutions adapted to the function of the drone. *For example, UAS can be equipped with various information gathering technologies such as high-resolution cameras, thermal and wall-viewing or eavesdropping devices, infrared or UV sensors.*[17]

Other possible applications include various data processing systems such as facial recognition or other biometric technologies.[18] The drones can also be equipped with radars, GPS and motion trackers to track specific targets.[19] The size, flight range and time of the system as a whole are determined by the flying platform. On this basis, a distinction can be made between small UAS, which are defined as drones that weigh less than 25 kilograms and fly at a height of less than 122 metres.[20] *Large UAS are defined as systems that are heavier, have longer flight times and are more expensive, the best known examples being drones for combat purposes.*[21] What a UAS can be used for is determined by the technologies installed on the flying structure. [22]

Today, when the average person hears the term "drone", the first thing that comes to mind is the reconnaissance and strike detection tools used in the US military, but there are now more than

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[16] FAA Modernization and Reform Act of 2012, Pub. L-. No. 112-95. § 331(9).

[17] Jonathan Olivito: Beyond the Fourth Amendment: Limiting Drone Surveillance Through the Constitutional Right to Informational Privacy, Ohio State Law Journal, 2013.(4) 677.

[18] Sean Sullivan: Domestic Drone Use and the Mosaic Theory, University of New Mexico School of Law Legal Studies Research Paper Series, Paper No. 2013-02 1.

[19] Sean Sullivan: Domestic Drone Use and the Mosaic Theory, University of New Mexico School of Law Legal Studies Research Paper Series, Paper No. 2013-02 2.

[20] GAO-12-981: Report of the U.S. Government Accountability Office on Unmanned Aircraft Systems - Measuring Progress and Addressing Potential Privacy Concerns would Facilitate Integration into the National Airspace System, September 2012. Available on website: http://www. gao.gov/assets/650/648348.pdf (Retrieved 27.05.2023)

[21] GAO-12-981: Report of the U.S. Government Accountability Office on Unmanned Aircraft Systems - Measuring Progress and Addressing Potential Privacy Concerns would Facilitate Integration into the National Airspace System, September 2012. Available on website: http://www. gao.gov/assets/650/648348.pdf Retrieved (13.07.2018) 5.

[22] Jonathan Olivito: Beyond the Fourth Amendment: Limiting Drone Surveillance Through the Constitutional Right to Informational Privacy, Ohio State Law Journal, 2013.(4) 677.

400 different applications for unmanned systems used for non-military purposes. The new devices are small, can be remotely piloted, have excellent manoeuvrability, are quiet and can be equipped with a wide range of devices and sensors. Their uptake has accelerated mainly because they are now available at affordable prices for private users.

One of the main criticisms of current drone strikes in the area of jus ad bellum is whether the right to self-defence can be invoked against a terrorist organisation, i.e. a non-state actor. In my opinion, it can, provided that the terrorist organisation is under the control of the State concerned, or if the State concerned provides shelter and/or support to terrorists, then the acts of that organisation can be attributed to the acts of the State.

The question rightly arises as to what happens if a 'cyber-terrorist' manages to take control of an armed drone - owned or used by the state in question - and uses it to communicate his ideological message or, as the case may be, to start an international conflict, since the victim state will not know that the drone was controlled by a terrorist at the time of the attack. The above example clearly shows that in the context of military operations carried out by remote-controlled or completely unmanned machines, a number of legal (military law, human rights, privacy) and ethical concerns have recently arisen, which have yet to be fully resolved and the questions raised answered in a reassuring manner.

According to some, unmanned aerial vehicles (UAVs), also known as 'drones', are well on the way to becoming 'killer applications', i.e. new technologies that are not only lethal but also completely change the rules of warfare. It is difficult to predict what this turnaround will look like, especially since many experts believe that we are now in the same situation with unmanned systems as we were with the automobile at the beginning of the 20th century."[23]

[23] Singer, Peter W. -STAUCH, Günther -BUCK, Christian: Mords -maschinen - Technology Review, Heise Zeitschriften Verlag (May, 2012), pp. 28 -34. - Available on

According to critics, the operators of remote-controlled combat equipment have a reduced sense of responsibility due to the distance from the actual site of deployment,[24] the lack of concrete experience of the destruction caused by weapons, the "video - gamification of war"[25] makes the decision to use weapons more frivolous.[26] The former view is not shared by the crew members flying unmanned aircraft, who express a sense of responsibility and awareness of the real consequences of their decisions.[27]

In addition to all this, experts also acknowledge that drone operators, although not in immediate physical danger, are subjected to similar or even greater psychological stress and strain during their work than if they were actually on the battlefield, because the aircraft they are controlling is over the target under attack, they are immediately confronted with the "result" and the sight of the destruction during the obligatory battle damage assessment, unlike, for example, soldiers who carry out the mission with "conventional" weapons (guns, tanks, gravity bombs).[28]

As for the accusation of frivolous killing, Sparrow points out that reducing the distance between combatants does not automatically imply greater adherence to humanitarian principles: citing the examples of Kosovo and Rwanda, he notes that "the most brutal atrocities of modern times have been committed in relatively

website:: http://www.heise.de/tr/artikel/Mords- Maschinen- 1544097.html(Downloaded on 28.05.2023.)

[24] Béla Koleszár: Ethical issues of robot warfare, Military Morality - II: Military Engineer, Vol. V No. 1 (2010), pp. 266-283.

[25] Muarellio, Tracie: Do drones make killing and spying too easy - Available on website: http://www.postgazette.com/stories/news/world/do-drones-make-killing-spying-too-easy-633606/ (Retrieved from 27.05.2017)

[26] Altmann, Jürgen: Preventive Arms Control for Uninhabited Military Vehicles -In: R. Capurro and M. Nagenborg (Eds.), Ethics and Robotics, AKA Verlag Heidelberg (2009), pp. 69 - 82.

[27] Martin, Matt J. - SASSER, Charles W.: Predator: The Remote -Conrol Air War over Iraq and Afghanistan: A Pilot's Story - Zenith Press (2010) -ISBN: 978-0-760-3896 -4, 310 p.

[28] Oudes, Cor,: Does Unmanned Make Unacceptable? Exploring the Debate on using Drones and Robots in Warfare -IKV Pax Christi (May 2011) - ISBN: 9789070443672, 39 p.

small areas by men armed with rifles and machetes"[29] . In addition to the above questions, from a military law perspective, there is a serious question mark over the status of personnel operating unmanned equipment, *i.e.* to what extent can they be considered combatants, legitimate military targets, especially given their physical absence from the area of operations? The current understanding, which is relatively consistent, is that drone operators are legitimate targets in the same way as other members of the armed forces, since they actively contribute to the conduct of military operations, and therefore their person and

their "workplace" (the base where the control centre is located) can be legally challenged. The issue is further complicated by the fact that some countries (*e.g.* the Netherlands) employ civilian personnel, employees of specialised civilian companies, as drone operators, rather than military personnel.[30]

In conclusion, these persons lose their protected status and become legitimate military targets. Periodically, we also encounter the criticism that the development of drones and other military robots is directly contrary to the jus ad bellum requirement, because it encourages politicians to go to war. The main argument is that the fact that the operator(s) remain(s) in a safe environment and the mission is carried out by a machine, makes it easier for politicians to decide to engage in this kind of armed conflict.

The *use of remote-controlled or self-propelled military equipment lowers the barrier to entry into war, as machines reduce the loss of manpower and hence the political cost of going to war.*[31] Consequently, the use of remote-controlled military devices and robots can lead to an increase

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[29] Sparrow, Rob: Robotic Weapons and the Future of War - In: Jessica Wolfendale and Paolo Tripodi (eds): New Wars and New Soldiers: Military Ethics in the Contemporary World - Ashgate Publishing, Ltd. (2011), pp. 117 -133. - ISBN: 9781409401056, 281 p

[30] Oudes Wim: Does Unmanned Make Unacceptable? Exploring the Debate on using Drones and Robots in Warfare - IKV Pax Christi (May 2011) - ISBN: 9789070443672, 39 p.

[31] FOUST, Joshua: Unaccountable Killing Machines: The True Cost of U.S. Drones - Available on website: https://www.americansecurityproject.org/the-atlantic-joshua-foust-unaccountable-killing-machines-the-true-cost-of-u-s-drones/ (Retrieved 27.05.2023)

in armed intervention, because decision-makers can order military action in the knowledge that they will suffer little or no loss of life.[32]

Altmann also highlights the risk of conflict-exploitation inherent in drones, pointing out that unmanned aircraft are more difficult to detect because of their relatively low altitude and speed, and are therefore easy to use to fly into another country's airspace without permission and carry out precision operations there. Such an operation, if it were to be discovered, would be likely to incur the displeasure of the leadership of the country concerned. The situation would be further complicated if the country concerned were to shoot down the device in self-defence.[33]

There are also other views on the subject, according to which some countries (*e.g.* Pakistan) tolerate such operations only because the devices are unmanned and therefore their flight does not constitute a border crossing by foreign soldiers, which they would not otherwise allow.[34] In recent years, the importance of drones and the frequency with which they are used has clearly increased, while the rest of the military has relatively decreased.

In conclusion, these persons lose their protected status and become legitimate military targets. Periodically, we also encounter the criticism that the development of drones and other military robots is directly contrary to the jus ad bellum requirement, because it encourages politicians to go to war. The main argument is that the fact that the operator(s) remain(s) in a safe environment and the mission is carried out by a machine, makes it easier for politicians to decide to engage in this kind of armed conflict. The *use of remote-controlled or*

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[32] Lin, Patrick - BEKEY, George - ABNEY, Keith: Autonomous Military Robotics: Risk, Ethics, and Design - CALPOLY, US Department of Navy, Office of Naval Research - Available on website: https://apps.dtic.mil/sti/citations/ADA534697 (Retrieved 27.05.2023)

[33] Altmann, Jürgen: Preventive Arms Control for Uninhabited Military Vehicles -In: R. Capurro and M. Nagenborg (Eds.), Ethics and Robotics, AKA Verlag Heidelberg (2009), pp. 76-77

[34] Oudes, Cor -ZWIJNENBURG, Wim: Does Unmanned Make Unacceptable? Exploring the Debate on using Drones and Robots in Warfare -IKV Pax Christi (May 2011) - ISBN: 9789070443672, 32 p.

self-propelled military equipment lowers the barrier to entry into war, as machines reduce the loss of manpower and hence the political cost of going to war.[35]

It may follow that the use of remote-controlled military devices and robots could lead to an increase in armed interventions, because decision-makers can order military operations in the knowledge that they will suffer little or no loss of life.[36] Altmann also highlights the risk of conflict-exploitation inherent in drones, pointing out that unmanned aircraft are more difficult to detect because of their relatively low altitude and speed, and are therefore easy to use to fly into another country's airspace without permission and carry out precision operations there.

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In recent years, the importance of drones and the frequency of their use has clearly increased, while the importance of the rest of the military has relatively decreased. Recognising the advantages of using devices that operate semi- or completely without human

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[35] FOUST, Joshua: Unaccountable Killing Machines: The True Cost of U.S. Drones - Available on website: https://www.americansecurityproject.org/the-atlantic-joshua-foust-unaccountable-killing-machines-the-true-cost-of-u-s-drones/ (Retrieved 27.05.2023)

[36] Lin, Patrick - BEKEY, George - ABNEY, Keith: Autonomous Military Robotics: Risk, Ethics, and Design - CALPOLY, US Department of Navy, Office of Naval Research - Available on website: https://apps.dtic.mil/sti/citations/ADA534697 (Retrieved 27.05.2023)

[37] Altmann, Jürgen: Preventive Arms Control for Uninhabited Military Vehicles -In: R. Capurro and M. Nagenborg (Eds.), Ethics and Robotics, AKA Verlag Heidelberg (2009), pp. 76-77

[38] Oudes, Cor -ZWIJNENBURG, Wim: Does Unmanned Make Unacceptable? Exploring the Debate on using Drones and Robots in Warfare -IKV Pax Christi (May 2011) - ISBN: 9789070443672, 32 p.

control, the world's major military powers took steps years ago to accelerate research and deploy an increasing number of autonomous devices.

The best example of this is the United States of America,[39] where in 2005 a committee of experts, citing that unmanned aerial vehicles had already demonstrated their operational applicability and military value in a number of operations, recommended that the integration of UAVs currently in production or under development into military operations should be accelerated and their capabilities fully exploited, for all forces.[40]

The US continues to place a strong emphasis on the integration of autonomous assets into the military. The latest plan, which extends to 2036, calls for the continued use and development of unmanned assets and new technologies for military use. It also calls on the Ministry of Defence to seek the systemisation of devices with a higher degree of autonomy in order to reduce the need for human resources and dependence on full-time broadband communications, as well as to reduce the time spent on decision-making processes.

However, the document also points out that when considering the autonomy of machinery, it is necessary to take into account the financial possibilities, the operational feasibility, the new technological developments, the various guidelines, public opinion and the disadvantages of autonomy.[41]

The vision for the future of the world's military superpower is very clearly set out in this plan: a seamless integration of different capabilities operating without human control, providing flexible options for all forces, while exploiting the advantages of these assets,

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[39] Murray, Williamson: The Making of Strategy: Rulers, States, and War - Cambridge University Press (1994), p. 465.

[40] Autonomous Vehicles in Support of Naval Operations - Committee on Autonomous Vehicles in Support of Naval Operations, National Research Council National Academies Press (19.04.2005) - Available on website: (Downloaded 27.05.2023)

[41] Unmanned Systems Integrated Roadmap FY2011 -2036 -USA Department of Defence, Ref.No. 11-S-3613 - Available on website: https://apps.dtic.mil/sti/pdfs/ADA589291.pdf (Downloaded: 2023.05.27.)

including resilience, size, speed, manoeuvrability and reduction of threats to human life.

Systems without human control will interact with human systems and, in parallel, the degree of human control and decision-making over systems without direct human control used by the military will be progressively reduced. In addition to the US's grand vision of robotics, it is worth noting that the British armed forces, despite their use of unmanned aircraft in theatre, are far from ambitious. *According to the UK Ministry of Defence's 2011 Joint Forces Doctrine on the subject, the UK, although at the forefront of technological developments in many areas, has limited experience of operating modern unmanned aircraft capable of performing a given task and little operational analysis is available.*[42]

The paper highlights that, in the absence of higher level political guidance, all unmanned aircraft systems used by the UK Armed Forces have been procured or leased under the Urgent Operational Requirements procedure, given that these systems have been put in place not on the basis of long-term capability development but because of immediate operational necessity. It is therefore not entirely clear, according to the document, what will happen to these systems after the end of the operation in Afghanistan, after the withdrawal of forces, and which authority will be responsible for developing a comprehensive, overall force guidance on this issue.

Regardless of future procurements, it will be necessary to determine what future capabilities unmanned aerial vehicles may represent and how their deployment will impact on the organisations that use them.[43] The

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[42] The UK Approach to Unmanned Aircraft Systems, Joint Doctrine Note 2/11 - Ministry of Defence, Development, Concepts and Doctrine Centre (30 March 2011) - Available on website: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/644084/20110505-JDN_2-11_UAS_archived-U.pdf (Retrieved 27.05.2023.)

[43] The UK Approach to Unmanned Aircraft Systems, Joint Doctrine Note 2/11 - Ministry of Defence, Development, Concepts and Doctrine Centre (30 March 2011) - Available on website: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/644084/20110505-JDN_2-11_UAS_archived-U.pdf (Retrieved 26.05.2023)

doctrine also points out that if we look at unmanned aircraft as systems, and take into account their ever-expanding range of increasingly modern and therefore much more expensive technical equipment, the value for money is no longer as attractive, at least compared to piloted aircraft.

According to the 'Defence Equipment Plan 2012' published in January 2013, the UK Ministry of Defence intends to spend around £18.5 billion over the next 10 years on developing air combat capabilities, with a particular emphasis on the procurement and development of unmanned aerial assets.[44]

A striking example of the UK's ambition is the UK-France agreement in July 2012 to develop a joint Future Combat Air System. Furthermore, the MoD confirmed in May 2012 that it is in talks with the US Government to collaborate on the X-47B unmanned aerial demonstration system. The UK is also involved in the development of the Neuron Unmanned Combat Air Vehicle, in which several other European states (France, Greece, Italy, Spain, Sweden and Switzerland) are also interested.[45]

THE LEGAL BASIS FOR THE USE OF UNMANNED AIRCRAFT IN ARMED CONFLICTS

The use of unmanned aircraft in armed conflicts is a complex issue that must be examined in the light of international humanitarian law and international instruments, or rather the lack thereof. In the midst of the rapid development of UAV technology, States and

[44] The Defence Equipment Plan 2012 - Ministry of Defence (31 January 2013) - Available on website: https://www.gov.uk/government/publications/the-defence-equipment-plan-2012 (Retrieved 27.05.2023)

[45] Brooke-Holland, Louisa: Unmanned Aerial Vehicles (drones): an introduction - Available on website: https://www.files.ethz.ch/isn/157096/SN06493.pdf (Retrieved 28.05.2023)

international organisations are sticking to existing regulations and not seeking to create new legislation governing their use[46] . The concept of "Law should not follow drones, but drones should follow law" is established, stating that the general principles of international humanitarian law apply, which should be used to determine when a drone becomes a combat tool and what the limits of conflict are with its use.

These principles are set out in the Geneva Conventions, a body of law that is fundamental to humanitarian law: the first Geneva Convention of 1864 was concerned with mitigating the effects of war on soldiers, but the most relevant for the purposes of this article are the four Geneva Conventions of 12 August 1949 on the Protection of Victims of War and their Protocols. The UAV as a combat tool can be considered lawful or unlawful depending on the context - most notably the phenomenon of targeted killing, described below, which in military action can be considered a real act of assassination or extrajudicial execution outside armed conflict[47].

In this case, the existence of an armed conflict within the meaning of Article 2 of the four Geneva Conventions of 1949 would be relevant. International conflicts were also dealt with, but not defined in Article 3, referring to armed conflict in the territory of one of the parties to the Convention which is not international in character. The Conventions did not formulate criteria of intensity or extent of hostilities for the purpose of presuming the existence of an armed conflict.[48]

The mere existence of an armed conflict does not absolutely mean that states have an unlimited possibility to use drones. Article 35(1) of the Geneva Conventions' Additional Protocol I on the

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[46] Bachmann, S.D.: Targeted killings: contemporary challenges, risks and opportunities. journal of crime & security law. 18(2), (2013) 259. p.

[47] International Criminal Tribunal for the former Yugoslavia. The prosecutor v. Dusko Tadic. Decision on the defence motion for interlocutory appeal on Jurisdiction. IT-94-1-A (1995)

[48] Kułaga, Ł: Używanie dronów w celu zwalczania międzynarodowego terroryzmu w świetle "ius in bello." Zeszyty Prawnicze. 17(1), (2017) 107. p.

Protection of Victims of International Armed Conflicts prohibits the use of methods of warfare that may cause unnecessary suffering. The principle of distinction must also be respected in relation to the identification of civilians and soldiers, and civilian and military targets - then, under the provisions of Geneva Convention IV, it is prohibited to attack civilians and civilian targets and, as a consequence, to carry out mass attacks that do not distinguish between military and non-military targets.

The principles of proportionality and precaution are equally important. The former requires the prohibition of launching an attack that is likely to cause serious loss of civilian life, injury to civilians, damage to civilian objects, or a combination of these, which would be disproportionate to the concrete and direct military advantage expected.[49] As regards precautionary measures, compliance with or failure to comply with them may render an attack unlawful if justified under humanitarian law.[50] These would consist, inter alia, in the certainty that the target is military in nature and that the chosen method of attack would minimise collateral damage to the civilian population.

When assessing whether in a given situation the UAV was used in accordance with the rules in force, we must take into account the criteria mentioned above. Here we cannot forget another aspect, as important as legality - namely, is the use of drones in armed conflicts, even if genuine, moral in the light of humanitarian law? To answer this question, we need to specifically relate the use of military drones to 4 principles of humanitarian law. The 4 principles of humanitarian law are described in this and previous chapters. These principles are: humanity, necessity, proportionality and distinction. For the sake of

[49] Bucholc, M.: Użycie bezzałogowych aparatów latających w sytuacji konfliktu zbrojnego. Wybrane aspekty z zakresu międzynarodowego prawa humanitarnego. Polski Rocznik Praw Człowieka i Prawa Humanitarnego. (2012) 161. p.

[50] Blanford, N.: Twenty-eight years ago Hezbollah's leader was assassinated, and Israel paid a price. Atlantic Council. Available on website: https:// www.atlanticcouncil.org/blogs/iransource/twenty-eight-yearsago-hezbollahs-leader-was-assassinated-and-israel-paid-a-price/ (2020). (Retrieved 28.05.2023.)

clarity, we will now go through these points, with particular reference to the use of military drones

THE PRINCIPLES OF HUMANITY, NECESSITY, PROPORTIONALITY AND DISTINCTION

The principle of Humanity is a fundamental pillar of international humanitarian law, which includes the regulative objective that certain acts of harm cannot be justified on any grounds, even those that may be considered legitimate in a situation of war.Closely linked to this is the so-called The Martens clause, which is considered a fundamental principle of Geneva law (named after the Russian jurist Fyodor Martens (1845-1909)): until exhaustive rules are drawn up on the laws of war, the population and belligerents are protected by the principles of customary international law of war. As regards the Martens clause, it is still not entirely clear whether it can be considered a principle of the law of war.

Many argue that the demonstration of the principle of humanity cannot be considered a principle of the law of war in itself. "*Rather, it serves as a moral guideline for locating the law of war (including rules on the conduct of hostilities) within international law. It ensures that the law of war does not become a separate system and that the rules and customs of the law of war may be interpreted in conformity with other rules of international law.*" [51] On this basis, I believe that the term 'principle of unnecessary suffering' is more appropriate and preferable to the principle of humanity. The use of the latter term is more justified, especially since it is precisely found in Article 35(2) of Additional Protocol No. 1, which states that: '*The use of weapons, munitions and*

[51] Viola Vincze LL.M.*: The legality of the use of lethal autonomous weapon systems in hostilities* - Doctoral Thesis (2019), p. 9. Available on website: https://www.ajk.elte.hu/media/d8/77/0cb6814c7f2bcf8f910a35a019132d99f2f8e9ec616aa537dfb485b39ec0/AJDI_v%C3%A9d%C3%A9s_VinczeViola_t%C3%A9zisek.pdf (Retrieved 28.05.2023.)

material or methods of warfare which cause unnecessary damage or unnecessary suffering shall be prohibited.'[52]

A fundamental principle of international humanitarian law is to limit unnecessary suffering and harm to civilians in armed conflict. It is not the drone that is under scrutiny here, but the weapon that will be attached to it. It is important to note that when drones are used in warfare, the rules and regulations of international humanitarian law must be respected. It is therefore necessary to point out that no prohibited weapons (under international humanitarian law or specific treaties governing warfare) may be attached to a drone for the purpose of military operations in armed conflict.

By choosing weapons that are permitted under international humanitarian law and those that do not cause unnecessary injury or unnecessary suffering, we can comply with this principle. It therefore depends on the characteristics of the weapon used and the competence of the persons using it to carry out a given mission. Having reviewed the principle of unnecessary suffering, I thought it logically appropriate to review the principle of necessity.

The principle of necessity is to provide the military with the leeway necessary to achieve military objectives, both to justify the legitimacy of harmful acts against the enemy, such as attacks against the enemy's fighting soldiers, and to restrict such conduct, since unjustified harmful acts are unlawful, for example against the enemy's civilian population, wounded soldiers who are helpless, or attacks against soldiers who surrender.

The principle of military necessity requires combat forces to carry out only those acts that are necessary to achieve legitimate military objectives.[53] Beyond necessity, no targeting or attacking is allowed. It permits the destruction of property when the necessities

[52] Decree-Law No 20 of 1989 promulgating Additional Protocols I and II to the Conventions relative to the Protection of Victims of War, done at Geneva on 12 August 1949

[53] R. Anthony Finn: Developments and Challenges for Autonomous Unmanned Vehicles: a Compendium (2010.) 172. p.

of war so require.[54] However, the destruction of property as an end in itself violates international law, since there must be a rational connection between the destruction of property and the defeat of the enemy forces.[55]

During the war between America and the Taliban, US government officials expressed their views on drones as an invaluable tool against Al-Qaeda, the Taliban and other terrorist forces. Thanks to the cutting-edge technology built into today's drones, they offer precise targets for attacks. This gives both operators and advisors enough time to make the right decision on how to proceed with the target. Such technology can significantly reduce the number of violence, deaths and related fatalities against civilians in armed conflicts. In my opinion, this justifies the use of drones from a humanitarian law perspective, based on the principle of necessity. Following an overview of the principle of necessity, the next principle is the principle of proportionality, which follows from the principle of necessity.

The principle of proportionality requires the belligerent to assess the potential damage caused by the planned attack, as the attack must only cause damage that is absolutely necessary and must not exceed the military advantage that the attack would bring. The underlying aim of the proportionality principle is to strike a balance between military and human interests. The proportionality principle seeks to control and limit collateral damage to civilians and their property. Article 35(3) of Additional Protocol I states that: "The *use of methods or means of warfare which are intentionally or likely to cause widespread, lasting and serious damage to the natural environment is prohibited.*"[56]

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[54] R. Anthony Finn: Developments and Challenges for Autonomous Unmanned Vehicles: a Compendium (2010.) 173. p.

[55] R. Anthony Finn: Developments and Challenges for Autonomous Unmanned Vehicles: a Compendium (2010.) 174. p.

[56] Decree-Law No 20 of 1989 promulgating Additional Protocols I and II to the Conventions relative to the Protection of Victims of War, done at Geneva on 12 August 1949

The main aim of the provision is to reduce collateral damage in armed conflict and to make it clear that an unlimited number of means and methods of warfare cannot be used to attack the enemy. The Israeli Supreme Court in Public Committee against Torture in Israel v. Government of Israel[57] ruled that "*A civilian directly engaged in hostilities cannot be attacked if less harmful means can be used. In our domestic law, this rule is required by the principle of proportionality. Indeed, the military means chosen must be those which cause the least damage to the human rights of the person injured. Thus, if a terrorist who is directly involved in hostilities can be arrested, interrogated and brought to justice, these means must be used*".[58]

Weaponised drones offer the possibility of using less destructive weapons and gaining greater transparency and control over firing decisions. The principle of proportionality will apply even if a legitimate target is targeted. Various factors must be taken into account, such as control of the target, choice of weapon, timing of the attack.

By using drones, operators can minimise collateral damage in armed conflict by taking all the above factors into account and applying the necessary principles. Thus, given the right circumstances, the use of military drones is compatible with the principle of proportionality. However, one of the most complex issues with regard to the use of military drones is the principle of distinction itself. How can a distinction between targets be made, is it possible at all, and is it justifiable from a humanitarian law perspective?

The principle of distinction is a principle involving multiple obligations to make a clear distinction between combatants and noncombatants, between combatants in uniform or with distinctive markings, between combatants and neutral actors (e.g. *UN peacekeeping forces, aid agencies*), between combatants and non-

[57] Public Committee against Torture in Israel v. Government of Israel (2006) HCJ 769/02 (Supreme Court of Israel).

[58] Public Committee against Torture in Israel v. Government of Israel (2006) HCJ 769/02 (Supreme Court of Israel).

combatants, between other protected persons. The distinction principle states that in armed conflict a clear distinction must be made between combatants and protected persons, civilians and military objects.

Article 48 of Additional Protocol 1 to the Geneva Convention states that "*In order to ensure respect for and protection of civilians and civilian property, the Parties to the conflict shall at all times distinguish between civilians and combatants and between civilian property and military targets and shall therefore only engage in hostilities against military targets.*"[59] Technology is now so advanced that drones are equipped with precision-guided munitions and advanced imaging technologies. This allows operators to identify individuals' faces very clearly, and thus distinguish them as legitimate targets or protected persons.

The use of armed drones has been favoured by the US in the fight against terrorism because of their ability to provide high-bandwidth satellite communications, sensing technologies and full motion imagery. This means that, objectively speaking, drones are capable of meeting the principle of distinction not only in theory but also in practice, given their technical capabilities.

[59] Decree-Law No 20 of 1989 promulgating Additional Protocols I and II to the Conventions relative to the Protection of Victims of War, done at Geneva on 12 August 1949

CONCLUSION

In this study I have tried to justify the use of military drones from a humanitarian law perspective. Drones, beyond altering the ability of parties to comply with the laws of war, affect the delicate balance between the principles of necessity and humanity, and force us to reconsider assumptions about the permissibility of collateral damage. The possibility of collateral damage has always been taken into account, not only because of the large number of deaths that have occurred, but also because of the tacit understanding that a trade-off must be made between the safety of the attacker and that of civilians living near military targets. Nevertheless, with the continued existence of technological asymmetry, one might expect the laws of war themselves (or the "laws of drone use" as something separate) to evolve along asymmetrical lines. This is why I felt it was justified to undertake research that sought to apply a very broad area of law - humanitarian law - to a specific social or military tool, military drones. My research has shown that my hypothesis has been confirmed, *i.e.* that the use of military drones can be justified from a humanitarian law perspective, provided that the right circumstances are given

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REFERENCES

Altmann, Jürgen: Preventive Arms Control for Uninhabited Military Vehicles -In: R. Capurro and M. Nagenborg (Eds.), Ethics and Robotics, AKA Verlag Heidelberg (2009)

Bachmann, S.D.: Targeted killings: contemporary challenges, risks and opportunities. journal of crime & security law. 18(2), (2013)

Béla Koleszár:Ethical Issues of Robot Warfare, II Military Morality - In.: Military Engineer, Vol.V No.1 (2010)

Bucholc, M.: Użycie bezzałogowych aparatów latających w sytuacji konfliktu zbrojnego. Wybrane aspekty z zakresu międzynarodowego prawa humanitarnego. Polski Rocznik Praw Człowieka i Prawa Humanitarnego. (2012)

Decree-Law No 20 of 1989 promulgating Additional Protocols I and II to the Conventions relative to the Protection of Victims of War, done at Geneva on 12 August 1949

Earl Babbie: The Practice of Social Science Research (2003)

FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95. § 331(9)

Grotius, Hadijog (Ius ad Bellum), last accessed January 2024 via http://www.grotius.hu/publ/displ.asp?id=QBYJJT

Grotius, Hadijog (Ius in Bello), last accessed January 2024 via http://www.grotius.hu/publ/displ.asp?id=ZLQVLB

International Criminal Tribunal for the former Yugoslavia. The prosecutor v. Dusko Tadic. Decision on the defence motion for interlocutory appeal on Jurisdiction. IT-94-1-A (1995)

Joint Doctrine Note 2/11, The UK Approach to Unmanned Aircraft Systems, last accessed January 2024 via https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33711/20110505JDN_211_UAS_

Jonathan Olivito, Beyond the Fourth Amendment: Limiting Drone Surveillance Through the Constitutional Right to Informational Privacy, Ohio State Law Journal, 2013.

Joshua Foust, The Atlantic, Unaccountable Killing Mechines the True Cost of US Drones, last accessed January 2024 via http://www.theatlantic.com/international/archive/2011/12/unaccountable-killing-machines-the-true-cost-of-us-

Katalin Siska - Sándor Szemesi: The Basic Institutions of International Law, Lícium Art Könyvkiadó Kft., Debrecen, 2011.
Katalin Siska: Continuity and Change, Islam and Secularism in the Late Ottoman Empire and Young Turkey, JURA 23:
Katalin Siska: Reflections on the Roots of Turkish Secularism - JURA: 22: (2016)
Katalin Siska: Reflections on Turkey's Foreign Policy in the 21st Century - JURA 24: (2018)
Katalin Siska: Slavery in Islamic law. Has it ended or is it still going on? -Miskolci Jogi Szemle: Journal of the Faculty of Law and Political Science, University of Miskolc 11: (2016)
Katalin Siska: The impact of Mustafa Kemal Atatürk on the concept of Turkish identity and citizenship, with special reference to constitutional law - JOG STATE POLITICS: JURAL AND POLITICAL STUDIES JOURNAL 8:
Katalin Siska:Dimensions of the Ottoman Public Administration - Pro Publico Bono: 2017/1
Katalin Siska:The Development of Minority Rights in Turkey, with Special Reference to the Provisions of the Treaty of Lausanne - IUSTUM AEQUUM SALUTARE 12: (2016
Katalin Szűcs Lászlóné Siska: International law. Universitas-Győr Nonprofit Ltd. Publisher, Győr, 2023.
Kułaga, Ł: Używanie dronów w celu zwalczania międzynarodowego terroryzmu w świetle "ius in bello." Zeszyty Prawnicze. 17(1), (2017)
Lin, Abney, and Bekey, California Polytechnic State University: Autonomous Military Robotics:Risk, Ethics, and Design, last accessed January 2024 via http://ethics.calpoly.edu/ONR_report.pdf
Louisa Brooke-Holland, Unmanned Aerial Vehicles (drones): an Introduction, 2012 last accessed January 2024 via https://www.files.ethz.ch/isn/157096/SN06493.pdf
Martin, Matt J. - SASSER, Charles W.: Predator: The Remote Control Air War over Iraq and Afghanistan: A Pilot's Story - Zenith Press (2010) -ISBN: 978-0-760-3896 -4
Murray, Williamson: The Making of Strategy: Rulers, States, and War - Cambridge University Press (1994)

Nicholas Blanford, Atlantic Council, Twenty-Eight Years Ago Hezbollah's Leader Was Assassinated, and Israel Paid a Price, last accessed January 2024 via https://www.atlanticcouncil.org/blogs/iransource/twenty-eight-yearsago-hezbollahs-leader-was-assassinated-and-israel-paid-a-price/

Noel Sharkey: Saying 'No!' to Lethal Autonomous Targeting, Journal of Military Ethics, 2010. (4)

Oudes, Cor,: Does Unmanned Make Unacceptable? Exploring the Debate on using Drones and Robots in Warfare -IKV Pax Christi (2011) - ISBN: 9789070443672

Piblic Inteligence, last accessed January 2024 via http://info.publicintelligence.net/DoD

Pittsburgh Post Gazette, Do Drones Make Killing and Spying too Easy?, last accessed January 2024 via http://www.postgazette.com/stories/news/world/do-drones-make-killing-spying-too-easy-633606/

Public Committee against Torture in Israel v. Government of Israel (2006) HCJ 769/02 (Supreme Court of Israel)

R. Anthony Finn: Developments and Challenges for Autonomous Unmanned Vehicles: A Compendium (2010.)

Sean Sullivan: Domestic Drone Use and the Mosaic Theory, University of New Mexico School of Law Legal Studies Research Paper Series, Paper No. 2013-02

Siska, Katalin, 2010, *The basic issues of international law in relation to the theory and history of international relations: a textbook for public administration managers*, Debrecen: Debreceni University Publishing House, Debrecen, and Siska, Katalin-Szemesi, Sándor, 2006, *The history of international law*, Debrecen: Kossuth University Publishing House

Sparrow, Rob: Robotic Weapons and the Future of War - In: Jessica Wolfendale and Paolo Tripodi (eds): New Wars and New Soldiers: Military Ethics in the Contemporary World - Ashgate Publishing, Ltd. (2011), - ISBN: 9781409401056

Szalai, Anikó: A Fegyveres Összeütközések Hatása A Nemzetközi Szerződésekre, Szeged, 2013 available online via https://eta.bibl.u-szeged.hu/3950/1/2010-0012_06_01.pdf

UK Ministry of Defece and The Rt Hon Philip Hammond, Corporate Report, The defence equipment plan 2012, last accessed January 2024 via https://www.gov.uk/government/publications/the-defence-equipment-plan-2012

United States Government Accountability Office, Report to Congressional Requesters, Unmanned Aircraft Systems Measuring Progress and Addressing Potential Privacy Concerns Would Facilitate Integration into the National Airspace System September 2012, last accessed January 2024 via http://www.gao.gov/assets/650/648348.pdf

Unmanned Aerial Drones last accessed January 2024 via http://www.uadrones.net/civilian/resear-ch/acrobat/080313.pdf

VARGA Attila Ferenc, The Drones, As the Vehicles of The Risk-Free Warfare, Hadtudományi Szemle Vol.6 No.2 2013 available online via http://rduavproject.angelfire.com/pdf/unmannedsystems.pdf

Vincze Viola, Halálos Autonóm Fegyverrendszerek Használatának Jogszerűsége Az Ellenségeskedések Során, Doctoral Dissertation, last accessed January 2024 via https://www.ajk.elte.hu/media/d8/77/0cb6814c7f2bcf8f910a35a019132d99f2f8e9ec616aa537dfb485b39ec0/AJDI_v%C3%A9d%C3%A9s_VinczeViola_t%C3%A9zisek.pdf

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