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General Assembly First Committee *Disarmament and International Security*



United Nations Association in Canada
Association canadienne pour les Nations Unies

UNITED NATIONS GENERAL ASSEMBLY
FIRST COMMITTEE: DISARMAMENT AND INTERNATIONAL SECURITY (DISEC)

“Our interconnected world will make significant progress if the security, peace and stability exist for all peoples in all regions. We must intensify our efforts, as no obstacle is insurmountable.”

Ambassador Desra Percaya, Indonesia
Opening Debate, 2012 Meeting of DISEC

I. HISTORY

The First Committee on Disarmament and International Security (DISEC) was established by the United Nations to serve as a venue for representatives of all UN member nations to deliberate as equals on matters of international security.

The mandate of the committee, stated in Chapter IV, Article 11 of the UN Charter is to “consider the general principles of co-operation in the maintenance of international peace and security.”¹ While this bears obvious similarities to the responsibilities of the Security Council, unlike the Security Council, DISEC does not have the power to impose sanctions or to authorize armed intervention.

Additionally, unlike Security Council resolutions, resolutions passed by DISEC are non-binding on member nations. The Committee still serves to provide an arena for member nations to vote on a wide array of international security issues, communicate their positions to the UN Secretary-General and work to build international consensus.

II. CURRENT OPERATION

DISEC meets every year in October for a four or five week session, after the General Assembly General Debate has concluded. Generally, the Committee will consider approximately fifty to sixty resolutions and come to decisions relating to such issues as nuclear disarmament and non-proliferation, the control of conventional and unconventional weapons and reform of the UN’s disarmament machinery. Resolutions are passed by a simple majority vote.

III. CURRENT MEMBERSHIP

All 193 member states of the United Nations can send representatives to attend the meetings of DISEC, with each state having one vote.

IV. NOTABLE ACCOMPLISHMENTS

Among the most notable accomplishments of the DISEC are successful promotion, enforcement, and verification of the Treaty on the Non-Proliferation of Nuclear Weapons; the establishment of Nuclear Weapons Free Zones in Antarctica, Latin America, the South Pacific, Africa and Central Asia; and the Partial Test Ban Treaty, which bans the testing of nuclear weapons in outer space and under water.

¹ Un Charter - <http://www.un.org/en/documents/charter/chapter4.shtml>

TOPIC 1: CONTROLLING THE USE OF UNMANNED COMBAT AIR VEHICLES

I. WHAT ARE UNMANNED COMBAT AIR VEHICLES?

Simply described, an unmanned air vehicle (UAV) is an aircraft that is piloted remotely or by a computer program rather than by an airman sitting in the cockpit. An unmanned combat air vehicle (UCAV) is a UAV which has been equipped with weapons systems, usually air-to-surface missiles. To the extent that they are airborne weapons platforms that allow countries to destroy human and physical targets, UCAVs do not differ fundamentally from other forms of military airpower. However, there are key distinctions between UCAVs and traditional military aircraft which have important strategic implications.

The primary advantage of UCAVs is that they are able to remain airborne for longer periods of time than traditional aircraft. As such prototypical use of UCAVs is for surveillance purposes, militaries and intelligence services are able to observe large geographic areas in real time for extended periods. It is important to note, however, that despite the power of UCAVs as an intelligence-gathering tool, military planners remain reliant on more conventional forms of intelligence in conjunction with UCAV surveillance in order to identify military targets.

The second defining feature of UCAVs that distinguishes them from other airpower systems is that their use in combat operations poses no risk to the life of a human pilot. This feature carries serious legal and ethical implications. UCAV proponents also emphasize the supposed precision of UCAV strikes. The extent to which this claim is accurate depends on *how* UCAVs are used: like many weapons UCAVs possess no essential feature which makes them more or less inherently dangerous.

Partly because UCAVs are a relatively new technology, few countries possess an extensive policy and technological infrastructure abetting and governing their use. One country which does is the United States, which has placed UCAVs at the center of its strategy in the conflict formerly known as the Global War on Terror. Washington has accordingly established a system for the use of UCAVs which includes:

overt host-nation permission to base drones and associated launch and recovery personnel abroad, over flight rights through transit countries, nearby search-and-rescue forces to recover downed drones, satellites or assured access to commercial satellite bandwidth to transmit command-and-control data, and the human intelligence assets on the ground to help identify targets.²

Nevertheless UCAVs are steadily proliferating. Fifteen countries are currently known to possess UCAVs, almost all of them developed nations with modern militaries. The question of whether an international framework for the manufacture, spread, and use of these weapons is thus a pressing one for the First Committee.

II. HISTORY

While it not be immediately obvious, given that they are still considered a cutting-edge technology, UCAVs have a storied history dating back to the mid-nineteenth century. During the First Italian War of Independence, Austria attacked Venice with balloons carrying explosives. During the World Wars and the intermission between them, countries such as the United States and Britain experimented with radio-controlled aircraft. These vehicles were primarily used as target practice for training anti-aircraft gunners. The Second World War even saw the successful deployment of UCAVs, but their tactical use was roughly analogous to that of modern cruise missiles. The first remote-controlled aircraft used for reconnaissance purposes were launched in the mid-1950s by the United States, and a series of such platforms were used to spy on North Vietnam, China and North Korea in the 1960s and 1970s. The US Air Force (USAF) in fact deployed thousands of UAVs to survey North Vietnam between 1964 and the fall

² Canadian International Council, "Lethal Drones" - <http://opencanada.org/features/the-think-tank/essays/lethal-drones/>

of Saigon in April 1975. While there is evidence that the Soviet Union developed reconnaissance UAVs of its own, this history remains shrouded in secrecy to this day.

While the USAF had developed prototypes UAVs equipped with surveillance and strike capabilities by the 1970s, it took until the 1980s for American military planners to gain serious interest in using such platforms in actual combat operations. In 1984 the Defence Advanced Research Projects Agency (DARPA) funded the development of what became the forerunner for General Atomics' iconic MQ-1 Predator. The experience of USAF flying patrols over Iraq and the Balkans was also instructive – Air Force brass recognized that the use of UCAVs could permit the US to maintain a virtually uninterrupted presence in the skies of future conflict zones. The first Predator drones were deployed over the former Yugoslavia in 1995, and by the beginning of the Afghanistan War in 2001 the US was able to deploy sixty such aircrafts against the Taliban.³

III. CURRENT TRENDS IN PROLIFERATION

While the US remains the undisputed leader in both the development and use of UCAVs, the unique advantages of these weapons for conducting combat operations has attracted the interest of many other states. It is important to note that there is little credible, publicly available information about the progress different states have made in their own UCAV programs. Moreover, there is no international association for drone manufacturers and operators that provides reliable information on drones, or serves as a forum to exchange best practices. Over the next decade, there is a projected \$80 billion in global spending for drones,⁴ one of the few potential growth industries for the aerospace and defence sectors. It is unlikely that US predominance in this field will be rivalled as it is projected to account for 62 per cent of all drone research and development and 55 per cent of all procurement over this time period.

The American firms Northrop Grumman and General Atomics Aeronautical Systems currently dominate worldwide drone manufacturing, controlling 39.5 percent and 24.9 percent of the market respectively.⁵ No other company has more than three per cent of market share. The United States has prohibited selling armed drones to states like Pakistan, Turkey, Saudi Arabia, and the United Arab Emirates (UAE) that have requested the technology, although it has made exceptions for the UK, and possibly Italy. After the United States, Israel has the most developed and varied drone capabilities: According to the Stockholm International Peace Research Institute (SIPRI), Israel was responsible for 41 per cent of drones exported between 2001 and 2011. Israel reportedly sold the Harop, a short-range attack drone, to France, Germany, Turkey, and India.

At the same time, some states have reportedly successfully developed or obtained armed drones. China claims to have at least 25 prototypes of drones in development, including armed variants potentially for export. According to a July Pentagon report: “data on the actual extent of [drone] production is nearly non-existent, and there is little available information on China’s overall procurement objectives.”⁶ Iran also touts its program, but most of its drones are extremely crude and even lack mounting brackets for munitions. Other advanced industrial states, like Russia, for example, have not yet developed armed drones, although the Russian Ministry of Defence signed contracts with domestic aerospace firms to build a prototype by 2014, with the goal of the drones entering service by 2020.

The scope of the proliferation of UCAVs was documented in an unclassified version of a congressional report released in February 2012 by the US Government Accountability Office. The report indicates that the number of countries possessing UAVs increased from 41 to 76 between 2005 and 2011. Most of these aircraft were designed

³ Jeffrey Hays, “Drones and the Fight Against Terrorism” -

<http://factsanddetails.com/world.php?itemid=2377&catid=58&subcatid=384>

⁴ Conference of Defence Associations Institute, “Issues Analysis – Canada and Drones” - <http://www.cda-cdai.ca/cdai/en/blog/entry/issues-analysis-canada-and-drones-part-i>

⁵ National University System Institute of Policy Research, “Unmanned Aerial Vehicles” - http://www.nusinstitute.org/assets/resources/pageResources/UAV_San_Diego_report.pdf

⁶ United States Department of Defence, “The Role of Autonomy in DoD Systems” - <http://www.acq.osd.mil/dsb/reports/AutonomyReport.pdf>

for intelligence, surveillance, and reconnaissance functions and had operational ranges limited to 300 kilometres or less, but a few were also capable of attacking targets, qualifying as UCAVs. Of the 76 countries involved, as many as 50 were engaged in UAV domestic development activity. The remainder had acquired their fleets from foreign suppliers.⁷

Additionally, the use of UCAVs may already be extending to multilateral contexts. In 2012, reports emerged that the UN had considered the possibility of using UAVs for the purposes of surveillance in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The Associated Foreign Press reported that a previous proposal to use drones for the mission was canceled because of the associated cost. More recently the UN had approached the US and France in an attempt to obtain UCAVs. While UN officials have not confirmed these reports to date, if they are accurate they would represent a precedent for the use of UCAVs in peacekeeping missions.⁸

IV. COUNTRIES KNOWN TO POSSESS UCAVS

- China
- France
- Germany
- India
- Israel
- Italy
- North Korea
- Russia
- Turkey
- United Kingdom
- United States of America

V. CONTROVERSIES

UCAVs have become an increasingly preferred weapon for nations engaged in counterinsurgency or counterterror operations, but there is growing controversy over their use. The growing coverage by journalists, academics and human rights organizations has “intensified the concerns, in particular, of observers preoccupied with the moral, legal, political, and operational implications of the new surveillance and combat technology.”⁹ Much of the controversy regarding UCAVs is concentrated around the issue of targeted killings. Recently the US has employed UCAVs in Pakistan and Yemen in order to target members of al-Qaeda and the Taliban. While the US has argued that these are not assassinations, but rather acts of combat within the context of an armed conflict, Pakistan and Yemen disagree. Pakistan has requested that the US cease to use UCAVs in their territory without their explicit consent. The US also asserts that targeted killings do not constitute assassinations which are forbidden by American law. Rather, the Obama Administration has claimed that the individuals targeted in these operations qualify as combatants in a war zone, and thus represent legitimate military targets. Opponents of the targeted killing program argue that the distinction between a non-military combatant, a military combatant, and a civilian can be extremely difficult to untangle in modern battlefields. Furthermore, they warn that targeted killing is a step towards a slippery slope of increased violations of human rights in combat situations. Additionally, the 2012 report *Living Under Drones*,¹⁰ published by the Stanford Law School, found alarming results about the effects of American UCAV operations on the Pakistani population. The estimated number of civilian deaths and associated psychological trauma

⁷ Dennis Stairs, “Drone Proliferation” - <http://opencanada.org/features/the-think-tank/comments/drone-proliferation/>

⁸ Greg McNeal, “United Nations Wants to Use Drones in Africa” - <http://www.forbes.com/sites/gregorymcneal/2012/11/24/united-nations-wants-to-use-drones-in-africa/>

⁹ Dennis Stairs

¹⁰ *Stanford Law School, “Living Under Drones”* - <http://livingunderdrones.org/report/>

has ravaged effected regions. Another concern is that the low risk associated with the use of UCAVs (for the actors using them) may lower the threshold for states to undertake aggressive action as UCAVs increasingly supplant traditional aerial platforms.

VI. THE RESPONSE BY THE UNITED NATIONS¹¹

On 15 November 2002, just 12 days after the first U.S. non-battlefield targeted killing against six suspected al Qaeda affiliates in Yemen, the UN special rapporteur on extrajudicial, summary, or arbitrary executions, Asma Jahangir, wrote to the United States and Yemen "requesting their comments" on the widely-reported missile strike. She warned:

The Special Rapporteur is extremely concerned that should the information received be accurate, an alarming precedent might have been set for extrajudicial execution by consent of Government. The Special Rapporteur acknowledges that Governments have a responsibility to protect their citizens against the excesses of non-State actors or other authorities, but these actions must be taken in accordance with international human rights and humanitarian law. In the opinion of the Special Rapporteur, the attack in Yemen constitutes a clear case of extrajudicial killing.¹²

Five months later, the Office of the Legal Advisor of the United States Department of State responded by noting what body of international law should apply, and why targeted killings were outside the purview of the special rapporteur:

International humanitarian law is the applicable law in armed conflict and governs the use of force against legitimate military targets. Accordingly, the law to be applied in the context of an armed conflict to determine whether an individual was arbitrarily deprived of his or her life is the law and customs of war. Under that body of law, enemy combatants may be attacked unless they have surrendered or are otherwise rendered hors de combat. Al Qaida terrorists who continue to plot attacks against the United States may be lawful subjects of armed attack in appropriate circumstances. For the foregoing reasons, the Commission and Special Rapporteur lack competence to address issues of this nature arising under the law of armed conflict.¹³

The White House maintains that the US right to self-defence, as laid out in Article 51 of the UN Charter, may include the targeted killing of persons such as high-level al-Qaeda leaders who are planning attacks, both in and out of declared theaters of war. The US administration's posture includes the prerogative to unilaterally pursue targets in states without their prior consent if that country is unwilling or unable to deal effectively with the threat.¹⁴

On 28 October 2009, Jahangir's successor as United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary executions, Philip Alston, presented a report to the Third Committee Social, Humanitarian and Cultural of the General Assembly arguing that the use of unmanned combat air vehicles for targeted killings should be regarded as a breach of international law unless states can demonstrate appropriate precautions and accountability

¹¹ Globalpost "UN Council Condemns US use of Drones" - <http://www.globalpost.com/dispatches/globalpostblogs/rights/un-council-condemns-us-use-drones>

¹² Micah Zenko, "Investigate This" - http://www.foreignpolicy.com/articles/2013/01/29/investigate_this

¹³ United States Department of State, "Digest of United States Practice in International Law 2003" - <http://www.state.gov/documents/organization/139602.pdf> Pg 344

¹⁴ Jonathan Masters "Targeted Killing Backgrounder" - <http://www.cfr.org/counterterrorism/targeted-killings/p9627>

mechanisms are in place.¹⁵ In June 2012, Alston's successor, Christof Heyns, warned that operations in Pakistan, Yemen and elsewhere, carried out by the Central Intelligence Agency (CIA), would encourage other states to disregard human rights standards. He even went as far as describing certain UCAV attacks as "war crimes." The UN Rapporteur on Human Rights and Counter-Terrorism, Ben Emmerson, announced that same year that he would be prioritizing inquiries into UCAV operations that. He insisted the issue will "remain at the top of the UN political agenda until some consensus and transparency has been achieved."¹⁶ Emmerson proposed to open recordings of UCAV strikes to the independent assessors in order to ascertain the truth of the number of reported casualties.¹⁷ "If they do not establish a mechanism to do so, it will be my recommendation that the UN should put the mechanisms in place through the Human Rights Council, the General Assembly and the Office of the High Commissioner,"¹⁸ he added. The issue was moving rapidly up the international agenda after China and Russia jointly issued a statement at the UN Human Rights Council, backed by other countries, condemning drone attacks. As such, the United Nations High Commissioner for Human Rights, Navanethem Pillay, in her opening statement to the 20th session of the United Nations Human Rights Council in June 2012, expressed serious concern over the continuing use of UCAVs for targeted killings. She voiced particular concern over the ambiguity of whether or not all persons targeted were combatants or directly participating in hostilities.

On 24 January 2013, Mr. Emmerson, also announced he would be opening an inquiry into the use of UCAVs and their impact on civilians. He will also address other forms of targeted killing with the hope of establishing a legal framework. Mr. Emmerson is part of the UN Human Rights Council's special procedures that "examine, monitor, advise and publicly report on human rights situations,"¹⁹ either thematically or in specific countries. The Special Rapporteur position was established by the Office of the Commissioner on Human Rights and reports to that office, as well as the General Assembly. The inquiry is the result of a request by several nations, including Pakistan and two permanent members of the UN Security Council. Defenders of UCAVs say they minimise civilian casualties, but opponents say drone strikes can constitute extra-judicial killing and point to data suggesting hundreds of civilians have died in such strikes.²⁰ A portion of the inquiry will be dedicated to investigating the impact of twenty-five drone strikes in five places. The full scope of his review will include checks on military use of unmanned aerial vehicles in UK operations in Afghanistan, US strikes in Pakistan, as well as in the Sahel region of Africa where the conflict in Mali has erupted. It will also take evidence on Israeli drone attacks in Palestinian territories.²¹ The inquiry will assess the extent of civilian casualties, the identity of militants targeted and the legality of strikes where there is no UN recognition of a conflict. Mr Emmerson told journalists in London that the increasing use of drones "represents a real challenge to the framework of international law."²² The inquiry will report to the UN general assembly in New York this autumn. Depending on its findings, it may recommend further action. Mr. Emmerson has previously suggested some drone attacks – particularly those known as 'double tap' strikes where rescuers going to the aid of a first blast have become victims of a follow-up strike – could possibly constitute a war crime.²³

VII. MULTILATERAL REGULATORY FRAMEWORK

Currently the Missile Technology Control Regime (MTCR) sets regulations for UCAVs for member countries. Originally this organization was created to place limits on unmanned means of transporting nuclear payloads. It has since expanded to include guidelines on weapons of mass destruction. Recent American-led attempts to extend the application of MTCR rules for larger-capacity UCAVs to include lighter models as well have faced difficulties. Violations of the agreement are not subject to international sanctions under the terms of the agreement. Many fear

¹⁵ Micah Zenko, "Investigate This"

¹⁶ Andrei Akulov, "UAVs Human and Legal Aspects" - <http://orientalreview.org/2012/11/03/uavs-human-and-legal-aspects/>

¹⁷ *The Independent*, "US 'should hand over footage of drone strikes or face UN inquiry'" -

<http://www.independent.co.uk/news/world/asia/us-should-hand-over-footage-of-drone-strikes-or-face-un-inquiry-8061504.html>

¹⁸ Ibid.

¹⁹ Office for the High Commission for Human Rights, "Special Procedures of Human Rights Council" -

<http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

²⁰ BBC, "UN launches Inquiry into Drone Killings" - <http://www.bbc.co.uk/news/world-21176279>

²¹ Owen Bowcott, "UN to Examine UK and US Drone Strikes" - <http://www.guardian.co.uk/world/2013/jan/24/un-examine-uk-afghanistan-drone-strikes>

²² Ibid.

²³ Ibid.

the most probable reality is that regulating the general traffic in UCAV systems and components through multilateral mechanisms holds little prospect of success.²⁴

VIII. REGIONAL POSITIONS

United States

The US is a member of the Hague Code of Conduct. It is also a producer of UCAVs and has used them in a number of wars and undeclared military conflicts. Within the context of targeted killing, the US has considered the use of UCAVs as a necessary tool in combating Al Qaida and the Taliban. The US considers that it is in a global armed conflict with these non-state actors and as a result has the right to use UCAVs. For over a decade, the UCAVs have been integral to operations in regions along the Afghan-Pakistan border, Somalia, and Yemen

China

China currently has operational UCAVs capable of being armed. Beijing has announced that it plans on using these vehicles for surveillance purposes in their ongoing dispute with Japan and other nations over the ownership of various islands in the South China Sea. Additionally, the state-owned company, China Aerospace Science and Technology Corporation has announced the desire to market Chinese made UCAVs to developing countries, particularly those in Africa and Asia. Currently China is not a member of the Hague Code of Conduct.

South Asia

Both India and Pakistan have purchases UCAVs from international suppliers and have begun working on their own UCAV development programmes. Additionally, both Afghanistan and Pakistan have been targeted by UCAV attacks and have experienced military and civilian casualties as a result. Many countries in the sub-continent are not members of the Hague Code of Conduct. Any discussion on UCAVs with regards to South Asia would be incomplete without addressing the nuances of the prevailing tensions in the region.

South and Central America

Some countries in South or Central America have announced ownership of UAVs. Governments in this region have tended to use unarmed UAVs domestically to help address situations including drug trafficking and gang violence by increasing surveillance. Currently South and Central American countries have not used UAVs in combat, and with the exception of Venezuela and Brazil, countries in the region have expressed interest in arming their UAVs. It should be noted that many countries within the region are not members of the Hague Code of Conduct. The region's history of state-sponsored violence against civilians is also of particular relevance to contemporary discussions on targeted killings.

Sub-Saharan Africa

The African bloc at the UN and the African Union have not historically been united on the issue of UCAVs. While many countries are members of the Hague Code of Conduct, others are not. Some countries which are members, such as Kenya, have expressed interest in obtaining UAVs, but have not expressed a desire to weaponize them, or use them in combat situations. Others, which are not members, such as Equatorial Guinea, do not have UCAVs and have not expressed interest in obtaining them. Still others,, particularly Somalia, have experienced UCAV strikes from countries such as the US.

²⁴ Drone Proliferation - <http://opencanada.org/features/the-think-tank/comments/drone-proliferation/>

Middle East and North Africa

Many countries in the Middle East and North Africa either manufacture or own UCAVs. This region of the world is the stage of a significant number of internal and international conflicts, and UCAVs have been used for surveillance and combat in both. Iran, Israel, Syria, Lebanon, Kuwait, Qatar, Bahrain, United Arab Emirates, Oman, Yemen, Iran, Algeria, Egypt, South Sudan, and Saudi Arabia are not members of the Hague Code of Conduct.

European Union

Most EU member nations are also signatories to the Hague Code of Conduct. The EU recognizes that many member states either manufacture or have obtained UCAVs. The EU has also noted its concern that UCAV proliferation will result in terrorist organizations or the regimes Brussels classifies as ‘dangerous governments’ gaining access to UCAVs.

IX. POTENTIAL ISSUES TO BE CONSIDERED BY THE COMMITTEE

- What measures can be taken to address the problems described in the *Living Under Drones* report?
- UCAVs have generally accepted military advantages. Are these outweighed by the legal and moral quandaries surrounding their use?
- Do states using UCAVs violate the imperatives of international law concerning the protection of civilians?
- Which kind of measures can be taken in order to increase the transparency and allow for data collection on UCAV strikes without compromising intelligence operations or national security interests?
- What can be done to keep UCAVs out of the hands of violent non-state actors?

X. SUGGESTED FURTHER READING

Mieka Zenko, Foreign Policy Magazine.

http://www.foreignpolicy.com/articles/2013/01/29/investigate_this?page=0,0

Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to the Human Rights Council:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>

Canadian International Council, Drones in the Field. (For a broad spectrum of present and future drone technology)

<http://opencanada.org/features/the-think-tank/graphic/drones-in-the-field/>

Read the reports and articles provided by international organs, universities and NGOs, such as the International Crisis Group, <http://www.crisisgroup.org/en/Search%20Results.aspx?keywords=drones>

Human Rights Watch. (http://www.hrw.org/search/apachesolr_search/drones)

Consult the Geneva Conventions: <http://www.icrc.org/eng/war-and-law/treatiescustomary-law/geneva-conventions/index.jsp>

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Zenko, M. (2013, Jan 29). *Investigate This*. Retrieved from Foreign Policy Magazine:
http://www.foreignpolicy.com/articles/2013/01/29/investigate_this?wp_login_redirect=0