



LeedsMUN 2019

Study Guide

DISEC

UN Charter and Securing Sovereignty

Practical Solutions to Drone Strikes



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Welcome from the Chairs

Adam Lowe:

Excited to be back at LeedsMUN again this year, I'm Adam from Liverpool Uni and this conference promises to be as enjoyable as ever and it's great to be chairing this year for DISEC. I'm in my third year studying Physics, being doing MUN since I started Uni and been to conferences all over the UK and beyond! Fun fact about myself, I was part of the secretariat for a conference at the UN in New York over summer and was the only person on the team who didn't speak more than one language.



Kyle Bolan:

Hey, my name is Kyle Bolan and I study Business and Enterprise Management at Sheffield Hallam. This is my second year and I am getting a taste for the finance side of the course. My interests include rugby; I am an Ireland fan through and through. Even my blood run green. I am also a fan of paddle boarding. I have paddle boarded in UK waters and Mediterranean Sea. I want paddle board in the surfing waters of Cornwall because it would challenge.



Topic A: UN Charter and Securing Sovereignty



Introduction:

In 1945, delegates of 49 of the world's states met in San Francisco to draft what would become the United Nations charter with a pledged determination "to save succeeding generations from the scourge of war, which twice in [their] lifetime [had] brought untold sorrow to mankind". When signed by the 49 states, the charter was 19 chapters long and at a basic level aimed to regulate the behaviour of member states and therefore, no surprise, that the 'use of force' is a highly discussed subject matter. Take chapter I of the charter, defining the aims and principles, we find possibly the most important article regarding the 'use of force', Article 2(4) states "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the Purposes of the United Nations". Article 2(4) has been a significant topic of discussion since 1945 for numerous reasons, one such being exceptions. In anticipation of such issue, the original drafters first included Article 51 stating "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security". We see that we have two clear scenarios where force is quote-on-quote 'Legal', if the use of force is consistent with the purpose of the UN or in self-defence. On the point of 'Purpose of the UN' we see such as defined as, in Article 24, maintaining international peace on behalf of the UN, instructed upon by the Security Council, the use of force by member nations against any existence of threat to the peace, breach of the peace, or act of aggression. Where the agenda of this committee lies on this topic is discussion of the



charter itself and whether reform of the charter should be recommended to the General Assembly. It is important to note that DISEC does not pose the authority to change the Charter itself, however, can pass a resolution that recommends such action being taken to the General Assembly where a 2/3 majority vote would see any further discussed amendments made. The charter drafted and ratified in 1945 was based upon the current state of the world at the time but, universally agreed, has remarkably stood the test of time to this day, some say the best evidence of such is no third world war even with fluctuating global tensions. Does this mean that the charter can remain the way it is? More recently it has come to the attention of the global community that the charter does have some significant draw backs when it comes specifically to maintaining, or some instances, restoring national sovereignty. Points have been made regarding legality of pre-emptive strikes against nations considered to be a threat to peace, intervention in the interest of protecting human rights and in-action of the Security Council to act in any of the two above cases and all of which are not currently covered in the UN Charter.

Topic Background

With a basis of the politics of the first half of the last century, there has been a growing cry for Charter reform ever since, growing exponentially year-on-year. Additions have been made, the United Nations Development Council was added to the Charter in 1965 with the rapid growth of the number of African and Asian countries joining the UN. With tensions growing during the 70s and 80s between two major powers of the UN, any hope of reform was quashed for a time until reignited by Secretary General Boutros Boutros-Ghali in the 90s with his controversial *Agenda for Peace*; for the first time since the Charter's ratification, there existed a movement to redefine certain sections and add new articles, the voice of reform was growing monumentally. The success and failures of Peace Keeping missions of the 90s further fuelled the call for reforms and grew to a new, deeper level of the Charter's foundations, we now saw member nations launching efforts to be added to the permanent members of the security council, efforts from Germany, Japan, Brazil and India. With growing cries for UN Charter reform at the start of the 2000s, Kofi Annan formed the High-Level Panel on Threats, Challenges and Change in 2003 being the first real move by the wider UN to take reform seriously, yet the outcome was no reforms were needed which angered many nations. In the wake of the failures, some would say, of the High-Level panel to offering no possible reforms, a resolution from the General Assembly saw the High Commission on Human Rights, a temporary addition to the UN in 1993, made a permanent addition in 2006 with a name change, United Nations Human Rights Council. Now present day there still hasn't been any major changes to the UN Charter and the collective voice of those demanding reform is stronger than ever.

Debate Around the Topic:

Firstly, it is important to recognise the main theme of this year's Leeds MUN Conference and how this relates to the above agenda for this committee. Global Home: Statehood and Borderless Industry is this year's theme and therefore discussion should centre solely on issues involving sovereignty and whether there needs to be a recommendation from the committee for Charter reforms. Oscar Schachter, late American international law and diplomacy professor, as well as highly regarded UN aide, is quoted with saying "The most common complaint about international law is that it lacks effective enforcement" and this forms the most prominent argument for use of force in the interest of enforcing the main UN goal of maintaining international peace and security, with many arguing that this has been one of the greatest failures of the UN to date. An example of such being The Rwanda Genocide, directed by members of the majority Hutu government, during a 100-day period in 1994. The UN was in Rwanda at the time and its total actions accumulated in a weapons embargo and soldiers coming in at the end of '94, many of the UN staff in Rwanda at the start of the genocide were killed, international community was aware something awful was going on but it wasn't until after the civil war had ended that it was revealed that one of the worst genocides in human history had taken place with just under 1 million dead. What UN peace keeping staff were left tried to set up peace talks between the two sides but within strict interpretation of the current UN charter specifically Article 2(7), "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII" with such chapter dedicated to acts of aggression against other nations and not domestic issues. Simply put, the UN cannot authorise use of force for any actions taking place in the jurisdiction of another state, how awful they may be, in respect of that nations sovereignty and governments right to rule.

The second gulf war (the Iraq invasion of 2003) is considered one of the best examples of the debate around Article 51 with regards to self-defence. For months leading up to the invasion by allied forces, evidence had been presented to the UN supposedly showing the devolvement of chemical weapons by the Saddam Regime and the threat it posed to both western powers and their allies. The UN had sent in weapons inspectors previously and had assisted in the disarmament of the Iraqi chemical weapon regime, yet the allied powers were still adamant that enough hadn't been done and the threat was still there. Taking this into account and resolutions already passed by the SC, the United States drafted a 'second resolution' to those already passed not authorising force, and when this failed it was then decided by the invading powers that previous resolutions, even though not explicitly stating, gave a mandate for us of force. Unlike with NATO and its efforts in Kosovo (not discussed here) where the SC legitimised the war effort after the invasion had occurred, no such resolution was passed and as a result the Iraqi invasion has been deemed illegal by many



international lawyers, policy makers and world leaders ever since. The United States and its allies conducted, as described by the UN charter, an illegal invasion of Iraq and none of the invading forces expressed any recognition that the war was illegal though it is widely accepted they knew this at the time, if powerful states are determined to launch such an invasion then, in practical terms, the legal technicalities become all but irrelevant.

One example that has been given for another flaw of the current UN charter is the power that the veto has in the Security Council and the threat this poses to a break down international peace and security, going against the UN agenda. If the Security Council fails to act thus, on an issue of allies, policy disagreements or claims of abuses of sovereignty, who is to hold the security council accountable for lack of action if deemed necessary? In such instances, the General Assembly is given the emergency power to hold a vote on the use of force, a key provision in paragraph one of section A of resolution 337A(V); very rarely used but has been on occasion.

UN Action Timeline

- 26th June 1945 - UN Charter signed and ratified
- 1955 – Article 109 provides for the convening of a “General Conference of the Members of the UN” to consider amendments/reform
- 31st August 1965 – UNSC expanded from 11 members to 15 and supermajority increasing from 7 to 9/ Expansion of ECSOC from 18-27 members
- 22nd November 1965 – United Nations Development Programme
- 1967 – Committee to revise the UN Charter annually disbands
- 24th September 1973 – Expansion of ECOSOC from 27 to 54
- 1990 – SG Boutros Boutros-Ghali launches Agenda for Peace stating his aims for reform to the UN Charter
- 2005 – World Summit recognises symbolically an international “responsibility to protect” populations from genocide
- 2005 – African Union works on nominating two nations for a UNSC permanent seat out of Egypt, Nigeria and South Africa.
- September 2005 – G4 aims to see all four members secure a permanent seat on the SC along with 2 African Nations
- 2006 – UNHRC established replacing the temporary Commission on Human Rights with approval from 170 of 191 nation assembly; US, Marshall Islands, Palau and Israel vote against
- April 2007 – Ban Ki-moon oversees reform initiatives at the UN covering international environmental governance, a unified gender organization, and ‘Delivering as One’ at the country level to enhance the consolidation of UN programme activities
- September 2008 – GA decision 62/557, UN member states agree to move reform discussions between working groups to intergovernmental negotiations based on the following issues:



- Categories of membership
- Question of the veto
- Regional representation
- Size of an enlarged council and its working methods
- Relationship between the council and the GA
- 2017 – G4 willing to temporarily forgo veto power if granted permanent UNSC seat

Block Positions

EU

All EU member states agree on the necessity to reform the UNSC, giving it more legitimacy in exercising its purpose to maintain international peace and security. To go about this, the EU has held the position that it should be made a permanent member of the UNSC but lack a European wide consensus on what reform should be made. Germany specifically has campaigned continually for a permanent seat on the SC for itself. France and the UK have presented a proposal for expansion of both the permanent and non-permanent categories of members. Other EU members such as Italy, Portugal, Sweden and Poland have expressed desire to see a new category of longer-term non-permanent seats to be assigned to the regional groups and one to be shared on a rotating basis between Western European countries and others. On the specifics of self-defence, the EU has asked for a specific recourse of Article 51 regarding armed attacks by non-state actors.

Asia-Pacific

Have been calling for greater representation for Asia-Pacific states on the Security Council, Japan has led its own campaign to see itself made a permanent member of the SC. For many decades, the voices of the people living under authoritarian and military dictatorships – and even those political systems with democratic façades – have been silenced and suppressed in Asia leading to many calls for action to be taken.

Africa

There had been more conflicts in Africa over the past 70 years than on any other continent, yet there had been no move to end Africa's "absolute exclusion" from decision-making on the Council. On the peaceful settlement of disputes, African nations have long campaigned for all non-violent options must be exhausted before the use of force could be justified.

America

"America respects the sovereignty of other countries, expects other nations to do the same." Beyond insisting that "all governments... be accountable to their citizens," the United States is determined to bring the United Nations itself to heel. Failures of UN committees to uphold UN Charter noble principles and purposes, Trump has called for reforms to ensure greater responsibility.

Points to consider

- Many view the Security Council's failure to reach a consensus as a contributing factor to the international community's failure to intervene during humanitarian crises. Policy makers have called in the past for reform to allow an individual state or coalition to conduct such an intervention. Exceptions to Article 2(4), like 51 could be made authorising force in the case of humanitarian intervention, with clear understanding that intervention does not mean territorial conquest.
- What and who is to determine if humanitarian intervention is the best approach? The Kosovo Commission suggested the following "(1) "the suffering of civilians owing to severe patterns of human rights violations or the breakdown of government;" (2) "the overriding commitment to the direct protection of the civilian population;" and (3) "the calculation that the intervention has a reasonable chance of ending the humanitarian catastrophe."
- However, many fear that if such reform was made to the charter, it would be by necessity, relatively vague leading to abuse in the interest of political aims and undermining national sovereignty and territorial integrity.
- In contrast to what we have with Chapter VI of the UN Charter, requiring countries to seek solutions through peaceful methods, one must question whether the failure of this means that the UN has moral duty to intervene to end a massive human rights violation? And how does one turn moral duty into action at such point?
- Bush's doctrine has led many to question whether reform is needed with regards to self-defence, Bush argued himself that *The Caroline Affair* gives a suitable test (1837 British killed American crew claiming anticipating attack, principle states that the necessity for [self-defence] must be "instant, overwhelming, and leaving no choice of means, and no moment for deliberation) against which a anticipatory self-defence attacks can be justified against the UN Charter.
- Though must be noted that any efforts to reinterpret sections of the charter or amend the Charter with regards to self-defence must bend to the matter of fact that the logic of individual states and the power they pose when it comes to self-defence.
- If the Security Council fails to act in response to a dispute or crisis, then who is to hold the council responsible if it is so deemed that the actions taken/not taken are not in accordance with the current UN Charter. The use of a veto can prevent the council from passing a meaningful and pragmatic resolution or a claim for self-defence is rejected, then what is the General Assembly to do?



Topic B: Practical solutions to drone strikes



Introduction

Drones strikes are the use of unmanned aerial vehicle (UAV) to drop bombs on targets. The main unmanned aerial vehicle which is commonly used is the MQ-9 Reaper. This is a more advance version of the MQ-1B Predator. This drone services as a hunt and kill machine and surveillance drone. With the capability of flying miles out of sight, it is armed with Hellfire Anti-Tank missiles and a 500lb laser guided bomb. The current statistics show a confirmed strike, minimum figure, of 6361. These 6361 attacks have caused the death of between 8,327 to 11,897 people. Out of all the casualties, 760 to 1667 civilians and 253 to 382 children. (The Bureau of Investigative Journalism, 2019)

When locating practical solutions to a problem, whether drone strikes or a general problem in a country, the question of responsibility needs to be asked. Responsibility tells you who or what caused, or still causes, the problem you are addressing.

A clear responsibility party is the US, since 2004 they have 1551 people and 90% of them being civilians. These are executions in abroad in countries such as Afghanistan, Pakistan, Yemen and Somalia. (Amnesty, 2019) Some of the evidence behind the attacks are questionable. There is a term a signature attack, this is where 'the identity of the person/persons targeted is not known but their "pattern of life" or behaviour indicates they are involved in terrorist activity'. (The Bureau of Investigative Journalism, 2019)

This isn't isolated to the US, Amnesty reported on the European country's role in the attacks. The UK, Germany, Italy and the Netherlands help out with communication systems and airports bases. This makes the problem of drone strikes wider than issues of any single state or states. (Amnesty, 2018)

With reports from the UN that say the drone strikes are a threat to '50 years of international law' (Bowcott.O, 2012), the UN needs to act. The report warns that drone

strikes might 'encourage other states to flout international law'. (Bowcott.O, 2012) The questions is weather the solution should be on a state level or beyond state level.

Topic Background

First drone or drone technology date back to the 19th century, the Austria's had unmanned hot air balloons that dropped bombs. (The Bureau of Investigative Journalism, 2019) This technology was used by the British in world war 2 to defend against air raids. (Wikipedia, 2019)

This technology kept on being developed. During the First world War, remote control planes were being developed. We have to wait until the interwar period where we see the real break throughs. The UK had developed the Queen Bee. This was a bi- plane (a plane with two wings, one at the bottom and won at the top, fixed together (Wikipedia, 2019)) that was controlled by radio. (The Bureau of Investigative Journalism, 2019)

At this time remote controlled planes were used for anti-aircraft gun's practice. Several nations had planes of these time. Notable, Germany had the V1 'Doodlebug'. (The Bureau of Investigative Journalism, 2019)

As the 1950s turned more sinister, the use of unmanned aerial vehicles (UAV) become the new technology for spying. They were used in countries such as China and Vietnam, to spy on communist groups. Although, this was a small part of surveillance as this was still the era of the U-2 and SR-71 Blackbird.

The development of the drones of today, originate from 3 historic factors. Firstly, the 70s Israeli development of gliding technology. Gliders are significantly lighter than typical planes. This does one of two things, it reduces the cost of drones and increases the accessibility of using drones in warfare. An example of this benefit is in 1990 Yugoslavia conflict where gliding technology allowed the US to get surveillance on Serbian tanks. It took until 2000 for the true horror that drones can produce to be realised. The CIA and US Air Force had found that they could attach missiles on to drones. There used this strategy in an attempt to kill Osama bin Laden.

Now drones provided militaries, mainly the US, to have hunter-killer drones around the world. From looking at a computer screen, they could kill enemy targets. The use of these drones is a key part of the war on terror. This due to their role in surveillance to assassinations. As time went on, things didn't get better, Obama ordered 10-fold drone strikes than George W Bush.

These strikes have killed hundreds in Yemen, Pakistan and Somalia. The Bureau and NGO Airways warn this is making the situation in countries such as Pakistan worse. Even going so far to say that its a "clear violations of international humanitarian law." (The Bureau of Investigative Journalism, 2019)



Debate Around the Topic:

European Union:

The UK communications centre had a project called Overhead that use surveillance to track targets for drone strikes in the middle east. In fact, the UK allow the US to use their air force bases to send out attacks. RAF Menwith hill, RAF Moleworth and RAF Digby are all used for this purpose. A great example of the UK connection to the drone strikes, is RAF Croughton's direct communications with US Africa Command. This connection leads to drones strikes on Yemen and Somalia. Germany supports the US large surveillance and operational network. In 2014, an operation was revealed which show the type of support Germany was providing to the drone network. Gilgamesh, is an operation were they attack a devices to the bottom of the drones that receives phone signals. This allows that to pinpoint the location of individuals. The data is sent back to the NSA through fibre optics. The Netherlands connection falls done to providing intelligence. There intelligence surrounds Somalia only. In 2014, it was reviled that 1.8 million megadata (big data) records of telephone calls were given to the US. This data came from the Netherlands anti-piracy operations. It gets worse, as the Dutch government has spied of Somalia individuals within its own country as well.

Italy is an important station for the drone's intelligence and operations network. US Navy's Naval Air Station Sigonella in Sicily is a good example. It was agreed that the US could fire drone strikes from the base. This was in 2016 and at the time they only had permission to fire drone attacks as defensive moves to protect special forces in Libya. Sicily is also home some vital communication equipment and elements. These include Defense's Mobile User Objective System (MUOS) and a global satellite communication system for US military forces which aims to integrate the worldwide US naval, air and ground forces, facilitating data communications, audio and video. Currently under work is a satellite communication system, UAS SATCOM, this will be a critical background system for its sister SATOM in Germany.

The involvement in US drone strikes have caused debate on the public and parliamentary level in all of the countries mentioned. The best example of this is the Netherlands. The Dutch Review Committee on the Intelligence and Security Services went so far to launch an inquiry into the Netherlands role in drone strikes. An important note to add, is that all of the countries are facing legal action due to there level of involvement in the drones strikes. (Amnesty, 2018)

Pakistan:

The Pakistan Air Force (PAF) ordered the shooting down of a US drone. This was done due to the drone invading Pakistan sovereign air space. Air Chief Marshal Sohail Aman also recalled a time when They paid for a F-16 that never arrived. He noted a lessening trust between the them their US allies. In his speech, he recognised that they Pakistan had made a mistake in the case of Osama Bin Laden but he went to state that Pakistan will protect its sovereign air space. (RT, 2017)

In that same year, the US had committed 5 drone strikes in Pakistan. These attacks killed 15 to 22 people and injured 1 to 5 people. Reports from on of those attacks is a strike on the 26th December that had a reported kill count of 1 to 3. An eye witness commented 'Jamiuddin stopped the car ... for conversation on his cellular phone when the drone fired two missiles and killed him on the spot'. (The Bureau of Investigation Journalism, 2017)



International Law:

A UN rapporteur has raised serious concerns over the US using drones to commit targeted killings in other nations and member states. He stated that it was the biggest challenge to international law since world war 2. The fear was that these attacks will encourage other nations to ignore established human rights standards. (Bowcott.O, 2012) A South African Law professor adds a bit more context to this notion. He states that 'find targeted killings immensely attractive. Others may do so in future ... Current targeting practices weaken the rule of law. Killings may be lawful in an armed conflict [such as Afghanistan] but many targeted killings take place far from areas where it's recognised as being an armed conflict.' (Bowcott.O, 2012) He goes a step further to add that 'there have been secondary drone strikes on rescuers who are helping (the injured) after an initial drone attack, those further attacks are a war crime'. (Bowcott.O, 2012)

There is serious questions of legitimacy over these attacks. We from the US drone strike policy. That an attack on a high value target 'will be taken only when there is near certainty that the individual being targeted is, in fact, the lawful target and located at the place where the action will occur'. (Bohn.K, 2016) In addition, to this we know that one of their methods of target identification is through behavioural patterns. (The Bureau of Investigative Journalism, 2019)

Further clouding doubt on the legitimacy, is who and why these drone strikes are being committed. Us policy requires proof 'the individual's activities pose a continuing, imminent threat to US persons.' (Bohn.K, 2016) It has been called into question how some of these attacks are being justified. It has been noted that its 'difficult to see how any killings carried out in 2012 can be justified as in response' (Bowcott.O, 2012) to 9/11. On top of this, some states seem to want to invent new laws to justify new practices.

UN Actions

The UN, following the Special Rapporteur's interim report, passed resolution A/RES/68/178 in the General Assembly. This was a resolution to address Protection of human rights and fundamental freedoms while countering terrorism. The resolution stated that it urges States "to ensure that any measures taken or means employed to counter terrorism, including the use of remotely piloted aircraft, comply with their obligations under international law, including the Charter of the United Nations, human rights law and international humanitarian law, in particular the principles of distinction and proportionality." (UNSRCT, 2019)

The UN SRCT drone inquiry also looked into the EU resolutions on drones strikes. On 25 February 2014, the European Parliament passed a resolution on the matter. The Resolution concluded that 'drone strikes outside a declared war by a State on the territory of another State without the consent of the latter or of the UN Security Council constitute a violation of international law and of the territorial integrity and sovereignty of that country'. (UNSRCT, 2019) In addition, the resolution sheds fears over drones strikes breaking international law.

The passed resolution called upon member states 'ensure that Member States, in conformity with their legal obligations, do not perpetrate unlawful targeted killings or facilitate such killings by other States'. (UNSRCT, 2019) On top of this, it calls for the



inclusion of 'armed drones in relevant European and international disarmament and arms control regimes' (UNSRCT, 2019)

The EU resolution aims 'to promote greater transparency and accountability on the part of third countries in the use of armed drones with regard to the legal basis for their use and to operational responsibility, to allow for judicial review of drone strikes and to ensure that victims of unlawful strike have effective access to remedies'. (UNSRCT, 2019) The importance of this EU resolution is that it urges the rest of UN Security Council to adopt this resolution.

Bloc Positions

United States:

A special report called for better oversight on drones. It brought up questions around legitimate targets and under what circumstances it is acceptable to strike. Also, looked at the benefits of strikes offset by the reality that the strikes often alienate the local government and population. The report noted that International law flawed to keep up with new technology. It recommends the United States work internationally to establish rules and norms governing the use of drones. (Council on Foreign Relations Press, 2013)

Europe:

Europe's stance can be summed up in their policy brief of a common European position. This centres around the idea of outside zones of conventional hostilities, the 'deliberate taking of human life must be justified on an individual basis according to the imperative necessity of acting in order to prevent either the loss of other lives or serious harm to the life of the nation.' (Doworkin.A, 2013)

Middle East:

The use of drones by the US is rapid in the Middle East. The results of these attacks that terrorist develop sanctuaries where they can recruit and build. This leads to further radicalisation in their repressive countries. This is a major problem for countries with an already high level of violent extremism. (The New Arab, 2018)

Asia:

Myanmar believes it has 12 drones with laser guided missiles. This is being put down to Chinese state run arms industry. This has created a situation where the poorest armies of the world can buy hunter killer drones. (Winn.P, 2016)

Africa:

Africa holds key bases and positions for the drones operation of the US. These include a total of 14 bases in Africa. It is being reported that since '2012, nearly US\$1.2 billion has been approved for expansion of the base, and the number of personnel at Camp Lemonnier has increased by roughly 450% since 2002. Furthermore, the US signed a US\$70 million annual lease agreement with the government of Djibouti to continue operations through to 2044.' (Donnenfeld.Z, 2016)

Russia:

In recent years, Russia have increasingly been investigating drones. Their technology in the field is lacking but plan to use them to control and protect their borders. Their use more focused on the surveillance side. It is suspected that they might move to using other means to combat foreign drones. This will be through the likes of hacking. (Facon.I, 2019)

China:



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China takes the direct opposite stance to the US on the topic of drone strikes. They prohibit the use of drone in lethal situations in Asia. (Burgers. T et al, 2016)



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