

Fly High Or Die Trying: Drones in the Service of Human Rights

by Cono Giardullo

Drones have become a common feature of today's world. Used interchangeably with other terms such as unmanned aerial vehicle (UAV), unmanned aircraft system (UAS) or remotely piloted aircraft system (RPAS), these technologies continue to suffer from a "drone stigma", in which large portions of public opinion tend to consider drones through a military lens, believing that "any drone is a killer drone".¹

While drone technology is attracting increasing attention for private and commercial use, policy makers and researchers are seeking to increase awareness about the positive utility of drone technologies. The destigmatization process has just begun, but the enthusiasm around the peaceful use of the UAVs is mounting rapidly.

¹ Jack C. Chow, "The Case for Humanitarian Drones", in *OpenCanada*, 12 December 2012, <https://www.opencanada.org/features/the-case-for-humanitarian-drones>.

The Israeli armed forces were among the first to develop and employ UAVs during the 1982 Israeli invasion of Lebanon. Their success in jamming Syrian air defences in the Bekaa Valley increased their notoriety, leading the US armed forces to begin producing its own military drones. The stigma increased in the wake of the US-led war on terror, and the use of so-called "killer drones" to carry out targeted assassinations of suspected terrorists in Afghanistan, Pakistan and Yemen, among other countries.

Awareness of the positive role drones can play in conflict zones is even less known among the general public. A *New York Times* op-ed from 2012, entitled "Drones for Human Rights", noted the positive protection role that drones can play in conflict zones. The authors claimed that UAVs could replace phones and cameras and, in places like Syria, be directed to fly over protests and neighbourhoods, allowing investigators to "count demonstrators,

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gun barrels and pools of blood”.²

The United Nations deployed its first drones in December 2013, when five UAVs joined 20,000 peacekeepers within the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The mission’s mandate, which includes the protection of civilians, allowed the use of “all necessary means” to achieve this objective.³ For the first time, drones were integrated into the overall mission and served multiple purposes. In reconnaissance, improving the situational awareness by assessing the accessibility of a road, or as early warning tools, monitoring the movement of armed groups or of civilians fleeing violence.

UN drones used in the Congo are called Falco, built and operated by the Italian firm Selex, today merged with Leonardo S.p.A. Operating costs amount to 13-15 million dollars a year, compared to 1.4 billion dollars per year spent to maintain the mission itself.⁴ Drones are certainly a low-cost alternative to the use of expensive aircrafts or helicopters, and a solid alternative for governments, which are politically constrained by the prospect of casualties in a war zone, even when wearing the UN peacekeepers’ helmet.

² Andrew Stobo Sniderman and Mark Hanis, “Drones for Human Rights”, in *The New York Times*, 30 January 2012, <https://nyti.ms/2JaX4uR>.

³ UN Security Council, *Resolution 1925 (S/RES/1925)*, 28 May 2010, para. 11, [https://undocs.org/S/RES/1925\(2010\)](https://undocs.org/S/RES/1925(2010)).

⁴ Somini Sengupta, “Unarmed Drones Aid U.N. Peacekeeping Missions in Africa”, in *The New York Times*, 2 July 2014, <https://nyti.ms/1m6d56F>.

A UN report from December 2014 noted that “Advanced technologies, including unmanned aerial systems, [...] can bring decided advantages to peacekeeping operations”, calling for their use to be “immediately expanded”.⁵ Since then, and depending on the consent of interested states’, the UN has employed drones in Mali, the Central African Republic and Chad. While the government of South Sudan has thus far refused their deployment, in Ukraine, the Organization for Security and Co-operation in Europe (OSCE) is employing drones to monitor the Minsk agreements since 2014.

Human Rights Watch (HRW) has also employed UAVs to support its activities. Last year, HRW operated a commercial UAV to conduct an aerial analysis of three large dumpsites in Lebanon, which documented open burning sites near schools, residential areas and even a hospital. The results shed light on the government’s failure to manage solid waste and the lack of adequate monitoring and information about the health risks associated with such burning sites. Significantly, all flights were agreed to and coordinated with Lebanese authorities and army.⁶

Taking stock of these examples, it is now time to begin using drones more systematically, carving out an

⁵ UN Expert Panel on Technology and Innovation in UN Peacekeeping, *Performance Peacekeeping. Final Report*, New York, United Nations, 2015, p. 5 and 54, <http://www.performancepeacekeeping.org/offline/download.pdf>.

⁶ Human Rights Watch (HRW), “As If You’re Inhaling Your Death”. *The Health Risks of Burning Waste in Lebanon*, December 2017, <https://www.hrw.org/node/311168>.

important role for these technologies in the field of monitoring, prevention and accountability for human rights abuses and violations of international humanitarian law (IHL). Two compelling reasons can be cited in support for such action.

First and foremost, there is a widening gap between the use of drones for humanitarian and relief operations and the monitoring and accountability of human rights violations. Currently, the most promising use of drones includes damage assessments after a natural disaster, delivering essential items in hard-to-access locations, support for search and rescue operations, data-collection and observation.

Examples include the use of drones for medical deliveries in Papua New Guinea, the mapping and rapid damage assessment of communities in Haiti following Hurricane Sandy, or the spatial modelling of displaced landmines after floods in Bosnia Herzegovina.⁷

Expertise and know-how to operate such technologies is today easier to access and disseminate. Training courses and webinars are available to share expertise with local communities and organizations.⁸ Expert communities

⁷ Valeria Fabbroni (ed.), *Drones in Humanitarian Action. A Guide to the Use of Airborne Systems in Humanitarian Crises*, Geneva, Swiss Foundation for Mine Action (FSD), 2016, p. 11 and 55, <http://drones.fsd.ch/wp-content/uploads/2016/11/Drones-in-Humanitarian-Action.pdf>.

⁸ See for instance, the Flying Labs project launched by WeRobotics: <https://werobotics.org/?p=2763>. The Harvard Humanitarian Initiative runs training programmes for the use of remote sensing technologies: *Remote*

such as the Humanitarian Data Exchange and OpenAerialMap enable users to search, share and use UAV imagery. The International Migration Organization (IOM) and the Office for the Coordination of Humanitarian Affairs (OCHA) play an integral part in such efforts.

The availability of similar tools and information is lacking in the domain of human rights monitoring and reporting. National governments are somewhat hesitant to allow access and the acceptance of aerial robotics will therefore require some time.

One promising example is the OSCE's Special Monitoring Mission to Ukraine, which operates a surveillance drone programme to "augment and complement its monitoring activities".⁹ A case in point has been the release of UAV images confirming the presence of military vehicles, land mines, mortar positions and trenches close to civilian residences. Considering the consensus-based nature of the OSCE, whereby both Ukraine and Russia have agreed to the deployment of such technology, the use of drones in Ukraine does represent an important achievement.

Secondly, UAVs are better than satellite imagery and individual technologies, such as mobile phones or social media, to document abuses and IHL violations. Today, drone technology has become

Sensing for Humanitarian Programs Workshop, <https://hhi.harvard.edu/node/752>.

⁹ Christopher Miller, "Ukraine Conflict Monitors Relaunch Long-Range Surveillance Drone Program", in *Radio Free Europe/Radio Liberty*, 27 March 2018, <https://www.rferl.org/a/ukraine-osce-conflict-monitors-drone-program-relaunch/29127731.html>.

affordable, enabling small community organizations to use them. UAVs allow getting closer to protests or violent clashes with little risk to their operators, and a greater reliability of information. Drones are also able to fly below clouds – mini-UAVs usually fly 100-200 metres above the ground – and can stream live images. UAVs can generate geo-referenced 2D and 3D maps, which for instance may prove the destruction of a hospital, by comparing pictures captured prior and right after an alleged attack. Drone image resolution is also much better, and less expensive, than satellite imagery.

It seems fair to say that drones will increasingly become important instruments in the prevention of human rights abuses and violations of IHL. Conversely, “opting not to use drones could indeed someday be considered a breach of IHL”.¹⁰ Considering the above, international organizations, researchers and NGOs should work to achieve the following objectives over the coming years.

Drones within international missions led by the UN or regional organizations could be used to protect civilians, acting as a deterrent against abuse and mass killings. The constant monitoring of camps hosting internally displaced people and UN safe areas would help to enhance data collection (or situation awareness) while ensuring so-called “protection by presence”. Analysts and human rights organizations can

jointly operate UAV missions in order to gather information, so that images and videos can be used as evidence before the International Criminal Court or local tribunals. The quality and definition of drone images would help identify perpetrators of abuse by highlighting weapons, military units, flags or insignia, aiding international accountability mechanisms.

Finally, images and videos could be used as powerful advocacy tools before the international community. Immediate impact is not guaranteed, but in the future members of the UN Security Council may be invited to watch real time drone videos of war zones or violence against civilians, potentially nudging their judgement right before a vote while enhancing public pressure on national governments to act.

Until diplomats and the public at large begin seeing drone technology as capable of saving, instead of only destroying, the lives of those fleeing persecution, the drone stigma will likely continue. This will deprive international actors of an invaluable new tool for the protection, monitoring and accountability of human rights abuses and violations of IHL.

10 July 2018

¹⁰ John Karlsrud and Frederik Rosén, “In the Eye of the Beholder? UN and the Use of Drones to Protect Civilians”, in *Stability: International Journal of Security and Development*, Vol. 2, No. 2 (June 2013), p. 7, <http://doi.org/10.5334/sta.bo>.

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