



Waterloo Region High School

# Model United Nations

UNITED NATIONS  
SECURITY COUNCIL

*Controlling the Use of Defence Weaponry for Targeted Killings*



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## INTRODUCTION

Several member states have adopted domestic policies that allow the use of defensive weaponry for targeted killings. These measures are often adopted by the Member State as a legitimate and necessary response to terrorist and national security threats. The majority of targeted killings perpetrated by a country have taken place on territory of another Member State. Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, found that the use of defense weaponry for target killing may be lawful in the limited context of armed conflict, but Alston strongly criticized the use of such killings “far from the battle zone,” and the lack of transparency and accountability in targeted killings operations.

New technology, such as unarmed aerial vehicles (UAV) or drones, have made targeted killing easier to accomplish. The use of these new technologies present fewer risks for the targeting country and significantly reduces the risk to armed services personnel. It is important to note, however, that the use of UAVs and other defense weaponry technology has created confusion on the legality of their use and a legal vacuum between different international regimes like human rights law, international humanitarian law, and law applicable to inter-state armed combat. The use of drones for targeted killing is also a concern for human rights as their use brings into question the protection of the right to life and security for civilians.

## IMPORTANT CONCEPTS

### *Targeted Killings:*

Targeted killing is defined as “the intentional, premeditated and deliberate use of lethal force, by States or their agents acting under colour of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator.”

While the definition for targeted killing is a common expression in academic literature, there is no legal definition under international law. No international conventions or treaties explicitly define targeted killings. The expression became common usage in the early 2000s after Israel adopted a policy of targeted killings of alleged Occupied Palestinian Terrorists. Other Member States, such as the United States of America (USA) and the Russian Federation,

have since then explicitly or implicitly adopted similar policies. For example, in April 2002, the Chechen warlord Omar Ibnal Khattab was allegedly killed by Russian armed forces. Since the terror attacks during September 11, 2001 the USA has also adopted a secret policy of targeted killings and have used UAV drones in Yemen, Pakistan, and in the Middle East region.

Targeted killings can occur in various contexts in times of peace or armed conflict, and are used on numerous targets, such as government representatives or non-state agents. Although drones and UAVs are the most commonly used type of defense weaponry, other means such as sniper fire, missiles from helicopters, car bombs, and shooting at close range can be classified as defense weaponry.

#### *Drones and Defense Weaponry Technologies:*

Although it has only recently received media attention, the use of UAVs, drones, and other defense weaponry dates back to the beginning of the 20<sup>th</sup> century with the use of surveillance kites. Defense weaponry was used extensively during the First and Second World Wars, with the use of land mines and the development of the unmanned explosive aircraft (such as the German V-1 rocket).

Although previously developed for intelligence gathering, drones have been increasingly used for targeted killings. An estimated forty Member States use similar technology for various purposes. Therefore, drones present an interesting advantage for Member States as “they permit targeted killings at little to no risk to the State personnel carrying them out, and they can be operated from the home state.” According to Alston, non-state actors, such as rebel groups, with considerable financial and material resources, could acquire drones or defensive weaponry technology.

Supporters for the use of drones argue that they offer a greater surveillance capacity and precision compared to other weapons. Drones, therefore, “can better prevent collateral civilian casualties and injuries.” Critics, however, argue that the use of drones raises ethical concerns, as drone operators are often located thousands of kilometers from their targets. The fear is that operators may develop a “PlayStation mentality to killing” which reiterates the importance of providing training for drone operators on International Humanitarian Law (IHL)

and other potential side effects. An additional concern for human rights organization is the under-reporting of civilian casualties by Member States deploying defense weaponry (see [USA Example](#)).

## INTERNATIONAL LEGAL FRAMEWORK

As of December 2016, neither the Security Council nor the United Nations has adopted a resolution in regards to the control of defense weaponry or targeted killings during or outside of armed conflicts. However, it is important to note that IHL and the UN Charter provide a legal foundation that is essential to understanding the issue of targeted killings.

The IHL is applicable only in the context of armed conflict; thus, the use of defense weaponry outside of armed conflict is rarely legal. In a similar style, “a State could theoretically justify the use of drones by invoking the right to anticipatory self-defense against a non-state actor.” States could also justify their actions by claiming that there was no other viable action other than the targeted killing. However, in practical terms, it is not common that a State could successfully justify such usage.

Drawing from IHL, four principles can be used to justify and legitimize the acts of lethal force in warfare. First, the principle of distinction states that civilians and combatants should be easily distinguished and civilians should not be the objects of an attack. This principle does not include acts of terrorism in its definition. Second, the principle of proportionality prohibits attacks that would “use excessive harm to civilians.” Third, the effects of armed violence on people’s security and health should be minimized as much as possible (principle of humanity). Finally, the principle of military necessity states the “kind and degree of force used against a legitimate target in an armed conflict must not be exceeding what is actually necessary to accomplish a legitimate military purpose in the prevailing circumstance.”

The UN Charter also introduces a legal basis for the use of defense weaponry. Article 2, paragraph 4, states that “All Member States shall refrain in their international relations from the threat or use of force against territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.’ Additionally,

Article 51 provides the following dispositions on self-defense and the role of the Security Council:

*"Nothing in the present Charter shall impair the inherent right of individual or collective self-defense 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. Measures taken by Member in the exercise of this right of self-defense shall be immediately reported to the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security"*

Despite the lack of solid international frameworks in the use of defense weaponry in targeted killings, IHL and the UN Charter offer guiding principles regarding self-defense and the protection of civilians in the context of armed conflicts. These principles, however, have proven to be insufficient to prevent human rights violations and humanitarian consequences. The Security Council in cooperation with Member States should develop an international framework and binding guidelines for the implementation of national policies.

## **CONCLUSION**

The Security Council has a crucial role to play in the future usage of defense weaponry. Besides the need to adhere to the IHL principles, Member States should disclose some information on their operations in order to create a more transparent and accountable regime. Member States or other organizations should also provide training for operators in respect to IHL provisions. Further mechanisms should also be developed to ensure and verify that Member States are using lethal force in legitimate cases. Additional measures need to be adopted to provide a greater balance between "the need for operational military flexibility with the protection of civilians and human rights." These guidelines should help Security Council

delegates when they draft policies and international norms on the issue area of targeted killings.

## RESEARCH QUESTIONS

1. Does your country possess and use drone or other types of defense weaponry, and if so, for what purpose?
2. How does your Member State envision the way forward for the use of controlled drones or defense weaponry? Should an international framework be adopted or is the status quo sufficient?
3. What safeguards is your country taking to address the security concerns associated with drones and other technologies of defense weaponry
4. Should Member States have a right to possess and use drones and other types of weaponry? If so, for what purpose?
5. What is your view on the role of the Security Council on targeted killings and the use of defense weaponry? How does your Member State envision cooperation with other UN organs on this matter?
6. How can the Security Council use its mandate to protect international peace and security to develop an international framework to end targeted killing?

## RECOMMENDED READINGS

UN Special Rapporteur Philip Alston Responds to US Defense of Drone Attacks' Legality  
<https://www.democracynow.org/2010/4/1/drones>

Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>

Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns <https://www.justsecurity.org/wp-content/uploads/2013/10/UN-Special-Rapporteur-Extrajudicial-Christof-Heyns-Report-Drones.pdf>

The U.S. and Israel Aren't the Only Countries Killing People With Drones  
<http://foreignpolicy.com/2015/09/08/the-u-s-and-israel-arent-the-only-countries-killing-people-with-drones/>

The Great Drone Contradiction <http://foreignpolicy.com/2015/02/19/the-great-drone-contradiction-unmanned-aircraft-systems/>

World of Drones <http://securitydata.newamerica.net/world-drones.html>

Targeted Killing and Drone Warfare <http://www.cfr.org/counterterrorism/targeted-killings/p9627>

Obama claims US drones strikes have killed up to 116 civilians <https://www.theguardian.com/us-news/2016/jul/01/obama-drones-strikes-civilian-deaths>

Human Rights Watch Targeted Killing and Drones <https://www.hrw.org/topic/terrorism-counterterrorism/targeted-killings-and-drones>

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