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Legality Of Drone Warfare Under International Humanitarian And Human Rights Law

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Abstract

The use of unmanned aerial vehicles (UAVs), or drones have transformed the contemporary warfare by allowing states to achieve precision in targeted killings like never before and at the lowest levels of risk to the military personnel. Nonetheless, this technology has also brought with it complicated legal and ethical issues with regards to whether it complies with the international humanitarian law (IHL) and international human rights law (IHRL). By comparing[1] the experimental application of contemporary drone strike with the principles of distinction, proportionality, and necessity promoted by the IHL, as well as protecting the right to life and due process guaranteed by IHRL, this paper critically discusses the legality of drone warfare. It also discusses the controversial intersection of these legal regimes, pointing to difficulty in aligning wartime and peacetime standards in transnational counterterror operations. The paper proposes that drone operations, though possibly in compliance with the technical conveyances of lawful warfare might in a large number of cases be inconsistent with the ethos of human rights promotions and responsibilities. Finally, the research highlights the importance of establishing a global regulatory structure to bring about transparency, controls, and application in the operation of drones. Keywords: Drone warfare, targeted killings, international humanitarian law, international human rights law, legality, proportionality, accountability.

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1. Introduction

The introduction of the drone technology has revolutionized the nature of war, changing the battle field and the calculus of war. Originally used as a reconnaissance tool, drones have now developed into instruments of lethal force which are mostly used in counterterrorism missions in the Middle East, South Asia, and Africa. They have been used to create deep legal debate over the limits of legitimate military force and preservation of human rights where asymmetric warfare occurs. The main question is thus whether the current practice of drone warfare is within the dual framework of the international humanitarian law (IHL) and the international human rights law (IHRL).

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The United Nations has a Charter that limits the use of force by states unless it is in the case of self-defense or with the authorization of the Security Council (Truman), 1945). Nonetheless, with the increasing use of drones in extraterritorial targeted killings, there has been a confusion of the boundaries between war and peace that has cast doubts on sovereignty, accountability and legitimacy of remote warfare (Mary Ellen, 2010). The secrecy around the choice of targets, the number of civilian casualties, and the evaluation of damage after the attack also makes the legal review exceptionally challenging, especially in places where no official armed conflict is present (Ullah, 2021a). Consequently, drone operations do not only question the traditional jus ad bellum standards that govern the right to apply force but also the jus in bello standards that govern its behavior.

On the one hand, supporters believe that drones allow more accurate targeting and minimize the number of casualties, on the other hand, opponents believe that these explanations obscure more significant concerns about legality and moral responsibility (McDonald, 2021). The intersection of IHL and IHRL is particularly important in this case: even though IHL regulates the way people behave in armed conflict, IHRL requires states to safeguard life and ensure due process at all times (Mignot-Mahdavi, 2023). The conflict between these regimes highlights another more basic normative quandary whether technological efficiency can ever tolerate legal and moral compromise.

It is against this background that this paper aims to examine the issue of legality of drone warfare using a multidisciplinary approach which incorporates the doctrinal legal analysis with empirical evidence on state practice and international jurisprudence. It focuses on finding out whether the functioning of the drones is in accordance with the current system of the international law and whether there is a necessity to introduce new legal standards which will allow controlling this developing type of war. By so doing, it will be adding to the larger discussion of the future of war, human rights, and the rule of law in the era of automation.

2. Conceptual and Legal Framework of Drone Warfare

The idea of drone warfare, being a relatively new technological phenomenon, has its basis in the old controversies of lawfulness of using force and state sovereignty. The first application of unmanned aerial vehicles (UAVs) was as reconnaissance planes, but they have evolved into weapons of killings and can be used to attack targets across borders with very little physical danger to the person. The innovation has turned the way conflicts are carried out fundamentally and has contradicted the legal norms about the integrity of territories and safeguarding of civilians (Seharwat, 2020).

2.1 Defining Drone Warfare

Drones typically mean the utilization of unmanned flying vehicles to either surveil or carry out assaults in military or counterterrorism operations (Konert & Balcerzak, 2021). Such actions can either be subject to the international humanitarian law (IHL) that regulates the behavior of hostilities or the international human rights law (IHRL) that governs the actions of hostilities when they take place in peacetime according to the circumstances of the operations (Choo, 2024). Defining the regime to use is important because it influences the legality of the force used, choice of targets, and accountability.

2.2 The Dual Legal Regimes: IHL and IHRL

Drones should be used in accordance with the fundamental principles of distinction, proportionality, and necessity, established under the Geneva Conventions and their Additional Protocols, under IHL (Bothe et al., 2024). On the other hand, IHRL, represented by the

International Covenant on Civil and Political Rights (ICCPR), obligates states to uphold the right to life and avoid arbitrary deprivation of the right to life even when extra-territorial (Joseph, 2022). The overlapping of these regimes typically brings a gray area particularly in those regions that are not officially declared as war zones like Yemen or the tribal areas of Pakistan (Alston et al., 2020a).

2.3 Sovereignty and the Use of Force

The use of drone strikes continues to raise continuous issues regarding the state sovereignty breach and the forbidding of the use of force in Article 2(4) of the UN Charter (Simma et al., 2024). Article 51 is also frequently cited in states where the drone strikes are used against non-state actors as the right to self-defense, and the justification of the use and necessity and immediacy requirements based on the Caroline formula is controversial (Dinstein, 2022).

2.4 Customary Norms and Emerging Challenges

The traditional principles of distinction, proportionality and precaution are applicable to drone operations regardless of whether such operations are covered by the treaty or not (De Baets, 2022a). In addition, the development of the principle of continuous combat functionality, between which it is possible to attack members of formal armed forces constantly at war, makes the distinction between civilians and combatants even less clear (Byron, 2022). This absence of a special treaty regime regarding drones leaves states with substantial freedom both in targeting and in imposing the drone as legal, a phenomenon scholars have come to describe as a grey zone in international law.

3. Legality under International Humanitarian Law (IHL)

The law of armed conflict is also called the International Humanitarian Law (IHL), which regulates the behavior of the hostilities and attempts to reduce the impact of the war by safeguarding individuals who do not and cannot continue to engage in the hostilities (Nijs, 2024). The legality of drone warfare under IHL is concerning whether the drone strikes are in line with the basic principles, such as distinction, proportionality, necessity, and humanity. The principles are enshrined in the Geneva Conventions and the Additional Protocols, and they constitute the basis of deciding the legality of any military operation (Mačák, 2022).

3.1 The Principle of Distinction

The principle of distinction puts a duty on parties to an armed conflict to distinguish their actions at all times between combatants and civilians, and to only take actions targeting legitimate military targets (Roscini, 2022). Drone killings should therefore be carried out in a manner that targets the targets are combatants or those people personally engaged in hostilities. The difficulty lies in the situation when drones are employed in performing signature strikes, when people are killed due to their behavioral specifics, but not on the basis of their identity (DeVore, 2023). This also endangers the breach of Article 48 of Additional Protocol I, which states that attacks must be confined to military targets only (Bellal & Casey-Maslen, 2022).

Further, when it comes to the war against non-state forces like the Al-Qaeda or the Taliban, the distinction of the individuals as legitimate targets is controversial. The doctrine of continuous combat function, which was suggested by the International Committee of the Red Cross (ICRC), provides an understanding of when non-civilian members of armed forces can be attacked, and the uncertainty of the implementation remains to create serious legal questions (Blusi, 2022).

3.2 The Principle of Proportionality

The proportionality rule does not allow any attacks likely to inflict civilian casualties in excess of the expected military benefit (Das, 2020). Although drone technology can be defended as precise, it has, ironically, led to the deaths of massive civilian populations in such states as Pakistan, Yemen, and Somalia (Alston et al., 2020b). Such strikes are made legal by the fact that the intelligence is correct and the post-strike analysis is transparent, which is often lacking because of the state secrecy (Anglim, n.d.). According to Michael Schmitt, the proportionality analysis of the drone warfare should take into account the precision of weapons and the dependability of the targeting process itself (Dannenbaum & Dill, 2024).

3.3 The Principle of Military Necessity

Only those measures required by the military necessity and not precluded by any other restrictions of the international law can be considered as such. As much as drones are used in the guise of necessity, to counter the eminent threats, the wide definition of the imminence has been pushing the boundaries of this principle. The use of anticipatory self-defense or pre-emptive strikes begs the question of whether this has been really necessary under the IHL meaning or is just a politically convenient action.

3.4 Accountability and Compliance under IHL

Liability to the breach of IHL in drone operations is hard to find. The rule of command responsibility places a liability on the superiors of unlawful actions by their subordinates in case the superiors knew about the wrongdoings or had the knowledge and omitted to stop the wrongdoings. Nevertheless, the distance associated with drone warfare spreads responsibility among political leaders, intelligence services, and military personnel. The shroud of secrecy that envelops decision-making and casualty estimates thwarts the attempt to have independent verification and deteriorates the implementation of the IHL norms. Consequently, this generally leads to compliance relying more on the self-regulation by the states rather than the international regulations..

4. Legality under International Human Rights Law (IHRL)

The International Human Rights Law (IHRL) regulates the actions of states inside and outside their territories and obliges them to respect, defend, and fulfil the sacred rights of every person that they govern (Nowak, 2020). The right to life, as stated in the International Covenant on Civil and Political Rights (ICCPR), in Article 6, and the broader duties regarding due process, accountability, and state responsibility are primarily used to determine the legality of drone warfare under the IHRL (Butt, 2024). On the one hand, IHL works in time of armed conflict, whereas on the other hand, IHRL is active at all times, even in peacetime and where the armed conflict threshold is not met (Fortin, 2022). The intersecting nature of these two regimes is especially important in the case of extraterritorial drone attacks targeting people on the battlefield.

4.1 The Right to Life and Extrajudicial Killings

IHRL is based on the right to life, and all arbitrary deprivation of the latter is a significant violation (Le Moli, 2020a). When drone attacks are launched without actively pursuing hostilities or when there is no adequate indication of a threat that is about to occur, the attacks have received much criticism as extra-judicial killings (Alston et al., 2020c). The United Nations Human Rights Committee has stated that a right to life should be safeguarded not only within the territory of the state but also when a state takes control over the people who are subject to its actions (Dávila, 2023). This means that drone attacks by the states like the United

States in Pakistan or Yemen are under their jurisdictional mandate under the ICCPR (van Wynsberghe & Comes, 2020).

The target murder will be only legal when the procedural protections are followed to the letter to ensure that the lethal force is not abused (Sakib, 2024). However, drone operations have generally been assumed to have cloudy executive directives, without effective judicial oversight, which weakens such protection and is deeply concerning in terms of accountability (Chengeta, 2022).

4.2 Due Process and the Right to Judicial Review

IHRL forces the states to provide due process prior to withholding individuals of life or liberty. Drone attacks that are performed on the premises of the secret intelligence, with no chance of a targeted person to dispute the ruling, are a denial of the due process (Mallory, 2021). McCann v. The European Court of Human Rights (ECthr). The United Kingdom noted that lethally employing force by the state agents should only be used as a last resort and in full compliance with the standards of human rights (Mallory, 2021). The lack of transparency of review in the work of drones, thus, does not meet the procedural aspect of the right to life according to the Article 6 of the ICCPR.

4.3 Extraterritorial Application of IHRL

The extraterritorial application of IHRL during drone warfare is one of the most controversial matters. States have traditionally maintained that their duty to respect human rights only applied to persons on their territory. Jurisprudence in the modern sense, however, such as the Al-Skeini v. United Kingdom ruling, has stated that the human rights treaties are enforceable whenever a state exerts an active control over territories or persons. Drone attacks, in which the commanding state is in charge of the application of the lethal force against foreign citizens, therefore, fall within this category.

Such a reading has been supported by other UN Special Rapporteurs and they argue that states cannot avoid human rights commitments by citing geographical constraints. As a result, any lethal operation that is undertaken without an armed conflict should meet the requirements of the IHRL standards in their entirety, especially the conditions of necessity and proportionality and accountability.

4.4 Transparency and Accountability

Another commonly reiterated criticism of drone warfare is the lack of its transparency. The states frequently categorize the information about the operations, numbers of victims, and the criteria of targets as the information concerning national security, thus hindering unbiased investigation and court control. The lack of transparency also hinders access to remedies by the victims which is a fundamental requirement of IHRL. Philip Alston states that drone operations need accountability, which entails the disclosure of the legal basis, target selection criteria, and wrongful death compensatory mechanisms, to the masses. In the absence of these, drone warfare will endorse impunity and weaken the universality of human rights

5. The Overlap and Conflict between IHL and IHRL

The crossroads between the International Humanitarian Law (IHL) and the International Human Rights Law (IHRL) is one of the most tricky legal conundrums in determining the legality of the drone warfare. These two sources of law are designed to safeguard human life and dignity but they have some distinctions in terms of scope and application as well as threshold at which force can be used. Although IHL controls the behavior in the armed conflict,

allowing the use of lethal force against combatants in some situations, IHRL is effective at all times, even at war, underlining the right to protect life and due process. Of special concern is the fact that when states use drones as part of transnational counterterrorism operations beyond battlefields, this boundary is especially controversial (Sassòli, 2022).

Normative clashes have typically been solved using the lex specialis principle according to which IHL is the special law in armed conflict situations (De Baets, 2022b). Nevertheless, the increase in drone attacks in areas that are not considered as war zones is a challenge to this hierarchy. In its Nuclear Weapons Advisory Opinion (1996), the International Court of Justice (ICJ) confirmed that IHL and IHRL could both be applied at the same time and neither the former nor the latter could fully displace the other (Bekker, 2023). This coexisting application requires that the legality of a drone strike should be considered not only through the prism of military necessity but also through the human right to avoid arbitrary deprivation of life (Lieblich, 2021).

The definition of armed conflict is one of the major problems. Countries like the United States have used justifications of drone strikes in countries like Yemen and Pakistan by arguing that there is a global armed conflict against non-state actors (Ullah, 2021b). This interpretation however stretches IHL to geographical and temporal limits that it was not initially intended to. The European Court of human Rights (ECHR) and UN Human Rights Committee have played it down more and more, as these globalized applications of wartime law are no longer acceptable, and the IHRL continues to have relevance where hostilities are intermittent or geographically confined (Le Moli, 2020b).

This dual structure is made more difficult by the operational realities of drones: remote targeting, long surveillance and high precision. Although drones can improve the adherence to IHL because they lead to fewer civilian fatalities, they are also used in intelligence-led signature attacks without visible identification of combatants, which demeans the distinction and due process (Alston et al., 2020d). According to scholars, this tension reveals the inefficiency of the lex specialis approach, which implies a harmonized understanding that includes both the humanitarian necessity and the proportionality of human rights (Kreps & Maxey, 2021).

The other issue of conflict is about accountability mechanisms. Violations are dealt with under the IHL either in the form of war crimes tribunals or the command responsibility doctrines but under the IHRL the state responsibility is stressed and individual redress is encouraged. Drones programs have a high level of secrecy, which usually results in a lack of accountability and leaves the victims without sufficient options (Enemark, 2020). Additionally, due to the growing integration of drone missions with data-based algorithms and remote control, conventional notions of responsibility according to both IHL and IHRL find it difficult to pin responsibility (Jacob & Mathieson, 2021).

Finally, the point of these two regimes requires a working synthesis and not strict division. The implementation of the protective guarantees of IHRL and the principles of operation of IHL can make drone warfare lawful and ethically justifiable. The practice can destroy the normative coherence of international law itself unless this is done through such reconciliation.

6. State Practice and Judicial Responses

Another way in which the legality of drone warfare is viewed through the context of the international law can be seen in the state practice and the judicial responses. The growing use of drones by some states like the United States, the United Kingdom, and Pakistan reflect a changing paradigm on the application of force, one that is pushing the boundaries of the accepted humanitarian and human rights standards. The state practice in this area demonstrates

discrepancies in the interpretation, selective application of legal principles, and the development of doctrines that indicate the conflict between the requirements of security and the responsibility towards the international community (Cohen, 2022).

Developing drone warfare and operationalizing it have mainly been the prerogative of the United States especially in counterterrorism wars in Afghanistan, Pakistan, Yemen, and Somalia. Drone strikes have been defended under previous regimes as being lawful acts of self-defense under Article 51 of the UN Charter and in line with the Authorization of Use of Military Force (AUMF) that was passed following 9/11 (LeJeune, 2023). The critics, however, note that this type of interpretation blows out the definition of self-defense, extending it beyond its customary limits, especially when the use of force is done in states that the U.S. is not officially at war (O'Meara, 2022). Even the courts of the United States have been hesitant to question the use of drones as they usually invoke the political question doctrine to evade cases involving the targeting and extraterritorial execution (Crawford, 2020). his judicial comity has led to absence of transparency and accountability on civilian casualties and legality of signature strike.

The United Kingdom has taken a more moderated stance by focusing on meeting the international humanitarian standards and proportionality evaluations. The drone attack on the UK in Syria in 2015 of a British national suspected of terrorism, however, sparked debate on extraterritorial application of the human rights obligation (Birdsall, 2022). Joint Committee on Human Rights of the British Parliament noted later that, in defense against terrorism, the right to life under Article 2 of the European Convention on Human Rights is still observed, and lethal force should be used as the final option (O'Connell, 2021a). The UK legal explanation was based on a broad interpretation of self-defense comparable to the U.S. one, which displayed convergence in practice in the eyes of the Western allies even though formally bound by the human rights standards.

Pakistan is in two different positions, which are, as a victim of and an actor in drone operations. As of 2004 to 2018, the U.S. has unleashed hundreds of drone attacks in the Federally Administered Tribal Areas (FATA) of Pakistan into tacit Pakistan government approval (Regan, 2022). Although the strikes were denounced in official statements as an act of denial of sovereignty, there is evidence that the operations were carried out in collaboration, especially in the intelligence sharing (Andersen, 2022). In Foundation for Fundamental Rights v. Pakistan, the judiciary of Pakistan, 2009. Federation of Pakistan (Peshawar High Court, 2013), has made U.S. drone strikes illegal, considering them to be against the sovereignty of Pakistan and the right to life (Mirjat, 2023). Regardless of this landmark ruling, lack of enforcement mechanisms and political reliance on U.S. aid made the ruling more of a symbolic one.

There have been international concerns with regards to the fact that drone programs are not transparent, with the United Nations and regional human rights bodies voicing their concern on the issue severally. According to the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, there should be clear guidelines on the selection of the target, the investigation of the post-strike, and accountability to the public (O'Connell, 2021b). The absence of an international system that can regulate the use of drones highlights the shortcomings of the existing law in combating the emergent patterns of warfare. Though the international tribunals have never held cases directly on the issue of drone warfare, the developing jurisprudence by the human rights courts, especially the ECHR, is that extraterritorial performance of obligations by a state may be extended to include remote warfare.

To conclude, the state practice presents a decentralization of the interpretation of the law as a result of strategic interests but judicial answers are inconsistent and limited. The outcome is a

patchwork of responsibility that compromises the universality of IHL as well as IHRL. The justification and control of drone warfare, until states come up with clear mechanisms of such processes will keep being undermined, which will have long term consequences to the stability of the international legal order.

7. Accountability and the Question of Legitimacy

The key to determining the legitimacy of drone warfare in the international law rests on accountability. Though advocates believe that drones will increase precision and decrease the amount of collateral damage, opponents stress that the secrecy and absence of regulation of such activities will weaken the rule of law and democratic responsibility (Seixas-Nunes, 2020). The legislation that regulates the accountability of drone strikes is still incompatible, and the victims are often lack of a viable solution, and the architects of violence are sheltered by the secrecy of state actions.

Within the scope of the International Humanitarian Law (IHL), accountability is mostly based on the criminal responsibility of the individual to commit the violation, including illegal killings or unproportional attacks. The Geneva Conventions and their Additional Protocols bind states to investigate the alleged war crimes and bring those guilty to prosecution (De Baets, 2022c). Nonetheless, the secrecy of the drone operations, especially the ones that are performed by intelligence agencies, but not military forces makes attribution difficult and the demarcation of command responsibility ambiguous (Kaspersen, 2021). In the case of the strikes by the Central Intelligence Agency (CIA) in Pakistan and Yemen, the question came up as to whether civilian agents could be held to the same level as combatants in terms of IHL (Ahmad et al., n.d.). This institutional ambiguity goes a long way in protecting the decision-makers.

In the context of the International Human Rights Law (IHRL), the state has the responsibility of enquiring about arbitrary deprivation of life and giving proper remedies. The United Nations Human Rights Committee has made it clear on several occasions that states should not only provide transparency and accountability to every use of lethal force but also do it extraterritorially (Joseph, 2019a). States, however, tend to use the national security or self-defense reasons in order to evade the revelation of the criteria of targeting or of a post-strike evaluation. Such a secrecy culture destroys the faith in the validity of drone operations and thwarts the creation of customary norms that would support accountability (McNeal, 2013).

Drone warfare is not only determined by the legitimacy based on legality but also on the morality and perception of the masses. The legitimacy demands that states prove necessities, proportionality and respect to human dignity (Schmitt, 2010a). However, the aspect of remote killing technologies making them normalize the risk-free way of waging war is a dangerous practice that makes it acceptable to transfer the ethical and psychological burden of violence to machines (Chamayou, 2015). Additionally, the lack of significant control measures, such as a judicial, legislative, or international, establishes the sense of impunity, which justifies even the legally organized strikes (Buchanan & Keohane, 2015a).

International and regional initiatives have come up to improve accountability. The UN Special Rapporteur on Extrajudicial Executions has proposed the creation of a transparent global system in the utilization of armed drones, such as the independent review mechanism and the obligation to report to the state (Ghadim et al., 2024). On the same note, plans in the Human Rights Council and the European Parliament recommend the increased compliance reporting, monitoring of civilian casualties and independent investigations. Yet, they are mostly non-binding and require cooperation on a state level.

The legitimacy crisis of drone warfare is so symptomatic of the structural failure of international law to regulate asymmetric technologies of violence as a whole. Whereas legality can be measured with regard to the existing norms, legitimacy should be measured in terms of transparency, accountability, and ethical restraint. So long as the states do not adhere to articulate standards of justifications and open disclosures, drone warfare will keep on undermining the normative lines between lawful warfare and execution. Accountability hence is not only a procedural requirement but a substantive precondition to the moral and legal validity of the contemporary warfare.

8. Recommendations

The above discussion reveals that there is an immediate necessity to establish better legislative frameworks and enhanced mechanisms of accountability to regulate the practice of drone warfare; as dictated by the International Humanitarian Law (IHL) and the International Human Rights Law (IHRL). It can be suggested to improve the legality, transparency, and legitimacy of the conduct of drone operations by the following recommendations:

1. Codification of International Standards on Drone Warfare

The United Nations ought to come up with a specialized international treaty/protocol codifying norms on the use of armed drones. This kind of instrument must refer to the standards of the targeting of the enemy, the proportionality measurement, civilian protection, and the need to be transparent (Buchanan & Keohane, 2015b). he codification would fill the existing normative gap and align the state practices within the frames of IHL and IHRL.

2. Strengthening Oversight and Transparency Mechanisms

States should also create effective internal and external controls of the drone activities. These involve mandatory reporting of drone attacks, investigation of post-strike attacks and release of civilian casualty numbers (Anderson & Waxman, 2013). Operational data should be available to independent review bodies, be it parliamentary, judicial or human rights commissions to guarantee accountability and deter misuse (O'Connell, 2021c).

3. Enhancing Victim Remedies and Reparations Frameworks

The right to an effective remedy, which applies, as provided in Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), requires the state to be held responsible on unlawful killings and injuries incurred in the drone attacks (Joseph, 2019b). The initiation of special compensation funds or reparation systems would offer physical compensation to victims and reaffirm the international trust in legal drone operation (Eijkman & Bakker, 2016).

4. Distinguishing Between Military and Intelligence Operations

Military command structures are the only ones to use drone operations as opposed to intelligence agencies like the CIA (Eijkman & Bakker, 2016). This difference will make sure that the standards of IHL of command responsibility and transparency are met and that the use of drone is in accordance with the accepted standards of armed conflict.

5. Revisiting the Definition of Armed Conflict and Combatant Status

The international community ought to define the temporal and geographic extent of armed conflict so as to eliminate the unlimited spread of hostility under the global war on terror (Lubell, 2010). Restating the meaning of combatant status and active violent involvement in hostilities would also contain the abuse of force in non-belligerent areas (Schmitt, 2010b).

6. Institutionalizing Multilateral Accountability Frameworks

An independent international institution that might be placed under the UN Human Rights Council or International Criminal Court (ICC) could oversee and assess drone operations across jurisdictions (Crootof, 2015). This is a mechanism that ought to possess investigatory capabilities and the capacity to propose penalties or reparation of breach of international law.

7. **Integrating Ethical AI Governance into Drone Technology**

Due to the growing automatization of targeting systems, human control and ethics are needed to be incorporated into the development and implementation of drones (Scharre, 2018). Explainability, human control, and legal responsibility are the principles that should be guiding the application of algorithmic targeting to avoid illegal or irrational murders.

All these recommendations aim at reinforcing the primacy of international law and moral responsibility in the changing world of war. States can make drone operations be both legitimate and legal by institutionalizing transparency and increasing vigilance and aligning the IHL and IHRL principles to the global legal order.

9. Conclusion

The concept of drone warfare is one of the most radical- and controversial- changes in contemporary warfare. Its accuracy and the minimized risk to combatants are the opposite of the obscurity, civilian casualty, and legality it frequently involves. Intersection of International Humanitarian Law and International Human Rights Law offers a complicated yet obligatory framework to determine whether it is legal. However, the continuity of the lack of transparency, accountability, and oversight indicate that legality is not an equivalent of legitimacy.

The future of the drone warfare lies on the readiness of the international community to come up with binding norms that safeguard the military necessity as well as humanitarian protection. With technology still surpassing law, the human dignity should be the primary focus of the international regulation. It is only a principled restraint, institutional responsibility and true respect to human rights that can make drone activities congruent with the moral and legal principles that shape the international system.

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