

Background Guide

General Assembly First Committee



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Background Guide: General Assembly First Committee

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LMUN 2021: The Sixth Session

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Letter from the USC

Dear Delegates,

It is my pleasure to welcome you to the Lagos Model United Nations (LMUN) Conference, 2021. This conference offers you the opportunity to harness skills like teamwork, public speaking, research, diplomacy and leadership. This conference also allows you to deliberate on contemporary global issues; it further gives you the platform to proffer solutions to those global issues.

I hope that every delegate in this committee maximizes the opportunities in this conference; I also hope that every delegate has a fantastic conference.

This year's staff for the **General Assembly (GA) First Committee** are; **Joseph Ayinde** (Under-Secretary-General) **Sumayyah Adetomiwa Ajani** (Chair), **Oluwalani Keshinro** (Vice-Chair), **Rahmat Suenu** (Researcher) and **Oluwasogo Gbarada** (Researcher).

Joseph is a 400-level law student at the University of Lagos. He is very passionate about MUNs and was a delegate at LMUN 2018. He was also a delegate at LMUN 2019, where he won the Honourable Mention award. In the LMUN 2020 conference, he served as a Researcher for the UNICEF committee. **Sumayyah** is a 400-level Law Student of the University of Lagos and is passionate about the achievement of the SDGs especially Goal 13 (Climate Action). She's a Climate and Environmental Justice Advocate with interests in Intellectual Property and Alternative Dispute Resolution (ADR). She began her MUN journey in 2018 as a delegate at LMUN and has since then, participated in several conferences in different capacities, bagging different awards. **Oluwalani** is a 300-level law student at the University of Lagos. She served as the Researcher of the Security Council in LMUN 2020 and was a delegate at LMUN 2019 where she won the Distinguished Delegate award. In 2018, she was a delegate at the American Model United Nations in Chicago. **Rahmat** is a 300-level law student of the University of Lagos. She participated in the LMUN 2019, where she was awarded an honorable mention award. She also emerged as a best delegate at the 2020 GIMUN conference. She's served as an editor for the International Press of YISMUN virtual conference since 2020, and is quite passionate about human rights and the attainment of the SDGs. **Oluwasogo Gbarada** is a 400-level law student at the University of Lagos with a keen interest in Alternative Dispute Resolution (ADR) and passionate about achieving SDG 16. He began his MUN journey as a delegate at LMUN 2018, IMUN 2020 and now as a researcher in LMUN 2021.

The two topics to be deliberated upon are:

- I. The Prevention of Acquisition of Weapons of Mass Destruction by Terrorists
- II. The Use of Unmanned Aerial Vehicles for International Security

Other essential documents which delegates are to download for further Conference preparation are; the LMUN Delegate Prep Guide and the LMUN Rules of Procedure. These documents are available on the LMUN website www.lmun.ng. If you have any questions concerning your preparation for the committee or the Conference itself, please contact me at – usggeneralassembly@lmun.ng or the committee at – lmungaldisec@gmail.com.

We look forward to seeing you at the LMUN 2021 Conference!

Joseph Ayinde

USG General Assembly, LMUN 2021.

Abbreviations

AU	African Union
BWC	Biological Weapons Convention
CTC	Counter-Terrorism Committee
CWC	Chemical Weapons Convention
DPRK	Democratic Republic of Korea
GNSSN	Global Nuclear Safety and Security Networks
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ICCPR	International Covenant on Civil and Political Rights
INTERPOL	International Criminal Police Organization
ISR	Intelligence, Surveillance, Reconnaissance
NPT	Non- Proliferation Treaty
UAV	Unmanned Aerial Vehicles
UNAEC	United Nations Atomic Energy Commission
UNIDR	United Nations Institute for Disarmament Research
UNODA	United Nations Office for Disarmament Affairs
WMD	Weapons of Mass Destruction
WMDC	Weapons of Mass Destruction Commission

Committee Overview

Introduction

The United Nations General Assembly First Committee, also referred to as Disarmament and International Security (DISEC) or General Assembly 1, is the first of the six main general assembly committees of the United Nations. Established in 1993, the committee deals with matters of “disarmament, global challenges and threats to peace that affect the international community and seeks out solutions to the challenges in the international security regime”.¹

The committee operates in close function with the United Nations Disarmament Committee (UNDC) and the Geneva-based Conference on Disarmament, it is the only committee of the General Assembly, entitled to verbatim records coverage. Members of the committee are entitled to an equal voice and voting rights in matters relating to international security and disarmament.

The role of the committee is contained in Article 11, Chapter IV of the United Nations Charter.²

Governance, Structure and Membership

The General Assembly is composed of all 193 Member States of the United Nations, each represented with voting status, and two non-member Observer States; State of Palestine and Holy See without voting status.³

The First Committee collaborates with the United Nations Disarmament Commission and the Geneva-based Conference on Disarmament. Both bodies report at least once annually to the First Committee.⁴ The Conference on Disarmament plays a crucial role in addressing issues of disarmament while the UNDC is a subsidiary organ of the First Committee composed of all 193 Member States charged with making recommendations to the General Assembly which

¹ UN General Assembly First Committee, (Disarmament and International Security).

² Charter of the United Nations, Chapter IV: Functions and Powers of the General Assembly.

³ General Assembly, United Nations.

⁴ UN General Assembly First Committee, (Disarmament and International Security).

lead to the formulation of principles and guidelines subsequently endorsed by the committee in its own reports.

The General Assembly (GA) holds an annual General Debate from September to December in the New York headquarters and mobilizes special sessions at other times to address a range of issues. The First Committee Resolutions passed are usually consented to by a simple majority.⁵

The governance of the GA changes with each annual session and is composed of a President; the President of the General Assembly (PGA) and twenty-one Vice-Presidents.⁶ The PGA is elected by a simple majority vote of the GA at least three months before formally assuming office at the opening of the GA session, usually in mid-June.⁷ The current president at the 75th Session is Volkan Bozkir and he is empowered to administer the General Assembly Rules of Procedure but has no say in the actual decision-making of the GA.⁸

The 21 Vice-Presidents for the next session are elected on the day of the election of the PGA.⁹ The Vice-Presidents replace the president of the General Assembly in an event of absence as Acting President.¹⁰ The Acting President has the same powers and duties as the President and remains under the authority of the General Assembly.¹¹ The five permanent members of the Security Council are always among the Vice-Presidents.¹²

⁵ *Ibid.*

⁶ UN General Assembly, Rules of Procedure, President and Vice-Presidents.

⁷ *Ibid.*

⁸ UN General Assembly, Bureau of the 74th Session, First Committee (Disarmament and International Security).

⁹ UN General Assembly, Rules of Procedure, President and Vice-Presidents.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

Mandate, Functions and Powers

The General Assembly first committee otherwise known as Disarmament and International Security (DISEC) primarily deals with any subject related to disarmament and maintenance of international peace and security. This includes matters relating to territorial disputes or disputes related to terrorism and related matters.

The First Committee deals with disarmament, global challenges and threats to peace that affect the international community and seeks out solutions to the challenges in the international security regime¹³. It considers all disarmament and international security matters within the scope of the Charter or relating to the powers and functions of any other organ of the United Nations; the general principles of cooperation in the maintenance of international peace and security, as well as principles governing disarmament and the regulation of armaments; promotion of cooperative arrangements and measures aimed at strengthening stability through lower levels of armaments.¹⁴

According to the Charter, the General Assembly 1 functions and powers include: to discuss and make recommendations on any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter;¹⁵ to consider and make recommendations on the general principles of co-operation in the maintenance of international peace and security, including such principles governing disarmament and the regulation of armaments; to call the attention of the Security Council to situations which are likely to endanger international peace and security; to discuss any question relating to international peace and security and, except where a dispute or situation is currently being discussed by the security council, make recommendations on it;¹⁶ initiating studies and making recommendations for the purpose of

¹³ UN General Assembly- First Committee- Disarmament and International Security.

¹⁴ UN General Assembly- First Committee- Disarmament and International Security.

¹⁵ Article 10, UN Charter.

¹⁶ Article 11, UN Charter.

promoting international political cooperation, encouraging the progressive development and codification of international law, realization of human rights and fundamental freedoms for all without any discrimination whatsoever, promoting international relation in the economic, social, cultural, educational, and health fields;¹⁷ receiving and considering annual and special reports from other organs of the United Nations including the Security Council - such reports from the Security Council will include an account of the measures that the Council has decided upon or taken to maintain international peace and security;¹⁸ creating measures for the peaceful adjustment of any kind of situation, including disputes which are likely to disrupt friendly relations among nations.

Recent Sessions and Current Priorities

The 75th session of the General Assembly was held in New York on September 15, 2020, with the theme "*The Future We Want, the UN We Need: Reaffirming our Collective Commitment to Multilateralism*".

The stated priorities for the 75th session include; formulating policies to operate in the pandemic by carrying out its work via novel means to guarantee business continuity and mitigate the spread of the disease, racism, intolerance, inequality, climate change, poverty, hunger, armed conflict and other ills which remain global challenges. These challenges call for global action, and the 75th session of the General Assembly was a critical opportunity for all to come together and chart a course for the future.

The First Committee approved 15 draft resolutions, Decisions on Disarmament Measures, including 2 Following Different Paths towards Keeping Cyberspace Safe. Among the draft resolution, includes resolution against nuclear weapons such as; Disarmament and

¹⁷ Article 13, UN Charter.

¹⁸ Charter of the United Nations, Chapter IV: Functions and Powers of the General Assembly.

non-proliferation education GA resolution 75/61¹⁹, The Hague Code of Conduct against Ballistic Missile Proliferation GA resolution 75/60²⁰, Countering the threat posed by improvised explosive devices GA resolution 75/59²¹, Measures to prevent terrorists from acquiring weapons of mass destruction GA resolution 75/58²², Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction GA resolution 75/55²³.

Conclusion

The First Committee is specifically concerned with promoting disarmament efforts and addressing challenges relating to international peace and security. The First Committee performs its functions with support from subsidiary organs of the Assembly such as the United Nations Disarmament Committee (UNDC) and the UN at large. The committee is particularly committed to the adoption of suitable long-lasting frameworks by Member States in building sustainable development.

Annotated Bibliography

United Nations, General Assembly, First Committee Security (Disarmament and International), available at <http://www.un.org/en/ga/first/> (accessed 20 January 2021)

¹⁹ General Assembly, Resolution on Disarmament and non-proliferation education, A/RES/75/6.

²⁰ General Assembly, Resolution on The Hague Code of Conduct against ballistic missile proliferation, A/RES/75/60.

²¹ General Assembly, Resolution on Countering the threat posed by improvised explosive devices, A/RES/75/59.

²² General Assembly, Resolution on Measures to prevent terrorists from acquiring weapons of mass destruction, A/RES/75/58.

²³ General Assembly, Resolution on Implementation of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction, A/RES/75/55.

This website contains all the relevant information regarding the First Committee. It provides an overview of the First Committee's work and structure. It also highlights the Committee's relationship with other UN bodies and stakeholders. This is a useful source of information for delegates who wish to critically understand the mandate and functions of the First Committee.

United Nations, General Assembly, Rules of Procedure, available at <https://www.un.org/en/ga/about/ropga/prez.shtml> (accessed 20 January 2021)

This is a useful source of information about the operation of the General Assembly First Committee. It provides insight into the structure of the Committee, the operation of its sessions, its governance and its working methods.

UN General Assembly, Disarmament and International Security (First Committee), available at <https://www.un.org/en/ga/first/index.shtml> (accessed 18 January 2021)

This website provides an insight as to the mandate of the General Assembly committee, how the sessions are structured and their working methods. It also contains landmark resolutions and documents which will prove helpful to anyone researching about and wishes to have an insight on the previous actions of the committee.

Charter of the United Nations, Chapter IV, available at <https://www.un.org/en/sections/un-charter/chapter-iv/index.html> (accessed 18 January 2021)

The Charter of the United Nations is one of the most fundamental documents of the United Nations. It is a must read for any person that wants to learn about the Disarmament and International Security Committee. The Charter informs one about the Structure, Powers and

Functions of the General Assembly and other Committees. Information and Facts retrieved from the site will aid better understanding for Delegates.

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United Nations, Functions and Powers of the General Assembly, available at <https://www.un.org/en/ga/about/background.shtml> (accessed 18 January 2021)

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UN General Assembly First Committee, (Disarmament and International Security), available at <https://www.un.org/en/ga/first/index.shtml> (accessed 18 January 2021)

UN General Assembly, Rules of Procedure, President and Vice-Presidents, available at <https://www.un.org/en/ga/about/ropga/prez.shtml> (accessed 18 January 2021)

UN General Assembly, Bureau of the 74th Session, First Committee (Disarmament and International Security), available at <https://www.un.org/en/ga/first/74/bureau74.shtml> (accessed 18 January 2021)

General Assembly resolution 75/61, Disarmament and Non Proliferation Education, A/RES/75/61 (15 December 2020), available at undocs.org/en/A/RES/75/61 (accessed 18 January 2021)

General Assembly resolution 75/60, The Hague Code of Conduct against Ballistic Missile Proliferation, A/RES/75/60 (7 December 2020), available at undocs.org/en/A/RES/75/60 (accessed 18 January 2021)

General Assembly resolution 75/59, Countering the threat posed by improvised explosive devices, A/RES/75/59 (5 September 2003), available at undocs.org/en/A/RES/75/59 (accessed 18 January 2021)

General Assembly resolution 75/58, Measures to prevent terrorists from acquiring weapons of mass destruction, A/RES/75/58 (5 September 2003), available at undocs.org/en/A/RES/75/58 (accessed 18 January 2021)

General Assembly resolution 75/58, Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, A/RES/75/55 (21 October 2015), available at undocs.org/en/A/RES/75/55 (accessed 18 January 2021)

I. Preventing the Acquisition of Weapons of Mass Destruction by Terrorists

“Weapons of Mass destruction violate more than individual lives- they cross international borders and jeopardize all people. They also drain resources that could be used instead for medicines, schools and other life-saving supplies. We must come together with even greater determination to prevent a WMD nightmare” - Ban Ki-moon²⁴

²⁴ Remarks at the event on "Preventing the Proliferation of Weapons of Mass Destruction to Non-State Actors: The Implementation of Resolution 1540 (2004) in the Arab World", 22 April 2013, United Nations's former Secretary-General Ban Ki-moon.

Introduction

In the absence of a single internationally accepted definition of terrorism, as terrorism literature is replete with competing definitions and typologies, the United Nations offers a variety of terminology describing the concept of "terrorism" to serve as guidance for states.

In 1994, the General Assembly's Declaration on Measures to Eliminate International Terrorism, set out in resolution 49/60, stated that terrorism includes: "Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes..."²⁵

The issue of terrorism has greatly impacted international peace and security and has remained a high priority item on the United Nations agenda.²⁶ In September of 2006, all Member States of the United Nations General Assembly passed the Global Counter-Terrorism Strategy, GA resolution 60/280,²⁷ the first common strategy to fight terrorism. The 2030 Agenda for Sustainable Development also articulates the link between counter terrorism efforts and development through SDG 10 on reduced inequalities, SDG 11 on the safety, resilience and sustainability of cities and human settlements and SDG 16 on promoting peaceful societies, providing access to justice for all and building effective and strong institutions.²⁸

Although the United Nations has been actively involved in counterterrorism efforts since the 1990s, following the attacks in the United States on 11th of September 2001 the UN was propelled into new action and questions concerning terrorist acquisition of Weapons of Mass

²⁵ General Assembly, Resolution 49/60.

²⁶ United Nations, "Advancing Disarmament within the 2030 Agenda for Sustainable Development".

²⁷ General Assembly, Resolution 60/280.

²⁸ UNODA, "Securing Our Common Future: An Agenda for Disarmament", New York, 2018.

Destruction rose in popularity.²⁹ Concerns about Weapons of Mass Destruction are however not a recent phenomenon and can be traced as far back as 1925 during World War I.³⁰ The threat posed by Weapons of Mass Destruction (WMD) to international security has steadily increased over the years as recent events such as the sarin attack in the Tokyo subway,³¹ Syria's use of chemical weapons during its civil war,³² nuclear weapon and missile tests conducted by countries such as Pakistan and North Korea,³³ have demonstrated the alarming effects of such weapons. Globalization and recent advancements in science and technology have also increased the threat of WDM terrorism. The ease of access to scientific and technical information regarding the construction of nuclear weapons increases the possibility that a terrorist organization with a supply of the necessary materials could develop its own nuclear weapon.

WMDs were mentioned at the General Assembly for the first time in 1946, when a commission was formed to address the issues presented by the discovery of atomic energy.³⁴ In 1948, the now-defunct Commission on Conventional Armaments provided an official definition and WMDs, according to the Commission, are atomic explosive weapons, radioactive material weaponry, lethal chemical and biological weapons, and any additional weapons developed having characteristics comparable in destructive effect to that of the atomic bomb and those aforementioned.³⁵ The General Assembly in 1977, through GA resolution 32/84-B entitled Prohibition of the Development and Manufacture of New Types of Weapons of Mass Destruction and New Systems of Such Weapons defined WMDs as:

²⁹ Arms Control Association, "The Impact of September 11 On Multilateral Arms Control", March 2002.

³⁰ UNODA, "Chemical Weapons".

³¹ Organization for the Prohibition of Chemical Weapons, "Brief History of Chemical Weapons Use".

³² UN News, "'Clear and convincing' evidence of chemical weapons use in Syria".

³³ The Guardian, "North Korea nuclear test: what we know so far".

³⁴ UN, Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy.

³⁵ W. Seth Carus, *Defining Weapons of Mass Destruction*, (2012), p. 5.

Atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future which might have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above.³⁶

Therefore, nuclear, chemical, and biological weapons are classified as WMDs. Nuclear weapons are considered “the most destructive weapon on earth,” with a single explosion capable of destroying a whole city, killing millions, and damaging the environment and livelihoods of future generations through long-term consequences.³⁷ Biological weapons are also highly destructive. The UN defines biological weapons as “complex systems that disseminate disease-causing organisms or toxins to harm or kill humans, animals or plants.”³⁸ Chemical weapons which are also disastrous, are defined as “toxic chemicals contained in a delivery system, such as a bomb or shell.”³⁹ Chemical terrorism has been identified as a more possible and realistic threat to international peace and security due to the ready availability of chemical components and their low procurement costs in comparison to other WMDs, and the relatively simple process of manufacturing and transporting chemical agents.

Preventing terrorist acquisition of WMDs is evidently a topic of significance to the General Assembly First Committee. Terrorist acquisition of WMDs will endanger worldwide security if effective precautionary measures are not taken. Measures to mitigate the spread of WMDs are therefore more crucial than ever.

International and Regional Framework

The international system has an array of structures designed to tackle terrorism as well as checkmate the proliferation and use of weapons of mass destruction. The United Nations’ committee on Disarmament and International Security (DISEC), the Security Council, as well

³⁶ UN General Assembly, Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons (A/RES/32/84[B]), 1977.

³⁷ UNODA, “Disarmament Issues”, 2015.

³⁸ UN Office Geneva, “What are Biological and Toxin Weapons?”.

³⁹ Organization for the Prohibition of Chemical Weapons, “What is a Chemical Weapon?”.

as other autonomous and specialized agencies and committees such as the IAEA and OPCW work in tandem to spearhead policies and programs geared towards the eradication of terrorism. Following the September 11 terrorist attack in the United States, the Security Council adopted the *Resolution 1373 (2001)*⁴⁰ as a measure aimed at combatting international terrorism by encouraging member states to adjust their respective domestic laws to allow for the ratification of all existing international conventions on terrorism, as well as placing strict measures on immigration, finance, and aid for terrorist groups.⁴¹ The resolution also established the Security Council Counter Terrorism Committee, which performs oversight functions to ensure that state parties adhere with the implementation of the resolution.

The UN global counter terrorism strategy, adopted GA resolution 60/288⁴² by the General Assembly provides a means to enhance domestic, regional and international efforts to counter terrorism. The Counter-Terrorism Strategy consists of four unique operational pillars which includes: measures to address the conditions conducive to the spread of terrorism, measures to prevent the spread of terrorism, building states' capacity, and ensuring respect for human rights and the rule of law.⁴³

In 2004, the Security Council unanimously adopted *Resolution 1540* which addresses various means to prevent the proliferation of weapons, their means of delivery, as well as measures to prevent its spread to non-state actors.⁴⁴ The resolution also calls for the ratification and implementation of the three WMD treaties. The three treaties; Non-Proliferation Treaty (NPT), Biological Weapons Convention (BWC) and the Chemical Weapons Convention (CWC) all contain provisions on anti-terrorism and non-proliferation of WMD.

⁴⁰ UN Security Council resolution 1373, S/RES/1373 (2001), 28th September 2001.

⁴¹ Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols Prepared by the United Nations Office on Drugs and Crime.

⁴² UN General Assembly A/RES/60/288, The United Nations Global Counter-Terrorism Strategy, 20th September 2006.

⁴³ The United Nations Global Counter-Terrorism Strategy, A/RES/60/288.

⁴⁴ Arms Control Association. UN Security Council Resolution 1540 At a Glance.

In addition, the United Nations have a series of anti-terrorism conventions which address various factors regarding the spread of terrorism and the proliferation of WMD. The 1999 International Convention for the Suppression of the Financing of Terrorism addresses appropriate measure to ensure that terrorists are denied access to finance. This is essential in ensuring the prevention of terrorists from acquiring weapons, because lack of access to finance can go a long way to curb the purchase of weapons by terrorists in the black market. Some other important conventions include: The International Convention on the Suppression of Terrorist Bombings 1997; the International Convention for the Suppression of Acts of Nuclear Terrorism 2005; the Convention on the Physical Protection of Nuclear Materials 1980; and the Convention on the Marking of Plastic explosives for the Purpose of Detection.

The General Assembly in 2017 adopted the UN GA resolution 72/42 titled: "Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction".⁴⁵ Notable among the prescribed measures include the encouragement for member states to support international cooperation among themselves and other relevant international agencies, and the call for the ratification of the International Convention for the Suppression of acts of nuclear terrorism. The convention seeks to criminalize acts of nuclear terrorism and to foster appropriate efforts to investigate, prevent and punish such acts.

Some relevant regional instruments include the Warsaw Convention (2005)⁴⁶ which was established by the Council of Europe in 2005, to facilitate international cooperation and mutual assistance in investigating crime and tracking down, seizing and confiscating the proceeds thereof. Article 2 of the convention sets out provisions by which the convention could be applied to prevent the financing of terrorism which includes the ability to "search, trace, identify, freeze, seize and confiscate property, of a licit or illicit origin, used or allocated

⁴⁵ 18th Mid-Term Ministerial Meeting of the Non-Aligned Movement (NAM) Baku, Republic of Azerbaijan 03-06 April 2018.

⁴⁶ CETS 198 –Laundering of the Proceeds from Crime and Financing of Terrorism, 16.V.2005.

to be used by any means, in whole or in part, for the financing of terrorism."⁴⁷ This convention is noted as the first international treaty to recognize and deal with the existing link between money laundering and the finance of terrorism.

The European Convention on the Suppression of Terrorism⁴⁸ was established by the membership of The Council of Europe in 1977, and entered into force in 1978. Among its significance is its provision for a distinction between offences which can be regarded as political/ politically motivated and those that constitute sheer acts of terrorism, for the purpose of extradition of the offenders. Among the offences mentioned in Article 1,⁴⁹ Those that are capable of attracting extradition are those involving the use of "bomb, grenade, rocket, automatic firearm or letter or parcel bomb" to the endangerment of persons, as well as those involving kidnap, attack against the life, and safety of the aviation.

Other noteworthy instruments include: the Hague Code of Conduct,⁵⁰ established to inculcate transparency and confidence building in the operation of ballistic missiles capable of carrying weapons of mass destruction; the OAU convention on the prevention and combatting of terrorism; the Solemn Declaration to the Common African Defence and Security Policy; and the Treaty for the Prohibition of nuclear weapons in Latin America and the Caribbean.

Role of the International System

Although the UN currently does not have a body or institution devoted to the subject of terrorist acquisition of WMDs, there are UN system subsidiary groups dedicated to specific aspects of the issue, such as the 1540 Committee, the Counter-Terrorism Committee (CTC),

⁴⁷ Article 2, *Ibid.*

⁴⁸ ETS No.090.

⁴⁹ *Ibid.*

⁵⁰ The International Code of Conduct against Ballistic Missile Proliferation.

the IAEA, the Weapons of Mass Destruction Commission (WMDC), and the United Nations Office for Disarmament Affairs (UNODA).⁵¹

Since its creation, the United Nations (UN) has been integral to launching structural responses to WMD concerns, from the founding of the United Nations Atomic Energy Commission (UNAEC) in 1946 through to the adoption of UN Security Council Resolution 1540 in April 2004, which is one of the UN's key initiatives on this matter. The 1540 Committee was set up to implement Security Council Resolution 1540, which was passed in 2004, requiring countries to oversee their stockpiles and restrict the transfer of WMD, even to non-state actors.⁵²

The 1540 Committee is made up of current permanent and non-permanent members of the Security Council and is organized into four sub-working groups: Monitoring and National Implementation; Assistance; Cooperation with International Organizations; and Transparency and Media Outreach.⁵³ The goal of this committee is to help with the implementation of SC Resolution 1540 subject to specific conditions, such as the prohibition of direct support and financial resources. The 1540 committee also oversees a database (matrices) that records each state's progress in implementing this resolution.⁵⁴ This matrix was designed in 2005 and is not without its sceptics. Not every Member State has provided the Committee with a matrix. The Democratic People's Republic of Korea (DPRK), for example, has not taken any disarmament or non-proliferation activities, and has not committed to the non-provision of WMD and similar materials to non-state actors.⁵⁵ In 2006, the SC adopted Resolution 1673, which re-established the intended targets of the 1540 Committee and intensified its efforts to promote the full implementation of the resolution.⁵⁶ In November 2008, the SC organized an

⁵¹ UNODA, "Weapons of Mass Destruction".

⁵² UN 1540 Committee, "United Nations Security Council Resolution 1540".

⁵³ UN 1540 Committee, "Working Groups".

⁵⁴ UN 1540 Committee, "Committee-Approved Matrices".

⁵⁵ UN 1540 Committee, "Democratic People's Republic of Korea [Matrix]".

⁵⁶ *Ibid.*

open discussion on enhancing global security through the regulation and control of weapons.⁵⁷

The Counter-Terrorism Committee (CTC), like the 1540 Committee, was founded on the strength of Article 7 of Security Council Resolution 1373(2001), and it examines legislative strategies to counter terrorism by banning all types of financial assistance provided by governments to terrorist groups.⁵⁸

The CTC, on the other hand, only covers facets of terrorism and focuses on the financial elements and illegality of terrorism rather than WMDs.⁵⁹ It also encourages all states to cooperate in inter-governmental intelligence collaboration about prospective threats and to punish terrorists and their followers.⁶⁰ The committee also monitors states' adherence to the standards outlined in the guidelines.⁶¹

In 1957, the International Atomic Energy Agency (IAEA) replaced UNAEC. This committee mainly functions to encourage the safe, efficient, and sustainable use of future nuclear technology.⁶² The IAEA is the primary international agency responsible for maintaining compliance with the NPT, and it works with Member States and worldwide specialists to promote regulations that strengthen nuclear safety, nuclear stockpile control, and nuclear terrorism.⁶³ The IAEA hosts the Global Nuclear Safety and Security Network (GNSSN), which provides members with a forum to exchange nuclear security information and methods in order to promote policy consistency and an enhanced level of nuclear safety. IAEA also

⁵⁷ UNODA, "Disarmament in the Security Council".

⁵⁸ UNSC Counter-Terrorism Committee, "About the Counter-Terrorism Committee".

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² UN Department of Public Information, "Atomic Energy, 2020; UN International Atomic Energy Agency, History".

⁶³ *Ibid.*

imposes a set of trade restrictions on Member States in order to keep nuclear weapons out of the wrong hands.⁶⁴

The United Nations Office for Disarmament Affairs (UNODA) collaborates with the UN bodies mentioned above to promote disarmament, particularly the elimination of WMD. UNODA fulfils this function through a number of structures and processes, including the main WMD and conventional weapons treaties, as well as regional bodies and conventions.⁶⁵ UNODA also serves as an archive for information on international disarmament and the status of weapons stockpile. UNODA provides structural and operational resources to Member States and other UN organizations in the field of disarmament and non-proliferation.⁶⁶ UNODA, however, does not take proactive action in relation to terrorist acquisition of WMDs, it instead supports actions undertaken by the General Assembly.⁶⁷

UNODA collaborates with the United Nations Disarmament Commission (UNDC), a General Assembly subsidiary body that gathers yearly for meaningful dialogue on two agenda items, one of which is typically nuclear disarmament.⁶⁸ The UNDC was established in 1952 as a subsidiary body of the Security Council that convened only on occasion. However, in 1978, the GA formed the Commission in its present form, mandating it to provide suggestions on disarmament matters and following up on previous recommendations.⁶⁹ The UNDC submits an annual report to the GA, which has approved many of its recommendations. However, the UNDC has not reached a significant agreement in the last decade, owing in part to the fact that the items on its agenda are often very controversial.⁷⁰

⁶⁴ *Ibid.*

⁶⁵ UN Office for Disarmament Affairs, "Disarmament Issue".

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ UN Office for Disarmament Affairs, "United Nations Disarmament Commission".

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

UNODA also collaborates with the Weapons of Mass Destruction Commission (WMDC), which was founded in 2003 with the goal of preventing terrorists from acquiring WMDs.⁷¹ The WMDC convened to examine risks and potential remedies to WMD use, as well as to consolidate data from previous WMD research. The WMDC was made up of 14 professionals who did not represent their countries of origin and it concluded its work in 2009.⁷²

The United Nations Institute for Disarmament Research (UNIDR) also plays an essential role in the global framework. Member States have also worked through the GA to organize their counter-terrorism activities, including drafting a global counter-terrorism plan.⁷³ However, this approach solely pertains to coordinating a response to terrorist use of WMD, rather than avoiding such use.

Other international organizations such as the International Criminal Police Organization (INTERPOL) also give priority to WMD terrorism. INTERPOL currently has a task force unit aimed at preventing radiological and nuclear terrorism as well as addressing the issue of biological,⁷⁴ chemical and explosive threats.⁷⁵ INTERPOL also assists Member States by providing capacity-building initiatives and counter-terrorism planning.

At the regional level, organizations such as the Caribbean Community (CARICOM), the Organization for Security and Co-operation in Europe (OSCE), and the African Union (AU) have demonstrated their dedication to the implementation of UNSC Resolution 1540. CARICOM instituted the United Nations 1540 Implementation Programme which is a regional programme to tackle proliferation threats and the use of WMDs in terrorist attacks, especially by non-state actors.⁷⁶ The OSCE has also expressed its support for the resolution through

⁷¹ UN Office for Disarmament Affairs, "Weapons of Mass Destruction Commission".

⁷² *Ibid.*

⁷³ General Assembly, Resolution 59/80; General Assembly, Resolution 57/83; General Assembly, Resolution 59/290.

⁷⁴ INTERPOL, "Bioterrorism".

⁷⁵ INTERPOL, "Chemical and Explosives terrorism".

⁷⁶ CARICOM, "United Nations Security Council (UNSC) Resolution 1540".

ministerial declarations and a regional implementation initiative which incorporates its resolution-related declarations into more practical programmatic activities.⁷⁷

Similarly, the African Union (AU) has declared its desire for a world free of biological, chemical, and nuclear weapons.⁷⁸ The AU is resolved to do this by advancing existing international frameworks and including tools aimed at the security of WMDs and the prevention of WMD terrorism. The AU has also added Resolution 1540 objectives to its agenda and has adopted a decision to coordinate its actions with the 1540 Committee.⁷⁹

Despite the efforts aimed at addressing this issue at the international level and even the regional level, there still exist areas for continued development. Although the organizations discussed above support efforts to prevent WMD terrorism, they mostly work with a specific category of weapons and do not provide an exhaustive framework. The General Assembly First Committee being a body dedicated to addressing issues related to international security and disarmament with universal membership to UN Member States is particularly qualified to create the necessary developments.

History and Use of Weapons of Mass Destruction by Terrorists

The threat posed by WMDs to international security has seen a steady increase over the years. Events in recent times have increased speculations of the possibility of the use of WMD on a large scale by non-state actors. However, the threat of proliferation of WMDs is not a recent phenomenon. The first notable/significant use of modern chemical weapons was recorded during World War I where chlorine, mustard and phosgene gases were used as a tool of war leading to 90,000 deaths and more than 1 million casualties.⁸⁰

⁷⁷ OSCE, "Countering terrorism".

⁷⁸ African Union, Solemn Declaration on a Common African Defence and Security Policy, 2004.

⁷⁹ Institute for Security Studies, "Africa Guide to U.N. Security Council Resolution 1540 (2014)."

⁸⁰ UNODA, "Chemical Weapons".

In March of 1995, a sarin gas attack on a subway in Tokyo by a Japanese religious cult, Aum Shinrikyo, resulted in the death of 12 civilians and the hospitalization of over 5,000.⁸¹ Another attack by this same cult was reported in Matsumoto with 7 deaths and over 200 casualties.⁸² Both attacks by the Aum Shinrikyo made use of nerve agents which can cause death within minutes after exposure by interfering with the normal function of the nervous system.⁸³

Incidents involving the use of chemical weapons have been reported in the ongoing civil war in the Syrian Arab Republic.⁸⁴ Member States including the United States, the United Kingdom have also accused the Syrian government of using banned weapons. Based on the findings of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic, it was confirmed that chemical weapons are being used in the ongoing conflict between the parties in the Syrian Arab Republic.⁸⁵

Chemical weapon use was also recorded in the Halabja attack which occurred on the 16th of March 1988 during the final days of the Iran–Iraq War in the Kurdish city of Halabja. A medical inquiry conducted by the UN found that mustard gas, as well as unidentified nerve agents, were involved in the attack.⁸⁶ This attack which involved the massacre of Kurdish people has been identified as the largest chemical weapons attack directed against a civilian-populated area in history,⁸⁷ killing between 3,200 and 5,000 people and injuring 7,000 to 10,000 more, most of them civilians.⁸⁸

⁸¹ Organization for the Prohibition of Chemical Weapons, "Brief History of Chemical Weapons Use".

⁸² *Ibid.*

⁸³ Centre for Disease Control, "Facts about Sarin".

⁸⁴ Arms Control Association, "Timeline of Syrian Chemical Weapons Activity, 2012-2020".

⁸⁵ UN News, "'Clear and convincing' evidence of chemical weapons use in Syria".

⁸⁶ Hiltermann, Joost R. (2007). *A Poisonous Affair: America, Iraq, and the Gassing of Halabja*. Cambridge University Press.

⁸⁷ Federation of American Scientists, "Chemical Weapons Programs – Iraq Special Weapons Facilities".

⁸⁸ The Times, "Halabja, the massacre the West tried to ignore".

While there have been reports of groups attempting to utilize biological weapons such as biological cultures and cyanide to infect municipal waterways,⁸⁹ live bacteria to contaminate food supply,⁹⁰ chemical weapons have been observed to be more frequently used than any other WMD in the 20th century.

There is undoubtedly a potential for terrorist groups to employ the use of WMDs in the future. In February 2012, the Director of the Defence Intelligence Agency stated that “terrorist organizations are working to acquire and employ chemical, biological, and radiological materials.”⁹¹ It is believed that radical Islamic groups, such as Al Qaeda, are looking to utilize WMDs.⁹² Such groups have consistently declared their intention to obtain and utilize WMDs. Naser bin Hamad al-Fahd, a Saudi cleric, released a ‘fatwa’ claiming justification for the use of WMD against the West.⁹³ Osama bin Laden claimed that Muslims have a duty to build WMDs.⁹⁴ In a letter published in 2004, an Al Qaeda strategist stated that if he had been engaged in the planning of the September 11 attacks, he would have attempted to get WMD on the planes.⁹⁵ ISIL is also suspected of intending to build a facility for the manufacturing of chemical weapons and of recruiting chemical weapons experts for a chemical weapons program.⁹⁶

Although it is considered unlikely that such terrorist organizations are unlikely to have access to WMDs at this time, they have clearly indicated a desire to acquire and deploy such

⁸⁹ Milton Leitenberg, *Assessing the Biological Weapons and Bioterrorism Threat*, (Carlisle Barracks, PA: US Army War College, Strategic Studies Institute, 2005), pp 28-39.

⁹⁰ W. Seth Carus, *“The Rajneeshees (1984),” Toxic Terror: Assessing Terrorist Use of Chemical and Biological Weapons*, (Cambridge, MA: MIT Press, 2000) pp 115–137.

⁹¹ General Ronald L. Burgess, Jr., Director, Defense Intelligence Agency, before the Senate Armed Services Committee on February 16, 2012.

⁹² Sammy Salama, Lydia Hansell, “Does Intent Equal Capability? Al-Qaeda and Weapons of Mass Destruction”, (2005) 12 *Non-proliferation Review*.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ Perez, ISIS May Be Forming a ‘Chemical Weapons Cell’ in Syria, *New York Post*, 2017.

weapons. As a result, the international community must intervene to prevent such an acquisition.

Factors Enabling the Acquisition of Weapons of Mass Destruction by Terrorists

The proliferation of WMD has been a recurrent topic at the UN since its creation in 1945 and several international frameworks and organizations provide some form of action toward tackling the issue of WMDs. However, a number of factors have impeded these efforts including; the growing influence of extremist religious leaders, the effect of globalization and emerging technologies, religious and ethnic conflict, an absence of border control and law enforcement efforts and the possible exploitation of the banking system to finance terrorist networks.

The presence of radical religious leaders who advocate destructive ideals, instill hate and intolerance, or inspire support for terrorist organizations drives violent extremism which has significantly led to the influx of international terrorists.⁹⁷

The potential for proliferation has increased considerably as a result of globalization and rapid technological development, especially in the field of biotechnology. Emerging technologies are developing new avenues for WMD development, lowering the likelihood of WMD identification, providing terrorists with new resources to inflict mass destruction and weakening the constraints to successful production and usage of WMDs. These technologies are also radically altering the WMD scope, altering potential threats, and disrupting the conventional WMD countering efforts as such technologies could even be adapted for use as a means of delivery.⁹⁸

⁹⁷ Federal Research Division, Library of Congress, "The Sociology and Psychology of Terrorism: Who Becomes A Terrorist And Why?", September 1999.

⁹⁸ Center for the Study of Weapons of Mass Destruction, "Combating WMD: Challenges for the Next 10 Years", February 2005.

Terrorists have been able to exploit these technologies to further their objectives, utilizing them for dispersing propaganda, inciting violence and aggression, recruiting, and fundraising unbridled by territorial borders or other physical barriers.⁹⁹ For instance, the manipulation of cyber technologies makes nuclear power plant hacking, even from remote locations, a possibility. Additionally, designs for improvised explosives can now be found on the Internet and on social media platforms.¹⁰⁰

The possible manipulation of the banking sector to finance terrorist groups, as well as the misuse of non-governmental organizations and charity groups for terrorist objectives, are also significant considerations in WMD proliferation. Terrorist attacks are funded by a combination of legitimate and illegal actions.¹⁰¹ The use of the internet and social media to solicit contributions from individuals and legitimate institutions by misrepresenting the facts about the actual recipients of the funds is becoming a prevalent means of funding. The increased use of wire transfers is also a growing development.¹⁰²

Financing strategies of terrorists have been adapted as counter-financing policies around the world disrupt previously established flows of financial assistance.¹⁰³ Transactions across controlled financial institutions are expected to decrease, whereas the use of alternate platforms for fund transfer, such as bulk cash transportation, unlicensed exchange operators, and cryptographic currencies, is expected to increase.¹⁰⁴

Furthermore, it has been observed that terrorism is inextricably linked to degrees of political terror and ongoing violence in a state.¹⁰⁵ Between 1989 and 2014, about 50% of all terrorist acts

⁹⁹ UNODC, "The use of the Internet for terrorist purposes", September 2012.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

¹⁰³ United Nations Counter-Terrorism Implementation Task Force (CTITF) Working Group, "Tackling the Financing of Terrorism", October 2009.

¹⁰⁴ *Ibid.*

¹⁰⁵ Institute for Economics and Peace, "Global Terrorism Index 2016".

took place in countries that were undergoing violent domestic war. An additional 41% happened in countries militarily engaged in an internal civil war.¹⁰⁶ This indicates that, in the vast majority of situations, combating terrorism is related to addressing the wider safety and security concerns of the states concerned.¹⁰⁷ The case of Syria illustrates how instability and conflict can increase vulnerability to chemical terrorism, especially if chemical weapons stockpiles are present in a conflict zone with weak governmental structures.¹⁰⁸

Poverty, insecurity, a shortage of employment prospects, youth recidivism, trafficking and smuggling, socio-political, fiscal, and physical marginalization have all been mentioned as elements and influences, which may help in understand the complexities of radicalization contributing to active violent militancy under jihadist ideologies.

It is generally accepted that arms trafficking is more prominent in regions lacking effective border control and regional coordination of law enforcement.¹⁰⁹ Weak coordination in border control, as well as the difficulties of developing an efficient export-import and transit-licensing regime, creates control loopholes that traffickers expertly exploit.¹¹⁰ Border security officers are critical to the effectiveness of border controls and licensing programs. It is therefore the responsibility of state law enforcement authorities, police, customs, and border control officials to track and prevent illegal transfers.

Additionally, a notable factor upon which the success of international action depends is the cooperation of Member States. Treaties such as the NPT, BWC, and CWC call for international cooperation against the development, stockpiling, and proliferation of WMDs. They involve

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ UN News, “Clear and convincing’ evidence of chemical weapons use in Syria.”

¹⁰⁹ Elli Kytömäki, “Regional approaches to small arms control: vital to implementing the UN Programme of Action”, Disarmament Forum 4/2005, pp. 55-64.

¹¹⁰ UN Meetings Coverage and Press Releases, “Security Council, Concerned at Threat Posed by Illicit Cross-Border Trafficking, Asks for Assessment of UN Efforts in Helping States Counter Challenges”.

voluntary reporting from Member States and the implementation of oversight and safeguards in the trade and stockpiling of WMDs. However, Member States who have not ratified such treaties are not legally bound to follow guidelines contained therein. Furthermore, although there are treaties to limit the development and use of WMDs as well as regional initiatives to create nuclear-free zones, not all states have signed such agreements. Consequently, states that have WMDs, especially nuclear weapons, can lead for other States in the region to also proliferate for their own national security. Another key concern is the difference in state ideology. Some states may sponsor terrorism by transferring WMD resources to terrorists or enable illicit transportation of said resources. This poses a significant threat as the sophisticated WMD knowledge and resources of a state could greatly enable terrorist capability.

Non-state actors have been identified as an increasing threat to WMD proliferation in recent years. Since the existing conventions on the non-proliferation of WMDs deal exclusively with state actors, states dealing with non-state actors do not have deterrence as a valid strategy for combating proliferation.¹¹¹ For this reason, Security Council Resolution 1540 explores the risk associated with the non-state actors and expressly states that states must refrain from supplying non-state actors with any funding for proliferation-related operations and prohibit them from participating in such illegal activities.¹¹²

Consequences of Weapons of Mass Destruction

WMDs have evolved over the years and so has the possible level of physical destruction, injury and loss of life these weapons can produce. Generally, terrorism is mainly concentrated in the Middle East, North Africa, South Asia, and Sub-Saharan Africa, which together account for 84% of attacks and 95% of deaths.¹¹³

¹¹¹ Stratfor, "Nuclear Weapons: Terror and the Non-State Actor", 2008.

¹¹² UN Security Council Resolution, S/RES/1540 (2004).

¹¹³ Institute for Economics and Peace, "Global Terrorism Index 2016".

The effects that flow from the use of chemical weapons can be assessed fairly quickly however their lethality can vary if the resources and delivery mechanisms that are available are limited.¹¹⁴ The strategic value for a terrorist group with limited resources would likely be derived from their potential to cause a psychological impact than from their ability to cause mass casualties since a chemical attack requires large amounts of chemical agents to achieve high fatality. This is often the case as most terrorists usually seek to frighten the masses and military units.¹¹⁵

The effects resulting from the use of biological weapons, on the other hand, cannot be determined as easily as the consequences of nuclear weapons, and their lethality can differ significantly based on a variety of factors.¹¹⁶

The detonation of a nuclear WMD could lead to short-term as well as long-term physical, health, environmental, social, and psychological effects. Those effects would be felt in varying degrees based on a number of factors, including distance from the point of the blast.¹¹⁷ Since the detonation of a single nuclear weapon could produce massive destruction and loss of life on an unimaginable scale, it truly qualifies as the most devastating weapon of mass destruction.

The economic consequences of terrorism differ depending on the nature of the terrorist attack and the economy it impacts. When terrorist acts occur over a prolonged period of time, the economic cost of terrorism is greater. As such, domestic terrorism usually has more severe economic consequences than transnational terrorism.¹¹⁸

¹¹⁴ Markus Binder and Michael Moodie, "Jihadists and Chemical Weapons", (2009) 131 *Jihadists and Weapons of Mass Destruction* .

¹¹⁵ *Ibid.*

¹¹⁶ Edward Eitzen, "Use of Biological Weapons" (1997) 437 *Medical Aspects of Chemical and Biological Weapons*.

¹¹⁷ Alexander Glaser, "Effects of Nuclear Weapons" (2007).

¹¹⁸ Institute for Economics and Peace, "Global Terrorism Index 2016".

The economic effects of violent conflict and terrorism increased by 23% and 35%, respectively, in 2013 and 2014.¹¹⁹ The global economic impact of terrorism in 2015, decreased by 15% from its 2014 level. Terrorism had an economic effect of 14.2% of the economic impact of war in 2015.¹²⁰

As tensions around the world have intensified, terrorism has worsened, and the economic influence of both has risen. Terrorism has had the greatest economic effect on Iraq, with terrorism accounting for 17% of the country's GDP in 2015.¹²¹ Public resources allocated to peacekeeping and peacebuilding account for 2% of the total economic effects of armed conflict and terrorism.¹²²

The use of WMDs could produce far more than physical injuries and deaths; it may also lead to all sorts of disturbances to military activities and community, and large-scale psychological disruptions.¹²³ When these consequences converge,¹²³ they may have significant organizational and strategic implications. The use of multiple agents can make it impossible to detect all of the agents involved, increase mortality, exacerbate symptoms, and make decontamination more difficult.¹²⁴ A large-scale weapons of mass destruction attack could also result in so many casualties which could lead to the collapse of the health-care system.¹²⁵

An analysis of the victims in the Tokyo sarin subway incident, for example, revealed that about 4,000 people believed that they had been exposed to WMD effects but had not been and only about 1,000 people were actually affected and treated in hospitals. This behavior led to the overburdening of the medical care system.¹²⁶

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² *Ibid.*

¹²³ Paul Cornish, "The CBRN System: Assessing the threat of terrorist use of chemical, biological, radiological and nuclear weapons in the United Kingdom", February 2007.

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

¹²⁶ Allister Vale, "What lessons can we learn from the Japanese sarin attacks?" (2005) 62(6) *Przegląd lekarski*, 528-32.

The anthrax attack on the US Congress through the postal system exemplifies the range and severity of the threat posed by WMDs. Although it claimed few victims due to quick response by bioweapons experts, it paralyzed the postal system and cost more than \$6 billion to clean up.¹²⁷

The chemical attack on Halabja which involved the used mustard, nerve agents and weaponized chemical agents mixed with biological agents, such as anthrax and aflatoxin, led to the immediate death of 5,000 civilians.¹²⁸ The agents used were potent and long-lasting carcinogens, leaving many survivors with serious long-term illnesses. The entire town of 80,000 people was destroyed, and no one was available to respond or provide medical assistance.¹²⁹ Additionally, findings from surveys of the affected area revealed an elevated risk of cancer and birth defects in the years following.¹³⁰

Radiological Weapon or Radiological Dispersal Device (RDD)

Radiological weapons are weapons that contain large amounts of ionizing radiation.¹³¹ If ingested or inhaled in sizable amounts, ionizing radiation can lead to radiation sickness or cancer.¹³² Radiological weapons can range from "crude explosive devices to sophisticated dispersal mechanisms.¹³³ The lethality of radiological weapons can therefore be indeterminate "because of the time required to accumulate a disabling or significant dose of radiation through ingestion, inhalation, or exposure.¹³⁴ On the other hand, since radiation destroys

¹²⁷ Christine Gosden and Derek Gardener, "Weapons of mass destruction—threats and responses" (2005) 331(7513) ABC of conflict and disaster.

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ BBC News, "Kurds look back with fear", 22 July 2002.

¹³¹ Charles D. Ferguson, *Radiological Weapons and Jihadist Terrorism, in Jihadists and Weapons of Mass Destruction* (Gary Ackerman & Jeremy Tamsett eds., 2009).

¹³² *Ibid.*

¹³³ *Ibid.*

¹³⁴ *Ibid.*

human cells, and radiation poisoning can cause untreated victims to dehydrate and bleed to death, some radiological weapons, even in minute quantities, can be deadly.¹³⁵

Some terrorists seek to acquire radiological materials for use in a radiological dispersal device (RDD), or “dirty bomb.” Although dirty bombs are labelled ‘Weapons of Mass Disruption’¹³⁶ and are not as complex as nuclear weapons, they are more viable for terrorist groups who lack the sophistication or the resources of a state, and the consequences of such weapons in the hands of a terrorist group is sufficiently devastating. Radiological materials trafficked illegally pose a significant threat to both global and national security.

The IAEA's illicit trafficking database has recorded 540 confirmed cases of nuclear and radioactive material trafficking since 1993.¹³⁷ With growing fears that more advanced and organized trade of radioactive material could be happening undetected, it is believed that this statistic reflects a conservative approximation of the true figure.¹³⁸

Given the vast number of radioactive sources available in the public domain, non-nuclear radiological terrorism is undeniably a credible threat. The widespread use of these materials increases the risk of radioactive sources being misplaced or stolen and although only a handful of such materials would be appropriate for nefarious use, it may only take one to generate a successful RDD.¹³⁹

Although the majority of terrorist groups continue to use conventional weapons, there are considerable concerns that others are seeking to obtain radioactive materials for malicious

¹³⁵ *Ibid.*

¹³⁶ Mike Colella, Stuart Thomson, Steven Macintosh, Mike Logan, “An Introduction to Radiological Terrorism” (2005) 20 *The Australian Journal of Emergency Management*, 12.

¹³⁷ IAEA NewsCenter (2003).

¹³⁸ Cameron, G., “Potential sources of radionuclides from terrorist activities: New challenges in radioecology” Presented at The International Conference on Radioactivity in the Environment, Monaco, (2002).

¹³⁹ Paul Cornish, “The CBRN System: Assessing the threat of terrorist use of chemical, biological, radiological and nuclear weapons in the United Kingdom”, February 2007.

objectives. In June 2002, U.S. authorities arrested Jose Padilla on charges of plotting a dirty-bomb strike in the United States. He was later found to have contacts with Al-Qaeda members.¹⁴⁰

The incentive for terrorists who employ such weapons is the damage it is likely to create, such as panic among the general population and considerable fear among those who believe they have been subjected to radiation.¹⁴¹ A well-executed radiological attack on an unprotected community would result in potentially significant economic costs, expensive environmental clean-up, social impacts and severe psychological damage for those who were impacted.¹⁴²

The threat of RDDs can be counteracted by introducing proactive policies such as delivering radiological training to customs, emergency responders, and medical professionals, as well as raising awareness about the true dangers and necessary safety precautions which must be taken.¹⁴³ Intensified research and development of fields such as new radiation detectors, efficient decontamination methods, and bio-dosimetry technology should be promoted, as this can contribute to more effective response strategies and injury prevention.¹⁴⁴

The possibility for terrorists to procure or manufacture hazardous radioactive materials must be restricted as well. Improving the global protection of radioactive materials through international coordination, conventions, and legislative measures, as well as ensuring the adoption of appropriate regulatory regimes for radioactive sources would also be effective.¹⁴⁵

¹⁴⁰ The New York Times, "Jose Padilla Convicted on All Counts in Terror Trial", Aug. 16, 2007.

¹⁴¹ Granot, H., "Planning for the unthinkable: Psychosocial reaction to Chemical and Biological Warfare (CBW) Weapons", (2000) *The Australian Journal of Emergency Management*, 21-25.

¹⁴² Mike Colella, Stuart Thomson, Steven Macintosh, Mike Logan, "An Introduction to Radiological Terrorism" (2005) 20 *The Australian Journal of Emergency Management*.

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

Measures to Curb Acquisition of Weapons of Mass Destruction by Terrorists

The international community has embarked on several actions to curb terrorist acquisition of WMDs. General Assembly resolutions such as Resolution 74/43, Resolution 73/55 and Resolution 72/42 and Security Council resolution, Resolution 2370 (2017) and Resolution 2325 (2016),¹⁴⁶ encourage tackling the proliferation of WMDs by identifying proliferation threats at an early stage before costly countermeasures are needed, focusing on reducing WMD and missile programs to zero, and controlling access to key technologies.

In 2019, the General Assembly's seventy-fourth session yielded resolution 74/43 entitled "Measures to prevent terrorists from acquiring weapons of mass destruction."¹⁴⁷ The report of the Secretary General, Measures to prevent terrorists from acquiring weapons of mass destruction (A/74/140) suggested a need to implement national measures to mitigate terrorist activity. It also affirmed its preceding resolution and suggests immediate accession and ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism (A/RES/59/290) (2005).¹⁴⁸ The report also provides insight into action taken by Member States, including existing legislation prohibiting terrorist activities within their border.¹⁴⁹ In 2019, the Security Council and the 1540 Committee advised a need for sustainable measures to prevent terrorist acquisition of WMDs.¹⁵⁰

¹⁴⁶ General Assembly, Resolution 74/43; General Assembly, Resolution 73/55; General Assembly, Resolution 72/42, Security Council, Resolution 2370; Security Council, Resolution 2325.

¹⁴⁷ General Assembly, Resolution 74/43.

¹⁴⁸ UN General Assembly, Report of the Secretary General on Measures to prevent terrorists from acquiring weapons of mass destruction (A/74/140).

¹⁴⁹ *Ibid.*

¹⁵⁰ United Nations, "National Action Plans Can Help States Prevent Terrorists from Acquiring Weapons of Mass Destruction".

Member States are also encouraged to strengthen cooperation with civil society, the public and private sectors in combating the illicit manufacturing of and trafficking in small arms and light weapons and improvised explosive devices.¹⁵¹

The complete and successful adoption of SC Resolution 1540 (2004) can only be achieved by instilling collective principles against proliferation in civil society, business, and the general public. Pressure from civil society for implementation by governments is considered useful in the implementation of national and international strategies to combat terrorist acquisition of WMDs. Without such an involvement, governments may not find any incentive for implementing such legislations and cooperation agreements. Civil societies could provide a supportive mechanism by working alongside national authorities to recognize essential threats and capability shortages, and creating actionable assistance demands.

In order to tackle illegal activity by non-state actors, the private and public sectors must collaborate. Private companies should have comprehensive internal compliance programs in place to prevent malicious non-state actors from abusing their services. The Wiesbaden Process, which was launched by the German government, provided a blueprint for promoting dialogue between the two sectors.¹⁵² The Government of Finland has also paved the way by taking a progressive “whole-of-society” strategy to enforce the resolution.¹⁵³ The strategy adopted by Finland should be replicated internationally.

Preventing the acquisition of WMDs by terrorist groups requires strengthening the capacity of international, regional, and national organizations not only to discourage, but also to respond to terrorists' use of weapons of mass destruction. This includes sensitizing the community and relevant responders to be able to handle and reduce the effects of a terrorist

¹⁵¹ Security Council, Resolution 2370.

¹⁵² United Nations, Security Council Adopts Resolution 2325 (2016), Calling for Framework to Keep Terrorists, Other Non-State Actors from Acquiring Weapons of Mass Destruction.

¹⁵³ *Ibid.*

attack by developing capacities to deal with: the aftermath, response coordination, and needs of victims if a terrorist attack takes place.

There must also be a framework to strengthen cooperation between countries requesting assistance and those supplying it. Countries like Canada, Denmark, Germany, France, for example, have established a Multinational Small Arms and Ammunition Group to strengthen the protection of small arms and ammunition stocks, especially in Bosnia and Ethiopia.¹⁵⁴ Senegal has developed a mechanism for monitoring non-state agent activities through its national commission in charge of nuclear security, which has brought together ministerial departments engaged in nuclear, biological, and chemical weapons policies, among other things.¹⁵⁵

To combat terrorist funding, the international community, regional organizations, countries, and private firms must collaborate. While cutting off funding would not completely eliminate terrorism, it will significantly reduce the number of threats and global presence of the highly powerful terrorist organizations that are currently wreaking havoc in the world.

A successful counter-terrorism program must prioritize restricting terrorists' access to WMDs, as well as precautionary steps to identify and deter terrorists from using WMDs, collective efforts to reduce incentives to acquire WMD, convince suppliers that threats from proliferation dramatically outweigh economic benefits, and remind proliferators that their actions come with a high price.

Conclusion

Terrorism utilizing WMDs has gained greater international concern and has become a topic of significance to the General Assembly First Committee. WMD terrorism is a threat that

¹⁵⁴ Multinational Small Arms and Ammunition Group, About MSAG.

¹⁵⁵ United Nations, Security Council Adopts Resolution 2325 (2016), Calling for Framework to Keep Terrorists, Other Non-State Actors from Acquiring Weapons of Mass Destruction.

could have devastating and long-lasting effects on the international community and the increasing number of active conflict situations renders the situation even more critical. International treaties, conventions, UN resolutions and reports of the Secretary General reflect the gravity of this issue. The UN has built on a range of activities and launched new efforts to prevent, protect against, and respond to the threat or use of WMD. However, such efforts still fall short of taking direct action to address possible acquisition of such material by terrorist organizations. The non-existence of an international committee overseeing WMD terrorism efforts remains a major hindrance to the success of non-proliferation efforts.

The international community still has an opportunity to prevent this threat from becoming reality. With universal participation and an increased focus on the threat the global risk of WMD terrorism can be contained. While the world has yet to see a terrorist attack utilizing WMDs on a mass scale, it is imperative to vigilantly address this issue and save “succeeding generations from the scourge of war”.¹⁵⁶

Further Research

What measures have been taken in the past, have they been effective and what mechanisms can be employed to enforce and strengthen existing treaties? What measures can the First Committee take to prevent terrorist acquisition of WMD and how can measures better address the changing nature of the chemical industry and the use of dual-use materials? How can the issue of non-State actors in the proliferation of WMDs be addressed? What solutions can be implemented concerning the control of radiological materials that can be made into “dirty bombs”? Lastly, what impact could technological developments have on WMDs?

¹⁵⁶ UN, Preamble.

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II. The Use of Unmanned Aerial Vehicles for International Security

“With the weaponization of Artificial Intelligence, the prospect of autonomous weapons that can select and destroy targets will make it very difficult to avoid escalation of conflicts and to guarantee the respect of international humanitarian law and the international human rights law.”– António Guterres, Secretary General of the United Nations¹⁵⁷

Introduction

Recent technological advancements have led to an increase in the use of Unmanned Aerial Vehicles (UAVs) in both military and civilian capacities. These remotely controlled aircrafts UAVs today play an important role in many other areas like wildlife surveys, weather monitoring, monitoring natural disasters effects etc. It has been predicted that UAVs will be a

¹⁵⁷ UN Secretary-General, Secretary-General's remarks to Turtle Bay Security Roundtable: Managing the Frontiers of Technology (as delivered) on 23 March 2018, in New York City, 2018.

major part of future smart cities¹⁵⁸. Taking advantage of recent advances and innovations in Information and Communication Technologies ¹⁵⁹(ICT), robotics and software; smart cities can optimize resources utilization and enhance operations in health, transportation, energy, and water services, as well as elevating the level of comfort of residents.¹⁶⁰

Unmanned Aerial Vehicles have become common in peace-keeping operations in recent years. The UN initiated a course of action towards the institution of UAVs with peacekeeping operations in Democratic Republic of the Congo. Following this, UN peace operations in Mali and the Central African Republic have used these unarmed assets to identify armed movements, monitor camps for internally displaced persons, and provide timely reconnaissance over vast and sensitive areas.¹⁶¹ Peacekeepers utilizing UAVs have an added and greater level of situational awareness, allowing them to carry out their mission mandate more cost-effectively, with greater safety, and in more time-efficient ways.

Armed UAVs used for military purposes can be used in the counterterrorism role, both as an intelligence, surveillance and reconnaissance (ISR) platform and as an on-call strike platform. However, this has raised new challenges in the application and interpretation of international law. Especially with regards to the maintenance of international peace, security, as well as the integrity of international humanitarian and human rights principles. Their capabilities enable armed forces to pursue new types of missions, tempting States to interpret international humanitarian and human rights law in ways that permit expanded use of force. They are attractive to undercover armed forces that operate in ways that may not permit sufficient transparency and accountability. Armed UAVs could become increasingly available to non-State actors, providing them with inexpensive options to conduct attacks with

¹⁵⁸ Mohamed, Nader & Al-Jaroodi, Jameela & Jawhar, Imad & Idries, Ahmed & Mohammed, Farhan, Unmanned aerial vehicles applications in future smart cities, (Researchgate: 2018).

¹⁵⁹ Unmanned Aerial Vehicles applications in smart cities, (2018).

¹⁶⁰ Unmanned Aerial Vehicles applications in smart cities, (2018).

¹⁶¹ Informal Interactive Dialogue on Unmanned Aerial Vehicles (UAVs).

increasing control and precision. They can drive the development of increasing autonomy in weapon systems, reducing decision times for strikes and thereby diminishing human control over the use of force.

In addition, the amount and type of information present with UAVs makes it an extremely interesting target for cyber-attacks. Because of their unique attributes and design, UAVs are more vulnerable to cyber-attacks such as Eavesdropping, Information Injection, Denial-of-Service, and Distributed DoS, GPS spoofing attack, session hijacking, and compromised surveillance.¹⁶²

International and Regional Framework

The use of unmanned aerial vehicles in varying levels of operations globally is fast growing and rapid; however, there still remains a lack of sufficient clarity as to the guiding principles and frameworks that regulates its use and operation. The bulk of issues constantly being raised, however, are in relation to human rights and humanitarian concerns, proliferation of potential weapons of mass destruction, respect for state sovereignty, transparency, accountability and proportionality in its usage.

As a general international humanitarian principle, it is expected of states to refrain from the arbitrary use of armed weapons or force against other states, especially when it potentially affects the territorial integrity of the other. *Article 2(4) of the charter of the UN*¹⁶³ provides in this respect for member states to refrain from the use of force or threats in their international relations. This provision on interstate use of force is important especially in the context of armed UAVs, which potentially poses huge risks to international security. A similar provision

¹⁶² Susheela Dahiya, Manik Garg, *Unmanned Aerial Vehicles: vulnerability to cyber attacks* (Springer International Publishing: 2019).

¹⁶³ United Nations, Charter of the UN, Art. 2(4).

exists under the *UN Basic Principles on the Use of Force and Firearms*¹⁶⁴ where law enforcements are required to exercise optimum restraint when faced with an unavoidable situation. All of these are in tandem with the preservation of human rights, especially the rights to life¹⁶⁵ and dignity of human persons as contained in the *ICCPR*.

While the non-use of force is clearly highlighted above, another important principle that is highlighted is state autonomy/sovereignty. *The Paris Convention of 1919*¹⁶⁶, as replaced by the *1944 Chicago Convention*¹⁶⁷ demonstrates this principle of sovereignty by providing that no unmanned aircraft shall be flown over the territory of another state “without special authorization by that state and in accordance with such authorization”.¹⁶⁸

*The Security Council's Resolution 1540 (2004)*¹⁶⁹ provides clear guidelines on not only the proliferation of weapons of mass destruction, but also on their means of delivery. UAVs have always been viewed as a risk because of its potential ability to be used as a means to transfer or carry dangerous weapons across territories. *The UN Arms Trade Treaty*¹⁷⁰ covers this ground, as it seeks to reduce illicit arms transfer and regulate the international trade of conventional weapons. In 2015, the International Civil Aviation Organization (ICAO) published a manual titled “*Manual on Remotely Piloted Aircraft System*”¹⁷¹, approved and published under the approval of the Secretary General. This manual was published with the goal of establishing a regulatory framework to ensure safe operations of RPAS which essentially are a form of UAVs. Earlier in 2011, the organization published the *ICAO Circular 328*¹⁷², stating that

¹⁶⁴ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

¹⁶⁵ International Covenant on Civil and Political Rights (Article 6).

¹⁶⁶ Convention Relating to the Regulation of Aerial Navigation.

¹⁶⁷ International Civil Aviation Organization (ICAO), Convention on Civil Aviation (“Chicago Convention”).

¹⁶⁸ *Ibid.*- Article 8.

¹⁶⁹ UN Security council, S/RES/1540 (2004).

¹⁷⁰ UN Arms Trade Treaty - 2014, adopted by Resolution A/RES/234B, 2013.

¹⁷¹ ICAO 10019, 1st Edition, 2015 - Manual on Remotely Piloted Aircraft Systems (RPAS).

¹⁷² ICAO Cir 328, Unmanned Aircraft Systems (UAS).

UAVs should adhere to relevant government policies for flight and flight equipment, as well as demonstrate an equal level of safety as regular manned aircrafts.

A notable multilateral treaty regarding the operation of armed UAVs is the *Wassenaar Arrangement on Export Control for Conventional Arms and Dual-use Goods and Technology*. This Treaty stresses the need for transparency and responsibility in transfers of conventional arms and Dual-use goods and technologies in order to foster regional and international security, as well as stability¹⁷³. *The UN articles on state responsibility*¹⁷⁴ also provides guidelines on state responsibility for internationally wrongful acts, and can be employed in the case of extraterritorial offences committed by one state against another in the operation of UAVs.

In 2015, the European Commission held a two days conference themed: "Remotely Piloted Aircraft Systems: Framing the future of Aviation". The result of the conference was the emergence of *The Riga Declaration on Remotely Piloted Aircrafts*¹⁷⁵. The declaration recognized key guiding principles to be considered in the regulation of drones. Among the principles recognized are: the inculcation of safety rules in a manner proportionate to the risk of each operation; urgent establishment of safety rules in the operation of drones by the European Union; protection of individuals' privacy; and responsibility/liability by the operator of a drone.

In the same year, the European Aviation Safety Agency (EASA) published a document¹⁷⁶, which urged the regulation of drone operations in a manner proportionate to the risk of each specific operation, as earlier suggested under the Riga declaration. The document also includes several suggestions on the mitigation of privacy concerns as well as adequate

¹⁷³ Statement by the Plenary Chair of the Wassenaar Arrangement on Export Control for Conventional Arms and Dual-use Goods and Technologies - (2020).

¹⁷⁴ Responsibility of States for Internationally Wrongful Acts - (2001).

¹⁷⁵ Riga Declaration on Remotely Piloted Aircrafts (drones): "*Framing the Future of Aviation*" 6 March 2015.

¹⁷⁶ Concept of Operations for Drones: A Risk Based Approach to Regulation of Unmanned Aircraft.

documentation to maintain a transparent and balanced system in the operation of drones across the region.

Role of the International system

The relevant international bodies concerned with the use and operation of UAVs include the UN disarmament committee, DISEC, the Security Council, International Atomic Energy Agency (IAEA), International Civil Aviation Authority (ICAO). While there is still no existing clear policy regulating the operation of UAVs, several existing policies regarding arms control and nuclear proliferation apply to the operation of armed UAVs. Some of the policies that have been promulgated focus on trade and exportation, such as the Arms Trade Treaty, which regulates international trade in conventional weapons.

The additional protocol to the Chicago convention contains a provision for the adherence to international law in the “study, development, acquisition or adoption of new weapons, means or method of warfare”. While this did not refer specifically to UAVs or any form of autonomous weapons, the wording of the article implies that it would apply to any device that could be categorized as a weapon, such as armed UAVs. Consequently, the operations of UAVs are subject to this international law. Some of the international laws that ought to be adhered to are contained in several legally binding treaties such as the ICCPR, which provides for the right to life as well as many other civil rights, which the use of arms could potentially infringe upon.

Despite the challenges of ambiguity regarding the laws regulating the operation of UAVs, UAVs have been deployed by many international bodies, including the UN to foster humanitarian activities in developing territories and crisis areas. In DR Congo, the UN has been making use of UAVs in disaster management and peacekeeping, by using obtained surveillance reports to determine appropriate responses to crisis situations. Drone surveillance in DR Congo was able to alert rescuers to save 16 people from drowning in a

lake¹⁷⁷ in DRC. Armed groups operations have also been detected by UAVs, which in turn aided their neutralisation by UN bodies¹⁷⁸. This could also aid the investigation of possible human right violations in crisis territories. Many nations and international bodies have welcomed the use of UAVs in humanitarian activities as a great idea.

The international bodies however need to step up to address the lack of international regulations, especially with regards to armed UAVs. There ought to be a framework that spells out clear regulations for UAV operations to prevent non-state actors from taking advantage of the situation. Several of the existing international instruments only cover parts of the Unmanned aerial system and are in most cases too vague to be applied without any form of complex interpretation.

While the UN has shown its support for several of the existing regional and national instruments, their application is still limited to either respective regions or countries, as the case may be.

Civilian and Military use of UAVs

According to the ICAO¹⁷⁹ UAVs can be categorized into two major types: Remotely Piloted Aircrafts (used mostly in civil applications), and the Autonomous aircrafts (mainly used in military context). Although some other classifications recognize model aircrafts used for recreational purposes, as well as several other categories of UAVs, what's important to note is that UAVs can either be used for individual/civil purposes or by states to carry out state operations.

UAVs have had increased usage in scientific applications¹⁸⁰. They are an effective data acquisition tool with mapping abilities that transcends that of many other remote sensing

¹⁷⁷ 'UN Mission helps rescue shipwrecked passengers in eastern DR Congo' *UN News* 5 May 2014.

¹⁷⁸ Hervé Ladsous: *Interview by Africa Renewal* - 'Unmanned aerial vehicles are effective in protecting civilians'.

¹⁷⁹ *Supra* note 91.

¹⁸⁰ 'How Drones are Advancing Scientific Research' by Renee Cho - Columbia Climate School.

platforms. UAVs are used in geosciences¹⁸¹, agriculture, surveying and mapping, wildlife observation, discovery of archaeological sites, support for disaster management among many other scientific purposes. UAVs have unique functional and economic benefits¹⁸² due to its low cost and the flexibility in its operations.

While all of the above outlined uses appear to be purely civilian, they can also be employed in military applications to achieve many tasks. For instance, mapping can be employed by the military in security surveillance among several other uses. On the other hand, civilian handlers can use them in spying or the interception of data or communication, albeit illegally. In essence, despite the attempted distinction between military and civilian UAVs, their functions sometimes overlap. This unfortunately raises concerns that non-state actors with malicious intent could utilize the same functions to their advantage. Civilian and Military UAVs respectively can be susceptible to targeted attacks by malicious hijackers.

UAVs have increasing benefits in its application in law enforcement¹⁸³. They can be used to carry out search and rescue operations, investigations on the scene of accidents, tracking and locating suspects and offenders, among others.

What appears to be important is further regulations that will guide the distinction between the use of UAVs both for military purposes and for civilian/scientific purposes. This would aid the optimum use of UAVs for better purposes and curb/reduce the threats posed to its usage.

Transparency and Accountability in the Use of Armed UAVs

Former UN Under Secretary-General and High Representative for Disarmament, Kim Won-soo once noted that armed UAVs "have unique characteristics that makes them particularly susceptible to abuse in comparison to other technologies"¹⁸⁴. Among the unique

¹⁸¹ Niedzielski, T. Applications of Unmanned Aerial Vehicles in Geosciences: Introduction. *Pure Appl. Geophys.* 175, 3141–3144 (2018).

¹⁸² Not Just a Toy: How Drones are Changing the Global Economy.

¹⁸³ '10 Ways That Police Use Drones To Protect And Serve' *Forbes* 7 October 2019.

¹⁸⁴ Foreword to The Study on Unmanned Aerial Vehicle (Prepared on the Recommendation of the Advisory Board on Disarmament Matters).

characteristics he noted are: (1). Low cost which will result in rapid proliferation; (2). Its loitering persistence and precision; (3). potential use by covert armed forces and non-state actors; and (4). Its possibility of lowering the political threshold for the use of force.

Given the nature of armed UAVs, it is pertinent that there is a system that enforces the reporting and recording of the use of all UAVs irrespective of the purpose it's being used for. This is important because there are many risks attached to the operation of UAVs which in many cases, may result in infringement of Human Rights. Ensuring transparency and accountability will increase the mutual confidence that international laws are being adhered to and restore a level of trust in the peaceful intentions of state operators. Countries involved in the operation and use of armed UAVs ideally should have transparent policies and a system ensuring transparency in their operations. Their capability with regards to their respective armed UAV systems should also be transparent and uncontroversial.

Lack of transparency could result in potentially dangerous expansions in the use of arms. In addition, transparency makes it easier to filter out those who operate with malicious intent, by preventing the unlawful use by those who aren't recognized, licensed or certified. This reduces the risk of malicious use by non-state actors.

In cases where loss of life or any infringement on human rights is reported, transparency and accountability, if ensured, can go a long way to foster the investigative process.

To foster accountability and transparency, there's a need for strong multilateral cooperation among nations to develop clear standards for the transfer, use and operation of armed UAVs, with a goal to bring clarity on the applicable international laws guiding the operation. In addition, export control on the sale and transfer of armed UAVs should be strengthened to ensure safety and adherence to already existing regulations.

Ethical usage of armed UAVs also ought to be embedded in the policies and regulations made, to ensure that the values of the system can be trusted and to foster accountability. This is particularly important in relation to targeted airstrikes, in ensuring that only reasonable

and proportionate approaches are used when carrying out the strikes to avoid infringements on human rights.

Challenges to the Effective Use of UAVs

UAVs are very susceptible to cyber-attacks. Their vulnerability to unplanned interception poses a problem to their usage, especially in gathering security surveillance. UAVS can also be used by rogue operators such as terrorists or militants, as much as they can be used by state military. While a number of anti-drone technologies have been developed to detect and intercept the operations of the rogue operators, these means can equally be used by them to intercept the activities of state operators. Signal jamming is a very common problem faced by drone operators as data and communication can be leaked to hostile parties and be used to their own advantage.

There's also the growing concern for safety in the operation of UAVs. This is especially important with regards to UAVs used in transporting highly sensitive military materials. There have been instances of miscalculation in the use of autonomous vehicles in carrying out special operations, especially targeted attacks on terrorist groups and organizations¹⁸⁵. The adverse consequence of this is that innocent bystanders could be affected in the instance of such a mistake. This in turn poses the threat of potential infringement on Human rights and exposure of citizens to danger.

Humanitarian Concerns

The UAVs' capacity to observe private property and capture sensitive personal information poses a threat to the right to privacy, and the concept of targeted killing clashes with the fundamental right to life, which is protected under the *Universal Declaration of Human Rights*, as well as by several treaties and customary international law.

¹⁸⁵ 'Pakistan: Reported US strikes 2009' *The Bureau of Investigative Journalism*.

Concerns about the humanitarian implications of the use of UAVs have risen more than ever in recent years. The implications of the targeted killings adopted by the US as a Counter-Terrorism measure have not been all rosy. Not only has the effectiveness of these targeted drone strikes proven to be short term, the negative humanitarian implications have given rise to many questions being raised as to the sustainability of this method. Reports have shown that in the numerous quests to kill militant leader Ayman al-Zawahiri, not less than 76 children and 29 adult bystanders have been killed by the CIA.¹⁸⁶ The Syrian government, from the inception of the Syrian uprising have also carried out numerous air strikes targeting several individuals who are considered adversaries to the government. Several reports have also suggested that an estimated 7-15% of deaths from US drone strikes carried out in Pakistan, Somalia and Yemen between 2009-2016, were civilians¹⁸⁷. Unfortunately, the crux of the implications of these strikes is borne by regular individuals within the respective territories. Loss of property and forced displacement is common in territories where these attacks take place. This increases the number of refugees and internally displaced individuals globally.

To conform with humanitarian norms, there is a need for adequate transparency into the conduction of these targeted killings. Global humanitarian principles that should be adhered to when conducting such operations include the principles of distinction, proportionality, humanity, and military necessity. Targeted killings of known terrorists need to be distinguished from mere indiscriminate assassination. The precision capability of drones or unmanned aerial systems used in warfare ought to be regulated to meet certain standards and limits, with clear policies regulating its necessity if ever there's any¹⁸⁸.

¹⁸⁶ Clive Stafford Smith: 'Who's getting killed today?'

¹⁸⁷ Nicholas Grossman, 'Trump Cancels Drone Strike Casualty Report: Does It Matter?', War on the Rocks (April 2, 2019).

¹⁸⁸ 'Humanitarian Concerns Raised by the Use of Armed Drones' - Sandra Krähenmann, Geneva Call, and George Dvaladze, Geneva Academy of International Humanitarian Law and Human Rights, 16th June 2020.

Addressing the Security Challenges from the Use of UAVs

The Federal Aviation Authority in the United States projects that by 2023, there will be about 1.3 to 1.7 million hobby Drones in the United States alone¹⁸⁹. The use of unmanned aerial systems transcends military or state use alone. In recent times, companies like Amazon and Domino's Pizza have tested drones for commercial delivery systems¹⁹⁰ and it is expected that Drones will dominate the commercial space in the very near future. As futuristic and progressive as this appears, the impending risk it poses cannot be overlooked. Civilian drones are more susceptible to cyber threats and attacks than their military counterparts. They could potentially be hijacked and used for unintended or hostile purposes. The information obtained by these devices such as image, video or voice recording could be used by militants to map out targets and cause potential harm.

In the wake of contemporary geo-political tensions, there has been increased outcry as regards the third-party development of these devices and how it could increase the risk of interference with classified data and communication systems. In May 2019, the US issued a warning to both government and individual organizations to be wary of Chinese made drones, as they could constitute a "potential risk" due to speculations that flight data are possibly being sent back to manufacturers. This brings about the realization that adverse countries could potentially obtain classified information from their adversaries and put it to use against them. In August 2019, a fleet of "military drones" targeted and attacked a Saudi Arabia oil production site. Consequently, the Yemen Houthi rebels claimed responsibility for this attack. This is especially troubling in the wake of increasing terrorist attacks globally.

UAVs with inbuilt Raspberry Pi programs can be used for spying or espionage¹⁹¹. The information obtained could be used to intercept weapons-carrying military drones and divert

¹⁸⁹ FAA National Forecast FY 2019-2039.

¹⁹⁰ Business Insider: 'Why Amazon, UPS and even Domino's is investing in drone delivery services'.

¹⁹¹ BBC News - Raspberry Pi Used to Steal Data from NASA Lab, 24th June, 2019.

them to terrorist groups. What is more disturbing is the portability and affordability of these devices as well as their swift performances in operations.

Mistakes are sometimes unavoidable when carrying out targeted attacks and this poses potential physical harm to individuals as a result of accidents or miscalculation. For instance, there was a recent allegation against the French army for carrying out an airstrike that killed more than 20 people at a wedding in Mali, during an operation which they termed to be an effort to kill "dozens of armed fighters" from Islamist groups in the area. Despite the denial of the allegation by the French force, dozens of witnesses have spoken otherwise. Whether or not the allegations are true however, the possibility of that happening poses a risk to fundamental human rights and safety of individuals.

Conclusion

According to research carried out by Ohio University, an estimated \$6.4billion is currently being spent each year on developing drone technology around the world¹⁹². That number is expected to nearly double in future years, bringing the total amount spent on drones for both military and commercial applications to \$11.5billion annually by 2024.¹⁹³ There's no doubt that the UAV industry is fast growing and blooming, but that growing popularity brings a multitude of benefits and challenges. UAVs are yet to be fully explored and developed as they promise really strong and reliable potentials yet there are various issues and challenges associated with it. Thousands of small drones are sold every year as these products are readily available online although it is difficult to regulate their operations as they pose high safety risks amongst others. Drones or UAVs can be utilized for really good benefits and services like spotting wildfires, fighting crimes, deliveries among others. But a lot still has to be done in terms of international regulations and frameworks, more importantly to safeguard humanitarian principles.

¹⁹² The benefits and challenges of UAVs (Ohio University).

¹⁹³ The benefits and challenges of UAVs (Ohio University).

Further Research

Is it necessary that there are national laws and state independent policies guarding the use of Drones by individuals and professionals such as surveyors? If so, in what ways can this be done by each state's government? Should there be regulations and restrictions with regards to the manufacturing, use, export and proliferation of all kinds of UAVs? And why? With special emphasis on non-state actors such as terrorists, what are the potential dangers that lie in the progressive use of UAVs? What are the possible challenges and advantages that could arise from the possibility of using drones for services such as Deliveries, Traffic evaluation etc.?

Annotated Bibliography

ICCPR- Article 6, available at https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf (accessed 21 February 2021)

The International Covenant on Civil and Political Rights is a multilateral treaty adopted by United Nations General Assembly Resolution 2200A (XXI) on 16 December 1966, and in force from 23 March 1976 in accordance with Article 49 of the covenant. Article 6 of the Covenant recognises the individual's "inherent right to life" and requires it to be protected by law. It is a "supreme right" from which no derogation can be permitted, and must be interpreted widely.

UN Charter, Article 2(4), available at <https://www.un.org/en/sections/un-charter/chapter-iv/index.html> (accessed 21 February 2021)

The Charter of the United Nations is one of the most fundamental documents of the UN. It is a must read for all delegates. This Article 2(4) provides for the non use of threats or force on any territorial integrity or political independence of any member state. The provision of this Article in relation to this topic emphasizes the non conformity of the UN with any use of force or threats on any of its member states. Delegates will find this Article very useful in the course of the committee sessions.

Security Council Resolution 1540 (2004), available at [https://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540%20\(2004\)](https://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540%20(2004)) (accessed 21 February 2021)

This resolution is majorly focused on all States refraining from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery for terrorist purposes particularly. Delegates should go through the resolution in order to understand the agitations of the public with regards to the negativities that would be experienced from the use of UAVs by non-state actors and specifically, terrorists.

International Civil Aviation Organisation (ICAO) Circular 328 (2001), available at https://www.icao.int/meetings/uas/documents/circular%20328_en.pdf (accessed 21 February 2021)

The International Civil Aviation Organization is a specialised agency of the UN that formulates principles regulations guiding international air space navigation. The agency adopts standards and recommended practices concerning air navigation, infrastructure, flight inspection, prevention of unlawful interference, and facilitation of border-crossing procedures for international civil aviation. This circular issues a series of recommendations regarding the safe operation of unmanned aircrafts in the air space.

1944 Chicago Convention, available at https://www.icao.int/publications/Documents/7300_cons.pdf (accessed 21 February 2021)

The convention set the purpose of the International Civil Aviation as to help create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security; and to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends. This convention hopes that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically.

United Nations Arms Trade Treaty, available at <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf> (accessed 21 February 2021)

The Arms Trade Treaty is a multilateral treaty that regulates the international trade in conventional weapons for the purpose of Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties. This treaty is useful for both topics to be debated in this committee.

European Commission- Riga Declaration, available at <https://ec.europa.eu/futurium/en/system/files/ged/riga-declaration.pdf> (accessed 21 February 2021)

This Declaration provides political support for the development of the EU Urban Agenda in full respect of the principles of subsidiarity and proportionality and takes account of the intergovernmental work of Member States on the Urban Acquis so far. Particular attention within this declaration is paid to the PresidencyTRIO's (Italy-Latvia-Luxembourg) common priority – small and medium sized urban areas, as an integral part of the EU Urban 2 Agenda, acknowledging their significant role and potential for balanced territorial development and achievement of common European goals.

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