

The Use of Drone Strikes and the Legality of Targeted Killings under International Law

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Abstract

Background: The growing use of armed drones has brought about significant transformation in present-day warfare by facilitating states to carry out long-distance surveillance and targeted killings beyond traditional warfare. Although drones are generally used as instruments that can accurately perform counterterrorism activities for national security, their utilisation creates key questions regarding the ban on the use of force, sovereignty of the state, protection of civilians, and accountability. This article performs a critical examination of the legality of drone strikes under international law by focusing mainly on the US operations in Pakistan and Yemen and the growing use of artificial intelligence in military targeting. **Methods:** A doctrinal legal research methodology is being used based on international treaties, judicial decisions, state practises and scholarly literature. **Results:** The analysis shows that prevailing international legal rules offer a significant framework for managing drone warfare, but their successful use is undermined by confusion regarding self-defence, imminence and the status of non-state actors, along with jurisdictional and enforcement issues. Civilian casualties and limited transparency further create compliance issues regarding the use of drones. AI-based targeting creates further transparency challenges because algorithmic systems may undermine responsibility for illegal outcomes. **Conclusion:** Drones are not inherently illegal but their legality relies on the prevailing circumstances and the ways they are used. Clarity over legal standards, stronger accountability, effective investigations and effective human control are therefore needed.

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Introduction

Unmanned Aerial Vehicles (UAVs), generally known as drones, have become key instruments of contemporary military and counter terrorism operations. Their ability to carry out surveillance and lethal operations has remotely changed the nature of modern-day warfare. After the attacks of 11 September 2001, the US significantly relied on drones, especially in Pakistan, Yemen, Somalia, Iraq and Syria (Mohsan et al., 2022; Okpaleke, 2023). This

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development has created constant legal and ethical challenges regarding the use of force that is beyond traditional armed conflict.

The major legal issue is not whether drones are fundamentally prohibited, but whether they are used in compliance with the rules that govern the use of force and conduct of hostilities. Article 2(4) of the United Nations Charter provides the general prohibition on the threat or the use of force against the territorial integrity of another state or political independence. On the other hand, Article 51 acknowledges the inherent right of individuals or collective self-defence in the case of an armed attack. States using drones across different global borders therefore need to provide a strong legal justification for carrying out their operations (Pobjie, 2019; Lonér, 2024).

The issue becomes especially controversial where strikes are conducted for targeting non-state actors located in another sovereign state. The justification for US operations in Pakistan was given through Article 51 and by presenting the argument that Pakistan was not willing or was not capable of dealing with terrorist threats. Nevertheless, the legal status of this doctrine is still contested (Corten, 2021; Chrysanthem, 2021). Civilian casualty concerns are related to international humanitarian law, especially distinctions, proportionality and necessity. The 2013 US strike on a wedding convoy in Yemen, which reportedly took the lives of 12 civilians, shows the results of targeting mistakes and the challenges of reconciling operational objectives with civilian protection (Bachman, 2025).

The advancements of AI-enabled targeting add another dimension. Although AI can enhance information processing and targeting speed, algorithmic systems may not have the context-based judgement that is required for assessing distinctions and proportionality. In instances where the use of AI results in illegal killing, responsibility may be divided between operators, commanders, programmers and states (Hartmann et al., 2023). This article therefore analyses whether prevailing international law is able to adequately regulate drone strikes and targeted killings by focusing on cross-border force, civilian protection, sovereignty, accountability and AI-based warfare.

Legal Framework and Methodology

The article uses a doctrinal legal research methodology by analysing primary legal materials and secondary scholarly sources. The framework includes the United Nations Charter, Geneva Conventions, relevant international judicial decisions, international human rights instruments and state practices, which is supported by scholarship on drone warfare, targeted killings, International Humanitarian Law (IHL) and emerging military technologies. Doctrinal research is suitable because it provides interpretation of existing legal rules and analyses their application to modern-day drone operations (Majeed et al., 2023).

The first legal dimension is about *jus ad bellum*, particularly Articles 2(4) and 51 of the UN Charter. Article 2 (4) is about the prohibition on the use of force, whereas Article 51 allows self-defence subject to necessity and proportionality. The difficulty arises when an armed attack takes place or when a threat is very imminent to justify the use of force. Inaccurate

interpretation of imminence can transform the explanation of self-defence from an exceptional doctrine into a broader justification for carrying out preventive operations (Chrysanthem, 2021).

The other dimension is about *jus in bello*. IHL stresses maintaining distinction between civilians and combatants and forbids attacks where the possibility of civilian casualty is greater in comparison to the probable or anticipated military benefits. These requirements are applicable irrespective of technological accuracy and efficiency (Gregory, 2020). International human rights offer an additional protection, especially where drone strikes occur outside of recognised armed conflicts. The right to life under the International Covenant on Civil and Political Rights is especially relevant where lethal force is used against individuals who are not directly part of creating any hostilities (Joseph, 2022; Le Moli, 2020).

Findings and Analysis

Self-Defence and State Sovereignty

The most frequently raised legal challenge is about cross-border drone strikes under Article 51. The United States defended its operations in Pakistan by presenting an argument that threats from non-state actors provide justification for self-defence and that Pakistan did not have the capability or the willingness to deal with those threats appropriately (Butkus, 2020; Catic, 2020). Nevertheless, international law does not clearly establish the unwilling or unable test as the justification for carrying out cross-border operations.

This kind of ambiguity has a direct impact on sovereignty. Drone operations carried out without territorial consent are in conflict with Article 2(4). The case of Pakistan shows this dilemma, as the attacking state may consider the operation as important for combating terrorism, whereas the territorial state may consider this a violation of sovereignty. Constant operations may also result in the normalisation of widespread interpretations of extraterritorial force (Kamijani, 2024). The legal justification of a strike as a result is difficult to establish only by pointing out the presence of a terrorist threat. The attacking state must show that the requirements of self-defence are being fulfilled and that alternative means are not enough. Broader interpretations of imminent risk undermine Article 51, which can facilitate more targeted killings that could or should have been prevented.

Distinction, Proportionality and Civilian Protection

The second major finding is about compliance with IHL. The principle of distinction calls for parties to differentiate civilians from legitimate military targets, while proportionality forbids attack where the probable civilian harm is larger in comparison to the expected military benefits (Lev, 2025; Pedrazzi, 2022). Although drone technology offers surveillance accuracy, technological precision does not automatically provide legal justification. Reliability of intelligence, targeted identification, civilian presence and proportionality assessments are decisive. This is particularly challenging in asymmetric conflicts where armed groups operate within the civilian population.

The US drone attacks in Pakistan highlights these challenges. Between 2004 and 2018, the US carried out more than 400 drone attacks in Pakistan's former Federally Administered Tribal Area (FATA) against the alleged al Qaeda and Taliban targets (Butkus, 2020). Civilian casualties and lack of agreement over the figures of casualties show the challenges of independently evaluating whether particular attacks were in compliance with distinction and proportionality.

The strike on a convoy in Yemen is another example. The reported death of 12 civilians shows that even where there exist genuine military objectives, an illegal attack can take place if the target identification is not adequate or anticipated civilian harm is excessive (Bachman, 2025)

Human Rights and Accountability

When drone strikes take place often outside of an established armed conflict, international human rights law becomes especially significant. The right to life calls for states to make sure that lethal force is not arbitrarily used and that the necessary safeguarding measures are being taken (Joseph, 2019). Although extraterritorial application of human rights obligations is debatable, developing jurisprudence is aligned with the proposition that states' responsibility is not necessarily undermined when lethal operations take place beyond national territory (Le Moli, 2020).

The major practical weakness is regarding accountability. Drone operations are generally carried out considering the conditions of secrecy as targeted criteria; intelligence assessments and investigations carried out after strikes are kept confidential. This creates challenges for independent verification and creates bottlenecks for victims who are looking for genuine remedies.

International institutions offer potential accountability mechanisms. The International Criminal Court can prosecute relevant war crimes where jurisdictional conditions are being fulfilled, whereas domestic courts and universal jurisdiction may offer additional areas. Nevertheless, jurisdictional limitations, classified evidence, non-cooperation from States and political constitution undermine their effectiveness (Mauri, 2019).

Artificial Intelligence and the Accountability Gap

AI creates significant challenges in this regard. This is because AI-enabled drones can work through large datasets, identify themes and support rapid targeted decisions. Nevertheless, the challenges of algorithmic decision-making create complexities related to human judgement and responsibility.

IHL needs decision-makers to evaluate whether a target is legitimate and whether the probable civilian harm is proportionate. A system is unable to independently work out the contextual and moral judgement needed for this assessment (Amoroso and Tamburrini, 2020). If an AI-enabled strike is unable to recognise a civilian as a legitimate target, responsibility may be fragmented between programmers, operators, commanders and the state.

Hartmann et al. (2023) identified significant legal ambiguities regarding autonomous drones and responsibility for illegal outcomes. Technological complexities can also make it challenging to reconstruct how a targeted decision was taken

Discussion and Recommendations

The findings show that the prevailing international legal framework is not completely inadequate. The UN Charter, IHL, international human rights law and international criminal law provide key restrictions on the use of force and the protection of civilians. However, the greater issue is regarding ambiguity, biased interpretation and limited implementation. Concepts such as armed conflict, combatant and imminent threat are subject to conflicting interpretations, which provides states the opportunity to use drones for achieving their targets (Gregory, 2020).

It is important to discuss more clearly about Article 51. International legal guidance needs to come up with more accurate standards regarding imminence, necessity and the use of force against non-state actors. This should help in limiting the possibilities of self-defence becoming a broader justification for avoidable or indefinite targeted killings.

Secondly, transparency and independent investigations should be improved. States carrying out ground operations should offer authentic post-strike information about the legal justification of attacks, civilian casualties and remedial measures subject to legitimate security boundaries.

Also, global institutions need to reinforce their investigative capacity. The Human Rights Council and Special Rapporteurs have made contributions to norms regarding targeted killings, but their suggestions are generally non-binding (Ranjbarian, 2023). The ICC and domestic courts therefore need to reinforce the capacities for analysing digital proof, satellite images, targeting records and other technological proof.

Furthermore, AI-based lethal systems need substantial human control. International regulations should make sure that AI is used as a decision support mechanism instead of an autonomous authority deciding matters of life and death (Rosert and Sauer, 2021).

Implications for Policy and Community Practice

The findings report the need for developing stronger and clearer international standards related to self-defence, robust measures for the protection of civilians, increasing transparency before launching drone strikes. Effective human control needs to be ensured rather than purely relying on AI-based targeting for complying with International Law

Implications for Future Research

Research in the future need to analyse the increasing use of AI and autonomous systems while using drones in warfare in particular their impact for ensuring protection of civilians and

enhancing transparency. Comparative research across various states and conflicts can also provide in-depth analysis regarding the consistency and the usefulness of existing international legal frameworks.

Conclusion

Drone warfare is a critical transformation in existing military operations, but technological innovation does not automatically avoid the prevailing legal challenges. The legal use of a drone strike relies on its legal basis, the status of the target, anticipated military advantages and expected civilian outcomes.

The issue of US operations in Pakistan and Yemen shows the complexities between counter terrorism objectives and international legal obligations. Article 51 is unable to provide an unrestricted justification for performing cross-border operations, whereas IHL continues to require distinctions, proportionality and necessity. Where strikes take place outside of recognised armed conflicts, international human rights law further provides protection to human life. However, the major weakness of the existing regime is not the gap between legal standards and enforcement.

AI-enabled warfare makes this problem even more complex. As algorithms continue to recognise targets and are involved in operational decisions, responsibility must be linked to human decision-makers. Meaningful human control, transparency in the procedures for targeting and effective post-strike investigations are important for avoiding human dignity and accountability issues.

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Ethical Statement

Ethical approval was not needed because this research used a doctrinal legal research methodology based mainly on legal and documentary sources available publicly. No human participants, interviews, surveys, experiments or personally verified information was used in the research.

Author contributions

The author completed the research, formulated the research design, performed the legal and literature analysis, interpreted the findings and developed and approved the final draft

Disclosure statement

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Generative AI statement

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No primary or private data was collected for this study. The research is performed by using legal instruments publicly available, judicial decisions, scholarly literature and other documentary sources that can be conveniently accessed publicly.

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