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A code of ethics for drone users

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What exactly does it mean to use an armed drone "responsibly"?

This question is addressed in a new Policy Brief from the University of Southampton, UK: Towards an Armed Drone Code of Ethics: Eight Model Principles of Responsible Use (Enemark, 2023b). The Policy Brief's focus is a potential resource for governance purposes: a model Armed Drone Code of Ethics that defines and promotes morally responsible action (or inaction) by drone users. A governance resource of this kind aims to influence policies and practices by being short and simple rather than detailed and nuanced. To be effective, a code of ethics needs, above all, to be memorable.

The DRONETHICS project

The idea and content of a model Code derives from research conducted during 2018 – 2023 for a project on Emergent Ethics of Drone Violence (DRONETHICS). The project, hosted by the University of Southampton, is sponsored by the European Research Council under the European Union's Horizon 2020 research and innovation programme (Enemark, Clark, & Chengeta, 2018). DRONETHICS is a broad-based normative inquiry into potential uses of armed drones, creating intellectual space for 'drone violence' to be conceptualised and judged in four ways: (1) as warfare; (2) as violent law-enforcement; (3) as the 'tele-intimate' violence wielded by individual drone operators; or (4) as violence devolved from humans to artificial intelligence (AI).

The project is premised on an understanding that armed drones, as weapon systems, are not inherently bad. Moral concerns about drones are generally not technology-specific but rather they arise from how these aircraft are sometimes used. The practice of drone violence is morally interesting in the way it can uniquely exacerbate or illuminate broader problems. These include the moral problems of: unjust decisions to resort to force in international affairs; the use of indiscriminate and/or disproportionate methods of warfare; excessive use of force in the enforcement of domestic criminal law; extrajudicial punishment of criminal wrongdoing; the incurring of moral injury from the experience of killing another person; and inadequate human control over the operation of weapon systems (Enemark, 2023a).

Invoking a political declaration on 'responsible use'

In late 2016, 53 states agreed formally that armed drones should be "used responsibly". The US-led Joint Declaration for the Export and Subsequent Use of Armed or Strike-Enabled Unmanned Aerial Vehicles (UAVs) includes a commitment by signatory states to "continue discussions" on the meaning of responsible use (US Dept of State, 2016). A few weeks before the Joint Declaration was signed, the US State Department's deputy assistant secretary for defense trade controls, Brian Nilsson, stated: "it is a topic that needs to have a specific discussion, because there is a lot of misconceptions and controversy around UAVs (Mehta, 2016)". Since then, however, almost no diplomatic progress has been made on clarifying the meaning of 'responsible' drone use. Meanwhile, some non-government voices have expressed concern that, even if some states agree upon international standards for armed drones, those standards might be vague and weak as to undermine international laws on the use of force and the protection of human rights (Minor, 2017).

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Motivated by similar concern, in 2020 Agnès Callamard (UN's Special Rapporteur on extrajudicial, summary or arbitrary executions) suggested that the process of determining the meaning of 'responsible use' should involve "academics and civil society" as well as states (Callamard, 2020). One way of facilitating such involvement is to encourage discussion and debate within and beyond government about the idea and content of a code of ethics for armed drone users.

A model Armed Drone Code of Ethics

As a resource for highlighting and responding to a variety of ethical concerns, an Armed Drone Code of Ethics would be an example of 'soft law' or 'informal regulation'. Other examples include the Association for Computing Machinery's Code of Ethics and Professional Conduct (ACM Code Task Force, 2018), the Code of Conduct on Biosecurity (Royal Netherlands Academy of Arts and Sciences, 2008), the Asilomar AI Principles (Future of Life Institute, 2017), and the Code of Conduct for members of the UK-based Association of Remotely Piloted Aircraft Systems (n.d.).

Given the pace of international drone proliferation (Drone Wars Team, 2023) and the urgency of preventing drone misuse, one advantage of a code-based approach to governance is that it is quicker and easier to achieve than is formal law-making (Lennane, 2018). Codes of ethics are inherently aspirational and not legally binding, but they have other characteristics that can enable principled restraint in matters of moral importance. Also, codes can be effective globally rather than merely internationally, because they can be developed and voluntarily adhered to by non-government groups and individuals as well as by states. The brevity and simple language that typifies codes makes them more memorable (in comparison to legal instruments) to those whose behaviour is to be guided. At the national level, a code originating elsewhere is able either to be adopted in full or adapted to suit local contexts. And, although a code of ethics does not replace or change the law, it can inform and encourage the creation or amendment of rules that are legally binding.

The one-page model Armed Drone Code of Ethics that arises from the DRONETHICS research project goes beyond the requirements of existing international law. It comprises principles that address a wide range of moral concerns about why and how armed drones are used. The Policy Brief offers three recommendations on making use of the model Code, and it includes short explanations (commentaries) of individual principles. The Code's eight principles are:

1. Binary Classification
2. Human Agency
3. Operator Discretion
4. Urgent Other-Defence
5. High Transparency
6. Combined Arms
7. Equal Assessor
8. Graduated Response

Principles 1–5 are applicable to all uses of armed drones, Principle 6 applies only to their use in armed conflict, and Principles 7–8 are applicable only to the use of armed drones in law enforcement.

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