

IZZIVI UPORABE DRONOV V DRŽAVAH JUGOVZHODNE EVROPE

THE CHALLENGES OF DRONE USAGE BY SOUTHEAST EUROPEAN COUNTRIES

Povzetek V članku so predstavljeni vidiki in izzivi uporabe tehnologije dronov v državah Jugovzhodne Evrope v luči izzivov, ki jih pomeni prisotnost terorizma in radikalnega ekstremizma v Jugovzhodni Evropi. Teza članka je, da bi vlade v tej regiji morale razmisliti o spremembah v zakonodaji in o posebnih zakonodajnih postopkih na nacionalni ravni, pri čemer je treba ustrezno upoštevati mednarodna načela in standarde, da ne pride do morebitne zlorabe tehnologije dronov.

Ključne besede *Droni, brezpilotna letala, ciljno ubijanje, jus ad bellum, samoobramba.*

Abstract The article seeks to explore the perspectives and challenges of employing drone technology by the Southeast European countries (SEE countries) in the light of the challenges imposed by the presence of terrorism and radical extremism in the region of Southeast Europe. The article argues that SEE governments should consider legislative changes and special legislative procedures on domestic level with a due diligence of international principles and standards in order to inhibit any possible abuse of drone technology.

Key words *Drones, UAVs, targeted killings, jus ad bellum, self-defense.*

Introduction Modern terrorism which is practiced by radical religious groups and individuals affiliated to Al Qaeda and group known as Islamic State (IS) is a serious threat to the global peace and security. At the same time these groups' affiliates represent a serious security challenge to the region of South East Europe (SEE)¹ too. Many

¹ *The region of South Eastern Europe consists of countries predominantly of Balkan Peninsula including the Albania, Kosovo, Serbia, Bosnia and Herzegovina, Croatia, Greece, Romania, Bulgaria, Macedonia and Montenegro and some parts of Turkey, Italy and Slovenia.*

anecdotal and empirical evidences confirm that the threat posed by radical Islam and terrorism in the region of SEE is real. In addition to the anecdotal evidences (views and analyses by the experts, media and academia), three cases of terrorist attacks all related to radical Islam practice, were conducted in the region of SEE. The attack to the US Embassy in Bosnia (2011), terrorist attack at Smilkovci Lake in Macedonia (2012) and the suicide terrorist attack on the Israeli tourists in Bulgaria (2012), all of them point to the danger of spreading the radical Islam in the Region.

At the same time, the so-called “foreign fighters” trend is also present in the region. Although the exact number of the individuals who have joined Al Nusra in Syria or IS in Syria and Iraq is not clear SEE media have heavily reported about the deaths of the SEE citizens in these conflicts. Thus, global security trends in the context of threats from terrorism and countering these threats have seriously affected SEE countries in two ways.

On one hand the threat dynamics are similar as to the rest of the world. The strategic advantage that violent religious groups and individuals that use terrorism and threaten SEE security have, among others, is a direct result of the modern technology. Relying on modern technology (especially information technology) and by (ab)using modern processes, radical religious terrorists pose asymmetric and unconventional threats to SEE countries. Some of them are locals and some have migrated during the bloody conflicts in the Balkans.

On the other hand globally, the modern technology has directly affected the means and methods used in countering terrorists threats. One such example comes from the usage of the unmanned aerial vehicles (UAVs). Although earlier used as a tool for surveillance and reconnaissance in the contemporary counter-terrorist operations UAVs equipped with missiles are most frequently used as a weapon platform by some of the leading counter-terrorist nations (These UAVs are generally known as drones and therefore further in the article we will also use the term: drone/s when referring to the UAVs as a weapon platform). Giving that SEE countries, so far have followed the trends in counter-terrorist operations and efforts generally, and that most of the SEE countries have purchased or produce UAVs, the debate over their potential employment in the future counter-terrorist efforts as a weapon systems is of a great importance for several reasons.

First, use of the drones in the so-called “targeted killing” counter-terrorist operations is not generally supported, among others, for legal challenges that these operations produce. Related to former, it is true that global threat requires global response, however, different legal tradition has already “burned” some of the SEE countries, like Macedonia for example, in the so-called “*El Masri vs Macedonia case*”. Third, although almost all SEE countries have or produce UAVs their usage is vaguely, if not, unregulated at all. Fourth, recent counter-terrorist measures in some of the SEE countries have been employed without serious analyses. Finally, the global counter-terrorist efforts have so far arguably felt the burden of “legitimacy deficiency”

heavily due to the discrepancy in the legal approach among the coalition partners (European vs. US).

Therefore, the article by exploring both analytical and empirical evidences will briefly explain why and how terrorism represents a serious threat to the SEE security and will address the SEE experience in countering these threats. Then via legal analyses relying on the international-legal methodology, the article will explore whether use of drones in the future counter-terrorist operations by the SEE coalition partners could hurt the global counter-terrorist efforts. Finally, the article will provide some recommendations that SEE countries should consider to avoid challenges to their and the global counter-terrorist coalition efforts by using drones. Giving that other coalition partners from different regions in the global counter-terrorist efforts may face the same paradigm this article's finding hold potential to provide incentives wider than the region of South East Europe.

1 UNDERSTANDING THE THREAT FROM TERRORISM TO THE REGION OF SOUTH EAST EUROPE

Modern terrorism practiced by radical religious groups and individuals affiliated to Al Qaeda and associated movements and the group known as Islamic State (IS) is a serious security challenge to the region of South East Europe (SEE). Despite of the mismatched opinions, as already noted, both anecdotal and empirical evidences point to the genuine presence of radicalism and violent extremism in the region of SEE.

In spite of the conflicting views concerning the anecdotal evidences, two empirical indicators show that the South East Region has been swept by the radical wave. On one hand, the attack on the U.S. Embassy in Bosnia and Herzegovina (BBC, 2011), the murder of five civilians in Republic of Macedonia (Marusic, 2012) and the attack on the Israeli tourists in Bulgaria (BBC, 2012) and the multitude of reported attempts to attack clearly indicate that the threat is present in the Region and that the SEE countries like the rest of the world are vulnerable to the terrorist threat. Also, many reported attacks in Europe allude to some connections with radicalized groups from the region of SEE. Despite that, the Region has also become a source of radicalized individuals that take part in Syrian and Iraqi resistance movements as foreign fighters (Samardziski, 2015). The media reports and statistics about the radicalized individuals that have left their homeland in SEE to join the military and paramilitary groups in Syria and Iraq, as well as the numerous reported deaths of SEE foreign fighters attest that the Region has been subject of radicalization practices.

The unstable post-conflict societies of SEE overburdened by the turbulent past are perfect ground for the spread of radical Islam in the Region (Hadji-Janev, 2012). The ones that radicalize rely on technological progress and utilize flexible approaches to spread their agenda and to attract many followers and usually target weak and fragile societies. The complex environment is largely driven by the countries' turbulent past, history of inter-ethnic conflicts, economic challenges and social inequalities,

division of the populace among ethnic and religious lines, ill-managed transition processes accompanied with corruption practices and the low reputation of the security services. All of these issues along with the rapid development of technology in the Region make SEE countries susceptible to the spread of the violent extremism.

2 SOUTH EAST EUROPEAN COUNTRIES' EXPERIENCE IN COUNTERING TERRORIST THREATS

SEE governments have seriously considered the threat from global terrorism posed by radical religious groups and individuals. Understanding that global threat requires global response, they have undertaken serious measures to strengthen domestic and global counter-terrorist efforts. (Caleta & Shemella, 2012). In this context there are serious evidences that SEE' intelligence community cooperation has also been enhanced and intensified (Pavlevski, 2013).

Almost all SEE countries have actively participated in the global counter-terrorist efforts with their strategic coalition partners. Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Montenegro and Slovenia have participated in ISAF and Albania, Bosnia and Herzegovina Bulgaria and Macedonia have been part of the coalition of willing in the so called: "Iraqi Freedom" mission. Nevertheless, different legal tradition entrenched by the European Convention for Human Rights (ECHR) and the European Court for Human Rights' practice (ECtHR) have raised serious challenges for SEE countries' counter-terrorist efforts.

For example, as a support to strategic partners' interest (i.e. the U.S.), Macedonian intelligence community has supported special intelligence gathering on suspected terrorist called Khaled El Masri. However, after he was released without charges the victim initiated legal case in front of the European Court of Human Rights. During the process called "El Masri vs. Macedonia", the Court found Macedonia guilty of violating the applicant's human rights in accordance with the European Convention for Human Rights (Hadji-Janev, 2013, pp. 55-69).

This example raises serious concerns in the context of SEE countries counter-terrorist efforts for two reasons. First, it signals to the potential adversaries (terrorists) the institutional limits that SEE governments have to confront them more aggressively regarding the European legal tradition. This is not to be understood that this article supports illegal interrogation techniques or any illegal counter-terrorist measures. This argument's intention is to illuminate the complexity and uncertainty that intelligence and security pundits face in their global counter terrorist efforts. Second, giving that acquisition of modern technology is important to keep up with coalition partners' tempo in the global counter-terrorist efforts use of specific technology such as drones, might be a serious problem for SEE governments.

Like the enhanced interrogation practice many have questioned the so-called "targeted killing operations" with drones. Most of the critics to these counter-terrorist

operations have legal prefix too. At the same time almost all SEE countries have already purchased or produced UAVs (Radaljic, 2014; Šoštarić, 2007) or they are already in a process of acquiring UAV technology (Đaković, 2010). The recent drone incident that happened during the European Championship qualifications in Belgrade between Albania and Serbia set the urgency for legal regulation of the use of drone technology in the region of SEE. Considering that legality of counter-terrorist operations is tightly connected to the legitimacy we will continue our debate in the context of legal aspects of use of drones in the counter-terrorist operations.

This analysis should help SEE and global counter-terrorist coalition's strategists and leaders to understand whether, and if yes, under what conditions SEE countries can conduct targeted killing operations with drones. Understanding these conditions should further help in avoiding odd situations that could create uncertainty inside the counter-terrorist coalition (as it was the case with the so-called rules of engagement crisis during the Afghan counter-terrorist campaign). Namely, due to the different legal tradition and arguably different threat perceptions during the early phases in the counter-terrorist efforts in Afghanistan European coalition partners had strict rules of engagement. Most of them were reluctant to conduct robust combat operations and had therefore implemented a lot of caveats. This has created frustrations on the ground and has raised doubts among the coalition partners. Eventually, as the most severe critics of the global counter-terrorist efforts argue these dynamics have undermined coalitions' legitimacy.

3 UAV OPERATIONS FOR TARGETED KILLINGS AS A PART OF COUNTER-TERRORISM EFFORTS

Traditional direct approach (direct actions) means and methods in countering global terrorist threats practiced by Al Qaeda's and IS's affiliates have so far proven unreliable. As a result, states that feel most affected by these threats such as USA, UK and Israel significantly rely on drone technology for conducting offensive operations. Their use by the USA as a means for carrying out attacks in the name of the fight against terrorism, to date, have been reported in the territory of Afghanistan (Drew, February 19, 2010), Iraq (Rubin, August 8, 2014), Pakistan (Khan, January 6, 2010), Yemen (Black, 22 April 2014), Somalia (BBC News, 9 January 2007) and the small number of cases in Libya (Raddatz, April 23, 2011) and Syria. (NBC News, Nov 6, 2014). Besides the U.S., only Israel and UK use unmanned aircraft in combat operations (Cook, 2013; MacAskill, 2015), even though larger group of countries are developing or have already developed UAV technology (Wan and Finn, 2011).

This practice that was intensified after the arrival of Obama to the head of the United States is not spared from criticism regarding its correctness and legality. The views toward these attacks are divided. For many, they represent a successful and effective means for disruption of terrorist networks. Authors who hold this view also emphasize the precision of these weapons, the low cost for their production and, most importantly, the completely eliminated risk on the US armed personnel.

However, there are views that despite of the many advantages and the effectiveness of such attacks they are counterproductive and represent illegitimate means in the war on terror. Despite of the political and ethical concerns, these attacks have also raised serious legal issues. Considering the international-legal aspects, the use of unmanned aerial systems in cross-border operations touches upon the both legal regimes that govern the use of force (*jus ad bellum* and *jus in bello*), as well as the human rights law.

The main argument of the countries that utilize the unmanned aerial vehicles in counter-terrorist operations is that the drone capabilities offer more advantages compared to other options available to them. The use of drones for combat operations is politically justified because they do not pose a risk to the armed forces; they can be easily operated (Brooks, 2012) and they do not differ much from the traditional fighter jets and other conventional means of warfare in terms of their ability to cause collateral damage (Anderson, 2013). Another advantage is that they are equipped with sensors that increases their accuracy at large allowing the operators to have a clear picture of the target and the environment (Brennan, 2012). Moreover, they can easily penetrate into unavailable terrains and fly over targets for hours before targeting them. Additionally, these actions are preceded by a long process of intelligence and information gathering about the potential targets (Coll, 2014). All of this contributes for better identifications of the targets and reduced possibility of causing collateral damage.

But they are also problematic taking into consideration several aspects. Firstly, they are usually conducted by a civil agency (i.e. CIA) instead of the US armed forces (Mayer, 2009). CIA as a civil agency do not hold the status of a combatant under international law which means that they are not obliged to respect the laws and customs of war. The drone operators are distant thousands of miles from the target and they are not part of conventional combat operations. There is also a difficulty to locate responsibility in circumstances where there is no conventional movement of forces. Second, another problem is the lack of transparency and publicly uncovered information how many people are killed and how the targets are selected. There has been no specific figure about the number of victims although according to Guardian (assessment of the American Civil Liberties Union of 2002) so far there are about 4000 people killed by the attacks (Bowcott, 2012). According to another study, only in Pakistan the number of civilian deaths in the period from 2008 to 2013 ranged from 400 to 900 people (Bureau of Investigative Journalism, 2013). Peter Bergen and Katherine Tiedman in their analysis of drone attacks in Pakistan, estimated that the mortality rate of civilians as a result of the attacks in 2004 is 32% (Bergen and Tiedman, 2010). However, details about the overall policy of targeted killings remain shrouded in secrecy, making it impossible to get a clear and objective picture. This fact raises concerns of numerous human rights organizations and human rights activists who continuously call for greater transparency. Third, according to some authors the use of drones for execution attacks is a dangerous precedent that could encourage other countries to resort to such technology for future combat operations (Williams, 2013). Also, some claim that it is a matter of time before terrorists themselves will

begin to use them (Kelley, 2013). Forth, some highlight the side effects arising from their use and the negative impact that they may have on the local population in the countries where they are carried out. According to such views, the attacks could easily generate anger and hatred that could further contribute to the emergence of new radicalized groups. This may in the future adversely affect and seriously harm the counter-terrorist efforts (Kilcullen & McDonald, 2009; Raghavan, 2009).

4 INTERNATIONAL-LEGAL ASPECTS OF THE UAV TARGETED KILLINGS

Another problem which, perhaps, the biggest differences between the scholars revolve around, is the issue of the legality of the UAVs targeted killings. The different views are partly resulting from different perceptions when it comes to the modern threats of terrorism and the right to life. The views which are mostly dominant in the European legal tradition emphasize that for the targeted killings carried out in countries where there is no declared state of war, their use should be governed by the rules and standards prescribed by the International Human Rights Law (IHRL). Contrary to this view, the US position is that the UAV target killings are part of an armed conflict which is global in character and where the geographical boundaries are irrelevant. Subsequently, according to the US view, the UAV targeted killings, no matter where they are conducted, they are governed by the law applicable in armed conflict (ILAC).

Legal criticism regarding this matter, which is currently dominant in the international community, is based on several reasons. Part of the criticism concerns the potential violation of sovereignty in countries where there is no armed conflict. Other humanistic-oriented critics indicate violations of human rights (especially the right to life). Reports of some NGOs often attest their view that these weapons (some claim they are non-discriminatory weapons) cause death of innocent civilians. Others claim that such attacks create implications in the field of international law of armed conflict, in particular that they affect the principles of proportionality and distinction. However, what is most evident for now is that there is a lack of a proper legal framework to regulate this matter.

From *jus ad bellum* perspective, these attacks are problematic, mostly, regarding the explanations brought forward to justify their use in countries not engaged in armed conflict with USA and their coalition partners. According to U.S. representatives these attacks are lawful judging on two independent grounds (Koh, 2010). The first is the highly contested “global war” argument, an assertion that USA is engaged in armed conflict with Al Qaeda and its affiliated groups. The second explanation according to which USA tries to build legitimacy for their operations refers to self-defense justification specifically employed to give grounds for the targeted killings conducted outside of the recognized theatre of war.

To determine whether the drone attacks were an act of legitimate self-defense or aggression they must be analyzed from the perspective of *jus ad bellum*. The legal regime of *jus ad bellum* regulates the conditions when and under what terms and circumstances the States may resort to the use of force against another State.

This legal regime consists of rules and standards that can be found in the UN Charter, customary law, and in certain decisions of international courts and tribunals. The ban of the use of force is stipulated in Article 2 of the UN Charter which requires States in their international relations to refrain from the threat or use of force against the territorial integrity or political independence of any State. The first exception of the general prohibition is set forth in Article 42 of the UN Charter, which authorizes the Security Council to use force in cases when there is an urgency to maintain or restore the international peace and security. The second exception is Article 51 which codifies States' inherent right of self-defense. The UN Charter reads as follows: "*Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security*". The right of self-defense under Article 51 consists of three components that have to be met in order to acknowledge that this right has been legally practiced. Namely, there must be an armed attack of sufficient gravity, the attack (according to the traditional view) to be attributable to certain State and the self-defensive act to satisfy the customary principles of necessity, proportionality and immediacy.

In terms of jus ad bellum, the targeted killings are often contested for two reasons: their use against non-state actors and continuous cross-border raids into countries outside of war zones. From the jus ad bellum perspective, U.S. justifies the attacks with their inherent right of self-defense which is guaranteed in article 51 of the UN Charter. Several dilemmas concerning the use of armed drones in cross-border operations arise as a result of this claim: (1) whether the right of self-defense is operable against non-state actors, in this case the use of drones for targeted killings against the suspected terrorists in foreign countries; (2) whether the exercise of this right challenges the generally accepted principles for the use of force in self-defense; and (3) whether this right can be a legitimate justification for carrying out drone attacks in sovereign States not involved in armed conflict or not responsible for armed attack against the territorial integrity of another State.

Besides all the dilemmas arising from jus ad bellum, the massive use of UAVs targeted killings in cross-border operations raises the question of sovereignty as an additional problem, especially since the attacks are carried out in sovereign countries which are not formally at war with USA. That is the case with Yemen, Pakistan and Somalia which over the years have demonstrated failure in dealing with terrorists who operate from their territory.

The USA offers two rationales as jus ad bellum justifications for UAVs attacks carried out in these countries. The first is that in most of the cases of drone attacks in Pakistan, Yemen and Somalia are carried out as a result of a consent provided by their governments. Second, in the absence of a required consent they employ the "unwilling and unable" doctrine to justify the attacks.

In this regard, Philip Alston (in his highly influential report on targeted killings) has outlined two circumstances when a targeted killing conducted in the territory of a sovereign state does not violate its sovereignty. The first is when the sovereign state has consented with the action and the second is when the conditions for lawful invocation of the right of self-defense under Article 51 of the UN Charter are met. According to the report, the latter is possible if the state on which territory the targeted killings have been conducted is not just responsible for an armed attack against the state which carries out the targeted killings, but also when the respective state is “*unwilling or unable to stop armed attacks against the first State launched from its territory*” (Alston, 2010, pp 11-12). Several authors including Michael Schmidt and Sean D. Murphy and few others are in the same line with Philip Alston citing the consent and the right of self-defense as legitimate grounds for justification for the use of drones in countries where there is no armed conflict. For instance, Michael Schmidt enumerates the circumstances under which the territorial state can express consent to other state’s action on its territory. According to him, the consent can be issued either when the territorial state agrees other state to take action in self-defense on its territory or when the territorial state *itself* seeks assistance from another state (Schmidt, 2010, pp. 6). According to Sean D. Murphy, the the legality of the drone operations under international law is not questioned as long as the State that conducts the attacks on foreign territory have previously acquired consent from the territorial country (Murphy, 2008, pp. 118). Other scholars just emphasize the irrelevance of invoking self-defense justification in cases where there is already provided consent from the territorial State (Milanovic, 2010). Although the scholars are unanimous that the consent can preclude the wrongfulness of the employment of force in the territory of another State, there are some constraints that should be considered. Namely, the States by no means are allowed to consent to other States’ action if such action has potential to endanger or violate applicable human rights and the peremptory norms.

Regarding the second justification, there are more or less three main sources for controversies over this issue. Firstly, in countries such as Pakistan, Yemen and Somalia there is no armed conflict or situation of occupation. The current terrorist activities are often qualified as isolated attacks rather than attacks which are sufficient enough to activate the right of self-defense. Secondly, even if we accept the fact that the attacks are carried out in accordance with the right of self-defense, there are certain conditions that must be met in order to consider that this right has been legally practiced. The Charter guarantees the right to self-defense only if the states that exercise the right of self-defense without any delay notify the Security Council for their action. Till now, there has been no notification sent to the Security Council for any of the drone attacks carried out in these countries. And lastly, none of these countries is directly or indirectly responsible for 9/11 attacks, or in any case involved in the preparation or planning future terrorist activities.

Irrespective of whether or not the drone strikes are lawful or not in respect of *jus ad bellum*, there particular use would fall under other applicable rules and is not

dependent upon their legality in *jus ad bellum*. Till now, it is indisputable that the legality of the UAV targeted killings is largely determined by the context in which they are implemented (in time of peace or in time of war) and the rules applicable in a given situation. In fact, in international law there is a double standard when it comes of protecting human rights in times of armed conflict or during peacetime. The circumstances under which IHRL allows individuals to be deprived of their lives are strictly limited. According to the IHRL standards, the use of force can be considered legal only in exceptional circumstances where it is absolutely necessary and intended to prevent imminent threat to life and in circumstances where less extreme measures cannot be applied. Contrary to the IHRL standards, during armed conflict the legality of the use of force depends directly of the status of the persons against whom it is directed.

5 PERSPECTIVES ON DRONE USAGE BY SEE COUNTRIES

Drones (as the mostly utilized means for conducting targeted killings) were originally used as a platform for surveillance and reconnaissance in the war in Vietnam and furthermore, during the conflicts in Bosnia and Kosovo. However, a distinction should be underlined between armed and law enforcement drones utilized domestically. Till now, there are two generations of drones developed and used by the majority of countries. Ones still used for surveillance and reconnaissance, while the other group (equipped with weapons) is widely utilized in counter-terrorist operations for conducting counter-terrorist attacks and targeted killings against persons suspected of being part of the modern terrorism. In this regard, despite of the military purposes of the UAVs, they are also used for domestic law-enforcement aims such as border control and protection, intelligence gathering, reconnaissance and surveillance missions. Unlike the armed drones which primary affect the right to life, the law enforcement drones pose predominantly implications to privacy rights.

In respect of the region of SEE, another issue of concern is the easy accessibility of UAVs by private individuals for non-military purposes which represent a serious concern for SEE countries given the under-regulation and uncontrolled proliferation of unmanned aircraft. As already noted, many SEE countries have developed or are in the process of acquiring drone technology which can be easily owned by private individuals. The urgency for regulation of the proliferation of drone technology is perfectly reflected in the recent drone incident at the football match between Serbia and Albania. Despite that, this issue is equally important for SEE countries in circumstances when the majority of SEE countries are part of the counter-terrorism coalition. In this regard, firstly, acting in counter-terrorism coalition environment should require keeping the track with the new technological dynamics and the coalition partners' tempo in employing new types of weapons. Second, the rise of terrorism has become an increasing and imminent threat in the SEE region respectively which creates a possibility for future joint platform for cooperation in respect of the use and development of unmanned aircraft in order to ensure the effectiveness of employment of such advanced technology.

6 RECOMMENDATIONS FOR SEE COUNTRIES

In the light of the ongoing debate on the potential usage of drone technology for combat operations by the SEE countries, the SEE governments should take into consideration the following recommendations:

First, at domestic level the drone usage is still under-regulated. The SEE states should implement legislative changes that will lay down the circumstances under which the employment of drones in counter-terrorist operations would be considered as lawful. In order to evade any public opposition and condemnation domestically, the proliferation of drones should be limited only to situations strictly regulated under domestic laws. In addition, the SEE governments should establish special legislative procedures for the employment of drones in foreign countries along with investigation and accountability mechanisms incorporated in their legislatures in order to prevent possible abuses of drone technology.

Second, any possible usage of drones for offensive operations should be carried out in compliance with international law and more precisely, with a due diligence to the existing *jus ad bellum* rules, principles and standards. In this regard, the SEE governments should make a rigorous consideration of alternative opportunities before resorting to UAVs targeted killings.

Third, a well-articulated position and political dialogue should precede any possible employment of combat drones by the SEE countries. And lastly, the cooperation between SEE governments and coordination with their coalition partners should be prioritized in order to develop common approach toward the employment of cross-border lethal force against individuals who pose imminent threat to their security.

Conclusion

The threats of terrorism and Islamic extremism have become a serious threat to the countries of Southeast Europe. As indicated, both anecdotal and empirical evidences confirm this claim. At the same time the impact of modern technology has not bypassed the region of SEE. The acquisition of modern technology by the SEE governments has raised serious concerns. The tendency to purchasing and developing their own unmanned aircraft opens the question about the possible use of these aircraft in joint action or combat operations by the SEE countries, but also the urgency of their effective regulation. This question poses implications to both international law and domestic legislation.

Although under international law there is no explicit prohibition of introducing new and sophisticated weapons, their use must be strictly regulated in order not to be utilized in non-discriminatory and perfidious manner. Despite that, their use in combat operations must be in accordance with fundamental principles of international law applicable in armed conflict.

The effects of the new technological dynamics that have also affected the Region of SEE have also urged for domestic regulations of the utilization of unmanned aircraft.

Relative to these tendencies, the SEE governments should consider legislative changes and special legislative procedures, as well as tightening restrictions on domestic level with a due diligence of international principles and standards in order to inhibit any possible abuse of such technology.

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