

Number: 10

July 2025

LEGAL IMPLICATIONS OF INDIA'S MILITARY UAV OPERATIONS OVER PAKISTAN

Executive Summary

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The recent escalation triggered by the Pahalgam incident in Indian Illegally Occupied Jammu and Kashmir had been marked by a series of aggressive Indian military operations, carried out under the pretext of countering alleged threats from Pakistan. Despite the lack of credible evidence linking Pakistan to the incident, India advanced unsubstantiated claims and launched provocative actions under this guise. Central to India's operations has been the repeated and systematic deployment of drones, including Harop loitering munitions and Heron surveillance Unmanned Aerial Vehicles (UAVs), which have violated Pakistan's sovereign airspace over major cities such as Lahore, Rawalpindi, and Karachi. This constitutes a flagrant violation of obligations under the Chicago Convention while posing a direct threat to regional stability and endangering civilian lives. Given the gravity and persistence of India's violations, including breaches of International Humanitarian Law, Pakistan and the international community must ensure accountability for India's actions to uphold international legal norms and prevent further destabilization in the region.



Policy Recommendations

- Pakistan may approach UNODA and ICAO with evidence of India's drone incursions, seeking investigation and findings. Though ICAO lacks enforcement powers, its acknowledgment would carry legal and diplomatic weight.
- Rather than creating a new legal instrument, the international community should prioritize clarifying the Chicago Convention's applicability to military UAV operations. Pakistan can also request the ICRC and UNIDIR to jointly develop compliance indicators for AI-based military systems.
- Pakistan can invoke UN mechanisms by filing a complaint to the Security Council under Article 39, framing India's drone incursions as threats to peace and sovereignty. If blocked, the matter should go to the General Assembly under Article 14 for political and moral support through resolutions.
- Pakistan may invoke state responsibility under the Articles on Responsibility of States for Internationally Wrongful Acts by formally attributing India's drone incursions as breaches of sovereignty and international law. It may demand legal remedies such as non-repetition assurances, restitution or compensation, and, if necessary, adopt proportionate countermeasures including diplomatic or economic responses.



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Introduction and Background

The recent wave of Indian drone incursions into Pakistan's sovereign airspace marks a serious escalation in the already tense security dynamic between the two States. While the India-Pakistan conflict has historically involved military standoffs, the increasing use of Unmanned Aerial Vehicles (UAVs)¹ by India has introduced a dangerous new dimension to the confrontation, one that directly challenges Pakistan's territorial sovereignty and international law governing airspace integrity.

Following the Pahalgam incident in Indian Illegally Occupied Jammu and Kashmir, India launched a series of military operations under the pretext of countering alleged threats from Pakistan. Central to these operations was the deployment of drones, including the Harop loitering munition and the Heron surveillance UAV, which repeatedly violated Pakistan's airspace.² These drone incursions were not isolated incidents but represented a pattern of systematic and deliberate breaches.

Such violations constitute a clear infringement of Pakistan's sovereignty and raise profound concerns about India's increasing reliance on unmanned systems for coercive and potentially offensive purposes. The use of UAVs for unauthorized surveillance or strikes not only undermines regional stability but also sets a dangerous precedent for low-cost, high-risk escalations. Pakistan has consistently rejected India's unsubstantiated allegations³ and has viewed these drone intrusions as part of a broader strategy to provoke, surveil, and destabilize, all while avoiding direct accountability.

Airspace Sovereignty under International Law

The principle of complete and exclusive sovereignty of a state over its airspace is a well-established norm of international law. Article 1 of the 1944 Convention on International Civil Aviation (Chicago Convention) unequivocally affirms that every contracting state has "complete and exclusive sovereignty over the airspace above its territory." Article 2 of the Convention further clarifies that a state's airspace encompasses the atmosphere above its land territory as well as its internal and territorial waters.

This fundamental principle means that no foreign aircraft, manned or unmanned, may enter another state's airspace without explicit authorization. Article 8 of the Chicago Convention directly addresses UAVs, stating that;

"no aircraft capable of being flown without a pilot shall be flown without the special authorization of the state over whose territory the aircraft is flown."

Additionally Article 3 encapsulates;

"No state aircraft of a contracting State shall fly over

the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof."

It is pertinent to note that although international law does not impose a blanket ban on the use of drones, their legality depends on the nature of their mission and, most critically, the consent of the state over which they operate.⁴ Drones may lawfully be used for humanitarian or emergency purposes, but only when operating with the express approval of the affected state. The current legal framework, however, lacks sufficient enforcement mechanisms and clarity to address the growing complexities posed by the military use of UAVs, particularly when they are employed in coercive or clandestine operations.

Illegality of India's Use of UAVs

Infringement of Pakistan's Airspace under the Chicago Convention

India has ratified the Chicago Convention, and is therefore bound by its provisions under international law. Hence, in the case of India's recent unauthorized drone activity, the legal provisions discussed above are highly relevant. The deployment of Indian military drones over Pakistani cities such as Lahore, Rawalpindi, and Karachi⁵ constitutes a blatant violation of Pakistani sovereignty and a breach of international law as codified in the Chicago Convention. The nature of these flights, involving military-grade surveillance and loitering munitions, further classifies them as state aircraft, making them subject to the strict authorization requirements of Articles 3 and 8.

In addition to treaty law, the jurisprudence of the International Court of Justice (ICJ) further reinforces the illegality of such conduct. In *Military and Paramilitary Activities in and Against Nicaragua* (Nicaragua v. United States)⁶, the ICJ held that the unauthorized overflight of one state's territory by aircraft belonging to another state constitutes a violation of territorial sovereignty under customary international law. The Court stated:

"The principle of respect for territorial sovereignty is also directly infringed by the unauthorized overflight of a State's territory by aircraft belonging to or under the control of the government of another State."

Thus, even surveillance overflights without any kinetic activity were found to violate sovereignty.

Therefore, India's repeated deployment of drones across the Pakistan border not only defies the Chicago Convention but also violates customary international law as recognized by the ICJ.

Acts of Aggression under the UN Charter

The United Nations General Assembly Resolution 3314 (1974) defines an act of aggression as the use of armed force by a state against the sovereignty, territorial integrity, or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations.⁷ The repeated drone incursions, particularly involving armed loitering munitions like the Harop, qualify as use of force that infringes upon Pakistan's territorial integrity. Such actions, especially when unprovoked and unjustified, meet the threshold of aggression as they threaten peace, security, and stability in the region.

Violations of International Humanitarian Law

India's use of UAVs constitutes a violation of foundational principles of International Humanitarian Law (IHL), particularly in light of cross-border military operations targeting civilian areas.

Principle of Distinction

The principle of distinction⁸ mandates that parties in conflict must differentiate between combatants and civilians, ensuring that military operations avoid harm to noncombatants. The targeting and exposure of civilian areas to military operations through drone activity undermines the protective cornerstone of IHL. Most alarmingly, during one such drone operation over Lahore, a civilian was killed, a direct and grave violation of the obligation to protect non-combatants from the effects of hostilities.⁹

Principle of Proportionality

The principle of proportionality¹⁰ asserts that any attack must not cause collateral damage that exceeds the anticipated military benefit. The use of drones capable of kinetic action in urban environments, especially when not aimed at any immediate or identifiable military objective, creates a disproportionate risk to civilian life and infrastructure.

Principle of Military Necessity

The principle of military necessity¹¹ dictates that military actions should only serve a legitimate military objective. India's actions appear more aligned with strategic intimidation and coercion rather than the pursuit of legitimate military objectives. The civilian death in Lahore further underscores the unjustified and excessive nature of these operations.

Justifications for Pakistan's Response

Under international law, particularly Article 51 of the UN Charter, a state possesses the inherent right to self defense if it is subjected to an armed attack. This right is triggered when the scale and effects of the force used against the state reaches the threshold of an armed attack, such as missile strikes or

bombings targeting civilian or military infrastructure. For self defense to be lawfully exercised, the principles of necessity and proportionality must also be met. The response must be necessary to prevent further attacks and proportionate to the threat posed.¹² While minor airspace violations or surveillance activities alone may not automatically qualify as an armed attack, when accompanied by direct military aggression, they can contribute to the legal justification for defensive measures.

In this context, India conducted missile strikes, targeted civilian areas, and deployed surveillance drones into Pakistani airspace. These acts, taken cumulatively, provided Pakistan with a credible basis to invoke its right of self defense under Article 51. India's missile strikes clearly met the threshold of an armed attack, entitling Pakistan to respond defensively. The destruction of Indian UAVs by Pakistan can therefore be seen as a necessary and proportionate measure within this defensive framework.¹³ By targeting unmanned drones conducting unauthorized surveillance, Pakistan's actions aimed to neutralize an ongoing threat, prevent future incursions, and assert its sovereign rights without escalating to a broader military confrontation.

Additionally, Pakistan's decision to respond by deploying its own drones can also be viewed as a legitimate exercise of its right to self defense. The use of surveillance drones by Pakistan served several defensive purposes such as gathering intelligence to determine the extent and origin of Indian attacks, assessing ongoing threats, identifying military assets or staging areas within Indian territory, and planning appropriate defensive responses. Additionally, such surveillance allowed Pakistan to verify whether India is preparing for further attacks or continuing aggressive maneuvers.¹⁴

Options for Pakistan and the International Community

Accountability through UNODA and ICAO

Pakistan may seek institutional recourse through the United Nations Office for Disarmament Affairs (UNODA), which monitors and analyzes the use of UAVs and promotes transparency, oversight, and accountability in their deployment. A formal complaint can be submitted to the UN Secretariat, including UNODA, to address threats and acts of aggression involving drones, particularly where they endanger civilian lives and breach sovereignty.

As a supplementary measure, Pakistan may also approach the International Civil Aviation Organization (ICAO) with documented evidence of India's unauthorized military drone incursions. While ICAO's applicability becomes limited during times of conflict, an official opinion or findings from the organization would still carry legal and diplomatic weight and help reinforce the international recognition of the violations.

Clarifying the Applicability of the Chicago Convention to Military UAV Operations

Notably, the evolution of the Chicago Convention provides a precedent for adaptive legal interpretation. Although originally designed for manned aviation, ICAO has shown institutional flexibility by continuously updating its Standards and Recommended Practices to address emerging technologies and threats. For instance, the adoption of Article 3 bis, which prohibits the use of weapons against civil aircraft, demonstrates the Convention's ability to incorporate targeted legal prohibitions in response to evolving security challenges.¹⁵

This precedent reinforces the viability of employing the existing Chicago Convention framework to regulate the militarized use of UAVs within a legally robust, multilaterally supported regime. In this regard, Pakistan should advocate for the clarification and reinforcement of the Convention's applicability to military UAV operations, rather than pushing for an entirely new legal instrument. Specifically, Pakistan can call for the development of international provisions, under both ICAO and UNODA, that clearly distinguish between lawful and unlawful UAV use, particularly in the context of cross-border sovereignty violations and civilian harm.

Additionally, Pakistan may support initiatives such as requesting the ICRC and the UN Institute for Disarmament Research (UNIDIR) to jointly develop compliance indicators for AI-based military systems, to guide States in conducting Article 36 legal reviews under Additional Protocol I. This would further strengthen the international legal framework governing the use of emerging military technologies, including UAVs.

Invoking UNSC and UNGA Mechanisms

In response to India's deployment of surveillance drones over Pakistani airspace, particularly when viewed alongside its missile strikes and targeting of civilians, Pakistan has a strong legal basis to seek action through international forums, starting with the United Nations Security Council (UNSC). Under Article 39 of the UN Charter, Pakistan can submit a formal complaint presenting these incursions as a threat to international peace and a violation of its sovereignty. It may request the Council to recognize these acts as part of a broader pattern of aggression and seek a resolution condemning India's actions and recommending non-military measures under Article 41 to ensure compliance.

While a resolution may face obstacles due to the veto power of certain permanent members, raising the issue would still attract global attention and increase pressure on India. If the UNSC remains deadlocked, Pakistan could escalate the matter to the United Nations General Assembly (UNGA) under Article 14, which allows the Assembly to discuss breaches of peace and sovereignty. A UNGA resolution,

though non-binding, would carry strong political and moral weight, help Pakistan rally international support, and reinforce the global expectation that states respect sovereignty and international legal norms.

Invoking State Responsibility under ARSIWA

India's repeated incursions into Pakistani airspace engage the International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), particularly in relation to the elements of wrongful conduct, attribution, and the ensuing legal consequences¹⁶.

Pursuant to Articles 1 and 2 of ARSIWA, conduct attributable to a state that breaches an international obligation constitutes an internationally wrongful act. In the present case, the deployment of surveillance drones by India, particularly when operated by its military and intelligence agencies, is clearly attributable to the Indian state. The violation lies in the breach of Pakistan's sovereignty, a principle safeguarded under both customary international law and Chicago Convention.

As to the legal consequences, Article 30 obliges India to offer appropriate assurances and guarantees of non-repetition. Pakistan may, in this regard, demand written undertakings from India to prevent future violations of its airspace.

Further, under Article 31, India is required to make full reparation for the injury caused by its internationally wrongful act. Even in the absence of physical damage, the violation of sovereignty constitutes a legal injury warranting redress. In accordance with Articles 35 and 36, available remedies may include restitution, such as the deletion or destruction of unlawfully obtained surveillance data, or compensation, should the incursions result in material harm to civilian life or property.

Finally, where restitution and compensation are inadequate, Article 37 entitles Pakistan to seek satisfaction, including a formal apology, a public acknowledgment of the breach, or diplomatic assurances of non-repetition. Should India fail to comply with these obligations, Articles 49 to 54 of ARSIWA allow Pakistan to adopt lawful countermeasures, provided they are proportionate and non-forcible.

Policy Recommendations

- Pakistan may approach UNODA and ICAO with evidence of India's drone incursions, seeking investigation and findings. Though ICAO lacks enforcement powers, its acknowledgment would carry legal and diplomatic weight.

- Rather than creating a new legal instrument, the international community should prioritize clarifying the Chicago Convention's applicability to military UAV operations. The Convention's adaptability, illustrated by the inclusion of Article 3 bis, offers a viable pathway for incorporating specific provisions on the lawful and unlawful

use of UAVs.

- Pakistan can invoke UN mechanisms by filing a complaint to the Security Council under Article 39, framing India's drone incursions as threats to peace and sovereignty. If blocked, the matter should go to the General Assembly under Article 14 for political and moral support.

- Pakistan may invoke state responsibility under the Articles on Responsibility of States for Internationally Wrongful Acts by formally attributing India's drone incursions as breaches of sovereignty and international law. It may demand legal remedies such as non-repetition assurances, restitution or compensation, and, if necessary, adopt proportionate countermeasures including diplomatic or economic responses.

Notes

¹ Al Jazeera, 'Have India and Pakistan started a drone war?' (Al Jazeera, 8 May 2025) <https://www.aljazeera.com/news/2025/5/8/have-india-and-pakistan-started-a-drone-war> accessed 1 July 2025.

² Ibid.

³ BR Web Desk, 'Nothing to do with it, period': FM Dar rejects India's Pahalgam claims, demands 'joint probe TORs' (Business Recorder, 30 April 2025) <https://www.brecorder.com/news/40360334> accessed 1 July 2025.

⁴ United Nations Office for Disarmament Affairs, 'Background on Laws in the CCW' (Disarmament.unoda.org, 2023) <https://disarmament.unoda.org/the-convention-on-certain-conventional-weapons/background-on-laws-in-the-ccw/> accessed 28 June 2025.

⁵ Web Desk, 'Pakistan shoots down 25 Indian drones amid rising tensions: DG ISPR' (The Nation, 8 May 2025) <https://www.nation.com.pk/08-May-2025/pakistan-shoots-down-25-indian-drones-amid-rising-tensions-dg-ispr>.

⁶ Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States) (Merits) [1986] ICJ Rep 14.

⁷ GA Res 3314 (XXIX) (14 December 1974) 'Definition of Aggression' UN Doc A/RES/3314 (XXIX).

⁸ 15 Article 48 of the 1977 Additional Protocol I to the Geneva Convention.

⁹ Ibid 1

¹⁰ 16 Article 51(5)(b) of the 1977 Additional Protocol I Geneva Convention.

¹¹ International Committee of the Red Cross (ICRC), 'Military Necessity' (ICRC Casebook on International Humanitarian Law) https://casebook.icrc.org/a_to_z/glossary/military-necessity.

¹² Karin Oellers-Frahm, 'Article 51 - What Matters Is the Armed Attack, not the Attacker' (2017) 77 ZaöRV 49

¹³ Zebunnisa Burki, 'UN's Article 51 in focus after Indian aggression' (The News International, 8 May 2025) <https://www.thenews.com.pk/print/1309490-un-s-article-51-in-focus-after-indian-aggression>.

¹⁴ Ahmad Qureshi, Waseem (2017) "The Legality and Conduct of Drone Attacks," Notre Dame Journal of International & Comparative Law: Vol. 7: Iss. 2, Article 5.

¹⁵ Max Planck Encyclopedia of Public International Law, (Oxford University Press) <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1146>

¹⁶ International Law Commission, 'Responsibility of States for Internationally Wrongful Acts' (adopted 2001) GA Res 56/83, UN Doc A/RES/56/83, Annex.

Action Matrix

Options for Pakistan and the International Community

Option	Pathways to Solution	Implementation of Solution	Actors Responsible	Implementation Timelines
Accountability through United Nations Office for Disarmament Affairs (UNODA) and International Civil Aviation Organization (ICAO)	Pakistan may submit a formal complaint to the UN Secretariat, including UNODA, highlighting the threats and acts of aggression involving drones, emphasizing civilian risks and breaches of sovereignty. Simultaneously, Pakistan can approach ICAO with documented evidence of India's unauthorized military drone incursions to seek investigation and formal findings	Prepare comprehensive documentation of drone violations, including military nature and civilian impact. Formal complaint submission to UN Secretariat and UNODA for monitoring and analysis. Parallel submission of evidence to ICAO requesting investigation and recommendations.	<ul style="list-style-type: none"> Ministry of Foreign Affairs. Office of the Attorney General Pakistan. 	<p>1-3 months for complaint preparation and submission.</p> <p>3-6 months for UNODA and ICAO investigations and issuance of findings.</p>
Advocacy for Adaptive Legal Interpretation and Strengthening UAV Regulation under the Chicago Convention and Related Bodies	Pakistan should advocate for clarifying and reinforcing the applicability of the Chicago Convention to military UAV operations	Submit formal proposals and participate in ICAO working groups. Engagement with UNODA to promote UAV regulation and transparency. Collaboration with ICRC and UNIDIR to support development of compliance indicators for emerging military technologies.	<ul style="list-style-type: none"> Ministry of Foreign Affairs Office of the Attorney General Pakistan. United Nations Institute for Disarmament Research (UNIDIR) 	<p>3-6 months to draft and submit proposals</p> <p>6-12 months for discussions and working group deliberations</p>
Invoking United Nations Security Council (UNSC) and General Assembly (UNGA)	Pakistan can submit a complaint to the UNSC under Article 39, seeking condemnation and non-military measures. If blocked, escalate to the UNGA for political support through non-binding resolutions.	Pakistan's Ministry of Foreign Affairs to file complaints and engage UNSC members; if vetoed, pursue UNGA resolution to increase pressure on India.	<ul style="list-style-type: none"> Pakistan Ministry of Foreign Affairs Pakistan Permanent Mission to the UN UNSC UNGA 	<p>1-3 months for complaint submission</p> <p>3-6 months for UNSC deliberations</p> <p>3-6 months for UNGA escalation and resolution</p> <p>Ongoing advocacy</p>
Invoking State Responsibility under ARSIWA	Pakistan can invoke India's wrongful acts under ARSIWA, demand reparations and assurances, and adopt lawful countermeasures if ignored.	Ministry of Foreign Affairs to submit formal demands and engage diplomatically; prepare for countermeasures if necessary.	<ul style="list-style-type: none"> Ministry of Foreign Affairs. Office of the Attorney General Pakistan. 	<p>1-3 months for submission</p> <p>3-6 months for engagement</p> <p>Ongoing monitoring</p>