2016/6/2: Drones in advance on military legal estates (part 1)

Drones in advance on military legal estates (part 1)

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Unmanned air vehicles and/or air vehicle systems, which colloquially are also called “drones”, have been increasingly distributed and used in the course of the last years. Here, medial interest, and thus also public perception, primarily has been aimed at “big” plane-like systems such as Predator, Reaper or Global Hawk, which can be remote-controlled from a long distance, carry out longish missions, and can carry substantial military payloads (such as air-to-surface missiles). Apart from these, hardly noticed by the public, the segment of smaller air vehicles for missions in actual view of the operator has increased intensely. Here mainly rotary wing aircraft are involved, which get their uplift and propulsion from a (usually even) number of geminately counterrotating rotors, which are normally propelled by electric motors, which in turn are powered by one or several rechargeable batteries carried along. Flight control is realised solely by software-controlled individual speed regulation of the unadjustable rotors on the basis of control inputs on the remote control, which roughly corresponds to the collective (up/down) and cyclic (left/right/ahead/back) control of a helicopter, although - because of the support by software as well as due to the several rotors - it avoids the mechanical complexity of a helicopter rotor head which has to carry out both control dimensions. Normally, stabilization is integrated in the control software, which makes it possible for all those who have never controlled a model aircraft before, after a short phase of introduction and familiarization, to fly reasonably to some degree. On this basis, serious commercial platforms with payload capabilities (e.g. cameras) could be developed, with quite a broad field of application: Shots of sports and concert and other similar events, getting situational pictures of major loss occurrences from the air without endangering the deployed forces, location of missing or trapped persons by means of thermal cameras, inspection of infrastructure (overground lines, traffic routes), assessment and damage information in agricultural areas and the like can be performed in this way with a fraction of the costs of manned aviation. The „toy“-sector has been booming as well, as has been shown by medial reports especially before Christmas in the last two years, and even such toys, equipped with mini-cameras and storage media, obtainable everywhere ready to fly, are convenient for snoopy glimpses across fences or into military estates. In the course of the last months, Austrian soldiers, females as well as male, time and again have reported drones sighted near barracks. How are such activities to be classified, and how ought and may soldiers on guard duty as well as other persons concerned react?

In this essay the author tries to sound out the legal position around this scenario and to clarify it on the basis of examples. At present, for military institutions the use of drones is an essential means for reconnaissance as well as for warfare. This essay also involves which means military institutions have at their disposal in order to ward off drone attacks and to guarantee military security.