

THE EXPANDING USE OF DRONES IN GOVERNMENT OPERATIONS

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Abstract

The rapid advancement of unmanned vehicle technology has significantly expanded the use of drones in government agency operations worldwide. This paper examines how public institutions increasingly integrate drones to enhance efficiency, accuracy, and safety across a wide range of functions, including surveillance, border control, disaster response, environmental monitoring, and infrastructure inspection. The study analyzes the operational benefits of drone deployment while addressing key challenges related to regulatory frameworks and data protection. By reviewing recent applications and policy approaches, the paper highlights best practices and identifies emerging trends shaping the future role of drones in public sector operations. The findings suggest that, when supported by clear governance structures and responsible use policies, drones represent a transformative tool for modernizing government agency operations.

Keywords: *drones, legality, international law, data protection, use of force.*

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1. The rise of drone technology and its integration in state operations

Drones have become a staple in how most states and non-state actors are conducting different internal and external operations, meaning that unmanned vehicles can be used with a smaller footprint while maximizing possible gains. According to the company DEDRONE¹ between 2023-2025 there had been over 1 million drone violations in the United States of America, with most being disregards for low altitude authorizations while a growing trend was that of being in no-fly zones, especially near power plants.

Other companies have tracked more niche situations such as drug trafficking and contraband, intentional disruptions of important infrastructure (airports) and violence targeted against non-state actors or state agencies². These types of incidents have been qualified, by different researchers³, as hybrid threats and attacks. While a universally legal definition for a hybrid threat has not yet been accepted, the European Union has adopted a common position between the European Parliament and the Council, which proposes defining hybrid threats as interference carried out through manipulative or unwanted actions, using a variety of tools such as the spread of disinformation/malicious information, the creation of strong historical narratives (but incorrect or only partially correct), electoral interference, cyberattacks, economic interference, etc.⁴.

A growing trend in drone incidents has been noticed near key energy infrastructure, mostly near nuclear power plants and military instalments, such cases being largely documented in the United States of America⁵, where drones flown by unidentified persons had caused security risks. Furthermore, some states in the European Union have also been targeted with the same tactics in regards to important civilian infrastructure⁶, but also, there have been sightings near essential military establishments⁷, where non-hobby drones have been used, outlining that these were not simple accidents done by negligence from an unmanned operator.

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¹ Their website is accessible at <https://www.dedrone.com/drone-violations-database>, database was updated in the end of 2025. The company handles anti-drone devices. Accessed at 04.01.2026.

² In this regard we analyzed the tracked from the company D-fendsolutions, accessed at <https://d-fendsolutions.com/drone-incident-tracker/>, on 04.01.2026, the database has registrations between 2021-2025.

³ E. Duns, Drones and Diplomacy: Nordic Divides in Responding to Hybrid Threats, Atlas Institute for International Studies, 26.10.2025, accessed at <https://atlasinstitute.org/drones-and-diplomacy-nordic-divides-in-responding-to-hybrid-threats/>, on 04.01.2026. Michelle Haas, Pieter Balcaen, Tim Haesebrouck, Belgium's Public Confrontation with Hybrid Threats: Lessons from Drone Incursions, Commentary, Egmont - Royal Institute for International Relations, 13.11.2025, accessed on 04.01.2026, at <https://www.egmontinstitute.be/belgiums-public-confrontation-with-hybrid-threats-lessons-from-drone-incursions/>.

⁴ Joint Framework on countering hybrid threats a European Union response, Join2016/018/final.

⁵ H. Sokolski, It's past time to start protecting US nuclear power reactors from drones, Bulletin of Atomic Scientists, 03.09.2025.

⁶ B. Stewart, Mysterious drones keep buzzing key sites in Europe. So what's the defence strategy?, CBC, 11.11.2025.

⁷ D. Salisbury, Drones targeting European nuclear weapons infrastructure, International Institute for Strategic Studies, online analysis, 12.12.2025.

Other important incidents have been those in which a state used drones inside another state, such as the Russian Federation drones which have been marked as intrusive on sovereign airspace in Romania, Poland and other Baltic states⁸. While not all drones were destroyed, they do represent a growing threat to national air space.

Furthermore, drones have become a staple in military operations seeing as how they are used more regularly on the battlefield than other conventional weapons. Both Ukraine⁹ and Iran¹⁰ operations have been notable cases of ongoing drone warfare, with the technology being developed in a rapid pace. Future operations in both theaters will likely include autonomous drones controlled by artificial intelligence agents overseen by human operators which could outline a new wave of interpretations of the Geneva Conventions of 1949 and the additional protocols¹¹.

The digitization of operations outlines that state agents must react at the speed of computers, and not just by biological standards. However, the principle of distinction enshrined in the Geneva Conventions requires persons to trigger clauses and cannot be applicable to machines, computers or artificially constructed entities.

This is further emphasized during the meetings of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, a venue organized by the UN Disarmament Commission, where the first 2026 session¹² further built on the prospect of autonomous platforms to be regulated and that lethal force will be retained as a decision of a human operator and not be delegated to an autonomous system.

2. State operations and AI agents

Agency is the ability to act or to choose what action to take, a characteristic that requires consent or intent, a capacity that can only be found in the notion of legal capacity or legal personality. To offer agency to drones, even those capable of handling complex tasks with the help of AI modules, can infer an anthropomorphism of the technology and may require a new legal regime that is especially applicable to these devices.

While such agents could be classified as high risk in the European Union¹³, the AI Law adopted in the EU has not given express authority towards AI agents and neither did it offer a recognition of agency towards AIs. It's important to note that the EU, at one point, considered to create a new liability regime for robotics and artificial intelligence by establishing new ethical guidelines in which electronic agents could be held accountable alongside the developers, users and manufacturers¹⁴.

However, non-human agents lack express agency and authority and could, at the very most, pertain implied or apparent authority. Consent, intention and agency should not be implied for a drone operated by an AI agent. For example, AI cannot be a legal owner of a song, lyrics or other artistic materials that were generated with the software, yet infringements of copyright laws are considered as a human liability¹⁵.

Despite AI agents having a legal block in deployment, the development has been going on without that many hurdles. As such, the fictive approach to the law-grounding problem¹⁶ allows a different paradigm regarding how AI agents could behave differently from humans. This means that robotics and AI should have laws tailored for them and that existing laws should be adapted to AI, because a general legal regime that could be applicable to any and all types of technological developments cannot fully contain this type of advancement.

⁸ M. Starinac, Alexandra Bostenaru, Russian drone incursions in Poland and Romania, Bloomsbury Intelligence & Security Institute, 18.09.2025.

⁹ Ch. S. Oliviero, P. Halton, The menace of misunderstanding: learning the wrong lessons from Ukraine's drone-saturated battlefields, Modern War Institute at West Point, 11.03.2026.

¹⁰ S. Feldsten, D. Massicot, What we know about drone use in the Iran war, Carnegie Endowment for international peace, 2.03.2026.

¹¹ T. Pultarova, The coming drone-war inflection in Ukraine, IEEE Spectrum, 24.03.2026.

¹² Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems Geneva, 2-6 March and 31 August-4 September 2026, CCW/GGE.1/2026/WP.2, Chair's summary – First 2026 session of the GGE on LAWS.

¹³ According to article 26 of the Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act).

¹⁴ M. Kritikos, Artificial Intelligence ante portas: Legal & ethical reflections, European Parliament briefing, European Parliamentary Research Service, PE 634.427 – March 2019.

¹⁵ M. P. Goodyear, Who Is Responsible for AI Copyright Infringement?, Issues, Arizona State University, Vol. XLI, no. 1, 2024.

¹⁶ C. O'Keefe, Why give AI agents actual legal duties?, Institute for Law&AI, august 2025.

The United States of America has come a long way from adopting the DOD Directive 3000.09¹⁷ in which the development, research and deployment of autonomous devices had been regulated. Afterwards, lots of the states that are part of the USA have enacted legislation regarding data ownership of AI generated content and introduced the right to compute, a law that specifies that the government cannot take actions that restrict the ability to privately own or make use of computational resources for lawful purposes, unless deemed necessary to fulfill a compelling government interest¹⁸. Other important legal developments include laws that prohibits individuals from using an AI-powered robot to stalk or harass other individuals or that non-human entity including an agent powered by AI cannot use specific licensed and certified medical professionals' titles.

A more recent case is that of Nippon Life Insurance Company vs. OpenAI¹⁹ in which OpenAI (the creator of ChatGPT) had been issued a citation for a case in which the AI generative software issued a legal opinion based on the documents that were uploaded. Based on the information that the GPT analyzed, a lawyer was fired and the claimant filed a motion to reopen a lawsuit. While a definitive decision had yet to come from the court, such a case outlines the importance of establishing a legal regime for responsibility of AI usages. As such, the USA has begun a major overhaul of its legal doctrine to ensure that AI agents do not cause harm to day to day civilian activities.

The People's Republic of China considers that by 2030 the number of AI agents will exceed 90% of adoption rate in terminals²⁰ which will require new forms of legislation in order to ensure public safety in regards to data protection and civil rights.

One of the most known cases of using AI to conduct state operations was represented by the Department of Government Efficiency (known as DOGE), in which the department used AI tools to probe spending and communications within some federal agencies in the USA. The goal of the AI tools was that of identifying ways to cut up to 1 trillion dollars in public finances, yet the efforts of DoGE had not yielded the results it was tasked for, sparking over 770²¹ lawsuits against how the Department handled finances, responsibility of the programme, and the end results (firings, institutional funding, rights infringement and others) of the AI agents used have yet to be outlined as being a pyrrhic victory or a failed experiment.

The International Data Corporation published a survey from the USA that showcases an estimate of 82%²² of governmental agencies are using AI agents to handle day-to-day tasks and the Department of War (former Department of Defense) has signed specific conventions with AI developers for army chat bots and tools for targeting and analysis²³. As such, drones and other unmanned vehicles can gather data and have it analyzed by other computational devices, while the human operator or commander can use the resulting data in order to conduct further state operations.

Yet, the threat of drones does not necessarily come from states as much as it can come from non-state actors who can acquire off-shelf drones or can create their own drone projects from parts bought from online markets²⁴. Furthermore, some non-state actors, such as the Houthis, have obtained military grade drones, that are usually only sold to armies, and have used them against civilian and military vessels in the Red Sea²⁵.

3. The legality of drone operations conducted by state actors

In the case of armed drones, they are not expressly prohibited by international humanitarian law, either treaty or customary law. As such, their use must comply with existing rules laid out for any conventional weapon system or platform. This means that when a state chooses to use a drone it must ensure that attacks target only

¹⁷ Department of Defense, DOD DIRECTIVE 3000.09 AUTONOMY IN WEAPON SYSTEMS, 25.01.2023.

¹⁸ More normative acts can be accessed at the website <https://www.ncsl.org/technology-and-communication/artificial-intelligence-2025-legislation>.

¹⁹ E. K. Kovachevich, Did Chatgpt just practice law?, Airdowerwas.com, 24.03.2026.

²⁰ Liang Ding, China's regulation of artificial intelligence – process and challenges, International Bar Association, 04.12.2025.

²¹ According to the database from Just Security, accesible at <https://www.justsecurity.org/107087/tracker-litigation-legal-challenges-trump-administration/>.

²² The survey can be found at <https://glsolutions.com/regulatory-agency-software-blog/82-of-governments-surveyed-use-ai-agents/>.

²³ US War Department, War Department Launches AI Acceleration Strategy to Secure American Military AI Dominance, Press Release, 12.01.2026. Secretary of War, MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP, Artificial Intelligence Strategy for the Department of War, 09.01.2026.

²⁴ J. Dulligan, L. Freeman, A. Phoenix, B. Davis, The Rising Threat of Non-State Actor Commercial Drone Use: Emerging Capabilities and Threats, CTC Sentinel, martie 2025, articolul 4, pp. 39-44.

²⁵ C. Black, The Houthi model – non-state actors and multi-drone capabilities, Essay, Small Wars Journal, 30.12.20255.

combatants and military objectives, while ensuring that indiscriminate and disproportionate attacks are prohibited. Notwithstanding, all feasible precautions must be taken to avoid or minimize civilian damages.

Seeing as how the UN Disarmament Commission has not yet adopted a legally binding document and that the current technology doesn't surpass the legal regime established by international law, we can conclude that drones are not forbidden in state operations.

Even from a jurisprudence outlook, drones can be used, as long as they are handled with high regards to principles enshrined in international public law. For example, we consider the Corfu Channel Case (1949)²⁶ a relevant ruling for drones, despite the technology not being present at that time, because it establishes legal obligations for state in regards of using different military technologies in such a way as to allow a minimal impact in the lives of civilians. Failure to do so will be considered as a breach of due diligence, similar to how Albania failed to safeguard its territorial waters.

Another key case is that of the Military and paramilitary activities in and against Nicaragua (1986)²⁷ in which we consider that an important principle that is applicable to drones is that of respecting state sovereignty and not conducting operations without explicit consent of the state in which an intervention is to be held.

However, the Russian-Ukrainian war has shown that such international law principles are not easily enforced and the ongoing war cannot be the subject of a formal investigation of the Prosecutor of the International Criminal Court, because acts of aggression conducted by nationals or states that have not ratified the Rome Statute or accepted amendments cannot be subjects of such actions without a referral from the Security Council. The usage of drones as preemptive means to take out targets inside the territory of foreign states can be considered an act of aggression.

If we take into consideration the situation that was conducted in the former state of Yugoslavia, the air sorties conducted by NATO forces, while they did not reach a threshold to be considered war crimes, outlined those indiscriminate attacks are unlawful and can cause irreparable to the environment. As such, the International Criminal Tribunal for the former Yugoslavia held that sufficient use of precautionary measures demonstrate lack of intent or objective purpose to cause harm²⁸.

Another notable case is that of the Second Senate of the Federal Constitutional Court of Germany²⁹, in which two Yemeni citizens filed a complaint regarding the constitutional obligations enshrined for the German armed forces in regards to the Ramstein Air Base. The ruling rejected the complaint and ruled that while Germany did have a general duty to protect fundamental human rights including those of foreigners abroad, the conditions triggering that duty were not met.

The Court noted, however, that it could not prove the US used improper standards when distinguishing between military objectives and civilians. Furthermore, it ruled that for legal obligations to apply, the attack would require a clear nexus to German state authority, respectively a connection found to be lacking in this instance.

One of the first cases that the ICJ will handle, regarding drones, will be the one filed by Mali against Algeria³⁰ in which Mali considers a premeditated attack on its sovereignty after Algeria destroyed a drone that was conducting operations against the armed rebels present in Mali. Algeria countered and stated that the drone violated its airspace while it was targeting a border town held by Tuareg separatists, declared enemies of Mali. Mali, Burkina Faso and Niger recalled their ambassadors from Algeria as a diplomatic protest.

Furthermore, the Prosecutor of the International Criminal Court had investigated the usage of armed force through drones in the ICC-02/17 case regarding the situation in the Islamic Republic of Afghanistan³¹, in which drone strikes against anti-governmental fighters and civilians have been detailed, yet the case was rejected by the Pre-trial Chamber seeing as how Afghanistan had political instability and was not considered cooperative in this regard. The case also required to conduct examinations in states that were not parties to the Rome Statute.

²⁶ The judgment in the ICJ Corfu Channel Case (United Kingdom vs. Albania) , 9 April 1949, accessible at <https://www.icj-cij.org/case/1>.

²⁷ The judgment in the ICJ Nicaragua vs. USA case, 27 June 1986, accessible at <https://www.icj-cij.org/case/70>.

²⁸ R. Alberstadt, Drone under international law, Open Journal of Political Science, Vol. 4, No. 4, October 2014, DOI <http://dx.doi.org/10.4236/ojps.2014.44023>.

²⁹ Judgment of the Second Senate of the German Constitutional Court of 15 July 2025, accessible at https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2025/07/rs20250715_2bvr050821en.html?nn=68654.

³⁰ Case 2025/40 filed on 19.09.2025, pending on the ICJ list. It is accessible at <https://www.icj-cij.org/node/205713>.

³¹ The Court document can be accessed at https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2019_07003.PDF.

Other proposed measures include the targeting of narcotics dealers on foreign territory, as it was proposed by the United States of America against Mexican cartels³², but had yet to be taken up, seeing as it requires Mexico to consent to such operations, beforehand. However, drug cartels have been documented using drones against law enforcement agencies in Mexico and as drug transports inside the state and towards outside markets³³. While inside its borders Mexico can use proportionate force, including drones, against cartels, intervening in another state's sovereignty has to be upheld in regards to international public law. A simulation conducted by Win Without War Education Fund concluded that a large offensive against drug cartels will not end the illicit trade and would trigger the groups to adopt Ukrainian style resilience, in which drones could be used as a tool for political violence against the USA³⁴.

However, a more gray action has been taken in regards to illicit narcotics in which boats that left Venezuela and were suspected of harboring drug cartel personnel were hit in international waters by the USA naval force stationed close to its territorial waters. The legal justification at play is the same as the one offered for anti-terrorist operations in the Middle East, respectively the 9/11 Authorization for Use of Military Force, seeing as how the US labels drug cartels as terrorists³⁵. Drones had been used to both conduct attacks and to collect information.

As such, drone operations have been increased and the usage of unmanned vehicles has seen notable evolutions as robots become a staple on the battlefield. The most notable evolution is that in Ukraine in which positions can be conquered exclusively by unmanned solutions³⁶. However, it's important to take into consideration that drones have been assigned a support role and that the human-in-the-loop doctrine has not been changed.

4. Conclusions

The transition from human-piloted drones to AI-driven autonomous agents presents a critical legal paradox. While technology is advancing toward full autonomy, current legal frameworks (including the EU AI Act and US directives) still struggle to define agency. Yet, legal liability remains human-centric (developers/operators) and the international community maintains a human-in-the-loop doctrine for lethal force.

However, there is a growing need for a fiction approach to law, creating specific legal regimes tailored to AI behavior rather than trying to force-fit robotics into existing biological-standard laws. Legal fictions are legal rules, concepts or assumptions premised on deliberately false, or rather counterfactual assertions.

The study concludes that the drone revolution is irreversible. Whether drones remain a tool for modernization or become an instrument of instability depends entirely on governance. The path forward requires the following: clear regulatory frameworks that address data ownership and AI accountability; international cooperation to update the Geneva Conventions for the age of autonomous systems; and proactive defense strategies to safeguard critical infrastructure from hybrid aerial threats.

The integration of unmanned aerial vehicles has moved beyond experimental use to become a cornerstone of modern statecraft. Drones offer a low footprint, high gain advantage, allowing governments to enhance surveillance, infrastructure protection, and disaster response. However, the rise in unauthorized incursions—particularly near nuclear plants and military sites highlights that unmanned vehicles are now both a transformative tool for agencies and a significant hybrid threat that requires sophisticated counter-measures.

As off-the-shelf drones become a solution for non-state and hostile state actors to conduct their daily activities, so must state agencies adopt better drone technology to protect citizens. Also, cybersecurity must become both a pillar in every vehicle, because drones have been integrated in other state operations, from transport to fiscal and customs actions against contraband and tax fraud. Without proper protection offered to critical communications, even civilian drones handled by citizens or public workers can become proper threats to the communities.

³² C. W. Reese, Non-Credible Strategy No More: Droning Drug Dealers to Stop Cartel Violence, *Georgetown Journal of Law & Public Policy*, Vol. 22, pp. 699-743.

³³ A. C. Doctor, S. Cubukcu et al., Mapping Weaponized Drone Attacks Attributed to Mexican Drug Cartels, 2021-2025, NCITE Report, Projects and research, 12.02.2026.

³⁴ H. Mann et al., No Winners Simulating the aftermath of a U.S. Attack on Mexican Cartels, Tabletop exercise, Report, 01.04.2025.

³⁵ J. Dosey, D. Boats, Drone Strikes and the Dangers of Avoiding Mirrors, *Opinio Juris*, 14.12.2025. Also, the designation can be read at <https://www.state.gov/designation-of-international-cartels>.

³⁶ J. Parakilas, Robots Just Captured a Russian Position in Ukraine—but Don't Worry About Real-Life Terminators Just Yet, *RAND Corporation*, Commentary, 20.04.2026.

Future research will address how drones are part of the hybrid threat ecosystem that can be used against citizens and critical state infrastructure by hostile actors.

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