Forum: Human Rights Council

Issue: Creating additional humanitarian agreements to ensure ethical and accountable use of autonomous weapon systems in modern warfare

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Introduction

The first instance of which autonomous weapon systems were discussed in the United Nations (UN) was in 2013, when UN Special Rapporteur Christoff Heyns on extrajudicial, summary or arbitrary executions submitted a report regarding the extent to which lethal autonomous robotics (LARs) could be "programmed to comply with the requirements of international humanitarian law and the standards protecting life under international human rights laws" (12). Heyns, among other temporary solutions, recommended the application of national moratoria (temporary prohibition) within member states, and that a panel regarding the regulation of LARs should be established until an answer to the question posed could be made (21-22). National moratoria involved a two-part ban, with a Heyns calling for a temporary pause upon the existing research and development of LARs and ultimately, the ban on certain systems, while the panel posed and later installed had the primary function of answering and fostering debates upon the ethicality of further LARs related decisions.

11 years later the topic still remains a disputed one, but in recent years' debates, the term lethal autonomous robotics has been replaced with lethal autonomous weapon systems (LAWS) and autonomous weapon systems (AWS) instead. Make no mistake, however, as despite the similarity in name AWS have the capacity to be fully non-lethal, whereas as insinuated LAWs are perfectly lethal. For this conference the scope of debate is narrowed to the subject of LAWS regulation. Further distinction can be found in the section of Definitions for Key Terms below.

In contemporary contexts, the deciding directives made for the future of LAWS would be climacteric. Despite much uncertainty regarding the scope of control that should be exercised over these systems, the innovation of related technologies in this field have not stopped (Jones).

Definition of Key Terms

Autonomous Weapon Systems (AWS)

This hypernym encompasses both lethal and non-lethal systems that operate upon an artificial intelligence (AI) basis. For example, enemy missile detection units can be an AWS but not actively harm or cause harm to humans.

Lethal Autonomous Weapons Systems (LAWS)

These are artificial intelligence (AI) driven weapon systems that actively aim to kill humans that fit a specific description and are fully autonomous in the way that they do not need to be manually controlled to operate.

Lethal Autonomous Robotics (LARs)

A somewhat dated term used in earlier years when the debate was in its infancy, the term lethal autonomous robotics was made in reference to science-fiction connotations, focusing upon independent robotic vessels. Nowadays it is almost synonymous with LAWS. Delegates should refrain from using this term during debates with exception to time specific contexts, however, as the connotations it was initially created with is inaccurate to the current discussion.

Meaningful Human Control (MHC)

Backed by member states and non-government organizations (NGOs) alike, the MHC is a key that entails the logical, ethical and humane degree to which machines should operate by- this being reached with a minimal but required amount of human control. Critics define it as a weak concept and state that it ignores operational contexts and does not provide any actual guidelines to which it can be achieved. Regardless, this is regarded as a key consideration in maintaining LAWS by parties willing to consider the development of LAWS, or pro-development states that are unwilling to risk killer robots running rampant (Siebert).

Background

LAWS have been a much-debated topic in multiple international forums, including the Convention on Certain Conventional Weapons (CCW), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Security Council (UNSC), United Nations General Assembly (UNGA). This is largely due to it being a multifaceted topic, and due to the specialization different committees focus upon cannot be addressed at once (2024).

Technology Involved

LAWS are unmanned military drones pre-programmed to search for a set of specific traits, or a "target profile" after they are unleased using facial recognition. These are usually based off of certain physical characteristics of an ethnic group or the more identifiable facial features of a country's population, although the machines are essentially only supposed to attack soldiers and military personnel. Algorithms are coded to terminate-on-sight individuals that they identify as fitting the target profile provided.

LAWS utilize artificial sensors such as cameras, thermal and radar location to identify hostiles.

Forms

LAWS may consist of any type of weapon system that is driven by an algorithm and remains unmanned. This includes land vehicles such as self-running tanks, to submarines capable of shooting underwater missiles and aerial drones that run on programs to drop bombs.

Algorithm Bias

One of the most commonly raised arguments against the usage of LAWS is algorithm bias. Many argue that allowing artificial intelligence led 'killer robots' the capacity to take human life based on a set of characteristics commonly found in association to a certain ethnic or social group could lead to biased and concentrated murder, potentially being viewed as genocide (Digital Watch Observatory). Alternatively, because the code used to make up these algorithms are extremely complicated, biased algorithm could make a false judgement and deem civilians or surrendering soldiers as hostiles and attack

and the programmers in charge of it would still be unable to trace exactly where the system error occurred to bring about a failure.

Ethicality and Degree of Human Control

The main concern raised regarding the implementation of LAWS in warfare is the question of whether these machines would be able to distinguish between legitimate and illegitimate targets (e.g. an enemy soldier and a civilian). Another question that ethicists are focused on is that whether it can be found morally acceptable for mankind to entrust the act of taking another life to artificial intelligence. Furthermore, if an AI-driven weapon is found to have committed an atrocity (e.g. the burning of a school with children inside), then the direct line of causality could be traced back to either its programmer, the country that owns it, the military personnel that deployed it or even the very law or directive that enabled its existence on the field of war. Unlike the human equivalent of such an action, the committing of a war crime by a LAWS holds a responsibility gap.

Opposing Regulations

Advocates who spurn the limiting of LAWS through international platforms raise reason such as the military advantage weapon systems may provide, as well as certain moral justifications. For one, some military experts hold the opinion that robotic soldiers would be ethically preferrable to human fighters as autonomous robots do not hold the capacity for fear and other emotion that may cloud human judgement and lead to undesirable outcomes. Soldiers dealing with stress and constant hypervigilance on the front lines may be susceptible to faulty judgement, due to either a lack of rest or the emotional and physical toll. LAWS on the other hand, needing no rest except for fuel, can be trusted to not make emotionally driven or choices that stems from its own lack of proficiency at compartmentalization. Robotics would also not withhold reports on infractions in humane warfare, whereas human soldiers may hesitate on account of them not willing to betray their comrades. However, many roboticists and experts do acknowledge that the use of these systems cannot be deemed morally acceptable.

Supporting Regulations

Those in support of the regulation of LAWS typically refer to the moral grounds of which the existence of AI- systems violate. This is in reference to the view that a non-human entity should not be entrusted with the solemn task of taking another human life. Other arguments in support of the regulation or banning of LAWS raise arguments such as human dignity, which may be potentially disregarded or disrespected in being appraised by an AI and then deemed as a threat which subsequently leads to termination, or that the very act of appraising a human life through the metaphorical eyes of an unfeeling system reduces its value. 2015 July in particular saw an open letter calling for a ban upon autonomous weapons which was released at a press conference regarding artificial intelligence. The letter warns that the development of AI technology for warfare would be seen as the third revolutionary change in warfare, after gunpowder and nuclear weapons, and that while AI has the capacity to benefit mankind pursuing its uses in the field of warfare may tarnish the existing report it has and close off further research in this field for good. The most notable aspect of this letter is that its list of signatories ranges from individuals of high publicity such as Elon Musk, to activists like Noam Chomsky and prestigious professors of science like Stephan Hawking (Etzioni 2017).

Major Parties Involved

Republic of Austria

Austria is a leading advocate for the installation of a protective ban on the usage of LAWS and takes a firm, guiding stance on the necessity and significance of human control. In 2021, Austria organized the international Conference to Maintain Human Control in Autonomous Weapon Systems, and in 2022 proposed a resolution alongside Panama on the issue, which garnered the support of around 164 states (Außenministerium).

Brazil

Brazil stands in support of negotiations on the installation of a legally binding instrument.

The Campaign to Stop Killer Robots

A coalition of over 60 Non-Governmental Organizations (NGOs) from different countries, the group seeks to forestall LAWS by banning them through preemptive measures and civilian rallies.

People's Republic of China (PRC)

China is inclined to support the regulation of autonomous weaponry (Jones). It has expressed the hope that once the definition of autonomous weapon systems is established, delegations could be sent to the CCW in order for legal binding instruments for the purpose of limiting and regulating fully autonomous lethal weapon systems in 2013, and in recent years has started advocation for the prohibition of the use of LAWS, but interestingly also opposes the ban on production and development. This is a highly strategic move, typical of the PRC's civil-military policies and retains diplomatic risk management, asserting that

Russian Federation

The Russian Federation holds the view that the inevitable development of LAWS in warfare should not be curtailed or be heavily supervised. A strong opposer to the installation of additional guidelines, the Russian Federation voted against the 78/241 resolution in 2023 (please see below for details). It does not support the negotiation of a legally binding instrument on LAWS, nor does it support a cease in the production and refinement of the technology involved (Automated Decision Research). Unlike the United States, Russia's stance upon the issue is firm and they have made it clear that they will not alter their perspective (Klare 33).

Republic of France

The Republic of France rejects the full autonomy of LAWS in warfare but is not opposed to its usage. In the 2025 Paris Treaty, France calls for transparency, explainability and reliability in usage and fully supports resolutions and further action in compliance with IHL but remains averse to the institution of a new set of guidelines (Elysee).

United Kingdom (UK)

In 2015 the United Kingdom clearly stated their stance on the topic, viewing the need for prohibition unnecessary when international humanitarian law is sufficient at the regulation of LAWS (Bowcott 2015). Choosing to remain dubious upon the need for further regulations, the UK argues that the existing policies for LAWS in the International Humanitarian Law (IHL) should not be replaced with a new set of regulations but instead be enhanced with national guidelines.

United States of America (USA)

The USA emphasizes appropriate human involvement in the deployment and manufacturing of LAWS (*DoD Directive 3000.09 Autonomy in Weapons Systems* 15). It shares the stance that existing international humanitarian legislation suffices but is not radically opposed to a binding platform, in contrast with the Russian Federation.

Previous Attempts to Resolve the Issue

There have been numerous UN conferences and meetings held after the issue was first brought to light in 2013, but none have had a binding effect upon international members. Some notable attempts and advancements made include the informal establishment of the CCW mandate upon lethal autonomous weapons in 2014, which was followed up by the 2017 initiation of the formal Group of Governmental Experts (GGE) on LAWS.

After the establishment and the consensus reached upon preliminary identification of what determines a lethal autonomous weapon system, debate upon the topic has reached a standstill. Although the GGE remains actively seized upon the matter, and the continued efforts between member states and NGO organizations alike for the implementation of an internationally binding instrument, major parties involved who sense that their interests or potential gains are at risk have caused division. As stated before, these states primarily argue that existing international law is adequate. Below is a list of relevant resolutions.

- “Regular Session” a/HRC/23/47, April 2013 was the aforementioned session headed by Christoff Heyns, which was the first resolution the UN ever entertained on this issue.

- Final Document(s) on the Fifth Review Conference, CCW/CONF.V/10 (conference number), December 2016 was the first formal meeting held on this issue after Heyns' proposal. While informal dialogue had been entertained prior to this, the solutions discussed during the meeting were met with disapproval and refutation from parties such as the US and Russian Federation and was rendered useless as a result.

- Final Document of the 2019 Meeting of the High Contracting Parties, CCW/MSP/2019/9, November 2019 produced the 11 Possible Guiding Principles in the regulation of LAWS. While feasible in theory, the resolution provided was a feeble compromise between opposers and supporters that lacked real action. Additionally, the Convention on Certain Conventional Weapons holds a consensus rule for the implementation of any new laws.

- Resolution on the role of science and technology in the context of international security and disarmament (Lethal autonomous weapons systems), A/RES/78/241, December 2023 was viewed as the first step in the long-term progress of reaching a consensus upon the future of LAWS. It was posed in the United Nations General Assembly (UNGA) and was successfully adopted. However, it still does not forward additional negotiations productively.

Possible Solutions

Currently there are 119 member states of the UN that are in support of a legally binding policy upon LAWS, while there is a divided opinion between the opponents of a binding treaty, and those of a protective treaty ban. In 2019, a survey also indicates that six out of every ten adults (roughly 61% of all respondents) in 26 different countries oppose the usage of these systems (Deeney). The majority have already reached consensus, but the minority that voice disagreement poses inescapable obstacles that must be crossed, lest the debate be tabled for an indefinite period of time. Still, some arguments made in favor of unregulated LAWS do have their merits and can be compromised upon. For this reason, delegates would do well by critically evaluating the interests of the opposing side.

Research into making AI algorithms more ethical and less prone to hijacking or more advanced is also encouraged, and many countries who hold a neutral stance or support the development of LAWS technology such as China or could consider this.

On the other hand, the Chair would like dispense the popular opinion that sometimes true ethicality comes from the heart, so that in order for international law to remain humanitarian the regulations for LAWs cannot simply stem from logic; in UN report HRC-23-47, Christoff Heyns even includes experts from fields such as philosophy, diplomacy and conflict management in the list of authorities eligible for a seat on the High Panel regarding the regulation of LARs (21).

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