Legal Implications of Lethal Autonomous Weapons Systems

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## Clarifying the Terminology:

**Robot:** Machine which, through remote-control or based on pre-programmed patterns, carries out tasks with various degrees of autonomy from human supervision. **Three basic categories:**

1. **Human-controlled (“human-in-the-loop”) systems:** Can perform tasks delegated to them independently (navigation, systems control, target detection, weapons guidance) but **depend on certain real-time commands by a human operator** (e.g. current drones).

2. **Human-supervised (“human-on-the-loop”) systems:** Can conduct targeting process independently, but remain under the real-time supervision of **human operator who can override robotic decisions.**

3. **Autonomous (“human-out-of-the-loop”) systems:** Can search, identify, select & attack targets **without human control.**
   - **Automated:** Restricted to predefined & controlled environment.
   - **Autonomous:** Can operate in open & unpredictable environment.
## Clarifying the Legal Landscape: (Two basic questions)

### 1. Are LAWS inherently illegal?

<table>
<thead>
<tr>
<th>LAWS are NOT inherently illegal</th>
<th>Duty of legal review (§ 36 AP1):</th>
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<tbody>
<tr>
<td>- Specifically prohibited Weapons</td>
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<td>- Indiscriminate Weapons</td>
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<td>- Unnecessary Suffering</td>
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<td>- Damage to the Environment</td>
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*In the absence of specific rule:*  
➢ ‘Humanity & public conscience’

**Recommendations:** Launch inter-governmental process to develop:  
- Guidance for §36-legal reviews  
- Consensus on ethical limits

### 2. Are LAWS used unlawfully? (Rules on Targeting & Use of Force)

<table>
<thead>
<tr>
<th>Any weapon can be used unlawfully</th>
<th>LAWS are subject to existing law:</th>
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<tr>
<td>- State Sovereignty (UN Charter)</td>
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<tr>
<td>- Human Right to Life (HRL)</td>
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<tr>
<td>- Protection of Civilians (IHL)</td>
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<td>- Protection of <em>hors de combat</em> (IHL)</td>
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*In principle existing law adequately regulates the use of LAWS.*

**Recommendation:** States should reaffirm applicability & clarify the meaning of existing international law with respect to development & use of LAWS.
Thank you for your attention!

Questions?

**GCSP Executive Course:**
Weapons Law & Legal Review of Weapons
(“Learning to conduct legal reviews of weapons”)
- Geneva, 8-12 December 2014
- Other dates & places upon request

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