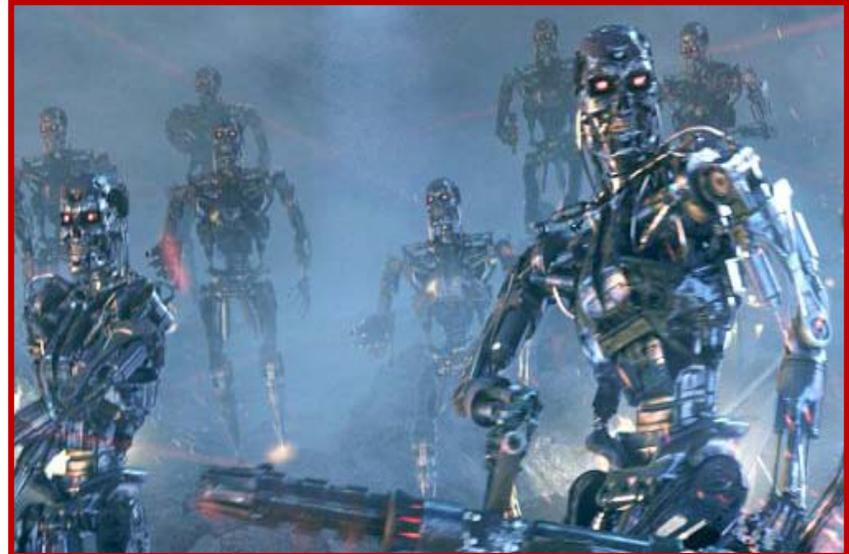


Legal Implications of Lethal Autonomous Weapons Systems



Dr. Nils Melzer
Emerging Security Challenges Programme

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?

LAWS are NOT inherently illegal
➤ Duty of legal review (§ 36 AP1):

- Specifically prohibited Weapons
- Indiscriminate Weapons
- Unnecessary Suffering
- Damage to the Environment

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)

Any weapon can be used unlawfully
➤ LAWS are subject to existing law:

- State Sovereignty (UN Charter)
- Human Right to Life (HRL)
- Protection of Civilians (IHL)
- Protection of *hors de combat* (IHL)

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

Contact: n.melzer@gcsp.ch

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