

**LETHAL AUTONOMOUS WEAPON SYSTEMS: ADVANTAGES  
AND PROBLEMS COMPARED WITH OTHER WEAPON  
SYSTEMS FROM THE POINT OF VIEW OF INTERNATIONAL  
HUMANITARIAN LAW**

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# Outline

- Predictability?
- My technical assumption: it is not technically impossible to develop robots as able to distinguish as average soldiers are
- Must targeting decisions involve subjective judgments?
- Advantages
- Challenges to the interpretation of International Humanitarian Law (IHL)

# Challenges to the interpretation of IHL

- When does IHL apply?
- The evaluation of the military advantage
  - For the application of the proportionality principle
  - For the evaluation whether a target constitutes a military objective
- When is a precaution «feasible»?
- Who must take precautions?
- When must an attack be interrupted?
- Who participates directly in hostilities?

# Who in the chain of producing, programming and deploying LAWS directly participates in hostilities?

- The concept of direct participation in hostilities
- According to the ICRC Guidance one of the cumulative factors that turn an act into direct participation in hostilities is “direct causation of harm”:
  - which “should be understood as meaning that the harm in question must be brought about in one causal step;”
  - which includes conduct that causes harm only in conjunction with other acts;
    - but the act must constitute an integral part of a concrete and coordinated tactical operation that causes such harm
      - Some would consider that when an individual is the last human being who determines who will be targeted in an undetermined number of future operations, such an individual directly participates in hostilities.
      - I consider that such persons, like those who write tactical manuals) do not directly participate in hostilities, although the respect of IHL depends of them
        - and states must make sure that such individuals know and comply with IHL.