

## ETHICAL CHALLENGES OF LAWS AND THE ROLE OF THE UN

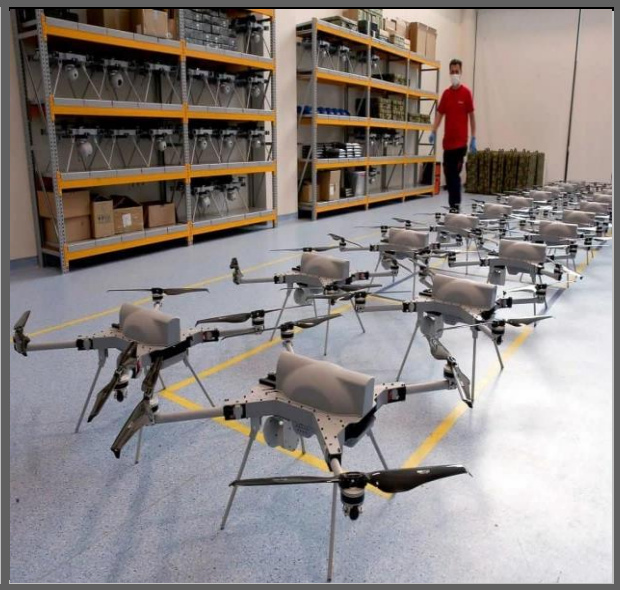
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*(Views expressed in the brief are those of the author, and do not represent those of ISSI)*



The first entry of LAWS, into the United Nations (UN) deliberations was in 2014, where the then Secretary General Ban-Ki Moon expressed his concerns about the potential development of lethal autonomous robots and the risks related to its proliferation.<sup>1</sup> In 2016 the UN General Assembly (UNGA) established a Group of Governmental Experts<sup>2</sup> (GGE) on LAWS<sup>3</sup> that convenes annually to deliberate on the matter to explore the technical, ethical, and legal implications of the technology, human element in the use of force, potential military applications, and humanitarian and security challenges.<sup>4</sup>

In 2021 a two-track approach was proposed by France and Germany in the GGE laws later re-submitted and joined by other like-minded states in 2022. The idea of the approach was to structure

1 "UN meeting targets 'killer robots'", *UN News Global perspective Human stories*, May 14th 2014, <https://news.un.org/en/story/2014/05/468302-un-meeting-targets-killer-robots>

2 "Overview-Convention on Certain Conventional Weapons-Group of Governmental Experts on Lethal Autonomous Weapons Systems", *UNODA*, 2019, <https://meetings.unoda.org/ccw/convention-certain-conventional-weapons-group-governmental-experts-2019>

3 Niklas Schörnig, "Are we moving towards the prohibition of 'killer robots'?", *Peace Research Institute Frankfurt*, 2016, <https://www.prif.org/en/publications/autonomous-weapons>

4 "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects", *UNODA*, September 25 2019, [https://documents.unoda.org/wp-content/uploads/2020/09/CCW\\_GGE.1\\_2019\\_3\\_E.pdf](https://documents.unoda.org/wp-content/uploads/2020/09/CCW_GGE.1_2019_3_E.pdf)

the debate on two levels; prohibition on certain kinds of LAWS, and regulating those kinds of LAWS that cannot be prohibited.<sup>5</sup>

In 2023, UNGA adopted a resolution on LAWS (A/RES/78/241),<sup>6</sup> marking a significant step forward in addressing the concerns surrounding LAWS. The resolution emphasized the application of international law, the UN Charter and humanitarian and human rights law, to Autonomous Weapons Systems (AWSs). While it recognized the potential benefits of emerging technologies it also expressed concerns about its ethical, legal, and security implications and called for continued international efforts through expert groups.<sup>7</sup> However, the implementation and enforcement of proposed regulations have been hindered by the political and strategic choices of the Permanent Five Members (P5).

The following year, in 2023 GGE report on LAWS held two sessions which concluded that:<sup>8</sup>

1. Emerging technologies in LAWS must consider future developments.
2. States must comply with international humanitarian law throughout the weapon's life cycle.
3. States should limit targets, operation duration, and scope.
4. Human operators must receive adequate training.
5. To avoid deployment of LAWS in areas where international law principles are undermined.

In its latest first round of discussion in May 2024, the U.S., Russia and Israel expressed their opposition to a ban on LAWS, the U.S., in particular, claimed that LAWS are no different from other weapon systems that are currently in use and claimed that all weapons are non-discriminatory.<sup>9</sup>

The Chair of GGE on LAWS, Ambassador Robert in den Bosch, held an informal consultation with observers on June 6<sup>th</sup>, 2024. Laying down two potential working characterizations of LAWS – LAWS is a weapons system that can select and engage a target without human intervention, gaining more

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<sup>5</sup> Jeroen van den Boogaard, "Warning! Obstacles Ahead! The Regulation of Autonomous Weapons Systems in the GGE LAWS", *OpinioJuris*, March 4th 2024, <https://opiniojuris.org/2024/03/04/warning-obstacles-ahead-the-regulation-of-autonomous-weapons-systems-in-the-gge-laws/>

<sup>6</sup> Resolution adopted by the General Assembly on 22 December 2023, *United Nations General Assembly*, December 2023, <https://documents.un.org/doc/undoc/gen/n23/431/11/pdf/n2343111.pdf?token=aB44X1Qce6nIB9DtDJ&fe=true>

<sup>7</sup> Resolution adopted by the General Assembly on 22 December 2023, *United Nations General Assembly*, December 2023, <https://documents.un.org/doc/undoc/gen/n23/431/11/pdf/n2343111.pdf?token=whuDOKkUnvTrSd43iU&fe=true>

<sup>8</sup> "GGE on lethal autonomous weapons systems", *Digital Watch*, 2024, <https://dig.watch/processes/gge-laws>

<sup>9</sup> Ray Acheson, "CCW Report, Vol. 12, No. 1 Red Flags of Automating Violence", *Reaching Critical Will*, March 12th 2024, <https://reachingcriticalwill.org/disarmament-fora/ccw/2024/laws/ccwreport/17144-ccw-report-vol-12-no-1>

support - and making the use of this technology in line with the principles of International Humanitarian Law (IHL).<sup>10</sup>

P5 rivalries and their differing views have prevented a common understanding of autonomous weapons and their implications. The lack of consensus is apparent; 4 out of 5 members of the P5 - United States, United Kingdom, France, and Russia - are not in favour of any treaty that bans LAWS,<sup>11</sup> while China has advocated for a prohibition of LAWS.

### Challenges to the Regulation of LAWS in the UN

The UN-CCW makes decisions on LAWS by consensus, which means that a single state's disapproval can block or delay a proposal. This has created immense challenges in the adoption of any treaty related to LAWS in the UN which can put in place ethical and moral regulations to the use of LAWS. Moreover, this has also encouraged smaller countries to work on not only the ability to produce autonomous weapons indigenously but also acquire the capability to purchase them. Other challenges include;

1. Deeply division in the UN on the issue of LAWS over a complete ban on LAWS.
2. The proliferation of such technologies to Non-State Actors, as the knowledge and access to Artificial Intelligence has increased.<sup>12</sup>
3. Nations like Israel, Russia, the U.S., and the UK, are actively developing LAWS and opposing a ban, hindering progress in the GGE by debating definitions and blocking consensus.
4. The GGE has operational limitations: a limited meeting time of 1-2 weeks per year, it has no decision-making power as it can only discuss LAWS and report back to CCW, and it runs on the CCW's consensus-based model which limits its progress even further.
5. LAWS are far cheaper to mass-produce as they do not require any rare raw materials or a costly method of production, this makes their future appearance on the black-market probable.<sup>13</sup>

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<sup>10</sup> Laura Varella, "CCW Report, Vol. 12, No. 2 Report of the Informal Consultation with Observers to the CCW", *Reaching Critical Will*, June 2024, <https://reachingcriticalwill.org/disarmament-fora/ccw/2024/laws/ccwreport/17183-ccw-report-vol-12-no-2>

<sup>11</sup> "Country Views on Killer Robots", *Campaign to Stop Killer Robots*, July 7th 2020, [https://www.stopkillerrobots.org/wp-content/uploads/2020/05/KRC\\_CountryViews\\_7July2020.pdf](https://www.stopkillerrobots.org/wp-content/uploads/2020/05/KRC_CountryViews_7July2020.pdf)

<sup>12</sup> Stuart Russell, "Why We Need to Regulate Non-state use of arms", *World Economic Forum*, May 18th 2022, <https://www.weforum.org/agenda/2022/05/regulate-non-state-use-arms/>

<sup>13</sup> "The Risks", *Autonomous Weapons Systems*, March 20th 2024, <https://autonomousweapons.org/the-risks/>

## Pakistan's Stance on LAWS

Pakistan perceives LAWS as highly dangerous, and inherently unethical<sup>14</sup> given their potential to be easily transformed into Fully Autonomous Weapon Systems (FAWSs). Pakistan believes that the developments in the field of Artificial Intelligence (AI) need to be appropriately tackled and regulated and the states currently developing such weapons should meaningfully engage with the international community in addressing their concerns.<sup>15</sup> It maintains that the development of LAWS has emerged as a major cause of concern for international and regional peace and security as they lower the threshold of war. In 2019 Pakistan was part of the GGE on Emerging Technologies in the Area of LAWS and adhered to the adoption of the guiding principles affirmed in 2018 as a basis for further work on the subject.<sup>16</sup>

Owing to the challenges posed by the FAWSs in terms of accountability & effective human control, and unpredictability, Pakistan has repeatedly called for a legally binding instrument to regulate their use and supports debates on the regulations of LAWS at the UN.<sup>17</sup>

- At the Human Rights Council in May 2013, terming the technology capable of “raising complex moral, ethical, and legal dilemmas,”<sup>18</sup> Pakistan became the first country to call for a pre-emptive ban on the prohibition of LAWS; referring to the precedent provided by the preemptive ban on blinding lasers in October 1995.<sup>19</sup>
- As a member of the Non-Aligned Movement (NAM), and as the President of the CCW's Fifth Review Conference in 2016, Pakistan played a leading role in forging the way towards a pre-emptive ban on LAWS.<sup>20</sup>
- Pakistan has repeatedly highlighted issues associated with the use of this technology such as the potential for causing an “accountability gap.”<sup>21</sup>

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14 Isha Noor, “Pakistan's Perspective on Lethal Autonomous Weapon Systems(LAWS)”, *Stratheia*, June 13th 2023, <https://stratheia.com/pakistans-perspective-on-lethal-autonomous-weapon-systems-laws/>

15 “Arms Control and Disarmament.”, *Ministry of Foreign Affairs, Pakistan*, Accessed July 12, 2024, <https://mofa.gov.pk/arms-control-and-disarmament>.

16 “Arms Control and Disarmament.”, *Ministry of Foreign Affairs, Pakistan*, Accessed July 12, 2024, <https://mofa.gov.pk/arms-control-and-disarmament>

17 “Arms Control and Disarmament.”, *Ministry of Foreign Affairs, Pakistan*, Accessed July 12, 2024, <https://mofa.gov.pk/arms-control-and-disarmament>

18 Government of Pakistan, *Statement to the UN Human Rights Council*, May 30th 2013, [http://stopkillerrobots.org/wp-content/uploads/2013/05/HRC\\_Pakistan\\_09\\_30May2013.pdf](http://stopkillerrobots.org/wp-content/uploads/2013/05/HRC_Pakistan_09_30May2013.pdf)

19 “Protocol on Blinding Laser Weapons (Protocol IV to the 1980 Convention)”, *UN Atrocity Crimes*, 13 October 1995, [https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.43\\_CCW%20P-IV.pdf](https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.43_CCW%20P-IV.pdf)

20 Isha Noor, “Pakistan's Perspective on Lethal Autonomous Weapon Systems(LAWS)”, *Stratheia*, June 13th 2023, <https://stratheia.com/pakistans-perspective-on-lethal-autonomous-weapon-systems-laws/>

21 Government of Pakistan, *Statement to the UN Human Rights Council on behalf of the Organization of the Islamic Conference*, May 30th 2013, [http://stopkillerrobots.org/wp-content/uploads/2013/05/HRC\\_Pakistan\\_OIC\\_09\\_30May2013.pdf](http://stopkillerrobots.org/wp-content/uploads/2013/05/HRC_Pakistan_OIC_09_30May2013.pdf)

While Pakistan considers that the role of new and emerging technologies is undeniable for the progress of any society, it has repeatedly raised concerns about the unregulated military applications of these technologies and their use.<sup>22</sup> In multiple forums in the UN, Pakistan has repeatedly called for the formulation of a legally binding instrument to regulate the military uses of emerging technologies in the military domain.

## **Conclusion**

The use of LAWS raises concerns about ethics and morality in a conflict as well as the preservation of human dignity. Some experts believe that Autonomous Weapons Systems leave an accountability gap where no human can be held accountable for the actions of an autonomous system. This vacuum becomes more apparent with technologies that operate with non-human touch. The lack of direct human oversight raises the question of who should be held responsible for the system's actions.

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<sup>22</sup> "Arms Control and Disarmament.", *Ministry of Foreign Affairs, Pakistan*, Accessed July 12, 2024, <https://mofa.gov.pk/arms-control-and-disarmament>