

United Kingdom

Item 5 - Topic 1: Characterization of LAWS – definitions and scope

The UK believes that the focus of this subject should be on characterisation rather than definitions. Definitions can have unintended consequences and solely focussing on definitions risks drawing arbitrary lines which do not address the issue of compliance with IHL.

As we have said before, AI is a functionality which can be incorporated into a wide range systems, including a large variety of weapons system both existing and emerging, to give rise to a degrees of autonomous functioning. IHL is principle-based discipline and has the flexibility and context appropriate application that provides for the best basis upon which to regulate rapidly developing capabilities. This flexibility and principle-based application means that the technology cannot get ahead of this legal framework.

Therefore, a discussion on characterisation of LAWS needs to focus on which characteristics of emerging technology in the area of LAWS raise either opportunities or challenges regarding compliance with IHL.

We note that there is convergence among the delegations in the recognition that there are two general characteristics which need to be addressed in this discussion. Some delegations have defined this as a “two-tier” approach, which acknowledges that there will be characteristics that would make a weapon with autonomy unable to used in compliance with IHL; whilst recognising that other uses of autonomy in weapons system require exposition to ensure that the context, elements, authorities and conditions of use result in an outcome that is properly compliant with the principles of IHL.

We have heard already during this session that the critical challenge for this Group is that advances in technology will outpace our thinking. This is an important point. Any conclusions of the GGE must be resilient to rapid development and not based upon qualities that will be outpaced before the ink is dry. Characterising systems in accordance with their ability to comply with well understood IHL principles and ensuring that we develop norms of practice which meet the rigorous requirements of IHL within the context of the system and the use is the way to avoid this risk of redundancy.

If it is the case that the GGE at some point does agree to pursue a distinction between fully and partially autonomous weapons we would need to go further than definitions alone. We must also articulate the characteristics of these systems which may have positive or negative implications for compliance with IHL, and their impact upon activities throughout the life cycle of a weapon system, such as those elements that you mentioned in your introduction Mr Chair such as human control and legal weapon reviews.