

UNITED KINGDOM

Input to UN Secretary-General's Report on Lethal Autonomous Weapons Systems (LAWS)

The United Kingdom presents its compliments to the United Nations Office of Disarmament Affairs and has the honour to provide input on Lethal Autonomous Weapons Systems in accordance with Resolution 78/241 adopted by the General Assembly on 22 December 2023.

Artificial Intelligence (AI) is fundamentally transforming many aspects of our societies and will change the threats we face and the ways we respond to them. States committed to maintaining global peace and security will need to embrace the opportunities that AI affords to maintain stability within a competitive, volatile, and challenging international environment. Nevertheless, the UK recognises that its adoption raises societal concerns, and poses challenges to established systems of military governance and assurance. This requires us to consider carefully how to ensure that our overall shared objective of a safe, secure and peaceful international community is not undermined.

The UK is leading efforts in the regulation of AI. The UK's AI Safety summit, which resulted in the Bletchley Declaration, along with our National AI Strategy, AI Safety Institute and the Responsible Technology Adoption Unit, advocates for deployment and use of AI that is safe, legal, ethical, and responsible. Any UK use of AI to enhance defence processes, systems or military capabilities is governed by the UK's Defence AI Ethical Principles, set out in our 'Ambitious, Safe, Responsible' Policy.

Summary

- The UK does not possess fully autonomous weapon systems – meaning weapons that operate without context appropriate human involvement or outside of human responsibility and accountability - and has no intention of developing them. No state should develop or deploy such systems.
- International Humanitarian Law (IHL) and the existing regulatory framework for the development, procurement and use of weapons systems is the suitable framework for the regulation of new military capabilities.
- Human judgement will always be necessary throughout the development and use of autonomous weapons systems.
- It is not possible to transfer accountability to a machine. Human responsibility for the use of a system to achieve an effect cannot be removed - irrespective of the level of autonomy in a system or the use of enabling technologies like AI.
- Working internationally to develop norms and standards for the responsible development and use of autonomous weapon systems is the best way to ensure that any illegal, unsafe or unethical use of these technologies is identified and attributed, and those responsible held to account.

Compliance with IHL

IHL applies to all military capabilities used in the planning and conduct of hostilities, including those with autonomous functions. All states are required to comply with IHL. There are no waivers or exemptions, and the UK opposes any attempt to dilute or derogate from the robust, principle-based legal framework provided by IHL.

The UK believes that the use of weapons with autonomous functions requires governance systems that enable legal and ethical compliance with IHL. The UK recognises that some states and civil society are calling for new legally binding rules on the basis that weapons with autonomous functions will introduce new elements to the battlefield not covered by existing IHL. However, the UK believes that there is no gap in the application of IHL in respect to autonomy in weapons systems. Existing IHL already regulates states in their development and procurement of weapons, and methods and means of warfare – including those with advanced technologies. It is a technologically-agnostic, robust and flexible legal regime for the regulation of armed conflict.

The UK notes that under IHL the right of the Parties to a conflict to choose methods or means of warfare is not unlimited. This is emphasised by the obligation on States, under Article 36 of Additional Protocol I to the Geneva Conventions, to determine whether the employment of a new weapon, means or method of warfare would, in some or all circumstances, be prohibited by IHL or by any other applicable rule of international law. Under Article 82 of Additional Protocol 1, States are also required to ensure the availability of legal advisers to advise commanders on the application of IHL during the conduct of operations. This provision implants the requirement of legality through the conduct of hostilities into its very effect.

Autonomy within weapon systems can and must be used lawfully and ethically. Indeed, autonomous systems have the potential to support the better application of IHL and increased compliance with it. They can improve the evidence, analysis and timeliness of decision making, and so have the potential to ensure greater protection for civilians. Better decisions mean better outcomes in compliance with IHL's fundamental principles.

Accountability and Responsibility

The legal frameworks providing for the responsibility of States under international law, and of individuals under international and domestic criminal law, do not allow for accountability for the effects of military action to be transferred to a machine. States are responsible for the commission of internationally wrongful acts, including in the indiscriminate or otherwise unlawful use of weapons systems. IHL relies on the precept of command accountability, which places humans at the centre of decisions over the use of force. The use of autonomy in weapons does not, and cannot, negate the human's role as the accountable actor as a matter of law.

Humans are responsible for ensuring that the use of autonomous systems in defence is underpinned by a clear and consistent articulation of how governance is exercised, and the nature and limitations of that governance. There must be adequate measures to assure the effect of the autonomous capabilities in the context of their use. Personnel involved in decisions to use systems that include autonomous functions must understand - through training - the manner of use, the expected effect, and the fact that they remain the accountable actor in relation to that effect.

These principles apply throughout the lifecycle of a system from concept to deployment. The 'lifecycle' approach should not be read to mean that command accountability is being shifted on to

developers. Rather, the specification given to developers must ensure that the user is able to rely on the autonomous capability in a way that supports accountability. This must be assured by compliance with carefully defined technical standards governing the development of autonomous systems; analysis to support the allocation of function between human and machine and the interaction between them; test and acceptance processes; observance of national and international legal obligations; rigorous field-testing procedures; and training the personnel using the systems. It is important that this lifecycle approach includes any changes made to the system, its context of use or intended operational environment once it enters service, as well as suitable feedback and reporting mechanisms.

Once deployed, accountability is vested in the trained operators who employ the system, and in the decisions taken by commanders at every level who, with specialist advice, have operational or tactical responsibility for the conduct of a campaign. Military chain of command, and accountability measures are set out clearly in the orders, directives and Standard Operating Procedures that are enforced by all responsible militaries engaged in the conduct of operations.

Control

Across all use cases there must always be context-appropriate human involvement in the development and use of weapons systems, including those with autonomous functions. This context-appropriate human involvement must result in meaningful human control sufficient to satisfy our policies, ethical principles and obligations under IHL. The nature of human involvement will vary depending upon the nature of the capability, operational environment, and context of use. The term 'context-appropriate' is important as there is a vast range of potential applications for weapons with autonomous functions, with each being subject to specific contextual factors. These include the purpose of use, the physical or digital environment, the nature of possible threats, temporal factors, risks associated with system behaviour, regulatory environment, and so on. These contextual factors will shape the type and timing of human involvement to ensure that it is best tailored to meet military, legal and ethical objectives.

Appropriate human involvement must be realised at numerous points throughout the system lifecycle. It requires authorised, suitably qualified, and experienced people exercising judgement to influence, direct or limit the behaviour of an autonomous system and its effects. Processes surrounding acquisition, testing and approval for use - ahead of the operational planning and deployment stage - need to take into account technological advancements to ensure there is no dilution in functionality or accountability. This lifecycle approach to human involvement and control of AI-enabled systems is described in the 2018 and 2020 UK working papers published at the LAWS Group of Government Experts (GGE).

The UK opposes the creation and use of weapons with autonomous functions that would operate without the context-appropriate levels of human involvement and accountability described above. We recognise that the position and attitude of other actors is uncertain and believe that all states should make a clear commitment to the responsible development and use of military AI, including autonomous systems, and to ensure that any illegal, unsafe or unethical use of these technologies is identified, attributed and held to account.

International Approach

Building international norms of use and positive obligations is the best way to demonstrate how autonomous weapons systems can be used in accordance with IHL.

The Convention on Certain Conventional Weapons (CCW) and its GGE is the appropriate forum to consider this issue. The GGE has made progress in articulating the key aspects of the issue and its current mandate provides a positive basis for progress. Furthermore, the consensus rule of the CCW is crucial. It is important that any international rules would need to apply to, and therefore be negotiated by, all countries developing or likely to develop such systems.

The UK's proposal for the GGE to develop a document that would constitute an authoritative statement of the application of IHL and best practice with regard to Lethal Autonomous Weapons Systems and the proposal for a set of "Draft Articles on Autonomous Weapon Systems" would be valuable outcomes. They would demonstrate that there are rigorous principles that govern the use of weapons with autonomy and ensure accountability in accordance with IHL.

Building on this work, the GGE should:

- Analyse the key aspects of how autonomous capabilities can be used in accordance with IHL (i.e. context-appropriate human involvement, supporting meaningful human control, accountability) and determine how these can be applied practically for different use contexts.
- Set out norms and define a human-machine teaming approach, which considers the entire lifecycle of autonomous systems.
- Set out technical and governance standards for the safe and responsible development and use of autonomous systems.