The urgent need for a treaty on autonomous weapons

Increasingly we are seeing weapons systems with autonomous functions being developed and used in ongoing conflicts. This is extremely concerning in the absence of clear rules and limits that specifically apply to these weapons. Especially as developers and users are pushing the limits of what is acceptable under legal and ethical norms. This demonstrates the urgent need to develop a legal instrument related to autonomous weapons. A treaty should prohibit fundamentally unacceptable autonomous weapons systems, and regulate the use of other autonomous weapons systems.

Meaningful human control over the use of force should be a central element of a treaty. This means the human user must be able to make a legal and moral judgement regarding the effects of an attack, as well as being accountable for any violations of legal and moral norms. To ensure this the human user should be able to sufficiently predict the effects of an attack, in order to make a legal and ethical judgement. The human user should also be able to explain the actions of the weapons system and the human role after an engagement has taken place. This is essential to ensure accountability. Based on certain positive obligations can be developed. These could include that the user should be able to:

- Have a functional understanding of how the weapons system works, specifically what will trigger an application of force.
- Have sufficient understanding of the context where the weapons system will be deployed. For example, being aware of the presence of civilians and civilian structures.
- Limit the functioning of the weapon system. For example they should be able to limit the duration and geographical area of operation and the type of targets than can be engaged.

Following from this, autonomous weapons systems that cannot be used in line with these obligations should be prohibited. Furthermore autonomous weapons systems that target people must be prohibited. There is a risk of protected persons being targeted when autonomous weapons systems are used, as peoples’ status under the law is fluid. Using target profiles that can trigger an application force, based on predetermined simplified representations of people is dehumanizing. Also algorithm bias could increase the risk of reinforcing existing structures of inequality.

Due to the serious legal, ethical, security and humanitarian concerns related to autonomous weapons, the negotiation of a legally binding instrument on autonomous weapons systems should start in 2024 and be finalized as soon as possible. This should happen in the forum that is most likely to be ambitious and successful in developing a treaty. Currently the General Assembly in New York seems to be the best forum to ensure this. At the same time, it is useful to continue dialogue in all appropriate multilateral fora as they can be mutually reinforcing.

We are at a crucial moment in the history of humanity. We need to do all we can to retain human control over the use of force and prevent digital dehumanisation, for ourselves as well as future generations. The time is now.