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LAWS: Prospects of Regulation

Abstract

Lethally Autonomous Weapons Systems are a new emerging technology within the international arena, yet prospects of regulation have scarcely been discussed. This means that this technology, if further developed without regulation, could cause significant casualties and violations of International Humanitarian Law. While this hasn't happened yet, it is important to have these discussions now because later may be too late. This technology is developing fast and is going relatively unnoticed or not understood by many.

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LAWS: Prospects of Regulation

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The development of newer and more advanced weapons systems is an ongoing competition in the international arena. Technological development has always been a cornerstone of warfare. [From gunpowder, to nuclear technology, development of advanced systems is constant and we are currently on the verge of another game changing technology.](#) As of the 20th century and the formation of international regulatory bodies such as the United Nations, the option for regulation and banning of weapons has risen. One such technology gradually gaining more attention from the United Nations for its warfare capabilities are Lethal Automated Weapons System, otherwise known as LAWS.

LAWS, as a recent technology still in infant research and development, is a conflict between those who wish to develop them and those who wish to restrict them. From the United States developing standards of usage, to concerns about future implications worldwide, to countries around the world who further seek their development, this issue is gradually gaining more attention among members of the international community. While only [“a few powerful, wealthy countries... have the resources required to invest heavily in advanced robotics and AI research,”](#) this fiscal barrier will not hold forever. Development is underway and more uncertainty is only increased by more actors holding this technology. The current consensus on the legality of LAWS is that there is none. Both nations and internationally prominent people, such as [the Pope](#), have called for the regulation of the Laws technology. Reluctance of regulatory measures are derived from an inability to adequately define these weapons. From extensive limitations on understanding and defining this technology, a multilateral regulation of LAWS, on either side, has been of constant struggle.

Lethal Automated Weapons Systems, conceptually, attempt to reduce human involvement within combat while increasing automation. Different definitions of “autonomy” at both the international level and state level have been utilized. Current developers of LAWS technology attest to present high levels of automation, but not complete automation, meaning they can function only in part without human control, not completely. Differing definitions can be evaluated often on a state by state basis which further speaks to the international difficulties facing regulation. An example is that the United States Department of Defense (USDoD) defines LAWS as a system that [“once activated, can select and engage targets without further intervention by a human operator.”](#) The United Kingdom, conversely, has defined LAWS as a [“weapon system capable of human-level cognition.”](#) With the absence of a baseline definition, establishing regulation by means of measuring this technology has proven challenging.

International Humanitarian Law (IHL) decreed by the United Nations (UN) seeks to limit the use of armed conflict as it protects certain people and attempts to restrict and regulate methods of

warfare. This International Law states that “[persons who are not, or are no longer, participating in hostilities must be protected](#)”, and it is often cited as a source for regulation on LAWS by bureaucracies in the UN, individual nations, Non- Governmental Organisations and others. The United Nations Convention on Certain Conventional Weapons (CCW) “[prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature, to cause superfluous injury or unnecessary suffering.](#)” The CCW operating under the UN through the establishment of the “[Group of Governmental Experts \(GGE\)](#)” has attempted to evaluate current status on LAWS and propose recommendations for the CCW. Yet, there is no current recommendation for regulation on LAWS by the GGE for the CCW, only stipulations that it must follow IHL.

LAWS, while currently advanced, are primitive compared to the fullest extent of this technology's capabilities. The primitiveness of the technology with its lack of current definition, supported by procedure of past precedent, disallows for conclusive reasoning as to how international regulation is to be achieved. The capacity in which the United Nations discusses LAWS, as it is done through the GGE, has not met since 2019. With the Coronavirus pandemic still ravaging across the world, the proposals and plans [established by the group in July of 2019 to hold meetings within 2021](#) have not happened. This lack of discussion among members of the international community only makes this weapons technology more dangerous and unpredictable, leading to growing uncertainty with the future of this technology.