

## UK COMMENTARY ON THE OPERATIONALISATION OF THE LAWS GUIDING PRINCIPLES

### Overall context

Firstly, the UK's position remains that it has no intention of developing systems that could unilaterally employ lethal force without human involvement (i.e. LAWS). It remains our view that International Humanitarian Law and the existing regulatory framework for the development, procurement and use of weapons systems remains more than sufficient to regulate new capabilities.

While many areas of discussion are outstanding, the eleven guiding principles affirmed by the GGE in 2019 represent important areas of international consensus. They provide an excellent basis from which to develop a normative and operational framework to address emerging technologies in the area of LAWS. The challenge is how these can be operationalised by states. The UK offers the following perspective on how this could be best achieved by the GGE, chiefly by using existing work on the lifecycle of a weapon as a framework for the creation and implementation of a compendium of good practice.

### An instructive approach

The eleven interlinked guiding principles highlight many of the core tenets of the LAWS debate but alone offer limited guidance on how to progress the practical application of them. The activities and processes required to ensure the guiding principles are considered throughout the development, deployment and use of weapon systems need to be articulated and kept in the forefront of our minds.

### **I. The lifecycle of a weapon system: A framework for operationalising the guiding principles**

Within the report of the 2018 session of the GGE, six phases of a weapon lifecycle were identified:

- political direction in the pre-development;
- research and development;
- testing, evaluation and certification; deployment, training, command and control;
- use and abort; and
- post-use assessment.

The UK, among others<sup>1</sup>, built on this approach by describing the types of activities which are already implemented by the UK throughout the lifecycle of a weapon system. This framework is summarised in Figure 1 below.<sup>2</sup>

---

<sup>1</sup> For example, the working paper submitted by Australia in 2019 titled "Australia's System of Control and applications for Autonomous Weapon Systems"

<sup>2</sup> As published: CCW/GGE.1/2018/WP.8 Human Machine Touchpoints: The United Kingdom's perspective on human control over weapon development and targeting cycles. Submitted by the United Kingdom of Great Britain and Northern Ireland

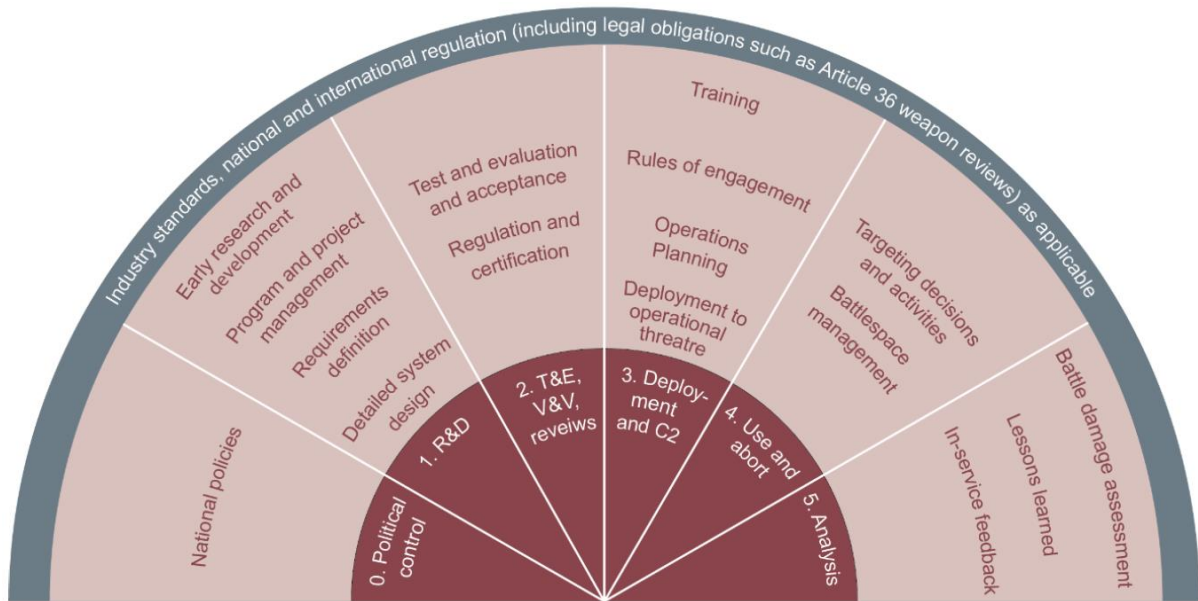


Figure 1. Framework for considering activities throughout the lifecycle of a weapon system.

Rather than a strictly linear process this framework describes the various activities which contribute towards the responsible development and use of weapon systems. The process is largely cyclical, creating a loop of continual feedback and improvement. A framework like this helps to illustrate how principles can be translated into practice throughout the various stages of a weapon system lifecycle – it is a method we should continue to employ.

## **II. Compendium of good practice: Throughout the lifecycle of a weapon**

As pointed out in the 2019 report of the GGE, exchange of good practice relating to key activities such as legal weapon reviews could be beneficial. We continue to believe this has merit and believe it not only to be an area worthy of focus, but one that should be extended: as well as a purely legal review, the identification and exchange of good practices relating to other key activities may provide added benefit. Activities and processes such as those detailed in figure 1 could form a potential starting point.

### **How could this help the operationalisation of the guiding principles?**

A compendium of good practice mapped against a weapon lifecycle would provide a clear framework for the operationalisation of the guiding principles by states. Providing actionable guidance for policy, technical, and military stakeholders could encourage the adoption of national regulations designed to strengthen respect for international law and offer guidance for how this could be achieved throughout the weapon lifecycle.

This framework would clarify how the existing requirements of IHL apply to emerging technologies in the area of LAWS. It would help to ensure that human machine interaction takes place, retain human responsibility for decisions and provide accountability for developing, deploying and using systems – therefore ensuring IHL compliance.

Whilst the work of the GGE to date has already made significant progress in clarifying responsible behaviours and promoting multilateral collaboration, including valuable input from civil society, such a framework would provide the next step in its implementation at a national level.

As part of this, it would be beneficial for parties to share potential case studies of use to help provide further clarification at each stage of the lifecycle.

#### Stakeholder input: Industry involvement

A compendium would require input from multiple stakeholders across disciplines, including governments, industry and civil society. Dialogue between governments and industry is particularly important given the intersection with industry standards and the fact that investment in research and development by private technology companies tends to dwarf that of governments. Given the inclusive nature of the CCW GGE meetings, this will continue to be an appropriate format, but there might be mutual benefit in further promoting the involvement of representatives from private industry.

### **III. Human-machine interaction**

Human control is an enabler of military effectiveness and can help avoid undesirable unintended consequences. It is not a simple concept – it can be distributed in nature, affected by context and must be considered across the lifecycle of the whole system. We believe discussions on this are central to the continued success of the group; they should be carried out in tandem with work on a compendium on good practice.

We believe this to be one of the most important areas of future focus for the group, and also one that may allow the group to make the most meaningful headway in the discussions on LAWS.

#### **Next steps**

The UK does not seek to predetermine the exact format of any GGE outputs relating to a normative and operational framework; as the delegation from the United States have pointed out, form must follow substance. However, the aforementioned compendium of good practice is not without precedent. For example, the Montreux Document is a non-legally binding intergovernmental document which recalls existing legal obligations of states and compiles good practices to help states take national measures to implement these. Likewise, the use of Best Practice Guidelines is a key tool used by the Wassenaar Arrangement to establish and encourage common behaviours amongst its members when assessing export licensing matters.

The UK is producing a separate working paper which explores what human-machine interaction means in more detail. The paper does not provide concrete answers – further discussion among parties is required first – but rather sets out initial thinking to stimulate debate and inform future discussions within the group.

2020 has presented the GGE, and indeed the world, with an unprecedented situation in which to continue its work. Extensive progress in the area of LAWS has been made over the past few years – the UK wishes to emphasise the importance of the work undertaken by the GGE and believes it is essential we maintain momentum and continue discussions. We must be agile and work together; we look forward to continuing discussions within the group.