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LAWS and moral responsibility

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Agenda

- Introduction to LAWS
- Allocating moral responsibility
- The responsibility gap

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"Crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced"

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United Nations S/2021/229

Security Council

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Letter dated 8 March 2021 from the Panel of Experts on Libya established pursuant to resolution 1973 (2011) addressed to the President of the Security Council

The Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011) has the honour to transmit herewith, in accordance with paragraph 12 of resolution 2509 (2020), the final report on its work.

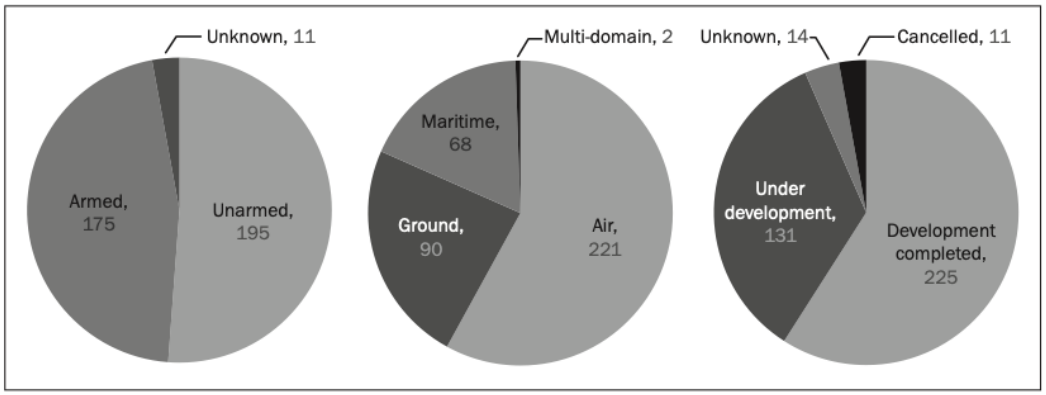
The report was provided to the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya on 18 February 2021 and was considered by the Committee on 5 March 2021.

"Logistics convoys and retreating HAF were subsequently hunted down and remotely engaged by the unmanned combat aerial vehicles or the **lethal autonomous weapons systems** such as the STM Kargu-2 and other loiterings. The **lethal autonomous weapons systems** were programmed to attack targets without requiring data connectivity between the operator and the munition."

Introduction to LAWS

- Categories of **unmanned weaponry systems**

- Remotely operated ('in the loop') -> directed by human
- Automated ('on the loop') -> supervised/pre-programmed
- Autonomous ('out of the loop') -> no human input



Military systems included in the dataset by frequency of weapon systems compared with unarmed systems

Military systems included in the dataset by field of use

Military systems included in the dataset by status of development

Source: SIPRI dataset on autonomy in weapon systems

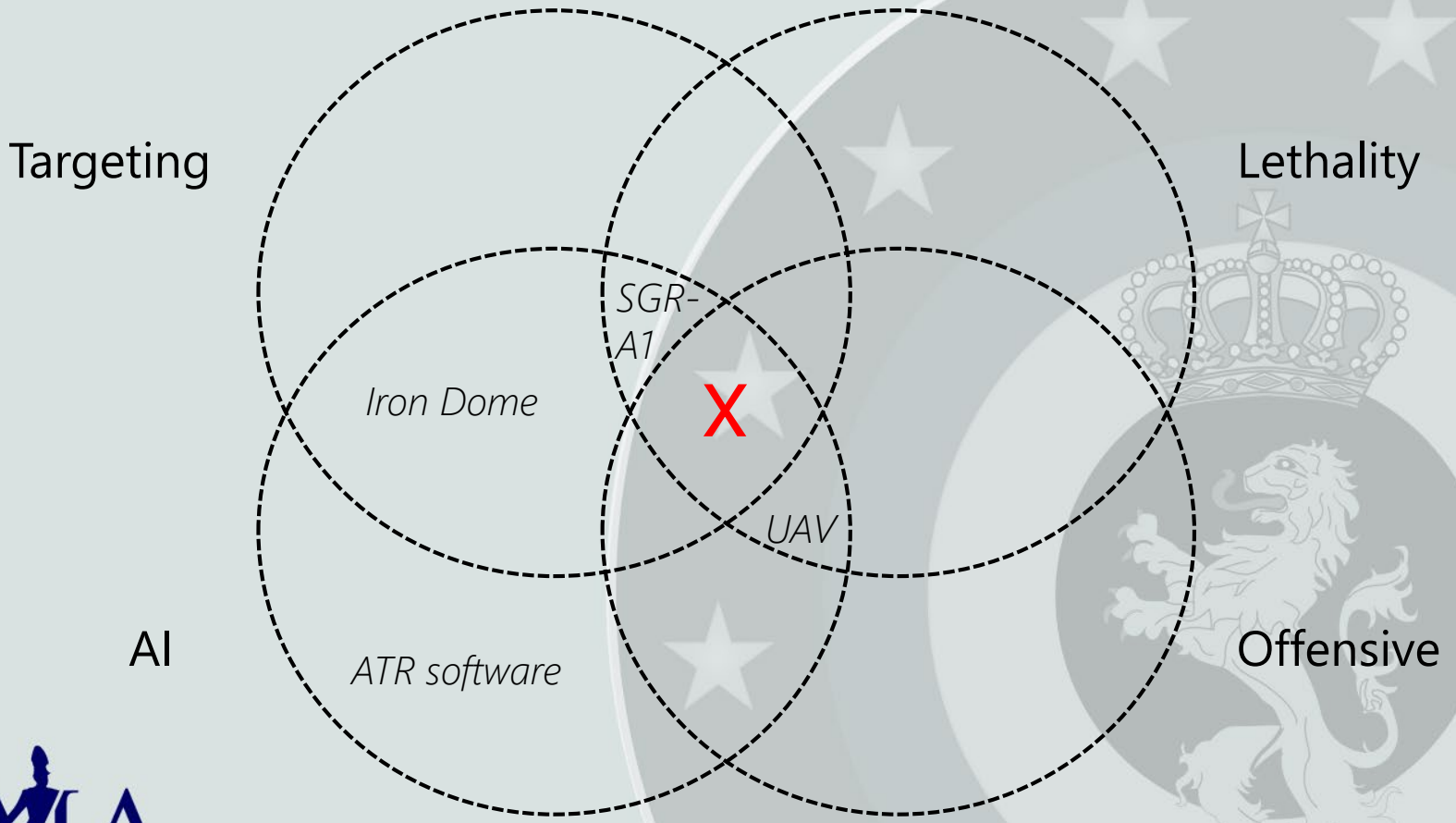
Introduction to LAWS

- Disagreement on **definition**

" Systems that ones activated can select and engage targets without further intervention by a human operator "
(ICRC, DoD US)

Introduction to LAWS

- Combination of **factors**



Introduction to LAWS

- General problems with AI
  - Bias in algorithms (data quality, quantity, origin)
  - Lack of transparency/predictability
  - Problems with verification and validation
  - Automation bias
  - …

+ Military environment (harsh, dynamic, complex, adversarial nature)

- Specific to military context: principles of IHL (*'jus in bello'*)
  - Discrimination
  - Proportionality
  - Military necessity

Allocating responsibility

- Importance of notion responsibility in international debate

"Human responsibility for decisions on the use of weapons systems must be retained since accountability cannot be transferred to machines. This should be considered across the entire life cycle of the weapons system "

(Principle 2, Guiding principles by the GGE)

Allocating responsibility

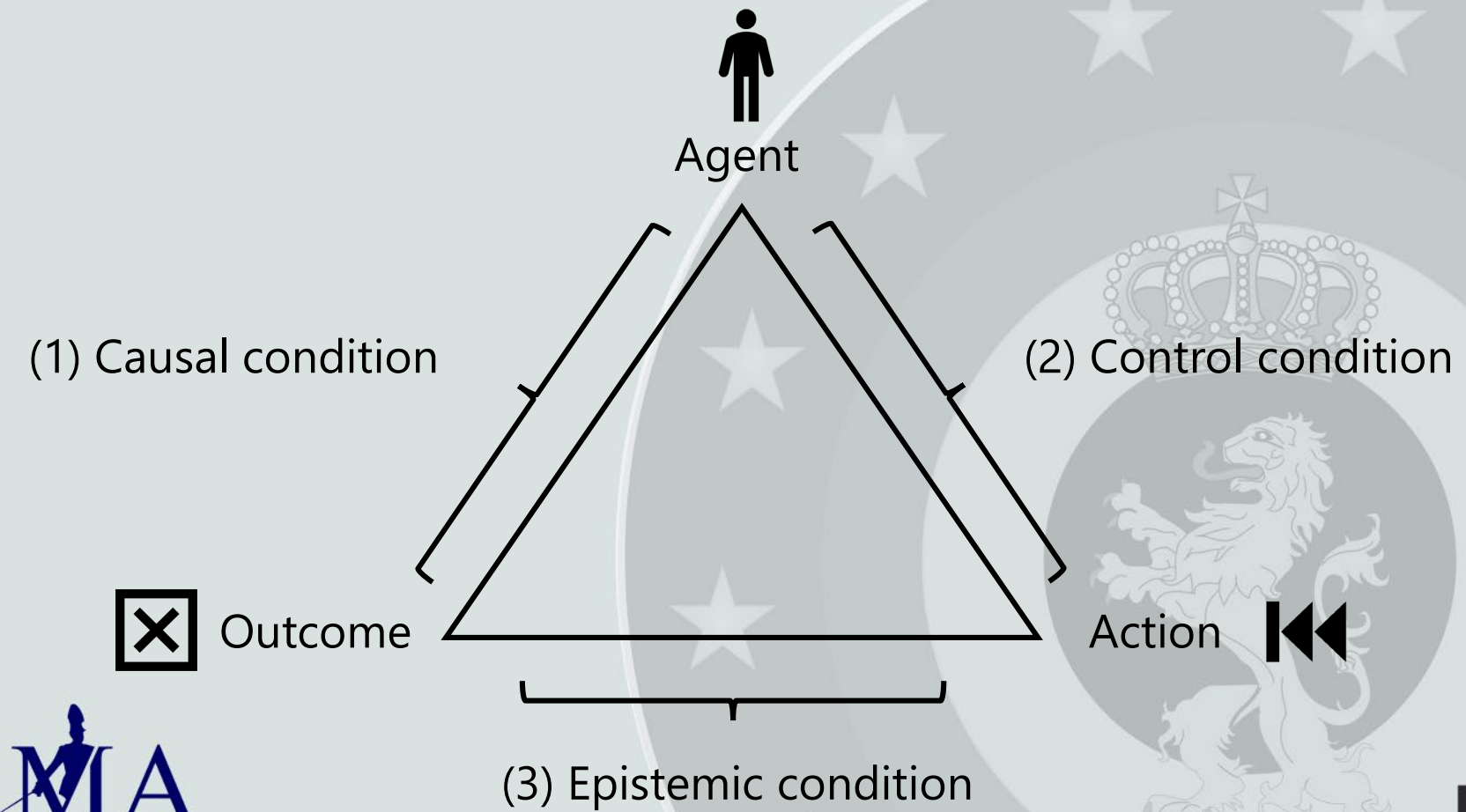
- Different kinds of responsibility

" Smith had always been an exceedingly responsible person, and as captain of the ship he was responsible for the safety of his passengers and crew. But on his last voyage he drank himself into a stupor, and he was responsible for the loss of his ship and many lives. Smith's defense attorney argued that the alcohol and his transient depression were responsible for his misconduct, but the prosecution's medical experts confirmed that he was fully responsible when he started drinking since he was not suffering from depression at that time. Smith should take responsibility for his victims' families' losses, but his employer will probably be held responsible for them as Smith is insolvent and uninsured. "

(Vincent 2011, adapted version of Kutz 2004 and Heart 1968)

Allocating responsibility

- Individual moral outcome responsibility =

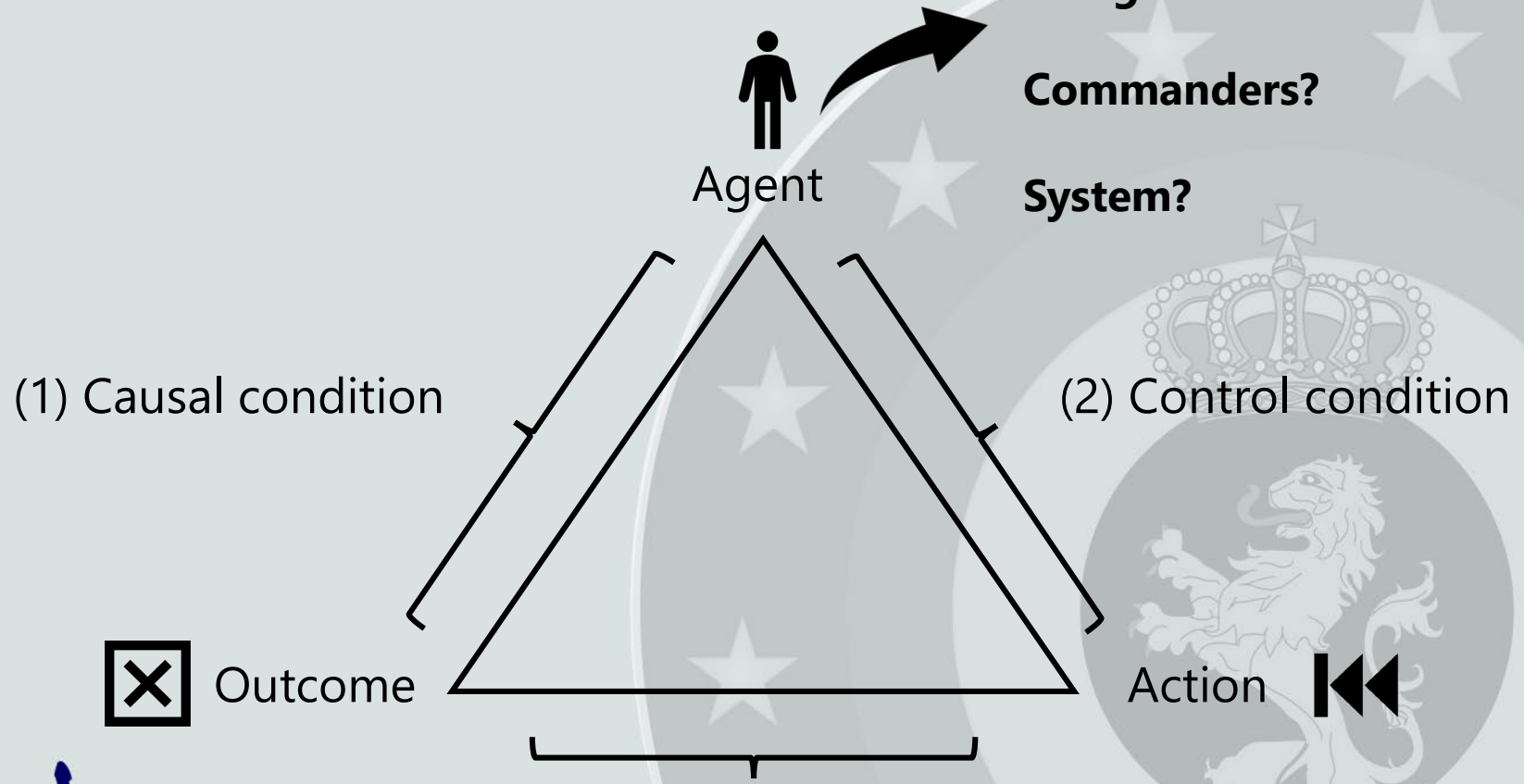


Allocating responsibility

‘Easy cases’	⟷	‘Hard cases'
=		=
Occurence of a bad outcome		Occurence of a bad outcome
Direct causal connection between the action of human agent and outcome		Reduction of causal connection between action of human agent and outcome
Agent with bad intent that uses AWS as an instrument		No agent acting intentionally or recklessly

Allocating responsibility

- Moral outcome responsibility =



Responsibility gap

(Pr) Just war if someone can be held responsible

(Pr) No-one can be held responsible

(C) Use of LAWS is unjust

Responsibility gap

		¬ Solvable	Solvable
Gap	New moral problem	- Pessimists	- Practical arrangements - Tracking solutions - System itself responsible - Collective responsibility
	¬ New moral problem	- Not unique to LAWS - Tolerable	- Not unique to LAWS - Tolerable
¬ Gap	New moral problem	X	X
	¬ New moral problem	X	- LAWS is a tool so human remains responisble

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Thank you.

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