

Why the new UK government should support a treaty on autonomous weapons

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BRIEFING NOTE

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Key recommendations for the new government:

- x Break with the previous government by stopping any rhetoric against a new treaty that undermines the international rule of law.
- x Signal an intention to strengthen the international regulation of autonomous weapons systems through building cross-regional partnerships, bringing together existing allies and forging new relationships.
- x Support the negotiation of a legally binding instrument on autonomous weapons systems through the UN General Assembly, in response to the UN Secretary-General's call for new law by a 2026 deadline.

The new UK Labour government has identified the international rule of law, reinvigorating alliances, and forging new partnerships as key elements of its foreign policy vision.¹ The UK now has a Foreign Secretary who has committed to turning a new leaf and putting the international rule of law at the heart of Britain's foreign policy,² and a Defence Secretary who has promised to "lead moves in the UN to negotiate new multilateral arms controls and rules of conflict for space, cyber and AI".³

It is hard to imagine a policy that aligns more closely with these priorities than supporting the international negotiation of a new legally binding instrument on autonomous weapons systems. According to the International Committee of the Red Cross (ICRC), these are systems that "select and apply force to targets without human intervention" after activation or launch by a person.

There is currently momentum, urgency, and opportunity to act in this area. Almost 120 countries have now expressed support for an international legally binding instrument on autonomous weapons systems.⁴ The UN Secretary-General and the ICRC issued a landmark joint call last year urging states to negotiate a treaty by 2026, providing a clear and urgent target.⁵

Now that the Labour party is in government, this issue gives a clear opportunity to live up to its promises on international law. The position it takes in relation to regulating autonomous weapons systems will also be an important consideration as the government undertakes its Strategic Defence Review.

The previous government's position

While the previous government failed to take any bold steps in support of the international regulation of autonomy in weapons systems, it was not inactive on this issue. Over the past decade, the United Kingdom has made constructive contributions to international discussions on the elements of constraint that should be placed on autonomous weapons systems, to maintain meaningful human control over the use of force. The UK has been clear that the use of autonomous weapons systems without “context-appropriate human involvement” would be unacceptable.⁶

Nevertheless, the previous government maintained that new international law in this area is not a necessary response, and that the existing legal framework is wholly sufficient. This is despite the novel legal and ethical risks and challenges posed by increasing autonomy and the integration of artificial intelligence (AI) into weapons systems.⁷ These include threats to accountability, civilian protection, and peace and security from the erosion of human control in the use of force.

A troubling aspect of the previous government's position was that it also went so far as to frame a potential treaty on autonomous weapons systems as “a threat to UK defence interests,” and a tool for adversaries to pursue nefarious ends.⁸ Such a general dismissal of efforts for collective rulemaking is deeply concerning: it poses a danger to the integrity of the international rule of law, which is based on states' respect for it. The Foreign Secretary has acknowledged that this kind of approach has damaged the UK's foreign policy.⁹

The clarification and progressive development of international law is a key tool that all those that wish to pursue collective security and the protection of civilians should use to shape the behaviour of the international community. This should include the UK government. The international movement towards new law on autonomous weapons systems is grounded in ethical, legal, and humanitarian concerns: it should be self-evident that addressing these is in the national interest.

A change to support the rule of law

Whilst the new government reconsiders its position on a treaty on autonomous weapons systems, a simple but important first step should therefore be to break with its

1 Labour Party (2024) “Change: Labour Party Manifesto 2024,” <https://labour.org.uk/change/>

2 David Lammy (2023) “Speech at the Bingham Centre for the Rule of Law,” Policy Mogul, <http://bit.ly/3LulFY8>

3 John Healey (2021) “Speech to Labour Party Conference,” Policy Mogul, <https://bit.ly/4blvUsR>

4 Automated Decision Research, “State Positions Monitor,” <https://automatedresearch.org/state-positions/>

5 United Nations (2023) “Joint call by the United Nations Secretary-General and the President of the International Committee of the Red Cross,” <https://bit.ly/3YaYxeX>

6 UK Ministry of Defence (2022) “Ambitious, Safe, Responsible,” <https://bit.ly/4f0OeJL>

7 See for example International Committee of the Red Cross (2021) “ICRC position on autonomous weapons systems,” <https://www.icrc.org/en/document/icrc-position-autonomous-weapon-systems>

8 UK Ministry of Defence (2024) “Government response to the House of Lords AI in Weapon Systems Committee Report,” <https://bit.ly/3WrMxVh> paragraphs 9, 11

9 Lammy (2023) above note 2

predecessor by ceasing to speak against international law in this way, on any issue.

Building cross-regional partnership

The new UK government could choose to take a role in bringing existing partners and allies together towards strengthening the international legal framework on autonomous weapons systems. As part of this process, the UK could also take the opportunity to forge new partnerships with a broad range of countries, including those showing leadership on this issue from the “global south”. The new government should signal its intention to take this path.

Cross-regional support for a treaty is growing. Following regional meetings to discuss the challenges of regulation in Costa Rica, Trinidad and Tobago, the Philippines, and Sierra Leone, and the issuing of strong regional positions committing to negotiate new law by Latin American and Caribbean States, CARICOM, and ECOWAS,¹⁰ the government of Austria convened the largest international conference outside the UN on autonomous weapons systems in April 2024. At ‘Humanity at the Crossroads’, Austria’s Foreign Minister called for a “spirit of Vienna” as “the starting point of a process” to negotiate new international law.¹¹

So far, within the UK’s defence alignments, a host of NATO members including Belgium, Germany and the Netherlands, as well as ‘Five Eyes’ member New Zealand, have supported the call for a legally binding instrument on autonomous weapons systems.¹²

In the Convention on Conventional Weapons, the international forum where much discussion of autonomous weapons systems has taken place until now, the UK has aligned with a group including the United States, Australia and others that promotes an approach of examining how existing law applies to these systems – but that stands against clearly codifying standards in a new legal instrument.¹³

The need to act

Despite the previous government’s presentation of new international law as a threat, the much greater risk arises from the lack of specific international regulation – and from taking the slow and non-action-oriented approach the UK has aligned with. Given the rapid pace of current technological developments, such an approach risks an unconstrained race to the bottom in pursuit of military advantage – which would have predictably unacceptable humanitarian consequences for civilians. Without legal regulation, innovators in new technology are also left without the clear guidance they need.

10 See Costa Rica et al (2023) “Communiqué of the Latin American and Caribbean Conference of Social and Humanitarian Impact of Autonomous Weapons,” <https://bit.ly/4d5wqlD>; CARICOM (2023) “CARICOM Declaration on Autonomous Weapons Systems,” <https://bit.ly/3Lt4cW8>; Sierra Leone et al (2024) “Communiqué of the Regional Conference on the Peace and Security Aspects of Autonomous Weapons Systems: An ECOWAS Perspective,” <https://bit.ly/4cHrZxF>

11 Austrian Federal Ministry for European and International Affairs (2024) “Vienna Conference on Autonomous Weapons Systems - Day 1, 29 April 2024,” <https://www.youtube.com/watch?v=Ju9fvM6pAS0&t=7s>

12 Automated Decision Research above note 4

13 Australia et al (2023), “Draft articles on autonomous weapon systems – prohibitions and other regulatory measures on the basis of international humanitarian law (“IHL”),” CCW, UN doc CCW/GGE.1/2023/WP.4/Rev.2, <https://bit.ly/3zJkTKq>

Autonomous weapons systems are already reaching the battlefield. The use of aerial systems that manufacturers claim integrate AI into target detection and engagement has already been reported in, for example, Libya and Ukraine.¹⁴ States including the United States, Russia, China and others including the UK are actively pursuing autonomy and AI in pursuit of a strategic or military edge. And, recently, the use of wider military AI tools by Israel in Gaza for the suggestion of targets show the devastating and unacceptable harm that can be caused by the erosion of human decision-making and the processing of people as data points at speed, given the huge toll of civilian casualties and damage documented.¹⁵

Negotiating with those that are willing, now

The UK government should now support the negotiation of a legally binding instrument on autonomous weapons systems. With continued political deadlock in the Convention on Conventional Weapons – in large part due to Russia taking the role of effectively vetoing progress – the most promising avenue for international progress is currently the UN General Assembly.¹⁶ The new government should acknowledge this, and support action there.

The UK government should show international leadership, set high standards for its own military conduct, and join the majority of the international community in drafting effective new international legal standards that can influence all states' calculations and behaviour. It should use all channels to encourage its allies to do so too. Negotiating a treaty now, with those who are willing, can be complementary to and influence other related initiatives with states that do not participate. It would also align with the Foreign Secretary's priority of keeping AI out of nuclear decision-making.¹⁷

In 2023 the House of Lords Select Committee on AI in Weapons Systems called on the government to "lead by example in international engagement on regulation of autonomous weapons systems":¹⁸ it is time for the government to heed this call. The UK, individually and with others, has already outlined some key elements of meaningful human control over weapons systems that could usefully be included in a treaty.¹⁹ New international law is the strongest tool the UK could deploy to promote security in this area - and the UN General Assembly, not the Convention on Conventional Weapons, is where the action needs to be.

14 UN Security Council (2021), "Final report of the Panel of Experts on Libya," UN Doc S/2021/229 <https://bit.ly/3ycqpol>; New York Times (2024), "A.I. Begins Ushering In an Age of Killer Robots," <https://bit.ly/3Y79RJd>

15 Yuval Abraham (2024), "'Lavender': The AI machine directing Israel's bombing spree in Gaza," +972 Magazine, <https://www.972mag.com/lavender-ai-israeli-army-gaza/>

16 Stop Killer Robots (2023), "164 states vote against the machine at the UN General Assembly," <https://bit.ly/3SeSxOG>

17 Will Hazell (2023), "Labour seeks pact to keep AI out of nuclear arms deployment," The Telegraph <https://bit.ly/4bJ8vqZ>

18 UK Parliament (2024), "AI in Weapon Systems Committee report: Proceed with caution," <https://bit.ly/3Lu5gJk>

19 For example Australia et al (2023) above note 13