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Legal

Chaired by Anum Haque

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General Assembly Sixth Committee Legal

Topic A: Criminal Accountability of U.N. Officers

Topic B: Regulated Automated Warfare

Committee Overview

The Legal Committee is the last of the six main committees in the United Nations General Assembly. The committee was first called to session in 1948 in response to article 13 of the United Nations Charter, which states that the General Assembly must focus on matters of international law and its codification. Therefore, the purpose of this committee is to consider all legal questions in the General Assembly, while also focusing on the development of international legislation. Specifically, the committee focuses on the protection of basic human rights and freedoms from a legal standpoint.

The Legal Committee has universal membership, and thus, all member states of the United Nations are automatically members of this committee. The agenda items discussed in this committee are created by the General Assembly. In the

past, the committee has discussed topics pertaining to the rule of law at national and international levels, the effects of armed conflicts on treaties, the scope, and application of the principle of universal jurisdiction, and the responsibility of international organizations. After debate, any proposals or recommendations created by the committee are given to the Plenary of the General Assembly for review and adoption. Various international treaties including the Vienna Convention on Diplomatic Relations and the Rome Statute of the International Criminal Court have been negotiated through this committee. Furthermore, the Sixth Committee has created a Comprehensive Convention on International Terrorism in an attempt to further assert existing counter-terrorism initiatives, although this proposed treaty is currently awaiting adoption.



Topic A:

Criminal Accountability of U.N. Officers

Introduction

United Nations officers are expected to act with honor, dignity, and morality, and are held to the highest standard of public service and trust. Ultimately, U.N. officials are entrusted to help solve international crises and make the world a safer place while also strengthening the global community.

However, there is a previous history of crimes committed by U.N. workers which has damaged the integrity of the organization while also diminishing its past achievements. The criminal actions of United Nations officers have rightfully led to a decline in public trust of the organization, and thus, in order to regain this trust and exemplify the core values of the United Nations, these officials must be held accountable for their illicit activities. Crimes committed by U.N. workers should not be excused for any reason, and while foreign jurisdictional gaps have allowed for certain officers to enjoy immunity and escape punishment, it is imperative that these officials suffer from long-term consequences as a result of their moral and ethical breaches.

Historical Background

While the United Nations prides itself on being an organization that strives for the improvement of global safety and security, there is evidence of criminal activity and ethical violations by various U.N. workers. For example, numerous U.N. peacekeepers have been accused of sexual misconduct and abuse since the early 1990s. Specifically, in 2004, peacekeepers in the United Nations Organization Mission in the Democratic Republic of the Congo were found guilty of serious offenses of sexual exploitation and abuse¹. This horrific event led to an investigation conducted by the United Nations Office of Oversight Services. Despite the investigation and overall progress in creating policies and legislature to deter such offenses from occurring in the future, issues of sexual exploitation by U.N. peacekeepers persisted. Between 2013 and 2018, there have been over 600 claims of women and children stating that they were victims of sexual assault, with around half of those claims being made specifically against U.N. peacekeeping operatives². These acts of criminality committed by United Nations staff go against the organization's mission and severely impact those who suffer from

¹ Milena Petrova, "Criminal Misconduct and Sexual Offenses Committed by UN Personnel During Peacekeeping Missions," *Beyond Intractability*, <https://www.beyondintractability.org/library/criminal-misconduct-and-sexual-offenses-committed-un-personnel-during-peacekeeping-missions> (June 14, 2019).

² Lucy Johnston, "Now UN Peacekeepers Stand Accused After 612 Cases of Sex Abuse," *Express*, <https://www.express.co.uk/news/world/920390/Sexual-abuse-UN-peacekeeper-accused-612-cases> (June 14, 2019).

the aftermath of these actions. Furthermore, these horrific crimes completely negate the purpose of U.N. peacekeeping operations and create an atmosphere of distrust towards the organization.

Furthermore, a longtime consultant for the United Nations International Children's Emergency Fund, Peter Newell, was found guilty of sexually assaulting a child over the course of three years, and not long after, the deputy executive director of UNICEF, Justin Forsyth, resigned from his post when his past history of sexual harassment and abuse was discovered.³ Evidently, certain U.N. officials utilize their roles in the organization to prey on members of vulnerable populations and commit atrocious crimes with little to no consequences or punishment. In another example, the head of the United Nations committee tasked with eradicating the AIDS epidemic resigned from his post after an investigation revealed a culture of sexual harassment and abuse of power.⁴ Evidently, there is an ample history of past criminal activity from the hands of various United Nations officials and workers, and these criminals are often able to escape repercussions of any form.

Many United Nations workers who commit criminal offenses are able to avoid punishment as a result of jurisdictional immunities and the complex and often

fragmented legal frameworks of the areas in which the crimes are committed.⁵ U.N. peacekeepers, for example, commit acts of sexual exploitation in areas where law enforcement and government structures are often weak, corrupt, or incredibly chaotic and disorganized. As a result, these crimes go unnoticed and unpunished by the governments of the countries where they are committed. Thus, it is the job of the United Nations to hold these criminals accountable for their actions. However, the United Nations does not have the ability to transcend the internal legislation of individual countries, and thus, punishing those who commit criminal acts becomes increasingly difficult.⁶ For peacekeepers who commit acts of sexual harassment and abuse, the United Nations is unable to convict them, and thus, the strongest form of punishment these peacekeepers face is being sent home.

Contemporary Conditions

Current Discussion of Accountability

Currently, the issue of accountability of United Nations officials and staff members has become an increasingly significant topic of discussion within the UN. The General Assembly has reasserted the need for a strong and accountability system within the organization. Former United Nations Secretary-General Kofi

³ Stefano Gennarini, "UNICEF Consultant Sexually Assaulted Boy for Years," C-Fam, https://c-fam.org/friday_fax/unicef-consultant-sexually-assaulted-boy-years/ (June 14, 2019).

⁴ Rick Gladstone, "Damaged in Scandal, Head of U.N. AIDS Agency Resigns Suddenly," *The New York Times*, <https://www.nytimes.com/2019/05/08/world/africa/un-aids-workplace-harassment.html> (June 14, 2019).

⁵ Milena Petrova, "Criminal Misconduct and Sexual Offenses Committed by UN Personnel During Peacekeeping Missions,"

Beyond Intractability, <https://www.beyondintractability.org/library/criminal-misconduct-and-sexual-offenses-committed-un-personnel-during-peacekeeping-missions> (June 14, 2019).

⁶ Paisley Dodds, "UN Child Sex Ring Left Victims but No Arrests," *Associated Press*, <https://apnews.com/e6ebc331460345c5abd4f57d77f535c1> (June 14, 2019).

Annan brought accountability to the forefront of discussion during the 61st General Assembly session, showing the organization how it could become stronger and more effective with increased accountability.⁷ The United Nations has continued to seek the help of both member states and secretariats in an attempt to strengthen the political and managerial accountability of the various groups and organizations within the United Nations.⁸

Managerial accountability refers to holding those with authority accountable for the performance of the organization, while political accountability refers to the need to hold those who make decisions that ultimately affect large groups of people accountable for any possible ethical breaches.⁹ For both types of accountability, the UN has asserted the importance of having both member states and secretariats involved in the accountability process. Currently, the Sixth Committee continues to discuss the need for stronger accountability of both United Nations staff members and officers and other various organizations that operate under the United Nations.

Public Perception of the United Nations

Furthermore, public perception of the United Nations has also become an important topic as it relates to accountability. The reputation of the United Nations in the international community is greatly affected by certain scandals that ultimately erode the public's trust in the organization, and thus, the UN acknowledges that accountability will help restore faith in the organization. In recent years, the United Nations has suffered from a lack of public trust as a result of certain events that were not handled properly. These events include the systemic rape of children by United Nations peacekeeping troops, the persecution of whistleblowers who expose crimes within the UN, and fraudulent charity organizations.¹⁰

Several staff members of the United Nations realize the lack of accountability within the organization and are working to strengthen accountability and ensure that officers who engage in immoral activity face consequences.¹¹ The United Nations has been working to end possible ethical breaches, most recently ending a peacekeeping mission in Haiti after numerous accusations of sexual exploitation and rape.¹² In 2015, John Ashe, a former diplomat representing Antigua and Barbuda, and the former president of the General Assembly, was arrested in the United States after accepting bribes from

⁷ "Accountability and the United Nations System." United Nations University. Accessed July 20, 2019. https://collections.unu.edu/eserv/UNU:3078/pb08_07.pdf

⁸ Ibid.

⁹ Ibid.

¹⁰ "Amid Tsunami of Scandals, UN Ignores Massive Corruption." The New American. Accessed July 20, 2019. <https://www.thenewamerican.com/world-news/europe/item/23708-amid-tsunami-of-scandals-un-ignores-massive-corruption>.

¹¹ "Amid Tsunami of Scandals, UN Ignores Massive Corruption." The New American. Accessed July 20, 2019. <https://www.thenewamerican.com/world-news/europe/item/23708-amid-tsunami-of-scandals-un-ignores-massive-corruption>.

¹² O'Connor, Tom. "Secret Deals, Sex Scandals and Silence Harming the U.N., Critics Say." Newsweek. September 18, 2017. Accessed July 20, 2019. <https://www.newsweek.com/un-good-bad-trade-votes-secret-deals-little-action-harm-667209>.

Chinese businessmen.¹³ Evidently, the United Nations is currently working towards ridding the organization of corrupt officials and improving its public perception.

United Nations Peacekeeping Operations

One of the most heavily discussed issues concerning the accountability of United Nations workers and officials relates to peacekeeping operations. Numerous peacekeepers in several different countries have been accused of sexual exploitation and rape of the vulnerable native populations of the countries where these operations are held. Furthermore, certain missions are blamed for bringing various diseases to the areas they are meant to help.¹⁴ Often times, these missions last several years, and thus, it is important that the United Nations address any allegations of wrongdoing by the members of these peacekeeping operations.

In response to a situation in Haiti specifically, the United Nations created a voluntary trust fund in order to repair some of the damage done to the country and its people by a thirteen-year peacekeeping operation.¹⁵ Furthermore, the UN created a fund to assist survivors of sexual abuse and exploitation by peacekeepers, and this fund was given contributions by more than 10 different countries.¹⁶ These two initiatives represent an attempt by the United Nations

to hold itself accountable in response to the failures of the peacekeeping operations. The United Nations should continue to create trusts to benefit specific countries and should push for the accountability of peacekeepers who commit crimes.

Past United Nations and International Actions *Strengthening Accountability*

Over the past decade, the United Nations has worked to create a system to enforce policies against sexual exploitation and abuse. However, due to the immunity that certain United Nations workers are given, it has been incredibly difficult to keep this system intact.¹⁷ With peacekeeping specifically, since missions are composed of different types of peacekeepers, each is granted a different type of immunity, and thus, each falls under different jurisdictions and legal processes when it comes to punishing criminal acts. In response to the lack of accountability faced by U.N. officers who commit crimes, the United Nations Office on Drugs and Crime created the United Nations Standards and Norms in Crime Prevention in an attempt to specifically lay out different crime

¹³ Martín, Sabrina. "The United Nations: A Bastion of Corruption and Scandals." PanAm Post. August 17, 2018. Accessed July 20, 2019. <https://panampost.com/sabrina-martin/2018/08/17/the-united-nations-a-bastion-of-corruption-and-scandals/?cn-reloaded=1>.

¹⁴ Al Jazeera. "UN Peacekeepers Leave Haiti: What Is Their Legacy?" Haiti News | Al Jazeera. October 06, 2017. Accessed July 20, 2019. <https://www.aljazeera.com/news/2017/10/peacekeepers-leave-haiti-legacy-171004144515853.html>.

¹⁵ Al Jazeera. "UN Peacekeepers Leave Haiti: What Is Their Legacy?" Haiti News | Al Jazeera. October 06, 2017. Accessed

July 20, 2019. <https://www.aljazeera.com/news/2017/10/peacekeepers-leave-haiti-legacy-171004144515853.html>.

¹⁶ Al Jazeera. "UN Peacekeepers Leave Haiti: What Is Their Legacy?" Haiti News | Al Jazeera. October 06, 2017. Accessed July 20, 2019.

<https://www.aljazeera.com/news/2017/10/peacekeepers-leave-haiti-legacy-171004144515853.html>.

¹⁷ Kathleen Jennings, "The Immunity Dilemma: Peacekeepers' Crimes and the UN's Response," E-International Relations, <https://www.e-ir.info/2017/09/18/the-immunity-dilemma-peacekeepers-crimes-and-the-uns-response/> (June 14, 2019).

prevention strategies.¹⁸ Furthermore, the High-Level Independent Panel on Peace Operations and the Global Study on the Implementation of UN Resolution 1325 have both asserted the need to assist victims of these crimes that are unfortunately committed by United Nations officials.¹⁹

The United Nations Sixth Committee has discussed the need for the accountability of United Nations officers for years. In 2006, the committee declared that an agenda item relating to a review of peacekeeping operations, which was originally allocated to the Special Political and Decolonization Committee, must also be discussed in the Sixth Committee.²⁰ Furthermore, at its sixty-eighth session, the Sixth Committee discussed possible ways to eliminate jurisdictional and legislative gaps in an effort to have United Nations workers who commit crimes in various countries face consequences for their actions. The committee was able to pass a draft resolution entitled “Criminal accountability of United Nations officials and experts on mission.”²¹

In terms of peacekeeping operations, the United Nations has created internal administrations for each mission which includes a board for the sole purpose of reviewing claims against the United Nations by third parties, and eventually, when the number of peacekeeping missions began to increase rapidly, the United Nations established a special liability regime.²² Furthermore, in the past, the United Nations appointed H.R.H. Prince Zeid Ra’ad Al-Hussein as an adviser to the Secretary-General on the issue of sexual exploitation and abuse.²³ The appointment of Al-Hussein led to investigations and reports which ultimately resulted in a new DPKO strategy for the elimination of crime and misconduct. Additionally, the United Nations deployed an all-female peacekeeping team in Liberia in 2007, and as a result, there was an increase in sexual assault reports, which in turn led to a decrease in the number of crimes committed.²⁴

¹⁸ Kathleen Jennings, “The Immunity Dilemma: Peacekeepers’ Crimes and the UN’s Response,” E-International Relations, <https://www.e-ir.info/2017/09/18/the-immunity-dilemma-peacekeepers-crimes-and-the-uns-response/> (June 14, 2019).

¹⁹ Kathleen Jennings, “The Immunity Dilemma: Peacekeepers’ Crimes and the UN’s Response,” E-International Relations, <https://www.e-ir.info/2017/09/18/the-immunity-dilemma-peacekeepers-crimes-and-the-uns-response/> (June 14, 2019).

²⁰ “Sixth Committee (Legal) – 69th Session,” General Assembly of the United Nations, https://www.un.org/en/ga/sixth/69/criminal_accountability.shtml (June 14, 2019).

²¹ “Sixth Committee (Legal) – 69th Session,” General Assembly of the United Nations, https://www.un.org/en/ga/sixth/69/criminal_accountability.shtml (June 14, 2019).

²² Bruce Rashkow, “United Nations Peacekeeping: Strengthening Accountability for Injuries to Third Parties,” American Bar Association,

https://www.americanbar.org/groups/international_law/publications/international_law_news/2018/winter/united-nations-peacekeeping/ (June 14, 2019).

²³ William Durch and Madeline England, “Ending Impunity: New Tools for Criminal Accountability in UN Peace Operations,” Stimson, https://www.stimson.org/sites/default/files/file-attachments/Accountability_Issue_Brief.pdf (June 14, 2019).

²⁴ Milena Petrova, “Criminal Misconduct and Sexual Offenses Committed by UN Personnel During Peacekeeping Missions,” Beyond Intractability, <https://www.beyondintractability.org/library/criminal-misconduct-and-sexual-offenses-committed-un-personnel-during-peacekeeping-missions> (June 14, 2019).

Questions a Resolution Must Address

1. *How can the United Nations close jurisdictional gaps in order to punish peacekeepers who have committed crimes in other countries?*

Many UN peacekeepers escape punishment for their crimes due to the lack of legal jurisdiction that the United Nations can exercise in other countries.

2. *How can the United Nations continue to enforce accountability systems that are already in place in order to ensure that staff members and officers that commit crimes face some sort of consequence?*

The UN has already implemented some infrastructure to handle the accountability of workers, although there is room for more to be done.

3. *What new accountability infrastructure must the United Nations devise and implement in order to more efficiently punish the corrupt and unethical actions of officials and workers?*

As this guide has shown, the current infrastructure does not ethically serve our member states. A renewed focus on ethical accountability should be paramount to this committee.

4. *How can the United Nations improve public perception of the organization in the international community and reassure the global population that those who do wrong are held accountable?*

The scandals and corruption that plague the UN lead to a wide mistrust in the organization.

5. *What can the United Nations do to reduce corruption in many of its charity organizations, and how can it punish those officials who have been accused of corruption?*

The corruption that occurs in relation to UN-led efforts severely impacts its credibility. Thus, member states should concern themselves with the ethics governing their charity organizations.

6. *How can the United Nations ensure that higher-level officers are punished in the same way that low ranking officials would be?*

High ranking workers in the United Nations are more likely to escape punishment and potential consequences for any unethical behavior.

Bloc Positions

- *The United States of America, Latin America & Caribbean, Africa*

This bloc reasserts that there is a zero-tolerance policy for sexual abuse of any other type of crime committed by United Nations workers. The United States specifically would like to see more support and work done by the Department of Field Support and the Office of Legal Affairs.²⁵

- *The Russian Federation, Belarus*

The Russian Federation believes that a convention should be adopted based on certain articles that would assist in the stabilization of international relations and law. The federation would also consider supporting a convention to help define these articles and international laws.²⁶

- *Nordic Countries (Denmark, Finland, Iceland, Sweden, and Norway), European Union, Asia*

These countries believe that all member states must establish jurisdiction in order to convict their nationals of any potential crimes they may commit while working abroad. These countries would like to see a proposal for legal infrastructure that addresses criminal activity.²⁷

- *New Zealand, Canada, Australia*

These countries appreciate the hard workers across the globe who deliver humanitarian assistance to those in need but have stressed the importance of punishing the few who commit deplorable acts. These countries would like to see a convention of Member States in which jurisdiction can be established over crimes committed by those citizens while working for the United Nations.²⁸

²⁵ "Organization, Member States Must Ensure Accountability for Crimes Committed by United Nations Officials on Mission, Sixth Committee Hears | Meetings Coverage and Press Releases." United Nations. Accessed July 20, 2019. <https://www.un.org/press/en/2016/gal3522.doc.htm>.

²⁶ "Organization, Member States Must Ensure Accountability for Crimes Committed by United Nations Officials on Mission, Sixth Committee Hears | Meetings Coverage and Press Releases." United Nations. Accessed July 20, 2019. <https://www.un.org/press/en/2016/gal3522.doc.htm>.

²⁷ "Officials, Experts Must Be Held Accountable for Crimes Committed on Mission, Sixth Committee Speakers Stress, But Disagree over Need for Convention | Meetings Coverage and Press Releases." United Nations. Accessed July 20, 2019. <https://www.un.org/press/en/2017/gal3546.doc.htm>.

²⁸ "Officials, Experts Must Be Held Accountable for Crimes Committed on Mission, Sixth Committee Speakers Stress, But Disagree over Need for Convention | Meetings Coverage and Press Releases." United Nations. Accessed July 20, 2019. <https://www.un.org/press/en/2017/gal3546.doc.htm>.

Conclusion

The issue of accountability within the United Nations, for both high ranking officials and general workers, is an extremely important and pressing matter.

One of the most important reasons that this issue needs to be addressed is due to the lack of public trust in the United Nations, which is a result of crimes that are committed that ultimately go unpunished. The United Nations exists to help better the global community and create strong ties between all aspects of the world while also solving humanitarian issues that affect the international population. When the public loses trust in the United Nations, it is unable to execute its duties efficiently and effectively. Thus, when United Nations officers and workers commit crimes, the body must punish the guilty party in order to show the global community that it is an organization that can and should be trusted. One area in which this issue is especially pressing is with the peacekeeping operations that take place all over the world. There have been several instances of United

Nations peacekeepers committing crimes of sexual exploitation and abuse against the populations that they are supposed to be aiding. Due to jurisdictional issues, the United Nations has trouble holding peacekeepers accountable for their crimes, and the United Nations must find a way to overcome jurisdictional barriers and bring the criminals to justice.

Furthermore, many high ranking officials have been caught committing crimes of fraud, corruption and more. These powerful officials manage to escape punishment for their actions, and thus, the United Nations must find a way to force these criminals to face consequences for their actions. Furthermore, the United Nations must implement infrastructure to ensure that further criminals are unable to escape punishment for their unjust and immoral actions. With a strong system in place, the United Nations can punish current criminals within the organization while also regaining public trust and ensuring that there will be fewer instances of criminal activity in the organization's future.



Topic B: *Regulating Automated Warfare*

Introduction

Lethal Autonomous Weapon Systems (LAWS) do not require a person to physically operate the weapon.²⁹ These weapons can pinpoint and shoot at a target independently, without the need for any instruction from an outside source. Although there have been recent developments in building LAWS, they are largely being discussed in terms of what they will mean for the future.

There have been a number of technological advances over the years that have led to the possibility of these autonomous weapons systems in the future. Beginning in 2013, discussions about these weapons and what they could mean began. These weapons are capable of doing many things without human operators today, and the list will only grow. For this reason, there are many ethical and legal concerns about LAWS and their use in warfare in the future. The UN Convention on Certain Conventional Weapons (CCW) has met several times since 2014 to bring together nations and organizations such as the Campaign to Stop Killer Robots in order to discuss how these weapons systems should be approached, but as of today, a consensus has not been reached.

This portion of the background guide will discuss in more detail the historical

background, contemporary conditions, and past UN and international actions.

Historical Background

In 2013, a law advisor to the United Nations named Christof Heyns wrote a report in which he examined the potential dangers posed by LAWS.³⁰ The definition of LAWS that Heyns provided was “robotic weapon systems that, once activated, can select and engage targets without further intervention by a human operator.”³¹ Heyns shared his report with the UN Human Rights Council, which sparked the debate on this topic. In 2014, the UN Convention on Certain Conventional Weapons (CCW) began talking about what these kinds of weapons could mean in the future, and they are still discussing this issue today. Since the initial meeting of the CCW during which they talked about LAWS, the delegates of this convention have met every two years to continue debating this topic. The actions of this UN convention will be discussed further in the “Past United Nations and International Action” section of this Background Guide.

A brief timeline of automated warfare will be detailed below.³² In 1914, World War I led to many developments in robotic warfare such as winged bombs and radio-control systems in boats. In 1943, Germany used what can be considered the first radio-

²⁹“Defense Primer: U.S. Policy on Lethal Autonomous Weapons Systems,” Congressional Research Service. Accessed October 25. <https://fas.org/sgp/crs/natsec/IF11150.pdf>

³⁰“The United Nations and the Future of Warfare,” Bulletin of the Atomic Scientists. Accessed October 25. <https://thebulletin.org/2019/05/the-united-nations-and-the-future-of-warfare/#>

³¹“Report of the Special Rapporteur,” United Nations General Assembly. Accessed October 25. https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-47_en.pdf

³²“Lethal Autonomy: A Short History,” Foreign Policy. Accessed October 25. <https://foreignpolicy.com/2014/01/24/lethal-autonomy-a-short-history/>

controlled drones. In 1950, Alan Turing, who was responsible for early uses of artificial intelligence, approached the question of whether or not machines can think and imitate humans. The early 1950s saw the first computer-guided missiles and a missile system that auto-corrected for changes in speed and altitude. In 1963, the US gave MIT a large sum of money which led to investigations into computer science and artificial intelligence. In May of 1973, the US Air Force used laser-guided weapons, and during the Vietnam War, it used autonomous unmanned surveillance aircraft. In 1978, the US Defense Department launched the first Navstar satellite, which was a big step in global positioning technology. In 1988, an air-defense system detected a hostile aircraft and subsequently shot it down in semiautomatic mode. Between 1994 and 2001 there were major advances in aerial surveillance, which led to the development of 'killer drones'. Beginning around the year 2002, drones became a consistently used tool in the US's war on terrorism. In 2006, South Korea announced a group of sentry robots that had Samsung technology installed in them. They were armed with machine guns and cable to autonomously track and target, but they did need human approval in order to fire. In 2009, the US Air Force released a document showing a plan for aircraft to have fully autonomous capabilities in the future. In 2012, researchers at Cambridge University released an article detailing some possible hazards of artificial intelligence. The same year, the US Defense Department published a directive about decreasing failures in autonomous and semi-autonomous weapon systems. It did not prohibit fully autonomous nonlethal systems, but it did

call for human judgment to be used in cases that involve deadly force. In 2013, a group of NGOs started a campaign to stop killer robots. This same year, Christof Heyns published his report and asked for serious consideration of autonomous robots and the consequences that could arise as a result of their use. Also in 2013, the first unmanned autonomous vehicle landed on an aircraft carrier and Australia began using drones that could autonomously identify targets. In 2014, the UN Convention on Certain Conventional Weapons began talks about lethal autonomy.³³ Between 2014 and today, there have been developments in LAWS but the jury is very much still out on whether or not they should be banned.

Contemporary Conditions

What are LAWS capable of?

The most prevalent element of autonomy present in these weapon systems is mobility. The system is able to navigate through its environment without human direction. These systems are able to locate and track a target as well as follow another weapon system or follow a soldier. They can also determine their current position and design a route to follow without pre-programming by humans. Many aerial systems are now able to take-off and land autonomously.³⁴ However, moving around on their own is not the only thing LAWS can do.

The second capability of these systems is autonomy for targeting. LAWS can identify, track, prioritize, and select targets, and can also sometimes engage targets. There are weapons that have the automated target recognition (ATR) technology solely for the purpose of being

³³ibid.

³⁴"Mapping the Development of Autonomy in Weapon Systems," SIPRI. Accessed October 25.

https://www.sipri.org/sites/default/files/2017-11/siprireport_mapping_the_development_of_autonomy_in_weapon_systems_1117_1.pdf

an aid to a human operator. What's to be focused on here, however, are those systems that use ATR to interact with targets without the involvement of a human in any capacity.³⁵

LAWS are also equipped with autonomy for intelligence. They are able to compile and utilize information outside of that used for targeting. These systems can detect explosive devices, perimeter intrusions, the location of gunfire or other weapons, and objects important to intelligence, surveillance, and reconnaissance (ISR) missions. They can also use the information they gather to generate intelligence information such as maps, threat assessments, and big data analytics.³⁶

There also exists some autonomy for interoperability within these systems, which means that they can operate with each other or with humans to some extent. And finally, some LAWS are also capable of autonomous health management. This means that they're able to monitor their own status and self-recharge, self-repair, and detect and diagnose faults.³⁷

In the future, LAWS will likely be capable of much more than what has been described here, including selecting and attacking targets without the involvement of a human operator and being able to stop an attack if something goes wrong.³⁸ This ability does not exist as of yet, but it is highly likely in the coming years and therefore important to discuss.

What are people concerned about?

There are a number of concerns that are raised in response to the future capabilities of LAWS that have led many to request a ban on their development, production, and use.

Firstly, there are many discussions about the ethics of these machines. Many consider it unethical for life and death decisions to be made by an algorithm. Dehumanizing the decision to kill someone is a dangerous road to go down, as machines and robots are incapable of placing value on human life.³⁹ Those who hold this view frequently cite the Martens clause of the Hague Convention of 1899, which is also included in the Geneva Conventions. This clause states that even in situations without fully outlined rules and laws, civilians and combatants "remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of human conscience".⁴⁰ Autonomous lethal weapons could be seen to largely violate this clause, as the 'principles of humanity' and 'dictates of human conscience' are being eliminated from the equation.

A second concern relates to the possible uncontrollable proliferation of these weapons once they are produced. It is likely that these systems will be easy and cheap to reproduce and to copy. They could easily end up in the hands of people or groups who would use them in dangerous ways.⁴¹ If these weapons are not challenging

³⁵Ibid.

³⁶Ibid.

³⁷Ibid.

³⁸"The United Nations and the Future of Warfare," Bulletin of the Atomic Scientists. Accessed October 25.

<https://thebulletin.org/2019/05/the-united-nations-and-the-future-of-warfare/#>

³⁹"Killer Robots," PAX. Accessed October 25.

<https://www.paxforpeace.nl/publications/all-publications/killer-robots>

⁴⁰"Autonomous Weapons Systems and the Laws of War," Arms Control Association. Accessed October 25.

<https://www.armscontrol.org/act/2019-03/features/autonomous-weapons-systems-laws-war>

⁴¹"Killer Robots," PAX. Accessed October 25.

<https://www.paxforpeace.nl/publications/all-publications/killer-robots>

to produce, their use could quickly get out of control and be impossible to manage or regulate.

Accountability is a big question when it comes to LAWS. If something goes wrong, or an unlawful is committed, would the manufacturer, the developer, the military commander, or the robot be responsible?⁴² How would a conclusion be reached about the answer to this question? If it is determined that there is no human fault, then getting justice for wrongdoings becomes very challenging.

Other concerns include legality, the possibility of an arms race, unpredictability, and the chance that the use of these weapons could lower the threshold for war.⁴³ It's obvious that there is a lot of apprehension surrounding the future of LAWS, as there is so much that is unknown about the consequences of their use.

Past United Nations and International Actions

The challenge of coming to a consensus about LAWS

In March of 2019, the UN Secretary-General António Guterres said, "Autonomous machines with the power and discretion to select targets and take lives without human involvement are politically unacceptable, morally repugnant, and should be prohibited by international law."⁴⁴ The Convention on Certain Conventional Weapons (CCW) has met for many years to discuss the topic of LAWS and has not yet been able to reach an agreed-

upon plan for the future regarding these weapon systems.

In November of 2013, States Parties to the CCW agreed to begin talking about LAWS in 2014. In May of 2014, 87 nations, UN agencies, the ICRC, and the Campaign to Stop Killer Robots were represented at the first meeting on "lethal autonomous weapons systems" at the UN in Geneva as part of the first meeting of the CCW where they discussed this topic. Technical, legal, ethical, operational concerns were presented at this meeting. The second CCW meeting on LAWS was held in April of 2015 and was attended by 90 representatives. The third meeting was held in April of 2016. The fifth meeting of the CCW in December of 2016 established a Group of Governmental Experts (GGE), whose purpose was to create a formal process on LAWS. This group met for the first time in November of 2017.⁴⁵ These talks have continued periodically until the present.

Despite the fact that many nations and organizations are on board with the Campaign to Stop Killer Robots' call to ban lethal autonomous weapons, there are several countries that have expressed opposition to this ban. Among these countries are the United States, Russia, South Korea, Israel, and Australia. Progress towards a new international treaty with the purpose of fully banning LAWS was blocked by these countries in 2018.⁴⁶ Many states had expressed interest in negotiating such a treaty during talks at the UN CCW, but no resolution was reached. A spokesperson for the Campaign to Stop

⁴² "Killer Robots," PAX. Accessed October 25. <https://www.paxforpeace.nl/publications/all-publications/killer-robots>

⁴³ Ibid.

⁴⁴ "Autonomous Weapons That Kill Must be Banned, insists UN Chief," UN News. Accessed October 25.

<https://news.un.org/en/story/2019/03/1035381>

⁴⁵ "All Actions and Achievements," The Campaign to Stop Killer Robots. Accessed October 25.

<https://www.stopkillerrobots.org/action-and-achievements/>

⁴⁶ "Killer Robots' Ban Blocked by the US and Russia at UN Meeting" Independent. Accessed October 25.

<https://www.independent.co.uk/life-style/gadgets-and-tech/news/killer-robots-un-meeting-autonomous-weapons-systems-campaigners-dismayed-a8519511.html>

Killer Robots explained that these states pressed to continue talking about “potential ‘advantages’ or ‘benefits’ to developing and using lethal autonomous weapons systems.”⁴⁷ As of 2018, 26 countries supported a full ban on these weapons systems.

There are some countries, such as the United States and Russia who only want to talk about potential benefits of LAWS, and

others, such as Cuba, who refuse to talk about anything other than their risks.⁴⁸ For this reason, it has been extremely challenging to come to a consensus about what the future of these weapons systems will be. The CCW will continue to meet and discuss this topic in hopes of reaching a compromise.

⁴⁷ Ibid.

⁴⁸ Ibid.

Questions a Resolution Must Address

1. *What limitations should exist on the production and ownership of autonomous weapons?*

Currently, the production and ownership of autonomous weapons are not as heavily monitored as they should be. How should we set quantitative restrictions? States vary in size, wealth, interests, aggression, and technology. Would limitations differ on a state to state basis with these factors or others in mind?

2. *What challenges exist in monitoring compliance?*

In previous years, there have been attempts to install legal regulations on autonomous weapons and warfare. However, despite these legal regulations, there are concerns regarding whether or not these rules and regulations will be obeyed.

3. *What role will the humanitarian concerns of autonomous warfare play in regulation policy?*

These autonomous weapons do not always target accurately, and thus, the risk of civilian casualties is imminent. Civilian casualties remain one of the largest concerns regarding autonomous warfare. What can be done to minimize these casualties?

4. *Who will be liable if the technology fails?*

Autonomous weapons are unique in that they remove direct human action from warfare. This form of warfare requires the cooperation of the state, technology development companies, operators, and the weaponry itself.

5. *How will the threat of countermeasures impact regulation policy?*

Autonomous weaponry opens the door to hacking by state and non-state intelligence. The ease with which hacking can be conducted adds potential danger to this practice of warfare.

6. *How much force should these weapons be capable of exerting? How can this level of force be tested and then regulated?*

Beyond quantitative limitations on automated weaponry, there are concerns about the extent of their destructive capabilities.

Bloc Positions

- *The United States of America, Its Allies, the United Kingdom, South Korea, Australia, Israel, China, Turkey, and Russia*

When delegations met in Geneva to discuss lethal autonomous weapons systems, the following states were strongly opposed to any legal regulations: The United States, the United Kingdom, South Korea, Australia, Israel, China, and Russia. They have promoted caution and restraint in decision making on these systems, conflicting with calls to action from other blocs.⁴⁹ Allies of the United States have adopted this stance over time, although not to the extent of exhibiting such strong opposition.

- *Germany, France, and the rest of the European Union*

Germany and France have vocally supported binding regulations through political declarations. Such a declaration would emphasize the importance of human control in military affairs. This stance has been celebrated by a large portion of the European Union⁵⁰.

- *Austria, Latin America, Africa, Non-Aligned Movement*

These countries have alternatively proposed negotiating towards legally prohibiting autonomous weapons systems. This policy would outlaw both using and developing such technologies. These states similarly outline the need for human autonomy in warfare.^{51,52}

⁴⁹ First Committee Weighs Potential Risks of New Technologies as Members Exchange Views on How to Control Lethal Autonomous Weapons, Cyberattacks | Meetings Coverage and Press Releases." United Nations. Accessed November 7, 2019.

⁵⁰ First Committee Weighs Potential Risks of New Technologies as Members Exchange Views on How to Control Lethal Autonomous Weapons, Cyberattacks | Meetings Coverage and Press Releases." United Nations. Accessed November 7, 2019.

⁵¹ First Committee Weighs Potential Risks of New Technologies as Members Exchange Views on How to Control Lethal Autonomous Weapons, Cyberattacks | Meetings Coverage and Press Releases." United Nations. Accessed November 7, 2019.

⁵² "Country Views on Killer Robots," The Campaign to Stop Killer Robots. Accessed October 25. https://www.stopkillerrobots.org/wp-content/uploads/2019/10/KRC_CountryViews_25Oct2019rev.pdf

Conclusion

Legal Autonomous Weapons System (LAWS) allows for entire wars to be waged and fought without human interaction or human operation. Evidently, this has led to many issues that illustrate the dangers of autonomous warfare.

One major concern regarding LAWS is the ability of the system to navigate through its environment without human direction. The system has the ability to locate and track a target as well as follow and monitor another weapon system. The system even has the capability to follow or monitor another person or soldier. Furthermore, the LAWS system has the power to navigate itself and calculate its current position. The system does not require a human operation, as it can calculate a path to follow another system or soldier, or to move to a different location without pre-programming by humans. Furthermore, the legal autonomous weapons system has power off of the ground as well. Currently, there exist several aerial systems that can take-off and

land without human intervention or operation. These examples illustrate just how autonomous the legal autonomous weapons system is, and thus, it is evident that there are many concerns that surround this powerful and dangerous system.

Some main concerns that have been raised regarding LAWS include ethical questions as well as questions of true autonomy. Many people feel that the use of a program and algorithm to kill others is incredibly unethical and against the laws of war and nature. Furthermore, many people feel that the systems will become truly autonomous, to the point where they will not be able to be controlled by humans, and will instead act unpredictably. In the past, the United Nations has had trouble discovering a way to monitor and regulate the use of the legal autonomous weapons system. While many countries heavily support a ban against autonomous weapons and so-called “killer robots”, there are several other more powerful countries, the United States included, which support the use of autonomous weapons.

Bibliography

- Accountability and the United Nations System.” United Nations University. Accessed July 20, 2019. https://collections.unu.edu/eserv/UNU:3078/pb08_07.pdf
- “All Actions and Achievements,” The Campaign to Stop Killer Robots. Accessed October 25. <https://www.stopkillerrobots.org/action-and-achievements/>
- “Autonomous Weapons Systems and the Laws of War,” Arms Control Association. Accessed October 25. <https://www.armscontrol.org/act/2019-03/features/autonomous-weapons-systems-laws-war>
- “Autonomous Weapons That Kill Must be Banned, insists UN Chief,” UN News. Accessed October 25. <https://news.un.org/en/story/2019/03/1035381>
- “Defense Primer: U.S. Policy on Lethal Autonomous Weapons Systems,” Congressional Research Service. Accessed October 25. <https://fas.org/sgp/crs/natsec/IF11150.pdf>
- Kathleen Jennings, “The Immunity Dilemma: Peacekeepers’ Crimes and the UN’s Response,” E-International Relations, <https://www.e-ir.info/2017/09/18/the-immunity-dilemma-peacekeepers-crimes-and-the-uns-response/> (June 14, 2019).
- “Killer Robots,” PAX. Accessed October 25. <https://www.paxforpeace.nl/publications/all-publications/killer-robots>
- “Killer Robots’ Ban Blocked by the US and Russia at UN Meeting” Independent. Accessed October 25. <https://www.independent.co.uk/life-style/gadgets-and-tech/news/killer-robots-un-meeting-autonomous-weapons-systems-campaigners-dismayed-a8519511.html>
- Lucy Johnston, “Now UN Peacekeepers Stand Accused After 612 Cases of Sex Abuse,” Express, <https://www.express.co.uk/news/world/920390/Sexual-abuse-UN-peacekeeper-accused-612-cases> (June 14, 2019).
- “Mapping the Development of Autonomy in Weapon Systems,” SIPRI. Accessed October 25. https://www.sipri.org/sites/default/files/2017-11/siprireport_mapping_the_development_of_autonomy_in_weapon_systems_1117_1.pdf
- Milena Petrova, “Criminal Misconduct and Sexual Offenses Committed by UN Personnel During Peacekeeping Missions,” Beyond Intractability, <https://www.beyondintractability.org/library/criminal-misconduct-and-sexual-offenses-committed-un-personnel-during-peacekeeping-missions> (June 14, 2019).

"Organization, Member States Must Ensure Accountability for Crimes Committed by United Nations Officials on Mission, Sixth Committee Hears | Meetings Coverage and Press Releases." United Nations. Accessed July 20, 2019.
<https://www.un.org/press/en/2016/gal3522.doc.html>

"Report of the Special Rapporteur," United Nations General Assembly. Accessed October 25.
https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-47_en.pdf

"The United Nations and the Future of Warfare," Bulletin of the Atomic Scientists. Accessed October 25. <https://thebulletin.org/2019/05/the-united-nations-and-the-future-of-warfare/#>

William Durch and Madeline England, "Ending Impunity: New Tools for Criminal Accountability in UN Peace Operations," Stimson,
https://www.stimson.org/sites/default/files/file-attachments/Accountability_Issue_Brief.pdf (June 14, 2019).