

Legality of the Development and Deployment of AI Weapon Systems for State Security under International Law

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Abstract

An autonomous missile under development by the Pentagon uses software to choose between targets. An artificially intelligent drone from the British military identifies firing points on its own. Russia showcases tanks that don't need soldiers inside for combat. Such recent events depict that States have resorted to various mechanisms in order to tackle security threats concerning State borders. Accordingly, the newest trend of utilizing AI technology for autonomous weapon systems mandated to protect State borders has raised many humanitarian concerns. The autonomous aspect of these weapon systems seem to contradict principles underlying international law. Out of an array of security threats concerning State borders, this study focuses on the narrowed-down area of illegal border crossing between States and the legality of developing and deploying AI weapon systems to counter such threats, as opposed to an armed conflict. The objectives of the study include assessing whether lethal AI weapon systems (LAWS) contradict the principles of international law in actuality; examining whether the existing laws are sufficient to combat a potentially harmful outcome, such as a future possibility of 'killer robots'; extending the understanding of whether and how States could be held accountable for such violations of international law; and proposing suggestions, in terms of international law, to mitigate the risks of LAWS. The study is primarily based on qualitative data, using primary sources such as existing legislation, and secondary sources such as research papers, journals, textbooks and UN reports. Previous works of scholars are examined along with existing principles of international law, i.e. in treaties, conventions and customs. It has been observed that there exists a lack of legislation focused on LAWS and loopholes in the existing laws that enable States to contradict principles of international law. Thus, it is clear that there is a dire need for a binding instrument that focuses on the autonomous aspect of LAWS.

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