



[HOME](#) | [ZOOM IN](#) | [ZOOM OUT](#) | [AUTHORS' GUIDELINES](#) | [NEWSLETTER](#) | [NEWS](#) | [ABOUT US](#)

## COMING SOON...? A REAPPRAISAL OF THE LEGAL AND ETHICAL IMPLICATIONS OF AUTONOMOUS WEAPONS SYSTEMS (AWS) AHEAD OF THE FIRST MEETING OF THE CCW GROUP OF GOVERNMENTAL EXPERTS ON LETHAL AWS

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### Kantian Ethics in the Age of Artificial Intelligence and Robotics

by OZLEM ULGEN on Oct 31, 2017 •

1. Introduction Artificial intelligence and robotics is pervasive in daily life and set to expand to new levels potentially replacing human decision-making and action. Self-driving cars, home and healthcare robots, and autonomous weapons are some examples. A distinction appears to be emerging between potentially benevolent civilian uses of the technology (eg unmanned aerial vehicles delivering...

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### Human rights implications of autonomous weapon systems in domestic law enforcement: sci-fi reflections on a lo-fi reality

by ANDREA SPAGNOLO on Oct 31, 2017 •

1. Autonomous Weapon Systems (AWS) and human rights: An introduction to the debate Novelists and filmmakers have been speculating on the interaction between human beings and robots for years. Isaac Asimov, in particular, devoted an important part of his bibliography to the issue. He created a world where robots are integrated in our society and...

COMING SOON...? A REAPPRAISAL OF THE LEGAL AND ETHICAL IMPLICATIONS OF AUTONOMOUS WEAPONS SYSTEMS (AWS) AHEAD OF THE FIRST MEETING OF THE CCW GROUP OF GOVERNMENTAL EXPERTS ON LETHAL AWS / ZOOM IN

### Jus in bello and jus ad bellum arguments against autonomy in weapons systems: A re-appraisal

by DANIELE AMOROSO on Oct 31, 2017 •

1. Introduction The ethical and legal implications of the development and use of weapons systems able to perform the critical functions of target selection and engagement autonomously (ie without any intervention by human operators) are currently in the spotlight. The issue has recently gained widespread media coverage with the launch, on 21 August 2017, of...

## QIL First Year

THE JOURNAL (FORTHCOMING)



[Table of Contents](#)

PAST ISSUES

#### ZOOM IN

The Israeli military justice system and international law

Coming Soon...? A reappraisal of the legal and ethical implications of Autonomous Weapons Systems (AWS) ahead of the first meeting of the CCW Group of Governmental Experts on Lethal AWS

Environmental Impact Assessment after the International Court of Justice decision in Costa Rica-Nicaragua and Nicaragua-Costa Rica: Looking backward, looking forward

The advent of the Residual Mechanism for Criminal Tribunals and the future of (ad hoc) international criminal justice: Questions of legality, efficiency, and fairness

The Silala Waters dispute before the ICJ and the law on the use of international rivers for non-navigational purposes

Back to consistency? The relationship between UNSC resolutions and the ECHR after the Grand Chamber's decision in *Al-Dulimi II*

Of direct effect, primacy and constitutional identities: Rome and Luxembourg enmeshed in the Taricco case

The Obligation to Investigate Violations of the Right to Life Reloaded: How Far Does it Go in Times of Armed Conflict?

#### ZOOM OUT

Hammer and Nail. Megaregionals, CETA and the Law of Treaties

The 13 November 2015 attacks and their aftermath: multilevel responses to terrorism

For all or for some? Functional immunity of State officials before the International Law Commission

LAST REPLY TO / FOLLOW UP

'False pretense of unity' – A comment on the EU speaking with 'one voice' in trade negotiations in the field of biotechnology

Is the ILC's work enhancing protection for the environment in relation to warfare? A reply to Stavros-Evdokimos Pantazopoulos and Karen Hulme

The Crimean crisis and the Polish practice on non-recognition

IN THE NEWS / ON THE SPOT

Italian Constitutional Court Judgment No. 238/2014:

[English summary:](#)

[Full English translation provided by the Italian Constitutional Court.](#)

## ARCHIVES

---

February 2018 (4)  
January 2018 (3)  
December 2017 (7)  
November 2017 (3)  
October 2017 (4)  
September 2017 (3)  
July 2017 (6)  
June 2017 (4)  
May 2017 (3)  
April 2017 (3)  
March 2017 (3)  
February 2017 (3)  
January 2017 (3)  
December 2016 (3)  
November 2016 (3)  
October 2016 (3)  
September 2016 (3)  
August 2016 (3)  
July 2016 (6)  
June 2016 (2)  
May 2016 (4)  
April 2016 (3)  
March 2016 (3)  
February 2016 (3)  
January 2016 (3)  
December 2015 (3)  
November 2015 (4)  
October 2015 (3)  
September 2015 (3)  
July 2015 (6)  
June 2015 (3)  
May 2015 (11)  
April 2015 (3)  
March 2015 (3)  
February 2015 (4)  
January 2015 (4)  
December 2014 (6)  
November 2014 (3)  
October 2014 (5)  
September 2014 (3)  
August 2014 (2)  
July 2014 (6)  
June 2014 (7)  
May 2014 (9)

## SOCIAL

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## ZOOM IN

### *The question:*

#### **Coming Soon...? A reappraisal of the legal and ethical implications of Autonomous Weapons Systems (AWS) ahead of the first meeting of the CCW Group of Governmental Experts on Lethal AWS**

*Introduced by Elena Carpanelli and Nicole Lazzerini \**

The emergence of a new generation of tech-devices, featuring forms of Artificial Intelligence (AI), appears more and more a ‘future present’, rather than science or cinematographic fiction. Several automated and algorithmic decision-making systems are already involved in our daily routine and scientific efforts have turned towards creating increasingly sophisticated systems capable of operating with a minimum of or indeed even no meaningful human control. Whilst the use of machines with greater automation, possibly some degree of decision-making capacity, and lower – or no – human control may have positive effects, they also pose dangers for individuals, groups, and society as a whole. AI systems therefore raise complex legal and ethical issues, bringing into question the adequacy of the existing normative framework to accommodate them and making the call for regulatory action *vis-à-vis* evolving technological applications an emerging trend in international, regional and domestic *fora*. Recently, for instance, the European Parliament invited the European Commission to make a proposal for a Directive on civil law rules on robotics.<sup>1</sup>

Some AI tools even trigger the preliminary question about whether their use should be permitted at all. This is notably the case with auton-

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<sup>1</sup> European Parliament resolution of 16 February 2017 with recommendations to the Commission on Civil Law Rules on Robotics (2015/2103(INL)).

onomous weapons systems (AWS) capable of targeting individuals without human intervention. By an open letter released in August 2017 and addressed to the United Nations, experts in robotics and AI technology have indeed confirmed that the deployment of similar weapons may become a practical reality within years and contextually warned about the risks posed by them.<sup>2</sup> In the words of those experts, ‘once the Pandora’s box is opened, it will be hard to close it’: a circumstance that may potentially lead to a concerning third revolution in warfare.<sup>3</sup>

The overall debate over the need to regulate (and even outlaw) the use of AWS in the course of armed conflicts or for domestic law-enforcement activities relies broadly on arguments that challenge the (in)compatibility of these technologies with the current international legal framework. The potential use of AWS raises, in fact, all but simple questions such as: can AWS be operated in compliance with the international humanitarian law principles of distinction, military necessity and proportionality? Who should be held accountable for crimes perpetrated by AWS? Does the so-called ‘Martens clause’ constitute a legal bar to the deployment of similar technologies? Could the availability of AWS increase the likelihood of a violation of Article 2(4) of the UN Charter? What obligations do human rights norms impose on States with respect to the use of AWS in law enforcement activities? Do such technologies potentially encroach upon rights others than the right to life? At the same time, ethical questions underpin the debate on AWS deployment. One could wonder, for instance, whether and how AI systems could engage in moral reasoning, especially when they can negatively affect human life, and how responsibility should be allocated in case of harmful conduct originating from AI systems.

The thorny issues that the use of AWS may raise under international law have already nurtured a rich doctrinal debate. At this stage, a reappraisal of the subject appears, however, particularly well needed and timed in view of the upcoming first meeting of the Convention on Certain Conventional Weapons (CCW) Group of Governmental Experts on lethal AWS, which is scheduled to take place in Geneva from 13 to 17 November 2017. It is indeed expected that the Group will be able

<sup>2</sup> See <<https://futureoflife.org/ai-open-letter/>>.

<sup>3</sup> *ibid.*



eventually to make recommendations and explore feasible options for addressing lethal AWS. Moreover, specific aspects of this complex and intriguing subject remain largely unexplored.

Against this background, and as a follow up to last June's young scholars' workshop on the challenges posed by new technologies to International and European Union Law, jointly promoted with CSEIA,<sup>4</sup> QIL has decided to devote the present Zoom-in to an in-depth analysis of the legal and ethical implications of AWS. Accordingly, it has invited three distinguished scholars – two public international lawyers and a legal theorist – to get involved in the debate by examining the overall topic through different lenses. Taking the move from the ongoing Campaign 'Stop Killer Robots',<sup>5</sup> Daniele Amoroso focuses on the virtues and vices of the arguments raised against or in favour of a global ban to AWS, whereas Andrea Spagnolo explores the human rights implications of the use of AWS in law-enforcement operations. The unavoidable ethical dimension of the topic is at the heart of the essay by Ozlem Ulgen, which analyzes the moral questions surfacing from the use of AI applications from the perspective of Kantian ethics.

Each contribution builds on the existing debate, exploring concrete applications, legal arguments or philosophical implications that, so far, have remained mainly on the side-line. In so doing, the three Authors provide some original insights and add fuel to the ongoing broader discussion on AI.

<sup>4</sup> Center for Studies in European and International Affairs (see the website <[www.cseiaparma.it/](http://www.cseiaparma.it/)>).

<sup>5</sup> See <[www.stopkillerrobots.org/](http://www.stopkillerrobots.org/)>.