

LETHAL AUTONOMOUS WEAPON SYSTEM AND MORAL ISSUES- A CRITIQUE.

ANISHA PARVIN.

5 Years BA.LL.B(4th Year)

BIKASH BHARATI LAW COLLEGE

Calcutta University

ABSTRACT

India does not have any specific laws or regulations regarding robotics. However, certain regulations already in place, such as the Indian Contract Act, the Information Technology Act, and the Indian Patent Act, can be applied in cases where robotics is involved.

The Ministry of Electronics and Information Technology (MeitY) is working on a policy to regulate emerging technologies such as artificial intelligence, machine learning, and robotics. The policy draft includes guidelines for testing, certification, and deployment of robots in diverse situations such as industrial applications, healthcare, and military.

Additionally, the Indian government has launched the Smart Manufacturing Industrial Robotics Transformation Scheme (SMIRT) to encourage the adoption of robotics in the manufacturing sector. This scheme aims to enhance the competitiveness of the manufacturing sector by promoting the use of advanced manufacturing technologies, including robotics.

Overall, while India does not yet have specific laws for robotics, the government is taking steps to address related issues and promote the use of the technology in various sectors.

KEY WORDS

Artificial Intelligence, ethics, autonomous weapon, human rights.

INTRODUCTION

India does not have any specific laws or regulations related to robotics. However, the Indian government has taken some initiatives to promote the development and deployment of robotics and related technologies in the country.¹ The Ministry of Electronics and Information Technology (MeitY) has taken steps to establish a Center of Excellence in Robotics and Artificial Intelligence (CoE-RAI) to provide support for research, development, and deployment of these technologies in the country.² In addition, the Ministry of Commerce and Industry has also established a task force to study the impact of artificial intelligence and robotics on various sectors of the economy and recommend policies to promote their development and adoption.³ As the technology advances, it is likely that laws and regulations related to robotics will be introduced in India to ensure its safe and ethical use.⁴ India has not officially declared any program or initiative to develop lethal autonomous weapon systems.⁵ India is a signatory to the United Nations Convention on Certain Conventional Weapons, which includes a protocol on the use of autonomous weapons, and has been involved in discussions at the international level on the topic. India's official stance is that it believes in responsible use of technology and the need for human involvement in the decision-making process for the use of force.

ETHICAL AND MORAL ISSUES REGARDING LAWS

Once triggered, an autonomous weapon system can choose and engage targets with lethal force without further human operator input. Future armed conflicts will benefit greatly from the use of autonomous military technologies.⁶ Even though law and ethics are fundamentally distinct, some people mistake them for one another, claiming that everything that is legal must also be ethical and everything that is illegal must also be unethical.⁷ Although they are closely related, ethics and law are not the same. The term "ethics" is used to refer to a broad range of topics, including normative concerns as well as general worries about social and cultural effects. A set of ethical standards are contained in the four Geneva Conventions and its 1949 and 1977 Additional Protocols and Regulations.⁸ By presenting three fundamental questions, many jurists contend that the ethical dimension of laws can be understood. As follows:

¹ Wg Cdr(Dr) U C Jha Killer Robots Lethal Autonomous Weapon Systems Legal, Ethical and Moral Challenges(New Delhi: Vij Books India Pvt Ltd, 2016)

² Ibid

³ Source: <https://www.mondaq.com/india/new-technology/612028/industrial-automation-and-robot-law-in-india> (Last visited on 2nd Jan, 2023)

⁴ Ibid

⁵ Source: <https://www.insightsonindia.com/science-technology/robotics/laws-of-robotics>. (Last visited on 9th Jan, 2023)

⁶ Source: <https://www.frontiersin.org/articles/10.3389/frobt.2021.744590>. (Last visited on 14th Jan, 2023)

⁷ Source: <https://link.springer.com/article/10.1007/s12369-021-00857-8> (Last visited on 9th Feb, 2023)

⁸ Ibid

1. Whether the use of autonomous weapons systems would increase the risk of armed conflict
2. Whether LAWS could adhere to IHL regulations.
3. Whether violating human dignity would result from the use of LAWS. Lethal autonomous weapon systems may be set up to patrol or keep watch over a specific region before making a lethal choice to kill a target. However, using LAWS presents a number of potential moral concerns. It should be recognised that LAWS could be held accountable for moral failings.

Before LAWS are created and used in a war, we must examine the moral questions raised by them. For the sake of upholding human morality, dignity, fairness, and the rule of law, we cannot let it to be possible for LAWS to decide whether or not to end a human life. Humans are ultimately responsible for upholding moral standards and confronting the misery of war. Finally, it is possible to state that they must maintain control over a weapon and govern its behaviour.

LAWS IN THE AMBIT OF INTERNATIONAL LAW

The use of lethal autonomous weapons systems has been questioned in the last five years by the world community in terms of its legal, technical, and ethical ramifications.⁹ The human rights council received a report from professor Christof Heyns, the UN special rapporteur on extrajudicial murders, in May 2013 that expressed numerous concerns about this new robotic technology.¹⁰ The state parties to the CCW held a discussion on legal matters six months later.

No participant state acknowledged creating LAWS during the first informal CCW meeting of LAWS specialists, which took place in Geneva from May 13 to May 16, 2014. However, a lot of them emphasised how the MHC notation might help with the autonomy problem. A few states were emphatic in saying that MHC-less weapon systems were unacceptable.¹¹

On the subject of LAWS, the Permanent Mission of India was ambivalent. The Indian delegation held the view that steps were required to prevent the growing technological divide between states in order to deter the use of military force to resolve international issues because it would result in fewer casualties on one side.¹² The Martens Clause was emphasized as a significant reference point, but it was stated that it may not be an appropriate filter for the development of new weapons that violate international humanitarian law.¹³ Since the language of this provision was created at a time when the human component in the use of force was crucial, India also questioned if article 36 evaluations of LAWS would be adequate.

⁹ Source: <https://ohrh.law.ox.ac.uk/robotic-roguery-analysing-the-legality-of-autonomous-weapons-killer-robots-vis-a-vis-principles-of-international-humanitarian-law>. (Last visited on 22nd Dec, 2022)

¹⁰ Ibid

¹¹ Source: <https://www.hrw.org/news/2021/12/01/killer-robots-negotiate-new-law-protect-humanity> (Last visited on 14th Dec, 2022)

¹² Ibid

¹³ Ibid

The British representative said that as the use of LAWS was already governed by current international law, Britain had no plans to advocate for or support a global ban on LAWS.

The Department of Defense's November 2012 memo outlines US policy on weapon system autonomy. It encompasses guided munitions as well as human and unmanned systems. The United States agreed that LAWS may create significant legal, policy, and ethical challenges in May 2013 at the Human Rights Council.¹⁴ In order to develop and employ autonomous capabilities in military systems, the US believed that a flexible and accountable framework needed to be built.¹⁵

The ICRC has expressed concern about LAWS since 2011, and it has urged the governments to carefully assess the basic legal, ethical, and societal challenges highlighted by these weapons before developing and using them.¹⁶ The ICRC said that although they may initially be deployed or controlled by a human operator, automated weapons operate in a self-contained and independent manner.¹⁷ The ICRC has voiced a variety of concerns about LAWS, particularly regarding their ability to completely abide by the IHL standards of distinction, proportionality, and attack precautions. The question of who is responsible for laws' violations of international humanitarian law is another major concern raised by the ICRC.¹⁸ The protection of armed conflict victims depends on state accountability and criminal prosecution for major IHL violations. The ICRC stated that there is no question that IHL governs the study, development, acquisition, or adoption of new weapons in armed conflict at its subsequent expert meeting in Geneva in March 2014. This obligation to conduct legal reviews is part of this statement. The design-dependent effects and intended use of LAWS must be considered while evaluating their legality.

VIOLATION OF IHRL

Lethal force can be used by autonomous weapon systems against people, which could be detrimental to a person's human rights. When there is no armed conflict, human rights law is applicable to the use of force to the exclusion of IHL and is applicable whenever force is used.¹⁹ Even in times of war or emergency, the right to life, which is a core tenet of international human rights law, cannot ever be legally abridged. Arbitrary killing is prohibited by the right to life. According to international human rights legislation, force must be used in a way that protects the rights to life and dignity, forbids torture, and treats people cruelly. The Human Rights

¹⁴ Source: <https://asc.army.mil/web/weapon-systems>(Last visited on 11th Nov, 2022)

¹⁵ Ibid

¹⁶ Source: <https://www.icrc.org/en/document/autonomous-weapons-icrc-recommends-new-rules>(Last visited on 21st Feb, 2023)

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Source: <https://www.hrw.org/report/2020/08/10/stopping-killer-robots>(Last visited on 23rd Feb, 2023)

Committee emphasises the responsibility of States to stop arbitrary killing by their security personnel in General Comment 6 of its report.²⁰

In addition to being a fundamental right in and of itself, the human person's dignity also serves as the cornerstone of fundamental rights in international law. All human rights, according to the 1993 Vienna Declaration of the World Human Rights Conference, stem from the inherent worth and dignity of the human person. LAWS signify an improvement in the quality of military technology. Future versions are anticipated to be able to locate and attack targets without the direct involvement of humans. It should be underlined that IHL, in its current form, is not enough to control how LAWS are being used more and more.

CONCLUSION

Although man has long been fascinated by automation and robots, recent advancements in data storage, the internet, design, and other fields have made widespread usage of robots practical. Many household appliances or devices used for cooking, serving, counting, or nursing patients now include robotic functions. Robotic robots are utilised in the industrial sector to complete a variety of activities that were previously performed by people. In military aircraft, if a pilot becomes disoriented, autonomous ground collision avoidance systems can assume control of a human-piloted aircraft.

The LAWS proponents firmly believe that replacing people with robots in armed warfare would not only save lives but also enhance performance.

Human rights watch claims that the lack of human oversight over robotic weapons would offset any potential benefits.

Limiting the development and use of robotic weapons is something that experts in the fields of artificial intelligence, arms control, and human rights have been calling for more and more. According to ICRC, automated methods could hasten the onset of war while diminishing people's ability to exercise good judgment. The ICRC claims that creating a fully autonomous weapon system that can apply IHL is a massive programming challenge that may be notable.

Additionally, the implementation of LAWS would mark a paradigm shift in how wars are conducted.

A new LAWS mandate was approved at the 2014 High Contracting Parties on CCW meeting in Geneva. It was followed by an unofficial gathering of specialists in April 2015 when the issues surrounding new developments in the field of lethal robots were reviewed in relation to the goals and purposes of the CCW.

²⁰ Ibid