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Autonomous Weapon Systems, Human Dignity and International Law

Daniel Robert Saxon

Autonomous Weapon Systems, Human Dignity and International Law

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For Bruce Saxon

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‘God himself ... gave a mind to the human soul. ... [H]as not human ingenuity discovered and exploited all our numerous and important techniques? And is it not this mental, this rational drive, even when it seeks satisfaction in things superfluous, nay more, in things dangerous and suicidal, a witness to the excellence of its natural endowment, ...? What marvellous, stupendous results has human industry achieved ...! Against even human beings all the many kinds of poison, weapons, engines of war!’¹

¹ Saint Augustine, *The City of God Against the Pagans*, William M. Green (trans.) (Cambridge, Massachusetts, Harvard University Press, 1972), vol. VII: Book XXII, pp. 327 – 329.

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Preface

I first turned my mind to the impact of international law on technology (and vice versa) during the 2010-2011 academic year when I was a Leverhulme Visiting Professor in the Faculty of Law at the University of Cambridge. An article by Professor Beard inspired me to commence work on an edited volume that explores the challenges posed by new technologies to compliance with international humanitarian law.

One part of that volume addressed the nascent field of autonomous weapon systems and the legality of their design and use. As the technology advances, so does the debate about the lawfulness of these weapon systems. Nevertheless, to the best of my knowledge, no monograph exists that addresses these issues. Thus, this dissertation tries to fill this gap in the academic literature and deeply explore the opportunities, tensions and contradictions that arise when human beings can delegate their responsibilities for war-fighting decisions to computer software.

This work comprises an Introduction, a typology of autonomous weapon systems, six chapters addressing the relationship between autonomous weapon systems, human dignity and international humanitarian law, international human rights law, international criminal law and the law of state responsibility, and Conclusions. It will be possible, in certain circumstances, to use autonomous weapon systems consistently with international law. Nevertheless, the following chapters demonstrate that the delegation of human responsibility for complex, value-based decisions to autonomous weapons violates human dignity and, consequently, international law.