



NARATIF BAHARU UKM
**UNIVERSITI
ATAN KITA**



MINISTRY OF EDUCATION
GENIUS DIVISION



DISARMAMENT AND INTERNATIONAL SECURITY COMMITTEE STUDY GUIDE

TOPIC I

**REGULATION AND
ACCOUNTABILITY OF
PRIVATE MILITARY
COMPANIES**

TOPIC II

**THE ISSUE OF LETHAL
AUTONOMOUS WEAPONS
SYSTEM WITH A FOCUS ON
INTERNATIONAL
REGULATION**



GMUN 2023

GENIUS MODEL UNITED NATIONS CONFERENCE



TABLE OF CONTENTS

Messages From Board of Dais	3
Introduction to Council	4
Topic 1: Regulation and Accountability of Private Military Companies	5
Key Terms	5
Major Issues and Their Status Quo	7
Historical Analysis	10
Key Current Events	11
Past Actions	13
Major Stakeholders	13
Questions A Resolution Must Answer (QARMAs)	14
References	15
Topic 2: The Issue of Lethal Autonomous Weapons System With a Focus on International Regulation	17
Key Terms	17
Historical Analysis	19
Major Issues Within the Topic	19
Status Quo	21
Major Blocs, Countries or Stakeholders Involved	22
Past Actions	22
Possible Solutions	23
Questions A Resolution Must Answer (QARMAs)	24
References	25



MESSAGES FROM BOARD OF DAIS

Wan Daniel

Chair

Hi my name is Wan Daniel but I go by Daniel, and I will be your head chair for the DISEC council in GMUN 2023. I have a rather decent amount of MUN experience and my highlight will probably be attending HAGAMUN in The Netherlands during the March of this year. This will however be my first chairing experience and the reason I wanted to chair was to help new delegates discover the open-minded and friendly MUN community as well as help kickstart their MUN career. The reason I chose the DISEC council is because I am slightly a nerd when it comes to geopolitics, warfare, and weaponry and the topics do relate to my field of interests. I am well aware that topics like this may seem complex at first glance and so I advise you to keep a 'in a nutshell' style of understanding when reading about these topics so you can better grasp the idea of them. Most importantly, don't put too much pressure on yourself as me and my very friendly co-chair, Amelia Siow will be more than happy to guide your journey. Remember... baby steps. I hope that all delegates joining this council keep an open mind while at the same time are able to defend their countries stance. If you do need any help or guidance don't be afraid to contact me at itswdaniel2006@gmail.com; I am more than happy to help. I am definitely looking forward to seeing all of you next week!!



Amelia Siow

Co-Chair

Hii! I'm Amelia and I'll be co-chairing the DISEC council for GMUN '23. I'm 16 years old at the time of writing and in my final year at Kolej GENIUS@Pintar.

I stepped a tiny curious toe into the world of MUN a while back, but began joining MUNs in 2022. I joined HAGAMUN too! I'm a passionate debater and dreamer, and the countless lessons and experience each MUN has to offer continuously draws me in for more. I've been so fortunate to have such supportive (and talented!) friends and teachers to nudge me along and drag me into wondrous opportunities that I would've never experienced otherwise. While my milestones in MUN felt like large leaps of experience - from online, to physical, to international - each helped build my confidence and taught me so much that I wasn't really left feeling breathless.

Don't shy away from this council's topics, Daniel and I are both here to keep this beginner-friendly. Serious issues regarding warfare and the safety of everyone might be intimidating, but you'll find out soon enough that they can keep discussions engaging and interesting, for everyone will have their chance to contribute their two cents. This is also my first time co-chairing, so I'm probably just about as nerve-wracked as the rest of you!

Don't hesitate to contact us if you have any questions, my email is: ameliasiw.3@gmail.com



INTRODUCTION TO COUNCIL

GENERAL INTRODUCTION

DISEC, short for the Disarmament and International Security Council, is the First Committee in the General Assembly of the United Nations, created when the charter of the United Nations was signed in 1945. This committee deals with disarmament, global challenges and threats to the peace of the international community. It seeks out solutions to the challenges in international security within the scope of the charter.¹

POWER AND COLLABORATIONS

This council works closely with the United Nations Disarmament Commission and the Geneva-based Conference on Disarmament.¹ DISEC is also an institution under UNODA, the United Nations Office for Disarmament Affairs.²

As a committee under the General Assembly, resolutions adopted by the DISEC are not legally binding. Therefore, to ensure member states are willing to implement recommendations expressed, it is important that the council adopts resolutions with the widest possible agreement. However, this council may make recommendations to the United Nations Security Council (UNSC), the only council with the potential to adopt legally binding resolutions.³

LANDMARK RESOLUTIONS

Resolution 1: “Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy”

This resolution which was adopted on 24th January 1946 in London founded the United Nations Atomic Energy Commission (UNAEC), which consisted of one member from each state represented in the UNSC and Canada.¹

Resolution 1378:

“General and complete disarmament”

This resolution, adopted on 20th November 1959, was the first resolution to be co-sponsored by all Member States in the General Assembly at the time.¹

1 - Disarmament and International Security (First Committee) <https://www.un.org/en/ga/first/>

2 - Disarmament in the General Assembly <https://disarmament.unoda.org/general-assembly/>

3 - How decisions are made in the UN <https://www.un.org/en/model-united-nations/how-decisions-are-made-un/>



TOPIC 1: REGULATION AND ACCOUNTABILITY OF PRIVATE MILITARY COMPANIES

KEY TERMS

Private Military Company (PMC)

An independent corporation that offers military services to national governments, international organisations, and substate actors. Their work ranges from running small-scale training missions to providing combat units composed of up to several hundred highly trained soldiers equipped with powerful weapons platforms, including tanks and attack helicopters¹.

Prisoner of War (POW)

Combatants who may not be subjected to prosecution by the capturing state for taking part in the conflict. In particular, they may not be tried for activities normally associated with the conflict — namely killing, inflicting grievous bodily harm, carrying firearms, and so on².

The full requirements to receive POW status can be found here. https://casebook.icrc.org/a_to_z/glossary/prisoners-war#:~:text=%E2%80%9CPrisoners%20of%20war%E2%80%9D%20are%20combatants,granted%20by%20international%20humanitarian%20law.

Geneva Convention

A series of international treaties concluded in Geneva between 1864 and 1949 for the purpose of ameliorating the effects of war on soldiers and civilians. Two additional protocols to the 1949 agreement were approved in 1977³.

International Humanitarian Law (IHL)

International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. It is also a part of international law⁴.



International Committee of the Red Cross (ICRC)

Established in 1863, the ICRC operates worldwide, helping people affected by conflict and armed violence and promoting the laws that protect victims of war. An independent and neutral organisation, its mandate stems essentially from the Geneva Conventions of 1949⁵.

Combatant

Persons with a right to directly participate in hostilities between States.

Full requirements for combatant status can be found here.

https://casebook.icrc.org/a_to_z/glossary/combatants

Civilian

In an international armed conflict, all persons who are not combatants are civilians. Persons with civilian status may not be directly targeted in attacks. Civilians who directly participate in hostilities, however, lose that protection for the duration of their participation in hostilities. In non-international armed conflicts, there is no combatant status. Members of armed groups with a continuous fighting function may be targeted like combatants⁶.

Mercenary

Article 47(2) of the 1977 Additional Protocol I defines mercenaries as any person who:

1. is specially recruited locally or abroad in order to fight in an armed conflict;
2. does, in fact, take a direct part in the hostilities;
3. is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
4. is neither a national of a party to the conflict nor a resident of territory controlled by a Party to the conflict;
5. is not a member of the armed forces of a Party to the conflict; and
6. has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.⁷

United Nations Security Council (UNSC)

The Security Council has primary responsibility for the maintenance of international peace and security. Under the Charter of the United Nations, all Member States are obligated to comply with Council decisions. Resolutions are legally binding.⁸



MAJOR ISSUES AND THEIR STATUS QUO

POW status for PMCs and their classification as a combatant or civilian

Classification as a combatant is important as it grants PMCs POW status. It also determines the treatment of PMCs during conflicts and the legality of engaging in combat with them.

Third Geneva Convention

Under Article 4 of the Third Geneva Convention there are three categories that allow classification as combatant.

The first “Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces”. If PMCs are formally incorporated into the army they will be covered by the provision. This rarely happens because it goes against the main reason PMCs are chosen, which is to avoid employer responsibilities such as benefits that members of the army will enjoy.

Second category is “Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces”. This is irrelevant for PMCs.

The third and most relevant category is

Members of other militias and members of other volunteer corps, belonging to a Party to the conflict and operating in or outside their own territory, including they fulfil the following conditions:

- Belonging to a party to the conflict
- That of being commanded by a person responsible for his subordinate
- That of having a fixed distinctive sign recognisable at a distance
- That of carrying arms openly
- That of conducting their operations in accordance with the laws and customs of war.

For the first condition, the link with the state and group of fighting is very much blurry with some finding that a mere tacit agreement is sufficient to establish this link. For the other four conditions, PMCs would qualify as combatants according to the 3rd Geneva Convention if they choose to adhere to these conditions. However, the secretive nature of PMCs make it hard to determine if they do².

Additional Protocol I

If it is argued that they do not fall within the requirements to be classified combatant in the 3rd Geneva Convention. Their eligibility for POW status under Additional Protocol 1 needs considering where the relevant provision is Article 43.



1. The armed forces of a Party to the conflict consist of all organised armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates, even if that Party is represented by a government or an authority not recognized by an adverse Party. Such armed forces shall be subject to an internal disciplinary system which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict.
2. Members of the armed forces of a Party to the conflict (other than medical personnel and chaplains ...) are combatants, that is to say, they have the right to participate directly in hostilities.
3. Whenever a Party to the conflict incorporates a paramilitary or armed law enforcement agency into its armed forces it shall so notify the other Parties to the conflict.

There is no unanimity amongst specialists in IHL of whether members of PMCs could be entitled to POW status by virtue of these provisions. Views differ on how the term ‘under a command responsible to that Party’ should be interpreted with some saying that they should be a part of the army itself while others saying that any form of responsibility is enough.

Classification of PMCs as Mercenaries

Even if PMCs could be seen as part of the ‘armed forces’ based on Additional Protocol 1 or ‘militias or volunteer corps’ based on the Third Geneva Convention they may still not be entitled to POW status by falling into the definition of a mercenary.

According to Additional Protocol 1, Article 47 defines a “mercenary” as any person who:

1. is specially recruited locally or abroad in order to fight in an armed conflict;
2. does, in fact, take a direct part in the hostilities;
3. is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party,
4. is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
5. is not a member of the armed forces of a Party to the conflict; and
6. has not been sent by a state which is not a Party to the conflict on official duty as a member of its armed force

Again the narrow definitions are a problem. “Especially recruited to fight” is not specific as PMCs can be hired to “defend” strategic military points, front lines, and military bases. These will most probably end up with PMCs engaging in the conflict due to the nature of the place

defended. “Neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict” also brings about the question if the fact that an individual is a citizen of the Party in conflict is enough to declassify them as a mercenary. The issue here is that essentially countries can hire ‘mercenaries’ not classified as mercenaries as long as they are granted citizenship.

Effects of POW status and classification on PMCs

Granting POW status to PMCs is important in determining a few things including:-

Legality of PMCs participating in hostilities

Without POW status, PMCs cannot legally participate in hostilities and may be tried for crimes committed during the hostilities such as killing, inflicting grievous bodily harm, carrying firearms, and so on.

There is also the question of whether states hiring these civilian PMCs without POW status is considered a violation of international law. Currently there are differentiating views on the matter.

Detaining PMCs

Conditions for detention of people with POW and non-POW status are different where non-POWs “shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist”. While POWs may be kept until the end of active Hostilities.

Ability to attack PMCs

If PMCs are classified as civilians they may not be attacked unless “directly participating in hostility” but there the definition of this is blurry. The ICRC commentary to this article states that.

“Direct” participation means acts of war which by their nature or purpose are likely to cause actual harm to the personnel and equipment of the enemy armed forces. It is only during such participation that a civilian loses his immunity and becomes a legitimate target.

There are differing views as to what are “likely to cause actual harm...” by different states with questions such as is studying and researching weaponry or being involved in the production of weaponry even as a simple factory worker enough to warrant an attack.



Responsibility

There is the question of who should be responsible if any war crimes are committed. Is the state hiring the PMCs at all responsible as PMCs are not actually part of the army? Is the commanding officer for the PMC responsible? Or are the individual PMCs responsible? Also there is a political willingness to try another state's nationals for activities that took place in another country which has a serious dampening effect on the enforcement of war crimes.

National Security Threat

The profit driven nature of PMCs makes it a security threat to nations that rely too heavily on them as all it takes is a better deal with the enemy to make them switch sides. Their separation from the army also allows for disagreement between them and the army or government as they are not actually a part of it.

HISTORICAL ANALYSIS

Post Cold War

PMCs weren't really significant until after the Cold War due to nations with significantly large militaries beginning downsizing, with the United States by 35%. Due to the rising conflicts in Africa during this time, demand for soldiers rose and PMCs saw this opportunity and recruited former soldiers and military specialists due to their past experiences.

The proxy wars initiated by the conflict between the United States of America and the Soviet Union during the Cold War caused instability to the developing countries affected⁹. Governments and state officials of these developing countries were highly susceptible to being victims of coup d'etats. Again, this was an opportunity for PMCs to expand their market by providing training and offensive forces to these nations that clearly require it. Minor conflicts that happen in these unstable states also contributed to the rising issue

From 1989-99, there were over 110 internal major conflicts, meaning they were considered civil wars or smaller scale-incidents. This allowed the PMC market demand to increase rapidly and the quality of services provided also improved as the soldiers gained experiences working in these environments and became experts in guerilla-warfare. This improved quality of PMC soldiers combined with the expansion of capitalism which caused privatisation of almost every sector made even stable countries with already large militaries rely on PMC services. This essentially opened an entirely new market to PMCs which before this mainly relied on smaller unstable countries. PMCs now are more popular than ever, involving themselves in almost every conflict.

Iraq War

The Iraq War saw large scale use of PMCs and popularised its use in the modern era. The private contractor that was used by the United States was Blackwater USA and that brought international attention¹⁰. This was due to a series of human rights abuses documented by the media which caused criticism towards the United States Government. PMCs employees stationed in the Abu Ghraib prison committed acts of rape, starvation, torture, and other crimes resulting in mistreatment of detainees under American control¹¹.

CACI, one of the PMSCs present at Abu Ghraib denied liability of their contractors in committing offences believing that they were under the oversight of the US military and that they did not effectively monitor the actions of these contractors. To this day due to the “grey area” legal nature of these events the Supreme Court refused to order a lawsuit and only 11 soldiers employed by the US military were prosecuted out of all members involved in the interrogations at Abu Ghraib.

KEY CURRENT EVENTS

Russo-Ukraine war¹³

The PMC, Wagner Group, has played a significant role in the Russian invasion of Ukraine with large numbers of contractors fighting on the frontlines and securing military points as well as training Russian soldiers. There are an estimated 50,000 fighters from the Wagner Group in Ukraine¹². The current chief of this PMC is Yevgeny Prigozhin, a Russian oligarch and a former close confidant of Russian president Vladimir Putin.

The key event that will be discussed relating the Wagner Group is it’s uprising starting on June 23rd with threats made by Prigozhin who accused Russian officials of deliberately shelling his forces due to remarks he made condemning the Russian’s justification of war claiming it was all made up so that the Russian generals can steal off and profit from Ukraine. He also condemned the Russian Minister of Defense for failing to provide them with necessary supplies such as ammunition and making bad retreating decisions claiming that the casualties would be much less if the Minister of Defense would have provided them the supplies and did not retreat. These videos of his statements are currently going viral on Twitter and you can watch them via these links.



Condemning Russian Officials

- <https://twitter.com/Doranimated/status/1654439791197339650?lang=en>
- <https://twitter.com/Doranimated/status/1654465840048230402?lang=en>
TW:Contains dead bodies and slight gore
- <https://twitter.com/martinkrung/status/1672187909468827650>

On the next day, June 24th Prigozhin says that his man has crossed the border of Ukraine and back into Russia. They then captured the headquarters in Rostov-on-Don and seized the city of Rostov-on-Don. Prigozhin then released another video at this headquarters. <https://twitter.com/NatalKaKyiv/status/1672504214877003776>

Putin made a televised address promising to crush Prigozhin's "armed mutiny" and accused him of treason. The televised address can be seen here. <https://edition.cnn.com/videos/world/2023/06/26/putin-speaks-out-wagner-russia-sot-cnc-vpx.cnn>

They continued their march heading to Moscow claiming to want to capture Moscow and got within 200km of it. This rebellion was halted by a deal brokered by the office of the Belarusian President Alexander Lukashenko with Prigozhin who has agreed to de-escalate the situation.

Prigozhin and his fighters vacate Rostov-on-Don and Prigozhin will now go and live in Belarus with no charges brought against him. Wagner fighters who did not participate will be offered military contracts.

Ukraine claims that this rebellion is a clear sign of weakness in the Russian defence.

This entire situation demonstrates the dangers to national security when a country relies too significantly on PMCs for their defence. This is because when there starts to be disagreement and views differ PMCs might retaliate as they are after all a separate force from the army.



PAST ACTIONS

Montreux Document

A reflection of the consensus that international law is also applicable to private military and security companies and that they do not operate in a legal vacuum. It is not legally binding¹⁴.

Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of people to self determination

The Working Group has been tasked by the United Nations Human Rights Council to study the human rights violations, in particular to the right of peoples to self-determination, committed by mercenaries and those engaged in mercenary-related activities as well as private military and security companies¹⁵.

International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

A largely unsuccessful convention which was ratified by 35 nations excluding the United States of America, United Kingdom, China, France and Russia, which maintain sizable militaries. Many countries, especially those with large militaries refused to sign the convention and thus hindered the success of it¹⁶.

MAJOR STAKEHOLDERS

Nations with large PMC involvement

These nations, mainly the United States of America, United Kingdom, China, France and Russia, regularly employ PMCs in conflicts or as members of national security Forces. There is little to no attempt to distinguish whether a contractor should be considered a mercenary when their role may imply more than support or training tasks.



The reason why nations that prioritise their military presence often utilise PMCs to such a significant degree is due to a series of benefits. Compared to state-employed soldiers or military personnel, PMC workers can be compensated with lower wages, allowing countries to employ more troops while losing fewer resources. Within issued contracts, PMC workers also lack healthcare, pensions, and other benefits due to their status. This allows governments to quickly increase the size of their militaries at will, using PMCs to fill a range of roles not considered as central forces.

Although there are also some countries with limited military who contract PMCs to help build their national defence.

Nations with Minimal PMC involvement

These are usually nations who do not prioritise the building of powerful and are majority a signatory or at least ratify to the United Nations Mercenary Convention. They do not require PMC services due to lack of participation in foreign conflicts. Additionally when assisting allied nations in military, domestic forces are typically supplied exclusively.

QUESTIONS A RESOLUTION MUST ANSWER (QARMAS)

1. Would redefining the conditions of being a mercenary help solve the legality of this issue? If not, how would we clarify the legal status of mercenaries?
2. What threats do PMCs pose to the human rights of those involved in the conflict?
3. What threats do over-reliance on PMCs pose to the national security of a certain nation?
4. What are the responsibilities for both the PMC and governmental body when PMCs are contracted by the government?
5. What are the responsibilities when PMCs are contracted by non-governmental bodies?
6. Should the United Nations prevent the proliferation of PMCs and privatisation of the military sector? If yes, what are the suitable steps to be taken?
7. What are the alternatives employed when choosing not to hire PMCs?
8. How would the actions of PMCs be monitored and regulated?
9. Should there be a legally binding regulatory framework that all existing PMCs are required to sign? What are the legal implications?
10. Considering that resolutions made by DISEC are not legally binding how would the enforcement of these regulations be ensured?



REFERENCES

1. *Private military and security companies (PMSCs)*. (n.d.). How does law protect in war? Retrieved June 30, 2023, from https://casebook.icrc.org/a_to_z/glossary/private-military-and-security-companies-pm-scs
2. *Private Military Companies under International Humanitarian Law*. (n.d.). LAPA @ Princeton. Retrieved June 30, 2023, from https://lapa.princeton.edu/conferences/military07/restricted/doswald-beck_military07.pdf
3. Shaw, M. (2023, May 19). *Geneva Conventions | International Humanitarian Law, Protections & History*. Encyclopedia Britannica. Retrieved June 30, 2023, from <https://www.britannica.com/event/Geneva-Conventions>
4. // (n.d.). // - Wiktionary. Retrieved June 30, 2023, from https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdficr
5. *Who we are*. (n.d.). International Committee of the Red Cross. Retrieved June 30, 2023, from <https://www.icrc.org/en/who-we-are>
6. *Civilians*. (n.d.). How does law protect in war? Retrieved June 30, 2023, from https://casebook.icrc.org/a_to_z/glossary/civilians
7. 倒序显示- 规则108. 雇佣兵. (n.d.). IHL Databases. Retrieved June 30, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule108>
8. *United Nations Security Council* | (n.d.). the United Nations. Retrieved June 30, 2023, from <https://www.un.org/securitycouncil/>
9. Birchall, G., Christodoulou, H., & Ridley, S. (2018, April 16). *What is a proxy war, what happened during the cold war and is there a proxy war in Syria between the US and Russia?* The Sun. Retrieved June 30, 2023, from <https://www.thesun.co.uk/news/6039358/what-is-a-proxy-war-what-happened-during-the-cold-war-and-is-there-a-proxy-war-in-syria-between-the-us-and-russia/>
10. Bruneau, T., & Straub, D. G. (2018, March 25). *Security Contractors in the Middle East: First the Americans and Now the Russians*. The National Interest. Retrieved



- June 30, 2023, from
<https://nationalinterest.org/feature/security-contractors-the-middle-east-first-the-americans-now-25066>
11. *Opinion | Will Anyone Pay for Abu Ghraib?* (2015, February 5). The New York Times. Retrieved June 30, 2023, from
<https://www.nytimes.com/2015/02/05/opinion/will-anyone-pay-for-abu-ghraib.html?r=0>
 12. Luna, N. (2023, June 23). *What is the Wagner Group? The 'brutal' Russian military unit in Ukraine*. ABC News. Retrieved June 30, 2023, from
<https://abcnews.go.com/International/International/wagner-group-brutal-russian-military-group-fighting-ukraine/story?id=96665326>
 13. Prigozhin, Y. (2023, June 24). *Timeline: How Wagner Group's revolt against Russia unfolded*. Al Jazeera. Retrieved June 30, 2023, from
<https://www.aljazeera.com/news/2023/6/24/timeline-how-wagner-groups-revolt-against-russia-unfolded>
 14. (n.d.). The Montreux Document. Retrieved June 30, 2023, from
<https://www.eda.admin.ch/eda/en/home/foreign-policy/international-law/international-humanitarian-law/private-military-security-companies/montreux-document.html>
 15. *MERCENARISM AND PRIVATE MILITARY AND SECURITY COMPANIES*. (n.d.). OHCHR. Retrieved June 30, 2023, from
<https://www.ohchr.org/sites/default/files/MercenarismandPrivateMilitarySecurityCompanies.pdf>
 16. *UNTC*. (n.d.). UNTC. Retrieved June 30, 2023, from
https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-6&chapter=18&clang=en



TOPIC 2: THE ISSUE OF LETHAL AUTONOMOUS WEAPONS SYSTEM WITH A FOCUS ON INTERNATIONAL REGULATION

TOPIC BACKGROUND

KEY TERMS

Lethal autonomous weapon systems (LAWS)	Weapons that identify a target based on sensor suites and computer algorithms, and engage the target without manual human control, commonly known as ‘killer robots’ or ‘slaughter bots’
Human operator	Commanders who make human judgement over the operation of weapons
Target profile	The classification of the world into “targets” and “non-targets” based on a set of conditions, usually commissioned to intelligence analysts to provide a detailed report of a person of interest, typically including family and relationships, criminal record details etc.
Intelligence analyst (IA)	A professional who predicts organised crime activities by gathering and evaluating information from different sources, and analyses information in order to understand, mitigate, and neutralise threats
Artificial Intelligence	perceiving, synthesising, and inferring information—demonstrated by computers. This is different from intelligence displayed by humans or by other animals
Machine learning	Using computer algorithms and statistical models to learn and adapt without following explicit instructions by analysing and drawing inferences from patterns in data



Machine vision	Using AI technologies to give industrial equipment the ability to see and analyse tasks. Classic machine vision technology can do tasks such as detecting object edges for positioning a part. AI augments classic computer vision technology with neural networks. Machine vision software will compare image data scanned with a neural network model after receiving an image.
Loitering Munitions	One-way attack drones which orbit above the battlefield until a target through an operator on the ground or automated sensors onboard the aircraft. They can also be pre-programmed to attack stationary targets.
Unmanned Aerial Vehicle (U.A.V.)	military aircraft that carries sensors, target designators, offensive ordnance or electronic transmitters. It can be guided autonomously, by remote control
Group of Governmental Experts (GGE)	Experts from 25 states who are appointed to study about issues of concern and report their findings at the UN General Assembly.
Non-Aligned Movement (NAM)	An international organisation consisting of about 125 member states who are not formally aligned with any particular major blocs.

HISTORICAL ANALYSIS

In April 2016, the Bayraktar TB2 killed its first confirmed victim during an operation against the Kurdistan Workers' Party (PKK). Since then, it has been sold to at least thirteen countries, bringing the tactic of the precision air strike to the developing world and reversing the course of several wars. The Kurdish–Turkish conflict had begun since November 1978 and is still ongoing.

In March 2020, Libya, the Kargu-2 drone reportedly caused the first kill by an autonomous weapon. The drones, made by the Turkish company STM (Savunma Teknolojileri Mühendislik ve Ticaret A.Ş.), targeted and tracked members of the Libyan National Army in the Turkish intervention of the Second Libyan Civil War. Although denied to be running autonomously at the time, these weapons were programmed to attack targets without the need for any connection with a human operator.

In 2020, in the Armenian-Azerbaijan conflict, Azerbaijan's dictatorial leader, Ilham Aliyev, used the Bayraktar TB2 to strike enemies. The drone can adjust the trajectories of its bombs and have/ The bombs it carries can adjust their trajectories in midair, with such immaculate accuracy that they can reach an infantry trench. It was developed to be able to take out the anti-aircraft systems that are designed to destroy it as well, making it a dangerously skilled asset in warfare.

In the current Russian-Ukrainian war, Moscow is using Lethal Autonomous Weapon Systems (LAWS), including the Kalashnikov ZALA Aero KUB-BLA loitering munition. When an image is uploaded to this device, it undergoes recognition and classification in-real time using artificial intelligence (AI). Meanwhile, Kyiv is using the Turkish-made Bayraktar TB2 drones that have autonomous capabilities. They were used for the destruction of Russian artillery systems and armoured vehicles. Turkey justifies their supplies with the idea of helping the honourable people of Ukraine defend their country from the illegal Russian invasions.

MAJOR ISSUES WITHIN THE TOPIC

Accountability and Ethical Aspects

Autonomy in lethal weapon systems removes and blurs the line for the necessary accountability during killings. Such as in the case of the Kargu-2 drone, it is hard for other parties to tell whether a weapon that can be used autonomously actually acted on autonomous target identification or by human control.

While the victims of crimes committed by fully autonomous weapons may try to sue the force which used the weapon, most member states' government agencies have immunity over consequences of actions taken to implement government policy goals, in this case activating the said weapon. Meanwhile, victims of acts committed due to errors in machine judgement, product design or other technological errors will still encounter obstacles to manufacturer accountability. The products liability law covers responsibility for products liable for consequences of product defect, however does not sufficiently address the autonomy of such devices which make independent determinations not explicitly instructed by the manufacturer.

The prospect of states opting to claim usage of LAWS by reinterpreting the self-defense law under Article 51 of the UN Charter must be reviewed and debated. States may attempt to justify strategic killings when targets are classified as threats or simply potential threats by the autonomous weapons. As said by the Secretary-General of the UN himself, "Human responsibility for decisions on the use of weapons systems must be retained since accountability cannot be transferred to machines."

Technical Aspects

Determining the level of autonomy in LAWS and the amount of human control required to operate LAWS should be one of the main priorities of the council. The closer one gets to the fully autonomous end, the less human presence there is in system operations, to the point where human control is not necessary for the system to carry out its intended functions. There is a huge difference between simply manoeuvring autonomously to making decisions about its actions autonomously. Some would argue that a system needs not be complex to select and attack targets. On the other hand, some argue that because robots can react to a situation far more quickly than humans can, humans are not needed because they would be unable to cancel an attack even if they want to before the robot executes the attack. Regardless, there are a lot of factors to take into consideration, such as should LAWS be allowed to react on their own based on data they acquired or should they follow a predetermined path by humans.

Legal Aspects

The most pressing question concerning legality is whether they violate the International humanitarian law, or IHL, which seeks to limit the effects of armed conflict. Critics argue that the use of LAWS would violate IHL, but others suggest existing international laws adequately cover them. On one hand, you can argue that potential IHL violations by LAWS are only possible in conflict settings. Therefore, any conflict scenario devoid of civilians' presence such as in space or deep seas, would not violate the law. On the other hand, parties such as ICRC suggest that if manufacturers cannot guarantee the weapon system will completely comply with IHL it will be unlawful no matter what. Clear delineation between the two sides of the legal argument would no doubt weaken the role of international law and



security. To prevent this, DISEC offers a forum for Member States to devise the necessary framework.

Challenges to Prohibition

Some are of the opinion that LAWS allow the robots to do the most dangerous work and help soldiers to avoid harm. Thus, allowing LAWS to be used lawfully would bring more benefits to countries that already possess the technology. Some experts believe that proper design of LAWS could reduce loss of civilian lives. However, critics noted that locations and targets of smart bombs are closer to civilians which will cause more harm to them. As an alternative to complete prohibition, some propose a moratorium on LAWS, believing that “[a] ban ignores the moral imperative to use technology to reduce the persistent atrocities and mistakes that human warfighters make.”

Issues regarding LAWS to consider:

<https://www.hrw.org/report/2015/04/09/mind-gap/lack-accountability-killer-robots>

STATUS QUO

Currently, there are no legally binding documents regarding the use and regulation of Lethal Autonomous Weapons Systems. However the establishment of the CCW’s Group of Governmental Experts of the High Contracting Parties related to emerging technologies in the area of lethal autonomous weapons systems (LAWS) is taking place in discussions and examining the ethical, legal and operational dimensions of LAWS. It is hoped that the outcomes of these discussions would be adopted by state members of the Convention on Certain Conventional Weapons (CCW) to make it legally binding as the convention itself is legally binding.

There is also international pressure by NGOs for the preemptive ban of LAWS such as the Joint NGO Statement on LAWS, the Campaign to Stop Killer Robots, and The Malley declaration which was signed by a group of AI researchers.

Member states’ opinions on whether LAWS should be regulated and how stringent those regulations should be if regulated also differ significantly. Countries with higher standards of military technology and are capable of maintaining rapid progress in the research and developments of LAWS will of course not be in favour of stringent regulations as the usage and development of LAWS will give their military a significant advantage. On the contrary, governments incapable of developing and researching LAWS will want stringent regulations or even a total ban as this will just be another sector that they lack behind.



Due to this lack of international regulatory framework it is necessary for DISEC and its member states to step in and help ensure progress is made in achieving some sort of legally-binding international framework.

Extensive details:

[https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2023\)/CCW_GGE1_2023_2_Advance_version.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2023)/CCW_GGE1_2023_2_Advance_version.pdf)

MAJOR BLOCS, COUNTRIES OR STAKEHOLDERS INVOLVED

Countries against the usage of LAWS

Countries calling for a ban since 2013:

Algeria, Argentina, Austria, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Djibouti, Ecuador, Egypt, El Salvador, Ghana, Guatemala, Holy See, Iraq, Jordan, Mexico, Morocco, Namibia, Nicaragua, Pakistan, Panama, Peru, State of Palestine, Uganda, Venezuela, and Zimbabwe.

Countries urging discussing legally binding instruments since 2018:

Austria, Brazil, and Chile and the Non-Aligned Movement (NAM), which is comprised of approximately 125 member states,

Countries against stringent regulations of LAWS

China, Israel, Russia, South Korea, the United Kingdom, and the United States are investing heavily in the development of various autonomous weapons systems. Australia, Turkey, and other countries are also making investments.

Read more:

<https://www.hrw.org/report/2020/08/10/stopping-killer-robots/country-positions-banning-full-y-autonomous-weapons-and>

PAST ACTIONS

There has not been any significant past actions that have shown results but there are current efforts that have been made such as establishing the GGE on LAWS and adopting national policies and initiatives.



POSSIBLE SOLUTIONS

Prohibiting the use of LAWS

Perhaps the best way to shut down all the debates on ethics, legality, accountability, etc, to prevent the possibility of an arm race from happening in the first place and also to prevent a future where the fundamental nature of warfare is changed for the worse and human agency becomes more detached from the decision making of the war, is to ban the use of LAWS before it is too late. Majority of the countries favoured a ban on LAWS, with a few notable exceptions being Australia and Israel. However, do take into consideration that the current geopolitical climate is not conducive to any intergovernmental agreement that limits their ability to exploit the potential of weapons that will give them a huge strategic and operational advantage over other countries.

Regulating the use of LAWS

It is entirely plausible for governments of different states to sign a legally-binding instrument or treaty to establish clear international rules to address and mitigate the problems and risks caused by LAWS. Existing international law such as international humanitarian law is insufficient because it is designed to be implemented by humans, not machines.

The treaty should preferably include, but are not limited to, the following elements:

Meaningful Human Control

Most of the problems associated with LAWS are largely attributable to the lack of human control. Therefore, it is vital for humans to play a role in the use of force. Experts have identified numerous components of meaningful human control which can be divided into three categories:

- **Decision-making components** give humans the information and ability to make decisions about whether the use of force complies with law and ethics. For example, a human operator should understand what the system might identify as target and have sufficient time for deliberation
- **Technological components** are features that enhance meaningful human control. For example, the ability of the system to relay information to a human operator, and the ability of a human to intervene after activation of the system.
- **Operational components** limit when and where LAWS can operate and what it can target. For example, constraining the size of the geographic area of operation.



Prohibitions

LAWS that select and engage targets and by their nature—rather than by the manner of their use, are dangerous and unpredictable. You can consider banning development, production, and use of LAWS that selects and engages targets without meaningful human control, such as LAWS that operate through machine learning. The prohibitions could be extended to other LAWS that select and engage targets through certain types of data—such as weight, heat, or sound—to represent people.

Positive Obligations

Some LAWS have the potential to be used without meaningful human control, such as those that use sensor processing. You may establish requirements and criteria to ensure that human control over these systems is meaningful.

Creating an oversight body

It is technically possible to establish an international body to oversee the implementation of the treaty and ensure that every member adheres to the international law. Have an annual/biannual or any other time frame meeting discussing the advancements in LAWS and redetermining if the current regulations are still suitable. Changes to the rules can be proposed and made during these meetings if all members sign and agree.

QUESTIONS A RESOLUTION MUST ANSWER (QARMAS)

1. What are the risks if LAWS gets too advanced?
2. What is the possibility of setting up an international organisation for the sole purpose of regulating the use of LAWS as well as help in building in regulatory frameworks for specific states similar to that of the International Atomic Energy Agency?
3. Who should have full control of LAWS? Should it be limited to legitimate governments? Is it possible to contain LAWS possession to any one group of people?
4. If errors occur in the process of using LAWS and damage is inflicted, who should be responsible for it?
5. Should we establish a set of rules for LAWS in warfare like those set in the Geneva Convention? How do we determine which LAWS should be used and which should not?
6. What are the possible dangers of LAWS espionage? How would states protect themselves from this espionage?
7. How can we prevent hackers and terrorists from hacking into LAWS? What are the repercussions for damage inflicted by outside hackers or terrorists? Who is responsible for the repair of damages?
8. How to ensure that the regulations of LAWS keep up with its rapid advancements?



REFERENCES

// (n.d.). // - Wiktionary. Retrieved June 30, 2023, from

[https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/037/72/PDF/N2103772.pdf?](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/037/72/PDF/N2103772.pdf?OpenElement)

[OpenElement](#)

All drone strikes 'in self-defence' should go before Security Council, argues independent rights expert. (2020, July 9). UN News. Retrieved June 30, 2023, from

<https://news.un.org/en/story/2020/07/1068041>

Applying arms-control frameworks to autonomous weapons | Brookings. (2021, October 5).

Brookings Institution. Retrieved June 30, 2023, from

<https://www.brookings.edu/articles/applying-arms-control-frameworks-to-autonomous-weapons/>

Applying arms-control frameworks to autonomous weapons | Brookings. (2021, October 5).

Brookings Institution. Retrieved June 30, 2023, from

<https://www.brookings.edu/articles/applying-arms-control-frameworks-to-autonomous-weapons/>

Bagirova, N. (2022, May 30). *Exclusive: After Ukraine, 'whole world' is a customer for*

Turkish drone, maker says. Reuters. Retrieved June 30, 2023, from

<https://www.reuters.com/business/aerospace-defense/exclusive-after-ukraine-whole-world-is-customer-turkish-drone-maker-says-2022-05-30/>

Burns, E. (n.d.). *What is artificial intelligence (AI)? - AI definition and how it works.*

TechTarget. Retrieved June 30, 2023, from

<https://www.techtarget.com/searchenterpriseai/definition/AI-Artificial-Intelligence>

Burns, E. (n.d.). *What is artificial intelligence (AI)? - AI definition and how it works.*

TechTarget. Retrieved June 30, 2023, from

<https://www.techtarget.com/searchenterpriseai/definition/AI-Artificial-Intelligence>

Convention on Certain Conventional Weapons -Group of Governmental Experts on Lethal

Autonomous Weapons Systems (2023) | United Nations. (n.d.). UNODA Meetings

Place. Retrieved June 30, 2023, from

<https://meetings.unoda.org/ccw-/convention-on-certain-conventional-weapons-group-of-governmental-experts-on-lethal-autonomous-weapons-systems-2023>

Docherty, B. (2020, June 1). *The Need for and Elements of a New Treaty on Fully*

Autonomous Weapons. Human Rights Watch. Retrieved June 30, 2023, from

<https://www.hrw.org/news/2020/06/01/need-and-elements-new-treaty-fully-autonomous-weapons>

Educating about Lethal Autonomous Weapons. (n.d.). Future of Life Institute. Retrieved June

30, 2023, from <https://futureoflife.org/project/lethal-autonomous-weapons-systems/>

Gayle, D. (2019, March 29). *UK, US and Russia among those opposing killer robot ban.* The

Guardian. Retrieved June 30, 2023, from

<https://www.theguardian.com/science/2019/mar/29/uk-us-russia-opposing-killer-robot-ban-un-ai>

Gettinger, D. (2023, June 5). *One way attack: How loitering munitions are shaping conflicts.*

Bulletin of the Atomic Scientists. Retrieved June 30, 2023, from

<https://thebulletin.org/2023/06/one-way-attack-how-loitering-munitions-are-shaping-conflicts/>

Gettinger, D., & Michel, A. H. (2017, February 10). *Loitering Munitions* | *Center for the Study of the Drone*. Center for the Study of the Drone. Retrieved June 30, 2023, from <https://dronecenter.bard.edu/files/2017/02/CSD-Loitering-Munitions.pdf>

Group of Governmental Experts – UNODA. (n.d.). UNODA. Retrieved June 30, 2023, from <https://disarmament.unoda.org/group-of-governmental-experts/>

Intelligence Analyst job description - Workable. (n.d.). Workable resources. Retrieved June 30, 2023, from <https://resources.workable.com/intelligence-analyst-job-description/>

Intelligence Analyst Overview | FBIJOBS. (n.d.). FBI Jobs. Retrieved June 30, 2023, from <https://fbijobs.gov/intelligence-analysts>

Kallenborn, Z. (2022, March 15). *Russia may have used a killer robot in Ukraine. Now what?* Bulletin of the Atomic Scientists. Retrieved June 30, 2023, from https://thebulletin.org/2022/03/russia-may-have-used-a-killer-robot-in-ukraine-now-what/?utm_source=Newsletter&utm_medium=Email&utm_campaign=ThursdayNewsletter03172022&utm_content=DisruptiveTechnologies_KillerRobotInUkraine_03152022

Mind the Gap: The Lack of Accountability for Killer Robots | *HRW*. (2015, April 9). Human Rights Watch. Retrieved June 30, 2023, from <https://www.hrw.org/report/2015/04/09/mind-gap/lack-accountability-killer-robots>

Møller, M. (2019, March 25). *Secretary-General's message to Meeting of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems* | *United Nations Secretary-General*. the United Nations. Retrieved June 30, 2023, from



<https://www.un.org/sg/en/content/sg/statement/2019-03-25/secretary-generals-message-meeting-of-the-group-of-governmental-experts-emerging-technologies-the-area-of-lethal-autonomous-weapons-systems>

Nasu, H. (2021, June 10). *The Kargu-2 Autonomous Attack Drone: Legal & Ethical Dimensions*. Lieber Institute West Point. Retrieved June 30, 2023, from <https://lieber.westpoint.edu/kargu-2-autonomous-attack-drone-legal-ethical/>

Rešlová, P. (2023, June 28). *Libya, The Use of Lethal Autonomous Weapon Systems | How does law protect in war? - Online casebook*. How does law protect in war? Retrieved June 30, 2023, from <https://casebook.icrc.org/case-study/libya-use-lethal-autonomous-weapon-systems>

Sayler, K. M. (2023, May 15). *Defense Primer: U.S. Policy on Lethal Autonomous Weapon Systems*. CRS Reports. Retrieved June 30, 2023, from <https://crsreports.congress.gov/product/pdf/IF/IF11150>

Stark, B. (2021, August 16). *Intelligence Target Packs and Intelligence Profiles (Plus Templates You Can Download)*. Intelligence101. Retrieved June 30, 2023, from <https://www.intelligence101.com/intelligence-target-packs/>

Stopping Killer Robots: Country Positions on Banning Fully Autonomous Weapons and Retaining Human Control | HRW. (2020, August 10). Human Rights Watch. Retrieved June 30, 2023, from <https://www.hrw.org/report/2020/08/10/stopping-killer-robots/country-positions-banning-fully-autonomous-weapons-and>

Stop the “Stop the Killer Robot” Debate: Why We Need Artificial Intelligence in Future Battlefields. (2022, June 21). Council on Foreign Relations. Retrieved June 30, 2023,

from

<https://www.cfr.org/blog/stop-stop-killer-robot-debate-why-we-need-artificial-intelligence-future-battlefields>

Target profiles. (n.d.). Article 36. Retrieved June 30, 2023, from

<https://article36.org/wp-content/uploads/2019/08/Target-profiles.pdf>

Trager, R. F., & Luca, L. M. (2022, May 11). *Killer Robots Are Here—and We Need to Regulate Them.* Foreign Policy. Retrieved June 30, 2023, from

<https://foreignpolicy.com/2022/05/11/killer-robots-lethal-autonomous-weapons-systems-ukraine-libya-regulation/>

United Nations Groups of Governmental Experts (GGE). (n.d.). Nuclear Threat Initiative.

Retrieved June 30, 2023, from

<https://www.nti.org/education-center/treaties-and-regimes/united-nations-groups-governmental-experts/>

Vincent, J., & Zhang, L. (2017, September 4). *Putin says the nation that leads in AI 'will be the ruler of the world'.* The Verge. Retrieved June 30, 2023, from

<https://www.theverge.com/2017/9/4/16251226/russia-ai-putin-rule-the-world>

What Is Machine Vision? (n.d.). Intel. Retrieved June 30, 2023, from

<https://www.intel.com/content/www/us/en/manufacturing/what-is-machine-vision.htm>

!

What you need to know about autonomous weapons. (2022, July 26). International

Committee of the Red Cross. Retrieved June 30, 2023, from

<https://www.icrc.org/en/document/what-you-need-know-about-autonomous-weapons>



Witt, S. (2022, May 9). *The Turkish Drone That Changed the Nature of Warfare*. The New Yorker. Retrieved June 30, 2023, from

<https://www.newyorker.com/magazine/2022/05/16/the-turkish-drone-that-changed-the-nature-of-warfare>



Beyond Borders: Bridging the Divide

Contact us on:



<https://gmun.my>



genmodelun@gmail.com



@gmun_23



@GMUN2023



GMUN 2023

GENIUS MODEL UNITED NATIONS CONFERENCE