

AWS Policy for DoD and USG



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Opening Disclaimer

- New Administration – As always, any and all policies are subject to review and revision**
 - No particular information suggesting a change in the approach to autonomous weapon systems or to DoDD 3000.09
- Note the continuity in approach and policy from 2012 to present, from the Obama Administration through the Trump Administration**



BLUF - Autonomous Wpn Sys (AWS)

- ❑ AWS **are permitted**, but subjected to more scrutiny
- ❑ DoDD 3000.09 is **focused on the human role** selecting targets and deciding to engage targets, not the control technology or methodology
- ❑ Operational **Context is Key**: Like any weapon, a given AWS may be appropriate for use in one operational environment and context but not another



DoDD 3000.09 – Foundation of AWS Policy

- ❑ **DoDD 3000.09 is the foundation of DoD (and USG) policy on Autonomous Weapon Systems (AWS)**
 - Goal is to minimize the probability and consequences of failures in AWS that could lead to unintended engagements.
 - Requires that systems be designed to allow commanders and operators to exercise appropriate levels of human judgement over the use of force.
 - Requires that those who authorize, direct, or operate autonomous weapon systems do so with appropriate care and in accordance with the law of war, applicable treaties, weapon system safety rules, and applicable rules of engagement (ROE).

- ❑ **Requires additional case-by-case Sr-level approval before formal development and again before fielding**
 - Ensures development and fielding responsibly with appropriate oversight
 - Holistic review that includes operational context

AWS are permitted, but they are subject to more scrutiny



Operational Context is Key

- ❑ **Technical and operational challenges facing AWS vary widely across different domains and operational contexts**
 - Major combat operations in the air or maritime domains pose a different, less complicated, challenge than COIN operations in an urban, densely-populated environment
 - Temporal, spatial, and warhead/effector controls could facilitate appropriate use of AWS

Like any weapon, a given AWS may be appropriate for use in one operational environment and context, but not in another



BLUF – Int’l Discussions on Lethal Autonomous Weapon Systems (LAWS)

- USG Objective – preserve ability to develop and use LAWS responsibly without new legal restrictions**
 - Law of War already provides a robust framework for regulating weapons and conflict
- NGO threats to negotiate a stand-alone treaty, akin to landmines and cluster munitions, not yet realized**
 - If they could do this, they probably would already have done it
- The “guiding principles” from the LAWS GGE constitute progress and should be further developed**



International Talks – CCW and GGE

- ❑ **NGOs and concerned states prompted int'l talks on LAWS starting in 2014 (GGE format starting in 2017)**
- ❑ **NGOs regularly threaten to negotiate a stand-alone treaty outside CCW, as for landmines and cluster munitions**
 - The credibility/validity of these threats is an open question – if they could make this happen, they would have done it already
- ❑ **Overarching USG Objective:** Preserve ability to develop and use LAWS responsibly without additional (new) legal restrictions
 - This does not preclude elaborating how IHL (Law of War) requirements would specifically impact development and use of LAWS.
- ❑ **USG Objectives in LAWS GGE**
 1. Keep the discussion in the CCW
 2. Reduce public concerns about “killer robots” and promote understanding of how emerging tech could advance humanitarian interests (i.e. LAWS could be better weapons)
 3. Promote greater understanding for how IHL/Law of War already provides a robust framework for regulating weapons and conflict



LAWS GGE and the “Ban” Campaign

- ❑ **Advocates for a “Ban” treaty are led by Austria, Brazil, and Chile – most “ban” supporters are from the NAM (with the “Campaign to Stop Killer Robots” supporting and agitating)**
- ❑ **Germany has pushed for a “political declaration” on LAWS**
- ❑ **Many States would like to support “doing something”**
- ❑ **As with all other elements of work and life...COVID-19 significantly affected the GGE’s 2020 program of work and imposes significant uncertainty for 2021 scheduling**
 - **Elaborating on the applicability of IHL and existing regulations may blunt push for a Ban treaty**
 - **Virtual meetings have been rejected (including, and most forcefully, by “ban” advocates and Russia)**
 - **It is difficult to predict when face-to-face meetings in Geneva, with experts flown in from capitals, will again be possible**
 - **Backlog of work on many topics, not only LAWS, competing for space and time at the UN facilities in Geneva**



LAWS GGE – Guiding Principles

CCW affirmed that int'l law, esp. the UN Charter and IHL, and relevant ethical perspectives, should guide the GGE; and:

- IHL continues to apply fully to all weapons systems, including LAWS;
- Humans are responsible for weapon-use decisions - accountability can't transferred to machines.
- Human-machine interaction should ensure that the use of LAWS complies with applicable int'l law. Operational context and the characteristics/capabilities of the weapon, should be considered;
- Accountability for developing, deploying and using any LAWS must be ensured in accordance with applicable international law;
- Importance of weapons reviews to assess the legality of any new weapon, means or method of warfare under international law;
- States should consider physical security, non-physical safeguards (e.g. cyber-security), the risk of proliferation or acquisition by terrorist groups when developing or acquiring LAWS;
- Risk assessments and mitigation measures should be part of the design, development, testing and deployment cycle of any weapon;
- Consideration should be given to the use of LAWS in upholding compliance with IHL and other applicable international legal obligations;
- LAWS should not be anthropomorphized;
- International deliberations and potential policy measures should not hamper progress in, or access to, peaceful uses of intelligent autonomous technologies;
- CCW is an appropriate framework for dealing with the issue of LAWS