

THE RT HON BARONESS GOLDIE DL
MINISTER OF STATE IN THE HOUSE OF LORDS

MSU/4/8/2/3/ap

25 March 2021

Dear Lord Browne,

During Committee stage of the Overseas Operations (Service Personnel and Veterans) Bill on 11 March, you moved an amendment for a provision in the Bill relating to future technologies. Your intervention and the subsequent debate raised several questions which I will attempt to answer in this letter.

Let me begin by reassuring you that, pursuant to Article 36 of Protocol 1 Additional to the Geneva Conventions of 12 August 1949, the UK legally reviews all new weapons or means or methods of warfare to ensure that their employment is not prohibited by the Geneva Conventions or any other rule of international law applicable to the UK. However, these legal reviews contain classified information and are therefore not published.

Next, I will turn to artificial intelligence and autonomous weapons where I need to be very clear upfront: UK has no intention of developing systems that could operate without any human control. We envisage that human judgement and agency will always be critical to any decision to employ military capabilities, and operators of such weapons, just like with any other weapon, will have an obligation to comply with domestic and international law.

In your speech, you described in eloquent detail your understanding of the history of UK's definitions of autonomous weapons and you accurately quoted Ministry of Defence's (MOD) position on a number of occasions. As your speech made clear, this is a very complex and technical subject matter, and I note that you have welcomed the fact the UK has accepted NATO's latest definitions of "autonomous" and "autonomy".

With respect to the term "Lethal Autonomous Weapons Systems", or LAWS: I should clarify that, contrary to Lord Clement-Jones's statement "*that we subscribe to the common NATO definition of LAWS*", there is, at present, no consistent use of the term. Some parties use it to refer to weapon systems that operate without meaningful human control; others use it to refer to weapons which operate with some degree of autonomy. The definition of such a system is therefore both technically complicated and highly subjective. The MOD does not have an operative definition of LAWS and there is similarly no international agreement on the definition or characteristics of LAWS.

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We are, however, working with like-minded partners to shape international legal, ethical and moral norms for the appropriate development and use of new and emerging technology generally. This is both to ensure future collaboration and interoperability, and to ensure we uphold the values and standards of the societies that we represent. The UK is a founder member of the US-led AI Partnership for Defence, created to “provide values-based global leadership in defense (sic) for policies and approaches in adopting AI.” The UK is also a prominent voice at discussions of this issue at the UN Convention on Certain Conventional Weapons (CCW) Group of Governmental Experts (GGE) on LAWS, an international forum which brings together expertise from states, industry, academia and civil society.

You also mentioned the Defence AI Strategy and I know that you have many questions about it, not least what the strategy is designed to achieve. It would be premature for me to talk about the details of this strategy while we are continuing our work to finalise the drafting of it, which follows on from the Integrated Review and Defence Command paper. You will be pleased to hear that we are aiming to publish in the summer and there will no doubt be time to debate it in detail then.

You raised some very valid questions around whether operators of drones (which we tend to refer to as Unmanned Aerial Vehicles, or UAVs) in the UK would also benefit from the protections we are introducing in the Overseas Operations Bill. We absolutely recognise the difficulties that UAV operators face when they are engaged in an overseas operation but are operating from the UK. This predominantly relates to operators of the Reaper aircraft. The RAF actively manages the tasking of Reaper Force crews to ensure that crew workloads are manageable, sustainable and balanced against the operational demand for Reaper output. Their working hours are managed closely to ensure that they have time for rest and recuperation within their shift cycle. We monitor personnel extremely closely for the risk of psychological harm and it is worth noting that the rates of Post-Traumatic Stress Disorder among Reaper crews are no higher than the general service population. Nonetheless, the RAF Stress Management and Resilience Training Team has delivered stress awareness briefs to units operating UAVs, to give personnel awareness of the subject and make them aware of the wide range of assistance and treatment that is available.

When we were developing the policy intent for the Bill, we considered very carefully those flying UAVs in an overseas operation but from within the UK. We determined that, although UK-based UAV pilots would be considered to be part of an overseas operation, it could not be said that they would be at risk of personal attack or violence (or face the threat of attack or violence), as would be the case for an individual deployed in the theatre of operations. Nor would the difficulties of recording decisions and retaining evidence be the same as when deployed within the theatre of an overseas operation. We therefore determined that personnel in these roles should not be within the scope of this Bill. It is important to recognise that this decision is not limited only to UAV pilots. There may be others, in future, who participate in an overseas operation remotely, like cyber operators, to whom these measures would equally not apply.

In conclusion, as you will have seen from the recent publication of the Integrated Review and the Defence Command Paper, new technologies are integral to the future of UK Defence. Any new technology will be fully compatible with domestic and international law. When this technology is used by service personnel deployed on an overseas operation, they will be covered by the Bill, but it is important to make a distinction between those that are deployed in a high threat environment, and those that aren't, due to the very different operating conditions.

I hope that this has answered your questions and that you are able to support the Bill without tabling this amendment again at Report stage.

As requested, I am copying this letter to Lord Clement-Jones and Lord Houghton of Richmond, and I am placing a copy of this letter in the Library of the House.

*Yours sincerely,
Annabel Su. Goldie*

BARONESS GOLDIE DL