



### Global Threat of Lethal Autonomous Weapon Systems (LAWS) and the Recent UN Resolution

- Vishwajeet Deshmukh (V B.A.LL.B.)

Since no commonly agreed definition exists, autonomous weapons can be broadly defined as the weaponry systems which can search for, detect, or identify, and attack, damage, or destroy targets without human intervention. The legal complications of such systems arise because they may fail to distinguish between combatants and civilians, as required under international law. LAWS exist in the form of defence mechanisms such as antipersonnel mines, which blast automatically after being triggered. The use of drones equipped with artificial intelligence (AI) is also raising concerns about potential misuse in autonomous warfare. Though IHL applies to autonomous weapons, the world lacks a comprehensive binding instrument to regulate LAWS. They often fall into three categories based on the level of human involvement:

- Directly-operated: Human intervention is required to trigger and operate the weapon;
- Human-supervised: A human

oversees the weapon system and can authorize or intervene in its operation; and

- Autonomous: The weapon system can independently select targets and attack without human input.

In 2013, parties to the Convention on Certain Conventional Weapons (CCW) formed informal meetings of experts to discuss developments in such weapon systems and to assist in the formulation of terms and regulations related to LAWS. In its 2023 report, the Group of Governmental Experts (GGE) on LAWS emphasized the need for States to comply with international humanitarian law when developing and deploying such weapons. Apart from presenting proposals, they have recommended that States limit the use of LAWS to specific durations and target types to uphold these legal requirements.

On December 22, 2023, the UN General Assembly passed a resolution to acknowledge the serious threat of the development of certain weapons which function autonomously and are AI-powered as well. It is the first such resolution on LAWS. It has become imperative to analyze its

### News at a Glance

South Africa addressed the International Court of Justice in a bid to end the mass killing of civilians in Gaza, accusing Israel of carrying out genocide against Palestinians there – a claim that Israel has denied as "baseless." For more information, see [here](#).

The UN Security Council met for briefings on the worsening situation across the Middle East, looking first at threats of forced displacement from Gaza and then the escalating conflict in and around the Red Sea. For more information, see [here](#).

The Security Council has adopted a resolution on the ongoing crisis in Gaza, with 13 votes in favour, and the US and Russia abstaining. The resolution, among other points, demands immediate, safe and unhindered delivery of humanitarian assistance at scale directly to the Palestinian civilian population throughout the Gaza Strip. For more information, see [here](#).



humanitarian, legal, and ethical perspectives. The [resolution](#) received overwhelming support, with 154 countries backing it, while 11 abstained and only 4 - India, Russia, Mali, and Belarus - voted against it. Such vast support shows that States are in support of forming future regulations.

#### Highlights of the Resolution:

- The resolution rightly stresses growing concern regarding the deployment of autonomous weapons. Autonomous weapons can be highly unpredictable and are prone to get into the hands of terrorists through the black market, and can be used to harm particular genders, races, ethnicities, or members of a religion.
- The resolution has clarified that International Humanitarian Law (IHL) applies fully to LAWS. Parties to conflict are bound by the core principles of IHL such as the rules of distinction, proportionality, and precautions in attack.
- Since 2018, UN Secretary-General António Guterres has been pressing the need to ban autonomous weapons. The stance has been reiterated in the resolution by the

recommending member States to come up with a legally binding instrument on LAWS.

This UNGA resolution is the first formal step towards addressing autonomous weapons. Overwhelming support shows that it is the right time to start taking steps towards forming a comprehensive regulation which will or, at least, should ban certain full-fledged autonomous weapons.

Generally, except in matters of budget and procedure, UNGA resolutions are non-binding and constitute soft law. While the current resolution does not create binding obligations per se, it decisively affirms the application of IHL to LAWS, reinforcing existing obligations. This recognition of the need to establish future treaty/conventions, coupled with the resolution's potential to influence IHL interpretation, may act as a deterrent in the use of autonomous weapons.

#### [News at a Glance](#)

The UN High Commissioner for Refugees welcomed a key deal by members of the European Union (EU) to overhaul their joint migration system, which promises a fresh and unified approach to dealing with asylum claims. For more information, see [here](#).

The U.S. announced the unsealing of war crimes charges in the Eastern District of Virginia against four Russian military officers for their conduct concerning a U.S. civilian national in the context of the Russian invasion of Ukraine in February 2022. For more information, see [here](#).

Human Rights Watch released its 2024 World Report detailing the state of global human rights. The report's central theme was that "transactional diplomacy" undermined global human rights institutions and enabled autocrats to worsen violations. For more information, see [here](#).



### Cyberspace Sovereignty: Can International Law Fence in the Digital Frontier?

- Amol Gupta (V B.A.LL.B.)

Cyberspace, once envisioned as a utopian borderless haven, has morphed into a complex battleground for control. Sovereignty, the very bedrock of international law, traditionally rests on the pillar of territorial exclusivity. States exercise supreme authority within their physical boundaries, but cyberspace laughs at such rigid distinctions. Data flows like a digital river, ignoring borders and mocking attempts to dam its flow. This poses a fundamental challenge: can the rigid framework of international law be applied to the fluid, boundless expanse of cyberspace?

Establishing jurisdiction in cyberspace is an intricate maze. Unlike physical crimes confined to a specific locality, cybercrimes often traverse numerous jurisdictions as data hops across servers and continents. This "source attribution" puzzle becomes further complicated by the anonymity afforded by the internet, making it challenging to pinpoint the perpetrators and hold them accountable under the

territorial laws of a single nation.

On the one hand, international law has begun its hesitant foray into this digital Wild West. The Tallinn Manual 2.0 outlines non-binding norms for cyber warfare, prohibiting attacks against critical infrastructure and civilians. Treaties like the Budapest Convention on Cybercrime offer frameworks for cross-border cooperation in fighting online crime. Yet, these efforts are piecemeal, lacking the teeth to truly govern the complexities of cyberspace. Imagine a cyberattack on a critical infrastructure, like a power grid, originating from botnets scattered across multiple countries. The malware may have been coded in Russia, hosted on servers in Germany, and launched from compromised devices in the United States. Unravelling this web of international actors and applying relevant national laws becomes a logistical and legal nightmare.

The Budapest Convention, while a valiant first step, is demonstrably inadequate for modern cyber warfare. Its focus on traditional crimes like hacking and data theft overlooks the increasingly sophisticated landscape of State-

### News at a Glance

The UN Security Council adopted resolution 2722, condemning attacks by Yemen's Houthi rebels and demanding "an immediate halt on all attacks on merchants and commercial vessels in the Red Sea." Since November 2023, Houthi rebels have launched over a dozen attacks on commercial shipping in the Red Sea as a sign of support for Gaza amid Israel's war in the region and declared their intention to target ships associated with Israel. For more information, see [here](#).

The Taiwan Ministry of National Defense announced that it had activated the air threat warning system following after Chinese rockets launching satellites reportedly passed through its airspace. For more information, see [here](#).



sponsored cyberattacks, disinformation campaigns, and weaponized malware. Additionally, the treaty's reliance on voluntary cooperation between States could be more effective when dealing with rogue actors or nations with conflicting interests.

Two contrasting visions clash within this nascent legal landscape. States like China advocate for "cyber sovereignty," emphasizing centralized control and national firewalls. This approach raises concerns about censorship, human rights violations, and a fractured internet. On the other hand, many champion a multistakeholder approach, where governments, industry, and civil society collaborate to develop norms and principles. This model promises inclusivity and respect for human rights, but the lack of a central authority raises concerns about effectiveness and accountability.

This clash reflects the fundamental tension between control and freedom in cyberspace. Proponents of cyber sovereignty, epitomised by China's Great Firewall, see it as a shield against cyberattacks, data breaches, and foreign influence. They argue for

national firewalls that restrict data flow and empower governments to monitor online activity. While this may enhance national security, it often comes at the cost of censorship, stifling dissent, and impeding the free flow of information. Additionally, such fragmentation poses a threat to the internet's interconnectedness, potentially creating walled-off digital nations that hinder global collaboration and innovation.

Conversely, the multistakeholder approach prioritizes inclusivity and transparency, where diverse voices shape policy and ensure respect for human rights online. But its strength lies in its heterogeneity, which can also become its Achilles' heel. Reaching consensus among disparate stakeholders can be arduous, potentially leading to slow progress and inadequate responses to rapid technological advancements. Furthermore, the lack of a central authority poses challenges in enforcing agreed-upon norms and holding violators accountable.

The path to a stable and just cyberspace order remains obscured. States must shed outdated notions of territorial control and embrace the inherent

### News at a Glance

Canada, the United Kingdom, Sweden and Ukraine have collectively initiated dispute settlement proceedings against the Iran before the International Civil Aviation Organization, alleging the use of weapons against passenger flight PS752. For more information, see [here](#).

TRIAL International informed that Ousman Sonko, a former Gambian Minister of Interior, will be tried by the Swiss Federal Criminal Court (FCC) in Bellinzona on January 8, 2024. The former minister will be tried for crimes against humanity committed by him under ousted Gambian dictator. For more information, see [here](#).

The Chinese Foreign Ministry announced that China intends to impose sanctions on five US defence manufacturers over recent US arms sales to Taiwan. This is the latest in a series of retaliatory measures to the US State Department's approval of an estimated \$300M in foreign military and arms sales to Taiwan, disclosed in December. For more information, see [here](#).



borderlessness of the digital world. International law needs a paradigm shift, moving from ad-hoc interventions to a comprehensive framework that addresses issues like data privacy, online hate speech, and cyber war. This demands collaboration, not confrontation, with stakeholders across the globe, ensuring that the internet remains a platform for innovation and human connection, not a battleground for digital hegemony. Navigating this new legal frontier requires a paradigm shift. A comprehensive international framework is needed, to address attribution, jurisdiction, and accountability for cybercrimes. This framework should foster greater cooperation between States, empower law enforcement agencies to tackle cross-border cybercrime and prioritize the protection of critical infrastructure and vulnerable populations.

This digital future is being shaped in large part by the legal community. We cannot build a cyberspace ruled by values other than freedom, justice, and the rule of law, lacking international cooperation and a readiness to adapt. It is not predetermined how international law will define the boundaries of the digital world.

We, the defenders of justice and the law, must pen the next chapter in this ongoing tale. Lawyers and policymakers must advocate for robust international treaties, innovative investigative techniques, and a commitment to upholding human rights in the digital realm. Only through collective action and a steadfast commitment to justice can we create a cyberspace where borders do not become havens for criminal activity, but rather bridges to a collaborative and secure digital future. Will we create a shared virtual environment that showcases humanity's best qualities or a digital dystopia? We get to make the decision.

### **Blood Beyond Boundaries: Targeted Killings under International Law**

- Anuradha Lawankar (II B.A.LL.B.)

The recent Israeli drone strike in Beirut, reportedly killing Deputy Hamas chief Saleh al-Arouri, indicates a potential expansion of the Hamas-Israel conflict. The first targeted assassination of a Hamas official outside the Palestinian Territories since October 7 2023 occurred in Dahiyeh, a Hezbollah stronghold. While Israel has not

### **News at a Glance**

Several Rohingya refugees in Sri Lanka protested outside the UN refugee agency's office this week due to the announced closure of its Sri Lanka office at the end of 2024. The refugees also submitted an appeal to the UN High Commissioner for Refugees, calling for the agency not to abandon them without arranging permanent solutions. For more information, see [here](#).

UN Secretary-General officially closed the Special Tribunal for Lebanon. It was established in response to the 2005 attack in Beirut that killed former PM Hariri, operated as an international tribunal under UN Security Council Resolution 1757. For more information, see [here](#).



confirmed responsibility, the aftermath saw Hamas denouncing it as a "terrorist act."

The global discourse surrounding targeted killings in the fight against transnational terrorism has sparked intense debate probing the legality of such actions under international law. Defined by the intentional use of lethal force against specific individuals beyond the perpetrator's physical custody, targeted killings have become a focal point in counter-terrorism discussions.

The legality of targeted killings is at the crux of a profound debate revolving around two primary legal frameworks: international human rights law (IHRL) and international humanitarian law (IHL). Detractors often categorize these actions as extra-judicial executions, advocating for an IHRL-based approach that underscores the paramount importance of individual rights. Conversely, proponents argue that targeted killings constitute legitimate acts of war, falling within the purview of IHL applicable to armed conflicts.

Under IHRL, the legality of a State's killing is contingent on its necessity to preserve life, render

proportionate lethal force, and the absence of alternative means to prevent a perceived threat to life, such as capture or non-lethal incapacitation. The proportionality requirement delimits the acceptable level of force based on the threat posed by the suspect, while the necessity requirement mandates the reduction of the use of force, regardless of proportion, through measures such as warnings, restraints, and capture.

As a result, deliberate, premeditated and deliberate targeted killings by law enforcement officers, with killing as the sole objective, are considered illegal under IHRL. Contrary to misconceptions, IHRL does not compel States to choose between allowing harm and authorizing lethal force; instead, it obligates States to use "due diligence" to protect the right to life of individuals, allowing deadly force only when strictly and directly necessary to save life. Sovereignty concerns arise when targeted killings are carried out in the territory of other States.

According to Article 2(4) of the UN Charter, States are prohibited from using force in the territory of another State. In such cases, the

### Upcoming Activities

The American Society of International Law's International Refugee Law Interest Group's (IRLIG) tenth annual International Refugee Law Student Writing Competition

Papers may address any topic related to international law and refugees, stateless persons, internally displaced persons (IDPs), and/or forced displacement. The deadline for submissions is 4 February 2024. For more information, see [here](#).

Journal of Liberty and International Affairs (Vol. 10, No. 1, 2024)

The journal is now receiving papers for its next 2024 issue (Vol. 10, No. 1, 2024). It welcomes submissions from political sciences, international relations, international law, and related fields. Papers that develop theoretical arguments or offer strong empirical evidence as either comparative or single-case studies are welcome. The deadline for paper submissions is 25 January 2024. For more information, see [here](#).



determination of whether a State violates another's sovereignty is governed by the law applicable to the use of inter-state force, while the legality of the specific killing is subject to principles of IHL and/or IHRL.

In the context of armed conflicts, the legality of targeted killings hinges on the recognition of the individuals targeted as combatants. Additionally, the killing must be a military necessity and the use of force must be proportionate. However, this determination becomes exceptionally challenging, particularly in non-international armed conflicts. Navigating this intricate scenario necessitates a mixed model that incorporates elements of IHRL and IHL, acknowledging the dynamic nature of modern conflicts.

There are two prominent case studies — the Israeli policy of targeted killings and the US attack on suspected members of al-Qaeda in Yemen. In both instances, the States vehemently assert the legitimacy of their actions based on self-defence in response to imminent threats. The critical question that lingers is: whether these justifications align more

closely with human rights norms or the laws governing armed conflict?

The evolution of targeted killings in the United States, particularly the 2010 Al-Awlaji v. Obama case, reflects the complex interplay between sovereign power and the legitimization of violence. The Al-Awlaji case marked a turning point where the US government, using the Authorization for Use of Military Force (AUMF) and principles of self-defence, targeted and killed an American citizen affiliated with al-Qaeda. This evolution represents a continuing refinement of the US approach, similar to the nuanced interpretation seen in the Israeli Supreme Court's 2006 ruling on targeted killings.

Both cases underscore the complexities of State-sanctioned violence, raising questions about the inherent tension between accountability, transparency, security measures, and the protection of individual rights.

The recent Israeli drone strike in Beirut reignited the legal debate surrounding such actions, prompting closer scrutiny regarding compliance with international human rights

### Upcoming Activities

2024 Public International Law Lecture Series: The International Law Commission – Progress and Process

The 2024 Opening Lecture of the Public International Law Lecture Series, entitled 'The International Law Commission: Progress and Process' will take place on 29 January 2024 at 6 pm GMT. For more information, see [here](#).

Call for Submissions: The Canadian Yearbook of International Law

The CYIL legal journal is inviting submissions of articles, notes and comments that advance critical thinking in all areas of public or private international law. Submissions for each annual volume are encouraged by 31 January, although submissions may be considered at any time as the CYIL has a rolling acceptance policy and publishes online throughout the year until each annual volume is filled. For more information, see [here](#).



standards and humanitarian law. The absence of a universally accepted definition and the use of different legal frameworks emphasize the need for a comprehensive and adaptive approach.

The inherent disagreement over the applicable legal regime for targeted killings underscores the imperative for a comprehensive framework that bridges the gap between international human rights law and international humanitarian law. Striking a delicate balance that upholds individual rights while acknowledging the harsh realities of modern warfare emerges as paramount.

### Temporary Protection in Global Refugee Crises: Need for Formalisation and Universal Standards

- Pritesh Shende (IV B.A.LL.B.)

The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol are pivotal legal documents governing refugee protection. However, neither the convention nor the protocol deals with a mass influx of refugees across international borders. The

mass influx is a phenomenon where a large number of displaced people from a country or a region arrive in another country, crossing international borders.

To deal with such situations, Temporary Protection (TP) has emerged as an emergency measure in state practice. It involves granting membership to a group collectively instead of adhering to the requirements of the 1951 convention of individually examining each application. Moreover, it involves the repatriation of refugees after the end of the crisis. The implementation of TP by the European Union and its positive impacts on the lives of displaced Ukrainian refugees is a contemporary example highlighting the importance of TP measures.

TP is widely in practice but is not formalised by any authoritative international instrument. It is mainly governed by documents issued by the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) which are non-binding. The status and standards of treatment to be given to beneficiaries under TP are largely

### Upcoming Activities

Call for Papers: International Conference on Comparative Law – A Story of Convergences, Divergences and Exploitation of Liminal Spaces

The VIT-AP School of Law (VSL), VIT-AP University Andhra Pradesh, India together with Birmingham School of Law, Birmingham University are jointly organising this conference on 15 - 17 February 2024 in hybrid mode. The conference is to explore the comparative law aspects of Commercial Law, Legal Theory and Methodology, Public Policy, Constitutional Law, and Criminal Law. For more information, see [here](#).



unsettled and at the discretion of host States. In 1999, a mass displacement of Kosovo Albanian refugees was seen. It was observed that due to a lack of clarity regarding the status and standard of treatment, rights granted to refugees also varied widely. Some host countries like the UK and Sweden allowed the right to work, schooling, family reunification, and social assistance. On the other hand, Australia restricted the freedom of movement to living in refugee camps and some basic rights such as the right to work were denied. In a more recent event, the European Union members granted TP to the refugees from Ukraine while denying entry to the refugees from the Syrian conflict. Such situations make individuals highly vulnerable, denying them standard rights as granted under the 1951 convention.

Although TP is an emergency provision, its application should not hinder the protection of refugee rights which is the purpose of the convention. The codification of the documents issued by the Executive Committee of the UNHCR into a formal agreement by the countries, by taking into account the international human rights law and social, economic and cultural

assurances of the 1951 convention, can be the first step towards bringing uniformity internationally.

### China's Rare Earth Ban & how it Holds the Key to the Global Future Tech

- Saurabh Patil (V B.A.LL.B.)

Chinese (PRC) foreign policy has always been known for upholding its communist values and the nation's integrity while participating in international affairs, foreshadowing its indirect intent to keep high-tech advantages within the country and to grip the global manufacturing sector. The Chinese ban on the export of rare earth magnet technologies following the previously imposed ban over the supply and processing (refining) of rare earth minerals for national security and public interest has raised some serious concerns.

China, enriched with valuable natural resources, possesses the world's largest reserve of rare earth minerals and the technology used for processing mineral ores, which are typically used to fabricate semi-conductors, telecommunication equipment, clean energy, healthcare, and magnets used in

### Upcoming Activities

Online Certificate Course on International Law and the United Nations System

The Online Certificate on International Law and the UN System offers a unique opportunity for both students wanting to pursue a career in international law or international relations, and professionals working in international and regional organizations as well as governmental and non-governmental institutions, to expand their knowledge on international law, multilateral diplomacy and the United Nations system. For more information, see [here](#).



electronic vehicle motors. China processes almost 90% of the world's rare earth minerals, establishing its virtual market monopoly in the refining process of ores. This is followed by public opinion and multiple warnings issued by the Chinese government.

The ban could lead to environmentally unsustainable practices in countries heavily reliant on Chinese rare earth minerals, as they might resort to less stringent environmental regulations for domestic production. China does have exclusivity of technology used for the refinement process which could lead to potential supply chain issues and scarcity in the supply of raw materials used in manufacturing semiconductors.

China previously suspended exports of rare earths to Japan in 2010 for two years after tension over the Senaku Islands, which Beijing also claims. Japan and the Netherlands join the US in restricting China's access to materials for semiconductor technology. A Dutch company, Advanced Semiconductor Materials Lithography (ASML) monopolizes key advanced chip-making tools. The US has been

working on preventing ASML from exporting chip-making devices to China. The US, Japan, and the Netherlands imposed sanctions on China in early 2023, by restricting the export of technology, to prevent China from getting its hands on semiconductor technology.

Due to the need for China's semiconductor industry to build better products, the US ban on Huawei in 2016, and its restriction from working with other US companies, China was in dire need of fabricating their homegrown chips with Dutch equipment. The US' move was criticized as strategic intentional sabotage of Huawei and the Chinese semiconductor industry over national security concerns because Chinese national intelligence law dictates that organizations must support, cooperate with, and collaborate in national intelligence work, meaning Huawei and other Chinese companies may be legally obliged to help the Chinese government, raising serious concerns over data privacy.

Since the US ban was imposed, China faced further backlash for the genocide against Uyghurs and the abuse of its workforce. This

### Upcoming Activities

South Africa v. Israel before the ICJ: Genocide and Provisional Measures

This webinar on 17 January 2023 will analyse the current case brought by South Africa against Israel, titled Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel). The discussion will include the different stages of proceedings before the ICJ, the range of provisional measure the ICJ could indicate, as well as a discussion over whether the requirements of the Genocide Convention with its specific genocidal intent are met. Speakers include Professor Markus Wagner, Professor Adil Haque, Juliette McIntyre, and Professor Yuval Shany. For more information, see [here](#).



lead the European Union, Canada, the UK, and Japan to impose restrictions on China by banning Huawei 5G gear due to Huawei's involvement with the Chinese government.

Meanwhile, nations were unable to decide how to maintain a balance between Huawei and US sanctions. In 2020, the US announced the launch of "the clean network" for 5G deployment, an initiative agreed by 60 countries that would aim to set global standards and encourage transparent security practices and data privacy as a direct step to counter Chinese tech firms.

Now the Chinese rare earth ban might look crucial in terms of 'numbers' but there are substantial global reserves of rare earths outside of China, including 16% in Vietnam, 15% in Brazil, 5% in India, and 3% in Australia, which amounts to nearly half of the world's supply. These are the US' allies. China's ban on the export of rare earth materials will have a long-lasting effect on the technology industry and might cause supply chain disruption. Industries that rely on these vital minerals may experience price hikes and shortages in supplies, which would

raise the cost of manufacturing everything from wind turbines to electric vehicles. Timelines for development and production might come to an abrupt halt, which might result in job losses and could cause irreversible damage to the economy and the environment. This ban could have a significant knock-on effect, necessitating quick thinking and coordinated action to identify alternative sources and reduce the risk of technological tremors.

## Upcoming Activities

(Posthuman) Feminist approaches to International Environmental Law and the Rights of Nature

Join Sustainable Global Economic Law (SCEL) at the University of Amsterdam on 22 January at 15:30 CET for a hybrid feminist conversation with Dr Emily Jones, Professor Hilary Charlesworth and Dr Margaretha Wewerinke-Singh. They will be discussing International Environmental Law and the Rights of Nature from (posthuman) feminist perspectives, with a focus on Dr Jones' recently published book, 'Feminist Theory and International Law.' For more information, see [here](#).

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