



**ZENITH**

**MARMARAMUN'26**

# **UNGA-6:LEGAL**

## **Agenda Item**

**Clarifying and Strengthening the Principles of Jus in Bello  
in the Face of New Warfare Technologies**

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*Strive For Perfection*

*10<sup>th</sup> Anniversary*

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## 1. Letters from the Secretariat & Committee Board

### 1.1. Secretariat

Dear Participants,

On behalf of the Secretariat and Organization Team, it is my great pleasure to welcome you to MarmaraMUN'26 Zenith. Following last year's pursuit of perfection, we now gather at the Zenith, the highest point, symbolizing our collective ambition in the 10th year anniversary of MarmaraMUN Society. As the Secretary General of the MarmaraMUN'26 Zenith and the Club President of the MarmaraMUN Society I am very pleased to host you at our university'

Zenith means the highest point, it comes from astronomy, where it describes the highest point in an arc traveled by a star or a planet or another celestial body. The sun reaches its Zenith when it is as high in the sky as it is going to go on that day. MarmaraMUN always represent the highest point, now we are putting a milestone for the MUN Community. You will gain experience from the best of the business in our country, almost every single one of our board members have secretariat experiences and they contributed to the community for years. This statement also goes for our organization team and its members. You will debate, meet qualified people and of course, have fun.

Our carefully selected committees and agendas promise an exceptional academic experience. I invite you to speak with courage, think openly, and engage with respect. Every single individual present in the conference is hand-picked from 1500+ applicants, so make it count and use the opportunity wisely. At the end of the day MarmaraMUN'26 Zenith is where ideas rise, friendships form, and legacies begin.

Welcome to MarmaraMUN'26 Zenith and be prepared to strive for perfection.

Sincerely,

Korcan Musa KARAŞAHİN

Secretary General of MarmaraMUN'26 Zenith

## 1.2. Letter from the Committee Board

Distinguished delegates, we would like to express our enthusiasm and excitement for being able to chair the United Nations General Assembly Sixth Committee-Legal Committee (UNGA-6), in the upcoming Marmara University's Model United Nations Conference (MARMARAMUN'26). We welcome you all and hope that you'll have a remarkable Model United Nations experience.

We believe that Model United Nations (MUN) is a platform for self-progress and development. It will open the doors for you to learn about and discuss contemporary issues from around the globe. We highly advise you to embrace yourselves within this remarkable experience.

We have put together this Study Guide, which we hope you will take the time to read. The Committee will open the discussion for one Agenda item, which will be "Clarifying and Strengthening the Principles of Jus in Bello in the Face of New Warfare Technologies".

This agenda will touch upon the core issues and critical points of the United Nations structure. This committee will transfer you to another scope of discussion, in which you will act as the pioneers of change and the leaders of the future. The United Nations has long served the universe in regards to different contemporary issues, however the world of yesterday is far different than the world of today.

We highly expect from you to champion this agenda and delve into fruitful debates and discussion that serve the ultimate aim of the committee. We, however, are not expecting you to understand and consider every aspect of the agenda item, but merely to produce an overview of the most important questions that might arise and possible solutions to these situations. Don't hesitate in contacting us through [sabamadhoun3@gmail.com](mailto:sabamadhoun3@gmail.com) if any questions arise in your mind.

Good luck delegates!

-UNGA-6 Committee Board

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## **2. Introduction**

### 2.1. Introduction to committee: UNGA-6 LEGAL

The Legal Committee, the sixth committee of the United Nations General Assembly, is the primary space for the UN to discuss legal matters. As one of the six main committees of the General Assembly, it is highly significant for the improvement, codification, and gradual change of international law.

The Sixth Committee is established up of all 193 UN member states. It is a universal and inclusive space where states may have discussions about complex legal matters that affect the international system. UNGA-6 varies from other committees because it concentrates solely on matters of law, such as how to interpret laws and establish rules that all states must comply with.

The committee's work is closely linked to that of the International Law Commission (ILC), which was established in 1947 to promote the gradual evolution and codification of international law. The ILC publishes draft articles and legal studies, but the Sixth Committee is where Member States discuss, debate, and, potentially, turn these drafts into legally enforceable international conventions.

The scope of UNGA-6 is broad and encompasses a wide range of legal domains, including:

- The law of treaties
- State responsibility
- International criminal law
- Immunities of states and international organizations
- Measures to eliminate international terrorism
- The rule of law at the national and international levels

In fulfilling its mandate, the committee contributes to making international relations more stable and predictable. Even though its outputs, which are often draft resolutions or conventions, aren't legally binding, they still affect how states and international actors act.

It is important to note that the Sixth Committee does not have the power to enforce rules as the United Nations Security Council does. Instead, it has authority over setting norms, which means shaping the legal rules and frameworks that govern how countries operate. Due to this, its work depends heavily on building a standard, negotiating diplomatically, and finding

common ground between different legal systems and national interests. As global challenges evolve rapidly, especially when it comes to new technologies in warfare, the role of UNGA-6 has become more and more important. Innovations like artificial intelligence, cyber capabilities, and autonomous weapons systems are currently placing legal frameworks that were made after World War II to the test. The Sixth Committee is at the forefront of the struggle to make sure that international law stays relevant, effective, and able to deal with the issues of the present day.

## 2.2. Introduction to Agenda Item: Clarifying and Strengthening the Principles of Jus in Bello in the Face of New Warfare Technologies.

The agenda item, “Clarifying and Strengthening the Principles of Jus in Bello in the Face of New Warfare Technologies,” addresses a fundamental challenge in international law: adapting humanitarian legal principles to modern warfare.

Jus in Bello, a core component of international humanitarian law (IHL), governs conduct during armed conflict. It is distinct from Jus ad Bellum, which regulates the legality of the use of force.

The legal foundations of Jus in Bello are primarily found in the Geneva Conventions and their Additional Protocols, which establish key principles such as distinction, proportionality, and necessity. These principles aim to limit the humanitarian consequences of war by protecting civilians and restricting methods of warfare.

However, the nature of warfare has evolved significantly in the 21st century. Modern conflicts increasingly involve:

- Autonomous weapons systems
- Artificial intelligence in targeting
- Cyber warfare
- Drone operations

These developments challenge traditional legal frameworks. For example, AI systems may struggle to apply the principle of distinction due to limitations in contextual understanding. Similarly, proportionality assessments become complex when decisions are made through algorithmic processes.

A critical issue is accountability. International law assumes human decision-making; however, when autonomous systems operate independently, determining responsibility becomes unclear.

Additionally, the speed and scale of technological warfare, particularly in cyber operations, can outpace legal oversight mechanisms, making enforcement difficult.

International discussions, including those under the Convention on Certain Conventional Weapons, reflect growing concern but also significant disagreement among states. Some advocate for bans on autonomous weapons, while others prefer regulation.

This agenda item, therefore, seeks to bridge the gap between existing legal frameworks and emerging technological realities, ensuring that humanitarian principles remain applicable and effective in future conflicts.

### 3. Historical Background

#### 3.1. The evolution of international humanitarian law

International law is the body of rules, principles and norms that govern the legal relations among sovereign states, international organisations and, increasingly, individuals and non-state actors. It operates across a range of subject-areas—such as the use of force, human rights, trade, the environment and the conduct of hostilities—and derives its authority from treaties, customary practice, general principles of law and judicial decisions. The portion of international law that regulates the conduct of war is known as international humanitarian law (or *ius in bello*), which limits the means and methods of warfare and protects persons who are not or are no longer taking part in hostilities<sup>1</sup>.

International law distinguishes between *jus ad bellum* (the right to resort to force) and *jus in bello* (the rules governing conduct once armed conflict has begun), a separation that is essential for preserving humanitarian protections<sup>2</sup>. Its sources are codified in multilateral treaties—e.g., the Geneva Conventions and their 1977 Additional Protocols—while many of its norms have attained the status of customary international law, binding on all states regardless of ratification<sup>3</sup>.

The roots of international humanitarian law can be traced to the scope of early customs, religious teachings, and philosophical ideas that aimed at imposing moral restrictions upon warfare and conflict. Although the formal categorisation of international humanitarian law began in the 19th century, its roots stand today as a major intellectual starting point of human efforts in regulating and understanding conflict.

International humanitarian law (IHL) did not arise from a seamless historical line but rather emerged in distinct phases. 19th-century humanitarian impulses—sparked by Henry Dunant's reaction to Solferino and the 1864 Geneva Convention for wounded soldiers—provided the

<sup>1</sup> Alexander, A. & The Author. (2015). A short history of international humanitarian law [Journal-article]. *The European Journal of International Law*, 26–26(1), 109–138. <https://doi.org/10.1093/ejil/chv002>

<sup>2</sup> Corn, G. S. (n.d.-b). Self-defense Targeting: Blurring the Line between the Jus ad Bellum and the Jus in Bello. *International Law Studies - Volume 88*.

<sup>3</sup> Alexander, A. & The Author. (2015). A short history of international humanitarian law [Journal-article]. *The European Journal of International Law*, 26–26(1), 109–138. <https://doi.org/10.1093/ejil/chv002>

first codified rules of war<sup>4</sup>. Subsequent instruments, such as the 1907 Hague Conventions and the 1949 Geneva Conventions, expanded protection for prisoners, civilians and occupied territories<sup>5</sup>.

Despite these treaties, the label “international humanitarian law” itself was absent until the 1970s, when a coalition of states, the International Committee of the Red Cross (ICRC) and human-rights activists deliberately coined the term to denote a new, humanitarian-focused field of *jus in bello*<sup>6</sup>. The 1977 Additional Protocols to the Geneva Conventions crystallised this vision, embedding principles such as distinction and proportionality, yet their status remained contested for two decades<sup>7</sup>.

The 1990s saw a rapid shift: the end of the Cold War, the Gulf War and the rise of NGOs (e.g., Amnesty International, HRW) accelerated acceptance of the Protocols as customary law and cemented a humanitarian interpretation of *ius in bello*. By the early 21st century, IHL had become the dominant legal regime governing armed conflict, intertwined with human-rights norms and shaped by a diverse cast of actors—including states, the ICRC, human-rights organisations and academic scholars—who collectively forged its contemporary form<sup>8</sup>.

International humanitarian law (IHL) separates into the discussion scope of different sectors:

1. **Jus ad bellum vs. jus in bello**: which further negotiates the right to use force (*ad bellum*), and the rules adopted under conflict (*in bello*); blurring the lines between both may result in legal confusion and decreased levels of civilian protection.<sup>9</sup>
2. **International vs. non-international armed conflicts**: IHL plays a pivotal role in managing legal triggers within these categories. The Geneva convention (1949) originally addresses state-to-state conflicts, while Additional Protocol I extend the scope of obligations towards internal conflicts.<sup>10</sup>
3. **Geneva (conventional) vs. Hague (customary) traditions**: Geneva law concentrates on humanitarian protections, whereas Hague law traditionally regulates means and methods of warfare; scholars have long distinguished “customary” Hague law from “conventional” Geneva law<sup>11</sup>.

<sup>4</sup> Alexander, A. & The Author. (2015). A short history of international humanitarian law [Journal-article]. *The European Journal of International Law*, 26–26(1), 109–138. <https://doi.org/10.1093/ejil/chv002>

<sup>5</sup> Alexander, A. & The Author. (2015). A short history of international humanitarian law [Journal-article]. *The European Journal of International Law*, 26–26(1), 109–138. <https://doi.org/10.1093/ejil/chv002>

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Corn, G. S. (n.d.-b). Self-defense Targeting: Blurring the Line between the *Jus ad Bellum* and the *Jus in Bello*. *International Law Studies - Volume 88*.

<sup>10</sup> Ndi, G. K., Law Research Group & PGR Leader, & The Law School, University of Huddersfield. (2018). International Regulation of Armed Conflicts: „*Jus in bello*“ in an age of increasingly asymmetric and hybrid warfare. In *GSTF Journal of Law and Social Sciences (JLSS): Vol. Vol.7* (Issue No.1). [http://doi.org/10.5176/2251-2853\\_7.1.113](http://doi.org/10.5176/2251-2853_7.1.113)

<sup>11</sup> Alexander, A. & The Author. (2015). A short history of international humanitarian law [Journal-article]. *The European Journal of International Law*, 26–26(1), 109–138. <https://doi.org/10.1093/ejil/chv002>

4. **Humanitarian law vs. broader “laws of war”:** although the terms are sometimes used interchangeably, humanitarian law specifically embodies the humanitarian principles of distinction, proportionality and humanity, while the broader laws of war also encompass military-necessity considerations<sup>12</sup>.
5. **Treaty-based vs. customary law:** the 1977 Additional Protocols codified many humanitarian principles, yet their status remained contested until the 1990s when they were widely accepted as customary international law<sup>13</sup>.
6. **Human-rights law vs. IHL:** IHL governs conduct in armed conflict, whereas international human-rights law regulates state behaviour in peacetime and low-intensity hostilities; the two regimes operate in parallel but are distinct<sup>14</sup>.

### 3.2. Treaties forming IHL

Core treaty instruments that together form the framework of International Humanitarian Law (IHL)

- 1864 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field – the first codified humanitarian rule of war.<sup>15</sup>
- 1906 Geneva Convention (Amended 1907) on the Amelioration of the Condition of Wounded, Sick and Ship-wrecked Members of Armed Forces at Sea – extended protections to naval personnel.<sup>16</sup>
- 1907 Hague Conventions (including the Hague Convention for the Pacific Settlement of International Disputes) – established rules on the means and methods of warfare and the conduct of hostilities.<sup>17</sup>
- The Four 1949 Geneva Conventions – (I) Wounded and sick in the field, (II) Wounded, sick and ship-wrecked at sea, (III) Prisoners of war, (IV) Protection of civilian persons in time of war.<sup>18</sup>
- Additional Protocol I (1977) to the Geneva Conventions – expands protection in international armed conflicts, codifying principles such as distinction, proportionality and precaution.<sup>19</sup>

<sup>12</sup> Alexander, A. & The Author. (2015). A short history of international humanitarian law [Journal-article]. *The European Journal of International Law*, 26–26(1), 109–138. <https://doi.org/10.1093/ejil/chv002>

<sup>13</sup> Ibid

<sup>14</sup> Ndi, G. K., Law Research Group & PGR Leader, & The Law School, University of Huddersfield. (2018). International Regulation of Armed Conflicts: „Jus in bello“ in an age of increasingly asymmetric and hybrid warfare. In *GSTF Journal of Law and Social Sciences (JLSS): Vol. Vol.7 (Issue No.1)*. [http://doi.org/10.5176/2251-2853\\_7.1.113](http://doi.org/10.5176/2251-2853_7.1.113)

<sup>15</sup> Alexander, A. & The Author. (2015). A short history of international humanitarian law [Journal-article]. *The European Journal of International Law*, 26–26(1), 109–138. <https://doi.org/10.1093/ejil/chv002>

<sup>16</sup> Alexander, A. & The Author. (2015). A short history of international humanitarian law [Journal-article]. *The European Journal of International Law*, 26–26(1), 109–138. <https://doi.org/10.1093/ejil/chv002>

<sup>17</sup> Alexander, A. & The Author. (2015). A short history of international humanitarian law [Journal-article]. *The European Journal of International Law*, 26–26(1), 109–138. <https://doi.org/10.1093/ejil/chv002>

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

- Additional Protocol II (1977) to the Geneva Conventions – applies similar humanitarian protections to non-international (internal) armed conflicts.<sup>20</sup>

These treaties, together with their commentaries, constitute the primary treaty-based corpus of IHL; many of their provisions have also acquired the status of customary international law, binding on all states regardless of ratification.

### **3.3. The development of Jus in Bello principles**

Jus in bello—the “law of war” that governs the conduct of hostilities—emerged from the medieval law of nations and the early-modern laws of war that accepted the belligerent’s right to use any force necessary to achieve victory<sup>21</sup>.

The first systematic codifications appeared in the 1864 Geneva Convention (protection of wounded soldiers) and were expanded by the 1907 Hague Conventions, which introduced rules on means and methods of warfare<sup>22</sup>. After the World Wars, the 1949 Geneva Conventions and the 1977 Additional Protocol I (international conflicts) and Protocol II (non-international conflicts) crystallised humanitarian principles such as distinction, proportionality and precaution, many of which later acquired customary status<sup>23</sup>.

Jus ad bellum—the “law governing the resort to force”—has its roots in the natural-law tradition of just war and the sovereign right of self-defence. Classical theory linked the legitimacy of war to a just cause, right authority and proportionality, a framework later incorporated into the UN Charter’s prohibition on the use of force and its exception for self-defence<sup>24</sup>. Modern scholarship stresses that jus ad bellum operates autonomously from jus in bello, regulating only the decision to use force (necessity and proportionality at the strategic level) while leaving the regulation of combat operations to the separate in-bello regime<sup>25</sup>.

### **3.4. Jus in Bello principles**

The International Conventions contain a multitude of rules which specify the obligations of states in very precise terms, but this is not the whole story. Behind these rules are a number of principles which inspire the entire substance of the documents. Sometimes we find them expressly stated in the Conventions, some of them are clearly implied and some derive from customary law.<sup>26</sup>

#### **1. The principle of distinction**

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> *Fundamentals of IHL | How does law protect in war?* - Online casebook. (n.d.).

[https://casebook.icrc.org/law/fundamentals-ihl#d\\_iii](https://casebook.icrc.org/law/fundamentals-ihl#d_iii)

The principle of distinction is one of the oldest principles and a cornerstone of international humanitarian law (IHL). The International Court of Justice considers it a ‘cardinal’ and ‘intransgressible’ principle that forms part of the ‘fabric’ of IHL.<sup>27</sup>

In which it primarily provides a clear classification upon the distinction amongst militants and civilians, further intensifying the notion in which attacks must be carried at only legitimate military targets, ensuring the protection of civilians from any direct harm.

## **2. The principle of proportionality**

The principle of proportionality in international law operates as one of the most significant constraints on the exercise of power by states, international organizations, and other actors within the international legal system. At its core, it requires that legal measures—whether coercive, regulatory, or military—must not exceed what is justified by a legitimate objective.<sup>28</sup>

Although it is simplified in literature by defining it as restricting the usage of force, prohibiting attacks that may cause civilian casualties with relevance to the anticipated military advantage. The principle is considered one of the most complicated dimensions of IHL especially in contemporary warfare nature since it requires careful analysis and assessment tools of interest and proportional responses.

The doctrinal complexity of the principle lies in its multiple formulations. In international humanitarian law, proportionality governs the conduct of hostilities by prohibiting attacks expected to cause excessive incidental civilian harm in relation to the anticipated military advantage (Additional Protocol I, 1977).<sup>29</sup>

## **3. The principal of military**

“Every injury done to the enemy, even though permitted by the rules, is excusable only so far as it is absolutely necessary; everything beyond that is criminal.” – Napoleon<sup>30</sup>. The principal of military necessity prohibits things such as wounding or permanently injuring an opponent except during the fight, torture to exact confessions and other activities simply used to inflict additional damage on the enemy that does not further the military objective. The Liber Code defines the prohibited activity as, “in general, ... any act of hostility that make the return to peace unnecessarily difficult.”<sup>31</sup> It principle further illustrates the importance of justification and undertaking military actions during conflict, restraining arbitrary or excessive use of force.

<sup>27</sup> ICJ, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1996, paras 78–79

<sup>28</sup> Santos, E. A. (2026, March 21). The principle of proportionality in international law. *Diplomacy and Law*. <https://www.diplomacyandlaw.com/post/the-principle-of-proportionality-in-international-law>

<sup>29</sup> Santos, E. A. (2026b, March 21). The principle of proportionality in international law. *Diplomacy and Law*. <https://www.diplomacyandlaw.com/post/the-principle-of-proportionality-in-international-law>

<sup>30</sup> *he Law of Armed Conflict, International Humanitarian Law in War*, by Gary D. Solis, Cambridge University Press; 1st Edition (February 15, 2010), Page 258.

<sup>31</sup> *4 basic principles*. (2017, January 1). The Law of Armed Conflict (LOAC). <https://loacblog.com/loac-basics/4-basic-principles/>

Further information must also extend to cover the "Lieber Instructions" represent the first attempt to codify the laws of war. They were prepared during the American Civil War by Francis Lieber, then a professor of Columbia College in New York, revised by a board of officers and promulgated by President Lincoln.<sup>32</sup> Although they were binding only on the forces of the United States, they correspond to a great extent to the laws and customs of war existing at that time. The "Lieber Instructions" strongly influenced the further codification of the laws of war and the adoption of similar regulations by other states. They formed the origin of the project of an international convention on the laws of war presented to the Brussels Conference in 1874 and stimulated the adoption of the Hague Conventions on land warfare of 1899 and 1907.<sup>33</sup>

#### 4. The principle of humanity

“It is prohibited to employ weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.”<sup>34</sup>

It prohibits the use of weapons or warfare machines that can cause avoidable suffering. This principal underpins many prohibitions within international humanitarian law, including bans on certain types of weapons.

It is firmly embedded in treaty laws, particularly within Geneva convention, which establishes protection for wounded soldiers, prisoners of war, and civilians during conflict. The best example is article 35(2) of additional protocol I which explicitly prohibits weapons and methods of warfare that causes unnecessary suffering. This principle led to the development of certain weapons prohibitions under International Law, including Chemical Weapons Convention.<sup>35</sup> The Convention aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties. States Parties, in turn, must take the steps necessary to enforce that prohibition in respect of persons (natural or legal) within their jurisdiction.<sup>36</sup>

#### 3.5.Key events and timeline

<sup>32</sup> *Instructions for the government of Armies of the United States in the field (Lieber Code)*. (1863). [Legal document]. <https://ihl-databases.icrc.org/assets/treaties/110-IHL-L-Code-EN.pdf>

<sup>33</sup> *Instructions for the government of Armies of the United States in the field (Lieber Code)*. (1863). [Legal document]. <https://ihl-databases.icrc.org/assets/treaties/110-IHL-L-Code-EN.pdf>

<sup>34</sup> *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, [Article 35.2](#).

<sup>35</sup> *Chemical Weapons Convention*. (n.d.). OPCW. <https://www.opcw.org/chemical-weapons-convention>

<sup>36</sup> *Chemical Weapons Convention*. (n.d.). OPCW. <https://www.opcw.org/chemical-weapons-convention>

Year	Event	Significance
1864	First Geneva Convention	Established the first formal rules protecting wounded soldiers in war
1899–1907	Hague Conventions	Regulated methods and means of warfare, including weapons
1914–1918	World War I	Exposed limitations of early humanitarian laws
1939–1945	World War II	Led to a major expansion of humanitarian protections
1945	Establishment of the United Nations	Created a global framework for peace, security, and law
1949	Geneva Conventions adopted	Formed the foundation of modern international humanitarian law
1977	Additional Protocols	Expanded protections to civilians and internal conflicts
1998	Rome Statute	Established the International Criminal Court
21st Century	Rise of AI, cyber warfare, and autonomous weapons	Introduced new challenges to existing legal frameworks

#### 4. Contemporary Use of Advanced Military Technologies

##### 4.1. Cyber Operations and the Principle of Distinction

Article 48 of Additional Protocol I requires the parties to a conflict to “at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly direct their operations only against military objectives.”<sup>37</sup> In doing so, it restates the customary law principle of distinction, which has been labelled by the International Court of Justice as one of two “cardinal” principles of IHL (the other being the

<sup>37</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts art. 48, June 8, 1977, 1125 U.N.T.S. 3 [hereinafter AP I].

prohibition of unnecessary suffering).<sup>38</sup> It is incontrovertible that the principle applies to cyber operations conducted during an armed conflict.<sup>39</sup>

The devil, however, is in the details. Note the term “operation” in Article 48. Its use would at first glance appear to prohibit any cyber activity directed against civilians or civilian objects.<sup>40</sup> Yet operations aimed at the civilian population are not uncommon during armed conflict, the paradigmatic example being psychological operations, which are generally deemed lawful unless they cause physical harm or human suffering. Subsequent articles resident in Additional Protocol I shed light on the foundational intent of the principle of distinction. In particular, they “operationalize” Article 48 by setting forth restrictions, prohibitions and requirements that are typically framed in terms of “attacks.”<sup>41</sup> Article 51.1 exemplifies this operationalization. It states that the “civilian population and individual civilians shall enjoy general protection against dangers arising from military operations,” but goes on to note that “[t]o give effect to this protection, the following rules . . . shall be observed in all circumstances.” The rules include the prohibitions on making the civilian population or individual civilians the “object of attack,”<sup>42</sup> conducting “indiscriminate attacks,”<sup>43</sup> and engaging in “attacks against the civilian population or civilians by way of reprisal.”<sup>44,45</sup>

A central component of the principle of distinction is that “in the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.”<sup>46</sup> Despite the reference to “operations,” the normatively meaningful aspects of the attendant requirements are set forth in terms of attacks. Indeed, the article itself is titled “precautions in attack.” According to the article, “those who plan or decide upon an attack” are required to “do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection,”<sup>47</sup> “take all feasible precautions in the choice of means and methods of attack” in order to minimize civilian harm<sup>48</sup> and “refrain from deciding to launch an attack” that may be expected to violate the rule of proportionality.<sup>49,50</sup>

By the principle of distinction, civilian objects may not be attacked during armed conflict. With respect to cyber operations, one unsettled issue is whether data resident in computers comprise an “object.”<sup>51</sup> The implications of the answer are momentous. To the extent they do,

<sup>38</sup> Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1996 I.C.J. 226, 78 (July 8).

<sup>39</sup> Schmitt, M. N. (n.d.). *Cyber Operations and the Jus in Bello: Key issues*.

<sup>40</sup> Schmitt, M. N. (n.d.). *Cyber Operations and the Jus in Bello: Key issues*.

<sup>41</sup> Schmitt, M. N. (n.d.). *Cyber Operations and the Jus in Bello: Key issues*.

<sup>42</sup> AP I, supra note 4, art. 51.2.

<sup>43</sup> Id., art. 51.4.

<sup>44</sup> Id., art. 51.7.

<sup>45</sup> Schmitt, M. N. (n.d.). *Cyber Operations and the Jus in Bello: Key issues*.

<sup>46</sup> Id., art. 57.1.

<sup>47</sup> Id., art. 57.2(a)(i).

<sup>48</sup> Id., art. 57.2(a)(ii).

<sup>49</sup> Id., art. 57.2(a)(iii).

<sup>50</sup> Schmitt, M. N. (n.d.). *Cyber Operations and the Jus in Bello: Key issues*.

<sup>51</sup> Schmitt, M. N. (n.d.). *Cyber Operations and the Jus in Bello: Key issues*.

direct operations against civilian data would constitute an unlawful attack on a civilian object. Further, any harm caused to civilian data during a cyber-attack on a lawful military objective would have to be considered in the proportionality calculation and when determining the nature of the precautions required during attack.<sup>52</sup>

Generally, data should not be characterized as an object in itself. Rather, the determinative question is whether the consequences attendant to its destruction involve the requisite level of harm to protected physical objects or persons. If so, the cyber operation constitutes an unlawful attack. Cyber operations also bear on certain issues regarding application of the concept of military objectives. Networking means that there is a much higher likelihood that cyber systems will be dual-use (used for both military and civilian purposes), and thereby qualify as military objectives. Similarly, military reliance on software and hardware produced for the civilian population arguably renders facilities that produce them lawfully targetable war-supporting military objectives.<sup>53</sup> And, since cyber systems are essential to the economy, certain of them may constitute war-sustaining objects, which the United States, as distinct from most other countries, characterizes as military objectives.<sup>54</sup>

#### 4.2. Cyber Operations and Direct Participation in Hostilities

when do hackers and non-military groups engaging in cyber operations qualify as organized armed groups? By definition, an organized armed group must be both organized and armed. With regard to the former criterion, the most troublesome question is whether a group may be “organized virtually.”<sup>55</sup> In the virtual domain, groups exist whose members never have any physical contact. Such groups have many purposes—social, educational, financial, charitable and so forth. In fact, it is not rare for dispersed military personnel to organize themselves virtually, as in the case of intelligence sharing.<sup>56</sup> IHL does not develop the notion of organization to the degree necessary to come to definitive conclusions regarding virtual organization. The ICRC’s Commentary to Additional Protocol I notes that:

*“the term “organized” is obviously rather flexible, as there are a large number of degrees of organization. In the first place, this should be interpreted in the sense that the fighting should have a collective character, be conducted under proper control and according to rules, as opposed to individuals operating in isolation with no corresponding preparation or training.”<sup>57</sup>*

Drawing on this definition, at one end of the continuum would be those “groups” consisting of autonomous actors who are simply all targeting a State, perhaps in response to a broad call

<sup>52</sup> Schmitt, M. N. (n.d.). *Cyber Operations and the Jus in Bello: Key issues*.

<sup>53</sup> Ibid.

<sup>54</sup> US Navy, Marine Corps & Coast Guard, *The Commander’s Handbook on the Law of Naval Operations*, NWP 1-14M/MCWP5-12.1/COMDTPUBP5800.7A¶8.2(2007). Examples of war-sustaining objects include “economic objects of the enemy that indirectly but effectively support and sustain the enemy’s war-fighting capability.” Id., 8.2.5.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> AP COMMENTARY, supra note 30, 1672.

to do so from one or more sources.<sup>58</sup> They do not operate under the direction of a particular individual nor does the group have any formal organizational structure. These groups cannot be deemed to be organized, and, therefore, individuals involved therein remain civilians subject to the rules of direct participation. At the other end are those who act collectively and cooperatively.<sup>59</sup> Albeit virtual, an online group may have a defined command structure and coordinate its activities—for instance, by allocating cyber targets, developing and sharing hacker tools, cooperating in identifying target vulnerabilities and conducting postattack damage assessments. There is little justification for excluding groups of this nature from “armed forces” on the basis of organization.<sup>60</sup>

## 5. Challenges for Jus in Bello in Modern Conflicts

The early 21st century has been defined by rapid advancements in weapons, military, and specialized equipment (WMSE), largely driven by innovative technologies aimed at enhancing the qualitative capabilities of combat systems.<sup>61</sup> This trend is evident in the adoption of cutting-edge military technologies by leading nations, resulting in the deployment of advanced WMSE models<sup>62</sup>.

Historical evidence from wars and armed conflicts underscores the significant influence of WMSE on both the conduct and strategy of warfare. Traditionally, two fundamental military strategies - annihilation and attrition - have formed the cornerstone of armed conflicts. The first aims for a decisive victory through overwhelming force, while the second seeks to exhaust the enemy incrementally through successive operations. These strategies have always reflected the capabilities of contemporary military technologies.<sup>63</sup>

The rapid pace of technological advancement in military and specialized equipment underscores the critical need to understand its implications for future conflicts. As nations continue to innovate in areas such as hypersonic weapons, artificial intelligence, and robotics,

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Akhundov, R., Military Research Institute of the National Defense University, Mammadov, E., & Military Research Institute of the National Defense University. (2024). FUTURE ARMED CONFLICTS: THE ROLE OF ADVANCED MILITARY TECHNOLOGIES IN SHAPING WARFARE STRATEGY [Scientific-practical journal]. *Milli Təhlükəsizlik Və Hərbi Elmlər – National Security and Military Sciences*, 10(4), 29–38. <https://orcid.org/0009-0001-8798-8044> (Original work published 2024)

<sup>62</sup> Rosen, S. P. New ways of war: understanding military innovation // *International security*. – 1988. №.1 (13), – p. 134-168

<sup>63</sup> Akhundov, R., Military Research Institute of the National Defense University, Mammadov, E., & Military Research Institute of the National Defense University. (2024). FUTURE ARMED CONFLICTS: THE ROLE OF ADVANCED MILITARY TECHNOLOGIES IN SHAPING WARFARE STRATEGY [Scientific-practical journal]. *Milli Təhlükəsizlik Və Hərbi Elmlər – National Security and Military Sciences*, 10(4), 29–38. <https://orcid.org/0009-0001-8798-8044> (Original work published 2024)

the nature of warfare is evolving beyond traditional strategies, requiring a shift in military doctrine and operational planning.<sup>64</sup>

The evolution of military technologies has created significant challenges for the application and enforcement of Jus in Bello principles. While the core principles of international humanitarian law remain relevant, their practical implementation has become increasingly complex in modern conflict environments.

One of the primary challenges is the application of the principle of distinction. In traditional warfare, distinguishing between combatants and civilians, while difficult, was generally more straightforward. However, in modern conflicts, particularly those involving non-state actors, urban warfare, and cyber operations, this distinction has become increasingly blurred. AI-driven systems may struggle to accurately identify legitimate military targets, especially in densely populated areas or situations involving irregular combatants.

The principle of proportionality also faces significant challenges. Determining whether an attack will cause excessive civilian harm relative to the anticipated military advantage requires nuanced human judgment. When decisions are influenced or made by automated systems, assessing proportionality becomes more difficult. Algorithms may lack the contextual understanding necessary to evaluate the broader humanitarian impact of an attack.

Another major issue is accountability. Traditional legal frameworks are based on the assumption that humans are responsible for decisions made during armed conflict. However, the introduction of autonomous systems complicates this assumption. If an autonomous weapon violates international law, it is unclear whether responsibility lies with the programmer, the military commander, the state, or another actor. This “accountability gap” poses a serious challenge to the enforcement of IHL.

The rise of cyber warfare further complicates legal accountability. Cyber attacks are often difficult to attribute to specific actors, making it challenging to hold states or individuals responsible for violations. Additionally, existing legal definitions of armed conflict may not fully encompass cyber operations, leading to ambiguity as to whether certain actions fall under the scope of Jus in Bello.

Speed is another critical factor. Modern technologies operate at a pace far beyond human reaction times. AI systems can process and act on information in milliseconds, leaving little opportunity for human oversight or intervention. This raises concerns about whether meaningful human control can be maintained in military decision-making processes.

Moreover, the increasing use of advanced technologies by both state and non-state actors creates asymmetries in warfare. While technologically advanced states may have access to highly precise systems, non-state actors often operate using unconventional methods. This disparity can lead to uneven application of legal principles and complicate efforts to ensure compliance with international law.

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<sup>64</sup> Ibid.

The use of advanced technologies in ongoing conflicts further illustrates these challenges. For example, in the conflict between Russia and Ukraine, both sides have employed drones, cyber operations, and advanced surveillance technologies. Similarly, conflicts in regions such as the Middle East have demonstrated the extensive use of drone warfare and AI-assisted targeting, raising ongoing concerns about civilian protection and legal accountability.

Finally, there is a broader challenge related to the lack of international consensus. While some states advocate for strict regulation or even a complete ban on autonomous weapons, others argue that such technologies are essential for national security and military effectiveness. This divergence of views has hindered the development of binding international agreements, leaving significant gaps in the legal framework.

## **6. Previous UN actions and international efforts**

The international community has increasingly recognized the challenges posed by emerging military technologies to existing legal frameworks, particularly in relation to international humanitarian law (IHL) and the principles of Jus in Bello. As a result, a range of actions have been undertaken by the United Nations, as well as other international organizations and legal bodies, to address these concerns. However, despite growing awareness, efforts to establish binding regulations remain limited and fragmented.

### **6.1. United Nations General Assembly Initiatives**

The United Nations General Assembly (UNGA), including its Legal Committee (UNGA-6), has played a central role in facilitating discussions on the legal implications of emerging technologies in warfare. Through resolutions and thematic debates, the General Assembly has emphasized the importance of maintaining the relevance of international law in the face of technological advancements.

In recent years, the UNGA has adopted several resolutions addressing the role of science and technology in international security. These resolutions generally highlight the need to ensure that technological developments comply with international law, including IHL, and call upon Member States to engage in dialogue on regulatory approaches.

Although General Assembly resolutions are not legally binding, they carry significant political and normative weight. They contribute to the development of customary international law by shaping state behavior and expectations over time. Furthermore, they provide a platform for states to express their positions, which is particularly important in areas where formal treaties have not yet been established.

The Sixth Committee has also contributed to these discussions by examining broader legal principles, such as state responsibility and accountability, which are directly relevant to the use of autonomous systems and artificial intelligence in warfare.

## **6.2. Convention on Certain Conventional Weapons (CCW)**

One of the most significant international frameworks addressing emerging military technologies is the Convention on Certain Conventional Weapons. The CCW, adopted in 1980, aims to restrict or prohibit the use of specific types of weapons that are considered to cause unnecessary suffering or have indiscriminate effects.

Within the CCW framework, discussions on Lethal Autonomous Weapons Systems (LAWS) have been ongoing since 2014 through the establishment of a Group of Governmental Experts (GGE). These discussions represent the primary international forum for addressing the legal, ethical, and security implications of autonomous weapons.

Key outcomes of the CCW discussions include:

- Recognition of the importance of maintaining human responsibility in decisions involving the use of force
- Agreement that existing international humanitarian law applies to all weapons systems, including autonomous ones
- Identification of key challenges related to accountability, predictability, and reliability of autonomous systems

However, progress within the CCW has been slow due to the requirement of consensus among participating states. Diverging national interests have prevented the adoption of a binding treaty. While some states advocate for a preemptive ban on autonomous weapons, others argue that such technologies should be regulated rather than prohibited.

## **6.3. Role of the International Committee of the Red Cross (ICRC)**

The International Committee of the Red Cross (ICRC) plays a critical role in the development and promotion of international humanitarian law. As an independent humanitarian organization, the ICRC provides legal guidance, conducts research, and advocates for the protection of victims of armed conflict.

In recent years, the ICRC has taken a leading role in addressing the implications of emerging technologies in warfare. It has published numerous reports examining the use of artificial intelligence, autonomous systems, and cyber capabilities in armed conflict. These reports emphasize the need to ensure that all weapons systems comply with IHL principles, particularly distinction, proportionality, and precaution.

The ICRC has also called for:

- The establishment of clear limits on the autonomy of weapons systems
- The preservation of meaningful human control over the use of force
- Greater transparency and accountability in the development and deployment of new technologies

While the ICRC does not have the authority to create binding law, its interpretations of IHL are highly influential and often shape international discourse and state practice.

### **International Law Commission (ILC) Contributions**

The International Law Commission (ILC) contributes to the development of international law by producing draft articles and studies on key legal issues. Although the ILC has not yet produced a comprehensive framework specifically addressing autonomous weapons or AI in warfare, its work on related topics is highly relevant.

For example, the ILC's work on state responsibility provides a legal basis for determining accountability in cases where international obligations are violated. This is particularly important in the context of autonomous systems, where responsibility may be distributed across multiple actors.

Additionally, the ILC's studies on the protection of persons in disasters and the protection of the environment in relation to armed conflicts highlight the broader humanitarian implications of modern warfare technologies.

### **International Criminal Court (ICC)**

The establishment of the International Criminal Court through the Rome Statute represents a major step in enforcing international humanitarian law. The ICC has jurisdiction over war crimes, crimes against humanity, and genocide, and plays a key role in ensuring accountability for serious violations of IHL.

Although the ICC has not yet addressed cases involving autonomous weapons or AI-driven warfare, its legal framework is directly relevant to these issues. For instance, individuals can be held criminally responsible for unlawful attacks that violate principles such as distinction and proportionality.

However, the application of ICC jurisdiction to emerging technologies raises complex questions. If a violation is committed by an autonomous system, determining individual criminal responsibility may be challenging. This highlights the need for clearer legal frameworks addressing accountability in technologically advanced warfare.

### **Other International and Regional Efforts**

Beyond the United Nations, several other organizations and initiatives have contributed to discussions on emerging military technologies.

The United Nations Institute for Disarmament Research (UNIDIR) has conducted extensive research on the security implications of artificial intelligence and autonomous weapons. Its reports provide valuable insights into policy options and regulatory approaches.

Additionally, various non-governmental organizations, such as the Campaign to Stop Killer Robots, have advocated for a global ban on autonomous weapons. These initiatives have played an important role in raising awareness and influencing public debate.

At the regional level, some organizations and states have begun developing their own guidelines and policies regarding the use of AI in military contexts. However, these efforts remain fragmented and lack global coordination.

### **Limitations of Existing Efforts**

Despite the range of initiatives described above, significant gaps remain in the international regulatory framework.

One major limitation is the lack of binding international agreements specifically addressing autonomous weapons and AI in warfare. Most existing efforts rely on voluntary guidelines, political declarations, or non-binding resolutions.

Another challenge is the divergence of state interests. Technologically advanced states may be reluctant to support strict regulations that could limit their strategic advantages, while other states advocate for stronger legal controls to prevent misuse.

Furthermore, the rapid pace of technological development often outstrips the ability of international institutions to respond effectively. Legal processes, which typically require extensive negotiation and consensus, struggle to keep pace with innovation.

Finally, issues related to verification and enforcement present additional obstacles. Even if new regulations are adopted, ensuring compliance, particularly in the context of cyber warfare and AI systems, remains a complex challenge.

## **7. Key terminology**

***Jus in Bello***: refers to the branch of international law that regulates the conduct of parties during armed conflict. It governs how hostilities are carried out, regardless of the legality of the use of force under jus ad bellum.

***International Humanitarian Law (IHL)***: a body of treaty and customary rules designed to limit the effects of armed conflict by protecting persons who are not or are no longer participating in hostilities, and by restricting the means and methods of warfare. Its core sources include the Geneva Conventions and their Additional Protocols.

***Principle of Distinction***: a fundamental rule of IHL requiring parties to an armed conflict to distinguish at all times between civilians and combatants, and between civilian objects and military objectives. Attacks may only be directed against lawful military targets.

**Principle of Proportionality:** prohibits attacks expected to cause incidental civilian harm that would be excessive in relation to the concrete and direct military advantage anticipated. Codified in Article 51(5)(b) of Additional Protocol I.

**Principle of Military Necessity:** permits the use of force only to the extent required to achieve a legitimate military objective and prohibits measures that are unnecessary for securing that objective.

**Principle of Humanity:** prohibits the use of weapons or methods of warfare that cause superfluous injury or unnecessary suffering. This principle underpins various prohibitions in IHL, including restrictions on certain weapons.

**Precautions in Attack:** obliges parties to take all feasible measures to verify that targets are military objectives, to minimize civilian harm, and to cancel or suspend attacks if they are expected to violate proportionality. Codified in Article 57 of Additional Protocol I.

**Direct Participation in Hostilities (DPH):** refers to acts by civilians that directly harm the military operations or capacity of a party to a conflict. Civilians lose protection from attack for the duration of such participation.

**Indiscriminate Attacks:** attacks that are not directed at a specific military objective or employ methods that cannot be limited as required by IHL, thereby striking military targets and civilians without distinction.

**Dual-Use Objects:** objects that serve both civilian and military purposes. While they may qualify as lawful military objectives, attacks against them must still comply with proportionality and precaution obligations.

**Military Objective:** objects which, by their nature, location, purpose, or use, effectively contribute to military action and whose destruction offers a definite military advantage.

**Martens Clause:** a principle stating that in cases not covered by specific treaties, civilians and combatants remain protected under the principles of humanity and the dictates of public conscience. It reinforces the ethical foundation of IHL.

**Combatant Immunity:** the legal protection granted to lawful combatants, allowing them to participate in hostilities without being prosecuted for lawful acts of war, provided they comply with IHL.

**Hors de Combat:** refers to individuals who are out of the fight due to surrender, injury, or detention, and who must not be attacked.

**State Responsibility:** the principle that states are internationally responsible for wrongful acts attributable to them, including violations of IHL, as articulated by the International Law Commission.

**Grave Breaches:** serious violations of the Geneva Conventions, such as willful killing, torture, or inhuman treatment, which give rise to individual criminal responsibility.

**Customary International Humanitarian Law:** rules derived from consistent state practice accompanied by a belief in legal obligation (*opinio juris*), binding even on states that have not ratified specific treaties.

**Lex Specialis:** a legal doctrine whereby IHL, as the more specific body of law, prevails over general international law (such as human rights law) in situations of armed conflict.

## **8. Additional Topics Related to the Agenda Item**

### **8.1. Autonomous Weapons Systems (AWS)**

Autonomous Weapons Systems (AWS) represent one of the most controversial and rapidly developing areas in modern warfare. These systems are designed to operate with varying levels of independence, ranging from semi-autonomous systems that require human input to fully autonomous systems capable of selecting and engaging targets without direct human intervention.

The development of AWS is being driven by major military powers such as the United States, China, and Russia, all of which are investing heavily in artificial intelligence and robotics for military applications. Proponents argue that AWS can increase precision, reduce human error, and minimize risks to soldiers. They also suggest that autonomous systems may be better suited to operate in high-speed combat environments where human reaction times are insufficient.

However, AWS raises significant legal, ethical, and operational concerns. One of the primary issues is the potential inability of such systems to comply with international humanitarian law. For example, applying the principle of distinction requires contextual judgment and understanding of human behavior capabilities that current AI systems may lack.

Another major concern is the issue of accountability. If an autonomous weapon violates IHL, determining responsibility becomes complex. Responsibility could potentially lie with multiple actors, including the programmer, the manufacturer, the military commander, or the state itself. This creates what is often referred to as an “accountability gap.”

Ethical concerns also play a central role in debates surrounding AWS. Many critics argue that delegating life-and-death decisions to machines undermines human dignity and violates fundamental moral principles. This has led to growing calls for a preemptive ban on fully autonomous weapons, supported by various states and civil society organizations.

Despite ongoing discussions within frameworks such as the Convention on Certain Conventional Weapons, no binding international agreement regulating AWS has yet been established. This reflects the deep divisions among states regarding the appropriate approach to these technologies.

### **8.2. AI in military decision-making and ethical implications of emerging technologies**

Artificial intelligence is increasingly integrated into military decision-making processes, fundamentally transforming how conflicts are planned and conducted. AI systems are used for intelligence gathering, surveillance, target identification, and strategic analysis. By

processing vast amounts of data in real time, these systems can enhance efficiency and provide strategic advantages.

However, the use of AI in military contexts introduces several challenges. One major issue is the risk of algorithmic bias. AI systems are trained on data, and if that data is incomplete or biased, the system may produce flawed or discriminatory outcomes. In a military context, this could result in misidentification of targets or unjustified attacks.

Another concern is the lack of transparency, often referred to as the “black box” problem. Many AI systems operate in ways that are not easily understood even by their developers. This lack of explainability makes it difficult to assess whether decisions comply with legal standards such as proportionality and distinction.

The increasing reliance on AI also raises questions about the erosion of human judgment in warfare. As decision-making becomes more automated, there is a risk that human oversight may be reduced, potentially leading to actions that violate international law.

Ethically, the use of AI in warfare challenges fundamental principles related to human dignity and responsibility. Critics argue that machines should not be entrusted with decisions involving the use of lethal force, while proponents highlight the potential for AI to reduce human error and improve compliance with legal norms.

Additionally, the integration of AI into military systems contributes to a growing global technological arms race. States are investing heavily in AI capabilities to maintain strategic advantages, which may lead to the rapid deployment of technologies without adequate regulatory frameworks.

The international community continues to debate whether existing legal frameworks are sufficient to address these challenges or whether new regulations are necessary. While some argue that international humanitarian law is flexible enough to accommodate new technologies, others emphasize the need for clearer and more specific rules.

## **9. Conclusion**

The rapid advancement of military technologies presents one of the most significant challenges to international humanitarian law in the modern era. While the principles of Jus in Bello distinction, proportionality, necessity, and humanity remain fundamental, their application in contemporary warfare has become increasingly complex.

Emerging technologies such as autonomous weapons systems, artificial intelligence, and cyber capabilities have transformed the nature of conflict, introducing new dimensions that were not anticipated when existing legal frameworks were developed. These technologies offer significant strategic advantages, including increased precision and efficiency, but they also raise profound legal, ethical, and humanitarian concerns.

One of the central issues is the growing gap between technological capabilities and legal regulation. As innovation accelerates, international law struggles to keep pace, resulting in ambiguity and uncertainty on how existing principles should be applied. This gap is particularly evident in areas such as accountability, where traditional concepts of responsibility are challenged by the involvement of autonomous systems.

Furthermore, the lack of international consensus on how to regulate these technologies complicates efforts to develop effective legal frameworks. While some states advocate for strict regulation or prohibition, others prioritize military innovation and strategic advantage. This divergence of perspectives has hindered the adoption of binding agreements at the international level.

Despite these challenges, the principles of international humanitarian law continue to provide a critical foundation for regulating armed conflict. The task facing the international community is not only to preserve these principles but also to adapt them to the realities of modern warfare.

## **10. Questions to be addressed**

1. To what extent are existing principles of Jus in Bello sufficient to regulate modern warfare technologies?
2. Can current interpretations of international humanitarian law adequately address the challenges posed by artificial intelligence and autonomous systems?
3. How can compliance with principles such as distinction and proportionality be ensured in autonomous systems?
4. Who should be held legally responsible for violations of international humanitarian law involving autonomous or AI-driven systems?
5. Is it ethically acceptable to delegate life-and-death decisions to machines?
6. How can accountability mechanisms be adapted to address the involvement of multiple actors ( programmers, commanders, states)?
7. How can Jus in Bello principles be applied to cyber attacks targeting civilian infrastructure?
8. Should ethical considerations play a formal role in legal frameworks governing warfare technologies?
9. What role should the United Nations play in regulating emerging military technologies?
10. How can consensus be achieved among states with differing technological capabilities and strategic interests?

11. Further readings

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