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Autonomous weapons systems under humanitarian law

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Abstract

International humanitarian law regulates the conduct of hostilities during armed conflicts by striking a balance between the inevitable brutality of war and humanitarian considerations by restricting the use of force, it doesn't intend to prevent the use of force, it permits it to the extent necessary to achieve a certain military advantage. Autonomous weapons systems are new in international armed conflict and therefore, there is considerable disagreement as to their nature and the extent to which the current laws are sufficient to regulate them and in particular international humanitarian law, and therefore the time of conventional weapons has come to an end and new weapons of high precision has emerged and used in contemporary armed conflicts, namely autonomous weapon systems but these weapons Despite its usefulness, have generated discussions in the international community about their compatibility with or exposure to the principles of international humanitarian law, in particular the principle of humanity, the principle of military necessity, the principle of proportionality and the principle of discrimination. Can they take care of human self-inherent humanity, can they reconcile between military necessity and humanitarian considerations, and can they make a distinction between civilians and military personnel when they attack, which is what we will answer in our study.

Keywords: Autonomous weapons systems, humanity, military necessity, proparlity, distinction.

I. The principle of humanity and its compatibility with autonomous weapons systems

Under humanity, combatants should reduce further harm once they have achieved their military purpose and provide a link between ethical considerations and international humanitarian law, making it particularly relevant to the autonomous weapons systems as it provides that, in the cases which are not covered by existing treaties, civilians and combatants remain protected under customary international humanitarian law, humanity rules and the dictates of public conscience This means that it addresses new situations and new means and methods of warfare in the light of the proliferation of modern weapons especially in autonomous weapons systems case As its autonomy has been increased the question has been arisen as to which extent the automated systems comply with the principle of humanity which will answer in our study.

A. The principle of humanity

This principle is one of the fundamental principles of international humanitarian law, Previously, enemies were treated with extreme cruelty and without mercy, Humanity is a contemporary concept, which has been reflected in the international rules, both customary and written It requires that victims of armed conflicts be treated with a great deal of humanity and that their dignity not be diminished (Ibrahim, 2018). The importance of this principle lies in the obligation of States parties to adopt it even in the absence of international conventions and instruments dealing with such situations, We can say that this principle limits the conduct of parties to armed conflict and aims at establishing

limits on respect for the individual and establishing rules and determinants of war (Al Kafagi, 2015).

It can be defined according to Max Hopper defines as the unconditional recognition of the values of every human being despite being sick, or prisoner, or poor, or exposed to dangers, or the persons deprived of their rights, while Professor Barshish Abdel Hamid has defined it as granting human consideration to persons in order to protect them without taking into account economic, political, social, religious, military or other considerations(Islam, 2009).

In general, this principle aims is to protect human dignity at all times, even in times of armed conflict, the War is a condition made by humans, If we cannot prevent it, we can at least minimize its effects and prevent the violation of human dignity (Shaban, 2015). so the use of cruel and brutal methods is to achieve victory, must be avoided, since the assault or killing of groups who are unable to fight, such as women, children, or civilians, is generally against humanity(Hajazi, 2009). and it must be respected under any circumstances and is beyond any consideration social, economic, religious, political or military, It is the foundation of the principle of neutrality, and it is also prohibited the unrestricted use of violence and cruel behavior in military operations by seeking to protect the interests and dignity of mankind(Ibrahim, 2018).

The characteristics of this principle, which is a precautionary principle applied in the absence of an express legal provision protect the persons concerned by the protection and fill the legal gaps that exist in international conventions when they regulate a weapon by prohibition or restriction, This principle applies to all parties to the conflict, whether or not they are parties to the international conventions guaranteed by the clause, and at all times that because of its customary nature and the general agreement to this principle, According to the International Convention of the Red Cross, it is the cornerstone against the brutality and terror that can occur during wars. Third, it applies to international and non-international armed conflicts(Massod, 2018). also it's a realistic principle that does not seek to eradicate wars radically, but rather to humanize wars (Al Kafagi, 2015).

B. The autonomous weapons systems compliance with humanity

This principle must be observed by the weapons developers and is used in the absence of international treaties and conventions which provide for the prohibition of a particular weapon that violates the principles of international humanitarian law and governs or restricts the use of new weapons thus This principle governing the development of autonomous weapons systems, which is the prerequisite for their legitimacy or illegitimacy(Al Fatlawi, 2019).

Wars have exposed civilians to a great deal of danger, and they have been compounded by the progress of the means of warfare, If international humanitarian law protects civilians from the effects of indiscriminate weapons and those that cause unnecessary or extreme pain or suffering, the question is: Are the rules of international humanitarian law applicable to autonomous weapons systems and are they compatible with the principle of humanity?

Answering the first part of the question, we find that article (1) paragraph (2) of Additional Protocol I of 1977 provides that civilians and combatants shall be under the protection and the authority of international law in cases provided for in this Protocol or any other international agreement, while the preamble of Additional Protocol II has referred in the cases that are not provided for in current laws, a person remains in the protection of humanitarian principles and public conscience" that means The Protocol protects civilians as well as private facilities from exposure to the effects of armed conflict, which means that the rules of international humanitarian law apply to autonomous weapons systems.

As for the second part of the question, we find that there is a different opinions about compatibility or not, and there are those who believe that autonomous weapon systems cannot conform to the principle of humanity(Al Deep, 2019). some finds autonomous weapons systems do not have emotions or sensations that enable them to stop or retract an attack in cases when civilians are at the target, also it can't feel the patient, the prisoner, or the person who wants to surrender, in these cases it can kill them because It cannot stop the attack against these targets (Ahmed, 2020).

The Human Rights Watch has issued a report calling for the prohibition for the production, development, and use of autonomous weapons systems since it violates this principle because they do not respect the provisions of the law and the principles of morality, and will not be applied when using armed force (Al.Fatlawi, 2021).

Some argue that autonomous weapons systems are compatible with the principle of humanity since they can stop the attack if the target is found to be non-military and, in addition, contains sensor devices that can attack places carefully and therefore reduce civilian casualties and violations (Nasir & Abd Ali, 2018). Also, provide less loss of life compared to conventional weapons, one political analyst analyzed that when the United States used Drones in Pakistan, the loss of life was 20 percent, while the death rate when conventional weapons were used was 30 to 80 percent(Cass, 2015). It's designed to reduce the unnecessary suffering of friendly forces and civilians (Kastan, 2012). it is not considered to be capable of eliminating humanity like nuclear weapons, but its high degree of independence sometimes causes it to violate the principle of humanity.

About the compatibility of the humanitarian principle with autonomous weapons systems, we need to distinguish between autonomous automated systems (human out of the loop) and autonomous weapons systems (human in the loop) Concerning the first, the norms of humanity, public conscience does not allow for reliance on autonomous weapons systems, especially when a human being is out of the loop because of his high degree of independence The attacks carried out by these weapons lead to violations of the dignity of enemy combatants and civilians alike(McFarland, 2018).

As for the autonomous weapons systems (human in the loop), they enjoyed human supervision since a human could intervene and stop an attack if civilians were present at the target, which could be considered compatible with the humanitarian principle.

We conclude from the above that autonomous weapons systems can be compatible with the principle of humanity since they can result in less loss of life than conventional weapons Their purpose is to reduce the suffering of civilians when conventional weapons and weapons of mass destruction was used in the attack, and the opinion about it cannot stop the attack this includes only independent autonomous weapons systems (human is out of the loop), but the semi-automatic weapons, Man can intervene and stop the attack if it turns out there are civilians in the target.

II. The principle of military necessity and its compatibility with autonomous weapons systems

Military necessity requires an assessment of the current situation and this principle, which is part of the legal justification for targeting an object which requires an analysis of the situation, also is forbid the use of unnecessary force and require Military commanders to act in a certain manner that is not forbidden by the law of armed conflict.

Critics sometimes rely on the principle of "military necessity" as a basis for considering autonomous weapons systems to be unlawful and some argue that can only target legitimate military objectives that lead to military advantage and cannot engage in senseless or unnecessary killing or destruction which will analyze in our study.

A. The principle of military necessity

This principle has previously been used to justify the horrors and loss of war, for this, the International humanitarian law has contributed to the codification of many of the prevailing customs of war, then This principle has evolved(Al.Fatlawi, 2019). since then this principle has become based on the idea that the use of violent methods of warfare must stop at the level of the enemy's defeat and achieve the purpose of the war which is to defeat and break them If this objective is achieved, the victorious party will refrain from direct acts of violence against it (Al Hajazi, 2009).

This principle is defined as those necessary measures for purpose of war and is legitimate per the laws and customs of war, In other words, it is the last resort that justifies all necessary measures to ensure Advancing on the enemy, provided that they do not conflict with the law of war (Mohammed, 2015).Or defined as an urgent necessity that does not allow the military

commander to delay in taking necessary measures to Subjugation of the hostile force's as soon as possible by using the organized violence permitted by the laws of war and as a matter of urgency when the war does not permit any further action, Otherwise, there is an imminent danger, or it is defined as a too urgent condition that leaves the warring parties with insufficient time to choose between the means to be used in its action(Al Kafagi, 2015).

It should be noted that there are several conditions for achieving military necessity :

First: It must be linked to the conduct of the hostilities during the fighting between the combatants or the fighting between the resistance forces and the occupation.

Second: The procedure is used to achieve it must be legitimate under the laws and customs of international law.

Third: The warring parties must have no choice when determining the means used for their actions that allow for the use of harmful methods.

Fourth: there must be An urgent situation in that there is a risk to the State.

Fifth: The Supreme Command will issue it, after consultation with the Political Leaders.

As for the characteristics of this principle, it is a preventive principle that would exclude any action that would result in any unnecessary damage or suffering to obtain military advantage second, it's temporary because it's a situation that happens during the armed conflict and ends with it Third, it is exceptional in that States can only resort to it in exceptional or emergency circumstances (Mohammed, 2015).

B.The autonomous weapons systems compliance with military necessity

Attacks based on the use of autonomous weapons systems pose a challenge to the application of the principle of military necessity since the lack of criteria to determine the use of technology for military purposes means that it can be resorted to out of military necessity.

An assessment of military necessity is based on a careful decision that needs to be carefully judged and This decision is taken by the Commander, thus this principle is necessary to determine the capability of autonomous weapons systems to comply with this principle, When an armed attack is carried out against States using autonomous weapons systems, the attack is subjected to military necessity thus allow the state to exercise the right to self-defense, provided that the attack is necessary and proportionate and is the last option after confirmation that the other method has failed or there's the probability of failing(Al Amer, 2019). In order to attack civilian objects, there must be a military necessity, which requires the military and operators not to use automatic systems on these objects if there is no military necessity (Sadigh, 2013).

There's a view that the autonomous weapons systems can't comply with the principle of military necessity, Because of targeted killings by a group of States using these systems, Such attacks went beyond the necessary condition since the attacks were indiscriminate and sudden, and for the application of the military necessity there must be available criteria, which includes a warning, making every possible precaution in the attack or using the using the military commanders the legal advisers when making the decisions, which requires Military plans to be presented to them to indicate the locations and targets to be targeted (Al Basisi, 2014). Drones, for example, strike targets quickly, as soon as they are found, without warning such attacks deprive the opponent of his right to surrender, However, conventional weapons attacks have also been carried out suddenly and without any prior warning(Ahmen, 2020). On the other hand, attacks using autonomous weapons systems cannot control their damage so Their destructive capability cannot be controlled and the States cannot guarantee that attacks are within the necessary level to conquer and defeat the enemy (Benjamin, 2013). So in order, to assess the military necessity the designer or user must make the appropriate decision to capture the legitimate objectives rather than kill them, which the autonomous weapons systems cannot take, and when the autonomous weapons systems military capacity are increased because of the development of the industrial intelligence programs that does not mean that they are compatible with the principle of military necessity.

However, some argue that the use of automated systems is are compatible with the principle of military necessity because automated systems have been developed because of their unique characteristics, which distinguish them from other weapons, making their use a military necessity (Al.Fatlawi, 2021). It also can be used to achieve the goal of war by avoiding excessive effects because These systems can be attacked by the enemy without endangering the operator or civilians since these systems use the military force at the last moment after ensuring the target and attack projects are legitimate, and the evolving generations use less deadly power which minimizes the unnecessary deaths (Al.Deep, 2021).

We conclude from the above that automated systems cannot conform with the principle of military necessity, to conform to the principle of military necessity, they must be programmed to target legitimate targets that have a military advantage only.

III. Principle of proportionality and its compatibility with autonomous weapons systems

An important element of international humanitarian law is the principle of proportionality, which is intended to proporlate between military necessity and human consideration which is one of the most complex rules which is misunderstood and misapplied in the context of armed conflict so any attack that results in a disproportionate number of civilian deaths to achieve a military objective would violate the principle of proportionality Thus, the question arises of the legality of attacks by automated systems and how to develop them to fit this principle.

A. Principle of proportionality

This principle was created in the light of the evolution of wars to mitigating the damage caused by them, The interests of the combatants imposed certain principles during the war, Hence the principle of proportionality was created, which means that combat operations should not eliminate humanitarian considerations(Fahad, 2009).

It is defined "as a measure between two elements: military superiority resulting from the use of different military means and the number of victims resulted from such use and the degree to which it is legitimate and lawful"(Bahtaa, 2021). While the adviser to the International Committee of the Red Cross defined it as "the way of dealing with the target which should be attacked after the legality of the attack has been determined by the principle of distinction this principle also determines the means and method of intervention to achieve the military necessity and any malfunction in the application of this principle exposes the person who commits it to liability as a result of his excessive use of force(Abd Ali & Jabir, 2016).

The principle of proportionality has several characteristics such as its precautionary principle, requiring parties to a conflict to take precautions to avoid harm to civilians and civilian objects, it's Flexible, taking into account all personal circumstances and considerations, from the moment military decision has been made(Ibrahim, 2018). Added to the fact that it is binding on the parties to a conflict to strike a balance between military necessity and humanitarian considerations(Al Kafagi, 2015).

The importance of this principle lies in the fact that it striking a balances between the military objective to be achieved and not causing excessive damage to the adversary beyond the purpose of the war (Ali Waleed, 2010). It also protects the protected areas against the damage of armed conflict It also prevents any attack expected to cause loss of civilian life (Al.Zamali, 2009).

There are several conditions that help to achieve the principle of proportionality:

1-Full control of fire sources and the military command decisions.

2-To be content with the necessary operations to conquer and defeat the enemy.

3-No orders may be issued or pre-planned for any attack that may lead to mass annihilation.

4-The inadmissibility of random operations.

5-the Use of military operations that cause excessive pain or unjustified injury is prohibited.

6-No deterrent attacks may be carried out against the population or civilian objects.

7-Ensuring that fire sources are directed to military targets.

B. Autonomous weapons systems compliance with proportionality

The application of the principle of proportionality to the autonomous weapons systems is ambiguous and has many difficulties If an attack is carried out using remote automatic systems against civilian or military structures, it will be difficult to determine the military advantage resulting from such an attack, which complicates the application of the principle of proportionality to the autonomous weapons systems (Sood, 2018).

Paragraph 2 of AL Fatlawi, 2018 article has led to the cancellation or suspension of any attack if it had been if has been proved that the intended objective is not a military objective or is covered by its own protection or expected to cause loss of civilian life, injury to civilians, damage to civilian objects or a combination from such loses, so the autonomous weapons systems can get out of control or it cannot be interfered in the right moment to stop the attack.

In general, to determine the applicability of the concept of proportionality to any weapon, two things must be examined:

First: To monitor the effects of the weapon during hostile operations and to ensure that it can be steered towards targets with the expectation of civilian casualties, as well as to determine the damage caused by it.

Second: Monitoring the effects of weapons after hostile operations and determining their potential to affect civilian life or environmental life(Al Fatlawi, 2019).

Some argue that the autonomous weapons systems cannot conform to the principle of proportionality, To apply this principle to automated systems, they must be programmed to deal with ambient situations that may occur during combat, Even if IQ programs evolve and can be programmed to conform to this principle, There can be certain circumstances that make it difficult to determines the proportionality of the attack, even to humans, so how can the autonomous weapons systems be programmed to determines the proportionality of the attack by its self(Al.Aqraa,2020). these systems are unable to balance the advantages of an attack with the number of civilians that has to be killed(Al.Mali ki & Jafeer, 2015). Also weapon has to be accurate about its targets autonomous weapons systems have the accuracy to select targets and hit them (Al.Talakani, 2018). But the position of the target can change because of the movement of civilians inside the city, which is an obstacle to it (Al.Fatlawi, 2021).

While others has argued that the autonomous weapons systems could conform to this principle, they could not single-handedly assess the proportionality of each strike, but might do so by pre-programming or using real-time human input Assessing proportionality is done by a person with reasonable knowledge and reasonable use of available information is an objective criterion Meeting these requirements depends on the existence of a realistic subjective element, which means that the leader's assessment of each discretionary collateral damage, and the advantage of a military attack is the result of a self-assessment, done with an objective degree of diligence, also with common sense, and in the light of available information, then is compared with these values to determine whether the estimated collateral damage is proportionate, excessive or clear, This approach can be adapted to the capabilities of the automated system processor, which can perform a reliable data processor with human input as well as reduce the difficulties experienced by the command when conducting target evaluation(Homayounnejad, 2018).

As For the damage caused by autonomous weapons systems, the number of persons surrounding the military object is calculated by using sensors thereby reducing the number of military casualties, And if it can fly over the surface, it can gather valuable information about the target that relates to its location, its status, if it's a fighter or a civilian, its mode of movement which enables autonomous weapons systems to timer attacks and reduces human casualties among civilians(Steinholt, 2016). Reaper, for example, collects information and intelligence data, monitors and surveys to minimize damage.

We conclude from the above that the autonomous weapons systems can conform to the principle of proportionality To say that the

damage caused by autonomous weapons systems exceeds the military advantage or causes a lot of damage to civilians is correct, semi-autonomous weapons systems Man inserts information so it could hit the targets with little or no loss.

IV. Principle of distinction and its compatibility with autonomous weapons systems

The principle of distinction requires combatants to direct attacks solely to military objectives and therefore combatants must be distinguished from non-combatants and military objects from civilian objects to ensure compliance with the principle, also this principle is very important when considering the legitimacy of automated systems that are used remotely, especially aircraft or cyber-weapons, which may find their relevance in the consideration of this principle.

A. Principle of distinction

This principle has arisen as a result of the increase in international and non-international armed conflicts, which has led to an increase in the number of victims in the armed conflicts and of which includes civilians who are not involved in the war (Al.Mousawi, 2017). There is no clear definition of the principle of distinction, which is limited to the definition of groups covered by protection, Civilians have been defined by the International Committee of the Red Cross as persons who do not participate directly in military operations of a direct nature or indirectly in support of the war effort. While the Secretary-General of the United Nations In his report on respect for human rights, has defined the civilians as those who do not carry arms and who don't belong to one of the parties to the conflict, as well as those who do not assist one of the parties to the conflict with acts of sabotage, espionage, recruitment or advocacy (Abd Ali, 2013).

Also has been defined as a person who did not belong to the armed forces, militias, or organized resistance movements (Al.Wafaa, 2016).

While the armed forces have been defined according to Additional Protocol I members of the armed forces, which includes groups or regular units who are controlled by a responsible command which is responsible for the conduct of their subordinates, and these froces don't include members of the medical service or preachers covered by article 33 of the Third Convention .

This principle is a complex one, also it is difficult to apply because of the growth in the number of combatants and the evolution of the methods and arts of warfare, However, it is a basic principle, as it is considered to be the cornerstone of international humanitarian law, whether in respect of the rules governing conduct of war, the rules of protection for victims of armed conflict or the rules of protection for civilian objects, It is a norm that States, even if they are not parties to the Additional Protocol, cannot fail to comply with (Al.Fatlawi, 2013) as It is also a general rule applicable to all armed conflicts (Jathuim, 2012).

The importance of these principles lies within providence minimum protection for victims of armed conflict, It also develops and promotes the principles of international humanitarian law and urges parties to an armed conflict to take into account the greatest possible protection for vulnerable groups of women, children, the sick and the elderly from the damage of armed conflict, It is also an important part of the principles of protection contained in international law(Kalaf & Al Malki, 2016).

This principle is based on three basic points:

First: the military's claim to be civilians was prohibited.

Second: acts of violence against civilians are prohibited.

Third: the acts of kidnapping that are aimed at threatening and panicking the civilian is prohibited (Ali Ibrahim, 2018).

B. Autonomous weapons systems compliance with the distinction

The principle of distinction is one of the most important principles of international humanitarian law, It is the basis of the four Geneva Conventions because it imposes three obligations on States: first, to distinguish when

planning an attack between civilians and military and between civilian and military objects, Second, to distinguish when carrying out an attack and directing it against military objects, Third, to protect civilians and not to expose them to any effects when hostile operations end(Al.Malki & Jafer, 2015).

So the question has emerged Does the principle of distinction apply to the autonomous weapons systems? Some scholars argue that the evolution in the field of weapons, particularly in the production of autonomous weapons systems, has led to the expansion of battlefields and the inclusion of objects that could not have been attacked without automatic systems (Al.Fatlawi, 2019).

It is difficult to distinguish between civilians and military personnel, such as wounded or surrendered combatants, sick or captive, We can cite the example of harpy drones It's an auto-drone that has ammunition and also could detect radars and when she detects a target it will begin searching in its database if it was civilian or combatant and then will begin targeting ,But there's an issue as presence of the sensor is not enough, because autonomous weapons systems lack the sense or the vision to distinguish between civilians and military personnel, especially when there are wounded or surrendered persons(Al.Akraa, 2020). Also, the autonomous systems do not have sensory cells that can retract the attack if civilians are present at the target, because it's designed and programmed to monitor and destroy a particular target, so They cannot distinguish between civilians, but only do what was programmed on them.

While the autonomous weapons systems (human in the loop) human supervise the autonomous systems and issue a command to stop the attack if civilians or civilian objects are present at the target, one of the features of the autonomous systems (human in the loop) is that their behavior is traceable and they can learn programmatically, so if systems did something wrong, the chain of decisions they make can be traced (Decisions programmed by a human being) To find out what happened, however, the decision-making process in autonomous systems is measured in nanoseconds and the operator can't stop them because the operator has to access the program that does the task and then stop it (Al.Noofli, 2017).

In fact, the distinction of automatic systems between civilians and the military is a complex issue, since automatic systems are weapons far from the place of attack and may exceed thousands of kilometers, They may therefore not be able to distinguish targets, whether they are of little complexity areas, such as a residential street, a village or a heavily populated area, buildings and trees(Al.Fatlawi, 2018).

Some argue that the attacks caused by these weapons are indiscriminate and that we cannot direct them to a specific target, Ideally, as example drones with Hellfire missiles are a weapon of indiscriminate effect so if autonomous weapons systems are equipped with very powerful explosive weapons, and then is used against a military target that is close to civilians, robotic systems can, as the case may be, be a weapon with random effects(Sadigh, 2013).

In general, some argue that automated systems do not conform to the principle of distinction for several reasons :

First: is the weak perception of the weapon, for the automated systems to distinguish between civilian objectives and military their sensors should be developed, which is not possible with current technology Autonomous systems can distinguish between humans and animals, but they cannot distinguish between civilians and combatants and that they are used in internal armed conflicts which imposed increasing difficulty to distinguish civilians and combatant because its equipped with sensors which consist of laser sonar cameras and heat sensors, At present, the information gained from these sensors cannot go beyond the vague classification of humans or non-humans Even if automated facial recognition systems can do so, this recognition is of little use at present in the military context There is no database containing images of enemy combatants' faces (Cass, 2015).

Second: the distinction is made through an analysis of human behavior, which, in autonomous systems, is not possible to decide to target objects based on understanding and analyzing of the human environment in a way that allows it to make correct decisions, as it suffers from the difficulty of dealing properly with the combat fields in a way that allows it to make appropriate decisions(A.Fatlawi, 2021).

thus in turn it should have been programmed to distinguish between relevant and irrelevant information, so Its programming can lead to situations where information is misinterpreted, which in turn may lead to an indiscriminate attack, and autonomous systems can either be too slow to be militarily effective in an actual combat mission or are vulnerable to indiscriminate action because of the lack of understanding of significant details or interpretation(Peterman, 2017).

Third: weakness in the programming of these systems as it cannot understand human intentions, emotions, and special concerns especially when it's used in unequal conflicts, as interpreted by man, Consequently, in turn, they cannot distinguish between civilians and combatants, here the role of programmers is highlighted, but there's the problem of technology as it's not developed in an appropriate way that allows automated systems to distinguish between targets(Al Fatlawi, 2021). also, the Programmers have a lot of information about targets, but the problem is that they cannot see targets directly because The front camera of autonomous systems is sometimes primitive; they are integrated with sensors, which should be taken into account when distinguishing between civilian and military objectives (Sadigh, 2013).

In this regard, the Human Rights Monitoring Organization has found the united states's attack on Iraq in 1990 using autonomous weapons systems are illegal, when it mistakenly target iraq based on satellite phone calls and insufficient evidence In addition, it lacks effective pre-attack assessment to assess the potential dangers to civilians or to assess the success and usefulness of attacks while the united states have failed to target iraqis leaderships and it also caused death and injuries dozens of Iraqis (Al.Maliki & Jafeer, 2015).

However, there are some opinions that autonomous weapons systems are compatible with this principle Because of their higher degree of distinction, especially in remote environments As technology advances, combatants will deploy systems to it only against other computer-based weapons or in situations where civilians are scarce, such as undersea attacks, deserts, or large battles this opinion has been used by the united states to justify autonomous weapons systems compatibility with this principle(Jalil, 2020).

Autonomous weapons systems can also perform several technical processes that make them operate accurately as their system can be equipped with reliable and accurate data to enable them to pursue a specific military objective also These systems rely on industrial intelligence, which can be programmed to kill certain people on the list and fire when they confirm their identity on camera (Piper, 2019). one example is guided missiles, which are autonomous in identifying and attacking targets, and also have the potential to automatically identify the target, allowing them to attack it as soon as it reaches its operational field (Sparrow, 2007).

Autonomous weapons systems alone cannot inflict unnecessary pain, In addition, these systems are incapable to be indiscriminate unless it was designed to do so, As in the case of the Stockinx virus, which is designed to take into consideration the principle of distinction, The virus was used to attack the networks of Iran's nuclear reactor and in order disrupted them without causing any significant civilian damage, and That the virus did not carry out any indiscriminate attacks, but only served the purpose for which it was designed to attack computer networks.

The evolution of the communication network makes it easily distinguish between things, automatic target recognition capabilities may fail in interconnected environments, but they can succeed in other environments(Homayouejad, 2018).

We have concluded from above that, the compatibility of automated systems with the principle of distinction is a relative matter, depending on the extent, but there is research to improve the accuracy of automated systems in target recognition By training them to recognize and assess the full physical existence of full objects, we can say in the future and with the technological improvement they can conform to this principle.

Conclusion:

This paper has covered autonomous weapons systems compatibility with the humanitarian

law and the extent where it's subject to the humanitarian law principles, and we hope that the international community will Legislates Laws that deal with autonomous weapons systems uses and restrict it to the Legitimate cases such as surveillance and reconnaissance, because that the autonomous weapons systems are consistent with humanitarian law principles more than other the weapons, but the states are using it in illegitimate ways that violate international humanitarian law.

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