

MEMORANDUM FOR POLICY RECOMMENDATION (v2)

Overview

Autonomous military technologies—ranging from drone swarms to AI-enabled targeting systems—are increasingly deployed in armed conflict. With the rapid development of AI and the further evolution of these technologies, concerns grow about accountability, the protection of civilians, escalation risks, and the legality of removing human judgment from lethal decision-making.

Some experts and advocacy groups are calling for a legally binding international treaty that would establish clear limits or prohibitions on the development and use of fully autonomous weapons systems (AWS). Others caution that such a treaty may be unenforceable, strategically dangerous, or incompatible with the interests of states like the U.S., Russia, or China. The main concern here is the elimination of human judgment. Historically, humans have averted nuclear wars and other disasters thanks to human judgment. Eliminating human judgment may lead to a set of actions ranging from automatic military responses at the nuclear level to fully autonomous drones conducting targeted attacks without approval. However, the U.S. limiting itself through a legal instrument while others are developing AI-controlled AWS will be detrimental to national security.

The current U.S. administration is exploring whether and how it should lead or participate in international efforts to regulate military applications of artificial intelligence. The current US administration wants to lead the AI-controlled AWS while limiting the risk of an arms race and the complete collapse of the international legal framework that regulates the laws of war. The eventual goal here is to stabilize the development of AI-controlled AWS and possibly reach a set of rules that everyone follows, if it is possible. Should the US administration help create a global treaty that limits the use and development of AWS? Should it avoid regulation altogether because it is pointless? Should it support soft norms rather than binding rules? The President needs an expert opinion that helps the U.S. adopt a legal position on the issue.

Question

The U.S. administration wants you to develop a strategy regarding international legal efforts to govern the use of AI and the development of AWS in military contexts. As an expert in international law and governance, draft a policy memorandum that answers:

Moving from the existing international humanitarian law that regulates armed conflict, what strategy, if any, should the U.S. pursue regarding the creation of a global legal mechanism to regulate military uses of artificial intelligence, including autonomous weapons systems? Would that treaty be enforceable and limit the arms race over AWS?

Research and Analysis

You should, at least, address the following questions in your memorandum:

- In what IR world do we live? (Having an IR academic orientation (realist, institutionalist, or constructivist) will help you determine the role of regulating AWS and the use of AI in military technologies.)
- What are the short-term and long-term interests of the United States in regulating (or not regulating) military AI through international law?
- What are the advantages and disadvantages—legal, political, strategic—of joining or leading a legal regulation regime of AI weapons?
- How might different types of legal frameworks (e.g., a universal treaty, a non-binding code of conduct that may turn into customary rule in the future, UN-led negotiations and adoption of UNGA resolution, a treaty between like-minded Western states) affect U.S. and global outcomes? (Do not have to discuss them all. Just consider at least one other option. Tell us more about how you would implement it. If you are advocating for universalism and no cooperation, then pick the universal treaty and explain why it wouldn't work.)
- What would be the geopolitical implications of such efforts, especially in light of competition with China and Russia?
- What are the precedents in international law for regulating new technologies (e.g., chemical weapons, nuclear non-proliferation, outer space, cyber weapons)? (Do not have to discuss them all. Use at least one of them as an analogy.)
- What strategy best reflects the current foreign policy orientation of the U.S. while also preparing for the challenges of the coming decade?
- How would you defend your recommendation against potential criticism from other schools?

Memorandum

Memoranda are typically produced by analysts upon governmental request, and they are used by them to decide on a course of action. They should contain important background information, goals and preferences, a list of options (strategies) available, and possible consequences (positive and negative; political and economic) of these options, and a suggestion for the optimal choice.

- *Introduction (1/2 page)*. Your memo should begin with an introduction summarizing the major points of your analysis that you want your clients to take away. This includes, most importantly, your policy recommendations and a summary of your justification.
- *Background (1/2 page)*. This section frames the problem from your client's perspective by tracing its history. You should be as concise as possible.
- *Goals and Preferences (1 page)*. This section should include the goals and preferences of the actors involved.

- *Policy Options and Analysis (2-3 pages)*. This section should include the options available to your clients, and it should predict the consequences. This section is the longest and most important: you should list options that you will not be recommending, and you should carefully evaluate possible consequences (good and bad) of each alternative, including an assessment of their relative probabilities.
- *Suggestion (1 page)*. This section should weigh the alternatives from your client's perspective and recommend a course of action.

Note that the page numbers are merely suggestive.

Sources

There are various online and library sources that you may want to consult before writing your memorandum:

- Check our library's website
- Online Newspaper Search (e.g. Lexis-Nexis and AccessWorldNews are databases [available through the library] that allow you to search full-text newspaper articles using keywords)
- Government sites
- Scholarly articles through Roger or Google Scholar
- Google-search

Instructions for Memorandum Submission

Your memorandum should be typed, with at least 1-inch margins all around, a typeface of between 11 and 12 points, and between 5-6 pages long (at least 1.5-spaced). Do not submit something shorter than 3 pages. You must provide a bibliography for your citations (they do not count towards the page limit), and you should provide author-year citations in your memorandum.

The essay is due on July 19 at 11.59 pm. Please submit your essay on Canvas. All submitted essays will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism in such papers.

If you use ChatGPT or other GenAI, you must explain how you used it in your submission comments. **Please share your chat by creating a public link and add that to your Canvas submission as a comment or your submission text.** Also, please be prepared to produce your chat history about the assignment in case we request to see it. If you use ChatGPT or other GenAI and fail to declare your use, or if you fail to produce your chat history once requested, your failure to declare constitutes cheating and will result in a failing grade. For late submission and appeal policies, see the syllabus.

Instructions for Policy Strategy Submission

Your strategy paper will lay out your initial answer and a rough outline of your recommendation. In this document, please answer the following questions:

- In what IR world do we live? (Having an IR academic orientation (realist, institutionalist, or constructivist) will help you determine the role of regulating AWS and the use of AI in military technologies.)
- What are the short-term and long-term interests of the United States in regulating (or not regulating) military AI through international law?
- What type of regulations would the US benefit from?

Your strategy paper is not a contract. You can change your answer later. It aims to get you to start working on the assignment. This submission should be at least a paragraph in length and no more than one page. It is due on July 12 at 11.59 pm.

The same instructions regarding submission through Canvas, declaration of AI usage, and other policies outlined in the syllabus apply.

Grading Criteria for Policy Recommendation

Substantive Criteria (Logical argument)

- Description of the world and the issue
 - Is it a realist, institutionalist, or constructivist world?
 - What are the risks posed by the AI-controlled AWS?
- Establishing the US interests and the interests of other important actors
- Identifying the suitable policy options and comparing the relevant choices
 - Justification for the choice of the school
 - Comparison of the chosen policy and the policy of at least one school
- Focusing on issues that follow the school's main dynamics (below is a broad recommendation)
 - For realists: why regulation wouldn't make a difference and the choice of unilateral policy
 - For institutionalists: which institutional structures work and why. How to solve the enforcement problem, etc. The design that would solve cooperation problems.
 - For constructivists: what is the best way to develop the norm and spread its acceptance across states. Turning it into something that everyone follows.
- The short- or long-term implications of the proposed policy in light of the competition with Russia and China, and the US national security
- Handling of potential criticism : At least one point of criticism from one of the schools

Substantive Criteria (Quality of research and presentation)

- Proper exposition and presentation
- Finding official sources to establish important facts about US preferences and the preferences of other actors
- Use of class material to identify the characteristics of the chosen policy
- Use of class material and other sources to identify the problems and possible implications
- Properly following the citation style
- Modification and improvement of AI output to adjust it in line with the course context (if AI is used)

Formatting Criteria (losing points for errors in format)

- 6 pages max
- 11 point min
- 1.5 spaced
- Inclusion of bibliography
- Late submission
- Not declaring the use of AI if AI is used.