

SUBMISSION BY AUSTRIA, BRAZIL, CHILE, IRELAND, LUXEMBOURG, MEXICO AND NEW ZEALAND
ON ETHICAL CONSIDERATIONS TO THE CHAIR OF THE GROUP OF GOVERNMENTAL EXPERTS ON
EMERGING TECHNOLOGIES IN THE AREA OF LETHAL AUTONOMOUS WEAPONS SYSTEMS

Ethical Considerations

On behalf of the delegations of Austria, Brazil, Chile, Ireland, Luxembourg, Mexico and New Zealand, I would like to thank you for the opportunity to provide input on your paper: 'Draft elements on possible consensus recommendations in relation to the clarification, consideration and development of aspects of the normative and operational framework on emerging technologies in the area of lethal autonomous weapons systems draft Recommendations on a normative and operational framework on Lethal Autonomous Weapons'.

Our delegations respectfully propose that the text provided below act as a stand-alone section in your draft elements paper. This submission should also be considered also as a substantive response to part 3 of your 'Possible Guiding Questions' paper, which specifically requests proposals on '*How to move forward and clarify the ethical dimension of our debate, including in light of the principles of humanity and the dictates of public conscience?*'

Rationale:

In general, there is a fundamental interconnection between law and ethical considerations. This is particularly evident in International Humanitarian Law and Human Rights Law. It is important, however, not to reduce the role of ethical consideration to simply informing the legal analysis of a given situation: not everything illegal is unethical and vice versa. Taking ethical considerations into account in the LAWS debate challenges us to ask not only if a weapon is legally acceptable (can the weapon be used in accordance with the law?) but, would its use be acceptable from an ethical perspective: (should we use this weapon?) Taking these ethical considerations into account is essential in building a normative and operational framework for Autonomous Weapons Systems.

Our delegations recall that the mandate of the Group of Governmental Experts, as set out in the final report of the CCW Meeting of High Contracting parties in 2019 (CCW/MSP/2019/9), calls for discussions within the group under each agenda item to 'consider the legal, technological and military aspects and the interaction between them, and bearing in mind ethical considerations'. Annex III of the same report also affirms that 'international law, in particular the United Nations Charter and

International Humanitarian Law (IHL) as well as relevant ethical perspectives, should guide the continued work of the Group’.

The ethical dimension has played an important role in the CCW ever since the deliberations on LAWS started. At the first Meeting of Experts in 2014, Mr. Pedro Motta Pinto Coelho, Ambassador of Brazil, served as a friend of the Chair on ethical and sociological issues. The Meeting of Experts also held a dedicated session on ethical aspects (CCW/MSP/2014/3). At the Second Meeting of Experts, the first part of the session on “overarching issues” was dedicated to ethical and human rights questions (CCW/MSP/2015/3). The current mandate also refers to Decision 1 of the Fifth Review Conference of the High Contracting Parties to the Convention (CCW/CONF.V/10), and encourages the GGE to take into account, when establishing its programme of work, i.a. ethical and moral questions.

Furthermore, ethical considerations are a key element when discussing new and emerging technologies in multilateral fora. The fundamental questions of how humans interact with new and emerging technologies have led to the establishment of diverse multilateral fora to look at the ethical implications of increasingly sophisticated technologies, including the Ad hoc Committee on Artificial Intelligence of the Council of Europe (CAHAI) and UNESCO’s work on the ethics of AI. The fundamental concern about ethics is also reflected in a number of national and private sector ethical guidelines on the military use of new and emerging technologies, which have emerged since the GGE has started its work.

As such, a dedicated, stand-alone section addressing ethical considerations is necessary and appropriate in the draft recommendations paper in order to reflect the centrality of this issue to our work on Autonomous Weapons Systems.

[Draft] Section (X) Ethical Considerations

The normative and operational framework should recognise that:

- (i) Ethical considerations, including the principles of humanity and dictates of public conscience, are central to determining the acceptability of and limits on autonomous weapons systems.
- (ii) Ethical concerns about autonomous weapons systems includes consideration of compatibility with international law, but goes beyond this to encompass moral acceptability also.

- (iii) The ceding of human control, agency, responsibility and intent in decisions on the application of force to algorithms and computer-controlled processes poses fundamental ethical concerns.
- (iv) Without meaningful human control, the development, deployment and use of autonomous weapons systems that can delegate decisions on the application and execution of force to algorithms would undermine International Humanitarian Law International Human Rights Law and, in particular violate the principle of human dignity, as enshrined in the 1948 Universal Declaration on Human Rights.
- (v) As such, ethical considerations must be taken into account to determine the necessary type and degree of human control that must be retained over autonomous weapons systems.
- (vi) Ethical considerations also underpin the necessity of establishing limits on autonomy in weapons systems and elaborating positive and negative obligations with respect to any potential development or use of such systems.
- (vii) Ethical considerations are also relevant to issues of human responsibility and human accountability with respect to autonomous weapons systems. Ethical and legal responsibilities on the decision to apply force requires context-specific, value-based judgment by human beings. It is neither legally feasible, nor ethically desirable, to delegate this requirement to autonomous weapons systems.
- (viii) In order to prevent the erosion of existing ethical standards, there must be a direct connection, with a clear line of human responsibility and accountability, between the human rationale for the deployment of an autonomous weapon system and the direct consequences of its use.
- (ix) From an ethical perspective, the absence of human control over autonomous weapons could reduce the threshold for the decision to use force and thereby amplify or prolong conflict.
