



CAMPAIGN TO **STOP** KILLER ROBOTS

Statement by the Campaign to Stop Killer Robots to the CCW Group of Governmental Experts on Lethal Autonomous Weapon Systems

Responses to Chair's Paper, Sections 3–6

12 August 2021

Thank you Chair.

The Campaign previously provided comments on the first 3 sections of your paper, we would like to take this opportunity to provide some general comments on the subsequent sections, from Section 3 'Application of International law' to Section 6 on 'Risk Mitigation'.

On Section (3) - Application of International Law,

We appreciate the recognition here that international human rights law and international criminal law in addition to international humanitarian law are applicable to autonomous weapons systems. We agree with several delegations that have called for the need to maintain these references in the recommendations.

For the Campaign, the most important aspect of this section is the affirmation that context-based human judgement is fundamental to the application of the law.

Without comprehensive, context-based **human** judgement, international law will become meaningless.

It is insufficient to continue repeating that international humanitarian law applies, without recognising the specific problems that arise if humans are disempowered, disconnected and dislocated from the key decisions that require compliance with the law. This is at the heart of the issue under consideration here.

Autonomous weapon systems automate the critical functions of selecting and engaging targets with violent force. 'Compliance' with IHL cannot and must not become an automated process.

Comprehensive, context-based **human** judgement is vital to upholding the law, and autonomous weapon systems that undermine this human role in scrutinizing and overseeing the use of force are incompatible with international law, and should be prohibited.

On Section (4) - Human Machine Interaction;

Building on the previous section, we welcome here the reference to "informed conscious decisions" and references to the information and understanding that an operator must have regarding a weapons system, including the target and the context, in order to exert meaningful human control. As elsewhere, we consider use of the term 'meaningful' human control to be necessary; and that should replace the word 'sufficient'.

The text would be strengthened by indicating specifically - that system users should have meaningful information on how a system works and also be able to provide a meaningful explanation, including on the conditions that will trigger an application of force. It would also be strengthened by indicating that human control can be enhanced through an ability to evaluate the system and the context during the course of its functioning and by having mechanisms to intervene as required.

The text would also be strengthened by indicating the *purpose* of users having meaningful human-machine interaction, including to better enable predictability of outcomes that align with the users intent and the foreseeable consequences of specific actions being taken, which serves to ensure human responsibility and accountability in the use of force.

On Section (5) - Weapons Reviews

In this section, we concur with the many states who have mentioned that weapon reviews are a positive means of promoting accountability, but without clarity on limits on autonomy in weapon systems, by what standard would states review their weapons?

Weapon reviews under article 36 of additional Protocol I are an obligation to review weapons, means and methods of warfare against states *legal obligations*. We therefore need to establish the legal obligations in relation to autonomous weapon systems as a precondition for having effective review processes.

Our only comment, at this stage, on **Section (6) - Risk Mitigation** would be to caution against bringing the language of 'terrorism' into documents of this sort. It is unnecessary political labeling, given that the term 'unauthorised recipients' can function quite adequately on its own.

In conclusion, Chair,

Descriptions of the elements necessary for meaningful human control would benefit from more detailed elaboration, but there is significant valuable content in this draft paper. Altogether, it shows that a legal instrument addressing autonomous weapons systems is possible - based on a combination of prohibitions and positive obligations.

We hope that this paper encourages states that they can be working together to achieve that goal, which will be a vital step to preserving our shared humanity.