



CCW REPORT

*Civil society perspectives on the CCW meeting of experts
on autonomous weapon systems
13–17 April 2015*



Reaching Critical Will

14 April 2015
Vol. 2, No. 2

IN THIS ISSUE

- 1 | Editorial: The ethics of action
- 2 | Event: Time for swift action
- 3 | News in Brief

EDITORIAL: THE ETHICS OF ACTION

Ray Acheson | *Reaching Critical Will of WILPF*

Their development would cross a fundamental moral boundary. They would be the next revolution in military affairs, like gunpowder and nuclear weapons before them. They will lower the threshold for the use of force. They will make war even more inhumane and undermine human dignity. They will not be able to comply with international humanitarian or human rights law. These are some of the concerns states and civil society organisations raised about autonomous weapons during the general debate of the CCW experts meeting. But, as pointed out by civil society, the development of autonomous weapons is not inevitable.

We have the opportunity to prevent the development of autonomous technologies of violence. No state intervening during the general debate indicated they are pursuing autonomous weapons. Only Israel suggested they might be beneficial, stating that autonomous weapons might somehow promote compliance with international humanitarian law—a view at odds with the majority of other delegations taking the floor. Most delegations argued that the use of any weapon requires meaningful human control, rejecting the idea that matters of life and death should be delegated to machines. The majority appear to agree with Germany that the autonomous selection and engagement of targets “is a line that should not be crossed.”

This concept of meaningful human control has rapidly become the central focus of deliberations on autonomous weapons. It is broadly understood as meaning that humans need to be engaged in analysing

a target area, selecting targets, and using force. As WILPF noted in its statement to the general debate, the laws of war and protection of human rights require human engagement. Under international humanitarian law and human rights law, the legality of an attack is context-dependent. It is generally assessed on a case-by-case basis. Questions of distinction and proportionality cannot be resolved through automated mechanisms, and in any case, the law requires that human commanders make such judgments.

“The law doesn’t exist on its own; it’s derived from what we believe is right or wrong,” noted Thomas Nash of Article 36 in his remarks at a side event hosted by the Campaign to Stop Killer Robots. This link between law and morality is critical to understanding the full implications of autonomous weapons and the threat they pose to humanity. The principles of humanity require deliberative moral reasoning, by humans, over each individual attack decision. Human beings can be violent and we can break laws. But we have something that machines do not have, and likely cannot be programmed to have: moral reasoning. We can value human life—even if we sometimes don’t. As the Chilean delegation remarked, the only restraint we have on the use of any weapon is the ability of people to identify with the human being at the other end.

Several delegations, including Cuba, Ecuador, Pakistan, and Sri Lanka, and all of the civil society groups addressing the meeting, argued that a ban on autonomous weapons is necessary to ensure there is meaningful human control over targeting and attack decisions. The

CCW Report is produced by the Reaching Critical Will programme of the Women’s International League for Peace and Freedom (WILPF), a member of the Campaign to Stop Killer Robots.



CAMPAIGN TO STOP
KILLER ROBOTS

Editorial, continued

Chinese delegation argued that it would be better to take precautionary measures than deal with the aftermath of autonomous weapon systems. Mexico argued that weapons that conflict with IHL should be prohibited.

As the Irish delegation conveyed forcefully, the mandate of the CCW and its protocols “is to regulate or ban the use of specific categories of conventional weapons that have effects which trouble the conscience of humanity.” It remains to be seen how many delegations will be ready to move towards negotiations, based on their concerns that this technology could fall foul of humanitarian and human rights law. As the Dutch civil society group PAX noted in its statement, failing to take action on the development, production, and use of autonomous weapons also has ethical implications. It is time for action. Delegations should use this week to set out their proposals for how they intend to take forward concrete work on autonomous weapons in the CCW, the Human Rights Council, and in their national debates at home. •

EVENT: TIME FOR SWIFT ACTION

Laura Boillot | Article 36

The first side event of the week was organised by the Campaign to Stop Killer Robots and chaired by Ayman Sorour of Protection. It laid out the campaign’s expectations for the week ahead.

Jody Williams of the Nobel Women’s Initiative asserted that states should not be allowed to blindly move in the direction of developing killer robots that can autonomously target and kill. Williams urged everyone to take seriously what is being discussed this week and to start to draw the line on what is acceptable before these weapons are deployed onto the battlefield. She urged states at the CCW to rise to the occasion and to take leadership over effectively tackling this issue. Williams also welcomed the increased diversity of experts in the CCW discussions this week, welcoming the inclusion of women experts this time.

Thomas Nash of Article 36 spoke on the principle of ensuring meaningful human control is employed over the use of weapon systems, urging states to move forward diligently and urgently. Nash noted that although this issue is often presented as quite complex, the basic concerns can be articulated in a straightforward and simple way. He reminded delegations that law is developed in response to moral concerns. Nash also challenged the assertion made by some that the development of fully autonomous systems is an inevitable development.

Bonnie Docherty spoke on behalf of Human Rights Watch’s latest report *Mind the Gap* about accountability, one of the central issues to autonomous weapons systems. Docherty raised some of the challenges to the accountability gap posed by these systems, including identifying an individual that could be held directly accountable, and to broader issues of deterrence, retribution to victims, and reconciliation. The report found that all parties could escape liability and that there is a risk that this could foster a climate of impunity.

Finally, Mary Wareham of Human Rights Watch and global coordinator of the Campaign to Stop Killer Robots urged all states to actively participate in discussions this week. Wareham urged delegations to lay out national policies on the issue and to respond to calls for a ban on fully autonomous weapons. Wareham urged states to think ahead to the CCW’s meeting in November and decisions around future work on this issue in the run up to the 2016 Review Conference, the moment to move from talk to action. •

CCW MONITOR
14 APRIL 2015 | Vol. 2, No. 2

Reaching Critical Will
a programme of the Women’s International
League for Peace and Freedom

777 UN Plaza, 6th Floor, New York, NY 10017
ph. +1 212.682.1265
email: info@reachingcriticalwill.org
web: www.reachingcriticalwill.org

Editor: Ray Acheson

*The views expressed in this publication
are not necessarily those of the Women’s
International League for Peace and Freedom,
Reaching Critical Will, or the Campaign to
Stop Killer Robots.*



NEWS IN BRIEF

Mia Gandenberger | *Reaching Critical Will of WILPF*

Meaningful human control

- Argentina, Austria, Brazil, Chile, Croatia, Czech Republic, Ecuador, Denmark, Germany, Ireland, Mexico, Netherlands, Republic of Korea, Spain, South Africa, Sweden, Switzerland, and all civil society organisations stressed the importance of meaningful human control over weapon systems.
- The United States underlined the need for appropriate human judgment in the process.
- France suggested the concept of meaningful human control is “too vague”.
- Canada and Japan supported exploration of the concept.
- Austria highlighted its working paper on meaningful human control.
- Many states called for clarifications of how meaningful human control could be maintained.

IHL/IHRL

- Denmark, Switzerland, Pakistan, Ecuador, South Africa, Canada, Sierra Leone, Brazil, Germany, Spain, Ireland, Netherlands, Mexico, Turkey, and United Kingdom highlighted the importance of IHL and its principles for this debate.
- Pakistan, Ecuador, Spain, Ireland, Sierra Leone, Brazil, Ireland, Mexico stressed international human rights law needs to be taken into consideration for the discussion on autonomous weapons.
- Ireland and Mexico expressed concern with the possible use of autonomous weapons beyond war settings, such as law enforcement.
- Canada, United States, Czech Republic, Netherlands, Mexico, United Kingdom, and the ICRC pointed to the weapons reviews required under Article 36 of Additional Protocol I of the Geneva Convention as one way to assess autonomous weapons.
- Angela Kane, Sri Lanka, Ecuador, and the ICRC, stressed the importance of the Martens Clause for the discussion of autonomous weapons.
- ICRC and several delegations questioned whether autonomous weapons could comply with IHL.

Forum

- France, Poland, United States, and Israel cited the CCW as the adequate forum for these discussions.
- South Africa highlighted the cross-cutting nature of issue.
- Ireland and others suggested discussions should also take place in the Human Rights Council.
- Sierra Leone called for a multidisciplinary forum that would include human rights experts.

The way forward

- Switzerland highlighted the 2016 Review Conference of the CCW as a possible milestone for the debate on autonomous weapons.
- Similarly, the Republic of Korea thought it crucial to lay the ground work for a decision on the way ahead in November.
- Sri Lanka and Ecuador recalled the protocol of the CCW banning blinding lasers as a possible precedent for work on autonomous weapons.
- Chile suggested an additional protocol to the CCW on autonomous weapons.
- Ireland suggested the creation of a Group of Governmental Experts on the issue.
- Pakistan, Sri Lanka, Ecuador, and Cuba called for the prohibition of autonomous weapons.
- Argentina suggested such weapons could be considered illegal.
- Denmark stressed the need to identify a way to move the debate forward.
- Pakistan called for a moratorium on the development of autonomous weapons.

Other

- Increased transparency as a first practical measure was welcomed by Ireland, Switzerland, and Sweden. Spain suggested information exchanges for greater transparency.
- Pakistan and Sri Lanka expressed the concern that the introduction of autonomous weapons to armed conflict would lead to asymmetric warfare.
- Pakistan, Sri Lanka, and ICRC also raised proliferation concerns.
- The European Union, Netherlands, and Japan highlighted the significant role of civil society.
- Pakistan warned that the introduction of autonomous weapons to armed conflict would be the next revolution of warfare.
- The Netherlands, Japan, Republic of Korea, Italy, Israel, and Spain highlighted the dual-use nature of relevant research.

Technical issues part 1

The three expert presentations were followed by an interactive debate. Issues included artificial intelligence, software aspects of autonomous weapons, the maintenance of meaningful human control, the possibility of cyber attacks, the difficulties of differentiating between research for autonomous systems and autonomous weapons, predictability of systems, the so-called unknown unknowns, and outer space application of autonomous weapons. •

