



CCW REPORT

Civil society perspectives on the CCW meeting of experts
on autonomous weapon systems
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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.

EDITORIAL: TOWARDS A PROHIBITION ON AUTONOMOUS WEAPONS

Ray Acheson | Reaching Critical Will of WILPF

The CCW wrapped up its second informal meeting of experts on autonomous weapons last Friday. Discussions over the past week were wide ranging, covering a variety of critical issues from a range of perspectives. At the end of the week, it was clear that the majority of delegations believe that the use of any weapon requires meaningful human control and rejected the idea that matters of life and death should be delegated to machines. The alternative of developing and using fully autonomous weapons that are programmed to identify, select, and engage targets without human intervention, was overwhelmingly portrayed as a moral line that should not be crossed. On this basis, states should begin formal work towards an international instrument to prohibit fully autonomous weapons.

The only delegations overtly resistant to this approach appear to be from countries determined to maintain their dominance in the hegemony of global violence. The prevalent view, though, seemed to be that the principles of humanity require deliberative moral reasoning, by humans, over each individual use of force. Taking into account technical, legal, and moral considerations, violence administered solely by machines becomes meaningless—it threatens the coherence of legal rules; is subject to errors, malfunctions, misuse, and exploitation; and corrodes our common humanity.

As the NGO Article 36 noted, “Processes of calculation and computation in a machine are not equivalent to deliberative human reasoning within a social framework. Machines do not make ‘legal judgments’ and ‘apply legal rules’.” Without meaningful human control, machines would not be enacting a human will towards a specific act of violence. Rather, this machine-based

violence would represent a social acceptance that human beings can be processed or put in harm's way simply as objects, subjected to an abstract calculus. Moral reasoning is the only thing that makes us accountable for violence. Allowing weapons that identify, select, and apply force to targets without human supervision or intervention means relinquishing human responsibility. Simultaneously it means dehumanising those we expose to harm.

A number of states have claimed that the CCW is the most appropriate forum within which to address this issue. 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.” The treaty affirms the “need to continue the codification and progressive development of the rules of international law applicable in armed conflict.” This recognition that the law is not static and that the general rules of armed conflict are not wholly sufficient to address the problems raised by certain weapon technologies—existing and future—is the cornerstone of the CCW regime.

Therefore work can and should begin to move us towards an international prohibition treaty. To this end, CCW States Parties meeting in November 2015 should establish a dedicated process of work towards a prohibition in 2016. This process should focus on the most critical issues emerging from preceding discussions, including meaningful human control, human rights issues, and moral and ethical issues.

Issues like transparency could be included but should not be the central or exclusive focus. Transparency is important for building collective understandings and approaches to constraining the develop-

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CAMPAIGN TO STOP
KILLER ROBOTS

Editorial, continued

ment and use of tools of violence. Understanding what technologies currently exist and what might be under development would be helpful. But we have an opportunity to prevent the development of certain technologies. Transparency is an element of this preventative effort but is not the solution itself.

Similarly, reviews of weapons are a good idea overall, but are not the best way forward on autonomous weapons. A multilateral response is necessary. We cannot rely on individual states to make hypothetical technical considerations or variously interpret existing legal rules. We need a mechanism that also takes into account moral and ethical considerations, human dignity and human rights law, because these are the fundamental issues at the backbone of our debate. There must be broader scrutiny of development of weapons and the CCW should engage with this robustly, but this work should not be about autonomous weapons. Fully autonomous weapons don't need to be reviewed, they need to be banned.

The CCW should be oriented towards development of an international prohibition of autonomous weapons. The Review Conference in 2016 is the best opportunity to establish a negotiating mandate for a new protocol on autonomous weapons.

Failing to take this action has ethical implications. What kind of future are we building if we pass up this chance to prevent new dangerous technologies? The development of autonomous weapons is not inevitable. We have the opportunity to act collectively to prevent new technologies of violence and uphold some fundamental principles of humanity. CCW states parties should seize this opportunity.

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Stop Killer Robots.*

NEWS IN BRIEF

Mia Gandenberger | *Reaching Critical Will of WILPF*

Transparency

- Professor Sarah Knuckey separated transparency out into three sub-categories information, relationship, and justifications.
- Professor Jeroen van den Hoven argued that autonomous weapon systems will not in the foreseeable future have the properties that will allow them to satisfy the moral requirements of IHL. He described meaningful human control (MHC) as: A has MHC over X if (a) A has taken ownership of a decisional mechanism (the mechanism of practical and moral reasoning) through which he implements his decisions about acting upon X and (b) the decisional mechanism is known to be responsive to the moral and practical reasons of A.
- Dr. Ian Anthony thought information sharing could significantly improve future discussions. He suggested this information sharing should promote regular and focused dialogue, with an initial focus on 1) implementation of article 36 of the Additional Protocol I; and 2) existing national policies that apply to the use of weapons systems. He also suggested that states to appoint an AWS focal point within their own system as well as create a point of contact for external communication. Interested states should then hold regular and structured meetings where national positions can be presented and explained.
- SIPRI found that there is very little official data available on AWS outside the statements that have been made in the CCW.
- Germany shared its national process for weapons reviews.
- Sierra Leone suggested that the next stage should be a focused group to discuss AWS bearing in mind the interdisciplinary nature of the issue.
- Poland supported the sharing of best practices.
- Sweden believed information sharing was a good next step and stressed the importance of MHC.
- Poland cautioned against the proliferation of AWS to non-state actors.
- China stressed that questions regarding prohibition/limitation/code of conduct can wait until there has been an in depth discussion of AWS, which should not be limited to humanitarian impact.
- Cuba underlined that IHL, IHRL, and common law, including ethics, should inform the debate on AWS and stressed that member states must look at effects of these weapons on human beings.

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- Russia expressed doubts about the possibility for full transparency on AWS.
- Professor Knuckey agreed that transparency alone is not the only way forward, but that transparency mechanisms will allow for more tailored approaches.
- Professor Van den Hoven called for more conceptual clarity and stressed the difficulties in designing non-functional requirements, such as legal and moral requirements.
- Dr. Anthony pointed out that while the BTWC did not lead to a verification mechanism the transparency provisions are a good example of a working transparency regime.

The way forward

- Austria, Germany, Finland, Switzerland, Ireland, and Sierra Leone expressed support for the creation of a GGE on AWS.
- The US stressed it remains flexible with regard to continuing work in an informal experts meeting or a GGE.
- Further, the meeting of High Contracting Parties could agree on an interim outcome document that entails what weapons review process would apply to assist the common understanding of the process. It could be in the form of a political declaration or a best practices document.
- France prefers continuing in an informal framework and renewing the current mandate as it is. The issue would then need to be addressed during the 2016 Review Conference of the CCW.
- India supported that suggestion and argued that the time has come to build common ground among states rather than generating more input from outside experts.
- Germany again stressed it will not accept that life and death decisions are taken by a machine, therefore the development of AWS is excluded.
- China called for more representative and universal discussions. It also stressed that the CCW is not the only appropriate forum.
- The Netherlands sees value in discussing the issue of AWS further, in particular around the human role, command and control issues, peer review processes on article 36, and discussing the possibility of a GGE to take this matter forward.
- Republic of Korea and Greece called for further discussions in the CCW.
- UK proposed to renew the mandate for further informal meetings to inform the work of the 2016 RevCon.
- Brazil supported discussions in the CCW framework, but highlighted the broad consensus on the interdisciplinary nature of the issue.
- Pakistan called for a legally-binding prohibition; pending that, states should declare a moratorium on efforts to develop AWS.
- Mexico stressed that discussions should not be limited to the framework of the CCW given the possible effects on human rights.
- Ireland would support both more formal or informal discussions.
- Cuba called for formal discussions to have legal agreement on AWS.
- Ghana stressed technology must not be allowed to overtake our commitments to humanity.
- Russia stressed that humans should never be removed from loop in connection with AWS.
- Sierra Leone called for the translation of MHC criteria into technological characteristics and suggested the ultimate goal should be to develop international monitoring mechanisms to ensure development of AWS does not reach a stage where they violate IHL or IHRL.
- Zambia called for more discussion in the current format or in a GGE.
- Turkey expressed flexibility on the format of discussions.
- Zambia called for the inclusion of the Human Rights Council and more inclusive participation.
- Chile underlined the importance of human rights dimensions of AWS.
- Algeria called for more diversity in the discussion and inclusion of perspectives and contributions of developing countries.
- China stressed that IHL should be a firewall to safeguard international humanitarianism rather than a smokescreen to mask violations.
- ICRC stressed that article 36 weapons reviews are not a substitute for legal and policy developments to respond to eroding human control.
- Nobel Women's Initiative stressed that article 26 of the UN Charter is more relevant than article 36.
- Article 36 stressed that if MHC over weapon systems is to be upheld we need a prohibition on fully autonomous weapons. It called for a broader discussion on legal reviews on weapons, means, and methods of warfare rather than focusing on autonomous weapons.

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EVENT: FULLY AUTONOMOUS WEAPONS ARE NOT “INEVITABLE”

Elizabeth Minor | Article 36

This final briefing organized by the Campaign to Stop Killer Robots reviewed the week at the CCW and gave the Campaign’s recommendations for the way ahead, towards an international ban on fully autonomous weapons.

Steve Goose of Human Rights Watch urged states to work towards obtaining a mandate at the 2016 Review Conference of the CCW, to commence negotiations on the prohibition of fully autonomous weapons. Developing a ban treaty within the following one to two years would be the greatest achievement of the CCW. Calling on states to put the informal phase of discussions behind us and be ambitious, Goose suggested that the convening of an open-ended Governmental Group of Experts (GGE) be agreed on at the next meeting of states parties in November.

Such a GGE could meet for three to four weeks, rather than a few days. The mandate of this GGE should not be limited to transparency and weapons reviews, but should consider the proposal of prohibition and address a range of issues. The primary focus should be on the principle of meaningful human control, which was the central topic of states’ interventions during this week. Goose also noted that no states have explicitly said that they have to have these weapons, or are actively pursuing their development, though some have left the door open to their development.

Noel Sharkey of the International Committee for Robot Arms Control also highlighted the urgency of moving forward. Sharkey emphasised the need to focus on determining what constitutes an appropriate level of human control. Reviewing some of the major

concerns about fully autonomous weapons, Sharkey drew attention to the importance of keeping human rights implications under consideration, including civilian policing and border control applications.

Paul Hannon of Mines Action Canada noted how international law must develop and adapt in response to a changing world and the changing nature of conflict. Hannon used the processes leading to the Convention on Cluster Munitions, Anti-Personnel Mine Ban Treaty, and CCW Protocol IV on Blinding Laser Weapons to demonstrate how prohibitions on certain weapons can be achieved. Lessons include the importance of cooperation between states, NGOs, and international organisations, as well as the value of prohibition to generating stigma around unacceptable weapons.

Ray Acheson of Reaching Critical Will reviewed the fundamental ethical questions and principles of humanity at stake, and discussed the forums in which work should go forward. These also include the Human Rights Council and the UN General Assembly First Committee, at which states could take the opportunity to present national policies and definitions. Acheson emphasized that the failure to act also has ethical implications, and that we should consider carefully the future we wish to build.

In subsequent discussion, chaired by Camilo Serna of SEHLAC, existing weapons technology and the acceptability of how certain platforms are currently used were raised. Concerns raised included where to draw the line on human control, and the potential of legitimizing unacceptable practices which nevertheless meet the need for meaningful human control.

News in brief, continued

- Human Rights Watch stressed the importance of transparency, but highlighted it will be insufficient. Transparency and weapons reviews should be included but are only part of the picture.
- HRW called for a robust GGE that addresses ethical, moral, human rights, legal, stability arguments, and other issues.
- ICRC called on states parties to develop national policies in favour of a ban on autonomous weapons systems; commit to moratoria on development, production and use; support an international mandate leading to substantive negotiations on a preemptive prohibition; and ensure that discussions on AWS are open and inclusive especially of women, experts from the Global South and civil society.
- Mines Action Canada stressed that MHC must remain at the centre of all decisions to use violent force. The international community must consider morality, ethics, and human rights in AWS discussions.
- CNAS acknowledged that there seemed agreement human judgment is needed over use of force. Further, humans are bound by laws of war and machines are tools not agents.