



CCW REPORT

*Civil society perspectives on the CCW Group of Governmental
Experts on lethal autonomous weapon systems
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PREVENTING A MARCH TOWARD DYSTOPIA

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Another round of UN talks on autonomous weapon systems ended on Friday without significant movement in any particular direction. Six years into this political process, states are continuing to tread water while millions of dollars are being invested into automated killing machines.

The focus of the last two days has been summaries of discussion produced by the Chair. Delegates gave their reactions and corrections to the texts, upon which the Chair intends to hold further consultations over the coming months. The summaries are not the basis for a legally binding treaty, a political declaration, a code of conduct, or any other measure to prevent, constrain, or regulate the development of autonomous weapons. They are just summaries of conversations that indicate areas of convergence and divergence, or how relevant various characteristics of control and weaponry are for this issue. The summaries do provide an indication of where states stand on certain issues, but in that regard, they are perhaps as alarming as they are helpful.

In particular, the informal discussions over these summaries clearly showed once again that a handful of states are not only intent on developing and deploying killer robots, but that they are also actively questioning some of the key legal and ethical frameworks humankind has developed over centuries to constrain violence. One state rejects public conscience as a constraint on weapons technology. Another does not see the relevance of human rights in the context of autonomous weapons. A handful of governments apparently are not very concerned whether or not human beings have control over weapons.

A lot of governments, fortunately, are concerned. Regardless of what political or legal measures they support, the majority of delegations participating in these talks have expressed the belief that human beings must retain meaningful human

control over weapon systems—that humans must be operationally in control of and legally accountable for decisions to use force.

But because the CCW operates by consensus-as-unanimity, the majority concerns are subsumed by the minority quest for military dominance or the unconstrained capacity for violence. At this round of talks, for example, Australia, Israel, Russia, the United Kingdom, and the United States spoke against any move to create a new treaty on autonomous weapons. These states are investing significant funds and effort into developing weapon systems with decreasing human control over the critical functions of selecting and engaging targets.

To make matters worse, many of those who support only partial, non-binding measures—such as political declarations or codes of conduct or national level weapon review processes—just don't seem that bothered by the lack of progress. It actually seems like a number of states are resigned to the idea that these weapons will be developed, and that they will need to go along with it. They seem to be using the classic arms proliferation logic—that is, if country X gets these weapons then we must have them, too, because country X will be unscrupulous in how they use them and we must have equal capacity to be unscrupulous in defence.

This type of logic is why we have over 14,000 nuclear weapons in the world right now. It is why more bullets are produced every year than there are people on the planet. It is why bombs are dropped on homes and hospitals. "We need to exercise our fullest capacity for violence because that is what others are doing." Or, "We might as well produce or sell these weapons even if we know they will be used to slaughter civilians because if we don't do it, someone else will." This is the logic of the "militarily significant states". This is the logic of militarised masculinities, where

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might makes right and power is demonstrated and exercised through the capacity and willingness to use force.

This is what international law—including disarmament and arms control law, international humanitarian law, and international human rights law—is meant to constrain. There are alternative options for international relations. There are choices other than deploying weapons of mass destruction, bombing towns and cities, and increasing capacity for remote and autonomous uses of force. Agreeing collectively to not go down this path is the best bet we have as a human species to survive, and to turn our economic and human resources to productive endeavours

such as dealing with climate change, environmental degradation, poverty, and inequality.

The vision of a different future is why the United Nations was founded in 1945, and it is why activists continue to try to engage with governments in this forum. We want it to live up to its promise of saving succeeding generations from the scourge of war. In those moments in the aftermath of World War II, we may not have understood that one day we would be looking at the possibility of wars waged with machines. But in this moment, that dark and dystopian future is foreseeable. We have the chance to build a different future. But not for long. •

NEWS IN “BRIEF”

Allison Pytlak and Katrin Geyer | *Reaching Critical Will, Women’s International League for Peace and Freedom*

The following is intended to provide a snapshot of discussions from 29 March at this GGE. It does not capture all positions or views.

Informal discussion on human-machine interactions

- Many states asserted that participants in the CCW process on autonomous weapon systems (AWS) have used different terms such as human “involvement,” “judgement,” “agency,” and “control,” and argued that these require further clarification and standardisation.
- Some suggested that the “points of divergence” in this summary should be renamed to “points for further clarification”.

Paragraph 1

- This paragraph reads “A human-centred focus is the best way to take forward the work of the Group.” Many states preferred the term “human-centric” approach instead of “human-centred” and noted that the former term was used in the 2018 GGE report.
- The majority of states asserted that human control is the most essential element around discussions of AWS.
- One state noted that focusing purely on human control in discussions on AWS would be counter-productive.
- Another suggested the summary could note that a human-centred focus is “[one way] to take forward the work of the Group,” instead of the current description of “[the best] way to take forward.”

- Some suggested that developing a working definition of AWS should be of key importance.

Paragraph 2

- This paragraph states that “human responsibility for decisions on the use of force must be retained since accountability cannot be transferred to machines” and that “this responsibility can be exercised at various stages of a weapon system’s life cycle.”
- Some states suggested the replacing of human “responsibility” with human control. Many states suggested to replace “accountability” with “responsibility” so to ensure consistency.
- Some states suggested replacing “this responsibility can be exercised at various stages of a weapon system’s life cycle” to “this responsibility [must] be...” in order to reflect the consensus in the room.
- One state observed that while it is customary to use agreed language, the GGE should also strive to build on agreed language.
- The Campaign to Stop Killer Robots suggested replacing the second part of the first sentence noting, “since accountability cannot be transferred to machines” with “because responsibility should always be attributed to a human”.

Paragraph 3

- This paragraph states that “the use of force must reflect human agency and human intention,” and that “the judgements required to authorize the use of armed force must be made by humans.” It



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goes on to explain the importance of informed judgments.

- Some states advocated for further strengthening of this paragraph so to better reflect that human agency and human intention are at the core of any decision to use force.
- Some asserted that terms used in the paragraph require common understandings, such as the meaning of “the use of force must reflect...”, “human agency,” and “human intention”. Some expressed confusion with the term “fully informed,” which they argued would need further clarification.
- One state suggested deletion of the last sentence of this paragraph.
- One state argued that we all use technology without understanding how it works, and that human operators and commanders need to understand the likely risk to civilians posed by the weapon systems they employ to ensure it is consistent with IHL. It argued this does not mean that they need to know in detail how the weapon system operates.
- Another state proposed to replace “the use of force must reflect human agency and intention” with “the use of force [requires] human agency and intention”. It further suggested to simplify the second sentence from “To be effective, those judgements must be fully informed” to “Judgements required to use force must be made by humans.”

Paragraph 4

- This paragraph states, “Weapon systems must continue to operate within a responsible chain of human command and control”.
- Some observed that this paragraph was dealt with in the informal summary on IHL.
- One state suggested deletion of this paragraph.
- One state suggested to specify that weapon systems are always operated by a human.

Paragraph 5

- This paragraph reads, “The ability to constrain a system through limitations on, inter alia, its duration of operation, range of operation, target profiles and the functions that can operate autonomously or the duration of that autonomy functioning, were considered relevant to whether its use could be lawful.”
- One state noted that the paragraph refers to human control and should substantiate the concepts of meaningful or significant human control.

- It was noted that it is not only technical constraints in space and time that should be considered when determining if AWS could be lawful, but also moral and ethical concerns arising from IHL.
- It was observed that the topic in this paragraph was mentioned under other agenda items. This indicates that there are common threads throughout discussions.
- The Campaign to Stop Killer Robots observed that many states referred to predictability and reliability in this context, which should be reflected in this paragraph.

Paragraph 6

- This paragraph reads, “Further clarification is needed on the type of degree of human control required, including at different stages of a weapon’s life cycle, in order to achieve full compliance with IHL.”
- It was observed that with some tweaking, this paragraph could become a point of convergence, as states agree that there is a further need for clarification on the type and degree of human control required.
- One state observed there was a “terminology proliferation” which makes it difficult to arrive at consensus but that varying terms describing human control are actually closer to each other than they appear.
- One state disagreed that this paragraph could be moved into “points of convergence”. It noted that some states argued that the involvement of human beings in the application of technology to weapon systems should be left to the discretion of states.

Paragraph 7

- This paragraph states that some delegations “consider that the ability of a weapons system to deliver the effect intended by a human commander or operator could be supported through cumulative interventions in different stages of a weapon system’s life-cycle, which may allow for some autonomous functioning during the targeting cycle.” It also notes that some delegations called for “more direct human control, both through design and in use. In particular, the targeting function, which requires a comprehensive assessment of a given situation (taking into account technical, legal, political, military and ethical considerations) requires the exercise of human judgement.”
- It was observed that with some tweaking, this paragraph could become a point of convergence.



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- Some states specified that the last sentence of this paragraph should be moved to “points of convergence”.
- Some suggested that “moral considerations” should be added to the second sentence.

Paragraph 9

- The first sentence of the paragraph reads that “While some delegations stressed that a human judgement needs to reasonably temporally proximate to an attack to remain valid, it was not clear that all delegations share this view.”
- Some asserted that the terms “proximate to an attack” or “valid” need further deliberation.

Paragraph 10

- This paragraph notes, “There were divergent views on the need for real-time supervision during the targeting cycle”.
- It was suggested to include “engagement” after “targeting,” as this too is one of the critical functions in the targeting cycle.

Paragraph 11

- This paragraph states, “There were divergent views on whether moral and ethical responsibility beyond international law should be taken into account.”
- Many states asserted that this should be a point of convergence. They argued that there are no divergent views of moral and ethical concerns.
- One state proposed to replace “moral and ethical responsibility” with “moral and ethical considerations,” so to achieve convergence on this paragraph.
- One state asserted that moral and ethical considerations can be used to argue in favour of autonomous weapon systems as they can enable more a more “discriminate use of force”.
- A few states noted that the paragraph doesn’t reflect different views.
- One state argued that there are divergent views on the Marten’s Clause, and that this should be noted. It argued that the Marten’s Clause, along with dictates of public conscience, amongst other principles, do not impose separate requirements apart from those enshrined in customary international law and IHL.
- Others noted that the Marten’s Clause is included in the preamble of the CCW and shouldn’t pose any problems per se.
- The Campaign to Stop Killer Robots suggested to separate references to the Marten’s Clause,

where divergent views exist, from general ethical and moral considerations, where convergence exists.

Possible Guiding Principles

- Virtually every delegation spoke against re-opening the text of the 2018 “Possible Guiding Principles” and encouraged building on them instead. Some indicated that technical and editorial changes, including for consistency in terminology, could be explored.
- One delegation proposed changing “accountability” to “responsibility” in Principle 3.
- Another felt that the Principle 4 could be built on practically by compiling and sharing best practices in the area of national control.
- Another delegation spoke against technical fixes.
- A few delegations referred to the difficulties involved in the negotiation of the Principles as a reason to not re-open them, while a few others defended their content and expressed concern over losing support for gains made.
- The majority of delegations support Principles as a general basis for future discussions, one noted they are “not the end of the road”.
- There was a suggestion to add new ones and to see them as evolving.
- Another delegation stressed that they are not an adequate response to autonomous weapons.
- There were varying levels of support for the content of the Principles. Some view the Principles as an achievement and/or strong in content and urged their preservation or elevating their status.
- Other delegations indicated that the Possible Guiding Principles represent a minimum standard, or in the words of one delegation, the “lowest common denominator”.
- One delegation highlighted specific concerns relating to lack of clarity and precision in the language; limitations and incompleteness; multiple uses of the word “responsibilities;” and no indications of the legally-binding nature of commitments to be undertaken on this issue.
- Inputs from civil society and academia on how to read the Guiding Principles were welcomed by one delegation.

Way forward

- One state said it is significant that moral and ethical perspectives are a point of divergence, given that concerns of this nature were the GGE’s starting point. It recommended stepping away from



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the technical discussion to remember that.

- Some states made specific proposals for how to move forward, either in how to organise the time remaining for the GGE or where to focus discussions.
- Support was given to focus on the topic of “characterisations” of AWS.
- A few delegations highlighted the concepts of “human control” and “human judgement” as priority areas for future focus.
- Another asked other states to express why existing IHL is inconsistent.
- One delegation listed three “actionable elements” that the GGE could agree, consisting of different types of requirements.
- Another proposed developing sub-sets of the existing Principles.
- One state noted the need for a uniform interpretation of legal frameworks relating to AWS, and a few others reiterated support for the Portuguese proposal of a legal compendium and a code of conduct.
- Several stressed the importance of the GGE producing either concrete or tangible outcomes or urged specific mandates; some others cautioned about lengthy drafting exercises at the expense of substance.
- A delegation highlighted that the CCW is a regulating body and on this issue there is a need for regulations, citing the example of having negotiated additional protocols in past
- The urgency of the issue was highlighted by one delegation in pointing out that states are already investing in weapon systems with decreasing human control.
- There were reiterations of support for a political declaration while other delegations reiterated preference for a legally-binding instrument, with some denoting their reasons why they feel this is best policy option.
- Some acknowledged that a legal instrument could be developed in tandem with other suggested policy options so that there are national and international responses progressing simultaneously.
- Others expressed support for both a political declaration and a legal instrument, but not happening concurrently.
- There was widespread appreciation for the Chair’s management of the meeting and proposal to have informal consultations and update the summary documents.
- One delegation cautioned about the misuse of the consensus rule, noting it should only be used when legitimate security interests are threatened, and not as a tool to slow debate.
- The Chair outlined that revisions of the informal summary documents will be released in mid-April and informal consultations will take place in mid-May, and mid-June, with a third informal consultation occurring the day before the next two days of official GGE meetings in August.

