

VOL.9 NO.8

4 December 2021



Image: Stop Killer Robots

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EDITORIAL: GOOD FAITH AND AMBITION NEED APPLY

Ray Acheson | Women's International League for Peace and Freedom

As the final session of the Group of Governmental Experts (GGE) on autonomous weapon systems (AWS) got underway this week in Geneva, the public was paying more attention than ever. Following the recent **launch** of the joint Stop Killer Robots and Amnesty International's game "Escape the Scan" and their petition to prohibit AWS, media articles have continued to proliferate with concerns about increasing autonomy in weapons. Yet during discussions during the first two days of this GGE session, a tiny number of states continue to obfuscate and delay action that is imperative to saving human lives and protecting human rights and dignity.

The GGE is reading through the **draft report** published by the Chair in November. It contains substantive sections on the discussions held throughout 2021 and proposes recommendations to the CCW Review Conference, which will convene in December. The draft report currently includes recommendations for the adoption of a political declaration and for the commencement of negotiations on an instrument. This latter call is critical. It will allow states to start working on a new agreement in 2022 to prohibit and regulate AWS, as called for by the majority of GGE participants as well as the UN Secretary-General, the International Committee of the Red Cross, groups of scientists, faith leaders, military veterans, tech workers, and civil society organisations.

This GGE's work will continue next week until 8 December. High contracting parties (HCPs) to the CCW must seize this opportunity to call for, and adopt, a mandate to negotiate a legally binding instrument on AWS. They should make it clear that this instrument should contain both prohibitions and positive obligations; and commit to work urgently on those negotiations, allocating the necessary time and resources.

The Stop Killer Robots campaign continues to advocate for a legally binding instrument that includes a general obligation to maintain meaningful human control over the use of force;

prohibitions on autonomous weapons systems that cannot be used with meaningful human control and prohibitions on systems that would target human beings; and positive obligations to ensure that meaningful human control is maintained over systems that are not prohibited.

After eight years of discussions in Geneva, a mandate to negotiate a legal instrument is essential. As Palestine noted this week, the weight of public opinion and government support is behind a legally binding instrument. Yet this goal has so far been frustrated by a small minority of states. Palestine noted that many who say the CCW is the only appropriate framework to consider AWS say in the same breath that there should be no negotiations, preventing those who want more concrete outcomes from having them in this forum. This cannot continue.

During the first two days of this GGE, most delegations have shown significant flexibility while negotiating various paragraphs of the draft report. The Philippines said it is encouraged by the openness expressed by many and invited the remaining few to work for a constructive outcome. Otherwise, as Nigeria warned, the "inherent inconsistencies and biases that could steer activities of AWS continue to predict inaccuracy and ultimately chaos." These weapons must be prohibited, it argued, cautioning that the negation of meaningful human control over the operation of weapon systems "could ultimately spell the supremacy of machines over humans," which is unacceptable.

"Throughout the history of humanity, millions have suffered from the use of inhumane and indiscriminate weapons," noted **Stop Killer Robots** in a statement to the GGE. "We must learn from the lessons of the past and take this opportunity to reject digital dehumanisation and the automation of killing in weapon systems. When the history books are written about this process, future generations will recognise which states took leadership and were united in their effort to safeguard our rights."

ORGANISATION OF WORK

Katrin Geyer | Women's International League for Peace and Freedom

The final session of the Group of Governmental Experts (GGE) on autonomous weapon systems (AWS) discussed the [draft report](#), circulated 22 November. The GGE is tasked with adopting a final report, including recommendations for a new mandate of the GGE, as well as consensus recommendations for clarifying a normative and operational framework (NOF) on AWS. These proposals will be submitted to the CCW Review Conference (RevCon) for adoption, to take place from 13–17 December 2021 in Geneva.

At the outset of the session, the Chair recalled that the [agenda](#), adopted at the August GGE session, covers all three official sessions in 2021 so there was no need to re-adopt it, and the Secretariat circulated a [provisional programme of work](#) on the first day of meetings.

Access and participation

The meeting is broadcast on [UN WebTV](#), and available in all six UN languages. A recording of the meeting is also available in English on the [UN Digital Recordings Portal](#).

The vast majority of participants expressed concern that some delegations and experts are not able to participate in-person amidst new travel restrictions due to recent COVID-19 developments. [Stop Killer Robots](#) regretted that campaigners could not join the meeting due to travel restrictions, vaccine inequalities, and the new COVID-19 variant. Israel expressed worry that with many experts missing, discussions and outcomes will be affected, creating inequalities among high contracting parties and harming the spirit of consensus. At the end of Friday's meeting, the Chair announced that Switzerland is lifting the quarantine on all countries, so others can join the meeting next week if compliant with the new COVID-19 testing rules mandated by Swiss authorities.

Objectives of this GGE

There was considerable discussion about identifying the objective of this session.

Russia continued to stress that the goal is to 1) prepare recommendations on options related to emerging technologies in the area of lethal AWS; and 2) to prepare consensus recommendations for the clarification of a NOF on emerging technologies in the area of lethal AWS.

Russia opposed work on a political declaration (PD), as proposed in the draft report, arguing this is not a stated goal or objective of the GGE's mandate and asserting that it is "premature" to talk about a PD. It urged its colleagues not to waste time on discussing new ideas but to focus on consensus-based recommendations.

The United States (US) explained the Chair seeks to encourage states to agree on recommendations to the RevCon to adopt a substantive and meaningful outcome in the form of a PD. The US stressed that it was important that states have unity of purpose, which should be to achieve consensus on recommendations for the High Contracting Parties (HCPs) at the RevCon. The US encouraged states to focus on getting clear about what this outcome document should look like.

The Chair clarified that paragraphs 17 to 48 are meant to be consensus recommendations for the RevCon for endorsement, in the form of a PD. The Chair asserted that based on consultations, there was strong convergence for a PD.

The US observed that the current structure of the report may contribute to confusion, as the report is a report, but also includes an outcome document. It suggested to pull out elements of the outcome document, and to move it into an annex. Cuba and India supported this.

Cuba proposed that if no consensus is achieved on the outcome document, the GGE could suggest that the RevCon continue considering elements of a PD to guide future work.

Cuba also stressed that two issues need to be well-defined: whether the GGE supports a PD, or a different type of document, and what the Group's

new mandate should be. It urged states to focus discussions on the mandate. The Philippines supported this, arguing that a better understanding of the Group's mandate would help understand specific elements for an outcome document.

Additional remarks about the structure of the document can be found within reporting on various sections and paragraphs of the draft report.

Reading of the report

The chair's initial plan was to have a first reading completed by Friday, 18:00 CET. However, this was

not possible due to the amount of states taking the floor on each paragraph.

Instead, over the first two days of the session, states offered general comments on the draft report, then held focused discussions on sections I–III, as well as paragraphs 14–16, paragraph 17, paragraphs 31–32, and paragraphs 49–51 of section IV. HCPs will resume work from 6–8 December to go through revised versions of these aspects as well as the remainder of the report. We will cover those discussions in another edition to be published at the end of next week.

GENERAL COMMENTS

Katrin Geyer | Women's International League for Peace and Freedom

At the first meeting of this Group of Governmental Experts (GGE) session, participants offered general comments on a variety of issues.

Many delegations, including Australia, International Committee of the Red Cross (ICRC), India, Ireland, Japan, Malta, New Zealand, France, United States (US), Republic of Korea (ROK), Pakistan, and Switzerland expressed their gratitude for the efforts of Ambassador Hwang of France to organise an informal retreat on autonomous weapon systems (AWS) in Evian, France, a few weeks ago.

General comments on the draft report

The Chair gave a brief overview of the **draft report**. He explained that the report was based upon discussions from the Group of Governmental Experts' (GGE) last two sessions, and that the goal was to adopt a consensus report on the final day of the session, 8 December, by 6PM CET.

The vast majority of delegations taking the floor said that the draft report was a good basis for the six days of work.

India regretted that the draft does not reflect all divergences between delegations. It noted that

the current draft gives the impression as though discussions are almost concluded, and that clarity on all aspects exist which India believes is not the case. It requested for the report to include all issues that require further clarification by the GGE.

Pakistan as well as Brazil, Chile, and Mexico jointly reiterated that the report needs to reflect different positions in a balanced manner.

Brazil, Chile, and Mexico jointly stressed that it is important to approach negotiations of substantive elements for a possible political declaration (PD) and the future mandate of GGE as a package, since it is difficult to determine the nature of the mandate without having clarity of the ambitiousness and substance of a PD.

The United States (US) said it would be ideal if the RevCon adopts what the GGE will negotiate in this meeting verbatim. It expressed concern that if the GGE were to leave matters to the RevCon to negotiate, there will be little time to do so and it will risk opening up consensus language.

In contrast, Brazil, Chile, and Mexico jointly said it was counterproductive to simply restate existing obligations applicable to all weapon systems, without addressing the challenges and specificity of AWS in the draft report. They recommended

to centre the document on aspects specific to AWS. Similarly, Austria observed that the text features elements of a general nature, rather than those specifically relating to AWS. It suggested to streamline the text and to make it more relevant to the Group's objective. Ireland, New Zealand, Pakistan, and the Philippines made similar calls.

Human element

The vast majority of states reaffirmed the centrality of human control in the context of AWS and that this should be duly reflected in the draft report.

The United Kingdom (UK) asserted that it opposes the creation of systems without meaningful human involvement as they could not satisfy the requirements of international humanitarian law (IHL). It noted that irrespective of a weapon system's autonomy, human responsibility and accountability cannot be removed.

Australia said it has difficulties with the concept of "sufficient human control" used throughout the text. It argued that there is no consensus about what "sufficient" or "meaningful" means. Canada also argued that this term does not enjoy consensus and is too restrictive to ensure IHL compliance. Israel suggested to use the term "human-machine interaction" or "human involvement" instead. Japan agreed that "sufficient" is subjective. The US also regretted the inclusion of concepts with diverging interpretation, including the concept of "sufficient human control". It said that human control is not an end in and of itself and is not a legal requirement.

The Group of 11 (G11), including Argentina, Costa Rica, El Salvador, Ecuador, Nigeria, Panama, the Philippines, Peru, Palestine, Sierra Leone, and Uruguay, prefer "meaningful" over "sufficient" human control over the use of weapons.

Australia argued that human involvement is one type of control that can be used to ensure IHL compliance but suggested that the term may imply the need for human control at all times. The US made similar observations. Australia believes control measures can be implemented across the entire lifecycle of a weapon and proposed the concept of "responsible chain of human command and control" as more suitable terminology.

Turkey stressed that humans should always be involved in the decision-making over life and death.

Consensus language

Brazil, Chile, and Mexico jointly underscored that any conclusions in the report should not merely repeat previously agreed elements from the 2019 mandate.

Austria proposed to refer to past outcome documents, instead of quoting previously agreed language, and to focus on new language in this draft report. Ireland supported this.

The US recommended to include as much previously agreed language in the draft report as possible to reflect the GGE's valuable work and to demonstrate the GGE's progress. It argued that removing consensus language should be avoided, while building on consensus language is appreciated and should be pursued. Japan expressed its support. Similarly, Israel said it was important to base the report on already agreed language, especially the 11 Guiding Principles (GPs) and previous GGE reports.

Guiding Principles

Brazil, Chile, and Mexico jointly argued that the draft report should recognise that the GPs were agreed as part of a package that cannot be considered in isolation, especially not without the chapeau, binding them together and determining their purpose. They stressed that GPs are not meant to serve as a normative or regulatory framework.

The G11 argued that the fulfilment of the Group's mandate is premised on ensuring that GPs of the GGE must not be taken as an end result of its deliberations but as a starting point to develop a NOF to regulate AWS.

Structure

India recommended for the report to have the same structure as past GGE reports, with a section on conclusions, capturing aspects that would benefit from additional clarification. ROK and Brazil, Chile, and Mexico agreed with this.

Pakistan said that the distinction between sections 3 and 4 is not clear, and does not correspond to views expressed.

India recommended for section III to be expanded, so to take into account views expressed so far, including divergences.

Pakistan recommended deletion of section 3, and to include relevant issues in a section on conclusions and recommendations.

ROK was not convinced of the need for section III, as it includes topics that require further discussion, such as ethical considerations and characterisation. These issues should rather be included in conclusions, describing areas of future work.

Ireland was concerned that section III is a “graveyard of convenience” for important issues that are difficult to reach consensus on. Similarly, New Zealand was concerned about this section as “laundry list” of unagreed issues.

Switzerland proposed to move section III further down in the draft final report, linking it to paragraphs (paras) about a future mandate. Switzerland also supported the idea of having conclusions that regroup elements that require further clarification together, and separately grouping together elements where there is consensus. New Zealand supported either of these two options.

Inclusivity

The UK said that the process going forward must be inclusive and involve all key actors.

Costa Rica stressed that civil society organisations, the ICRC, and industry must be included in future negotiations, and recognised the contributions of non-governmental organisations to the GGE, including the Stop Killer Robots campaign.

“Benefits” of autonomy

The UK argued that AI and autonomy have the potential to support better application of IHL, as it can improve collection of evidence, analysis, and

timelines of decision-making which may ensure greater protection of civilians and increased IHL compliance.

The G11 was concerned about the insistence on highlighting possible advantages of AWS in upholding IHL compliance as there is no consensus on these potential advantages. They oppose promoting any kind of weapon as it goes against the CCW’s objectives as an arms control and disarmament instrument.

Way forward

India and ROK said it was premature to negotiate and adopt an instrument, as proposed in para 49(c) (i). The US also could not support this. It argued that the ambiguity of such an instrument might be attractive to some but would cause paralysis and politicisation.

The G11 argued that negotiations for a legally binding instrument (LBI) would allow focused discussion and in-depth clarification to reach consensus. The G11 noted that there is clear and growing momentum for an LBI. The African Group, Austria, Costa Rica, Egypt, Iraq, Nigeria, New Zealand, Malta, Pakistan, and the Philippines, amongst others, also expressed their support for an LBI.

The ICRC stressed that formal commitments in form of legally binding rules are urgently needed to ensure IHL compliance and ethical acceptability.

G11 argued that the lack of consensus is not an impediment to start negotiations, as such clarification could be achieved through a negotiation process.

Stop Killer Robots called on the GGE to raise its ambition and adopt a mandate for a legally binding instrument to maintain meaningful human control over the use of force.

Spain argued that it does not support a LBI if this means sacrificing consensus, and that a minimum form of agreement is better than none at all.

Australia said it has reservations about the recommendation to pursue an instrument of

undefined status and expressed concern that this would generate ambiguity.

India said it supports the approach of adopting a PD based on the GPs and other consensus elements. It could not, however, support inclusion of paras 17–48 of the draft report, as proposed in para 49(b).

Bulgaria, Malta, and Switzerland supported the immediate goal of reaching a PD. Bulgaria argued that this would demonstrate that CCW states parties are aware of their responsibility in view of the rapid technological developments and would acknowledge the dire need for actions. Canada made similar remarks.

While Canada expressed support for a PD, it wondered if this was feasible in light of the little time left this year.

The US, ROK, New Zealand, and Ireland would like clarification how the Chair intends to develop PD.

Brazil, Chile, and Mexico jointly said that they do not close the door on the Review Conference adopting a PD, but that further clarification is required on the content. Ireland and Norway made similar observations.

The African Group, Algeria, Pakistan and Brazil, Chile, New Zealand, and Mexico stressed that they see the PD only as an intermediary step toward a legal instrument.

Brazil, Chile, and Mexico proposed various themes for the PD's content: it should address the centrality of the human element in the use of force, and mention the challenges that AWS pose to the compliance with IHL. It should also mention the need for new IHL rules, to ensure that IHL and IHRL are fully observed.

The UK said delegations should focus on building norms and positive obligations, demonstrating how autonomy can be used in accordance with IHL with suitable levels of human control, accountability and responsibility, and that future work should include best practice and codes of conduct, amongst others. Canada also supported a focus on best practices. New Zealand argued that a compendium

could have value but that stock taking is not a sufficient outcome of the GGE's work.

Australia welcomed the reference in para 13(d) regarding a compilation of general practices on a national level, and would welcome to work on a document similar to the Montreux document as it is politically binding, operational in nature, and updatable over time. The Netherlands regretted omission of explicit reference to a compendium of best practices as proposed by Portugal but acknowledged this may be read into para 13(d).

The US proposed to draft a non-binding code of conduct which would provide an updatable vehicle to make further progress without prejudice. New Zealand looked forward to the US' further elaboration on its proposal.

Brazil, Chile, and Mexico jointly stressed that there is a need to stick to the mandate of the Group, which is not to recommend aspects of a normative and operational framework (NOF), as expressed in para 16. Ireland echoed this.

The US called for flexibility in the mandate to reflect the fast development of technology and to build a strong foundation to stand the test of time.

Austria welcomed concrete language for the Group's mandate and stressed that the mandate should be result-oriented.

Ethics

The ICRC welcomed the attention given to ethical considerations and stressed it was critical that the section on general commitments reflect ethical considerations and of legal requirements for limitation of AWS

The G11 said that more emphasis should be placed on ethical dimensions in the section on general commitments, and that ethics should drive the development of a NOF on AWS. The African Group made similar remarks. The G11 said it would prefer to have a separate section of the report on ethics. They argued that ethics underline the decisions to limit warfare on the basis of respect for humanity, and that it should guard against decisions by machines to attack and kill human beings.

Ireland argued that it is critical to dedicate enough time to a section on ethical considerations.

Iraq stressed that ethics must govern the work of the GGE. The Philippines made similar remarks.

Characteristics

Australia welcomed the omission of a section on definitions and characteristics as this is one of the most contentious issues in the GGE. It shared its understanding that there is now broad recognition that autonomy is a method of warfare that can be endowed on a weapon system, rather than a weapon system in and of itself.

India opposed the omission of “lethal” in the section on the way forward, as it argued the GGE still seeks clarity on the characteristics of AWS. Israel supported this.

The G11 argued that no further work is needed on the concept of lethality, since a vast majority of states has referred to AWS throughout the GGE process. It argued that a weapon can be contrary to international law regardless of whether the weapon is lethal or not, and therefore expressed support to eliminate “lethal” in all paras. Costa Rica supported deletion of references to “lethality”.

Challenges to international law

Brazil, Chile, and Mexico jointly called for inclusion of legitimate concerns posed by AWS in the

document, including the security implications of the deployment of AWS.

The ICRC welcomed the draft recommendations, acknowledging that AWS entail serious risks, as well as specific challenges that AWS pose for weapons reviews.

The G11 welcomed references to challenges posed by AWS to international human rights law (IHRL), international criminal law, and international peace and security, and called for further strengthening of such reference. Costa Rica reiterated this, and added that international environmental law fully applies to AWS.

The G11 argued that any potential advantages are outweighed by risks and challenges, including the amplification of social biases based on the basis of gender and race.

Austria argued that the section on risk mitigation requires further contextualisation, as more clarity is needed which risks should be mitigated.

Turkey requested deletion of references to international criminal law as well as calls for states to join Additional Protocol I to the Geneva Conventions.

Australia expressed support for further guidance to strengthen implementation of weapon reviews. Turkey welcomed wording in paras 38, 39, 41, 42, and 43 on weapons reviews.



SECTION I

Allison Pytlak | Women's International League for Peace and Freedom

Section one of the **draft report** is the introduction. It essentially reiterates the mandate given to the Group of Governmental Experts (GGE) by the 2019 Meeting of High Contracting Parties (HCPs) to the Convention on Certain Conventional Weapons (CCW) by quoting directly from the outcome document (**CCW/MSP/2019/9**) of that meeting.

Overarching comments on section I

Discussion about section I overlapped with discussion and debate about the overall structure of the final report and format for negotiating the draft final report.

The Chair proposed to review the first two sections of the draft one by one, but as a whole, rather than paragraph by paragraph, given their factual nature.

Paragraph 1

Paragraph 1 quotes directly from the 2019 meeting of HCPs outcome document in relation to decisions taken there to establish the GGE, the number of days it would meet, mandate and scope of work, names the Chair of the 2020 meetings, and notes that decisions on the 2021 chairpersonship will be determined during 2020.

Russia requested an addition to paragraph 1 to reflect that in 2019 there was a decision taken related to the specific dates of the GGE meetings planned for 2020. Russia felt that this should be included since this paragraph reproduces all earlier relevant decisions.

Paragraph 2

Paragraph 2 reflects the decision taken to postpone meetings in 2020 due to the “extraordinary circumstances related to the COVID-19 pandemic.” It also references the decision to name Ambassador Marc Pecsteen de Buytsverve as the Chair of the 2021 meeting cycle.

Russia requested an amendment to the chapeau of paragraph 2 for it to include reference to the meetings of the GGE that were supposed to be held in 2020, in addition to the existing reference to the meeting of HCPs. Russia also said that in the part where references to technical decisions of 14 April 2021 are mentioned, it would be important to have a reference to the chapeau to have a complete picture of the fact that when the HCPs took that decision in 2020, they took into account the fact that there were no meetings held in 2020. Russia proposed a new paragraph.

Russia asked that a new paragraph be added to refer to the understanding that in light of COVID-19, meetings of the GGE must be held in line with existing practice, with people physically present in the room. Russia believes that this is an important understanding about the format of the Group.

Russia suggested deleting “and adopted” and replacing it with “considered” because the subject of the report’s adoption has another whole section if it is indeed adopted. Russia also noted that it more accurate to say “draft report” rather than “report” because a draft is what is being discussed.

SECTION II

Allison Pytlak | Women's International League for Peace and Freedom

Section II of the **draft report** contains 10 paragraphs. These paragraphs reflect factual information about the work of the GGE, such as which countries and organisations participated; the agenda items; and dates which it met.

Paragraph 12

Current text: *The Group held three sessions in Geneva in 2021, from 3 to 13 August, 24 September to 1 October and 2 to 8 December. Discussion on agenda items 5 (a) to 5 (e) took place from 3 to 6 August and 24 to 27 September. Discussion on agenda item 6 took place from 6 to 13 August and 24 September to 1 October. From 2 to 8 December, the Group considered and adopted its final report.*

Russia noted that past GGE reports described having “meetings” rather than “sessions,” and so

suggested that “three sessions” be replaced with “met”.

Russia noted that the description of when agenda items were discussed is inaccurate. It said that this should be brought into line with the programme of work.

Russia asked to add “substantive” before “discussion” in the third sentence, as in past reports.

Russia suggested deleting “and adopted” and replacing it with “considered” because the subject of the report’s adoption has another whole section if it is indeed adopted. Russia also noted that it more accurate to say “draft report” rather than “report” because a draft is what is being discussed.

SECTION III

Allison Pytlak | Women's International League for Peace and Freedom

Section III of the **draft report** covers “Aspects that may benefit from additional clarification or review”. It includes one paragraph (para 13), which has four sub-paragraphs (a–d). It encapsulates issues and topics that “may benefit from additional clarification or review.”

Overarching comments on section III

There was significant discussion about the overall value and placement of this section, which built on points raised during general comments. As a result, the Chair asked if states would rather move this section further down in the draft report—potentially within the “way forward” sub-section—or leave it as is. Statements made during the meeting on section III therefore ranged from overarching comments about the section’s contents and its placement in the draft, but also featured some precise language suggestions.

Pakistan proposed, as a first step, deciding what sections are needed in the final report and to agree on their titles. In this connection, the question arose of whether to rename section IV (Recommendations) to “Conclusions and recommendations,” which would be in keeping with past GGE reports and also because the contents of the section include points that are both conclusions and recommendations, as Cuba outlined. Australia, Portugal, Cuba, and Republic of Korea (ROK) supported moving section III and renaming section IV. Argentina supported moving this section and observed that there is a relationship between section II and the “way forward” sub-section, a point supported by the Philippines.

India agreed with Pakistan on this point and explained that conclusions must be reached before recommendations can be made, and from there, remaining issues are more easily identified.

The United States (US) observed that the Chair's intention may have been for the central recommendation of the GGE to be the adoption of a political declaration, which would use the language of paragraphs currently contained in section IV. Having a "conclusions and recommendations" section might be a way around this. The US noted there are the five headings that have achieved common support and importance of compromises, and expressed hope that the organising principle of the Chair's draft can be retained.

Brazil, Chile, and Mexico jointly said that they have reservations about this section, which won't be solved by pushing it further down the document. This includes that retaining it would open a door to debating what points go into this section rather than negotiating conclusions.

India offered a substantive "omnibus" observation on the whole paragraph, noting that a number of delegations have pointed out that this report generalises and extends of the scope of the work of the GGE because it refers to in places to "military technologies and operations". It suggested focusing language only on references to lethal autonomous weapon systems (LAWS).

At a later point in the meeting that focused on this section, after some delegations provided very specific wording suggestions, Switzerland urged that section III be addressed after the conclusions have been agreed. Ireland, New Zealand, Austria, and Bulgaria said they would hold their comments until that time.

At the end of the meeting the Chair said he will see how to incorporate this section further down in section IV. He also reflected on the points made about lethality, noting that it was fair to say that the GGE had a discussion on this but that there was no conclusion. He included the term "lethal" in the report to be in line with this GGE's mandate but said there is still a discussion to be had over whether this would roll over to a new GGE or not.

Chapeau

Current text: *The Group considered a range of aspects of the normative and operational framework on emerging technologies in the area*

of lethal autonomous weapons systems, including the following that may benefit from additional clarification or review:

The Group of 11 (G11) suggested adding "during negotiations" at the end.

Paragraph 13(a)

Current text: *Further clarification is needed on the characterization of the systems under consideration, including on the question of definitions.*

The G11 suggested replacing the reference to definitions, noting that evolution in technology and science makes definitions challenging. They noted that not all weapons prohibited under the CCW include a definition.

Paragraph 13(b)

Current text: *Further clarification is needed on whether the characterization of the systems under consideration should be specified as "lethal" autonomous weapons systems.*

The G11 suggested deletion, stating that further work is not needed on the concept of lethality. All references to lethality should be removed. Argentina spoke in support of the G11 statement and in a national capacity stated that the regulatory framework must cover more than just lethal force.

Netherlands said the need for further clarification on "lethal" is captured by sub-paragraph (a), so they could be merged.

Israel observed that the GGE's current mandate addresses lethal autonomous weapon systems (LAWS) and that dropping the word "lethal" may have implications because the heart of the discussion is about lethal force being used by AWS. It said that dropping "lethal" may divert the GGE or be used to cover scenarios and contexts beyond the scope of the CCW. It suggested deleting this sub-paragraph.

Japan said it would support deleting this sub-paragraph and supports related comments from Australia made during general statements. ROK agreed.

Paragraph 13(c)

Current text: *Further work is needed on ethical considerations applicable to weapons systems based on emerging technologies in the area of lethal autonomous weapons systems.*

Brazil, Chile, and Mexico jointly expressed they do not agree with this sub-paragraph because relevant perspectives on ethical considerations (ECs) underpin the work of the GGE, and more work on this is not needed in the GGE.

The G11 offered a new formulation: “while affirming that ECs must be reflected in development of the normative and operational framework, further work is needed on how this could be addressed.” It observed that ECs are already integrated in the mandate of the GGE and guiding principles. Argentina supported the Group statement and felt that ECs are crucial and that the topic deserves its own sub-section. The Philippines agreed.

The United Kingdom (UK) suggested adding reference to legal considerations, as well as ethical ones, a point supported by Australia.

Japan suggested deleting this because ECs are already fully integrated in international humanitarian law (IHL), and this GGE is not qualified or mandated to discuss it.

Paragraph 13(d)

Current text: *The compilation of general practices on a national level, which may help enhance accountability in military operations, including operations involving the use of emerging technologies in the area of lethal autonomous weapons systems.*

Brazil, Chile, and Mexico would not oppose a compilation but said that this suggestion falls outside of the scope of the GGE, and that accountability gaps cannot be addressed through compilations; rather, legal requirements are what ensure accountability. It suggested removing this sub-paragraph.

The G11 suggested deleting this sub-paragraph, a point repeated by Philippines in a national capacity. Argentina observed that the sub-paragraph appears to promote the manufacture of such weapons, given focus on a compendium, which implies that AWS should be developed.

The Philippines stated that it would be willing to entertain the idea of a compendium provided it does not represent a point of finality or be construed to indicate that existing IHL is sufficient, or that it be undertaken without prejudice to negotiating a legally binding instrument.

Netherlands suggested that Portugal’s proposal made in earlier GGE sessions of a compendium on international law be included here. Portugal referred to its proposed compendium, and also offered that it would like to see this paragraph have more concrete tasks outlined within it.

Netherlands also asked why the compilation would only be limited to accountability in military operations, a point echoed by the US. The US further encouraged delegations to think about current practices as a source of knowledge and understanding across all GGE issues, which it would like to see reflected somewhere in the document. India agreed, as did Portugal, which pointed out that a compilation of normative steps that are applicable to LAWS could be considered.

The UK suggested replacing “general practices” with “good practices” and agreed this has been an important feature of discussion. Australia agreed with the language change. Israel asked to what “general practices” refers and noted that a compilation of views on accountability is a new proposal that had not been discussed in past meetings. It suggested focusing this paragraph on weapon reviews.

Japan said a compilation is a good idea. It proposed to add “possible” before “compilation” and replace “general” with “model”. Australia suggested revising this suggestion later, because there is a similar suggestion in paragraph 49.

SECTION IV, PARAGRAPHS 14–16

Ray Acheson | Women's International League for Peace and Freedom

High contracting parties (HCPs) considered paragraphs (paras) 14–16 together, which comprise the chapeau of the Recommendations section of the [draft report](#).

Paragraph 14

Current text: The Group explored and sought agreement on possible recommendations on options related to emerging technologies in the area of lethal autonomous weapons systems, in the context of the objectives and purposes of the Convention, taking into account all proposals (past, present and future) and the agenda items as reflected in paragraph 11 and annex I of the Report of its 2019 session. In its discussions under each agenda item the Group considered the legal, technological and military aspects and the interaction between them, and bearing in mind ethical considerations.

Russia said para 14 should reference the work the Group of Governmental Experts (GGE) has undertaken since 2016, but adding an additional para reflecting results since 2016 and indicating that “delegations have presented different options to address potential risks and challenges in context of the objectives of the Convention on Conventional Weapons (CCW). The pros and cons discussed were under four categories, including a legally binding instrument (LBI), a political declaration (PD), and clarity on the implementation of existing obligations under international law, in particular international humanitarian law (IHL).” This para would provide more details on each proposal and should also indicate that views were expressed that no further legal measures are needed. Russia said this will avoid discussion about identifying the “optimal” solution because it has doubt that HCPs will find the perfect option over the next few days.

Brazil, Chile, and Mexico jointly noted that this para reworks the mandate of GGE and is not necessary.

Paragraph 15

Current text: In this connection, the Group considered: (1) the guiding principles, which it may

further develop and elaborate, (2) the work on the legal, technological and military aspects and (3) the conclusions of the Group, as reflected in its reports of 2017, 2018 and 2019; and it used them as the basis for 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, in accordance with Decision 1 of the Fifth Review Conference of the High Contracting Parties to the Convention (CCW/CONF.V/10), consistent with CCW/CONF.V/2.

Russia suggested adding: “endorsed by the meeting of the HCPs in 2019, as contained in Annex II of CCW/MSP/2019/9.” Russia also suggested adding a reference to work carried out in 2021 as well as the years that are already listed.

Pakistan argued this para repeats part of the GGE’s mandate, which is not necessary.

Ireland said the Guiding Principles (GPs) and previous reports of the GGE are “a” basis rather than “the” basis. Brazil, Chile, and Mexico supported this comment, but also argued that this para could be deleted. They could support a new para enumerating challenges justifying recommendations and conclusions.

Paragraph 16

Current text: The Group recommends that the normative and operational framework on emerging technologies in the area of lethal autonomous weapons systems comprises the following aspects.

The United States (US) said this para should avoid suggesting that the recommendations contained in this document are the “end of the road” and suggested rephrasing it as: “The Group recommends that the HCPs affirm the following principles and practice at the Sixth Review Conference to contribute to clarification and strengthening of the normative and operative framework (NOF) on emerging technologies (ET) in the area of lethal autonomous weapon systems.”

Russia agreed the language of this para needs to be amended so as to not suggest that the paras that follow must be included in a NOF. To avoid misunderstandings or duplications, it suggested replacing the word “comprises” with “take into account”.

Sweden said the US suggestion is interesting; it also urged amending the language to make it possible to include other elements in the future, suggesting: “and it may comprise the following aspects” for the end of the sentence.

Brazil, Chile, and Mexico said the mandate of the GGE is to present recommendations in relation to the NOF and not actually to define a NOF, which could be better reflected by taking on board proposals by the US and Sweden.

Pakistan said that the job of the GGE is to give recommendations on what a possible NOF could look like rather than propose one.

India agreed with the US, Russia, Sweden, and Pakistan, arguing that as it is currently phrased in the draft, it sounds like everything that follows are consensus recommendations. It said this para must acknowledge there is no clarity on a NOF at this stage and this document can only recommend some aspects.

Cuba suggested the following language for para 16: “The Group recommends that the RevCon reaffirm the agreements agreed beforehand, and in addition and without prejudice to future work, a political declaration should be adopted on basis of following elements.” Cuba said it is flexible on the form of the PD, which could amend the GPs.

SECTION IV, PARAGRAPH 17

Ray Acheson | Women's International League for Peace and Freedom

Paragraph (para) 17 of the **draft report** contains recommendations for aspects of the normative and operational framework (NOF), which the current Group of Governmental Experts is mandated to explore.

Chapeau

Current text: In the clarification, consideration and development of aspects of the normative and operational framework on emerging technologies in the area of lethal autonomous weapons systems, States:

Brazil, Chile, and Mexico jointly urged taking language from the Guiding Principles (GPs), such as: “While affirming that international law (IL), in particular the UN Charter and international humanitarian law (IHL), as well as ethical perspectives, should guide continued work on emerging technologies (ET) in area of lethal autonomous weapon systems (LAWS), noting potential challenges posed by ET in the area of LAWS to IHL, we reaffirm the following without prejudice to the result of future discussions.”

The United States (US) suggested rewriting as: “In order to contribute to the clarification and strengthening of the NOF on ET in the area of LAWS, the high contracting parties (HCPs) to the Convention on Conventional Weapons (CCW):” This suggestion was made to clarify this is not the end of the road. Switzerland agreed that the direction of travel to a political declaration (PD) is useful but not the final outcome.

Russia said there is no need for subtitles in this section. India agreed. Russia also argued the sub-paras should all be individual paragraphs, and should be placed before para 16. India said the problem is that this would confuse recommendations and conclusions.

Switzerland noted the sub-paras in 17 contain a lot of agreed language but said they could be simplified.

The Group of 11 (G11) said the title of this section should be “general considerations”. It also argued that throughout, ET in the area of LAWS should be replaced with AWS.

PD discussion

Cuba suggested amending to say: “Existing concern amongst international community around a new arms race and danger that LAWS entail...” noting this is important in relation to a PD or legally binding instrument (LBI).

Pakistan agreed with Brazil-Chile-Mexico and Cuba and supported their vision of a PD.

Several delegations debated whether para 17 could be used as the basis for a PD. Russia argued this section should not be considered the basis for a PD, which should be a separate document. The US agreed. Argentina said it would prefer to address the nature of the document in the section on ways forward. Austria said it is flexible on how to discuss the PD. Cuba said this section could be an annex to the report, which might not be a PD but just elements to be considered. China said is open on form or structure, which is not as important as substance. India said it supported a PD as a policy outcome and supported annexing it to the report.

Other delegations complained about this debate and the strain it put on the pace of progress of reading through the draft report.

17(a)

Current text: *Reaffirm the objectives and purposes of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (hereinafter “the Convention”);*

Russia suggested merging paras a and b and to have separate para including both: “The Group reaffirm the objectives and purpose of the CCW and that the Convention offers an appropriate framework ... [add rest of 17b].” Cuba argued they should be kept separate.

17(b)

Current text: *Reaffirm that the Convention offers an appropriate framework for dealing with the issue of emerging technologies in the area of lethal autonomous weapons systems within the context of the objectives and purposes of the Convention, which*

seeks to strike a balance between military necessity and humanitarian considerations;

The G11 suggested deleting the last part, “which seeks to...”

Pakistan said this sub-para is premature.

Ireland argued the GGE’s role is not to interpret, reinterpret, or define the objectives and purpose of CCW. Nowhere in the CCW does it say states must conduct balancing exercise between military necessity and humanitarian considerations, and the International Committee of the Red Cross (ICRC) has clarified that humanitarian considerations must yield to military necessity. Ireland suggested deleting everything after “Convention,” or otherwise directly quote from Convention, which recognises that means and methods of warfare are not unlimited. Austria agreed.

17(c)

Current text: *Recognize the guiding principles, the work on the legal, technological and military aspects and the conclusions of the Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems, as reflected in its reports of 2017, 2018 and 2019, which are a basis for consensus recommendations and options 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*

Brazil, Chile, and Mexico jointly suggested including this in the previous section to avoid repetition of agreed language. The G11, Russia, India, Pakistan, and Ireland also called for its deletion. Cuba agreed it is unnecessary, but would like to keep it for now until the rest of the text has been agreed.

The US suggested deleting “and options,” which doesn’t follow the mandate. India agreed.

17(d)

Current text: *Recognize the potential risks and challenges posed by emerging technologies in the area of lethal autonomous weapons systems, including in ensuring respect in all*

circumstances for the requirements and principles of international law, including international humanitarian law and, as applicable, international human rights law and international criminal law, as well as for relevant ethical considerations and in the maintenance of international peace and security;

Netherlands said it is problematic to put legal requirements and ethical perspectives on the same footing, arguing that legal considerations and IL need to be respected, while ethical perspectives should be given due consideration. It proposed changing the wording so that it would ensure respect in all circumstances, by using “of” instead of “for” in relation to the requirements and principles of IL. In the last part, would say “as well as consideration of relevant ethical perspectives.” India agreed.

Sweden suggested changing “requirements” to either “rules” or “obligations”. India, Ireland, and Australia agreed. The G11 suggested replacing it with “rules”. Austria supported using “obligations”.

Austria suggested changing “in” to “for” international law, and to move “as applicable” to after IL. It also suggested recognising “humanitarian, legal, ethical, and social risks and challenges...” Austria and Pakistan suggested adding security impacts.

The G11 requested deleting “potential,” as risks and challenges are not hypothetical. Ireland agreed.

The G11 also urged deletion of “as applicable and relevant,” as this dilutes the text and renders it too vague and ambiguous.

The Chair clarified that this language comes from 2019 report, para 25(a).

Russia agreed this repeats language from the 2019 GGE report but argued it should be presented to be fully in line with understandings reached then, such as “delegations raised a diversity of views on potential risks and challenges posed by ET in the area of LAWS.”

ROK said it has reservations with reference to international human rights law (IHRL), international

criminal law (ICL), and relevant ethical considerations (ECs). The US and Israel shared these concerns. India agreed, suggesting language to reflect that “some delegations proposed that ECs should be considered, while other delegations had divergent views.” Pakistan and Panama did not agree with the suggestion to delete the last phrase, arguing these are important aspects to include.

Cuba said ethical and legal issues should not be conflated and suggested adding word “other” in reference to ECs.

Cuba would also like to add a reference to non-proliferation here. Argentina agreed.

Japan said it could accept 17(d) if 17(e) is retained as is. Israel suggested changing “recognise” to “consider” in order to align the opening of this para with the next para.

Australia suggested rephrasing “in ensuring respect in all circumstances for” to “AWS, including for ensuring compliance with, ... requirements and principles of IL...”.

17(e)

Current text: Consider the potential for emerging technologies in the area of lethal autonomous weapons systems, to be used in upholding compliance with international humanitarian law and other applicable international legal obligations;

Russia suggested language more fully in line with the 2019 GGE report: “The Group recognised that ET in the area of LAWS should uphold compliance with IHL and other applicable international legal obligations.” The US agreed.

The G11 called for the sub-para’s deletion, as there is no consensus on potential advantages of AWS, which are greatly outweighed by risks and challenges. The CCW is an arms control and disarmament instrument, thus promoting any weapon system is contrary to its mandate. Cuba, Pakistan, and Argentina agreed.

Ireland said it doesn’t believe the current text reflects GP(h). Instead, it implies that states believe as an affirmative fact that AWS have the potential

to ensure IHL compliance. GP(h) says that further consideration should be given to this, not that states consider it to be so.

India called for the deletion of the word “potential”.

17(f)

Current text: *Affirm that discussions and any potential policy measures taken within the context of the Convention should not hamper progress in or access to peaceful uses of intelligent autonomous technologies;*

Sweden questioned the phrase “intelligent autonomous technologies,” asking how does it differ from not so intelligent technologies? Ireland agreed “intelligent” should be deleted. The G11 said this should be replaced with “artificial intelligence”.

Russia said this should be moved to para 16 in a list of consensus recommendations.

The US said language from the GPs should be maintained.

Cuba suggested after the words “potential policy” it could add “and/or legally binding measures”.

17(g)

Current text: *Affirm that the normative and operational framework on emerging technologies in the area of lethal autonomous weapons systems must also address ethical considerations, including in relation to upholding human dignity, retaining human agency and upholding moral responsibility and accountability for decisions to use force.*

Netherlands is concerned that ethics are presented as something normative, but ethics would inform an operational framework, not so much the normative part of a framework.

Sweden said this para introduces unclear notions about moral responsibilities and asked, how do these relate to legal obligations? It would prefer to end the sentence after “considerations”.

Russia, India, and Japan agreed.

In contrast, the G11 said this para should be strengthened. It argued that ECs should be retained in the introduction and that a separate subsection on ECs should be included before the subsection on applicable IL. This must reflect ethics, principles of humanity, dictates of public conscience, and humanitarian considerations as being at the heart of concerns about acceptability of AWS. It also noted that the current reference to algorithmic bias in the draft report is insufficient on its own, and it should add an additional para in the introduction: “Recognise that WS are not neutral as algorithm-based programming relies on data sets that can perpetuate or amplify social biases, including gender and racial bias, and thus have implications for compliance with IL.” Austria agreed. Ireland agreed with calls for the language on ECs to be strengthened.

The United Kingdom (UK) agreed that ECs need to be considered alongside legal considerations. It suggested adding to the end of the para: “and how they relate to legal considerations.” Australia agreed. The ROK said it’s not convinced about including ECs but that the UK’s suggestion seems reasonable.

The US also shared these concerns and suggested rephrasing as: “Affirm that the NOF on ET in the area of LAWS incorporates ECs, including in relation to protecting human life, respecting human dignity, enhancing human agency, and upholding moral responsibility and accountability for decisions to use force.”

Israel argued that in the last draft of the Chair’s paper, the para on ECs was coupled with a para calling for the NOF to “strike a balance between military necessity and humanitarian considerations.” Here the ECs are the only things mentioned; this “balance” should be brought in. It agreed with the US language suggestion but urged stopping after ECs.

Japan agreed that the NOF should address ECs but cannot go further than the reference in the GPs, arguing that the GGE didn’t discuss human dignity or human agency. It also suggested replacing “must” by “should”.

Pakistan said 17(g) is fine as is.

SECTION 1V, PARAGRAPHS 31–32

Katrin Geyer | Women's International League for Peace and Freedom

High contracting parties (HCPs) considered paragraphs (paras) 31–32 together, as these comprise the “general commitments” of the Recommendations section of the [draft report](#).

Overarching comments on paragraphs 31 and 32

Many participants reaffirmed that these two paragraphs are central to the GGE's work. Austria, Algeria, Germany, Ireland, Netherlands, and New Zealand, amongst others, stressed this section was essential.

Switzerland said that considerations in these two paras could be the core of a PD or a declaration of principles, which could become the foundation for negotiations for a legally binding instrument (LBI). Pakistan and [Stop Killer Robots](#) echoed this.

The International Committee of the Red Cross (ICRC) welcomed this section as concrete step in the right direction, signaling that risks and challenges of autonomous weapon systems (AWS) can and must be averted, and recommended states strengthen their commitments.

Russia said language proposed in these two paragraphs (paras) is not in line with the objective of the Group to prepare recommendations, but rather relates to commitments that states should take, which it cannot support. It therefore proposed deletion of paras 31–32. It instead suggested to replace these paras with one para, reading: “A weapon system based on emerging technologies in the area of LAWS must not be used if it is of a nature to cause superfluous injury or unnecessary suffering, or if it is inherently indiscriminate or incapable to be used in accordance with IHL.”

India said it could support Russia's language proposal. India said it was difficult to accept these paras, except for 31a.

Russia and India would like to delete the title of this section on “general commitments”.

Switzerland welcomed the title and said it is aware this could change, depending of the format that the document will take.

Stop Killer Robots noted that the lack of a prohibition covering AWS that target humans is a fundamental omission from the paper. It argued that “prohibition is crucial to avoid digital dehumanisation, the replication of prejudices through algorithmic bias, and an abandonment of existing legal obligations and orientations.” It also explained that there was strong public opinion against allowing AWS to target people.

Paragraph 31

Current text: *States commit not to develop, produce, acquire, possess, deploy or use weapon systems based on emerging technologies in the area of lethal autonomous weapons systems, if:*

Japan welcomed the language in this para, as it is based on its proposal.

The Group of 11 (G11) proposed a few additions in this para for it to read: “States commit not to develop, produce, acquire, possess, deploy, use or transfer weapon systems based on emerging tech in the area of AWS that can perform the critical functions of selecting and engaging to apply force against targets without further interventions by a human operator if...” The ICRC supported this. Pakistan supported inclusion of “transfer”.

The US argued that IHL regulates the use of a weapon system, and therefore proposed language to read: “states commit not to use, or to develop, produce, acquire, possess, or deploy with a view towards use, weapon systems based on emerging technology in area of LAWS if”.

Canada made comments to the same effect and suggested not to include research, development, testing, evaluation, and assessment in this commitment as states should be able to develop countermeasures. It could support the US proposal.

Brazil, Chile, and Mexico jointly proposed to add the following language at the start: “Due to the challenge presented by the nature of AWS, in order to fully comply with key legal obligations and ethical perspectives, states commit...”.

Paragraph 31(a)

Current text: *It is of a nature to cause superfluous injury or unnecessary suffering, or if it is by nature indiscriminate, or is otherwise incapable of being used in accordance with the requirements and principles of international humanitarian law; or*

India and ROK could accept this paragraph.

The US suggested to replace “by nature” with “inherently”. Austria supported this.

Switzerland said this was a good basis but that it could make sense to clarify what was meant by “indiscriminate by nature” and suggested it is those LAWS that cannot be directed at specific military objectives or that cannot respect IHL. New Zealand and the Netherlands supported this.

The ICRC recommended that the use of AWS should be limited to military objects. This is because whether a person may legally be made a target of attack is context-dependent, along with fundamental ethical concerns for humanity.

Brazil, Chile, and Mexico jointly did not oppose to this para but noted it is merely a reiteration of existing prohibitions.

Israel called for using agreed language.

Ireland would prefer to delete “requirements and principles”.

Paragraph 31(b)

Current text: *It can perform the critical functions of selecting and engaging to apply force against targets without further intervention by a human operator and is designed to operate outside a responsible chain of human command and control.*

Cuba would like to see “further” replaced with “direct”.

Austria welcomed the focus on critical functions.

Japan could not accept this para. It argued that there is not yet common understanding of characterisation of AWS. ROK and Israel made similar remarks.

The G11 recommended to delete the phrase “can perform the critical functions of selecting and engaging to apply force against a targets without further intervention by a human operator” and suggested to move this into the chapeau para, and so the final para should read: “It is designed to operate outside a responsible chain of human command and control.”

The UK proposed to add, after human operator, “select and engage targets without appropriate human involvement throughout its life cycle”.

The US would like to see this para deleted as there are already systems that do select and engage. This would either suggest that there are a range of existing weapon systems that are incompatible with the principle or that it would stigmatise capabilities that have been lawfully used. If this para is kept, the US proposed to at a minimum delete: “can perform critical functions of selecting and engaging....”.

Canada also said that this para should rather focus on application of force, rather than the functions of selecting and engaging targets.

Switzerland said that the second part of the sentence should not just speak of LAWS designed to operate outside human command and control but also those that may operate outside a responsible chain of human command and control. New Zealand and the Netherlands supported this.

Switzerland noted that limiting commitments to “designed” systems may be too narrow and not encompass all the systems that it should. It suggested this could be complemented by “if it is able to operate” or “used in a way”. Austria, Ireland, New Zealand, and the Netherlands supported this.

New Zealand wondered what the term “command” adds to the understanding of human control.

Pakistan suggested deletion of “further intervention by human operator”.

Brazil, Chile, and Mexico jointly proposed to end the sentence after “human operator.” They argued that the reference to “chain of command” erroneously conflates it with the concept of human control.

Brazil, Chile, and Mexico jointly proposed to remove “further”.

Paragraph 31(c)bis

The G11 would like to add the following sub-para: “It is designed or used in a manner such that its effects cannot be sufficiently understood, predicted, and explained.”

Brazil, Chile, and Mexico, Ireland, as well as Switzerland, and New Zealand supported this.

Paragraph 31(d)bis

The G11 would like to add the following sub-para: “It is primarily designed to apply force against persons.”

The ICRC would like to add language to para 31 to commit to limitations on situations of use, such as constraining to AWS use to situations where civilian and civilian objects are not present.

Paragraph 31(e)bis

Brazil, Chile, and Mexico jointly proposed to add various sub-paragraphs to para 31 to 1) “prohibit the development and use of AWS that cannot be controlled by humans;” 2) “prohibit the development and use of AWS whose programming might remove human control over the critical functions related to the use of force; 3) “prohibit the development and use of AWS that cannot be used in compliance with IHL, including systems that cannot be directed at a specific military objective, cause superfluous injury or unnecessary suffering or have effects that cannot be limited as required by IHL”; 4) prohibit the development and use of AWS whose effects cannot be sufficiently understood, predicted, and explained.”

Paragraph 32

Current text: States commit to exercise sufficient human control over all other types of weapons systems based on emerging technologies in the area of lethal autonomous weapons systems through feasible precautions and risk mitigation measures as may be required by the operational context, which may include:

Cuba would like to add “but not limited to” at the end of the sentence. The UK suggested to replace this with “these might include, but are not limited to”. The Netherlands supported this.

Japan said it has difficulty with the term “sufficient,” which it described as subjective term and lacking a common understanding. It suggested to replace “control” with “responsibility”. Israel agreed.

Pakistan agreed to remove “sufficient”.

ROK would like to see this changed from “sufficient human control” to “human involvement”.

New Zealand said meaningful human control was the better term, as human involvement does not include accountability. Ireland and Stop Killer Robots agreed.

Japan would like to delete paras 32(a)-(c), and would therefore like to delete also “which may include”. ROK made similar suggestions.

The US acknowledged paras 32(a)-(c) are important but expressed concern at the placement of these ideas, as they reflect commitments. It suggested to move them to measures listed in para 36 or to mitigation measures, starting in para 44. Israel made the same suggestions.

The G11 would like to replace “sufficient” with “meaningful” and make deletions so that it reads: “States commit to exercise meaningful human control over all other types of AWS through feasible precautions and risk mitigation measures which may include...”. Austria also prefers meaningful human control.

The US would like to see human control deleted, and instead cover this through “responsible governance”.

The UK proposed to replace “to exercise sufficient human control” with “states commit to exercise context appropriate control over weapon systems based on...”. The Netherlands supported this.

The UK suggested to add at the end of this para: “What constitutes appropriate control measures will differ based on operational control factors, including mission and environmental complexity, capabilities and limits of weapon systems, and the ability of the human operator to understand the behaviour of a weapon system.” The Netherlands supported this.

Brazil, Chile, and Mexico jointly proposed to add elements as articulated by the ICRC: 1) “Ensuring that sufficient human control is exercised over the critical functions of AWS, of target selection and application of force throughout the development and use of the weapon;” and 2) “while recognising that the nature and degree of human control may vary through different stages, a human agent shall ensure there are adequate environmental limits, be fully aware and approve the operational context through sufficient situational awareness, be certain of reliability and predictability of the identification, selection and engagement of targets, take precautions to ensure weapon systems cannot change mission parameters without human validation, allow for human supervision and intervention to interrupt and deactivate during operational phase and verify that all deactivation functions as intended”.

Paragraph 32(a)

Current text: *Limits on the type of target;*

Cuba would like to add “including to guarantee its use exclusively for military purposes by its nature”.

The G11 would like to add “limits on the types of targets, such as constraining them to military objects by nature.”

Austria said this para was extremely relevant.

Paragraph 32(b)

Current text: *Limits on the duration, geographical scope and scale of use, including to enable human judgement and control in relation to a specific attack;*

The G11 would like to add “limits on the duration, geographical scope and scale for use, including to enable human judgement and control in relation to a specific attack as well as on situations of use such as constraining them to situations where civilians or civilian objects are not present.”

Pakistan suggested deleting the part of the sentence that comes after “scale of use”. The Netherlands agreed.

Paragraph 32(c)

Current text: *Requirements for human-machine interaction and timely intervention and deactivation.*

Cuba would like to add, after human-machine interaction: “including to ensure,” and to replace it with “and”.

Austria said this para is extremely relevant.

Paragraph 32(d)bis

The UK proposed a new sub para: “building in clear procedures to ensure that people are informed and empowered to affect or control the behaviour of WS”.

New Zealand and Netherlands said they could support this.

Paragraph 33bis

The UK proposed a new para: “States commit to continue to identify and set out further characteristics of weapon systems that may make compliance with IHL inherently impossible”. The Netherlands supported this.

SECTION IV, PARAGRAPHS 49–51

Ray Acheson | Women's International League for Peace and Freedom

High contracting parties (HCPs) considered paragraphs (paras) 49–51 together, as these comprise the “ways forward” section of the Recommendations in the **draft report**. They spell out the next mandate for the Group of Governmental Experts (GGE) on autonomous weapon systems (AWS).

Paragraph 49

Chapeau

Current text: *The Group recommends that the High Contracting Parties, at their Sixth Review Conference:*

The United States (US) said this is fine for now but might need to be revisited after other elements of the report have been agreed.

49(a)

Current text: *endorse the recommendations of the Group of Governmental Experts 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*

Japan and the Group of 11 (G11) indicated support for this para.

Russia argued the text following words “GGE” is superfluous, given that the recommendations the GGE is developing are not just issues for a normative and operational framework (NOF) but also issue of options as set forth in mandate.

49(b)

Current text: *consider and adopt a political declaration on agreed norms and principles applicable to weapons systems based on emerging technologies in the area of lethal autonomous weapons systems, on the basis of the paragraphs 17 to 48 of this report*

The US said a political declaration (PD) is the right level of ambition for this GGE.

Poland said this subpara needs to reflect progress in a more balanced manner, taking into account different national perspectives.

Cuba said this para should not go beyond adopting a PD, arguing there is a difference between a PD and a document that establishes norms and principles. Algeria agreed, noting the content of a PD is already contained in paras 17–48.

Japan said it could go along with this para with the deletion of the word “agreed” in the first line.

The G11 supports the adoption of a PD that explicitly includes a commitment to adopt an instrument on AWS. It reiterated that the report would be enhanced with a subsection on ethics, because ethical considerations (ECs) drive the push to prohibit AWS. It will submit five paras with proposed language on ECs.

The Philippines sees a PD as an intermediary step and has value in reaffirming common agreements. Switzerland said a PD is a welcome and useful stage after several years of work but noted it would be important to underscore that it is a midterm outcome, not the final outcome.

Ireland said 49(b) should be simplified and the PD doesn't need to be limited to paras 17–48, which could give incorrect impression that the PD is the end of the process when it should be a driver for future work.

Russia reiterated its view that IHL is sufficient. It called for deletion of this subpara.

Israel suggested revisiting the question of a PD at the end of the meeting.

49(c)

Current text: *decide to reestablish an open-ended Group of Governmental Experts in accordance with established practice to:*

Japan said it could go along with this.

Russia objected to (i) and (ii) in this subpara, arguing that the previous GGE mandate should just be extended. Cuba, the Philippines, and Ireland said simply rolling over the mandate would be unacceptable.

Pakistan argued the two-track mandate would lead to confusion.

Argentina asked if the GGE would operate by consensus.

Israel suggested adding “related to emerging tech in area of LAWS in the context of the objectives and purpose of CCW,” in line with text from the 2016 Review Conference.

49(c)(i)

Current text: *negotiate and adopt by consensus an instrument on weapons systems based on emerging technologies in the area of autonomous weapons systems*

The US is concerned “an instrument” is vague and ambiguous without further guidance by GGE, which is a recipe for more disagreement on how to structure work.

Poland argued the GGE is not ready to elaborate an international instrument that would put legal controls over weapon systems (WS) using emerging technologies (ET) in the area of autonomous weapon systems (AWS). It asserted this has far-reaching implications that could undermine tech advancements and search for innovation in commercial sector.

Israel does not support the words “negotiate” or “instrument”, arguing both are “counterproductive to the efforts of the GGE.”

Japan said it has difficulties with both “negotiate” and “instrument” and proposed replacing it with “discuss a set of rules”. Argentina and Panama opposed this.

Cuba said the instrument should be specified as being a legally binding instrument (LBI). The G11, Algeria, Argentina, Palestine, Panama, Philippines, and Nigeria agreed.

Switzerland supports a negotiating mandate without specifying its nature, noting this is a good compromise. It suggested adding a few lines to give an indication of what the instrument could include, such as clarifying that it would utilise the two track approach, i.e. what systems would be prohibited as unacceptable and how others can be regulated.

Ireland said it is clear that a number of delegations have a strong preference for an LBI, while others are more interested in a PD or code of conduct. This formulation is a nuanced effort to protect the interests of all delegations. It agreed with Switzerland about providing some clarity around the instrument, and suggested the para say: “negotiate and adopt by consensus an instrument on the regulation of ET in the area of AWS in accordance with paras 31 and 32 of this report.”

Japan suggested adding “lethal” before AWS. In contrast, the G11 said lethal should no longer be a qualifier in the new mandate.

The United Kingdom (UK) argued the best approach is to build international norms to demonstrate how degrees of autonomy in WS can be used lawfully. The development of a compendium that draws from best practice and draws from ethical and legal discussions that have been had in GGE. It used the Montreux document and Tallin manuals as examples, and said it is flexible on content: a compendium could include some type of code of conduct, statements of characteristics that would or wouldn’t be acceptable, risk mitigation measures, or clear articulations of positive obligations, etc. It thus suggested the following rephrasing: “Negotiate and adopt by consensus an extensive manual, compendium, or other document on WS based on ET in the area of AWS.”

49(c)(ii)

Current text: *identify and elaborate (i) practices in human-machine interactions may contribute to the implementation of international humanitarian law by ensuring sufficient human control over weapons systems based on emerging technologies in the area of autonomous weapons systems; (ii) general practices on a national level which may help accountability in military operations, including operations involving the use of weapons systems based on emerging technologies in the area of autonomous weapons systems; (iii) elements of practice can be applied in the conduct of weapon reviews, at the national level, in the study, development, acquisition, or adoption of based on emerging technologies in the area of autonomous weapons systems; (iv) risk mitigation measures to help minimize the risk of incidental loss of life when designing, developing, testing, deploying or using weapons systems based on emerging technologies in the area of autonomous weapons systems.*

The US suggested a reformulation: “Identify and elaborate by consensus practices in human-machine interaction (HMI) ... in the conduct of weapon reviews (WRs) and risk mitigation measures, all of which may contribute to the implementation of IHL, strengthen accountability in military operations, including operations involving the use of WS based on ET in the area of AWS and mitigate risks while maximising benefits.” This is a more focused way to direct future work.

The UK suggested that the GGE’s mandate also include provisions for a group of experts and a compendium. It recommended the following language for each:

- “The CCW should establish a multidisciplinary network of experts to work through the ethical and legal implications of AWS. This network should include those who believe international humanitarian law (IHL) is insufficient so any possible gaps can be identified and a holistic view can be formed.”
- “The CCW should ensure that identifying the various forms through which humans interact with AWS and exercise control over the use of lethal force should be a key focus of its future

discussions. All parties should be encouraged to identify and share good practice relating to key activities during the life cycle of a WS, such as methodology of legal WRs. A compendium of good practice mapped against a WS’s life cycle would provide a clear framework for the operationalisation of the GPs and provide guidance for states on how development and use of autonomous systems can be achieved within compliance with IHL. Discussions on a compendium should have input from multiple stakeholders across governments, industry, and civil society.”

In reference to the experts’ group, the Philippines said any discussion with regard to AWS must always be inclusive. It noted expert discussions have already been undertaken and there is sufficient material from UNESCO recommendations that the next iteration of the GGE can draw from. It also disagreed that negotiations could only lead to a compendium of IHL.

Portugal also suggested a reformulation of this para: “The group recommends that HCPs at the Sixth Review Conference decide to re-establish the open-ended GGE in accordance with established practice to: 1) negotiate and adopt a compendium or working paper that identifies and clarifies existing international positive and negative obligations applicable to the ET in area of LAWS, and that identifies and elaborates practice useful for implementation of such obligations with a view to contribute to the clarification, consideration, and development of aspects of NOF, such as the following:” The rest of the subpara would be retained, except for reference to IHL, which should just be IL.

Poland said the focus for the GGE’s next mandate should be technical aspects especially in relation to human control (HC). It suggested the GGE could examine different levels of autonomy and the relation between HC and autonomy, and role of AWS in holding compliance with international law (IL), especially IHL.

Cuba argued the GGE mandate to clarify and develop ideas should not be renewed again, arguing that this mandate has been fulfilled and the GGE needs to move on to negotiation of an LBI.

It noted that the concept of HMI is important but needs to be materialised in an instrument, not as a topic to be studied.

The G11 argued that since the CCW is an arms control and disarmament treaty, efforts to advocate the promotion, development, or use of AWS and encouraging HCPs to share general practices on accountability in military operations and WRs of AWS would appear to run contrary to objectives of the CCW. This can be carried out by countries, think tanks, etc., but without an instrument containing key prohibitions and limitations, focusing on these general practices risks confusion. Argentina agreed.

The G11 proposed the GGE's focus on risk mitigation should be on AWS that would not be prohibited. Discussions on minimising risk of incidental loss of life should include injuries and damage to civilian objects, and remedy and reparation, along with responsibility and accountability.

Panama argued this GGE doesn't have the mandate to identify, develop, or compile. Some states might be interested in such initiatives and they can make those compilations and present as input to discussions, but the GGE should not dedicate time and effort and resources to such matters. Panama also noted that the Montreaux document on private military and security companies, which it supported, was not an initiative from a UN body and was not sufficient to address concerns—which is why UN forums are now taking this issue up.

Switzerland suggested one element that could be clarified is the relationship between subtasks and what appears in 49c(i). Many of these measures must be adopted nationally and should clarify mandate of (i) is not limited by provision of (ii). Ireland agreed these need to be de-linked, because negotiations in (i) must not be based on the outcome of tasks in (ii).

Japan said “lethal” should be added to all references to AWS. In contrast, the G11 said lethal should no longer be a qualifier in the new mandate.

Japan suggested replacing “sufficient human control” with “human responsibility”. The G11 said

the term “meaningful human control” should be used instead.

The UK suggested replacing “general practices on national level” with “good practices on a national level throughout the lifecycle.”

49(c)(ii)bis

Portugal suggested adding a new para: “To consider, in negotiating and adopting the instrument, the following: such instrument will be without prejudice to future discussions, outcomes, and recommendations by the GGE LAWS, as well as without prejudice of positions of HCPs, namely with regards to a LBI on the subject. Such instrument may be included as an annex to the report of the 2022 GGE LAWS.” It could decide on extending deadline for the instrument should the need arise. “In elaborating this instrument, the GGE LAWS should take into account, inter alia, its prior discussions and considerations including in particular the GPs adopted by the 2019 meetings of the HCPs, more notably with the view of operationalisation of the GPs a, d, e.” It should also note that “the Chair of the GGE LAWS may invite the HCPs to coordinate, facilitate, on their behalf the drafting of those instruments within the GGE LAWS.” It might also invite independent experts to contribute to the compendium or working paper, subject to decision by GGE LAWS.

Paragraph 50

Current text: *The Group should meet for an initial duration of [xx days] in 2022 in Geneva. The chairperson of the Group, in consultation with the High Contracting Parties, shall propose the duration, timing and location of subsequent sessions of the Group, as might be required for the completion of its work.*

The US and Japan said this para is ok.

The G11 suggested setting the duration of work for 1–2 years.

Russia said there is no need to set limits or timelines for the GGE, it can just be considered as a rolling body of work. India agreed.

Paragraph 51

Current text: *The work of the Group is to be based on: (i) the guiding principles; (ii) the conclusions and recommendations of the Group in its reports of 2017, 2018, 2019 and 2021; (iii) all proposals past and present; (iv) the political declaration.*

The US and Japan said this para is ok.

The G11 supports work of the GGE to be based on the documents referred to in this para, noting that

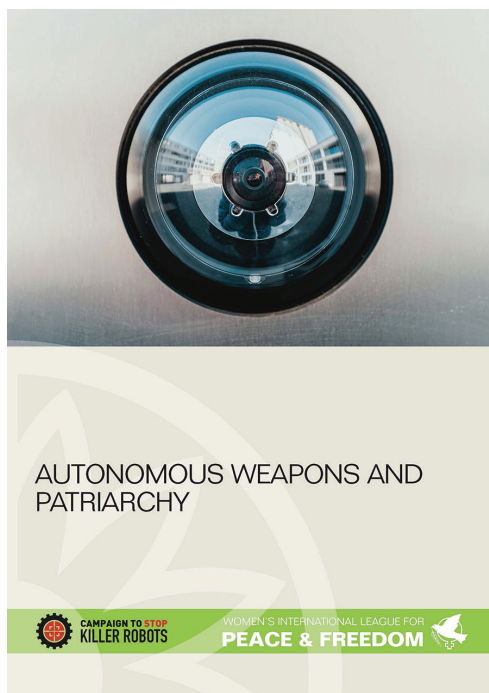
the PD should provide for HCPs to negotiate and agree on a LBI.

Switzerland noted the GPs and 2017–2019 outcomes are listed first and suggested reviewing this in light of what the current GGE agrees upon (if it does).

Russia called for deletion of the reference to the PD.

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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). WILPF is a steering group member of Stop Killer Robots.

The views expressed in this publication are not necessarily those of WILPF or Stop Killer Robots.

CCW REPORT

Vol. 9, No. 8

4 December 2021

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