

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

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Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons System

Geneva, 6-10 March, and 15-19 May 2023

Agenda item 7

Adoption of the report (last session only)

Report of the 2023 session of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems

I. Introduction

1. The 2022 Meeting of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or Have Indiscriminate Effects (hereinafter “the Convention”), held in Geneva from 16 to 18 November 2022, decided, as contained in its final report (CCW/MSP/2022/7):

- “That the work of the open-ended Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapon systems established by Decision 1 of the Fifth Review Conference as contained in document CCW/CONF.V/10, adhering to the agreed recommendations contained in document CCW/CONF.V/2, is to continue, to strengthen the Convention. In the context of the objectives and purpose of the Convention, the Group is to intensify the consideration of proposals and elaborate, by consensus, possible measures, including taking into account the example of existing protocols within the Convention, and other options related to the normative and operational framework on emerging technologies in the area of lethal autonomous weapon systems, building upon the recommendations and conclusions of the Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapon systems, and bringing in expertise on legal, military, and technological aspects;
- The rules of procedure of the Sixth Review Conference shall apply *mutatis mutandis* to the Group;
- The Group shall conduct its work and adopt its report by consensus and shall submit a report to the meeting of High Contracting Parties. The widest possible participation of all High Contracting Parties is to be promoted in accordance with the goals of the CCW Sponsorship Program;
- The Group will be chaired by Ambassador Flavio Soares Damico, Special Representative of Brazil to the Conference on Disarmament.”

2. The 2022 Meeting of the High Contracting Parties to the Convention also decided, as contained in its final report (CCW/MSP/2022/7):

“To organize in 2023, in in-person format in accordance with the regular



practice under CCW, and subject to available resources, the following CCW related activities:

(...)

- (b) The Group of Governmental Experts of the High Contracting Parties related to emerging technologies in the area of lethal autonomous weapons systems (LAWS), for a duration of 10 days, from 6 to 10 March 2023, and from 15 to 19 May 2023. The Meeting also adopted the relevant cost estimates for 2023 as contained in CCW/MSP/2022/5;"

3. In 2023, the Group of Governmental Experts of the High Contracting Parties related to emerging technologies in the area of lethal autonomous weapons systems (LAWS) (hereinafter "the Group") met from 6 to 10 March, and from 15 to 19 May in Geneva. The Chairperson organized informal meetings on 20 February, 20 April and 2 May 2023.

II. Organization and work of the Group of Governmental Experts

4. On Monday 6 March 2023, the first session was opened by the Chairperson, Ambassador Flávio Soares Damico. The High Representative for Disarmament Affairs, Ms. Izumi Nakamitsu delivered a video statement. At the same meeting, the Group adopted its agenda (CCW/GGE.1/2023/1), and confirmed the Rules of Procedure, as adopted by the Sixth Review Conference (CCW/CONF.VI/11). The first session was closed on Friday 10 March 2023.

5. The second session took place on 15-19 May 2023. On Monday 15 May 2023, the second session was opened by the Chairperson, Ambassador Flávio Soares Damico. The second session was closed on Friday 19 May 2023.

6. Ms. Tania Bañuelos Mejía, Political Affairs Officer, CCW Implementation Support Unit, served as Secretary of the two sessions of the Group. Ms. Juliana Helou-van der Berg, Political Affairs Officer, CCW Implementation Support Unit, and Ms. Sophie Guillermin-Golet, Associate Political Affairs Officer, UNODA Geneva Branch, served in the Secretariat at the two sessions of the Group.

7. The following High Contracting Parties to the Convention participated in the work of the Group: Algeria, Argentina, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Holy See, Honduras, Hungary, India, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mexico, Montenegro, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sweden, Switzerland, Togo, Tunisia, Türkiye, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay and Venezuela (Bolivarian Republic of).

8. The following Signatory State to the Convention participated in the work of the Group: Egypt.

9. The following States not party to the Convention participated as observers: Angola, Iran (Islamic Republic of) and Singapore.

10. The representatives of the European Union, the International Committee of the Red Cross (ICRC) and the United Nations Institute for Disarmament Research (UNIDIR) participated in the work of the Group in accordance with the rules of procedure.

11. The representatives of the following non-governmental organizations participated in the work of the Group: Amnesty International, Asociación para Políticas Públicas (APP), Article 36, Campaign to Stop Killer Robots, Center for Countermeasures against Chemical and Biological Warfare Agents (CCACBWA), Centre for Humanitarian Dialogue, DFG-VK, Future of Life Institute, Human Rights Watch, INHR, InterAgency Institute, Maat for Peace,

Development and Human Rights, Norwegian Peace Association, Norwegian People's Aid, PAX, Pax Christi International, Pirate Parties International, PROTECTION, Research Society of International Law (RSIL), SEHLAC NETWORK, Sustainable Peace and Development Organization (SPADO), Swiss Chinese Law Association (SCLA), Virtual Planet Africa and Women's International League for Peace and Freedom (WILPF).

12. The representatives of the following entities also participated in the work of the Group: Center for International Security and Policy, Center for War Studies – University of Southern Denmark, Chambre des représentants de Belgique, Geneva Centre for Security Policy (GCSP), Geneva Graduate Institute, House of Lords, Martin-Luther-University Halle Wittenberg, RAND Corporation, Stockholm International Peace Research Institute (SIPRI), Universität Bremen, University of Cambridge, University of Liège, University of Lyon, University of Oxford and University of Queensland.

13. In accordance with its agenda and mandate, the Group considered the following agenda item:

“5. Intensify the consideration of proposals and elaborate, by consensus, possible measures, including taking into account the example of existing protocols within the Convention, and other options related to the normative and operational framework on emerging technologies in the area of lethal autonomous weapon systems, building upon the recommendations and conclusions of the Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapon systems, and bringing in expertise on legal, military, and technological aspects.”

14. Discussion on agenda item 5 took place at its plenary meetings from 6 to 10 March 2023, and from 15 to 17 May 2023. From 15 to 19 May 2023 the Group considered its draft final report.

15. The Group considered the oral and written proposals, including those submitted as working papers and listed in Annex I of this report, as well as in Annex II of the report of the 2022 session of the Group (CCW/GGE.1/2022/2). The Group expressed appreciation for the contributions of the High Contracting Parties, civil society, academia and industry.

III. Conclusions

16. The Group recalled the decision of the Sixth Review Conference in December 2021 and by the High Contracting Parties of the Convention in November 2022 that the work of the open-ended Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems established by Decision 1 of the Fifth Review Conference as contained in document CCW/CONF.V/10, adhering to the agreed recommendations contained in document CCW/CONF.V/2, is to continue, to strengthen the Convention.

17. The Group acknowledged the value of the conclusions and recommendations of the Group and the agreed recommendations contained in document CCW/CONF.V/2, and the endorsement by the Meeting of the High Contracting Parties in 2019 of the Guiding Principles affirmed by the Group.

18. The Group recalled that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited. Furthermore, international law, in particular the United Nations Charter and International Humanitarian Law (IHL) as well as relevant ethical perspectives, should continue to guide the work of the Group. The Group reaffirmed the relevant paragraphs related to emerging technologies in the area of LAWS of documents CCW/CONF.VI/11 and CCW/CONF.V/10.

19. Building upon its previous work and in accordance with its mandate, in the context of the objectives and purpose of the Convention, and without prejudice to the future work of the Group, on the basis of the intensified consideration of proposals, the Group concluded as follows:

20. The characterization of weapon systems based on emerging technologies in the area of lethal autonomous weapons systems should take into consideration the possible future development of those technologies.

21. Without prejudice to the future work of the Group that continues to be guided by international law, in particular the United Nations Charter and IHL as well as relevant ethical perspectives, the Group concluded that:

- (a) IHL continues to apply fully to the potential development and use of LAWS;
- (b) Weapons systems based on emerging technologies in the area of LAWS must not be used if they are incapable of being used in compliance with IHL;
- (c) Control with regard to weapon systems based on emerging technologies in the area of LAWS is needed to uphold compliance with international law, in particular IHL, including the principles and requirements of distinction, proportionality and precautions in attack.

22. States must ensure compliance with their obligations under international law, in particular IHL, throughout the lifecycle of weapon systems based on emerging technologies in the area of LAWS. When necessary, States should, inter alia:

- (a) Limit the types of targets that the system can engage;
- (b) Limit the duration, geographical scope, and scale of the operation of the weapon system;
- (c) Provide appropriate training and instructions for human operators.

23. In accordance with States' obligations under international law, in the study, development, acquisition, or adoption of a new weapon, means or method of warfare, determination must be made whether its employment would, in some or all circumstances, be prohibited by international law. In this context, the voluntary exchange of relevant best practices between States is encouraged, bearing in mind national security considerations or commercial restrictions on proprietary information.

IV. Recommendations

24. The Group recommends that the 2023 Meeting of High Contracting Parties decide by consensus on the modalities of the future work of the Group.

V. Adoption of the report

25. On Friday 19 May 2023, the Group adopted its final report as contained in CCW/GGE.1/2023/CRP.2, as orally amended.

Annex I

List of documents

<i>Symbol</i>	<i>Title</i>
CCW/GGE.1/2023/1	Provisional Agenda. Submitted by the Chairperson
CCW/GGE.1/2023/2	Report of the 2023 session of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems
CCW/GGE.1/2023/WP.1/Rev.1	Revised working paper. Submitted by Austria
CCW/GGE.1/2023/WP.2/Rev.1	State of Palestine's Proposal for the Normative and Operational Framework on Autonomous Weapons Systems. Submitted by the State of Palestine
CCW/GGE.1/2023/WP.3/Rev.1	Proposal for an international legal instrument on Lethal Autonomous Weapons Systems. Submitted by Pakistan
CCW/GGE.1/2023/WP.4/Rev.2	Draft articles on autonomous weapons systems – prohibitions and other regulatory measures on the basis of international humanitarian law (“IHL”). Submitted by Australia, Canada, Japan, Poland, the Republic of Korea, the United Kingdom and the United States
CCW/GGE.1/2023/WP.5	Concepts of Activities of the Armed Forces of the Russian Federation in the Development and Use of Weapons Systems with Artificial Intelligence Technologies. Submitted by the Russian Federation
CCW/GGE.1/2023/WP.6	Draft Protocol on Autonomous Weapon Systems (Protocol VI). Submitted by Argentina, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Kazakhstan, Nigeria, State of Palestine, Panama, Peru, the Philippines, Sierra Leone and Uruguay
CCW/GGE.1/2023/INF.1	List of participants