

**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**

11 May 2023

English only

**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 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

**Draft Protocol on Autonomous Weapon Systems
(Protocol VI)**

**Submitted by Argentina, Ecuador, El Salvador, Colombia, Costa Rica,
Guatemala, Kazakhstan, Nigeria, Palestine, Panama, Peru, Philippines,
Sierra Leone and Uruguay**

The High Contracting Parties,

Reaffirming the need to continue the codification and progressive development of the rules of international law applicable in armed conflict;

Recognizing the serious risks and challenges posed by autonomous weapons systems (AWS) in terms of compliance with international law, protection of human dignity, upholding humanitarian considerations, ensuring non-proliferation, and maintaining international peace and security, which could result in an arms race and risk lowering thresholds against the use of force;

Recognizing that, in the face of emerging technologies in the area of autonomous weapons systems, new binding measures are necessary to ensure compliance with international law, including international humanitarian law and international human rights law, and that humans always maintain control over the use of force;

Conscious of the need to conclude a Protocol to address the ethical, legal, humanitarian, and security concerns presented by AWS;

Acknowledging that a Protocol on AWS would be an important contribution towards general and complete disarmament;

Have agreed as follows:

Article 1: General Provisions

Sec. 1: This Protocol shall apply to autonomous weapon systems.

Sec. 2: In conformity with the Charter of the United Nations and with the rules of international law, the High Contracting Parties agree to comply with the obligations

specified in this Protocol to address the serious ethical, legal, humanitarian and security risks and challenges posed by autonomous weapon systems.

Sec. 3: Nothing in this Protocol shall hamper progress in, or the inherent right of every State to the access, development, research, production, procurement, transfer and use of, emerging technologies for peaceful purposes, including artificial intelligence.

Article 2: Characterization

For the purpose of this Protocol:

Sec. 1: “Autonomous weapon systems” refers to weapon systems that incorporate autonomy into the critical functions of selecting, targeting, engaging and applying force to targets

Sec. 2: “Meaningful human control” concerns the maintenance of human agency, including the preservation of human judgment and intervention, over the use of force. This includes, inter alia, the following elements:

- 2.1. The ability to redefine or modify the weapon system’s objectives or missions or otherwise adapt it to the environment; to deactivate, abort, terminate, or interrupt its operation and use as needed; and to constrain its function to self-initiate.
- 2.2. The ability to limit the scope and scale of use of the weapon system, including temporal and spatial limits, and to restrict its targeting parameters and targeting capability.
- 2.3. The ability to understand and explain the weapon system’s functioning with the view to retrospectively providing an explanation that satisfies legal and other requirements regarding the operation of the weapon system, including the attribution of responsibility and accountability.

Article 3: Prohibitions

It is prohibited to design, develop, produce, possess, acquire, deploy, transfer, or use, under any circumstances, autonomous weapon systems that cannot be used with meaningful human control in their critical functions of selecting, targeting, or engaging to apply force. These include those that operate in a manner that cannot be predicted, explained, anticipated, understood or traced.

Article 4: Regulations

Sec. 1: Each High Contracting Party shall institute the following measures:

- 1.1 Requirements to ensure effective human oversight of any weapon system and to allow for intervention and deactivation at all times.
- 1.2 Requirements to ensure the capacity of humans to limit the type of target, duration, geographical scope, and scale of use.
- 1.3 Clear procedures to ensure that humans are informed and empowered to exert control over autonomous weapon systems.
- 1.4 Rigorous testing to inform an evaluation and assessment of how the weapon system will perform in the various circumstances of its use.
- 1.5 Limitation on the complexity of data processing methods to guarantee the weapon system’s understandability, explainability, and predictability in order to ensure that humans are able to direct, countermand, and restrict its operations.

Sec. 2: Each High Contracting Party undertakes to institute measures and mechanisms to avoid automation bias in system operations and exclude algorithmic biases, including gender and racial bias, in artificial intelligence capabilities relied upon in connection with the use of a weapon system.

Sec. 3: Each High Contracting Party further undertakes to institute additional regulatory measures and mechanisms to ensure full compliance with international humanitarian law in the use of autonomous weapon systems, as well as to uphold accountability.

Article 5: Review of Weapons

Sec. 1: Each High Contracting Party shall ensure that weapon systems under development or modification which changes the effects or use of existing weapon systems, including as a result of self-learning processes, must be reviewed to ensure compliance with international law.

Sec. 2: Each High Contracting Party shall adhere to the principle of transparency regarding the development of autonomous weapon systems across their entire life cycle, including national processes for reviewing them, taking into account the system's self-learning capabilities.

Sec. 3: Each High Contracting Party shall identify and share, on a voluntary basis, with other High Contracting Parties, information and good practices on the conduct of review of autonomous weapon systems.

Article 6: Risk mitigation

Sec. 1: Each High Contracting Party shall ensure effective and comprehensive risk assessments and mitigation measures as part of the entire life cycle of emerging technologies in the area of autonomous weapon system.

Sec. 2: Each High Contracting Party shall ensure physical security; appropriate non-physical safeguards including cyber-security against hacking or data spoofing, and measures to reduce the risk of diversion to unintended persons/entities; and/or acquisition by non-state actors, including terrorist groups; and of proliferation when developing or acquiring autonomous weapon systems.

Sec. 3: There should be regular provision of capacity-building activities covering risk mitigation in the development of autonomous weapon systems.

Article 7: Compliance

Sec. 1: Each High Contracting Party shall take all appropriate steps, including legislative and other measures, to prevent and suppress violations of this Protocol by persons or on territory under its jurisdiction or control¹.

Sec. 2: The High Contracting Parties undertake to consult with each other and to cooperate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any disputes that may arise with regard to the interpretation and application of the provisions of, and to strengthen, this Protocol.

Article 8: Consultations of High Contracting Parties

Sec. 1: The High Contracting Parties undertake to consult and cooperate with each other on all issues related to the operation of this Protocol. For this purpose, a Conference of High Contracting Parties shall be held annually, participation in which shall be determined by its agreed Rules of Procedure.

Sec. 2: The High Contracting Parties can decide the inclusion of an annex to this Protocol with technical provisions for the functioning of AWS, to be updated on a regular basis.

¹ This article shall only have effects for the purposes of the present instrument and its clauses and shall have no legal implications over territorial disputes or be interpreted as a change in the position of the parties involved in such disputes with regard to sovereignty.

Sec. 3: “The High Contracting Parties shall provide annual reports to the CCW Secretariat, which shall circulate them among all the High Contracting Parties, in advance of the conference, on their compliance with this Protocol and other relevant matters.”
