

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
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Item 5 of the agenda

Consideration of proposals and elaboration, by consensus, of 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

Working paper

Submitted by the Bolivarian Republic of Venezuela on behalf of the Non-Aligned Movement (NAM) and Other States Parties to the Convention on Certain Conventional Weapons (CCW)

1. The States Parties of the Non-Aligned Movement (NAM) and other States Parties to the Convention on Certain Conventional Weapons (CCW), re-emphasize the position of the Heads of State or Government of NAM States Parties to the CCW and its Protocols as reflected in the Final Document adopted at the XVIII Summit of the NAM, which took place in October 2019, in Baku, the Republic of Azerbaijan.
2. In this regard, the Group of NAM is of the view that Lethal Autonomous Weapon Systems (LAWS) raise several ethical, legal, moral and technical, as well as international peace and security-related questions which should be thoroughly deliberated and examined in the context of conformity to international law including international humanitarian law and international human rights law.
3. The NAM States Parties and Other States Parties to the CCW welcome the efforts and work carried out by the High Contracting Parties within the framework of the GGE on LAWS in implementation of the mandate of the GGE on LAWS and supports its continuation, in the context of the objectives and purposes of the Convention, based on an agreed mandate.
4. The NAM States Parties and other States Parties to the CCW take note of the procedural Report for the 2021 Session of the CCW GGE on LAWS contained in the document CCW/GGE.1/2021/3.
5. The NAM States Parties and Other States Parties to the CCW look forward to making progress towards the development of concrete policy recommendations, including elements for new legally-binding provisions for addressing the humanitarian and international security challenges posed by emerging technologies in the area of LAWS.
6. The Group of NAM recalls that the mandate of the GGE is to “consider proposals and elaborate, by consensus, of 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.

7. The Group of NAM is of the view that the ethical and moral concerns about lethal autonomous weapons systems, the problems of autonomy, lethality and critical functions of these weapons and shared understandings, definitions and other concepts including of semiautonomous weapons, should be included in the substantive discussions of this matter.

8. It is essential first to identify the key attributes that would characterize a given weapon system as LAWS, including the level of autonomy. Weapons that can autonomously select and engage a target, also known as its critical functions, without the direct control or supervision of a human, should be characterized as LAWS.

9. The Group of NAM is of the view that all weapons, including those with autonomous functions, must remain under the direct control and supervision of humans at all times and must comply with international law, including International Humanitarian Law and International Human Rights Law.

10. Concepts such as “meaningful” and “effective” human control have gained some relevance in the context of LAWS. NAM is of the view that these concepts provide an approach to discussing the weaponization of increasingly autonomous technologies. While the concepts do not provide all answers to the technical, legal, moral, and regulatory questions posed by LAWS, a common understanding of what “meaningful” or “effective” human control entails in practice is, therefore, important.

11. Fundamental concerns persist on LAWS predictability, interaction with the dynamic environment of warfare, and human-machine interaction, and require further deliberations to achieve a common understanding.

12. All weapons, including those with autonomous functions, must remain under the direct control and supervision of humans at all times. Delegating to machines the power to make life and death decisions is not only unethical but will also pose grave challenges for compliance with IHL.

13. The Group of NAM is of the view that the problems in the implementation and enforcement of International Law, including international humanitarian law and international human rights law, in the context of lethal autonomous weapons systems, as well as the responsibility of States for internationally unlawful acts caused by lethal autonomous weapons systems, should be included in the substantive discussion of this matter.

14. The Group of NAM continues to support the humanitarian objectives aimed at the regulation of lethal autonomous weapons to minimize the occurrence, effects, and the potential risks posed by these weapons within the mandate of the GGE and in accordance with the CCW objectives.

15. In that sense, it is also necessary to bear in mind the possible challenges and indiscriminate effects, that LAWS and their use may have, in an armed conflict, derived from, *inter alia*:

(a) The inherent risk of having indiscriminate effects from such weapons if they are not designed to be capable of identifying and engaging a specific single target object.

(b) The inability of these weapons to exercise human judgment in compliance with IHL, in particular its cardinal rules of distinction, proportionality, and precaution.

(c) The legal obligations on the conduct of hostilities, addressed to those who plan, decide upon, and carry out an attack that cannot be transferred to a machine, a computer program, or a weapon system, from the perspective of IHL.

(d) The need to ensure the responsibility of States for internationally unlawful acts caused by the use of these weapons.

16. Conscious of the rapid development and possible deployment and use of LAWS in armed conflict is alarming and worrying and requires urgent action by the CCW on a precautionary approach.

17. The NAM States Parties and Other States Parties to the CCW are of the view that given the substantive discussions in the GGE on LAWS, there is an urgent need to pursue a

legally binding instrument under the Convention that will contain prohibitions and regulations for addressing the humanitarian and international security challenges posed by emerging technologies in the area of LAWS. The recommendations in relation to the normative and operational framework must lead to such an instrument.

18. The NAM States Parties and Other States Parties to the CCW request the strengthening of the mandate of the GGE. The new mandate must focus on a legally binding instrument, on emerging technologies in the area of lethal autonomous weapons systems, taking in to account the following elements:

- (a) The implementation and enforcement of International Law, including international humanitarian law and international human rights law, in the context of lethal autonomous weapons systems. A strengthened and reinforced multilateral approach, with new legally-binding provisions for addressing the humanitarian and international security challenges posed by emerging technologies in the area of LAWS, is vital. There is an urgent need to pursue a legally-binding instrument on LAWS.
- (b) The responsibility of States for internationally unlawful acts caused by lethal autonomous weapons systems.
- (c) Human responsibility, as well as accountability, for developing, deploying and using any emerging weapons system in the framework of the CCW, in accordance with applicable international law.
- (d) Ethical and moral concerns about lethal autonomous weapons systems in particular with the use of force. The discussion on the autonomy, lethality, and critical functions of these weapons, must lead to regulations that will ensure meaningful human control over weapons systems.
- (e) Common understandings, definitions, and other concepts, including of semi-autonomous weapons, and the characterization of and differentiation among such weapon systems.
- (f) Military technology and risk of an arms race of fully autonomous weapons, and the technology gap amongst States.
- (g) The impact on international and regional peace and security.

19. Regarding different proposals on a political declaration, code of conduct and other voluntary measures, including national weapons review process, Confidence Building Measures (CBMs) as well as the establishment of a Committee of Experts, NAM States Parties and Other States Parties to the CCW believes that these measures cannot be a substitute for the objective of concluding a legally-binding instrument stipulating prohibitions and regulations.

20. Finally, the Group of NAM and Other States Parties to the CCW highlights the importance of the work of the GGE on LAWS and looks forward to participate in a constructive and active manner in the GGE meetings this year.
