

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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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 Argentina, Austria, Belgium, Chile, Costa Rica, Ecuador, Guatemala, Ireland, Kazakhstan, Liechtenstein, Luxembourg, Malta, Mexico, New Zealand, Nigeria, Panama, Peru, the Philippines, Sierra Leone, Sri Lanka, State of Palestine, Switzerland and Uruguay

1. This Working Paper sets out the following considerations and elements for the future work of the Group. The GGE should:
2. *Acknowledge* the centrality of the human element in the use of force and recognise that autonomous weapons systems raise important challenges with respect to human control and judgement over the use of force as well as serious concerns from humanitarian, legal, security and ethical perspectives.
3. *Emphasise* that human beings must make the decisions with regard to the use of force, exert control over weapons systems that they use, and remain accountable for decisions over the use of force in order to ensure compliance with International Law, in particular International Humanitarian Law.
4. *Recognise* the urgent need for adequate rules and limits on the development, deployment, and use of autonomous weapon systems to ensure sufficient human involvement and oversight.
5. *Recall* and acknowledge the value of the conclusions and recommendations of the Group of Governmental Experts (GGE) on emerging technologies in the area of Lethal Autonomous Weapons (LAWS); the reports and summaries of the Chairs of the GGE; and the endorsement by the High Contracting Parties of the CCW in 2019 of the 11 Guiding Principles on LAWS.
6. *Express* deep disappointment that, despite the significant progress made on matters of substance during the 2021 GGE, it did not fulfil its important mandate to make consensus recommendations on the normative and operational framework with respect to LAWS.
7. *Recall* the renewed determination, as expressed in the Final Declaration of the 6th CCW Review Conference, to intensify multilateral efforts to address the risks of emerging technologies in the area of autonomous weapons systems, taking into consideration, inter alia, the legal, military and technological aspects bearing in mind ethical perspectives.



8. *Emphasise* that this determination is based on the shared view that there is an urgent requirement for the international community to address the particular risks and challenges posed by the integration of autonomy in weapons systems through the development of effective and multilaterally agreed rules, limits and other measures for such systems.

9. *Note that*, in order for the CCW to remain a viable forum to address the challenges posed by LAWS its deliberations must result in a substantive outcome commensurate with the urgency of the issue, and contribute meaningfully to the normative and operational framework governing autonomous weapons systems through their entire lifecycle.

10. *Recognise* as a fundamental starting point that autonomous weapon systems that cannot be used in accordance with international humanitarian law, must not be developed, deployed or used and are de facto already prohibited. Also recognise that autonomous weapons systems that would select and engage targets without any human control, would not only be unlawful; they would also be questionable from an ethical point of view, particularly with regard to human dignity.

11. *Commit to work collaboratively* to prohibit autonomous weapons systems that are not sufficiently predictable or controllable to meet legal requirements, and in a manner that addresses ethical imperatives.

12. *Commit to work collaboratively* to identify and agree on limits and other regulations to uphold the rules of international humanitarian law for other types of autonomous weapons systems, including through, for example:

- Limits on the type of target;
- Limits on the duration, geographical scope and scale of use;
- Requirements for human-machine interaction/human control to ensure effective oversight of a weapon system and allow for timely intervention and deactivation;
- Clear procedures to ensure that human operators are informed and empowered to effect or control autonomous weapon systems.

13. *Recall* the obligation for States to conduct national weapon reviews, as codified in Article 36 of Additional Protocol I to the Geneva Conventions, to determine, in the study, development, acquisition or adoption of a new weapon, means or method of warfare, whether its employment would, in some or all circumstances, be prohibited by international law. While not sufficient to deal with all issues autonomous weapons systems raise, weapon reviews play an important complementary role and there is value in strengthening such reviews.

14. *Acknowledge* that voluntary measures, such as the sharing of national policy standards and good practice guidance, can act as confidence building measures that complement but are not a replacement for, and are without prejudice to, international rules and regulations on autonomous weapons systems.

15. *Acknowledge* the importance of the contribution of international organisations, the International Committee of the Red Cross, and civil society in collaboratively elaborating the necessary rules and limits on autonomous weapons systems.
