
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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English only

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

Draft Protocol VI

Submitted by Argentina, Ecuador, Costa Rica, El Salvador, Guatemala, Kazakhstan, Nigeria, Panama, the Philippines, Sierra Leone and Uruguay

Article 1: General Provisions

Sec. 1: This Protocol shall apply to all emerging technologies in the area of autonomous weapon systems.

Sec. 2: In conformity with the Charter of the United Nations and of the rules of applicable 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 the development of emerging autonomous weapon systems.

Sec. 3: Nothing in this Protocol shall hamper progress in, or the inherent right of every State to access to peaceful uses of emerging technologies 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 their critical functions of selecting, targeting, and engaging to apply force without human intervention.

Sec 2: "Meaningful human control" refers to the threshold of application of human judgment and intervention necessary to ensure the maintenance of human agency, responsibility, proportionality and accountability in undertaking decisions regarding the use of any weapon and the ability of human operators to effectively supervise any weapon, undertake the necessary interaction that could either be directive or preventive, and to deactivate, terminate, or abort the operation of the weapon altogether.



Article 3: Prohibitions and Regulations

Sec 1: It is prohibited to develop, produce, possess, acquire, deploy, transfer, or use under any circumstances autonomous weapons systems if:

- its autonomous functions are designed to be used to conduct attacks outside meaningful human control; and
- its use does not comply with principles of international humanitarian law or the dictates of public conscience. This includes systems that:
 - are incapable of distinguishing between civilians, enemy combatants and combatants hors de combats;
 - are of a nature to cause superfluous injury or unnecessary suffering or are inherently indiscriminate.

Sec 2: Each High Contracting Party shall institute measures to ensure that meaningful human control is retained in the entire life cycle of any weapon system incorporating autonomy, including by remote or controlled deactivation to reduce or limit unplanned damage.

Sec 3: Each High Contracting Party shall ensure that weapon systems do not rely on data sets that can perpetuate or amplify social biases, including gender and racial bias.

Sec 4: Each High Contracting Party shall ensure that weapon systems do not cause lasting environmental damage.

Sec 5: Each High Contracting Party shall develop regulations for due register, tracking and analysis of AWS, thus allowing for accountability for both all chain of command and fabrication and development.

Article 4: 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 process, must be reviewed to ensure compliance with international law.

Sec 2: Each High Contracting Party shall be transparent regarding all aspects of 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 information and good practices on the conduct of review of autonomous weapon systems.

Sec 4: Each High Contracting Party shall ensure the integration of inter-disciplinary perspective in research and development of autonomous weapon systems bearing in mind national security considerations and restrictions on commercial proprietary information.

Article 5: 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 6: 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 problems that may arise with regard to the interpretation and application of the provisions of, and to strengthen, this Protocol.

Article 7: 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 their 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.

Sec 3: “The High Contracting Parties shall provide annual reports to the Implementation Support Unit, 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.”

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.