UNGA Resolution 78/241, Submission by Austria

Austria welcomes the opportunity to submit its views for consideration by the United Nations Secretary-General, pursuant to UNGA resolution 78/241 "Lethal autonomous weapons systems", on ways to address the related challenges and concerns they raise from humanitarian, legal, security, technological and ethical perspectives and on the role of humans in the use of force.

On 29 and 30 April 2024, Austria convened the international conference "Humanity at the Crossroads: Autonomous Weapons Systems and the Challenge of Regulation" in Vienna. Over 1000 participants from states, the UN system, the ICRC, international and regional organisations, the tech sector and industry, academia and civil society, including delegates from 144 states, participated in the so far largest global gathering on the specific issue of autonomous weapons systems. The Chair's Summary of this conference has also been submitted to the United Nations Secretary-General as an input for consideration.

The Vienna Conference built upon the valuable work already conducted in the UN fora. The ongoing and valuable work of the Convention on Certain Conventional Weapons and its Group of Governmental Experts has contributed to fostering a growing common understanding, including on the need for a two-tier approach to regulate autonomous weapons systems, consisting of prohibitions and regulations at international level. In addition, the Human Rights Council has been engaging on the issue, addressing the human rights implications of autonomous weapons systems. The ITU has also taken up work on this issue.

The regional Conferences organised by Costa Rica, Luxemburg, Trinidad and Tobago, the Philippines and Sierra Leone have demonstrated the global interest in and the regional leadership on the regulation of autonomous weapons systems.

Related events and processes such as the US Political Declaration process and the REAIM process provide complementary and valuable paths to further the understanding of the particular challenges that AI and autonomy raise in the military field more broadly and how to deal with them.

The Chair's Summary of the Vienna Conference reflects the fundamental challenges of autonomous weapons systems as relating to the nature of human control, accountability and compliance with international law, including international humanitarian law and international human rights law. It also reflects the ethical concerns they raise regarding the dignity of the person and the moral demands from the principles of humanity and the requirements of the public conscience.

In line with the position of the ICRC, we consider the current international legal framework as fully applicable to autonomous weapons systems, but not sufficiently developed to address all these challenges. The complexities of increased autonomy in weapons systems raise unprecedented challenges regarding application and compliance with international law. A legally-binding instrument also needs to address wider issues, such as humanitarian risks and the fundamental ethical concerns related to autonomous weapons systems.

We need to emphasize that the relevant legal framework should not only relate to international humanitarian law but also international human rights law and international criminal law. They are relevant due to the high likelihood of autonomous weapons systems being used outside armed conflict, the prevalence of dual-use within the related technologies and the major role of private industry in design and development of autonomous weapons systems.

Autonomous weapons systems also present global risks to peace and security, including the risks of proliferation, also to non-state armed groups. Against the backdrop of an accelerating security competition, autonomous weapons systems may become objects of an arms race. In this context, they can also lower the threshold of war and lead to unintended escalations.

A fundamental humanitarian, legal, security and ethical concern is the risk of humans losing control over the use of force, while it is humans who will continue to bear the consequences of armed conflict.

Autonomous weapons systems may present challenges in attributing responsibility for attacks. Proliferation of autonomous weapons systems to non-state armed groups and other violent actors may escalate security risks in armed conflict as well as in law enforcement.

These profound concerns and risks related to autonomous weapons systems concern all states and all parts of society. The need for the regulation of autonomous weapons systems should be a global concern in the interest of humanity to maintain peace and security. The tech sector and industry should be partners in this endeavour in their striving for legal clarity.

All relevant stakeholders, including States, the UN system, international and regional organisation, the tech sector and industry, academia and civil society play a role and should be closely involved in the multilateral efforts towards the regulation of autonomous weapons systems.

For Austria, humanity is at the crossroads and must come together to address the challenge of regulating these weapons. This could be the "Oppenheimer Moment" of our generation. Experts from various fields have been warning about the profound risks and severe consequences for humanity of an unregulated autonomous weapons arms race. International efforts must intensify and fully rise to the challenge of regulating autonomous weapons systems, so far they have not been commensurate to the speed and significance of this development. Determined political leadership is urgently needed to effectively regulate autonomous weapons systems and prevent wider and global negative consequences.

Consequently, Austria fully strongly supports the Joint Call by the UN Secretary-General and ICRC President of 5 October 2023 that urges Member States "to launch negotiations of a new legally binding instrument to set clear prohibitions and restrictions on autonomous weapons systems and to conclude such negotiations by 2026." Austria therefore stresses the urgency of the matter and the need of addressing the profound concerns raised by autonomous weapons systems from a legal, ethical and security perspective. Austria also strongly supports that autonomous weapons systems are addressed within the United Nations Pact for the Future.

In light of the speed of technological progress regarding the development of autonomous weapons systems and the considerable work already conducted on the issue in the UN framework, the objective of concluding a legally-binding instrument by 2026 is an appropriate target date. Any further delay would have negative repercussions on the impact of such an instrument.

An all-party motion adopted by the Austrian Parliament on 17 April 2024 (3923/A(E)) urged the Austrian federal government to continue to strenuously engage at the multilateral level for the negotiation and adoption of an international legally binding instrument to regulate autonomous weapons systems.

Austria will therefore promote negotiations for a legally binding instrument that consists of prohibitions and regulations. Autonomous weapons systems that cause effects that cannot be adequately explained, predicted or sufficiently controlled, are unacceptable and would violate international humanitarian law and therefore must be prohibited. Autonomous weapons systems that select and engage persons as targets in a manner that violates the dignity and worth of the human person as well as the principles of humanity or the dictates of public conscience are unacceptable and must be prohibited. All other autonomous weapons systems should be regulated in order to ensure meaningful human control over the use of these systems. For additional details on Austria's view on this issue we would like to refer to the Working Papers submitted to the GGE on LAWS in 2023 and 2024.

Meaningful human control over autonomous weapons systems can be achieved by a combination of several conditions. This includes 1) a functional understanding of the weapon system, 2) an adequate assessment of the context in which the weapon can be and is used and – resulting from the these factors – 3) limitations that may be required to be set with regard to the duration, geographical area, the number of engagements and the types of targets. Meaningful human control also implies that a human operator needs to be able to assess the foreseeable effects of an intended use of force on a legal and moral basis. There is a clear requirement throughout research, development, acquisition and use of autonomous weapons systems to constantly review and reassess any possible changes and modifications in the system's functioning with regard to fulfilment of the conditions listed above. This should include technical aspects such as 'machine learning' and any datasets upon which system functions are based.

This monitoring process should be embedded in an adequate multi-layered international regulatory framework that would entail regular review of the implementation of prohibitions and positive obligations in order to ensure meaningful human control is preserved over autonomous weapons systems, and legal rules and ethical principles are protected in the design, development and use of these systems.

Another layer of regulations concerns measures that are related to AI-based systems, such as ensuring the integrity, quality and veracity of data, prevention of algorithmic bias, prevention of "automation bias" and adequate training of personnel on all relevant levels. It is also necessary to ensure the safety of such weapons systems, in particular with regard to cyber-security, AI-specific vulnerabilities and proliferation risks.

Accountability for the use of force and its consequences cannot be transferred to machines or algorithms. The rules of international humanitarian law and international human rights law are addressed to people, individually and collectively. Accountability as a legal requirement can be achieved through meaningful human control. It particularly requires that those authorising the use of force can explain and predict its foreseeable effects. Effective governance is necessary to avoid an accountability gap.

Finally, autonomous weapons systems can be characterized as systems, which once activated select targets and apply force without further human intervention. We do not see the need to continue to use the qualifier 'lethal' as we do not see this as a suitable characteristic to describe autonomous weapons systems. It finds no justification in international humanitarian law, which protects civilians not only against death, but also against injury.