

Canada's views on Lethal autonomous weapons systems as it relates to UN Resolution 78/241 "Lethal autonomous weapons systems"

Resolution 78/241 "Lethal autonomous weapons systems" (LAWS) adopted by the UN General Assembly (UNGA) on 22 December 2023 calls for the views of Member States and observer States on LAWS, inter alia, 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, for the purposes of submitting a substantive report reflecting the full range of views received from states, to the General Assembly at its seventy-ninth session for further discussion by Member States.

At UNGA 78, Canada was pleased to support resolution 78/241 and to see it gain the additional support of 163 other States. We view this resolution as the appropriate progression of the joint statement on LAWS delivered at UNGA 77, which Canada also supported.

Canada appreciated that the language within resolution 78/241 was refined through informal consultations in Geneva and New York and believes that the resolution could go further in articulating the importance of algorithmic biases, such as gender, at the development phase of LAWS.

We appreciated that the resolution highlighted the need for compliance with international humanitarian law and reinforced the two-track approach (regulation and prohibition) that has largely been discussed within the Convention on Certain Conventional Weapons' Group of Governmental Experts (GGE) on LAWS, in which Canada actively engages. Canada would like to see resolution 78/241 taken into full account by the GGE, given that it highlights the GGE as the "central and unique forum to address various issues pertaining to LAWS".

Resolution 78/241 also represents the wider interest in discussing LAWS within the UN sphere, further emphasized by the reference to "autonomous weapons systems (AWS)" in the Pact of the Future document. The resolution recognizes the great promise that new and emerging technologies hold for the protection of civilians in conflict, alongside concerns about the potential negative consequences and impact of LAWS on global security and regional and international stability. We agree that these wider geopolitical considerations should be taken into consideration in future discussions.

The growing pace of technology requires commensurate advancement in international policy discussions on LAWS. This response providing Canada's views builds on much appreciated work submitted by other States in the spirit of collaboration and advancement of international discussion on this topic. Further discussions are needed to examine the potential challenges posed by emerging technologies such as LAWS – in particular, the role of humans in the use of lethal force, human-machine interaction as well as the rules and principles applicable to the development, deployment, and use of emerging technologies in the area of LAWS.

Canada recognizes that there are various options to address potential prohibitions, including a potential legally binding instrument. That said, it is unclear at this stage what gaps in the current international framework a new instrument would seek to fill and, consequently, what a new treaty might entail.

Canada is of the view that all discussions related to LAWS must be anchored in ensuring compliance with existing international law, including international humanitarian law (IHL). This implies that a weapons

system must always maintain a degree of human involvement and that accountability and responsibility must remain with humans. Weapons systems that could operate without a degree of human control and accountability would not be compliant with IHL.

As a next step, consensus should be sought on reaching a common understanding of what “human involvement” would be required in order for weapon systems to be compliant with IHL. Through further discussion and refinement of the interpretation of this concept, States could agree on where the line should be drawn between “fully autonomous weapons systems” (i.e. where appropriate human involvement is absent and therefore not compliant with IHL), and weapons systems where autonomy is accompanied by appropriate human involvement and are therefore able to maintain compliance with IHL.

From Canada’s perspective, we see this concept as being closely related to Guiding Principle C of the 11 Guiding Principles developed by the GGE on LAWS. Appropriate human involvement must be maintained in the use of force. In accordance with Article 36 of Additional Protocol I to the Geneva Conventions, Canada conducts national legal reviews of new weapons, means or methods of warfare, to ensure IHL compliance. Canada ensures this necessary element first through its national legal reviews of all new weapons, which ensure that weapons systems meet Canada’s international legal obligations. We also ensure strict adherence to IHL throughout the life cycle of the weapon.

Another area to examine is how the conduct of Article 36 reviews is linked to ensuring that appropriate human involvement is maintained in the use of force. From Canada’s perspective, humans – not machines – are responsible for the use of force. By removing human involvement from part of the life cycle, fully autonomous weapons systems would render responsibility for decision-making difficult to trace, which is one reason why Canada is opposed to such systems. Military commanders are accountable for all uses of force that occur under their command, be it by a human subordinate or a machine. We see the term “involvement” as encompassing both human judgment and human control; it is our view that armed conflict should remain fundamentally a human enterprise. The sharing of good practices would be a logical first step in this area.

The concepts of predictability and reliability of LAWS should also be further examined by States. States appear to differ in their interpretations of how measures of predictability should be applied to LAWS. With the use of current conventional weapons, militaries must reasonably and objectively anticipate what will happen as a result of the use of a weapon. That said, responsible militaries adopt a range of methods to enhance predictability and reduce collateral harm to ensure that weapons systems are only used in accordance with international law.

Canada is of the view that autonomy in weapons systems must stem from a high level of trustworthiness such that the level of unpredictability is sufficiently low, and that any risks may be mitigated by appropriate measures similar to those managed when using conventional weapons. Canada would support broad ranging consensus principles, including the following (non-exhaustive) list:

- weapons systems based on emerging technologies in the area of LAWS that cannot be used in compliance with IHL are prohibited;
- to be compliant with IHL, emerging technologies in the areas of LAWS must maintain an appropriate level of human involvement;

- ensuring that national policies, doctrines, directives, and processes are updated to ensure new technologies are used in compliance with applicable international law;
- engaging in the voluntary exchange of information on legal reviews of new weapons and emerging technologies in the areas of LAWS.

A primary concern for Canada remains the potential for the inclusion of unintended or intended biases in the development and programming of autonomous functions in a weapons system. We are concerned that fully autonomous weapons systems may not be consistent with the principles related to the Women, Peace and Security agenda. During a dialogue that Canada held with Indigenous and civil society partners on its Feminist Foreign Policy, participants raised a number of concerns related to LAWS, including the issue of collateral harm to women and children in conflict zones, and the risk that autonomous weapons systems could exacerbate existing power imbalances and biases.

In addition, many States have expressed a desire to discuss the moral and ethical implications surrounding the automation of weapons systems. Canada is committed to advancing international discussions on LAWS that take into account all of these concerns.

Finally, Canada wishes to acknowledge the invaluable contributions (including research papers, data presentations and interventions) by civil society and international organizations to help advance discussions on LAWS.