

**Resolution 78/241 « Lethal Autonomous Weapons Systems »
adopted by the General Assembly on 22 December 2023**

REFERENCE: ODA-2024-00019/LAWS

FRANCE

Requests the Secretary-General to seek the views of Member States and observer States on lethal autonomous weapons systems, 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, and to submit a substantive report reflecting the full range of views received with an annex containing these views, to the General Assembly at its seventy-ninth session for further discussion by Member States.

France welcomes the opportunity to submit its views for consideration by the United Nations Secretary-General, in accordance with resolution 78/241 “Lethal autonomous weapon systems”, adopted by the General Assembly on 22 December 2023.

France has fully assessed the strategic, legal and ethical questions raised by the military development of artificial intelligence (AI), and in particular by the potential emergence of lethal autonomous weapons systems (LAWS). France has been a driving force in the debate on lethal autonomous weapons systems, especially within the Convention on Certain Conventional Weapons (CCW).

Since the beginning of this forum, France has formulated concrete proposals to build bridges between the differing views expressed by States on the matter, to address legal, humanitarian, security, technological and ethical issues that may arise, while also acknowledging opportunities related to the future development of these systems.

In our view, the best way to address the challenges and concerns posed by LAWS requires two cumulative conditions: (1) continuing the discussions within the CCW and fulfilling its mandate with regard to the elaboration of a set of elements of an instrument, and (2) structuring this future instrument – which could take the form of an Additional Protocol to the CCW - according to a two-tier approach in order to ensure that the development and use of lethal autonomous weapons systems will comply with International Humanitarian Law (IHL) while preserving sufficient human control as well as human responsibility and accountability. In addition, and with a prospective view, a consultative committee of technical experts within the CCW could also be created.

1. Ways to address the related challenges and concerns raised by lethal autonomous weapons systems: the relevance of the two-tier approach

With regard to “ways to address the related challenges and concerns raised by LAWS from humanitarian, legal, security, technological and ethical perspectives”, France considers that a “two-tier” approach should be retained.

Such an approach should rely on the distinction between, on one hand, “fully” autonomous lethal weapons systems operating completely outside human control and a responsible chain of command; and on the other hand, “partially” autonomous lethal weapons systems to which the military command can assign the computation and execution of tasks related to high-level functions within a specific framework of action.

Such an approach primarily ensures that International Humanitarian Law (IHL) will continue to apply fully to all weapons systems, including the potential development and use of lethal autonomous weapons systems. To that end, States must implement appropriate measures to ensure that lethal autonomous weapons systems are developed and used in full compliance with IHL, and that lethal autonomous weapons systems that could not provide any sustainable assurance as to compliance with international humanitarian law are prohibited. This is the case of fully autonomous lethal weapons systems.

This approach also takes into account the role of humans in the use of force, notably the importance of maintaining human control as well as human responsibility and accountability. In that regard, “fully autonomous lethal weapons systems” would run contrary to the key principle of retaining sufficient human control while such control can be ensured within “partially autonomous lethal weapons systems” by the implementation of appropriate policies and measures across the life cycle of the system.

Finally, this approach takes into account the fact that (1) the development of autonomy can have a very wide range of applications (from increased autonomy with regard to “low-level” functions such as altitude hold, observation, camouflage to increased autonomy within “high-level” functions: identification, target selection and engagement); (2) the integration of autonomy in weapons systems can and will be gradual, based on levels of trust and predictability, operational context and planned mission; ; and (3) such developments should not be unduly hampered as they offer opportunities and benefits (such as a more precise awareness and estimation of the situation, application of force thus contributing to minimizing the risk of collateral damage, assisting humans in the decision-making process or improving the protection of soldiers) providing that they are used and developed in a responsible way, and in compliance with international law, including international humanitarian law.

Concretely, based on this “two-tier approach”:

- i. Lethal autonomous weapons systems that could not be developed and used in accordance with International Humanitarian Law – systems that are inherently indiscriminate, which effects cannot be limited, anticipated and controlled; of a nature to cause superfluous injury or unnecessary suffering; operating completely outside human control and a responsible chain of command – should be prohibited;
- ii. Other lethal autonomous weapons systems should be regulated by the implementation of appropriate measures throughout the life cycle of the system in order to mitigate

potential legal, ethical, technical and security challenges. Such measures could include: legal reviews (to ensure the legality of such systems throughout their life cycle); risk assessments, safeguards and mitigation measures (to ensure the reliability of partially autonomous lethal weapons systems to prevent failures, misuse, diversion and relinquishment of human prerogatives); adequate training (to ensure that human decision makers and operators adequately understand the system’s effect and its likely interaction with its environment) ; the maintenance of sufficient human control (to ensure that humans will always define and validate rules of use, rules of engagement, a precise framework for the mission assigned to the system and make critical decisions over the use of force) as well as a chain of human command and responsibility (to ensure responsibility and accountability)

France, alongside other countries, has provided guidance on possible concrete types of measures and policies based on this “two-tier approach”¹.

2. The role of humans in the use of force

Human control must be retained in order to ensure that lethal autonomous weapons systems are used in compliance with applicable international law, in particular international humanitarian law. The use of force is and must remain an inherent responsibility of the human chain of command and control, particularly in cases of violations of international humanitarian law. In this regard, the human chain of command and control must retain the ability to take critical decisions regarding the use of lethal force.

France considers that systems operating completely outside human control and a responsible chain of command (“fully autonomous lethal weapons systems”) would run contrary to the key principle of retaining human control - and therefore must be prohibited - while such control can be ensured within “partially autonomous lethal weapons systems” by the implementation of appropriate policies and measures at different stages.

In determining the quality and extent of human control, a range of factors should be considered, including the operational context, and characteristics and capabilities of the weapons system as a whole. In France views’, sufficient human control requires that: (1) humans make informed decisions about the deployment and use of weapons; (2) humans have sufficient information to ensure that force is used in accordance with international law, given what they know about the potential target, the capabilities and characteristics of the weapon to be used, and the operational context in which the weapon is deployed.

¹[https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Seventh_Group_of_Governmental_Experts_\(2021\)/CCW-GGE.1-2021-WP.4_English.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Seventh_Group_of_Governmental_Experts_(2021)/CCW-GGE.1-2021-WP.4_English.pdf) Submitted by France « Possible consensus recommendations in relation to the clarification, consideration and development of aspects on the normative and operational framework on emerging technologies in the area of LAWS »; [https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Seventh_Group_of_Governmental_Experts_\(2021\)/CCW-GGE.1-2021-WP.5_English.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Seventh_Group_of_Governmental_Experts_(2021)/CCW-GGE.1-2021-WP.5_English.pdf) submitted by France and Germany « Outline for a normative and operational framework on emerging technologies in the area of LAWS »; https://documents.unoda.org/wp-content/uploads/2022/07/WP-LAWS_DE-ES-FI-FR-NL-NO-SE.pdf working paper submitted by Finland, France, Germany, the Netherlands, Norway, Spain and Sweden; [https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2024\)/CCW-GGE.1-2024-WP.3.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2024)/CCW-GGE.1-2024-WP.3.pdf) Working paper submitted by Bulgaria, Denmark, France, Germany, Italy, Luxembourg and Norway.

Human control may take various forms and be implemented at various stages of the life cycle of a weapon. In particular, humans must, to the extent required by international humanitarian law:

- have a sufficient understanding, depending on their role and level of responsibilities, of such weapons systems' way of operating, effect and likely interaction with their environment and are able to predict and explain the behavior of such weapons systems;
- define and validate rules of use, rules of engagement as well as a precise framework for the mission assigned to the system limited in time, space and by determined objectives according to the situation and context;
- remain able to monitor the reliability and usability of the systems during its deployment and to approve any substantial modification of the mission's parameters;
- be in a position to exercise their judgement with regard to compliance with rules and principles of IHL, in particular distinction, proportionality and precautions in attack, and thus take critical decisions over the use of force.

3. How to operationalize this approach and general principles: the framework of the Convention on Certain Conventional Weapons (CCW)

3.1 Continuing the LAWS GGE process and fulfilling its mandate

At the 2013 meeting of High Contracting Parties, a mandate regarding emerging technologies in the area of lethal autonomous weapons systems was adopted by CCW High Contracting Parties. The mandate encouraged States Parties to “*discuss questions related to emerging technologies in the area of lethal autonomous weapons systems*”. France launched the CCW expert meetings on Lethal Autonomous Weapons Systems (LAWS) in 2014 and Germany subsequently took over in chairing the discussion on this topic in 2015 and 2016. In 2016, the CCW Review Conference established a Group of Governmental Experts (GGE), chaired by India for the year 2017.

The mandate of the GGE was subsequently renewed and reinforced. Substantial progress has been made throughout the years, leading to a better apprehension of this complex and multi-faceted issue as well as tangible proposals and recommendations. In particular, progress has been made with regard to the identification of key principles that should guide the development and use of lethal autonomous weapons systems, measures to operationalize such guiding principles and the approach that could be retained to elaborate a possible instrument.

France remains committed to the work done within the framework of the GGE on LAWS at the CCW. First, because this Convention – as a key instrument of International Humanitarian Law which seeks to strike a balance between military necessity and humanitarian considerations – remains the most appropriate forum for responding to both ethical and legal issues raised by LAWS. Furthermore, this Convention brings together States engaged in the development of military applications of AI and its unique structure - by allowing the possibility to negotiate and adopt additional protocols - ensures the necessary flexibility to address new weapons technologies. Finally, the GGE on LAWS - to which governmental experts as well as representatives from international organizations, civil society and academia participate - brings together technical, military, legal and diplomatic expertise, thus offering a unique framework to consider the various dimensions of the emerging technologies in the area of lethal autonomous weapons systems.

In this regard, it is of the paramount importance to engage entirely and constructively within the framework of the CCW, to avoid undermining the GGE progress towards mandate fulfilment by 2026.

3.2 Towards an instrument within the CCW

For all the reasons mentioned above, France considers that the work of the GGE must be pursued and its mandate - which is to develop a set of elements of an instrument and present its conclusions at the next Review conference of the CCW in 2026 - must be fully fulfilled.

France, considers the following elements should be contained within such an instrument, based on the two-tier approach:

- I. A preambular part: to reaffirm, *inter alia*, the objectives and purposes of the CCW, the Eleven guiding principles agreed by the High Contracting Parties (HCP) in 2019, and the applicability of IHL to these systems;
- II. A scope of application: to define lethal autonomous weapons systems; to exclude systems that do not meet this definition; and to establish a clear distinction between lethal autonomous weapon systems operating completely outside human control and a responsible chain of command, and lethal autonomous weapons systems featuring autonomy in high-level functions;
- III. Prohibitions: to list the characteristics that would fall in this category and to recall that States are responsible at all times for adhering to their obligations under applicable international law;
- IV. Regulations: to place limits and requirements on the development and use of lethal autonomous weapons systems featuring decision-making autonomy in high-level functions to 1/ ensure that such systems are developed and used in full compliance with IHL; 2/ preserve the human responsibility and accountability; 3/ maintain sufficient human control; and 4/prevent and mitigate risks regarding the safety and security of such systems.
- V. Consultation and cooperation: to implement a mechanism with a view to facilitating consultation and cooperation between HCP, and to encouraging HCP to exchange, on a voluntary basis, best practices with regard to national measures that they have put in place to implement the requirements contained in the instrument.

Detailed proposal for such an instrument can be found in Annex of the present submission.

With regard to the form that an instrument of LAWS could take within the framework of the CCW, France supports the negotiation and adoption of an Additional Protocol to the CCW.

3.3 The creation of a Consultative Committee of Independent Technical Experts within the CCW

A committee of independent technical experts could be put in place within the CCW. The overarching mandate of the Committee could be to periodically inform CCW High Contracting

Parties on new developments in technologies relevant for the discussion on emerging technologies in the area of LAWS. The Committee could help maintain a high level of vigilance on this issue, which is by nature prospective and dynamically evolving. It could also help States in developing their expertise and, over time, as needed, adopting additional appropriate measures in the framework of the CCW to respond to specific challenges posed by emerging technologies in the area of LAWS not yet identified.

In particular, its tasks could include the following:

- to study new scientific & technological developments on emerging technologies in the area of lethal autonomous weapons systems;
- to submit comprehensive written reports to HCP in order to inform them on case-studies and current trends regarding scientific & technological developments in this field and on ways to cope with challenges posed in the context of the objective and purposes of the convention. The HCP shall consider these reports for possible further actions.

Annex: Elements of an instrument to address the issue of LAWS within the framework of the CCW²

Submitted by Bulgaria, Denmark, France, Germany, Italy, Luxembourg, Norway

I. Preambular part

The future instrument should:

1. **Reaffirm the objectives and purposes of the 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**, which seeks to strike a balance between military necessity and humanitarian considerations;
2. **Recall the Eleven guiding principles** agreed by the High Contracting Parties as contained in document CCW/MSP/2019/9;
3. **Recall that International Humanitarian Law** continues to apply fully to all weapons systems independently of the military technology used, including autonomous weapons systems;
4. **Underlines** that weapons systems that cannot comply with IHL are *de facto* prohibited and that systems incapable of being used in accordance with IHL should **not be developed or used**;
5. **Reaffirm** that the rules and principles of IHL, including *inter alia* distinction, proportionality and precautions in attack, **must be adhered to in the development, deployment and use of weapons systems based on emerging technologies in the area of lethal autonomous weapon systems.**

II. Scope of application

The future instrument should:

1. **Apply to lethal autonomous weapons systems** *i.e.* systems that, once activated, are able to identify, select, track, and apply force to targets, without further human intervention;
2. **Establish** a clear distinction between:
 - **lethal autonomous weapons systems operating completely outside human control and a responsible chain of command** (*i.e.* systems capable of setting their own objectives or modifying, without any human validation, their initial programme or their mission framework)
 - **lethal autonomous weapons systems featuring decision-making autonomy in critical functions** (*i.e.* lethal weapons systems featuring decision-making autonomy in critical functions such as identification, classification, interception and engagement to which, after assessing the situation and under their responsibility, the military command can assign the computation and execution of tasks related to critical functions within a specific framework of action);

² Based on the joint working paper submitted by Bulgaria, Denmark, France, Germany, Italy, Luxembourg and Norway to the LAWS GGE in march 2024 ([https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2024\)/CCW-GGE.1-2024-WP.3.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2024)/CCW-GGE.1-2024-WP.3.pdf)) Working paper submitted by Bulgaria, Denmark, France, Germany, Italy, Luxembourg and Norway.

3. **Exclude** remotely piloted and tele-operated systems, automated systems and systems featuring autonomy in “non-critical”/“low-level” functions (such as altitude hold, observation, camouflage).

III. Prohibitions

1. The future instrument should prohibit the following weapons systems:

- Lethal autonomous weapons systems that are **inherently indiscriminate** and/or incapable of distinguishing between civilians, enemy combatants and combatants hors de combat;
- Lethal autonomous weapons systems **the effects of which cannot be limited, anticipated and controlled**, as required by international humanitarian law in the circumstances of their use;
- Lethal autonomous weapons systems **operating completely outside human control and a responsible chain of command**;
- Lethal autonomous weapons systems **of a nature to cause superfluous injury or unnecessary suffering**.

2. *Reaffirm* that **States are responsible at all times for adhering to their obligations under applicable international law**, including International Humanitarian Law. As such, States can be held responsible for internationally wrongful acts or violations of IHL resulting from the development or the use of the above-mentioned weapons.

IV. Regulations

The future instrument should:

1. *Call on* High Contracting Parties to **take the necessary measures aiming at ensuring that lethal autonomous weapons systems** covered by the future instrument and not prohibited under the future instrument (*lethal autonomous weapons systems featuring decision-making autonomy in critical functions*) **are developed and used in full compliance with International Humanitarian Law**. To that end, High Contracting Parties should put in place measures to:

- **assess** - taking into account *inter alia* the technical performance, anticipated use, and intended tasks and types of targets - **whether these systems are capable of being used in conformity with applicable international law, including international humanitarian law** taking into account existing capacities and capabilities;
- **evaluate the reliability, understandability and predictability** of such weapons systems *inter alia* by applying appropriate testing and certification procedure as well as appropriate training of human operators. In particular, High Contracting Parties should assess how such systems are expected to perform in the anticipated circumstances of its use as well as review the planned use of such systems;
- control, limit or otherwise affect the **types of targets** that such weapon systems can engage as well as the **duration, geographical scope, and scale of the operation** of such weapon systems;
- preserve and retain **human control** at all times, in all circumstances and across the entire life cycle of the machine with a view to ensure that humans:
 - have a sufficient understanding, depending on their role and level of responsibilities, of such weapons systems’ way of operating, effect and likely interaction with their

environment and are enable to **predict and explain the behaviour of such weapons systems**;

- will always **define and validate** rules of use, rules of engagement as well as a precise framework for the mission assigned to the system limited in time, space and by determined objectives according to the situation and context;
- are able to **monitor** the reliability and usability of the systems during its deployment and to **approve** any substantial modification of the mission's parameters;
- are in a position to exercise their judgement with regard to compliance with rules and principles of IHL, in particular distinction, proportionality and precautions in attack, and thus **take critical decisions over the use of force**.

2. *Call on* High Contracting Parties **to put in place tailored risk mitigation measures, including technical safeguards**, during the design, development, testing, and deployment of such weapons systems. Such measures and safeguards should aim at preventing and mitigating risks regarding the safety and security of such weapons systems, including but not limited to the following risks: risk of unintended bias, such as on gender aspects, risk of unintended engagements, risk of loss of control of the system and risk of diversion to unauthorized users including terrorists groups.

3. *Reaffirm* that High Contracting Parties remain **responsible** for, inter alia, all internationally wrongful acts committed by their organs such as their armed forces as well as all other actions or omissions attributable to the State, including any internationally wrongful act involving the use of partially autonomous lethal weapons systems, in accordance with applicable international law.

4. *Reaffirm* that individual responsibility for violations of international law, specifically IHL, can never be transferred to machines.

5. *Call on* High Contracting Parties to put in place into national law the relevant legal mechanisms to ensure **accountability**, including to investigate allegations of war crimes potentially perpetrated by their armed forces and nationals, or on their territory, or by any person under their authority, through such weapons systems.

V. Consultation and cooperation

The future instrument should:

1. *Put in place* a mechanism with a view to facilitate the consultation and cooperation of High Contracting Parties with each other on all issues related to the operation of the future instrument.

2. *Encourage* High Contracting Parties to exchange, on a voluntary basis, best practices with regard to national measures that they have put in place with a view to implement the requirements contained in the future instrument, including on the conduct of legal reviews.