The European Union submission to the UN Secretary General’s call for contributions to a report under resolution 78/241 – Lethal Autonomous Weapons Systems

Emerging technologies, notably artificial intelligence and autonomy in weapons systems, are reshaping the landscape of conflict and impacts on global security. The EU considers it imperative that we collectively address these challenges by establishing principles, international norms and regulations to ensure the responsible use of such technologies.

The EU recognizes that AI is both an enabling and a disruptive technology and that there are both potential opportunities and risks associated with the development and use of AI in the military domain, including its implications for global security. The EU encourages further engagement in international dialogue and cooperation to address the opportunities and challenges presented by AI in the military domain. We support efforts at relevant fora to exchange best practices and foster a common understanding of the legal and ethical implications, and we welcome the valuable contributions of recent international and regional initiatives.

On risk mitigation and confidence building measures, the EU recognizes the critical role that data plays for AI-based technologies. Social biases that have potential impact on emerging technologies, for example through gender bias in algorithms, should also be given due consideration. Tailored risk mitigation measures, including those across the life cycle should be adopted and implemented.

The EU maintains that the CCW offers an appropriate framework for dealing with the issue of emerging technologies in the area of Lethal Autonomous Weapons Systems (LAWS) within the context of the objectives and purposes of the Convention. The EU remains committed to pursue its efforts in the Group of Governmental Experts on LAWS to fulfil the mandate and make progress on the issue of LAWS and with a view to ensuring that the outcome reflects inter alia the necessity of compliance with International Law, in particular IHL, taking into account relevant ethical considerations. Past achievement, including the 11 guiding principles, previous outcome documents, as well as already identified convergences, should serve as basis for consensus proposals. The EU emphasises that human beings must make the decisions with regard to the use of lethal force, exert control over lethal 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 IHL, also taking into account ethical considerations. Those who plan, decide upon and carry out an attack using a lethal autonomous weapon system must, therefore, ensure that the weapon system and the way it is used will preserve human beings’ ability to make these necessary legal judgements, and thereby ensure compliance with IHL. Furthermore, human accountability must be preserved at all times and across the entire life cycle of the weapons system and appropriate measure in this regard should be implemented.

The EU recalls that States bear a fundamental responsibility to ensure that the development, production, deployment and use of emerging technologies in the area of LAWS must be in compliance with international law, in particular IHL. In that regard, we support the so-called two-tier approach and that a distinction should be made between those weapon systems that cannot be used in accordance with international law, in particular IHL, which States should commit not to develop, produce or use, and systems that include autonomous features, requiring regulation to ensure compliance with IHL and other applicable international law.
As noted in Resolution 78/241 on LAWS, international and regional conferences and initiatives, including by EU Member States, have made important contributions, enriching international discussions on autonomous weapons systems.

Lastly, gender equality and the empowerment of women is an important horizontal priority for the EU and we believe it is important to take into account a gender perspective, when discussing the issue of LAWS, given the nexus between gender equality and emerging technologies.