Submission by Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Kazakhstan, Nigeria, Panama, Peru, the Philippines, Sierra Leone and State of Palestine for the United Nations Secretary-General Report on Resolution 78/241

DRAFT PROTOCOL VI

Overview

In view of the objectives and purposes of the Convention on the Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious Or To Have Indiscriminate Effects, commonly known as Convention on Certain Conventional Weapons (CCW), among which is “to continue the codification and progressive development of the rules of international law applicable in armed conflict”. Therefore, a group of sixteen (G16) like-minded High Contracting Parties (HCPs) to the CCW continues to call on all HCPs to expeditiously address the risks and challenges posed by autonomous weapons systems during the sessions of the Group of Governmental Experts on Lethal Autonomous Weapons Systems (GGE on LAWS).

The Group reaffirms that the emergence of autonomous weapons systems and their impact to the changing landscape of warfare require the development of legally binding rules and principles, including regulations and prohibitions on the development, production, possession, acquisition, deployment, transfer, and use of autonomous weapon systems without meaningful human control or not in compliance with international law.

In this context, a group of 13 delegations (G13) first proposed and submitted a draft Protocol VI on autonomous weapons systems to the July 2022 session of the GGE on LAWS. In May 2023, the Group submitted a revised draft Protocol VI during the second session of the 2023 GGE on LAWS with a few updates/revisions taking into account the discussions and proposals at the March 2023 session of the GGE on LAWS. The G13 has since received support from three more delegations, namely Chile, Colombia, and the Dominican Republic.

Structure

The draft Protocol VI aims to address the ethical, legal, humanitarian, and security concerns presented by autonomous weapon systems. It contains prohibitions and regulations on autonomous weapon systems that may serve as a basis for the negotiation

4 More concrete characterization of meaningful human control incorporating positions expressed at the March 2023 session of the GGE on LAWS, improved language on prohibition of systems that are outside the threshold of meaningful human control reflecting the exchange of views at the same meeting, additional section dedicated to regulations (thereby separating prohibitions and regulations) incorporating elements of the Proposal for Draft Articles presented by a group of U.S.-led co-sponsors at the same meeting.
of a legally binding instrument. The draft Protocol VI also emphasizes prohibiting autonomous weapon systems if their autonomous functions are designed to be used to conduct attacks outside meaningful human control.5

The draft Protocol includes a preamble and eight (8) articles: (1) General Provisions, (2) Characterization, (3) Prohibitions, (4) Regulations, (5) Review of Weapons, (6) Risk Mitigation, (7) Compliance, and (8) Consultations of High Contracting Parties, highlighting the following provisions:

- First, the proposal offers simple characterizations of “autonomous weapon systems” and “meaningful human control.”

- The draft Protocol VI establishes a set of prohibitions to the design, development, production, possession, acquisition, deployment, transfer, or use of autonomous weapon systems that cannot be used with meaningful human control, including those that cannot be operated in a manner that cannot be predicted, explained, anticipated, understood or traced.

- It also establishes regulatory measures to ensure effective human oversight, intervention, and deactivation of autonomous weapon systems. It emphasizes the capacity of humans to limit the type of targets, duration, geographical scope, and scale of use. It stipulates the need for clear procedures to be put in place to inform and empower humans in exerting control over autonomous weapon systems. Rigorous testing and limitations on data processing complexity are also mandated to guarantee understandability, explainability, and predictability.

- Finally, the draft protocol contains a mechanism for regular reviews and amendments to ensure it remains relevant and effective in the light of changing technological and security environments.

This draft Protocol VI represents a significant step forward in proposing a way forward to address the challenges posed by autonomous weapon systems and present a suggested blueprint to start negotiations on a legally binding instrument on this matter. It invites all interested parties to engage in constructive dialogue to further develop and strengthen this proposal.

---

**Recommendations:**

1. Recognize that new legally binding rules and principles are needed to safeguard against risks and challenges posed by Autonomous Weapons Systems, given the growing common recognition that current IHL does not hold all the answers to the humanitarian, legal, and ethical questions raised by Autonomous Weapons Systems.

2. Affirm that responsibility and accountability for decisions on the use of force must be retained by humans since this cannot be transferred to machines,

3. Affirm that context-based human judgment and control are essential to ensure that the use of AWS is in compliance with international law and, in particular, IHL. Therefore, meaningful human control must ensure that a human can make moral and legal judgments about the acceptability of an attack's effects. It must also ensure that a human user is legally and morally responsible for the effects of an attack.

4. Call for the initiation of negotiations on a legally binding treaty to regulate AWS as soon as possible. Said negotiation process should be inclusive, involving all interested stakeholders, and maintain a multidisciplinary approach, incorporating elements from International Human Rights Law, UN Charter obligations, other disarmament Conventions, International Criminal Law, Ethical Considerations, International Arms Trade Regulations, and Environmental regulations, among others.
ANNEX:

Draft Protocol on Autonomous Weapons Systems
Draft Protocol on Autonomous Weapon Systems
(Protocol VI)

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

The High Contracting Parties,

Reaffirming the need to continue the codification and progressive development of the rules of international law applicable in armed conflict;

Recognizing the serious risks and challenges posed by autonomous weapons systems (AWS) in terms of compliance with international law, protection of human dignity, upholding humanitarian considerations, ensuring non-proliferation, and maintaining international peace and security, which could result in an arms race and risk lowering thresholds against the use of force;

Recognizing that, in the face of emerging technologies in the area of autonomous weapons systems, new binding measures are necessary to ensure compliance with international law, including international humanitarian law and international human rights law, and that humans always maintain control over the use of force;

Conscious of the need to conclude a Protocol to address the ethical, legal, humanitarian, and security concerns presented by AWS;

Acknowledging that a Protocol on AWS would be an important contribution towards general and complete disarmament;

Have agreed as follows:

Article 1: General Provisions

Sec. 1: This Protocol shall apply to autonomous weapon systems.

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

Sec. 3: Nothing in this Protocol shall hamper progress in, or the inherent right of every State to the access, development, research, production, procurement, transfer and use of, emerging technologies for peaceful purposes, 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 the critical functions of selecting, targeting, engaging and applying force to targets

Sec. 2: “Meaningful human control” concerns the maintenance of human agency, including the preservation of human judgment and intervention, over the use of force. This includes, inter alia, the following elements:

2.1. The ability to redefine or modify the weapon system’s objectives or missions or otherwise adapt it to the environment; to deactivate, abort, terminate, or interrupt its operation and use as needed; and to constrain its function to self-initiate.

2.2. The ability to limit the scope and scale of use of the weapon system, including temporal and spatial limits, and to restrict its targeting parameters and targeting capability.

2.3. The ability to understand and explain the weapon system’s functioning with the view to retrospectively providing an explanation that satisfies legal and other requirements regarding the operation of the weapon system, including the attribution of responsibility and accountability.

Article 3: Prohibitions

It is prohibited to design, develop, produce, possess, acquire, deploy, transfer, or use, under any circumstances, autonomous weapon systems that cannot be used with meaningful human control in their critical functions of selecting, targeting, or engaging to apply force. These include those that operate in a manner that cannot be predicted, explained, anticipated, understood or traced.

Article 4: Regulations

Sec. 1: Each High Contracting Party shall institute the following measures:

1.1 Requirements to ensure effective human oversight of any weapon system and to allow for intervention and deactivation at all times.

1.2 Requirements to ensure the capacity of humans to limit the type of target, duration, geographical scope, and scale of use.

1.3 Clear procedures to ensure that humans are informed and empowered to exert control over autonomous weapon systems.

1.4 Rigorous testing to inform an evaluation and assessment of how the weapon system will perform in the various circumstances of its use.

1.5 Limitation on the complexity of data processing methods to guarantee the weapon system’s understandability, explainability, and predictability in order to ensure that humans are able to direct, countermand, and restrict its operations.

Sec. 2: Each High Contracting Party undertakes to institute measures and mechanisms to avoid automation bias in system operations and exclude algorithmic biases, including gender and racial bias, in artificial intelligence capabilities relied upon in connection with the use of a weapon system.
Sec. 3: Each High Contracting Party further undertakes to institute additional regulatory measures and mechanisms to ensure full compliance with international humanitarian law in the use of autonomous weapon systems, as well as to uphold accountability.

**Article 5: 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 processes, must be reviewed to ensure compliance with international law.

Sec. 2: Each High Contracting Party shall adhere to the principle of transparency regarding 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, with other High Contracting Parties, information and good practices on the conduct of review of autonomous weapon systems.

**Article 6: 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 systems.

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 7: 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 disputes that may arise with regard to the interpretation and application of the provisions of, and to strengthen, this Protocol.

**Article 8: 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 its 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.

---

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.
Sec. 3: “The High Contracting Parties shall provide annual reports to the CCW Secretariat, 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.”