Input from Norwegian People's Aid and Mines Action Canada to the UNSG report on autonomous weapons

Mines Action Canada (MAC) and Norwegian People’s Aid (NPA) appreciate the opportunity to input in response to Resolution 78/241. As members of the Stop Killer Robots (SKR) campaign, we align ourselves with the submission by SKR, but would like to make a contribution in our own capacity.

Our contribution focuses on autonomous weapon systems that target people and makes an analogy to the work on prohibiting anti-personnel landmines. Both MAC and NPA have worked for decades on reducing the suffering caused by anti-personnel landmines and ensuring the implementation and universalization of the Anti-Personnel Mine Ban Convention (APMBC). We have seen first-hand the impact of anti-personnel weapons that are activated by the victim.

Autonomous weapon systems that target humans should be prohibited

As part of a legally binding instrument with prohibitions and regulations, anti-personnel autonomous systems should fall within the category of prohibitions. There are well-developed moral, legal, and ethical arguments for why such weapon systems would be unacceptable, made for example by SKR, the ICRC and others. Anti-personnel autonomous weapon systems represent extreme forms of digital dehumanization, challenging our common human dignity. Such systems are a threat to soldiers and civilians alike, questioning core IHL principles such as distinction, as well as risking direct and systematic humanitarian harm to civilians.

We argue that states have already developed laws and norms on weapon systems targeting people through the negotiation, adoption and implementation of the APMBC. States have, in policy and practice, recognized that victim-activated weapons with an anti-personnel target profile, such as anti-personnel landmines, are particularly problematic.

We would like to encourage states to be reminded about this when developing new law to control autonomy in weapon systems.

We note that many states have agreed to a prohibition specifically on anti-personnel landmines, in contrast to anti-vehicle mines, which are not subject to a ban treaty but are regulated. The difference in target profile made a significant difference to states negotiating the APMBC, which to us illustrates that specifically targeting humans should be a distinct concern when it comes to autonomous weapon systems as well.

We also note a certain reluctance among states to use weapons systems that could target and fire on people automatically in their autonomous modes. While such systems exist and can be applied, there seems to be an existing taboo on leaving life- and death decisions to machines, with states limiting, in practice, their current development and use of such systems. This reluctance may derive from legal considerations and the deliberate application of some basic principles of IHL, or ethical
considerations – both of which also need to inform the negotiation of a legally binding instrument on autonomous weapon systems.

Like anti-personnel landmines, autonomous weapons systems cannot account for the potential shifts between combatant and civilian status. Autonomous weapons systems programmed to target a specific sensor profile will be unable to assess if the target is in the process of surrendering, ill, injured or otherwise hors de combat. The transient nature of combatant status is incompatible with weapons that target people based on static criteria such as weight for anti-personnel landmines or other sensor data for autonomous weapons systems.

Though it has been raised in discussions, we have seen no good evidence that it would be technologically feasible for current or future weapons systems to consistently and effectively integrate indications of changes in combatant status into their sensing and calculation processes, and plenty of expert opinion that it would not. In any case, distinguishing between civilians and combatants is a task for deliberative decision making by humans, who are responsible for applying the law: as states have long recognised, legal decisions cannot be left to a machine.

A human combatant will always have the possibility to refrain from using force, even though it would be legal under IHL. On the other hand, an autonomous weapon system would not make any deliberations beyond those programmed into it. A landmine is as crude as it is brutal: it does not see the difference between a combatant, a civilian or an animal. Machines, regardless of their future sophistication, will not share our understanding of what is human, and will only sense the world in a cold and inhumane fashion.

IHL compliance is not the only consideration when we call for a prohibition on autonomous weapons targeting humans. Rejecting the automation of killing in war is important for profound ethical reasons and will have significance also into the civilian domain.

Therefore, autonomous weapon systems should not be allowed to target people. As the principle of banning anti-personnel landmines shows, more control over the use of force matters and preserves lives and dignity. As an international community, we should opt for more control, not less.

The way to safeguard human control over the use of force is by starting negotiations on a new legally binding instrument that prohibits autonomous weapons systems that are ethically or legally unacceptable, such as those that target personnel, and regulates the use of all other autonomous weapons systems through positive obligations to ensure meaningful human control.