

Article36

Article 36 remarks prepared for the CCW debate on lethal autonomous weapons systems 13 November 2015

Thank you Mr Chairperson,

Overall we feel it is clear from the debate this morning and yesterday that lethal autonomous weapons systems are a significant problem for the international community – that is why the treaty body tasked with restricting and prohibiting weapons systems is discussing them.

We are encouraged with the discussion on **meaningful human control**. We are a bit surprised though that some states are concerned this concept is somehow vague. Some of the statements that this is vague or narrow concept are also accompanied by statements that weapons will always be under human control. States should be able to explain how they ensure this human control over their weapons and what the right level of human control they require.

If states are to be able to assert with any credibility that there is human control over their weapons, they need to explain how. In our view this process of explaining the exercise of meaningful human control will help define the limits to acceptable and desirable autonomy in the critical functions of weapons systems. This in turn should help us to start sketching out the contours of an international instrument prohibiting lethal autonomous weapons systems, that is to say, weapons systems that operate beyond meaningful human control. This should be the focus of work for states next year and much more work is needed we believe, in this body and elsewhere.

Some have seemed to suggest that there is some legal answer somewhere out there for the acceptability of autonomous weapons – that somehow we will be able to test such potential systems against existing law and then decide whether to develop them. We think existing law can provide strong arguments against the development of autonomous weapons systems, but a purely legalistic approach risks casting the net a little too narrowly. So we would very much agree with those that suggest a **wider set of concerns** related to society, humanity and human dignity.

The CCW is a body traditionally focused on IHL. Like all law though, IHL was developed from a more basic and fundamental set of moral and ethical motivations. We need to be able to draw on those wider moral and ethical considerations as we deliberate on the possible development of lethal autonomous weapons systems. When one considers the history of the development of international law, it simply does not make sense to say that there is no rationale right now to develop new law on autonomous weapons. Do such states believe that we have reached some kind of idealised point of perfection in the development of international law? If we had reached such a point, why does the CCW exist as a forum dedicated to “the codification and progressive development of the rules of international law applicable in armed conflict?” Against that background, such assertions that no new law is needed appear rather more formulaic than thoughtful policy positions.

We think the question of **legal reviews of weapons** should be seen in the wider context of the development of weapons, means, methods of warfare, rather than simply as a question for autonomous weapons. There is much work to be done on national-level reviews of weapons. There is almost no parliamentary or public scrutiny over the development of

weapons for example. Concerned civil society organisations for example are not involved in these processes.

Given that, as a member of the Campaign to Stop Killer Robots, we think lethal autonomous weapons systems should be prohibited, we are not at all confident in this approach, in particular given the lack of evidence that legal reviews have actually prevented the development of specific weapons systems. There is a danger, then, that those states promoting national-level legal reviews as the primary way forward to deal with autonomous weapons might actually make it more difficult to achieve progress on a multilateral agreement in relation to these weapons.

Mr Chairperson,

A number of states, including those with some of the most advanced military capabilities, have said that they do not intend to develop lethal autonomous weapons systems or that their weapons will always be under human control. We have heard no arguments why states could not move now to accept such a position as a multilateral commitment. We believe that if it were, this would lead to a **prohibition of lethal autonomous weapons systems**, that is to say, weapons systems that operate beyond meaningful human control.

Thank you Mr Chairperson.