

Article36

Statement by Article 36 to the Convention on Certain Conventional Weapons Geneva, 12 November 2015

Delivered by Thomas Nash

Thank you Mr Chairperson,

We are encouraged that states look set to continue and hopefully intensify and focus their work to address the concerns related to autonomous weapons. Although such systems are sometimes portrayed as a distant prospect, this topic should instead be an urgent priority for humanity. The increasing use of armed drones, for example, is already facilitating a seemingly limitless expansion of the area of military operations. The concerns about armed drone strikes, in particular human rights considerations, are clearly distinct from the concerns being discussed here in the CCW about autonomous weapons. At the same time, the developments in armed drone technology – with sophisticated sensors and software, including automatic target recognition – presage the further drive towards ever greater autonomy and towards lethal autonomous weapons systems.

The development of such systems would directly conflict with the most basic principles of humanity and human dignity. In this regard we are pleased that the concept of meaningful human control has acquired widespread currency within the international debate on autonomous weapons. There is a general recognition that such control is required for an attack. In our view, this general recognition should be explicitly articulated in international law. We are confident that a thoughtful and proper consideration of this concept will lead responsible states to the prohibition of systems operating beyond meaningful human control. Along with other members of the Campaign to Stop Killer Robots, we believe that a focused set of discussions is required on lethal autonomous weapons systems and a Group of Governmental Experts would be one useful forum for this in 2016. States should make progress next year with a view to agreeing a meaningful outcome at the CCW's Fifth Review Conference. Given the human rights dimension to the autonomous weapons question, states should also continue their discussions on this topic at the Human Rights Council.

Mr Chairperson,

We do not believe, as some have perhaps suggested, that the legal review of weapons under additional protocol I of the Geneva Conventions is an appropriate or sufficient response to the concerns raised by autonomous weapons systems. Where existing international law does not provide clear delineation of what level of human control is necessary within weapons systems, there is therefore no shared basis by which national-level reviews would approach this most critical question. This is all the more so in a context where transparency over the development of weapons technology is sorely lacking.

We do think, however, that weapon review processes could be strengthened internationally – including through ongoing review of weapons, by which evidence of weapons' impact in practice should continue to inform any assessment of their acceptability. A more effective review of new weapons, means and methods of warfare – undertaken for the purpose of minimising humanitarian suffering – could significantly enhance civilian protection in the future.

However, whilst it is important to consider how we respond to new developments, we must also pay attention to the weapons that are killing civilians now.

Mr Chairperson,

As we meet here in Geneva, civilians are struggling in places like Iraq, Syria, Ukraine and Yemen with bombing and shelling in their towns and cities. Many have lost their lives or their limbs and many more have been bombed out of their homes, fleeing abroad for their survival. As the northern winter approaches, many of these people will face increasingly desperate conditions. We are encouraged that, in the face of this suffering, states are embarking on a process to prevent harm from the use of explosive weapons in populated areas. We welcome the recent meeting held in Vienna in September by states and organisations that have recognised this grave humanitarian challenge. As part of the International Network on Explosive Weapons we will be ready to support the work of those states towards a political declaration that will respond to this clear pattern of harm and enhance the protection of civilians from these practices.

In the context of the CCW, we agree with Human Rights Watch that states should reconsider the existing rules on incendiary weapons. When a weapon causes burn wounds that can spontaneously ignite as doctors remove the bandages to treat a patient, it is hard to argue that this is not excessively injurious. The wide area effects of incendiary weapons are also likely to make attacks indiscriminate, whether delivered by ground or air. In our view these two characteristics make incendiary weapons unacceptable. They should be prohibited.

Mr Chairperson,

The social and political conversation about the development, use and impact of weapons is a fundamentally difficult one. However, the way in which states engage with each other on these questions, the way in which states recognise and seek to address the problems posed by weapons, is an important measure of our collective humanity. With this in mind, we would strongly encourage states to aim high in their endeavours here.

Thank you Mr. Chairperson.