



Permanent Mission of Pakistan to the UN Geneva

Statement

CCW Group of Governmental Experts (GGE) on Lethal Autonomous Weapons Systems, 21-25 September 2020

Agenda item 5(a): An exploration of the potential challenges posed by emerging technologies in the area of Lethal Autonomous Weapons Systems to International Humanitarian Law (22 Sep 2020)

Mr. Chairman,

I would like to begin by thanking you for steering our work towards substantive discussions; you can rest assured of my delegation's continued cooperation and constructive engagement.

We also thank the ICRC and civil society representatives for their engagement and continued advocacy. We have benefitted from their contributions and encourage them to continue this work despite the frustratingly slow pace of progress.

Mr. Chairman,

As has been pointed out by many, including my delegation, LAWS raise unique issues and challenges. These weapons would fundamentally change the nature and the threshold for war, undermining international peace, security and stability, and affecting progress on disarmament. In addition, they have serious ethical, legal and humanitarian dimensions which continue to remain a focus of our deliberations.

The urgency of the matter and the high level of concerns surrounding LAWS are reflected in the discussions spanning many years. Our discussions here under the CCW framework are a reaffirmation of the universal principle

that the means, methods and tools of warfare are not unlimited, but rather constrained and regulated by a number of legal frameworks, including IHL.

IHL has been a fundamental tool, among others, that has shaped the development of modern rules governing warfare and its means and methods, leading the international community on multiple occasions to ban and regulate various types and categories of weapons.

Mr. Chairman,

Since this session is focussed on the challenges posed by LAWS to IHL, my remarks will summarize our views on this particular aspect.

In the context of their impact and intersection with IHL, LAWS are not so different, if perhaps even more worrisome than some WMD technologies. Therefore, even as it has been established that weapons with autonomous functions must comply with International Law including International Humanitarian Law, we now need to determine whether autonomous machines are capable of being programmed to ensure such compliance. And if yes, what are the means and measures necessary for doing so.

The answers to these questions are also not as enigmatic as some would have us believe through circuitous arguments. An important gain of our protracted discussions over the years is the emergence of the common understanding that fully autonomous weapons simply cannot comply with the cardinal principles of IHL i.e. distinction, proportionality, unnecessary harm, precaution and even the principle of humanity. Therefore, such fully autonomous lethal weapons would contravene existing provisions of IHL.

Mr. Chairman,

The next rung of our discussion on the implications of LAWS for IHL, having considered the case of fully autonomous weapons, is the discussion surrounding the levels of autonomy built into a lethal autonomous weapon system or essentially its capabilities.

The rules of IHL are designed to be applicable on States and the functionaries of the states, from the whole chain of decision makers to planners to facilitators to the soldiers engaged in armed conflict, and all the others in between, basically to borrow the terminology we all know very well “the human element of the states”. It is the compliance of IHL by this “human

element of the states” that governs, regulates and limits their choices in conduct and tools of warfare.

As has also been established, the states and their individuals remain accountable to IHL at all times and so must all the methods and tools they employ. This obligation and responsibility can at no stage be transferred or delegated to a weaponized machine system. Hence, the debate on levels of autonomy basically comes down to the capability of the machine system, and what that capability entails.

Mr. Chairman,

Any weapons system, which in executing any of its critical functions, namely selecting or engaging a target, choosing or changing the geographical environment or temporal context, or the scope of its operation, is capable of acting autonomously, without the direct involvement and control or supervision of a human, would not be compliant with IHL and with the legal obligation to have the IHL upheld at all times.

Therefore, the presence of autonomy in any of these attributes would make the weapons system non-compliant with IHL, as the contextualized, subjective and human based application of IHL would no longer be there.

Mr. Chairman,

To then answer the original question on the means and measures necessary to ensure compliance of autonomous weapons with IHL, the only answer lays in having meaningful human control over such weapons at all stages and times, particularly in the undertaking of the afore stated critical functions.

In the context of LAWS, by definition autonomy entails an absence or lack of a human being in control of an element or more of a weapons system. If such a lack or absence relates to any of the critical functions at any time or stage of employing such a weapon system, it would have to be deemed incompatible with IHL. This directly leads to the need of enacting new regulations to ensure compliance with IHL. The only other option available to the international community is to renegotiate or change IHL’s cardinal rules to oblige some to employ such weapons.

I thank you.