

Meaningful Human Control as a form of state control over LAWS

Ms. Chairperson,

Although the concept of “Meaningful Human Control” (MHC) is not new and has been the subject of many analyses we still have problems with its clear definition. What exactly MHC means and what are MHC’s potential uses?

At first glance the topic is at least thought-provoking. The ICRC - International Committee of the Red Cross raises this issue in its recent report: *"Autonomous Weapon Systems - technical, military, legal and humanitarian aspects"*. UNIDIR, the United Nations Institute for Disarmament Research identifies MHC as having the potential of moving forward the discussion on LAWS. States are also taking part in this analysis, which we are witnessing right now, and it is encouraging. This involvement on part of states indicates that there is real concern about retaining meaningful human control over lethal autonomous weapons systems.

What if we accept MHC as a starting point for developing national strategies towards LAWS? We could view MHC from the standpoint of state’s affairs, goals and consequences of its actions. In that way this concept could also be regarded as the exercise of “meaningful state control” (MSC). A state should always be held accountable for what it does, especially for the responsible use of weapons which is delegated to the armed forces. The same goes also for LAWS. The responsibility of states for such weapons should also be extended to their development, production, acquisition, handling, storage or international transfers.

The proper application of state’s power to control the development of increasingly autonomous weapons may play an important role in binding this process with instruments of International Humanitarian Law (IHL) and International Human Rights Law. The main principles of IHL which are of interest to us would be: humanity, military necessity, discrimination and proportionality.

Looking at the present level of technological advancement, however, there are reasons for concern that the existing systems will not be able to meet those principles. Hence the importance of developing further the MHC concept and its institutional extension - the idea of MSC. The presence of human control in the form of institutional framework guarantees itself a reference to certain standards - legal and related international customs. Human or institutional oversight upholds accountability, the rule of law and supports procedures through which our decisions may be verified.

Much consideration might be given by High Contracting Parties to CCW to the establishment of informal and voluntary mechanisms enabling information and best practices exchange on national “legal reviews”. Poland is ready to support solutions that would bring more transparency and reflect the idea of having more state control over the development of LAWS.

Thank You Ms. Chairperson.