

Group of Governmental Experts of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

28 August 2018

English only

Second Session

Geneva, 27 - 31 August 2018

Item 6 of the provisional agenda

Other matters

Areas of Convergence on LAWS

Submitted by Brazil

1. The discussions held during the first week of the 2018 GGE on LAWS of the CCW provided increased clarity on the main areas of convergence emerging between State Members. As the debate on the issue of LAWS proceeds and matures, coalescing the main positions and stances on the nature of the challenges involved and on the possible responses to them, it is paramount to identify the common elements which can be further developed towards building the consensus needed to policy actions.
2. There has been great progress on the interstate debate on LAWS in the past year. The main challenge at this point is to be focused and concentrate the work going forward on the broad agreements which are emerging, simplifying the terms of the discussion and avoiding fragmentation.
3. In Brazil's view, the most relevant areas of convergence, without prejudice to further elements to be identified, currently are:
 - (a) Autonomy is in and of itself a function of human control over a specific system: the less control, the more autonomy there is;
 - (b) All weapons systems must comply with International Law in general and, in particular, with International Humanitarian Law and with International Human Rights Law, whether they have autonomous functions or not;
 - (c) Only humans and States are subjects of law and can comply with it and be accountable for it – accountability and responsibility are crucial elements going forward;
 - (d) Autonomous weapons systems can only comply with international law as long as they are under a degree of human control;
 - (e) The role of the CCW is to ensure this compliance for certain weapons deemed particularly problematic. There is a strong international concern with autonomous systems which have warranted their consideration in the CCW.
4. These broad points of convergence paint a clear picture to move forward, with the human element at the center of considerations, including as the basis of future regulations.
5. The challenges of LAWS, which impact the whole of the international community, particularly the most vulnerable, shall only increase as technology rapidly develops. It is therefore urgent to focus and deepen discussion towards building a framework to ensure the compliance of these systems with International Humanitarian Law, International Human Rights Law, the principle of humanity and the dictates of the public conscience. The aforementioned areas of convergence can be a platform in pursuing this goal.

