



**Elements - Agenda item 6a) Characterization of the systems under consideration in order to promote a common understanding on concepts and characteristics relevant to the objectives and purposes of the CCW**

Thank you Mr. Chair,

Switzerland is of the view that the discussions in April under this agenda item have been constructive. The summary of these discussions by you, Mr. Chair, accurately reflects the different views expressed in this GGE and is a testimony of the impressive level of engagement on this topic under your leadership.

Our delegation spoke under this agenda item in April. One of our key points was that the “characterization discussion” should not prejudge the question *whether* and *what* regulatory response is required. In particular, we are not prejudging what the “good” and the “bad” systems are. Rather, the “characterization discussion” should contribute to circumscribing the types of systems we wish to address in this forum.

We do not wish to repeat the elements from our statement in April at this stage. You can find our statement online. However, I would like to react to a couple of points made earlier today:

**First, a few words about “lethality” – an issue the GGE has only briefly touched in April, and which clearly needs more discussion:**

The element of lethality, though of particular concern in practice, should not be conceptually regarded as a prerequisite characteristic of autonomous weapon systems. The intention of causing death is not a necessary condition to categorize a system as relevant for our work. Especially, as ensuring compliance with existing IHL should be a core element of our discussions, we should cover all aspects that might be of relevance from the perspective of respecting IHL.

In that regard, “attacks” have been defined [in Additional Protocol I to the Geneva Conventions] as **acts of violence against the adversary, whether in offense or in defense**. Likewise, the rules relevant for the conduct of hostilities apply to both **force against persons and against objects**.

Having said that, let me be clear on one point: The purpose of the convention is **to discuss weapons**, that is means of warfare that are employed in the conduct of hostilities. Not considering “lethality” as a prerequisite, therefore, does not mean, that we would diverge unduly from the object and purpose of the CCW or the mandate of this GGE [for instance including aspects relating to navigation, civilian applications, autonomy in functions not directly linked to the use of force].

Instead, a characterization, or a working definition should also cover all means of warfare

- that lead to direct or indirect lethal effects,
- that do not necessarily inflict physical death, but the effects of which may be restricted to causing, for example physical injury short of death, and
- that cause the physical destruction of objects.

As an example: We should not exclude from CCW’s work systems that are primarily developed against material. Anti-material systems are also regulated by IHL, and they can lead to significant collateral damage. We therefore see no reason to exclude anti-material systems. In addition, anti-material systems can have secondary or ripple effects making them lethal even though this was not intended.

**The strong focus on degree of automation, or degree of autonomy - that some delegations have suggested in their interventions:**

The word “autonomy” is a relative term, with different understandings in different disciplines. What matters is *not* “autonomy” per se. What matters is the nature of the tasks that are performed autonomously, the use of autonomy for a specific function or task, the extent to which humans are involved in the execution of the task carried out by the machine (how autonomy transfers human control).

Likewise, we should not characterize the **degree of autonomy**:

- Terms like “total autonomy” or “full autonomy” or “full independence” seem to imply that there is a clear line, rather than a continuum from manual to autonomous. Such distinction would not stand the test in reality (Finnish-Estonian working paper).
- A weapon may have autonomy in targeting functions without having system-level autonomy.
- **Also, the degree of autonomy could be easily changed in a system:** from manual, to semi-autonomous, to autonomous – or back in the other direction: back to manual. Just because an autonomous system has a manual button does not mean it is *not* to be considered.

I would add to this, more generally, that technical sophistication doesn’t seem to our delegation to be a defining characteristic of whether a weapon is autonomous. A weapon could be very simple and “unintelligent” in its design, but highly autonomous in its critical functions

Mr. Chair,

It is no secret that there is no consensus on a definition or on a set of characteristics in this GGE. The **Group's further work (and we are now all starting to look at the work next year) should not be prevented by the absence of an agreed definition.** Rather, High Contracting Parties should continue to engage in further exchanges on characteristics, with a view to deepening the collective understanding on Autonomous Weapons Systems.

As and when High Contracting Parties continue to look at characteristics, we see potential for the discussion to **become more focused and more practical.** Let me elaborate:

- The discussion should now have a particular **focus on systems that can autonomously function in the targeting cycle:**
  - o these are no doubt the most relevant systems;
  - o the defining characteristics are, in our view: if a system takes on the targeting functions that normally would be done by humans, if it can self-initiate and attack, and or independently select and attack targets
- To lend our characteristics debate more practical focus, the Chair's list of types of systems and attributes summarizing what delegations suggested in the April debate, could be a good basis (referring to the bullets in summary document on page 3<sup>1</sup>). We could use these bullets if we wanted to look at specific scenarios.

Mr. Chair,

While I have the floor, and considering that there is no specific slot for general remarks until Friday, please allow me to make **three brief points about how we see the work beyond this GGE:**

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<sup>1</sup> The Chair's list seems to separate the clear cases from more uncertain cases:

*Systems where there seems to be consensus that they are LAWS*

- A system operating with neither human control after activation nor subordination to the chain of command
- A system capable of understanding higher level intent and direction with the ability to take appropriate action by choosing its course of action without depending on human oversight and control
- A system that once launched or deployed assumes a complex adaptive self-learning mode
- An adaptive system capable of navigating through a complex environment by redefining scenarios and approaches

*Systems where it has been debated whether they are LAWS:*

- A system with manual override, self-destruct, or self-deactivate function
- Systems that are technologically advanced but have no autonomy
- Systems with some degree of autonomy like close-in weapons systems which autonomously engage incoming targets based on clearly defined parameters
- A rules-based system that is subject to a clear chain of command and control
- A learning system that offers options

1. The CCW should direct its work **towards concrete outcomes**. The focus on how to ensure compliance with existing international law, in particular international humanitarian law, offers itself as a suitable overarching framework for identifying, and commencing practical work (for instance on weapons reviews or transparency).
2. The GGE's report, which we are mandated to adopt later this week, should in our view set out the principled commitment of High Contracting Parties to **retain a certain degree of human decision-making or control over Autonomous Weapons Systems, and set forth ways and means how to develop a shared understanding about the type and level of that control, embedded or exerted in the different stages of the life-cycle of a system**.
3. Next year's GGE should make progress on concrete **policy options**. This year's report should summarize the possible avenues and options, and outline the potential work the CCW could undertake while pursuing the respective options.

I thank you for your attention.