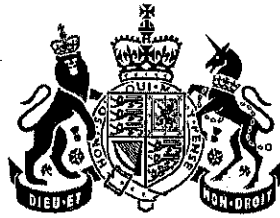


**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**



STATEMENT

to the

**Informal Meeting of Experts
on**

Lethal Autonomous Weapons Systems

13 - 17 April 2015

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Possible Challenges to IHL due to Increasing Degrees of Autonomy

Mr President,

1. Please allow me on behalf of the United Kingdom to express my thanks to all of those who have contributed to these important discussions on Lethal Autonomous Weapons Systems and international humanitarian law. The UK strongly supports efforts to promote understanding of and compliance with IHL. Discussions such as this one are an extremely important part of that process. Indeed, these informed debates, where best practice and views can be shared, are exactly in line with the type of discussions that may form part of a new IHL compliance mechanism, which is subject to ongoing consultation with states under the leadership of the ICRC and the Swiss Government.
2. The UK's clear position is that IHL is the applicable legal framework for the assessment and use of all weapons systems in armed conflict. Distinction, proportionality, military necessity and humanity are fundamental to compliance with IHL. Any LAWS, no matter what its specific technical characteristics, would have to comply with those principles to be capable of being used lawfully. However, the UK position is that those principles, and the requirement for precautions in attack, are best assessed and applied by a human. Within that process, a human may of course be supported by a system that has the appropriate level of automation to assist the human to make informed decisions. This is the intelligent partnership we referred to yesterday.
3. The UK takes its obligations under IHL extremely seriously. As required by Additional Protocol 1 to the Geneva Convention, the UK conducts legal reviews of weapons in accordance with Article 36 of the Protocol. The UK is aware that despite the large numbers of States being signatories to the first Protocol, not all formally conduct legal weapons reviews. Conversely there are States who are not signatories to the Protocol who conduct Article 36 style legal weapons review as a matter of good practice. We would like to encourage others by sharing UK practice and joining the debate in this area.

4. The UK's article 36 reviews are conducted by a team of military lawyers from all three armed Services who work closely with the equipment project teams. This can mean attending demonstration days, technical meetings and talking to the companies who design and build the equipment. The lawyers engage with the project teams early in the procurement cycle, but will aim to conduct legal reviews at three stages. These stages are designed to ensure that a legal review is provided prior to major decisions being made about progress and spending, so that the requirements of IHL are part of the decision making process. The details of individual UK Article 36 reviews are confidential due to factors including the classified nature of the equipment reviewed, the accompanying legal advice and the sensitive commercial and contractual nature of the related procurement processes. However, we can describe the areas considered.
5. UK legal reviews examine five main areas:
 - a. Whether the weapon is prohibited, or whether its use is restricted by any specific treaty provision or other applicable rule of international law;
 - b. Whether the weapon is of a nature to cause superfluous injury or unnecessary suffering;
 - c. Whether it is capable of being used discriminately;
 - d. Whether it may be expected to cause widespread, long-term and severe damage to the natural environment; and
 - e. Whether it is likely to be affected by current and possible future trends in the development of international humanitarian law.
6. All weapons, including systems displaying any level of autonomy, would have to meet the required standards for all five of the areas of consideration.

7. All weapons can be used unlawfully. The Article 36 review cannot stop a weapon being used unlawfully by an unscrupulous user intent on breaking the law, or by a badly trained operator. However, it can ensure that a weapon is capable of being used lawfully before it is sanctioned for use by the military. The danger of misuse by an operator addressed, inter alia, by training, Rules of Engagement and Concepts of Operation.
8. Turning now to the issue of the accountability chain, the UK's position is that there must always be human oversight and control in the decision to deploy weapons. It is in this person or with these people that responsibility must initially be vested. Responsibility will flow up through the Chain of Command, which is so important in military structures. These chains of command are vital not just for accountability and compliance with the law, but also in order for decisions to be made and for military judgement to be exercised.
9. Inherent in that individual and chain of command responsibility is not just individual criminal responsibility, both nationally and potentially internationally, but also State responsibility.
10. Civilian industry is leading technological innovation in automation, and the military may adopt it for its own purposes as it evolves. This could be, for example, in areas such as logistics. To legislate now, without a clear understanding of the potential opportunities as well as dangers of a technology that we cannot fully appreciate, would risk leading to the use of generalised and unclear language which would be counter-productive. IHL has successfully accommodated previous evolutions in military technology such as the aeroplane and submarine. There is no reason to believe that IHL will not be capable of dealing with an evolution in automation.
11. Mr President, we look forward to more constructive discussion about the application of IHL to the LAWS debate.