

Statement by Greece at the CCW Meeting of Experts on Lethal Autonomous Weapons

Discussion on Possible challenges to international humanitarian law (IHL) due to increasing degrees of autonomy (Wednesday, 15 April 2015)

Thank you Madam Chairperson for giving us the floor.

First of all, we would like to express our thanks to the panellists for these very interesting presentations, which shed light on a very complicated issue. For the sake of argument, let us suppose that in the future autonomous weapon systems are developed which can fully comply with IHL and its cardinal principles, such as distinction, proportionality and precautions in attack; a weapon operating with better precision than being under human control. We are not there yet; indeed we are far from that juncture, however, for the sake of our debate, let us envisage such a hypothetical scenario. In such a case, one may ask oneself what would the legal basis be to justify their prohibition.

Some have argued that we should draw parallels from the blinding lasers precedent when we banned a weapon that did not yet exist. However, blinding lasers were prohibited because they violated the rule that a weapon should not be of a nature to cause superfluous injury or unnecessary suffering. Again though, let us suppose that this criterion is also fulfilled by a future autonomous weapon. In other words, Madam Chairperson, to argue that LAWs comply or do not comply with IHL at this stage would amount to an oracle of Delphi. What is left then is basically an ethical question, not a legal one. It boils down to the fundamental question of whether humans should delegate life and death decisions to machines and definitely Greece, like others, does not feel comfortable with such a prospect. Or as Germany stated on Monday, full autonomy is a line that should not be crossed, the line being when there is no longer any human oversight, as the delegate from the United Kingdom remarked earlier.

The question which then arises is how does one operationalize this ethical concern into a legal provision. The only legal principle which comes to mind is the Martens Clause, given its dependence on the dictates of public conscience. Does though such a general principle suffice to lead to the codification in the future of a new set of legally binding rules? We have our doubts. Indeed, should we isolate this issue to its legal parameters, then- in our view- there is no other logical conclusion than the one made by Dr. Boothby earlier, that is, that a thorough and systematic weapons review is the only practical solution, at least at the present stage, to address the issue of LAWS from a legal angle.

The discussion, however, takes a very different dimension when it is addressed ethically or politically, bringing to the fore the question of 'meaningful human control', but this is not a legal norm. Hence, we should in our view be clear about what it is we are discussing and avoid a conflation which makes things even more complicated.

Thank you Madam Chairperson.