Brazilian Intervention GGE on LAWS CCW 2018 – 1st Week

Characterization of LAWS

- Autonomy in weapons will not be achieved through a single leap in technology, but will be the probable outcome of accumulated incremental steps. At some point in a spectrum between no automation at all and full, human like, self-triggered systems, a line will have to be drawn. To do this, there is a need to develop a sound and comprehensive definition of LAWS, particularly when considering the options to tackle the challenges such weapons present, including in the form of a legally binding instrument.

- Although a legal definition of autonomy in weapons systems will be the result of a negotiating process, not the beginning, convergence around a preliminary common understanding of LAWS is necessary to move the process forward. This would entail developing a practical working definition which would comprise, at least, the basic references for a future legal definition.

- To be useful, a working definition of LAWS needs to indicate the point or range in the scale from zero to full autonomy that would differentiate between autonomous and non-autonomous systems, considering substantial technological progress towards automation is a reality we are already faced with. Any definition, therefore, should apply to existing and prospective systems. Preliminary exclusion of existing systems with a high degree of automation from scrutiny is arbitrary and ignores the concerns of large sectors of the international community with the legal, military and ethical challenges posed technology already deployed or under speedy development.

- Some have suggested that such a definition would be unworkable because the technology behind such systems, existing and prospective, is rapidly changing. This would be true if the issue of LAWS were only a matter of technical evolution (faster, more powerful, more precise). However, the disquieting nature of LAWS lies not in the technical aspects per se, but in how they relate to human decision making.

- In this sense, the fundamental question behind developing a definition of LAWS relates to which degree it would be acceptable for machines to influence or aid the decision-making process and when that would become not a tool for the human operator to rely on, but its substitute.

- A definition of LAWS should, therefore, be based on the human-machine interaction, with specific regard for the qualitative aspect of it. There is a range of functions which can be automated/made autonomous, but the most sensitive and problematic ones are those related with the targeting cycle, including the decision to engage, and those should be the primary focus, without excluding other important aspects of concern.