



Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems

Geneva, 27–31 August 2018

Statement by Estonia

Agenda Item 6(b). Further consideration of the human element in the use of lethal force

Thank you, Mr Chairman!

Estonia sees human–weapon interaction as central to discussions about weapon systems with autonomous functions. We have outlined our views on the human element in our joint working paper with Finland. We only take the floor to emphasise and add a few points.

Estonia shares the view that humans must retain ultimate control over decisions of life and death. We see this not only as a moral and ethical imperative, but as a requirement that follows from international humanitarian law. The law speaks to humans, not to machines. Therefore, operators and commanders must make decisions regarding, and bear responsibility for, the application of force by means of any weapon, irrespective of the degree of autonomous functionality of the weapon.

The need to exercise human control over weapons does not arise from a discrete rule of international law, whether existing or emerging. Rather, human control over weapons is a practical means for ensuring that the application of force gives effect to the commander’s intent and complies with international law. As a minimum requirement under international humanitarian law, therefore, humans must exercise such control over a weapon system as may be necessary to ensure the operation of that weapon system consistently with international law.

The Chair’s “sunrise” diagram, as updated during the previous meeting of the GGE, provides a helpful framework for examining human control. The indicative list of activities relating to each sector of the diagram, supplied by the United Kingdom in its working paper, makes that framework more concrete. We would like to underline that it is the combination of human interactions with a weapon system that needs to be considered. In other words, activities across the entire spectrum of touchpoints – including design, testing, deployment, command and control – must *cumulatively* ensure human control that is necessary for ensuring compliance with international humanitarian law. It would be useful to explore further how specific activities, undertaken at different stages of the life cycle of a weapon, not just the targeting cycle, contribute to this outcome.

We acknowledge, however, that commanders and operators play a special role in ensuring compliance with international humanitarian law. Thus, they can lawfully rely on a weapon system with autonomous functions only if they are confident that this weapon system, given its fixed and programmable features, and the operational situation prevailing at the time, would not lead to unintended consequences and breaches of the law. This assessment forms a part of the commander's and operator's duty to take precautionary measures under international humanitarian law.

Thank you, Mr Chairman!