

CCW Informal Meeting of Experts on Lethal Autonomous Weapons Systems

Statement by Norway on "Challenges to International Humanitarian Law"

13 April 2016

Mr. Chairman,

First of all, we would like to thank the panellists for their excellent presentations. And since this is the first time that Norway takes the floor, we would also like to express our appreciation to Ambassador Biontino for his efforts in leading these discussions and for the useful food-for-thought paper circulated in advance of this meeting.

We do not have a specific question for the panel at this stage, but would like to share Norway's views on some of the legal concerns raised by lethal autonomous weapons systems, in particular on the challenges to international humanitarian law.

The prospect of future development and use of weapons systems that, once activated, may select and engage targets without further human intervention, raises a number of complex legal and ethical questions. Several of these have been illustrated by the presentations we have heard from the panellists this week, as well as in some of the working papers submitted to this meeting.

Norway has not yet concluded on a specific legal definition of the term "fully autonomous weapons". Generally speaking, however, in using this term, we refer to weapons that would search for, identify and attack targets, including human beings, using lethal force without any human operator intervening. These must be distinguished from weapons systems already in use that are highly automatic, but which operate within such tightly constrained spatial and temporal limits that they fall outside the category of fully autonomous weapons.

We are still in the process of gathering information about the range of implications that such fully autonomous weapons would have if they were to be developed and employed in armed conflict.

This being said: As a fundamental starting point, we would like to underline that all weapons systems developed must be able to be used in a manner consistent with international law, including international humanitarian law and human rights law. Among the key concerns is whether it is possible to use such weapons in compliance with international humanitarian law, in particular with regard to the fundamental rules on distinction, proportionality and precautions.

For example, IHL requires that the parties to the armed conflict distinguish between those persons who take an active part in hostilities and those who do not. Attacks directed against civilians not taking an active part in hostilities; or against wounded combatants who are not able to defend themselves or that are trying to surrender; or other groups of protected persons, are prohibited and could constitute a war crime. Could fully autonomous weapons be designed to distinguish between a combatant and a civilian, or to recognize if a soldier is trying to surrender?

Before launching an attack, a military commander is also required to make a proportionality assessment between the incidental harm which the attack may be expected to cause, considered against the military advantage anticipated. Could an autonomous weapons system be programmed to make such a complicated analysis and judgement without human intervention?

In fact, many of the core rules of IHL presume the application of human judgement in the decision-making process. In addition to the ethical concerns raised by such weapons making targeting decisions, we find it difficult to envisage how fully autonomous weapons may be designed to do so within the limitations set by IHL.

Another intrinsic challenge with fully autonomous weapons would be ensuring individual and state responsibility for unlawful acts in times of armed conflict. This is a cornerstone of modern international law. Without accountability, deterring and preventing international crimes becomes all that much harder. Robots are obviously precluded from any moral and legal accountability and considering the limited role that humans may have in operating these systems, it is easy to foresee situations in which no one can be held responsible if fully autonomous weapons violate international law. This potential accountability gap can have very serious consequences and erode the substantial progress that has been achieved in this area over the last few years.

As we have heard during this week, these are only a few of the questions raised by the possible use of fully autonomous weapons. We look forward to continuing the discussions on some of these other challenges today and tomorrow.

As new weapons technology continues to be developed in this area, we believe it is essential to ensure that the basic rules and principles of international law are upheld.

Thank you, Mr. Chairman.

