

GGE sobre Sistemas de Armas Autônomos Letais (LAWS)

Genebra, 13-17 de novembro de 2017

Intervenção do Brasil

Mr. Chair, I wish to express how pleased my delegation is to see you at the helm of this GGE, and to assure you of Brazil's full cooperation with the proceedings under your leadership.

This session marks a new phase in the debate on lethal autonomous weapons systems in the context of the CCW. We believe there is enough critical mass to move from the exploratory discussions held in the past three years to a more structured approach, with the aim of developing a legally binding framework addressing the development, deployment and use of autonomous technologies for military purposes.

We hear the call from different countries and large sections of civil society for a ban on LAWS. It is also our view that certain systems with autonomous capabilities will prove to be incompatible with international humanitarian law and international law on human rights, and should be considered for prohibition. However, we are still in the first phases of tackling a novel and complex subject, and it would seem inadequate to prejudge the need for a ban without first making progress on a proper working definition of LAWS, establishing a common understanding of how close we are to developing such systems, and studying the consequences of their deployment.

Autonomy in weapons will not be achieved through a single leap in technology, but will be the probable outcome of accumulated incremental steps in the automation of specific functions. At some point in a spectrum between no automation at all and full, human like, self-triggered systems, we will have to draw a line that differentiates between weapons that function independently of direct human decision-making, on the one hand, and arms that do not pose the same sort of moral, ethical and even security dilemmas, on the other hand.

To be useful, a working definition of LAWS needs to indicate the precise point or range in the scale from zero to full autonomy that would differentiate between the two types of systems, considering substantial technological progress towards automation is a reality we are already faced with. Focusing discussions only on most extreme foreseeable scenarios of LAWS, which some experts believe will never actually materialize, may be appealing from an intellectual point of view, but risks obfuscating the legal, military and ethical challenges of technology already deployed or under speedy development. Definitions need to be sound from both a technical and legal perspective, but ultimately, they will be the object of overriding political considerations.

We take note of different ideas that have been put forth, such as making sure LAWS retain an element of “meaningful human control”, to prevent it from running amok. In our view, however, this concept still lacks in precision, and would itself require further refinement. The notion that underpins it, however, that human oversight should be incumbent upon any weapons system capable of lethal action, is something to be retained. Addressing the human-machine relationship, as well as the targeting cycle process of programmed automated lethal weapon systems seem to move us in a positive direction.

Mr. Chair,

Conformity with International Humanitarian Law is a legally binding obligation of all States when employing any weapon systems. There should be no exceptions for LAWS, including with regard to national reviews, such as the one mandated by Article 36 of the Additional Protocol I to the Geneva Conventions. These cautionary measures, however, are insufficient to deal with the complex ethical and political challenges associated with LAWS.

In this sense, Brazil supports an integrated approach to determining the legality of such systems, taking into account the relationship between IHL, International Human Rights Law, and fundamental overarching principles as human dignity. In the case of the CCW, which is primarily a humanitarian instrument, the Martens Clause provides a conceptual platform for bridging these different dimensions and approaches.

Mr. Chair,

As stated, technical considerations must inform and guide our deliberations. However, they should not become the main focus of discussions, lest we end up in a debate about machines and systems performance, and not about human beings and human rights. In a similar vein, we should also steer away from addressing LAWS in a way that imposes unwarranted restrictions on access to technology in the field of robotics and artificial intelligence, that are associated with LAWS but are also critical for multiple non-lethal uses of developmental and socioeconomic relevance, so-called dual use technologies.

With regard to the possible military effects of the employment of LAWS, we are concerned that the increasing automatization of warfare will compress the time available for decision-making on the use of force, which would be destabilizing in and of itself. Furthermore, it is necessary to reflect on the impact of robotic armies on the collective will of waging war. Would the perception that war can be fought with increasingly less human casualties make the recourse to force more palatable to leaders and societies alike? This is a point worth considering, because it could very well threaten the fundamental tenet of the UN Charter, which is the prohibition of the use of force.

The issue of accountability is also key. Clearly, someone in the chain of events must be held accountable for possible violations committed by machines. How to ascribe this responsibility, however, is not simple. Should it be an officer overseeing operations (possibly with little room to interfere); the military commander in charge of the operation; the political leaders responsible for the decision to acquire or deploy such weapons; the industrialist who built or the programmers who coded the machine behavior? Shared responsibility is not to mean lack of accountability, but how would current national and international criminal courts consider the matter? We must start looking for answers on this front as well.

Mr. Chair,

We are facing a challenge that has vast and unforeseen consequences. It is my country's view that these discussions should evolve towards a multilaterally agreed

framework to regulate the development, deployment and use of LAWS. The world is concerned and looking upon us to deliver tangible outcomes. Brazil is ready to collaborate with all States, international organizations and civil societies organizations to achieve meaningful results. I thank you.