

POLAND

Mr. Chairman,

Discussions on the subject of LAWS in previous meetings expressively showed how important it is for the High Contracting Parties to address this area from the legal perspective. Polish delegation would like to thank the panelists for interesting presentations.

Poland underlines the crucial role of States in ensuring compliance of the potential development and use of LAWS with the international law, in particular with the international humanitarian law.

The **legal review** should take into account whether a given system can comply with the rules relating to the conduct of hostilities such as distinction, proportionality and precaution in attack. The ability of LAWS to comply with the above rules will depend on its recognition technology and the environment in which it is used.

In cluttered, dynamic and populated areas where civilian objects are close to military objectives and fighters are intermingled with civilians, LAWS would need to have highly sophisticated recognition abilities. In such a case, the system would be expected to **distinguish** between combatants and civilians and between military and civilian objects. This can be a challenging task even for human soldiers, let alone robotic systems that have only limited capabilities. This is why, there should be always a human being involved in the targeting process to recognize situations of doubt that would cause a human being to hesitate before attacking. In such circumstances States are obliged to refrain from attacking objects and persons.

Question to panelists.

- Do you think the autonomous weapon system should also be able to recognize situation of doubt that would cause a human to hesitate before attacking and refrain from attacking objects and persons in such circumstances? Do you think the autonomous system may develop an algorithm that can both precisely meter doubt and reliably factor in this situation?

To comply with the principle of **proportionality**, LAWS would at a minimum need to be able to estimate the expected amount of collateral harm that might come to civilians from an attack. However, the difficulty for LAWS to apply the proportionality principle lies not so much in the evaluation of the risks for civilians and civilian objects as in the evaluation of military advantage anticipated.

-The question is if it is possible to assess the effective contribution that object makes to the enemy's military action and define military advantage taking into account of all the factors at the time?

We should remember that the concrete and direct military advantage anticipated resulting from an attack against a legitimate target constantly changes according to the plans and the development of military operations of both sides. Therefore the system must be constantly updated, taking into account factors resulting from the changing operational environment and battlefield in which such a system is deployed. The decisions and update in question may be provided only by States. To comply with the principle of proportionality States are obliged to use clear criteria and make assessments objectively.

Question to panelists.

-Do you think it is possible to programme the autonomous weapon system on the basis of clear criteria to identify objective indicators and make assessments objectively? In a such a case States would be requested to agree on how exactly proportionality should be calculated and also which parameters influence this calculation.

When carrying the attacks, States are obliged to take all feasible **precautions** to avoid and minimize incidental loss of civilian life, injury to civilians and damage to civilian objects. It is required to use systematically the most effective and reasonably available means in order to obtain the most reliable information before an attack. It is achievable in static environments.

Question to panelists.

-Is it realistic to expect the same in dynamic environments and in the absence of human override? Is it required sensors that, in circumstances that might change rapidly, could distinguish between civilian and military objects and civilian and combatants, assess military advantage, choose appropriate weapons and tactics, anticipate incidental harm to civilian persons and objects and give warnings?

One more issue worth to consider. It is currently possible to test the behavior of autonomous systems in situations that would face in the real world, but it is hard to predict and effectively control their actions. It will be difficult to show clearly that a person intended to commit a crime or that the outcome was foreseeable. What about the **responsability** for violations of international law, especially if an autonomous weapon system will have complex programming and the interaction of an autonomous weapon systems with the environment will not always be predictable to effectively control their actions in battlefield in changing circumstances and prevent their attacks on civilians?

We will be grateful if the panelists could take a stand on these issues.

Thank you, Mr. Chairman.