

Brazilian Intervention GGE on LAWS CCW 2018 - 1st Week

Possible options:

- Mr. Chair, I notice that, in your initial remarks, you have not mentioned specifically the option of a legally binding instrument, although it was the option supported by most delegations, including my own. We would like to request that option to be in the summary of discussions this week and in the final report of the GGE.

- Brazil believes that only an international legally binding instrument establishing regulations and prohibitions on LAWS can effectively deal with the challenges posed by it. The increasingly fast development of artificial intelligence and the temptation to incorporate it into weapons systems, so as to achieve tactical and strategic military advantages, have a dramatic potential for destabilization. Although current international law certainly applies to LAWS, its novelty and the potential magnitude of its impacts on warfare call for a specific international norm.

- Having listened to the national interventions and debates this week, we believe we are on the right path to commence negotiations on a protocol to the CCW, with increasing convergence among states on the most fundamental topics as well as overwhelming support of civil society and academia. Our main challenge right now is to be focused and concentrate our work going forward on the broad agreements which are emerging, simplifying the terms of the discussion in a policy-oriented manner.

- In our view, the most relevant areas of convergence are, without prejudice to further elements to be identified:

- 1) Autonomy is in and of itself a function of human control over a specific system: the less control, the more autonomy there is;
- 2) All weapons systems must comply with International Law in general and International Humanitarian Law in particular, whether they have autonomous functions or not;
- 3) Only humans and States are subjects of law and can comply with it and be accountable for it - accountability and responsibility are crucial elements going forward;
- 4) Autonomous weapons systems can only comply with international law as long as they are under a degree of human control;

5) The role of the CCW is to ensure this compliance for certain weapons deemed particularly problematic. There is a strong international concern with autonomous systems which have warranted their consideration in the CCW.

- We understand that these broad points of convergence paint a clear picture to move forward, with the human element at the center of considerations, including as the basis of a working definition.

- There is certainly a need to further define and refine these broad conclusions, but this would be the objective of a negotiating process. Full agreement can only be reached at the end of negotiations and cannot be a precondition for them.

- Further intermediate and supporting measures which have been proposed, such as confidence building measures, codes of conduct for scientists and developers, exploring national measures, including weapons reviews, as well as a political declaration, should be considered insofar as they are conducive to a legally binding instrument, lest we end up with a patchwork of half-measures which will not deal with the most essential issues.

- Brazil does not support proposals which would take ownership of the CCW process away from State Parties, such as scientific committees. Such proposals would have dubious benefits and would undermine the inclusiveness of the process, which is necessary for the legitimacy and ultimately efficacy of any outcome.

- The challenges posed by LAWS affect the whole of the international community, and, if we fail to act on them, it is more than likely that the developing world and its citizens will bear the brunt of their impact.