The two CCW meetings of experts on autonomous weapon systems (held in 2014 and 2015) have underscored the significant legal, ethical and societal questions raised by weapon systems that are capable of independently selecting and attacking targets without human intervention. They also reflected broad agreement that human control must be retained over the operation of such systems, whether for legal, ethical or policy reasons. Discussions in the CCW next year should focus on what constitutes meaningful, appropriate or effective human control over autonomy in the critical functions of weapon systems to ensure that they can be used in accordance with IHL and, critically, within the bounds of what is acceptable under the dictates of public conscience.

The removal of human control over weapon systems is not a distant concern but an approaching reality. Some existing weapon systems already have limited autonomy in their critical functions, and the field of military robotics is developing very rapidly. In this respect, the ICRC urges States Parties to refine the CCW’s mandate on autonomous weapon systems to tackle the questions raised by real-world weapon systems. The work must move from the theoretical to the practical and, as the ICRC has previously suggested, a useful starting point would be to examine weapon systems with autonomy in their critical functions that are currently in use or being developed. These include, among others: missile and rocket defence weapons with autonomous modes, autonomous loitering munitions, vehicle ‘active protection’ weapons with autonomous modes, anti-personnel ‘sentry’ weapons with autonomous modes, and underwater weapon systems that operate autonomously.

As we stated yesterday, the ICRC welcomes the wide recognition by States Parties, in the context of discussions on autonomous weapon systems, of the importance of carrying out reviews of new weapons at the national level, to prevent the development of illegal or otherwise unacceptable weapon systems.

However, as the ICRC emphasized in past CCW discussions on “LAWS”, these weapons raise profound ethical and societal questions about the role of humans in the use of force, and in particular in the taking of human life, questions which have profound implications for the future of warfare, and indeed for humanity. Such fundamental questions cannot be left solely to national weapon reviews, and discussions in the CCW must have as an objective to achieve common ground among States on where to fix the limits on autonomy in the critical functions of weapon systems.

The ICRC wishes to stress that both national legal reviews of new weapons, and discussions at the international level (in particular those taking place here in the CCW) are mutually reinforcing. The work of the CCW on autonomous weapon systems can inform national legal reviews of new weapons with autonomy in their critical functions, and vice-versa. In this respect, the ICRC has been calling on States that have carried out legal and policy reviews of weapons with autonomy in their critical functions to share their experiences, which could help to guide CCW discussions.
Some continue to argue that the faithful implementation of IHL’s general rules, including through the legal reviews of new weapons, should be sufficient to address any concerns regarding autonomy in the critical functions of weapon systems.

However, history has shown that when using certain weapons, the specific characteristics of the weapon, combined with the inconsistent application of existing rules of IHL to that weapon, may reveal a need to clarify the law and ultimately to develop weapon-specific rules. Regarding autonomous weapon systems in particular, leaving it up to each State to determine the lawfulness and acceptability of the specific autonomous weapon systems they are developing or acquiring may risk inconsistent outcomes; with, for example some States applying limits to the use of such systems and some States prohibiting their use altogether. This again underscores the importance of States sharing information about their legal and policy reviews of their new weapon systems which have autonomy in their critical functions, with the aim of facilitating understandings on the legal and ethical issues posed by autonomous weapon systems.

Finally, we invite delegations to consult the ICRC’s consolidated reading of the definitional, legal and ethical issues raised by autonomous weapon systems, contained in its report submitted to the forthcoming 32nd International Conference of the Red Cross and Red Crescent on International Humanitarian Law and the challenges of contemporary armed conflicts (available at http://rcrcconference.org/international-conference/documents/).

Thank you.