
Excellency,

I thank you for your letters dated 6 February and 16 March 2015, in your capacity as the Chairperson of the upcoming Meeting of Experts on Lethal Autonomous Weapon Systems (LAWS) in the framework of the Convention on Certain Conventional Weapons (CCW).

In response to your invitation to all delegations to submit written contributions, I am enclosing with this letter a short paper highlighting Pakistan’s views on the legal, ethical and technical aspects of LAWS as well as their negative impact on international peace and security.

Please accept the assurances of my highest consideration.

Enclosures: As stated above

Yours sincerely,

(Zamir Akram)
Ambassador/Permanent Representative

H.E. Ambassador Michael Biontino,
Permanent Representative,
Permanent Mission of the Federal Republic of Germany,
28 c, Chemin du Petit-Saconnex, 1209
Geneva
Lethal autonomous weapon systems, or LAWS, are rightly described as the next revolution in military affairs, at par with the introduction of gun powder and nuclear weapons. In the absence of any human intervention, such weapons in fact fundamentally change the nature of war.

LAWS are by nature unethical, because there is no longer a human in the loop and the power to make life and death decisions are delegated to machines which inherently lack compassion and intuition. This will likely make war more inhumane.

LAWS cannot be programmed to comply with International Humanitarian Law (IHL), in particular its cardinal rules of distinction, proportionality, and precaution. These rules can be complex and entail subjective decision making requiring human judgment.

LAWS will lower the threshold of going to war resulting in armed conflict no longer being a measure of last resort. Consequently, the resort to use of force may become a more frequent phenomenon.

LAWS would, therefore, undermine international peace and security. Their introduction would affect progress on disarmament and non-proliferation. Faced with the prospect of being overwhelmed by LAWS, states possessing WMD capabilities would be reluctant to give them up, while others would feel encouraged to acquire them.

LAWS create an accountability vacuum and provide impunity to the user due to the inability to attribute responsibility for the harm that they cause. If the nature of a weapon renders responsibility for its consequences impossible, its use should be considered unethical and unlawful.

LAWS could easily be used in anonymous and clandestine operations as well as for targeted killing including in the territory of other states as is being witnessed in the use of armed drones. Like drones, civilians could be targeted and killed with LAWS through so-called signature strikes. The breaches of State sovereignty – in addition to breaches of International Humanitarian Law and International Human Rights Law – associated with targeted killing programmes risk making the world and the protection of life less secure with LAWS in the equation.
The use of LAWS in the battlefield would amount to a situation of one-sided killing. Besides depriving the combatants of the targeted state the protection offered to them by the international law of armed conflict, LAWS would also risk the lives of civilians and non-combatants on both sides.

The unavailability of a legitimate human target of the LAWS user State on the ground could lead to reprisals on its civilians including through terrorism as is being done in retaliation to drone strikes.

The states that are currently developing and using LAWS cannot afford to be complacent that such capabilities will not proliferate over time and hence they too shall become vulnerable. Going by past experience we all know that monopolies over such technologies do not last forever. Since the developing countries are not going to carry the burden of non-proliferation, an unchecked robotic arms race could ensue. Besides, LAWS could also proliferate to non-state actors with unimaginable consequences.

Like any other complex machine, LAWS can never be fully predictable or reliable. They could fail for a wide variety of reasons including human error, malfunctions, degraded communications, software failures, cyber attacks, jamming and spoofing, etc. There will always be a level of uncertainty about the way an autonomous weapon system will interact with the external environment.

The introduction of LAWS would be illegal, unethical, inhumane and unaccountable as well as destabilizing for international peace and security with grave consequences. Therefore, their further development and use must be pre-emptively banned through a dedicated Protocol of the CCW. Pending the negotiations and conclusions of a legally binding Protocol, the states currently developing such weapons should place an immediate moratorium on their production and use.