Human Rights Watch Statement
Convention on Conventional Weapons
Experts Meeting on Lethal Autonomous Weapons Systems
General Exchange of Views
Geneva, Switzerland
13 April 2015

Thank you, Mr. Ambassador.

Human Rights Watch is a co-founder of the Campaign to Stop Killer Robots. My Human Rights Watch colleague Mary Wareham is the global coordinator for the Campaign.

We were encouraged by the general exchange of views this morning, with so many governments making statements, and so many with a high degree of interest and enthusiasm.

Virtually all said there is a need for ongoing discussions on lethal autonomous weapons systems, and acknowledged that the weapons raise numerous concerns that are real and compelling, and that need to be addressed. Of course there is no consensus yet as to how to address them.

But by my count, nearly two-thirds of the government statements cited the need to retain meaningful human control over targeting and kill decisions, and a handful of states explicitly called for a preemptive prohibition on fully autonomous weapons.

No one said that their military had to have the weapons, no one said that they are actively pursuing them.

But there are plenty of indicators that there are many states that are contemplating fully autonomous weapons, and there is no doubt that some are pursuing them in some fashion.

Without question, many advanced militaries are rapidly marching toward ever-greater autonomy in their weapons systems, and there are no stop signs in their path.

Indeed, there is a noticeable disconnect occurring. Unlike a few years ago, no government seems willing to acknowledge that it desires to acquire fully autonomous weapon systems. Yet, the debate rages over whether they should be banned. And we are going to have lengthy discussions this week that will feature much speculation about the positive aspects of such weapons, about their technical possibilities, about their military usefulness, and about their compliance with existing international law.
At the very least, this disconnect demands much greater transparency about the move toward ever-increasing autonomy in weapons systems.

It also points to the need for well-articulated national policies on fully autonomous weapons. Today's statements, and those made last May and at other times, are a good start at laying out the positions of many governments, but they need to be further developed and formalized. Not surprisingly, we would like to see policies that endorse a preemptive prohibition, or, short of that, a moratorium.

As noted before, we were encouraged by the many references this morning to the need for meaningful human control over fully autonomous weapons. What many do not seem to grasp, though, is that if you believe there must be meaningful human control, you are supporting a ban on fully autonomous weapons; if you require meaningful human control, you are banning fully autonomous weapons. You should go ahead and explicitly call for such a ban internationally.

We heard a lot today about the need for definitions -- definitions of meaningful human control, of lethal autonomous weapons, and other terms. But as many in this room know well, definitions are inevitably the last thing agreed to in negotiations on a weapon-related, legally-binding international instrument. It is only at the final moment that crucial decisions are made about what is kept in, what is kept out, what is included, what is excluded. It is pre-mature to try to construct legal-type definitions at this stage, rather than the oft-heard claim that it is pre-mature to consider a ban or other measures to address the weapons until definitions are agreed.

Until that end point, the task is to articulate concepts and to develop them as fully as possible. This is something that the CCW, through a group of governmental experts, should be perfectly suited for, with input from civil society experts.

Another crucial matter, one that several delegations raised earlier today, is that international human rights law must be taken into account when considering fully autonomous weapons, and not just international humanitarian law. Clearly, if such weapons are ever fielded, they will be used not just in armed conflict situations, but also domestic law enforcement situations, such as riot control, border control, and other policing activities. They are perhaps even more likely to run afoul of human rights law than IHL. It is commendable that there is space on the agenda this week to explore human rights implications, but there should also continue to be space on the Human Rights Council agenda.

The inherent lack of accountability is also a key objection to fully autonomous weapons. Those who attended the side event today know that Human Rights Watch has released a new report, "Mind the Gap: The Lack of Accountability for Killer Robots." This report details significant hurdles to assigning personal accountability for the actions of fully autonomous weapons under both criminal and civil law. It also elaborates on the consequences of failing to assign legal responsibility.
It concludes that programmers, manufacturers, and military personnel could all escape liability for unlawful deaths and injuries caused by fully autonomous weapons. The lack of meaningful human control that characterizes the weapons would make it difficult to hold anyone criminally liable for unlawful actions.

No accountability means no deterrence of future crimes, no retribution for victims, no social condemnation of the responsible party. These many obstacles to justice for potential victims show why an urgent ban on fully autonomous weapons is needed.

In conclusion, it is reasonable to ask what is the objective of this work, of all the time spent this week, and in the weeks of preparations, and the months of consultations? What are states parties working toward? It should be a new CCW Protocol VI banning fully autonomous weapons.

The CCW is not designed to be a talk shop, a discussion forum. It is supposed to work toward concrete outcomes. Some of the “deliverables” mentioned such as greater transparency, serious weapons reviews, and identification of best practices, are desirable – but clearly not nearly enough. Only a comprehensive, preemptive prohibition will suffice to avoid future indignities and disasters.

States have a lot to do this week, but it is not too early to be thinking about the annual Meeting in November 2015, and even the Review Conference at the end of 2016. To their credit, several states noted this in their remarks earlier today.

We believe that the work this week should put states in a position to agree in November to a new, more ambitious mandate that creates a formal Group of Governmental Experts, a group that will meet for three to four weeks worth of time over the course of the year, and that will function with a view to future negotiations.

Then, states would be able to agree at the Review Conference to a formal negotiating mandate, with the intention to conclude the negotiations within one or two years.

This is the course of action that would demonstrate that the CCW is a relevant and effective and forward-looking body. Much more important, this is the course of action that would best serve the interests of humankind.

Thank you.