LAWS statement 12-12-16 CCW from World Council of Churches

After three productive meetings of experts, it is time for this convention to set a clear goal for bringing lethal autonomous weapons systems (LAWS) under the rule of law. Experts from a range of disciplines have variously affirmed that LAWS will be injurious and indiscriminate weapons and that, if humans delegate decisions about life and death to machines, there is a deeply troubling interplay between a new form of violence and impunity. The core inducement of LAWS seems to be the temptation to be able to target and kill efficiently under a cloak of comfortable anonymity.

As evidenced by the recommendations from the April meeting, the deliberations of the CCW have matured. An Open-Ended Group of Governmental Experts is warranted in 2017, as is the adoption of a negotiating mandate at next year’s CCW. The unique characteristics of LAWS and the rapidity of technological advances demand new law and swiftly.

We and other representatives of world religions follow the CCW because the fundamental basis for your mandate is to protect human life and human dignity. This is especially important at the start of a potential new era in warfare, when new ground rules are needed.

Thankfully, there is a cornerstone in place for building new legal protections. It is the Martens Clause, which emerged late in the first era of warfare, the gunpowder era.

It was soon taxed by the development of WMDs and the second - nuclear - era of warfare. Because some desired the technological means to wreak such indiscriminate destruction, the principles of humanity and the dictates of public conscience were ignored and remain obstructed to this day.

After bypassing these basic norms, the international community became stuck in a muddle of inadequate goals: A few states make nuclear weapon, hope not to have to use them, are at pains to enforce a double standard to keep others from having nuclear weapons, and leave humanity itself at risk.

Today we are on the cusp of a third - robotic - era of warfare. The deficits of LAWS – moral, ethical, legal, political and cultural – loom large. Will the Martens Clause help to ensure that, as the Holy See insisted in 2015, any weapon “with lethal capacity” must “be maintained under absolute human supervision”? Will it help prevent the creation of what signatories of a 2013 Interfaith Declaration called “a weapon, like nuclear weapons, we will wish we had prevented”, or what the joint statement by 20,000 supporters of Artificial Intelligence call “the Kalashnikovs of tomorrow”?

The Martens Clause charges governments to be the custodians of the general prohibition on killing, including measures related to the state monopoly on the use of force. No one under law, in good conscience or in good faith can outsource to a machine the judgment, the responsibility and the accountability for taking human life.
The era of nuclear war is defined by the threat of cataclysmic destruction. What will define the era of robotic warfare? If the international community again abdicates its legal responsibilities, the consequences *inter alia* will likely include remotely identified individuals and groups living at perennial risk of selection and attack by nameless robots. As the World Council of Churches noted here in 2014, people of certain countries and regions can already offer predictive testimony of what this new era might be like, from living in the target zones of drones controlled from far, far away.

Drawing lessons from the two eras of warfare is not academic. More information and debate is needed, for example, as to why the states most responsible for nuclear dangers are also the states which are seemingly most reticent about developing a pre-emptive ban against LAWS.

Bringing lethal autonomous weapons firmly under the rule of law is an urgent common good. International humanitarian law, the CCW and international human rights law are tools for the task. The goal is in your hands.