Mr. President,

My delegation aligns itself with the statement delivered by the European Union and would like to stress the following considerations in its national capacity.

Through its working paper on the characteristics of LAWS presented during the GGE that took place in Geneva from 13 to 17 November 2017 (CCW/GGE.1/2017/WP.3), Belgium highlighted some critical characteristics that should to our opinion retain the attention of the GGE while considering Lethal Autonomous Weapons System. Those characteristics were mainly related to autonomy as well as the human-machine nexus and its quality.

Belgium would like to reaffirm that the final responsibility for the use and the effect of the use of a LAWS should always be attributed to a human agent. Rights and obligations apply to human agents, not to robotic agents, and the use of LAWS, in our opinion and should those weapon exist in the future, would not in any case depart the human agent of its responsibility, in particular, the ultimate responsibility in the choice of means and methods of warfare.

In order to support the effort or the GGE aiming at reaching a common understanding within the CCW framework on the characteristics of LAWS, Belgium wishes to focus on one of those characteristics: the question of “sufficient/meaningful human control”, which is a determining factor.

Sufficient /meaningful human control/involvement on LAWS, in accordance with studies on the subject, and in particular the papers of IPRAW, could be defined in a two stages framework: Control by design which is related to the conception of those weapons and control in use which refers to the effective use in operations.

In its WP mentioned above, Belgium established an enumeration of characteristics that should in our view be taken into account in order to delimit the notion of LAWS. This reflection was mainly intended to
highlight characteristics which could potentially, by themselves or aggregated, lead to the consideration that some weapon system could be deemed as illegitimate. In order to propose some concrete ways forward around the notion of sufficient /meaningful human control, we will consider those main characteristics we proposed in our November 2017 WP but focusing on the implication of human control.

One of the characteristics highlighted was the autonomy or full independence in the lethal decision-making process (see points 2.1, 2.2 and 2.4 of the WP). Transposed to the notion of sufficient /meaningful human control, this could be translated both in the need for correctly programming shifts between different modes of operations (no unpredictability in mode determination and shift procedures) (Control by design), the potential need for an ultimate human decision/intervention in the targeting function, and/or the need to be able to bring at any time and upon human decision, LAWS working in autonomous mode back to remotely controlled mode or to deactivate them. This last point could be translated into the need to program an exit mode allowing for total human control if needed (control in design) and into the permanent availability of an operator in order to take up control of a LAWS at any given moment when possible lethal consequences are at stake (control in use).

Other main points of attention of the Belgian WP were the questions of the division of authority between the human agent and the machine, the openness of the weapon system in its functioning and the specific questions of self-learning and reprogramming (see points 2.3, 2.3, 2.6 and 3.3). All those elements call for the need of a human-machine division of tasks and authority flow that should be predetermined and predictable (control by design), i.a. in the setting of environments of operation and mission goals. In order to achieve this stability and reliability of the system, we consider as an important factor the ability to externally monitor internal computational processes of LAWS (control by design) and the ability to intervene if needed on the computational processes of LAWS and on the settings of the operation of the system (control by use).

On the observance of IHL by LAWS (see 3.1 and 3.3), we highlighted that LAWS operating in autonomous modes should fulfill all requirements of the law of armed conflict and the international human rights. This could be understood as the need to program LAWS in order to allow them to assess (or participate in the assessment of) the fulfilment of the law of armed conflict and the applicable international human rights law (control by design) and to assure that as ultimate responsible authority, the human actor should at minimum monitor the potential IHL and armed conflict law assessment made by LAWS and in other cases perform this duty thoroughly (control by use).

Finally, on a more operational level, Belgium highlighted the possibility to use LAWS within a defined geographical perimeter of operation (see 3.2). This perimeter should be determined by a human actor.

These examples do not exhaust all possible domains of reflection on human control of LAWS by design and use. They nevertheless can help setting the necessary parameters.

I thank you, Mr. President.