STATEMENT BY THE AFRICAN GROUP

Mr. Chairperson,

I have the honour to deliver this statement on behalf of the African Group. The African Group would like to express its appreciation to you, Ambassador Gill, for your efforts in leading these discussions and for the useful thought provoking documents circulated in advance of this meeting.

The African Group takes seriously these discussions. In preparation for this meeting, the African Group, in collaboration with the South African Research Chair in International Law, University of Johannesburg, organised an African Union Seminar on Lethal Autonomous Weapons Systems that was held on 27 March 2018 here in Geneva.

The African Group hereby reiterates that challenges that are posed by LAWS such as those related to the question whether LAWS can comply with International Humanitarian Law rules of precaution, distinction, and proportionality; the challenge that use of LAWS may create an accountability gap in violation of victims’ rights to remedy and the fact that LAWS may lower the threshold on the use of force, thereby undermining global peace and security.

However, Mr. Chairperson, in the current GGE session, the African Group wants to comment on the concept of human-machine interaction and the notion of human control. There is a general consensus among States on the need to maintain human control over use of weapon systems. For that reason, in adopting General Comment Number 3 on Article 4 of the African Charter on Human and People’s Rights concerning the right to life, African states agreed in paragraph 35 that “Any machine autonomy in the selection of human targets or the use of force should be subject to meaningful human control. The use of such new technologies should follow the established rules of international law.”

Mr. Chairperson, the African Group notes that the term “Meaningful Human Control” has not been defined and that other terms have been used to describe human control such as “sufficient human control” or “appropriate levels of human judgment” etc. It is partly in this regard that the current GGE session has been dedicated to the notion of human-machine interaction, perhaps to determine the level of human control that is acceptable at different “touch-points” in the human-machine interaction chain.

The African Group believes that it may not matter what name or term is used to describe human control. Rather, what matters is the substance and standards of that control. While various considerations will play a role in defining or articulating the required level of human control, the African Group emphasises the following four points:

First, human control should be defined and understood in terms of legal principles – in particular, those codified in international law treaties and customary international law binding on all States.
Human control over weapon systems should not be seen as a matter of good-will by States but a legal standard that they ought to fully abide by. If the definition or elements suggested for human control do not meet the established legal standards that govern use of force, then such control is insufficient.

Second, principles of humanity and dictates of public conscience as enunciated in the Marten’s Clause must be taken seriously when considering what aspects of weapon systems must remain under human control. Notions of dignity and humanity are the parents of all other humans’ rights and should govern human conduct including human inventions. The African Group finds it inhumane, abhorrent, repugnant, and against public conscience for humans to give up control to machines, allowing machines to decide who lives or dies, how many lives and whose life is acceptable as collateral damage when force is used. The African Group strongly asserts that technology should be solely dedicated for the prosperity and progress of human beings in all spheres of life.

Third, fully autonomous weapons systems or LAWS that are not under human control should be banned, even so, before they come into existence. Until this ban is achieved, which we hope would be sooner than later, the African Group calls for a moratorium on the development and manufacture of such weapons systems without impediments or constraints on the use and transfer of the relevant emerging technologies for peaceful and civilian purposes.

Fourth, given the seriousness of this issue and its possible disruptive implications, the African Group joins States and organisations recommending the conclusion of a legally binding instrument on the issue at hand at the earliest.

Mr. Chairperson, the African Group appreciates the continuation of this very important discussion, and looks forward to further engagements.
I thank you.