

## Summary report on the 2<sup>nd</sup> Session of the Group of Governmental Experts on LAWS at the UN in Geneva, 27 – 31 August 2018

### A call for more engaged technologists, and dialogue instead of monologues

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From 27-31 August 2018, the Convention on Certain Conventional Weapons (CCW)<sup>2</sup> completed its sixth year of discussions on Lethal Autonomous Weapons Systems (LAWS). Representatives of more than 82 countries convened at the United Nations in Geneva as a so-called Group of Governmental Experts (GGE). It was the second and last meeting of the GGE in 2018.

Four agenda items were debated during the one-week session: (1) the potential military applications of emerging technologies in the field of LAWS, (2) the characteristics of LAWS, (3) if and to what degree a human element should and could be secured in the use of lethal force, and (4) possible options to address the humanitarian and international security challenges posed by LAWS.

Inputs on potential military applications of related technologies (1) have mainly been channeled through expert members of national delegations,<sup>3</sup> and a panel put together at the invitation of Chairman Amandeep Singh Gill on Monday, 27 August.<sup>4</sup> In this opening panel, Dr. Dörmann and Lieutenant Colonel (LK) Korpela presented some of the main perspectives that emerged during the rest of the week-long debate. Dr. Dörmann argued that, if machines can self-initiate an attack, this necessarily introduces uncertainty regarding location, timing, and nature of this attack. Consequently, this would imply a significant risk that the machine will not be able to comply with international humanitarian law (IHL), especially the principles of distinction, proportionality, or precaution. LC Korpela, on the other hand, argued that the idea of LAWS is really to help militaries to adapt to uncertain environments, allowing them to take more accurate decisions than humans in less time.

With regards to the characterization of LAWS (2), many states argued that it is not in their interest to develop fully autonomous weapons systems, as commanders always want to retain a certain amount of control over the use of force. Therefore, many states outlined their interest in ensuring human control/judgment in attack decisions, in the ability to cancel an attack, as well as within the accountability of operators, in order to guarantee that the use of force remains in human hands rather than within machine algorithms. This perspective was reflected by a majority of governments. They regard a LAWS as a weapons system for which a certain degree of human control is ensured. Therefore, agenda items (2), the characterization of LAWS, and (3), the degree of the human element, had fluid borders during the debate. During the discussion on the

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<sup>2</sup> The CCW is properly referred to as the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

<sup>3</sup> e.g. Sweden on 'Sensor-fuzed munition: An autonomous weapon?'

<sup>4</sup> Dr. Lydia Kostopoulos, Digital Society Institute; Prof. Anthony Gillespie, UCL; Dr. Knut Dörmann, ICRC; LC Chris Korpela, DOD US; Gautam Shroff, Tata Consultancy Services

outcome document, it was suggested that both items should be merged under one sub-chapter. This proposal was rejected.

The degree of human involvement (3) was the main ‘dividing point’ regarding the type of outcome of the CCW’s debate on LAWS (4). Some states argued that meaningful human control over, e.g., targeting, selection and execution of force must always be guaranteed. Most states favoured a negotiation of a legally binding instrument, in order to ensure that everyone abides by the same rules,<sup>5</sup> or at least a non-binding political declaration.<sup>6</sup> Other states argued that the human element still needs to be better understood: what does human control really mean and how much and where in the targeting cycle must it be ensured? Those states opposed immediate further legal or political restraint and preferred discussions to continue as is. Some of those states argued that the lack of a common understanding of either human control or LAWS, or both, required discussions to continue until more clarity is achieved.<sup>7</sup> Others insisted on their own definition of LAWS, which complicated overall acceptance.<sup>8</sup>

The parties of the CCW that met formally as the GGE were tasked to make a recommendation on future work to the CCW annual meeting in November 2018. Although many states called for a legally binding instrument or a political declaration, the GGE, after eight extra-hours of discussions until 1:10 am Saturday, 1 September, rejected those options and decided to continue with its current mandate. The draft final report with possible guiding principles can be found [here](#).

#### *General observations:*

1. Representatives of the tech sector seem to be underrepresented in the debate. On Thursday, [Conscious Coders](#) held a side event on the technical aspects and risks of AI, which was highly welcomed by state representatives. The latter argued that such a clear technological overview had been lacking within the debate.<sup>9</sup>
2. NGOs, especially the Campaign to Stop Killer Robots, which argues for a ban, usually base their arguments on ethical considerations. They state that death by a machine is unethical, as a machine lacks basic human characteristics such as compassion, empathy, dignity, and the understanding of human life and of the ‘taking’ of human life. They use this argument in order to create a distinction between two situations: the one where a machine kills an enemy combatant, and the other where a combatant kills an enemy combatant – arguing that the former is unethical. Yet, one must argue that a situation where a combatant kills another enemy combatant is not a situation where characteristics like compassion, empathy, dignity and the understanding of human life are at the forefront. Consequently, basing an

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<sup>5</sup> This is the uncompromising demand of Algeria, Argentina, Austria, Bolivia, Brazil, Chile, China (with regards to ‘fully’ autonomous weapons), Colombia, Costa Rica, Cuba, Djibouti, Ecuador, Egypt, Ghana, Guatemala, Holy See, Iraq, Mexico, Nicaragua, Pakistan, Panama, Peru, State of Palestine, Uganda, Venezuela and Zimbabwe. Colombia, Iraq, Pakistan, Panama, the non-aligned movement (NAM) group of states and others called for an immediate preemptive ban of LAWS.

<sup>6</sup> Switzerland, France, Germany.

<sup>7</sup> Australia, Israel, United States of America, Republic of Korea.

<sup>8</sup> Russia.

<sup>9</sup> For the latest report on the misuse of AI, see [https://www.consciouscoders.io/wp-content/uploads/2018/08/A\\_Technological-Perspective\\_on\\_Misuse\\_of\\_Available\\_AI-1.pdf](https://www.consciouscoders.io/wp-content/uploads/2018/08/A_Technological-Perspective_on_Misuse_of_Available_AI-1.pdf) (accessed on 3 September, 2018).

ethical argument with the view to distinguish those situations on the above-mentioned human concepts forces one to ask what remains of ethics.

3. The discussion does not include any reference on narrow and general artificial intelligence (AI), which could be helpful to understand the difference between current and future LAWS.<sup>10</sup>
4. The discussion also does not distinguish between autonomy on land, underwater and in air. The autonomous technologies as well as military endeavors to use them vary greatly for those different war scenarios. More in-depth analysis of the matter at hand is needed. This can only be created by a dialogue between different groups. At present, it seems that all participants, both the group that favor a ban as well as those that want more discussion, are engaged in monologues that do not intersect.

Regina Surber  
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**Country statements on agenda items 1-4 (referred to as 6a-6d on the CCW's website) can be found [here](#).**

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<sup>10</sup> See e.g. Lewis, Lawrence, 2018, AI and Autonomy in War: Understanding and Mitigating Risks, available at: [https://www.cna.org/CNA\\_files/PDF/DOP-2018-U-018296-Final.pdf](https://www.cna.org/CNA_files/PDF/DOP-2018-U-018296-Final.pdf) (accessed on 3 September, 2018).