



# Lethal Autonomous Weapons Systems LAWS

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# Content

1

The issue

2

The choice of deliberation platform

3

The negotiations

4

Belgian input

5

Q&A



# 1. The issue

- LAWS (simplified): weapons that, once activated, can identify, select and engage targets without human control
- Autonomous versus automated or remote controlled
- AI directed drones and swarms
- “killer robots”
- Wider issue: use of military applications of AI

AI-enabled decision-support systems (DSS), used for military targeting decisions





# The trouble with LAWS

- Accountability
- Decision of life and death given to machine
- Predictability (AI Black box)
- Malfunctioning
- Outsourcing of war to machines: lowers the threshold
- Escalation at machine speed
- Proliferation and use by non-state actors

=> legal, ethical, security, humanitarian issues

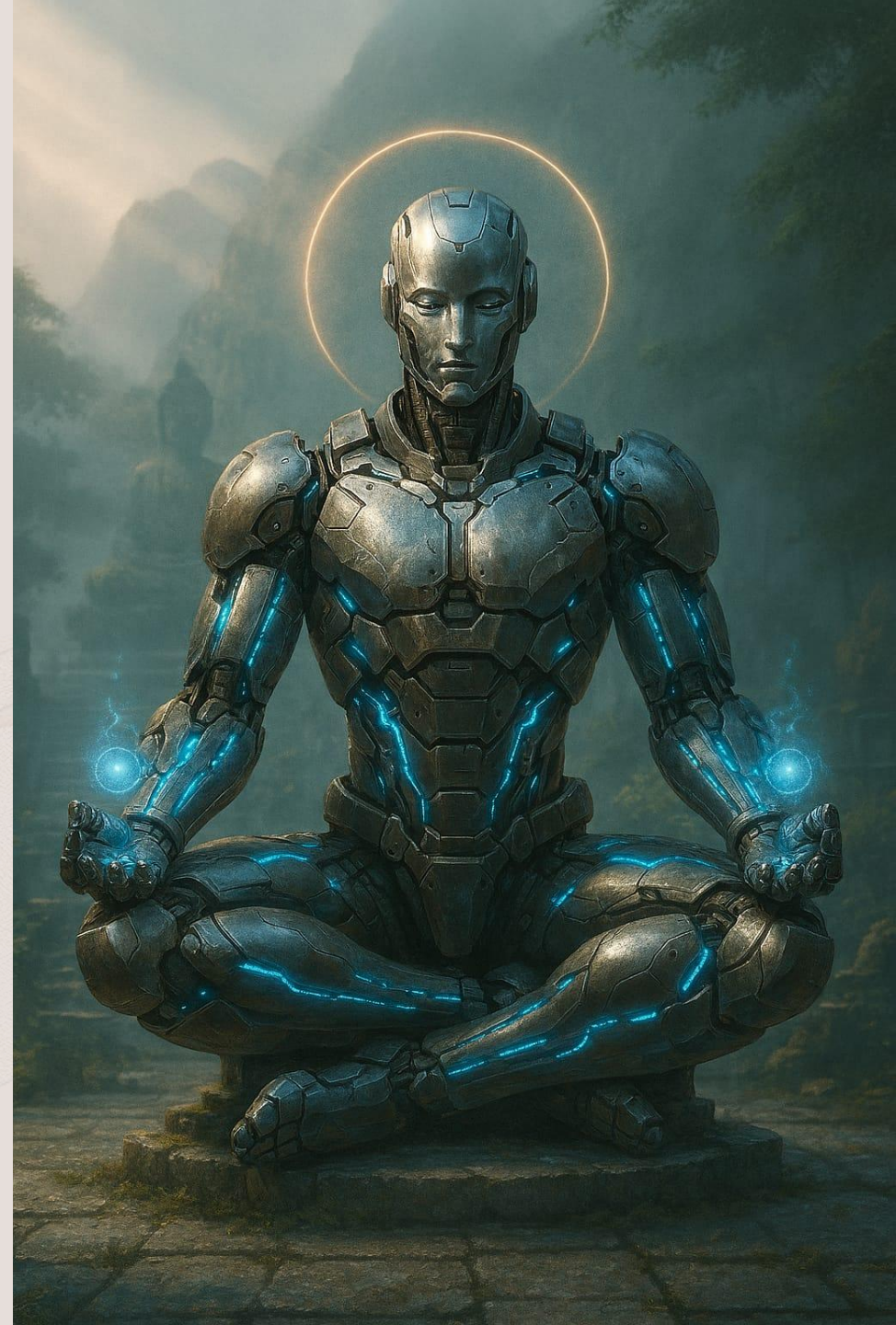




# The beauty of LAWS

- History of warfare = history of technological innovation
- Less prone to error/human emotions (revenge, rage, fatigue...)
- Need for superhuman machine speed in modern warfare
- Counter electronic warfare
- International Humanitarian Law also applicable to LAWS

*“war is chaos and accidents, AI can help to reduce this.” (US delegation at GGE LAWS)*









## 2. The choice of deliberations platform

- “LAWS could have far-reaching effects on societal values, including *fundamentally on the protection and the value of life*”. Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Christof Heyns - 2014
- 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 (CCW) - 1980
  - CCW currently has 5 protocols – protocol VI on LAWS?



# CCW GGE LAWS Process

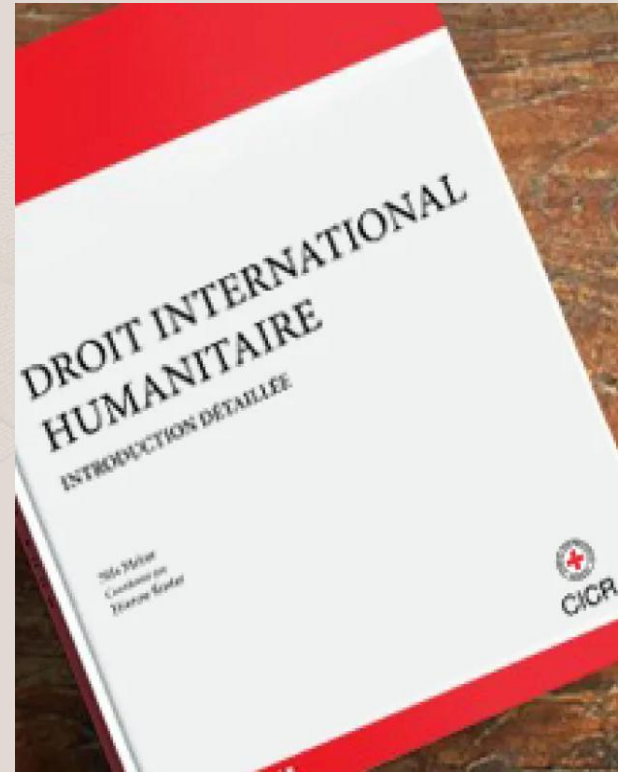
- 2014–2016: informals in Geneva
- 2016–2026: CCW Group of Governmental Experts (Geneva)
- 2019: GGE LAWS agrees on 11 guiding principles for the use and development of LAWS
- 2023: CCW High Contracting Parties decide on mandate: “The GGE is to further consider and formulate, by **consensus**, a **set of elements** of an **instrument**—without prejudging its nature—and other possible measures to address emerging technologies in the area of **lethal autonomous weapon systems**”
- 2026: CCW Review Conference will consider way ahead based on outcome of GGE LAWS





### 3. The GGE LAWS negotiations

- Outcome
  - Sufficiency of IHL versus need for a separate regulatory framework
  - Type of outcome
    - Two tier approach: prohibition of LAWS that inherently cannot comply with IHL, regulation of other LAWS
    - via legally binding instrument?
    - and/or Political declaration?
    - and/or Code of conduct?



# GGE LAWS negotiations

- After 4 sessions: 'Rolling text' with the following elements that have broad support, but not entire consensus
  - Definition
  - Application of IHL
  - Prohibitions of certain LAWS
  - Conditions for other LAWS and risk mitigating measures
  - Accountability





# GGE LAWS negotiations

- Some discussed points
  - Definition: identify AND select AND engage autonomously
  - Meaning/relevance of 'lethal'?
  - ~~'Human in the loop', 'human on the loop'~~, -> 'context-appropriate human control and judgement'
  - Should LAWS have capacity to redefine mission parameters and objectives during mission?
  - Predictability, explainability, traceability
  - Need for a kill-switch to abort LAWS?
  - Counter algorithmic bias
  - Art 36 legal reviews



# Other stakeholders

- ICRC: prohibit autonomous weapons that are unpredictable or anti-personnel (i.e. that are designed to target humans)
- Timing: UNSG and ICRC call for a legally binding instrument by 2026





## 4. Belgian input



In the CCW

- Working papers:
  - 2017 Towards a definition of LAWS
  - 2019 Food-for-thought paper (with IE and LU)
  - 2020 Commentary on four of the guiding principles (with a group of 10 States)
- 2019: 11 guiding principles: BE added the principle of human-machine interaction
- 2021: chairmanship of the GGE LAWS – draft final report



# Belgian accents in GGE LAWS debate



BE emphasizes the following elements:

- Compliance with IHL and legal review (art. 36, standing commission)
- Accountability and responsibility
- Meaningful human control
- Two-tier approach
- Development of LAWS part of scope
- Process: involvement of other stakeholders (industry, academics, civil society)
- Ethical considerations
- Counter-diversion





# Belgian delegation to GGE LAWS



Foreign Affairs

Defense



# Belgian input



In the UN General Assembly

- BE co-sponsors resolution on LAWS together with other States, starting in 2023.

In Federal Parliament

- 2018: resolution asking the Government to strive towards a worldwide interdiction of the use of killer robots and armed drones that are completely automated.
- Other draft resolutions + proposal to amend the law of 8 June 2006 (weapons law)







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