European Union

EU Statement

Group of Governmental Experts

Lethal Autonomous Weapons Systems

Convention on Certain Conventional Weapons

Geneva, 25-29 March 2019

- Further consideration of the human element in the use of lethal force; aspects of human-machine interaction in the development, deployment and use of emerging technologies in the area of lethal autonomous weapons systems

Mr. Chair,

I have the honour to speak on behalf of the EU and its Member States. The Candidate Countries Montenegro*, Serbia* and Albania*, and the EFTA country Norway, member of the European Economic Area, as well as Georgia align themselves with this statement.

We welcome the broad consensus that emerged from the work of the GGE last year that human control needs to be retained when it comes to the development and use of emerging technologies in the area of LAWS. Human control over lethal autonomous weapons systems is essential to ensure their compliance with international law, including IHL and its key principles, such as distinction, proportionality and precautions in attack in order to protect the civilian population to the furthest extent possible, as well as the obligation to protect the wounded, sick, prisoners of war and any person who is considered *hors de combat*.

We firmly believe that human beings should make the decisions with regard to the use of lethal force, exert control over lethal weapons systems they use, and remain accountable for decisions over life and death. Human control has to be built into the entire life cycle of the weapons systems, including phases of research, definition of military requirements, design, development, programming, deployment, use or transfer. This became evident last year when we discussed the Chair's sunrise diagram with various human-machine touchpoints.

* Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.

The consideration of the human element remains central in our debate. Discussions on human oversight, human judgement or human control should be further substantiated. The issue of human control will become even more critical within the discussions on LAWS, especially regarding the matter of compliance with IHL. The human-machine interaction must be designed and programmed in a way that ensures effective compliance with the Laws of Armed Conflict. Gender equality and the empowerment of women is an important horizontal priority for the EU and we believe it is important to take into account gender perspectives when discussing the issue of LAWS. In addition, as for all disarmament discussions, our deliberations would benefit from gender diversity in participation.

In this regard, we note that in military targeting practices, it is usually not one single operator who is in control of the complete targeting cycle. The control is distributed over different actors, and people with different roles (e.g. commander, information analyst, pilot, etc.) exercise together sufficient levels of human control over the complete targeting cycle.

We believe that discussions in the GGE should now focus on the necessary extent and type of human control that is required to ensure compliance with IHL, International Human Rights Law, and other relevant provisions of international law. What does human control mean in practice and how can it be ensured?

In our view, the following key elements of the human-machine interaction are crucial in order to ensure sufficient human supervision:

- Commanders and operators should be able to understand how a system works and be aware of its likely interaction with and potential effects on its operating environment.
- Commanders should at least retain ultimate command and responsibility for the decision to deploy the system, approving the rules of use and engagement, and validating the mission objectives.
- Humans must make the decisions with regard to the use of lethal force, exert control of lethal weapons systems they use and remain accountable for decisions over life and death.

To conclude, let me recall that accountability cannot be transferred to machines. Selecting and engaging human targets without some form or level of human control as described before is not acceptable given the legal, moral and ethical considerations we have discussed.

Thank you, Mr. Chair