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SESSION 2:
COPING WITH EMERGING ISSUES IN DISARMAMENT AND NON-PROLIFERATION
EVOLVING ARTIFICIAL INTELLIGENCE: AUTONOMOUS WEAPONS SYSTEMS

INTRODUCTORY REMARKS ON THE EMERGENCE OF THE ISSUE OF LETHAL AUTONOMOUS WEAPON SYSTEMS IN DISARMAMENT FORA

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A/ The issue of lethal autonomous weapons is a relatively new one.

It attracted attention from the disarmament community 2 years ago, in 2012, when Human Rights Watch issued a report on that topic.

This report was an unofficial effort by representatives of civil society. It was focused on fully autonomous weapons (i.e "man out of the loop") and to set the scene as an issue of preventive disarmament.

In 2013, the issue was discussed at the July meeting of the UNSG Advisory Board. The debate confirmed the interest for the problem raised by this emerging technology. Members of the board speak on their personal behalf, of course, but they are well aware of their government thinking. It also confirmed that the debate should be focused on autonomous (man out of the loop) weapons, which means on preventive disarmament. Of course, dealing with existing weapon systems would make discussions much more difficult.

The distinction between fully autonomous weapons, on the one hand, and some existing weapon systems highly automated or remote controlled, on the other hand, was less clear in other international fora where this issue was raised also, through other initiatives, and whose competence was clearly disputed by a number of countries, including mine. The debate about drones is a completely different one.

Eventually, the CCW decided in November 2013 to create an informal group of experts, to meet in May 2014.

B/ There were a number of challenges:

- A definition was not possible. In order to establish an agreed definition, you need to know what for. And we do not know what we want to do, whether or not we need to establish a new norm and if so, what kind of norm (ban, limitation…).

- At the same time, we needed at least to describe what we were talking about and what we were not talking about. We were not talking about missile defense. We were not talking about drones. A great deal of this question was about the notion of autonomy (in difference to automaticity).

- Another challenge was how to deal with a prospective issue, as we do not have a clear idea of what the mid-term future will be made of.

- Eventually, there was the issue of how to deal with the dual use nature of robotics. The peaceful uses of autonomous technologies will be, by far, much more important than the military applications. Hence the idea that the problems arising from autonomy were focused on certain functions such as *targeting and firing*.

My objective was to help countries build a national position. Lethal autonomous weapon systems are an issue about which many people have personal views but very few countries have an official position.

A discussion mandate within CCW may help move from individual views towards national positions. It is of course a necessary step, a pre-requisite before taking action, whatever action it be, including not taking action at all.

CCW is namely the "Convention on prohibition or restriction of the use of certain conventional weapons which may be deemed to be excessively injurious or have indiscriminate effects". It consists of a chapeau convention and additional protocols for various types of weapons. Because most major military powers are parties to this convention, it provides us with a unique forum to discuss questions related to conventional weapons.

In November 2013, in this framework, States parties to the CCW agreed by consensus to discuss Lethal Autonomous Weapons Systems. A four day meeting was organized last May in Geneva, chaired by France.

C/ We tried to envisage the issue under 4 aspects:

- Technical,
- Legal,
- Ethical,
- Operational.

1/ Technical:

The idea was to have, not a definition, but a description of what we were talking about. Words are important:
- lethal *(we should focus on critical functions of targeting and firing)*
- weapon systems *(we should not consider robots as a single object but as part of a system)*,
- autonomous (in difference to automatic).

It is not that easy to draw a line between what is automatic and what is autonomous. From my perspective, it has much to do with predictability. But I know that some experts challenge this point of view because it is not possible to quantify unpredictability.

A number of presentations helped to consider what seems to be expected from a concrete technical point of view in the coming years.

2/ Legal:

The CCW State parties also discussed about legal issues raised with regards to international humanitarian law, but also human rights law. Many questions were raised, in particular on ability of such systems to comply with the principles of distinction, proportionality and precaution.

That brings me to the future work of the CCW. To my point of view, two elements could be further studied. First, how to apply article 36 of the 1977 additional protocol to the Geneva Convention to those autonomous weapons systems, and second, what

are the consequences of autonomy and the induced unpredictability on accountability.

3/ Ethical :

The third session was dedicated to ethics. It was a very interesting one. It is indeed a fundamental question, especially the issue of the devolution of the right of life and death to a machine.

4/ Operational:

The last session dealt with military aspects. It was also very interesting to hear from military personnel.

Increasing autonomy is not in line with the long term trend in military operations, which had been for decades and even centuries to tighten the control over the use of force. During the 17th century, the commander of a battle ship had 10 lines standing orders. He was at sea during several months. He was really autonomous. Today, the commander of a frigate is in permanent connection with his headquarter. In addition, we should reconsider that the primary skill of a soldier is discipline; it is not autonomy.

With regards to the work next year in this field, one aspect could be further developed. I am referring to the consequences of those technical developments on international stability and regional security.

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As you may see, there is much to futher discuss. It is the reason why the CCW agreed, 3 weeks ago, to renew the mandate of the group of experts in 2015 for an extended period of 5 days.

I have already spoken too much. It is time for me to leave the floor to our speakers. The first one, Noel Sharky, is a distinguished scientist, Professor of Artificial Intelligence and Robotics at Sheffield University, the second one is a diplomat and expert of disarmament issue, Amb. Sung-Joo Choi, Ambassador for International Security at the Republic of Korea Foreign Ministry, Member of UN Secretary General's Advisory Board on Disarmament Matters.