

Moving Beyond the 11 Guiding Principles to a Multilateral Instrument on Meaningful Human Control: Draft Chair’s Summary of Multisector Expert Discussion on “New Alliances for Meaningful Human Control”

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Background

Since 2015, efforts against lethal autonomous weapons systems (LAWS), sometimes referred to as “killer robots,” that could engage in violent attacks outside of meaningful human control, have gained momentum among different stakeholders. Artificial intelligence experts, roboticists, scientists, as well as high tech professionals have expressed their reservations against their research, products and platforms being adapted for use in warfare.

The 2019 Meeting of High Contracting Parties to the Convention on Certain Conventional Weapons (CCW) adopted 11 “Guiding Principles affirmed by the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems.” Subsequently, some 40 UN Member States belonging to the “Alliance for Multilateralism” are now championing these 11 Guiding Principles as a normative and operational framework.

Moreover, the civil society-led campaign “Stop Killer Robots” works for a preemptive ban on development, production, and use of fully autonomous weapons. Similarly, UN Secretary-General António Guterres as well as his High Commissioner for Disarmament have called for the prohibition of LAWS and a new international ban treaty. A growing number of Member States have called for a prohibition of LAWS. Others believe that their use is sufficiently regulated by existing International Humanitarian Law (IHL). At a minimum, there seems to be a general agreement that it is necessary that human beings retain control over the use of force. Member States, with the support and active participation of the United Nations and other international organizations, civil society and the private sector, quickly need to reach common understanding on characteristics, as well as on agreed limitations and obligations, that should be applied to autonomy in weapons.

In September 2020, Friedrich Ebert Stiftung New York Office (FESNY) launched a new partnership project aimed at building on the 11 Guiding Principles on LAWS and moving them to the next level, towards international legal instruments that regulate and prohibit LAWS. On 4 and 9 September 2020, as part of the UN75 Global Governance Forum, FESNY convened discussions with representatives from governments, the United Nations, academia, civil society and the private sector to discuss the moral, ethical, legal and humanitarian challenges posed by LAWS.

Summary of Discussion

Participants, speaking under Chatham House Rule, offered many diverse viewpoints, representing different perspectives on LAWS. The participants saw different pathways to addressing the risks posed by LAWS. However, early in the conversation, the Chair noted broad interest in better elaborating a positive obligation to maintain meaningful human control over weapons systems and the use of force. To do so, participants began exploring in more depth the 11 Guiding Principles on LAWS.

Participants disagreed on the precise meaning, scope and value of the 11 Guiding Principles. However, all participants agreed that they could not be an end in themselves, but rather point to further progress toward stigmatization of LAWS. A significant majority agreed that good faith interpretation of the 11 Guiding Principles – particularly paragraphs b), c) and d) – required progress toward negotiation of a legally-binding multilateral instrument mandating a positive obligation to maintain meaningful human control over the use of force, at the level of individual attacks. Weapons systems that could not comply with such a standard would need to be ruled out by such an instrument. Participants largely agreed that the most likely venue for such a mandate would be within the CCW, in the form of a negotiating a new protocol. However, participants also raised other potential venues including a UN General Assembly-mandated process or one analogous to the Ottawa and Oslo processes on landmine and cluster munitions.

Several participants raised concerns that too tight a focus on International Humanitarian Law could neglect other major considerations, most notably the relevance of International Human Rights Law, as well as trade and nonproliferation regulations of dual-use technologies that could be modified to operate as autonomous weapons systems. Several participants pointed to Article 22 of the European Union’s General Data Protection Regulation (GDPR), which affirms that people “shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.” Participants noted that the use of violent force certainly “significantly affects” the targeted person.

Throughout the discussion, participants affirmed the value of effective multilateralism, stressing the need to address the challenges posed by LAWS through multilateral frameworks. Given the contested international political environment, progress toward negotiating a legally-binding instrument on meaningful human control would demonstrate the potential for effective global governance. Participants noted the difficulties posed by the COVID-19 pandemic, but stressed that 2020 should not be a lost year for negotiations on LAWS.

Progress in effective multilateralism includes engaging with multiple stakeholders, including industry, academia and civil society. Participants saw potential for consideration of the practical implications of a positive obligation of meaningful human control for States, the UN, technology companies and workers and civil society. There was interest too in advancing ways to broaden

the conversation on LAWS to mobilize the broader public beyond expert networks. However, participants stressed that inclusion of a broad range of stakeholders should not distract from the onus of responsibility for action remaining on states. Expecting the private sector to establish and maintain voluntary guidelines or codes of conduct on meaningful human control is unrealistic, given that states are the customers of weapons contracts and stipulate their expectations to the private sector. Participants with connections with the technology sector stressed the need for clear guidelines from states to help engineers, designers and technology workers make moral, ethical and legal judgements about the systems they build.

Participants stressed that in a prohibition on weapons that could not maintain human control over violence would not be anti-technology. Rather, there is a need to fully harness technological progress while maintaining and advancing international law that safeguards humanitarian protections, human rights and international peace and security. In this regard, participants noted the potential linkages that could be made between the UN disarmament discussions and those related to the UN Secretary-General's *Roadmap for Digital Cooperation*, which calls on the international community to “prioritize broader issues of trust and security to reap the benefits of the digital domain in collective efforts to achieve the Sustainable Development Goals” (Para 65).

Across the board, all participants agreed that both multilateral discussions and the broader policy and media discussion of LAWS had been hampered by those who anthropomorphize robotic weapons. When policymakers, either as a result of confusion or disingenuousness, oppose only futuristic robotic weapons that could make self-aware and/or conscious decisions – the so-called “Terminator” or “Skynet” scenarios – they misdirect attention from the humanitarian concerns raised by actual robotic weapons systems, either existing or in development. Participants noted with appreciation paragraph i) of the 11 Guiding Principles, which states “In crafting potential policy measures, emerging technologies in the area of lethal autonomous weapons systems should not be anthropomorphized.” Participants agreed that improving communication between policymakers and scientific and technical experts was crucial to avoid further such confusion.

Given the interest in pursuing discussions on meaningful human control, the group changed the name of the partnership project from “New Alliances to Curb Lethal Autonomous Weapons Systems (LAWS)” to “New Alliances for Meaningful Human Control.”

Resources

The following resources were shared by participants with each other in the course of the discussions:

- CCW. (2019) *Meeting of the High Contracting Parties to 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: Final Report*. Available from [https://www.unog.ch/80256EDD006B8954/\(httpAssets\)/4F3F92951E0022D9C12584F50034C2F4/\\$file/CCW+MSP+2019+9.pdf](https://www.unog.ch/80256EDD006B8954/(httpAssets)/4F3F92951E0022D9C12584F50034C2F4/$file/CCW+MSP+2019+9.pdf)
- CCW. (2020) *National commentaries on the 11 guiding principles of the GGE on LAWS*. Available from: <https://meetings.unoda.org/section/group-of-governmental-experts-gge-on-emerging-technologies-in-the-area-of-lethal-autonomous-weapons-systems-laws-documents-4929-documents-4947/>
- Article 36. (2019) *Critical Commentary on the “Guiding Principles.”* Available from: <http://www.article36.org/wp-content/uploads/2019/11/Commentary-on-the-guiding-principles.pdf>
- Article 36. (2019) *Targeting People: Key issues in the regulation of autonomous weapons systems*. Available from: <http://www.article36.org/wp-content/uploads/2019/11/targeting-people.pdf>
- International Committee of the Red Cross & SIPRI. (2020) *Limits on Autonomy in Weapon Systems: Identifying Practical Elements of Human Control*. Available from: <https://www.icrc.org/en/document/limits-autonomous-weapons>
- Human Rights Watch and Harvard Law School’s International Human Rights Clinic. (2020) *The Need for and Elements of a New Treaty on Fully Autonomous Weapons*. Available from https://www.hrw.org/sites/default/files/media_2020/06/202006arms_rio_autonomous_weapons_systems_2.pdf
- Campaign to Stop Killer Robots. (2019) *Key Elements of a Treaty on Fully Autonomous Weapons*. Available from <https://www.stopkillerrobots.org/wp-content/uploads/2020/03/Key-Elements-of-a-Treaty-on-Fully-Autonomous-Weapons.pdf>
- PAX. (2017) *Where to Draw the Line: Increasing Autonomy in Weapon Systems – Technology and Trends*. Available from <https://www.paxforpeace.nl/publications/all-publications/where-to-draw-the-line>
- UN Secretary-General. (2018) *Securing Our Common Future: An Agenda for Disarmament*. Available from <https://www.un.org/disarmament/sg-agenda/en/>
- UN Secretary-General. (2020) *Roadmap for Digital Cooperation*. Available from <https://www.un.org/en/content/digital-cooperation-roadmap/>
- European Union. (2016) General Data Protection Regulation (GDPR), Article 22. Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=EN#d1e2838-1-1>

Participants

Name	Title, Organization
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Matilda Byrne	Youth Campaigner, "Stop Killer Robots" Campaign
Amy Dowler	Political Affairs Officer, UN Office for Disarmament Affairs (UN ODA)
Ryan Gariepy	Co-Founder and CTO, Clearpath Robotics
Emilia Javorsky	Director, Scientists Against Inhumane Weapons (SAIWE), Future of Life Institute
Robert H. Latiff	Maj Gen (Ret), US Air Force, Research Professor at George Mason University
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Further Information

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