CCW REPORT

Civil society perspectives on the CCW Group of Governmental Experts on lethal autonomous weapon systems
27–31 August 2018

Reaching Critical Will

4 September 2018
Vol. 6, No. 11

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The *CCW Report* is produced by the Reaching Critical Will programme of the Women's International League for Peace and Freedom (WILPF). WILPF is a steering group member of the Campaign to Stop Killer Robots.

The views expressed in this publication are not necessarily those of WILPF or the Campaign.

Editor: Ray Acheson

www.reachingcriticalwill.org
info@reachingcriticalwill.org

CAMPAIGN TO STOP KILLER ROBOTS

MIND THE DOWNWARD SPIRAL

Ray Acheson | Reaching Critical Will, Women's International League for Peace and Freedom

Negotiations at the CCW group of governmental experts (GGE) on autonomous weapon systems (AWS) went until after 1:00 AM on Saturday morning. Unfortunately, states weren't negotiating a treaty, but the conclusions and recommendations of the meeting. At the end of the long night, the only agreed recommendation is to continue next year in the CCW with the current mandate of exploring options for future work. The final decision about dates will be taken by states at the CCW's annual meeting on 23 November 2018.

It was a frustrating conclusion to the fifth year of work on AWS, particularly for those of us calling for urgent action on this issue. But efforts have not been in vain. Momentum is undeniably growing for negotiations on a legally binding instrument to prevent the development and use of AWS.

The vast majority of states support commencing negotiations in 2019 on a new treaty that would prevent the development of fully AWS—which are defined by the majority of states as weapon systems that would operate without meaningful human control, i.e. that would not have humans controlling the use of force, or the critical functions of the machine such as the selection or engagement of targets. Of this majority, many are calling for a prohibition treaty. The Non-Aligned Movement, the largest bloc of states operating in the UN, has called for a legally binding instrument stipulating prohibitions and regulations of AWS. Austria, Brazil, and Chile collectively tabled a recommendation for a new CCW mandate "to negotiate a legally-binding instrument to ensure meaningful human control over the critical functions" of weapon systems.

A few others, mostly European states, expressed their interest in other mechanisms, such as a political declaration proposed by France and Germany. They envision a declaration to be a good vehicle to outline principles for the development and use of AWS, such as the necessity of human control in the use of force and the importance of human accountability. Some also suggested the development of a code of conduct on the development and use of AWS could be useful in this context.

Despite the differences in the treaty and declaration approaches, it seems that most states supporting either are agreed on one key thing: that fully AWS must never be developed or used. As the German delegation said, any outcome of this meeting should not read as if we are assuming AWS will be in operation one day, because the majority of delegations believe that weapon systems operating outside of human control are unacceptable and must never be deployed.

Despite the widespread convergence on this key point, neither the legally binding nor political actions are included in recommendations from the meeting because a tiny minority of states objected to them. Australia, Israel, Republic of Korea, Russian Federation, and United States blocked anything beyond a discussion mandate for next year, arguing that concrete action on AWS is "premature" and demanding that the CCW explore potential "benefits" to developing and using AWS.

While this handful of countries was successful in ensuring that the GGE only recommended an extension of its discussion mandate for next year, they were not successful in dictating the content of the conclusions of the meeting. As delegations found themselves unexpectedly negotiating this document, those fighting for a decent outcome that reflected a majority view found themselves having to stand their ground against minority pressure to walk back from previous understandings. States agreed, more or less, to a set of "principles" to help guide future work. It should be noted that it did not seem that many expected to be negotiating these principles. This was not a pre-agreed out-

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Editorial, continued

come of the GGE's work, and it led to confusion on Friday as states began to realise that they were expected to agree to text that could have implications for future work on AWS. Documents like this can be used in the future by governments to limit discussions; thus negotiating these principles, at a very late hour, became something that required stamina and guts—but not, apparently dinner. Fortunately, delegations engaged in rigorous snack sharing to help each other survive the night.

Perhaps the most disturbing interventions came from the United States and Russia when arguing that international human rights law does not necessarily apply to AWS. This is a significant and appalling back slide from discussions in 2016, when there was widespread agreement on this point. Hearing arguments that human rights law is irrelevant to machines programmed to kill without human control, whilst sitting in the Human Rights Council, was particularly galling. It reflects the downward spiral we can see outside of these conference rooms, where human rights seem increasingly to be treated by certain governments as optional.

Fortunately, a few governments stood up for human rights, such as Austria and Costa Rica. They insisted on the inclusion of references to ethics and human rights in the conclusions of the meeting. In addition, a number of Latin American governments—in particular Brazil, Chile, Costa Rica, Cuba, Ecuador, and Mexico—firmly and repeatedly objected to references to the alleged "benefits" of AWS. Standing firm in their position that AWS pose threats and challenges to international security and to international law, they refused to agree to a set of principles that would refer to potential "benefits" of AWS.

These examples should give heart to those of us asking states to stand up against the handful of weapons-addicted countries that perpetually undermine the advancement of international law and the development of collective, nonviolent security mechanisms and agreements. States have stood up against the main military powers in the context of banning landmines, cluster bombs, and nuclear weapons. Most recently, African and Latin American governments stood up for human security by insisting that ammunition be included in the outcome document of the small arms review conference in June, refusing to back down to opposition from the United States.

We need this resolute normative leadership from governments on AWS (not to mention human rights more broadly). We have but a short window to prevent the development of these technologies. The question for states and for all those interested in preventing this impending nightmare—tech workers, programmers, scientists, academics, and activists—is what forum is most appropriate for our actions going forward. Can we continue within the CCW, which operates on the basis of consensus? This is currently allowing five countries to block progress. Should we look to the UN General Assembly or alternative multilateral forums as a better way to ensure a democratic, human-security centric approach to this vital issue?

We can perhaps find some wisdom in the parting words of Zeid Ra'ad Al Hussein, former UN High Commissioner for Human Rights, who stepped down on 1 September. In an article penned for *The Economist*, he lamented that "too many summits and conferences held between states are tortured affairs that lack profundity but are full of jargon and tiresome clichés that are, in a word, meaningless. What is absent," he argued, "is a sincere will to work together, though all will claim—again, under the lights and on camera—that they are wholly committed to doing so." He criticised the international community, "led by too many feckless politicians," for being "too weak to privilege human lives, human dignity, tolerance—and ultimately, global security—over the price of hydrocarbons and the signing of defence contracts."

This behaviour was undoubtedly on full display at the CCW talks on AWS by the five countries objecting to real work to prevent an entirely preventable humanitarian and security catastrophe. But, there is hope in Prince Zeid's message: that strength lies in grassroots leadership. That courage and defiance are where changes lies. That it is humanly possible to achieve great things in the face of powerful opposition, in particular if our movements and acts of resistance can be coordinated and integrated in even more powerful ways. It certainly seems there is scope for this to prevent AWS, as an act of preventing violations of human rights and human dignity, and of preventing the further abstraction of violence and war—all of which is important for protecting us against "those dangerous or useless politicians who now threaten humanity." •

WILPF WOMEN MOBILISING ACROSS AFRICA TO BAN KILLER ROBOTS

Sylvie Ndongmo | WILPF Cameroon

The 32nd International Congress of the Women's International League for Peace and Freedom (WILPF) just ended in Accra, Ghana. This was the first Congress ever held in the African continent since the creation of the organisation in 1915. For 103 years, in order to build sustainable peace, WILPF has engaged in addressing the root causes of war and conflict including by challenging the production and proliferation of all weapons.

As many African women from different countries gathered in Ghana for the Congress, WILPF Cameroon, in collaboration with Reaching Critical Will, WILPF Sweden, and the Campaign to Stop Killer Robots took the opportunity to organise a workshop on autonomous weapon systems (AWS). Participation at the meeting was very active and regionally diverse as participants came not only from Africa but also from Sweden, New York, and Geneva. African women became aware of, and gained greater interest in, this bitter issue of AWS. Faced with this unreasoned technological development, for which Africa could become a place of experimentation, WILPF Sections and Groups in Africa believe that it is urgent to plead and work for a new legal and normative framework, in particular for a new legally binding instrument to prohibit AWS.

These Section and Groups recognised that, while their countries may not be the ones to develop and use these technologies, they will become the battlegrounds for the testing and deployment of so-called "killer robots," the same as they have become for armed drones and other weapons. African women were particularly worried about the status of discussions within the Group of Governmental Experts on AWS, wondering how can people debate over the best way to dominate or kill while millions of people are dying in some parts of the globe because of extreme poverty and vulnerability? What could be the reason underlying the development of such technology capable of incredible and unpredictable violence? They understand that it is rooted in traditional dynamics of power and domination, about rich countries against poor, and the power that weapons symbolise.

At the end of the workshop in Ghana, WILPF African Sections and Groups agreed to engage in capacity building, and advocacy at the local, national, and regional levels for the prohibition of the development and use of new types of weapons including autonomous ones.

Women at the meeting resolved to stand up for justice, nonviolence, and peace by rallying for the Campaign to Stop Killer Robots and amplifying the call for a ban. This will build on UN Security Council Resolution 1325—which specifically addresses how women and girls are impacted differently by conflict and war, and which recognises the critical role that women can and already do play in peace-building efforts—as well as on the incredible work done by the Campaign to Stop Killer Robots. •

WILPF African Sections and Groups, Accra, Ghana, 23 August 2018. Photo: Ray Acheson/WILPF

UNIMPEDED DEVELOPMENT OF SCIENCE AND TECHNOLOGY AT WHAT COST?

Yanitra Kumaraguru | Sri Lanka Campaign to Stop Killer Robots

The meeting of the Group of Governmental Experts on Lethal Autonomous Weapons Systems (LAWS) saw strong statements calling for mandatory meaningful human control in relation to the discussion on autonomous weapons. Concerns were raised, however, with regard to consequences of stringent regulation, including the fear that development of science and technology could be impeded by regulation of autonomous weapons.

The writer does not dispute the benefits yielded from the development of science and technology. What is wished to be conveyed, however, is that despite potential benefits, there remains the fundamental obligation to exercise caution and respect for human dignity in the course of such development. This entails two things: first, scientific development and innovation must be responsible; and second, success and knowledge obtained through peaceful uses of technology should not be conflated and directly transferred into use in weaponry.

Responsibility in innovation

The responsibility on the shoulders of decision-makers and developers of autonomous weapons is enormous. Proceeding to develop or use autonomous weapons would be in blatant ignorance of this responsibility that is premised on ethics, humanity, and human dignity.

The delegation of life and death decisions to machines is inherently demonstrative of the above. It is both careless and ruthless to deposit human lives, the significance of which is lost on machines, in the hands of said machines. Algorithmic programming does not equal the complex judgment of a human on the battlefield, and cannot fulfill the ethical, moral, and discriminate decision making required under international humanitarian law (IHL). Ability to delegate critical functions of war, including target selection and attack, to an autonomous machine will instead distance humans from decisions to engage in violence. This lowers the threshold for violence and lessens the moral burden that would generally accompany such decision.

Adherence to IHL is essential, and yet is anything but simple. Distinguishing between combatant and civilian poses nightmare scenarios, not just to soldiers acting in the urgency of war, but even to law students grappling with the problem in classrooms. It is not a binary question that can be solved by an algorithm-fed machine. On the contrary, algorithms are inherently imbued with the bias and prejudice of designers, and coded based on perceptions of "normalcy".

Conflation of civilian and military uses of autonomy in devices

Any success achieved or knowledge obtained through peaceful uses of autonomy in technology should not be conflated with and directly transferred to weaponry and warfare. Factors to be considered include the inherent nature of decisions taken in warfare, the exacerbation of algorithmic prejudice and bias already seen to be present even in peaceful uses of the technology, the unpredictability of autonomous weapons particularly in light of the extremely volatile environments they will be likely to operate in, the potential for error, and vulnerability to cyber-attacks with debilitating consequences.

The implementation of international human rights law (IHRL) and IHL as well as the protection of human dignity in war, hinges on accountability. The higher the extent of autonomy in a weapon, the further it moves us away from the ability to hold the perpetrator accountable. Even where identification of a perpetrator is possible, autonomy in a machine can dilute the ascertainment of intention; the line gets hazier.

Unlike the use of autonomy in peaceful methods, which perhaps could be regulated upon its existence and use, autonomous weapons could result in explosive chain reactions of use and retaliation. Regulation at this point will be extremely difficult, if not impossible. We are left with very little time to act fast and effectively. Negotiations towards a legally binding instrument appear to be the only option likely to succeed—if we are not already too late. •

NEWS IN BRIEF

Katrin Geyer and Allison Pytlak | Reaching Critical Will, Women's International League for Peace and Freedom

The following is a summary, not a comprehensive report, of key discussion points.

Consideration of draft two, "Conclusions and Recommendations"

General

- Germany expressed concern that references to lethal autonomous weapon systems (LAWS) throughout the text were used as if they are already in operation. It said that changes would need to take into account the concern shared by many delegations that LAWS are fully AWS outside of human control, and the document should avoid the image that states believe that these systems will be in operation one day. Germany emphasised it will not deploy weapon systems operating outside human control.
- The Holy See and Ecuador also expressed this concern, and Austria stated not to use LAWS in paragraphs 6,7,8,9 of Section I because this would imply that LAWS are permissible under international humanitarian law (IHL).
- Ecuador cautioned to be careful as to where to remove "lethal" from references to autonomous weapon systems (AWS).

Section I

General/title/chapeau

- Canada emphasised that any legal discussions about LAWS must centre around compliance with IHL.
- Switzerland hoped to retain the suggested text by the Chair, including the title and stated that it is difficult to accept any of the states' suggestions to change or delete text.
- France did not have any particular comments and stated that the Chair's new text is acceptable.
- The Holy See reminded states that in the preamble of the CCW there is a formulation about the Marten's Clause, intended to act as a "shield" against unforeseen consequences and that would be appropriate to include it in this section.
- The US suggested replacing the new wording of "must" with "as feasible and appropriate" in paragraph 5, and in other places. Ecuador could not support this proposal.
- Brazil said that the title is a misrepresentation of the content's section, as the paragraphs are not principles but "guiding elements". Chile and Mexico echoed this. Panama said that there is no convergence, so it should be changed to "general aspects/approaches". Russia supported this.
- The US questioned the applicability of international human rights law (IHRL). It said it would welcome further discussion on this, but said that along with the reference to the UN Charter, the reference to it is "novel" to the introduction of this section. Russia supported this, or suggested to remove the whole chapeau. Russia stated that the relationship between IHL and IHRL continues to be relevant for international law as a whole, not just for the narrow topic of LAWS and it recalled that so far, states are talking about weapons that do not yet exist, creating difficulties in understanding international obligations that may be applied in the future. Panama and others wanted to keep reference to IHRL.
- Austria found it striking that ethical considerations do not come up in the text. It suggested adding a respective reference in the Chapeau.

Paragraph 1

- Israel wanted to add "potential" before "the use of [LAWS]".

Paragraph 2

- Germany suggested shortening the second sentence and deleting everything after "human responsibility for decisions on the use of weapon systems must be retained". Mexico and Austria supported this.
- Pakistan believed that "human responsibility" is weak and could be strengthened by replacing it with "human control". Chile supported this. Belgium also favoured human control over agency but was flexible to retain responsibility. Israel was fine with either human responsibility or agency. Austria maintained that "responsibility" is too narrow, and supports "agency" as it is wide. It suggested to replace it with "human agency, including human control and human responsibility", as this encompasses the whole spectrum.
- Chile would be more comfortable if "if applicable" would be deleted.
- The US stated that "non-human agent" is new terminology and suggested to either revert to the previous language or to delete everything after "transferred".
- Russia would like to delete the second and third paragraph as it did not feel that the GGE has reached consensus on this topic. Netherlands disagreed, and said that it shows what the GGE has achieved this year.

Paragraph 5

- Russia reiterated its preference to delete this paragraph as it reflects an unnecessary level of detail and falls under the scope of paragraph 4. The Netherlands wanted to maintain it.

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News in brief, continued

Paragraph 6

- Chile noted that the paragraph should not include testing as this implies that LAWS are already in use, or will be developed. Panama expressed the same concerns. The Netherlands said that "testing" does not imply whether LAWS exist or not but that it is included because there is a responsibility to test vigorously emerging technologies by those that develop it.

Paragraph 7

- Pakistan agreed with suggestions made by Brazil on this point as a "minimum compromise". It said that it couldn't only talk about possible benefits without having any mention of risk, challenges, or the need to develop regulations and reiterated that it will not be able to accept a paragraph that only mentions potential benefits. Mexico and Chile supported Brazil.
- The US could accommodate Brazil's suggestion but stated that it would be equally appropriate to achieve a similar balance point elsewhere in the document where the benefits have not been identified as strongly. Ecuador could not support the latter suggestion of the US. Chile agreed with Brazil's proposal. Cuba said that to talk about the "benefits" of LAWS is unacceptable and said it to be necessary to add "the potential and risks of emerging technologies".
- The Republic of Korea (ROK) and Austria could live with adding "risk".
- France stated that since paragraph 6 inherently focuses on risk, it is not necessary to add "risks" to this paragraph.
- Panama and Ecuador wanted to either shift this paragraph to another section or to include "risks".
- Russia was ready to accept the language proposed by the Chair.
- Ultimately there is no reference to "benefits" in the entirety of the final version circulated on 1 September.

Paragraph 8

- Brazil stated that national security considerations and commercial restrictions should not be elements that restrict sharing of experiences. It suggested deleting this part or softening it by replacing "permitted" with "bearing in mind". The US, Panama, and Mexico supported this.
- Panama was doubtful of including a reference to testing.
- Russia was ready to accept the new language as proposed by the Chair.

Paragraph 9

- Russia wanted to delete this paragraph as it said it did not understand it fully.

Paragraph 10

- Brazil suggested re-wording the paragraph into "consideration should be given to risks and benefits." ROK wanted to add: "which are intrinsically of dual-use nature" at the end of the sentence.

Paragraph 11

- Russia proposed expanding this new paragraph by adding: "The GGE's value added is in its practical applicability of its results for the purposes of the Convention. Further activities will be focused on striking a balance between humanitarian concerns and legitimate defence interests of states that the Convention is called upon to maintain." Russia said this language is consensus-based, taken from previous meetings.

Section II

Paragraph 1

- Mexico proposed deleting the paragraph. Chile said it could support Mexico proposal to delete, but offered other wording (replacing "essential to" with "may be useful to") which Brazil and Panama supported.
- The US suggested replacing "tackle" with "fully address".
- Russia underscored again that there is an acute need to develop a definition of LAWS. It proposed insertion of reference to a "universally accepted definition" and replacing the language about not "pre-judging policy choices".
- Sweden proposed replacing "essential" with "very useful," in so far as to focus discussions but acknowledge that the outcome is not predetermined.
- Austria and Panama preferred the original drafting of this paragraph. Austria suggested that the word "essential" does not reflect the gist of work in the GGE, and proposed "may be useful".

Paragraph 2

- Costa Rica said it was unable to support the proposed changes to this paragraph because it will tie states to a definition in the long-term. It proposed moving this to a Chair's summary. Cuba said this paragraph is not acceptable.
- Russia noted the first sentence is descriptive and brings no new information. New language in the second sentence could help resolve this, and suggested the formulation of "Consideration could be given to focusing the discussion on FAS".

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News in brief, continued

Paragraph 3

- Austria indicated there is a lack of understanding about the words "tele-operated or other forms of legacy automated systems" and suggested leaving them out.
- Russia accepted the paragraph as is.
- France suggested re-writing the paragraph: "Tele-operated systems should be excluded and consideration be given tot h exclusion of other forms of legacy automated systems". If this was not agreeable to others, France could accept replacing "could" with "must".

Paragraph 4

- Chile said it is not comfortable with how this sentence has been amended, and suggested adding, "and has to be further studied" at the end of the first sentence.
- Costa Rica suggested moving this to the Chair's summary.
- Austria, Panama, and Brazil supported either a reference to "further study" or moving it to the summary.
- Russia supported the first sentence as drafted in the second version of the document but could not support the second sentence.

Paragraph 5

- There was a suggestion to also remove this paragraph and put it in the Chair's summary. Russia supported it as drafted.

Paragraph 7

- Mexico said it couldn't support the new version of this paragraph given the deletion of references to accountability and responsibility. Chile supported this.
- Brazil urged a focus on characteristics in this paragraph and replacing "useful" with "necessary" to reflect the humanitarian aims of the CCW. It noted the sentence starting with "In view of the connectivity" doesn't make sense.
- Russia suggested deleting this paragraph because it creates politicization.
- Israel urged more neutral language and prefers references to the "human-machine interface" over "human control" but says it can be flexible.
- The US noted it is trying to be accommodating on the issue of references to risks, and urged a balancing within the document to reflect concerns about benefits. It suggested replacing "problems" with "risks and benefits".
- Austria said given the problem that the new formulation of the second sentence is causing, it could either be deleted or amended along the lines of Mexico's proposal.
- This paragraph is not included in the third version circulated on 31 August.

Paragraph 8

- Russia supported this point having been deleted, as it found it was too descriptive.
- This paragraph is not included in the third draft as circulated on 31 August.

Section III

General/chapeau

- Germany said it couldn't accept the way that the use of the terms LAWS is used in paragraphs 1,3,6, and 7. It creates the impression that states parties accept that LAWs will be used in future. It suggested replacing this with "future weapon systems" throughout. Cuba had similar concerns about many of the same paragraphs and Costa Rica supported German textual suggestions.
- China began raising questions about the process of how this document will be adopted, given the time limitations. It suggested focusing discussions on the "Recommendations" part of the section, and including the remainder of the "Conclusions" in the Chair's factual summary.
- Russia reiterated its earlier suggestion to replace "critical" with "important" and moving the penultimate sentence to the Chair's summary.
- The US asked to re-insert language on human control. Cuba and Panama echoed this concern.

Paragraph 1

- Germany asked to delete the end of the second sentence and put a full stop after words "related actions".
- Austria said it could support maintaining "lethal" but that the word "autonomous" is better than "future".
- Panama and Russia were ready to accept the new language as proposed by the Chair.

Paragraph 2

- France referenced their proposed amendment made on Thursday, to which there had been no objections but was not reflected in draft two.
- Russia felt unsure about how "ethics reviews" are related, as the subject has only just began to be discussed.

Paragraph 3

- Russia liked the new version of the paragraph.
- Costa Rica did not like the new version.

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News in brief, continued

- Brazil suggested a change to "developers should" instead of "could" and to add in the reason why developers would want to do this: "in compliance with IHL," supported by Austria. It noted that it had on Thursday proposed not using "receptive" which was not taken up.

Paragraph 4

- Panama proposed removing the words "as applicable" and re-introducing the original text from the second part of the sentence.
- Russia can accept the new formulation.

Paragraph 5

- Russia said it was necessary to delete this paragraph because it duplicates paragraph 6 in Section I.
- The US suggested that if retained, to move the phrase "where feasible and appropriate" to go at the beginning.
- Austria suggested striking the paragraph out, given so many caveats around it.

Paragraph 6

- Brazil pointed out that there is not a clear subject in the sentence and suggested either deleting it unless it can be made more clear and precise as to who is accountable, and under what framework. It felt that "chains of command" does not include people and is not a good phrase to include.
- Austria could support deleting this paragraph. It said that if it is kept, then the wording has to be changed away from "conduct of hostilities".

Paragraph 7

- The US suggested accept the word "agency" in place of "human control", believing that it is a broader concept that could include many of the related words that have been suggested by states. It made suggestions for how to edit the reference to "aborting weapons systems" for better accuracy and precision.
- Brazil and Panama preferred "human control" to "human agency".
- Brazil said that the reference to LAWS also requires a specific subject, per its suggestions to paragraph 6. It liked the US proposal regarding language on "aborting weapons systems" and would consider it further but if there is no agreement, suggested deleting it.
- Austria suggested "human agency, including human control". It felt that the US proposal around aborting is good, as was a proposal made by Ireland.
- Russia said it can accept the new language.
- The final version agreed does not make any reference to the word "agency".

Paragraph 8

- Russia said it can accept the new language and supports deletion of the former paragraph 8.
- Costa Rica indicated serious concerns with the new formulation of this point and prefers the original, stressing the importance of accountability.
- Brazil was concerned that the new formulation indicates a wanting to train people to use autonomous weapons, but the goal of the paragraph should be about training in compliance with IHL. This point was supported by Chile.

Consideration of draft three, "Conclusions and Recommendations"

Note: This draft was considered, and adopted, by reviewing Section V first, and then resuming review of Sections I-IV.

Section V

Paragraph 1

- There was significant debate over the first sentence and its references to the risks, challenges, and benefits of LAWS. The inclusion of "benefits" here was meant to balance reference to "risks" in Section I, paragraph 6. However, there was uncertainty as to whether Section I would be adopted by states through negotiation, or as part of the Chair's personal summary. This meant it was not clear if it was necessary to retain "benefits" here as a balance or not.
- The US noted that the word "possible" was attached to only two risks identified in the paragraph, and recommended striking all references or adding one more to balance.
- Costa Rica, Cuba, Ecuador, and Mexico were firm that there should not be any reference to benefits as they do not believe that LAWS can bring any benefits, and the sentence as presented in draft three implies that all states feel this way. Cuba said that if the sentence was amended to refer to benefits of "emerging technology" and not to LAWS it would be acceptable.
- The US and Russia in particular wanted to retain a reference to benefits.
- China proposed adding "variously" ahead of "raised potential risks" to indicate there are divergent views here. Brazil said "diversity of views" could also work.

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News in brief, continued

- Russia said this paragraph is better suited as part of the Chair's summary, which China had also indicated as a possible solution.
- New Zealand proposed language that took into account suggestions made to indicate that there are different views on the matter of benefits, and also reconciled differences over referring to emerging technology versus LAWS as having benefits, by suggesting to say "posed by emerging technology in the area of LAWS". This language was agreed to and is reflected in the final version circulated on 1 September.

Paragraph 2

- The majority of debate about this paragraph was around the manner in which the three policy options were presented, and if a fourth one suggested by the draft should be standalone or incorporated into one of the other three, as noted by Brazil, Ecuador, and Cuba. The three options were: a legally binding instrument, a political declaration, and examining existing legal obligations.
- States generally agreed that they should respect the different policy options proposed by one another and not suggest edits or amendments to those that it did not support or have a role in. To this end, with as asked if the states supporting the third option would be comfortable incorporating the fourth point or if it is something separate.
- At the same time, China, Brazil, and Austria expressed that they were not comfortable with the references to the "modernisation" of IHL at the end of the fourth option. Austria suggested another formulation.
- There was a suggestion to re-organise this part of the paragraph into bullet points to make the options more clear, which was well supported.
- States that had advocated for the fourth approach were concerned that the way it is presented would make it seem like a "do nothing" category.
- The Chair suggested to re-write the final sentence of the paragraph to say, "It was also stated that IHL is fully applicable to potential LAWS and no further legal measures were needed." Russia supported this.
- The final version of the Report includes four bullet points in this section, the fourth of which is reads as: "As IHL is fully applicable to potential lethal autonomous weapons systems a view was also expressed that no further legal measures were needed."

Paragraph 3

- China suggested moving references to "commonalities" to later in the first sentence.
- Brazil felt that the sentence starting with, "It was also felt that discussions needed to mature," did not represent the breadth of states views on the way forward or the status of current discussions, seeming to give more weight to one view over the others. China and Russia wanted to retain the sentence. Brazil proposed replacing "mature" with "clarified". China further suggested amending the sentence to say, "Some delegations felt that," so as to indicate that this was not a universal position.

Paragraph 4

- The Chair said that this paragraph is taken from the 2017 report (see 16.1) and mirrors the final point in Section I.

Recommendations

- These paragraphs were agreed to quickly, but before returning to review the earlier sections, states requested to go back and raised questions about some of its content. Germany, for example, had thought that the sentence about "proposals for strengthening the mandate of the GGE going forward" had changed.
- Russia proposed deleting the footnote indicating that the exact dates and number of meeting days is to be decided. The footnote is not included in the final version of the document, circulated on 1 September.

Section I

General/title/chapeau

- The US requested to add a reference to "benefits" once in this section. Brazil was against this and said that whenever benefits are addressed, it has to be balanced with the notion of risks. Brazil said it could not be flexible in this as Section I are guidelines, have status, and carry weight.
- China, Cuba, and Costa Rica again suggested moving Sections I–IV to the Chair's summary, as they did not think agreement could be reached. Austria and the UK maintained that it was important to adopt the guiding principles by consensus.
- China suggested changing the title into "Possible guiding principles," "elements of guidance," or "emerging commonalities". Costa Rica supported this and Chile said it was flexible with either suggestion. Cuba supported "general principles" while the US liked "emerging principles".
- Chile said it could live with with these suggestions.

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News in brief, continued

- "Emerging Commonalities, Conclusions and Recommendations" is the title used in the version circulated on 1 September.
- Costa Rica stressed that cutting references to IHRL would be a big loss. China and Cuba wanted to include reference to the UN Charter. The US said it could support this, but Russia could not.
- China proposed language stating: "It was affirmed that international law, in particular that UN Charter and IHL but also relevant ethical perspectives should guide the continued work of the group. On that basis, the following guidelines were affirmed."
- The US reflected that there has been no expert level or other significant discussion on the ways in which the UN Charter applies so this reflects a conclusion that hadn't been discussed. Russia said it does not have a problem with the UN Charter like the US, but it prefers the formulation in draft three, with no edits.

Paragraph 1
- Cuba requested a return to the earlier draft of this paragraph. The Chair says this language is drawn from a November 2017 consensus report.

Paragraph 2
- The Netherlands regretted that the human-centric approach was deleted as it is important to maintain a reference to human intervention.
- Australia proposed to add "across the entire life cycle of a weapon system". Canada and the Netherlands supported this.
- Australia reiterated its proposal to include "human agency, including human control and human responsibility" to appease diverse views on this terminology. Mexico noted that responsibility is a particular legal concept referring to states, and not to humans. Russia wondered what "human control" and "human responsibility" would add to the notion of "agency". The US preferred to leave the original language as "human control" was still an open question. China wanted to delete the whole paragraph, arguing it doesn't make sense to transfer accountability to a machine.

Paragraph 3
- China wanted to delete "lethal autonomous". Russia disagreed and questioned the proposal.
- As a follow-up to that, Cuba suggested adding "of any weapon system in the framework of the CCW".

Paragraph 5
- Iraq requested to restore references to physical security and the risk of terrorist groups.
- Pakistan suggested a shortened version of this paragraph. Cuba said it was flexible with this decision but said that all relevant issues, such as cyber security, should be incorporated.

Paragraph 7
- Estonia and the US suggested deleting "principles" after "IHL". Austria reiterated to retain the wording of "possible risks and benefits". Cuba and Costa Rica emphasised that they will not accept any references to "benefits".

Paragraph 10
- Russia indicated it would still like for this paragraph to strike a balance between humanitarian considerations and military necessity, to be included in the report.

RCW was unable to provide detailed coverage of the final discussions concerning Sections II, III, and IV. •

Adoption of the Chair's Report

Below are general points highlighted by states in the course of adopting the non-negotiated parts of the Report:
- China suggested changing the title of the "Conclusions" section to "Emerging commonalities". It also advocated for using the time to focus only on negotiating the final section with the recommendations, and including the four sub-sections of the Conclusions and Recommendations into the non-negotiated part of the Report.
- Israel asked to change references to "states parties" to "high-contracting parties".
- The US made a point about consistency in the format by which states are referenced.
- China suggested bracketing the reference to an "early harvest" to be taken up again after the decisions are taken.
- Argentina noted that its name was missing from the list of participating countries.
- The Chair said that this report is an update from what he released in April, so as to reflect new content (i.e. expert presentations, national case studies) and amend typos and inaccuracies. Brazil requested to see a tracked changes version. •