



National commentaries on the 11 guiding principles – Comments by Italy

Building on the excellent in-depth work carried out by the Group of Governmental Experts on Emerging Technologies in the area of Lethal Autonomous Weapons Systems (LAWS) so far, as well as on the Chairman's request to provide national comments on the operationalization of the eleven guiding principles¹, Italy would like to make the following remarks:

- 1) Firstly, in our opinion, the development, deployment and use of any weapons system, including possible lethal autonomous weapons systems, must comply with the rules and principles of International Humanitarian Law (IHL), as highlighted by the guiding principle "a"². That is why – in view of the unique characteristics of the LAWS – we believe that further expert discussions on the application of existing IHL is needed, as highlighted by the guiding principle "h"³.
- 2) Secondly, in compliance with the guiding principle "e"⁴, the level of predictability and reliability of a weapon system must be assessed in the phases of testing, verification and certification, given that autonomous functions must be defined *ex ante*, starting from the stage of requirement, analysis and procurement. This encompasses, also, the obligation to conduct legal reviews of weapons, means and methods of warfare, in accordance with art. 36 of Additional Protocol I to the Geneva Conventions. In this regard, we believe that there is great value in pursuing further exchanges in the Convention on Certain Weapons (CCW) – which we believe it is the most appropriate framework for dealing with the issue of emerging technologies in the area of LAWS, as highlighted by the guiding principle "k"⁵ – , concerning national policies and practices on the development and use of weapons with autonomous functions. Such exchanges – that should be conducted with due respect for national security needs and industrial property rights – could help identify good practices, challenges and

¹ Annex IV of the Report of the 2019 session of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems (CCW/GGE.1/2019/3). Available at: <https://undocs.org/en/CCW/GGE.1/2019/3>

² "International humanitarian law continues to apply fully to all weapons systems, including the potential development and use of lethal autonomous weapons systems."

³ "Consideration should be given to the use of emerging technologies in the area of lethal autonomous weapons systems in upholding compliance with IHL and other applicable international legal obligations."

⁴ "In accordance with States' obligations under international law, in the study, development, acquisition, or adoption of a new weapon, means or method of warfare, determination must be made whether its employment would, in some or all circumstances, be prohibited by international law."

⁵ "The CCW offers an appropriate framework for dealing with the issue of emerging technologies in the area of lethal autonomous weapons systems within the context of the objectives and purposes of the Convention, which seeks to strike a balance between military necessity and humanitarian considerations."

related possible solutions. In addition to providing useful, practical input, exchanges on national experiences in legal reviews could also help build confidence among High Contracting Parties on the continued conformity of emerging weapons systems with International Humanitarian Law.

- 3) Thirdly, human control is fundamental to ensure that all weapons systems are developed, deployed and used in compliance with IHL. To ensure such compliance, there should be the option to deactivate a launched command and/or the automatic defense response modality of a weapon system, in order not to run contrary to guiding principles “b”⁶, “c”⁷, and “d”⁸. Indeed, we believe it fundamental to maintain the possibility to modify mission’s objectives or, in emergency situations, to abort the mission. In our view, it would be useful to further explore and possibly arrive at a shared definition of the type and level of human control that would be necessary to ensure that the development and use of systems with increasing autonomous function comply with IHL.
- 4) Lastly, we deem it necessary for the decisions to use lethal force and to produce lethal effects to remain in the hands of human beings, in compliance with guiding principle “b” and “d”. This is due to two main reasons: first, entrusting human operators with the responsibility to activate weapons guarantees the respect of IHL; second, because only human judgment can perform the necessary assessments relating to the application of the IHL principles of distinction, proportionality and precautions. That is why human control, in the form of supervision, must be applied in all phases of a weapon’s life cycle, as highlighted by guiding principle “c”: human operators must be responsible for the validation of selection of objectives (targeting and, in some cases, re-targeting) and/or for the activation/deactivation of the autonomous mode of the relevant system. In order to do that, it is essential that – for the purposes of operationalizing the eleven guiding principles at national level – High Contracting Parties provide LAWS with a specific set of limitations in time, space and determined objectives, thus, making human control more meaningful.

Finally, and in compliance with the guiding principle “j”⁹, we remain of the view that our efforts should not impact negatively on progress in civilian research, development and use of dual-use technologies. That is why Italy actively encourages all relevant actors to spare no effort in developing an agreed understanding of what – ultimately, and most importantly – LAWS are.

⁶ “Human responsibility for decisions on the use of weapons systems must be retained, since accountability cannot be transferred to machines. This should be considered across the entire life cycle of the weapons system.”

⁷ “Human-machine interaction, which may take various forms and be implemented at various stages of the life cycle of a weapon, should ensure that the potential use of weapons systems based on emerging technologies in the area of lethal autonomous weapons systems is in compliance with applicable international law, in particular international humanitarian law. In determining the quality and extent of human-machine interaction, a range of factors should be considered including the operational context, and the characteristics and capabilities of the weapons system as a whole.”

⁸ “Accountability for developing, deploying and using any emerging weapons system in the framework of the Convention on Certain Conventional Weapons must be ensured in accordance with applicable international law, including through the operation of such systems within a responsible chain of human command and control.”

⁹ “Discussions and any potential policy measures taken within the context of the CCW should not hamper progress in or access to peaceful uses of intelligent autonomous technologies.”