



**EUROPEAN UNION**

Permanent Delegation to the United Nations Office  
and other international organisations in Geneva

**Head of Delegation**

Geneva, 16 June 2021.

Dear Mr. Chair,

On behalf of the European Union and its Member States, let me congratulate you on the assumption of the Chair of the Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems (GGE LAWS) and assure you of the EU's full support.

The EU has contributed to debates at successive GGEs on LAWS and is encouraged by the steady progress. The Convention on Certain Conventional Weapons (CCW) is the relevant international forum in this regard, combining diplomatic, legal and military expertise and involving, in addition to States, international and regional organisations, the International Committee of the Red Cross (ICRC), industry and civil society. The GGE has facilitated an increased understanding of the complex topic of LAWS, including with a view to ensuring compliance with international law. It is in our common interest to avoid scenarios whereby rapid technological advances could undermine international law, in particular international humanitarian law (IHL) and human rights law.

In this regard, we attach great importance to the adoption of the 11 Guiding Principles by all High Contracting Parties in 2019, which constitute the most concrete outcome of the GGE LAWS to date. The EU also fully supports the consensus conclusions already adopted by the GGE.

In response to your letter dated 26 April 2021 requesting written contributions on possible consensus recommendations in relation to the clarification, consideration and development of aspects of the normative and operational framework on emerging technologies in the area of LAWS, we would like to recall the underlying principle of the EU's common foreign and security policy. The EU will continue to do its utmost to protect the integrity of the rules-based international system and to promote respect for and compliance with IHL as well as respect for the principles of international law.

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The following EU contribution focuses on six relevant areas of work – the application of IHL, human responsibility and accountability, consideration of the human element, including aspects of human-machine interaction, weapon reviews, characterization of systems under consideration and review of potential military applications of related technologies.

#### *Application of applicable IL, including IHL*

A normative and operational framework:

- Should ensure, as the guiding principle (a) states, that applicable international law, including IHL, continues to apply fully to all weapons systems, including the potential development and use of LAWS.
- Should recognise that IHL imposes obligations on States, parties to armed conflict and individuals, not on machines.
- Must reflect that only States, parties to armed conflict, and individuals remain at all times responsible for adhering to their obligations under applicable international law, including IHL.

#### Further possible work for the GGE before the CCW Review Conference

- The work of the GGE LAWS could be facilitated by information-sharing on national experiences with ensuring IHL compliance when using weapons systems with autonomous features, including in relation to national ethical guidelines for the military use of artificial intelligence.

#### *Human accountability and responsibility*

A normative and operational framework:

- Should recognise that human responsibility and accountability cannot, under any circumstances, be transferred to machines and therefore must be maintained throughout the entire life-cycle of any weapon system based on emerging technologies in the area of LAWS.
- Should acknowledge that accountability in connection with the development, deployment and decision-making concerning the use of LAWS must be retained and cannot be transferred to machines. Accordingly, the decision to deploy weapon systems based on emerging technologies in the area of LAWS, taken in the framework of the targeting process, should remain with humans.
- Should acknowledge that the centrality of human accountability and responsibility is closely linked to human machine interaction, human control, involvement or judgment.
- Should confirm that a lethal autonomous weapons system may only be deployed when an appropriate/sufficient level of human control can be exerted, including through human machine interaction, which may take various forms and be implemented at various stages of the life cycle of a weapon.

#### Further possible work for the GGE before the CCW Review Conference

- The group could determine the type and degree of human-machine interaction, human control involvement or judgment and any operational constraints that are required to ensure compliance with IHL. In doing so, attention should be given to the weapon system's entire lifecycle.

*Further consideration of 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*

A normative and operational framework:

- Should make clear that the operator should understand the functioning of a system and its interaction with and potential effects on its operating environment. The formulation and validation of the goals of military operations must also remain the responsibility of humans. Moreover, those who plan or decide upon an attack must remain responsible for the decision to deploy the systems, rules of use and engagement and missions framework.
- Should recognise that human machine interaction must be exercised in various ways across the life cycle of these weapon systems.
- Should also recognise that application of and compliance with IHL rules and principles in the conduct of hostilities, require an evaluation of the context by those who plan or decide upon an attack.

Further possible work for the GGE before the CCW Review Conference

- Sharing of national best practices and experiences on a voluntary basis, could be helpful, including in relation to national legal and ethical guidelines.
- The sharing, on a voluntary basis, and compilation of national good practices and experiences on human-machine interaction in the different stages of the lifecycle of a lethal weapon system based on emerging technologies in the area of LAWS could also be valuable.

*Weapons reviews*

A normative and operational framework

- Should acknowledge that national legal weapon reviews provide an important framework to determine whether a new weapons system, means or method of warfare can be used in compliance with international law. 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.
- Should promote the sharing of information, where appropriate, regarding the *modus operandi* and underlying principles of national legal weapon reviews and Article 36 Additional Protocol I procedures to address any challenges posed by new technologies in the area of LAWS.

*Characterization of systems under consideration in order to promote common understanding on concepts and characteristics relevant to the objectives and proposes of the Convention*

A normative and operational framework

- Should promote responsible innovation and use of emerging technologies in the areas of LAWS. This would avoid hampering progress on or access to civilian and military research.

- Should acknowledge that certain characteristics of emerging technologies in the area of LAWS, such as predictability and reliability, require specific considerations in national and military policies.

Further possible work for the GGE before the CCW Review Conference

- The group should further discuss the possible benefits of emerging technologies in the area of LAWS.
- The group could compile national good practices in managing and mitigating risks associated with the use of autonomy in lethal weapon systems, including possible gender differentiated impacts as a result of data sets used in algorithm-based programming

*Review of potential military applications of related technologies*

A normative and operational framework

- Should recognise that risks can emerge during the development, testing and deployment of weapons systems based on emerging technologies in the area of LAWS and recommend risk mitigation measures. These could include rigorous testing and evaluation of systems; legal reviews; training of personnel; establishing doctrine and procedure and policy restrictions.
- Could acknowledge benefits of national legal reviews of weapons and the positive, confidence building role the exchange of good practices on weapons reviews can have.

We remain at your disposal for any further information and thank you in advance for your support.

Yours sincerely,



Lotte Knudsen