

Dear Mr. Chair

Let us express our sincere congratulations on the assumption of the Chairmanship of the GGE and assure our full support during your tenancy

Spain supports the EU letter submitted to the GGE Chair to meet the request from the President of the Group of Governmental Experts on written 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 lethal autonomous weapons systems. Additionally, we would like to submit some recommendations in our national capacity.

Over the past years, the GGE has made a significant progress in framing the discussion about the issue of lethal autonomous weapon systems (LAWS) and their challenges to International Humanitarian Law (IHL). Previous GGE reports, agreement on the 11 Guiding Principles and relevant contributions by Member States and Civil Society have set the grounds for our common understanding of concepts relevant for the Convention on Certain Conventional Weapons (CCW).

Bearing in mind those successes but also the work ahead and the need to gain momentum towards the Sixth CCW Review Conference, it is our view that GGE should go deeper in relation to the clarification and development of the normative and operational framework for LAWS. For these reasons, we propose the following recommendations, taking into consideration some of the items of the Group's agenda, underlined in your letter:

a. An exploration of the potential challenges posed by emerging technologies in the area of Lethal Autonomous Weapons Systems to International Humanitarian Law.

Human control should be ensured across the system's life cycle, from R&D, certification, training of commanders and operators to deployment.

Operational guidelines must address the risks associated with autonomy such as automation bias, low level of trust and out-of-the-loop problems and should include relevant provisions concerning the training of operators and work procedures, among others, to address those risks.

Although there has been advantages on Artificial Intelligence and deep learning, there are still some concerns about the predictability of the systems as the situations of deployment and use of military platforms are complex and dynamic, with serious risks of unpredicted situations and non-intentional actions by the systems.

As the autonomous system might be used in non-conflict situations, Human Rights International Law should be also taken into account during their deployment.

b. Characterization of the systems under consideration in order to promote a common understanding on concepts and characteristics relevant to the objectives and purposes of the Convention.

Autonomy may serve very different capabilities in weapon systems including mobility, targeting, intelligence, interoperability and health management. Some of them may not pose significant ethical or legal risks (e.g. navigation), while others, such as targeting, can be a source of concern. The targeting process requires a complex assessment to ensure that an attack takes place in compliance with the principles of IHL in the conduct of hostilities: distinction, proportionality and precaution in the attack. We suggest focusing the work of the GGE on autonomous capacities, relevant to IHL principles, rather than the systems as a whole.

Systems should be designed and developed taking into account safeguards and security measures to address the risks of jamming or hacking to avoid non-intentional engagements.

c. Further consideration of the 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;

Human control will depend, among other factors, on the type of platform, place of deployment, command and coordination procedures, etc. Once the weapon has been certified for service, operational guidelines will establish relevant parameters of the deployment and use of LAWS. Those guidelines must take into account the nature of the overall mission, the type of tasks to be executed during the mission and the evolution of the mission's circumstances, resulting in a specific doctrine with potential operational modes, identification of exclusive control privileges for human operators and limits to the system usage in specific situations. It is important to keep the option for the operator to abort any action with potential lethal consequences.

Systems should be conceived in a way that provides operators proper information to achieve adequate awareness of the situation. This would also allow obtaining an account of the reasons why the machine is suggesting or taking a specific course of action. Additionally, the design of the system must take into consideration a function allocation procedure that allows each step in the targeting cycle to be identified and specifically assigned to either a human or the weapons system.

d. Review of potential military applications of related technologies in the context of the Group's work;

As previously mentioned, the GGE recommendations should focus on the targeting and engagement processes, which are the military applications that may potentially have a direct impact on IHL principles.

e. Possible options for addressing the humanitarian and international security challenges posed by emerging technologies in the area of lethal autonomous weapons systems in the context of the objectives and purposes of the Convention without prejudging policy outcomes and taking into account past, present and future proposals

States should assess, through legal reviews, whether human involvement in the new system would violate IHL principles. In case a legal review identifies a use that might be problematic, doctrine and training should be drafted and implemented in such a way that they allow the weapon to be used properly and in compliance with IHL.

Machines should be extensively tested during the R&D phase. Frequent feedback from actual users, in conditions close to real-life ones during system deployment is also crucial. Validation processes should also be extensive in order to ensure that machines meet the required specifications and fulfill their intended mission.

Finally, regarding transparency and exchange of information, voluntary exchanges of experiences and good practices regarding the control policy implemented in different weapon systems can be a measure towards better transparency and trust, such as information on which autonomous modes of use are appropriate in relation to the mission developed by the system, legal reviews and validation procedures, etc.