

**Discussions on autonomous weapons systems in 2023:
Like it or not, the issue is already out of the CCW**

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Discussions on autonomous weapons systems¹ (AWS) are at a complex juncture: while autonomy in weaponry continues increasing rapidly, the CCW² demonstrates its inability to launch negotiations on a legally binding instrument at every single one of its meetings. Heavily militarized countries and some of their allies maintain, once and again, that the CCW is the “only appropriate forum” for addressing this issue. Yet, to anyone who has been following the debates objectively for any length of time, it is quite obvious that it will be impossible for negotiations on a legally binding instrument to be launched there in the foreseeable future.

In 2023, we may or may not see the launch of negotiations in another forum, depending, among other factors, on the political will of those countries that have been traditionally committed to disarmament. But what is certain is that discussions are already out of the CCW. More stakeholders are getting involved and raising their voices to reject autonomous weapons, and this trend will only intensify next year. Here are four reasons why:

1. Every time the CCW addresses the issue of AWS it demonstrates that it is not fit for purpose.

No matter how much delegations from Russia, France, and Israel, among others,³ state once and again that the CCW is “the only appropriate forum” for addressing AWS, saying it does not make it so, as we in the Campaign to Stop Killer Robots have pointed out. The issue of AWS has been discussed at the CCW since 2014, so it is way past time that we us ask ourselves:

- What concrete steps has the CCW taken towards starting negotiations on a legally binding instrument on AWS?
- Does progress in other topics discussed at the CCW, such as incendiary weapons, give any indications that similar progress could be expected on the issue of AWS?
- With the current rules and – yes, let us say it- toxic dynamics of the past two years, does it seem feasible that negotiations on a normative framework *on anything of substance* will be launched shortly?
- Do the decisions and reports adopted by CCW since 2020 reflect the will of the majority of the High Contracting Parties, or rather, do current rules allow this forum to be hijacked by a few, or even by “one delegation,” once again, leading to insignificant outcomes?

¹ While the mandate of the GGE on LAWS relates to “lethal” autonomous weapons systems, we use the term “autonomous weapons systems” recognizing that, as the ICRC has explained, lethality is not an inherent property of a weapon, but depends on the weapon and the context of its use. For details: International Committee of the Red Cross, *CCW Meeting of Experts on Autonomous Systems: Session on Technical Issues*, 14 May 2014, available at: [https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Informal_Meeting_of_Experts_\(2014\)/ICRC%2BLAWS%2B2014%2Btechnical%2Baspects.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Informal_Meeting_of_Experts_(2014)/ICRC%2BLAWS%2B2014%2Btechnical%2Baspects.pdf)

² 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 (with Protocols I, II, II as amended, III, IV and V). Geneva, 10 October 1980.

³ The EU, France, Germany, Netherlands, Poland and Russia have affirmed their view that the CCW remains the most appropriate forum for the issue of AWS. See Allison Pytlak and Laura Varella, “Consideration of the Report of the Group of Governmental Experts on Autonomous Weapons,” in Ray Acheson, Allison Pytlak, and Laura Varella (eds), *CCW Report*, Vol. 10. No. 11, Reaching Critical Will, 22 November 2022, p. 11, available at: <https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/ccw/2022/hcp-meeting/reports/CCWR10.11.pdf>

- Is the CCW an inclusive forum that provides the conditions to include and reflect on the perspectives of marginalized groups, those living in situations of conflict, and others who would undoubtedly be the first affected if these weapons are used?
- And finally, does the CCW take into consideration other important frameworks, such as those related to human rights and the ethics of artificial intelligence?



Source: American Civil Liberties Union⁴

The answer to these questions is a definite 'no' across the board. Lack of common purpose, a reliance on consensus, the absence of deadlines, and threats to inclusivity were key factors identified as hampering the CCW in a recent report by Human Rights Watch and the Harvard Law School International Human Rights Clinic.⁵ In spite of this, some delegations still affirm that discussions on AWS should remain at the CCW because it includes heavily militarized countries, and because there is a level of expertise that results from many years of discussion.⁶ But how is this useful if all substantive progress is blocked?

2. Stakeholders of other international forums are already raising awareness on the concerns raised by AWS.

No matter how badly militarized countries want to keep control of the discussions on AWS at the CCW, the fact is that it is already out of that ineffective forum. The issue is of such importance that other stakeholders are already putting it on the public agenda from different perspectives. After first being highlighted by the Special Rapporteur on extrajudicial, summary or arbitrary executions in 2013,⁷ the issue has been addressed more recently by the UN Secretary General,⁸ twice by the Special Rapporteur on the Rights of Persons with Disabilities (in his reports on persons with disabilities in armed conflict, and his report on artificial intelligence),⁹ in a joint statement by seventy States at the United

⁴ ACLU of Northern CA [@ACLU_NorCal], *BREAKING: The San Francisco Board of Supervisors changed course and voted to send the killer robot policy back to committee.* [Image attached] [Tweet], 7 December 2022, Twitter, available at: https://twitter.com/ACLU_NorCal/status/1600264094845612032?s=20&t=9sEhX8X8iNkd8zIWIQzrxQ

⁵ Bonnie Docherty, *An Agenda for Action. Alternative Processes for Negotiating a Killer Robots Treaty.* Human Rights Watch, Harvard Law School International Human Rights Clinic. 2022. <https://www.hrw.org/report/2022/11/10/agenda-action/alternative-processes-negotiating-killer-robots-treaty>

⁶ We are against the use of the term "militarily developed," which may give the impression that such countries are somehow more "advanced."

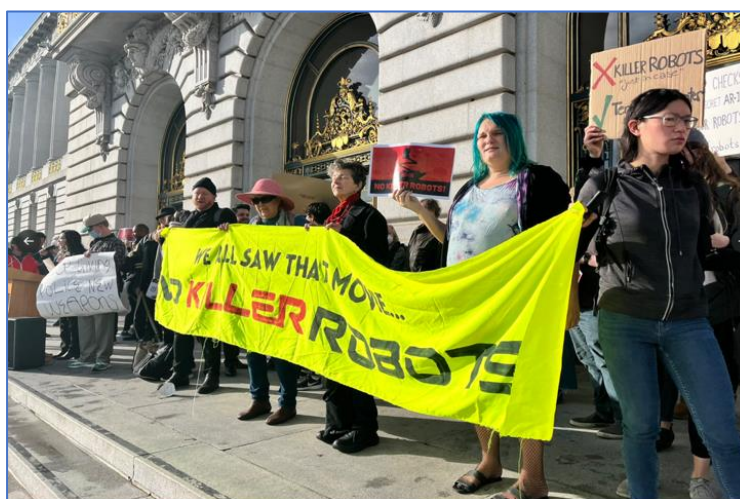
⁷ *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns.* UN Doc. (A/HRC/23/47), 9 April 2013, available at: https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-47_en.pdf

⁸ United Nations, *Our Common Agenda: Report of the Secretary-General*, 2021, available at: https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf

⁹ *Report of the Special Rapporteur on the Rights of Persons with Disabilities Gerard Quinn*, UN Doc. A/76/146, 19 July 2021, available at: <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/76/%20%20146&Lang=E> and *Report of the Special Rapporteur on the Rights of Persons with Disabilities. A/HRC/49/52*, 28 December 2021, available at: www.ohchr.org/en/documents/thematic-reports/ahrc4952-artificial-intelligence-and-rights-persons-disabilities-report

Nations General Assembly,¹⁰ and at the Human Rights Council.¹¹ Furthermore, a regional conference on autonomous weapons will be held in Costa Rica in February 2023. Discussions are effectively already out of the CCW: all these elements are important building blocks that will serve to start negotiations sooner rather than later.

More and more work is being done to analyze this issue from different angles, including from the perspective of anti-racism¹² and disability rights,¹³ while other analyses pursue perspectives of design justice, decoloniality, and feminism.¹⁴ Discussions are being organized throughout the Global South: from the Philippines to Pakistan, Cameroon and Peru more stakeholders are learning about the issue and calling for negotiations around the world. As the diversity of perspectives and stakeholders grows, this call is strengthened and contributes to moving the center of debate from the interests of militarized countries and the so-called “defense” industry to the interests of marginalized groups, civil society, and countries committed to humanitarian disarmament, under a human security perspective. The CCW, in which the participation of civil society is questioned regularly by Russia—which succeeded in expelling civil society from “informal” meetings in November 2022- is certainly not an example of inclusiveness.



Source: American Civil Liberties Union¹⁵

¹⁰ See the seventy states (full list in text) here: *Joint statement on lethal autonomous weapons systems. First Committee, 77th United Nations General Assembly. Thematic Debate – Conventional Weapons*, 21 October 2022, available at: https://estatemements.unmeetings.org/estatemements/11.0010/20221021/A1jJ8bNfWGIL/KLw9WYcSnnAm_en.pdf

¹¹ *Resolution adopted by the Human Rights Council. 51/22. Human rights implications of new and emerging technologies in the military domain*, UN Doc. A/HRC/RES/51/22, 11 October 2022, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/520/64/PDF/G2252064.pdf?OpenElement>

¹² Hayley Ramsay-Jones, *Racism and Fully Autonomous Weapons*, Submission to the UN Special Rapporteur regarding the thematic report on new information technologies, 29 January 2020, p. 6, available at <https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/SR/Call/campaigntostopkillerrobots.pdf>

¹³ Gerard Quinn, *Report of the Special Rapporteur on the Rights of Persons with Disabilities*, UN Doc. A/HRC/49/52, 28 December 2021, available at: www.ohchr.org/en/documents/thematic-reports/ahrc4952-artificial-intelligence-and-rights-persons-disabilities-report, and Mariana Díaz Figueroa, Anderson Henao Orozco, Jesús Martínez and Wanda Muñoz Jaime, *The risks of autonomous weapons: An analysis centred on the rights of persons with disabilities*, Cambridge University Press, 2022, available at: <https://international-review.icrc.org/sites/default/files/reviews-pdf/2022-11/the-risks-of-autonomous-weapons-analysis-centred-on-rights-of-persons-with-disabilities-922.pdf>

¹⁴ For more on these concepts, see: Sasha Costanza-Chock, *Design Justice: Community-Led Practices to Build the Worlds We Need*, The MIT Press, March 2020, available at: <https://designjustice.mitpress.mit.edu/> Paola Ricaurte et al. *AI Decolonial Manifesto*. 2022. <https://manyfesto.ai/> Website of the A+Alliance for Inclusive Algorithms <https://aplusalliance.org/en/pages/network> Paola Ricaurte, Mariel Zasso (editors). *Inteligencia Artificial Feminista: Hacia una Agenda de Investigación en América Latina y el Caribe*. 2022 A+Alliance, Feminist AI Research Network. <https://archive.org/details/inteligencia-artificial-feminista/page/n2/mode/1up>

¹⁵ ACLU of Northern CA [@ACLU_NorCal], *BREAKING: The San Francisco Board of Supervisors changed course and voted to send the killer robot policy back to committee*. [Image attached] [Tweet], 7 December 2022, Twitter,

- 3. The threats of autonomy in weapons systems are increasingly clear.** While some delegations keep insisting that starting negotiations would be premature, day after day news reports demonstrate that autonomy in weapons systems is increasing, and unless we act, we will soon start seeing victims of AWS in situations of conflict, and/or in situations involving police forces. These are just three of the most recent examples:
- a. **In Ukraine**, Russia has reportedly used loitering munitions with autonomous capabilities.¹⁶
 - b. **In the occupied West Bank**, the Israeli army has recently “introduced artificial intelligence-powered robotic guns” and installed them on top of a guard tower over the al-Aroub refugee camp,¹⁷ a sad example that comes to show that indeed such weapons will be first tested and used against marginalized populations such as refugees.
 - c. **In San Francisco**, it became public (thanks to a recent law that obliges municipalities to list military-grade equipment in local law enforcement agencies) that the police force could use robots to “deploy lethal force,”¹⁸ causing outrage among the general public in and outside of the US, even if such robots would be remote controlled – not autonomous. As a response, on December 6th the city’s lawmakers reversed course and adopted a new policy that bans officers from using robots to kill. “There is no place for killer police robots in our city,” affirmed a member of the city government when reversing the original policy.¹⁹

What is unacceptable in San Francisco should be unacceptable everywhere else. There is a huge contradiction if the US continues to oppose launching negotiations of a legally binding instrument on autonomous weapons at the international level, while internally, the US public expresses a clear rejection of an increased reliance on robotics by police forces in the US. When robotic police “dogs” were introduced in New York, they were also quickly withdrawn after massive protests. Such robots were described as “emblematic of how overly aggressive police officers could be when dealing with poor communities,”²⁰ highlighting, again, the concerns related to their discriminatory nature.

If the US civil society rejects robotic dogs and remote-controlled weapons by police, why is the US blocking negotiations on autonomous weapons, which would be even worse? Does the US believe that those of us in the rest of the world do not deserve the same standard of protection that the population of the US has?

Increased autonomy in weapons systems is extremely worrying, which is why the risks of autonomous weapons have come to the attention of more and more persons and organizations. Every time the issue is in the public arena, it shows:

1. The rejection of autonomous weapons by the wider civil society, be it in use by the military or by police forces.

available at:
https://twitter.com/ACLU_NorCal/status/1600264094845612032?s=20&t=9sEhX8X81Nkd8zIWlQzrxQ

¹⁶ Catherine Connolly, *Loitering munitions with autonomous capabilities used in Ukraine*, Campaign to Stop Killer Robots, 17 October 2022, available at: <https://www.stopkillerrobots.org/news/loitering-munitions-with-autonomous-capabilities-used-in-ukraine/>

¹⁷ Rosalyne Min with AP, “Israel deploys AI-powered robot guns that can track targets in the West Bank”, *Euronews.next*, 17 October 2022, available at: <https://www.euronews.com/next/2022/10/17/israel-deploys-ai-powered-robot-guns-that-can-track-targets-in-the-west-bank>

¹⁸ Michael Levenson, “San Francisco considers allowing use of deadly robots by police”, *The New York Times*, 7 December 2022, available at: <https://www.nytimes.com/2022/11/30/us/police-robots-san-francisco.html>

¹⁹ J.D. Morris, “S.F. halts ‘killer robots’ police policy after huge backlash — for now,” *San Francisco Chronicle*, 7 December 2022, available at: <https://www.sfchronicle.com/bayarea/article/S-F-halts-killer-robots-police-policy-17636020.php>

²⁰ “New York City police scrap ‘creepy’ robotic dogs,” *BBC News*, 29 April 2021, available at: <https://www.bbc.com/news/world-us-canada-56937657>

2. The fact that such weapons would disproportionately affect poor communities, persons on the move, internally displaced persons, refugees, persons with disabilities, racialized groups, and those already in situations of conflict.²¹
3. That the lack of international regulation is allowing such weapons to continue being developed without any legal framework, nor means to ensure accountability.

In light of these issues, the dictates of the public conscience will continue to be strengthened in 2023.



Source: Perú por el Desarme: <https://peruporeldesarme.org.pe/>

4. **We will keep calling out the lack of coherence demonstrated by States that aim to lead international discussions on the ethics of artificial intelligence while stalling progress towards negotiations on legally binding instruments on autonomous weapons at the CCW.** This is the case of countries such as the US, the UK, Canada, Japan, and Australia, which are members of the Organization for Economic Cooperation and Development (OECD) and the Global Partnership for Artificial Intelligence (GPAI), and are supposedly committed to the responsible use of AI, including ensuring that AI stakeholders respect human rights, democratic values, freedom, dignity and autonomy, non-discrimination and equality, diversity, fairness, and social justice, which are for all intents and purposes inconsistent with autonomous weapons. The same goes for members of the European Union and its member States: the latest draft of the AI act, adopted by the Council of the EU²² on December 6th, proposes a risk-based approach that aims to ensure safety and fundamental rights, and bans unacceptable risks uses. This includes a ban on “all AI systems considered a clear threat to the safety, livelihoods and rights of people,”²³ which could perfectly describe autonomous weapons. How is delegating the right to life to autonomous weapons coherent with the AI act? Or is it that there are double standards, one to protect the EU population and a different one for those who are on the receiving end of its military forces? If this is not the case, then the EU and its member countries should push more clearly for negotiations on new international legislation on autonomous weapons. That would be consistent with the recognized need to ban “all AI systems considered a clear threat to safety” at the EU level.

²¹ For more on the disproportionate impact of these weapons, see for instance: Ramsay-Jones and Díaz, above cited, and interventions at CCW by Panama and State of Palestine, among others

²² Council of the European Union, *Transport, Telecommunications and Energy Council (Telecommunications)*, 6 December 2022, available at: <https://www.consilium.europa.eu/en/meetings/tte/2022/12/06/>

²³ European Commission, *Regulatory framework proposal on artificial intelligence*, undated, available at: <https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai>

We must also discuss whether the Group of Governmental Experts on Lethal Autonomous Weapons Systems worth our taxpayers' money. Given the current challenges faced by the CCW to cover its own expenses, it is clear that several High Contracting Parties prefer to invest their limited resources somewhere else. And frankly, who could blame them? Many delegations, including a majority from the Global South, have been extremely committed to demonstrating the variety of concerns raised by AWS, and to proposing ways forward. Yet, a negotiating mandate seems further away than ever. In 2023, ten days will be allocated to discussing AWS in that forum, again without a clear goal. What will be the total cost of related logistics, UN staff salaries, interpretation, diplomats' salaries, and all related direct, indirect, intangible and opportunity costs? What would be the results of a cost-benefit analysis?

As Chile and Mexico expressed at the GGE LAWS meeting in July 2022, the most important element in making progress on this issue is not the number of days that the GGE LAWS meets, but the political will to move forward.²⁴ And the political will of the majority in the CCW remains blocked by a few States, by the current rules of the CCW that allow this, and by States that are unwilling to take a stand and block adoption of documents and decisions that aim lower and lower.

In conclusion, negotiations on a legally binding instrument on autonomous weapons may or may not start in 2023. But what cannot be denied is that the issue is already out of the CCW, that every day there are more examples of how autonomy in weaponry is increasing exponentially, and that the lack of a regulatory framework is enabling and facilitating such developments without any limits or accountability.

Frankly, it is difficult to even understand why some delegations with a strong commitment to humanitarian disarmament still try to maintain the issue in the CCW at this stage. We must prioritize the protection of human dignity and human rights, particularly in situations of conflict, instead of the protection CCW and the interests of militarized countries.

The “right time” to take the issue out of the CCW is now. What will we tell future victims and their families if we do not act preemptively? That we protected the CCW, or that we acted in the best interest of humanity?



²⁴ At the Group of Governmental Experts of the Convention on Certain Conventional Weapons on Lethal Autonomous Weapon Systems, 25–29 July 2022

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