



CAMPAIGN TO **STOP** KILLER ROBOTS

The Convention on Conventional Weapons and Autonomous Weapons Systems

Background Paper by the Campaign to Stop Killer Robots
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This Background Paper looks at the Convention on Conventional Weapons, how the topic of fully autonomous weapons was added to its program of work in November 2013, and the CCW outcome sought by the Campaign to Stop Killer Robots.

About the Convention on Conventional Weapons

The 1980 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 is usually referred to as the Convention on Conventional Weapons or “CCW.” Adopted in 1980, this umbrella convention or treaty entered into force on 2 December 1983 and contains five protocols: Protocol I prohibits non-detectable fragments; Protocol II and Amended Protocol II regulate antipersonnel landmines, booby traps and other devices; Protocol III prohibits certain uses of incendiary weapons; Protocol IV bans blinding lasers; and Protocol V addresses explosive remnants of war.

As of October 2014, 118 states were party (as ‘high contracting parties’) to the Convention on Conventional Weapons, while five more states had signed but not ratified. Each protocol must be ratified separately. CCW Protocol I has the most parties (112), while Protocol V has the least (83). Major powers including China, Russia, and the United States are on board, but there is less representation in the CCW from developing nations, particularly states from Africa, Asia-Pacific, and the Middle East and North Africa.

The CCW was created following discussions during the 1970s aimed at the reaffirmation and development of international humanitarian law (a process that led to the adoption of the 1977 Additional Protocols to the 1949 Geneva Conventions). The aim was to prohibit or restrict specific weapons of concern. The CCW’s protocol banning blinding lasers is an example of a weapon being preemptively banned before it was developed or used.

The CCW’s response to pressing issues of humanitarian concern has been criticized as inadequate on several occasions. The failure of the CCW’s First Review Conference in 1996 to effectively address the humanitarian impact of antipersonnel landmines (it adopted a weak amended protocol) led to the Ottawa Process that created the 1997 Mine Ban Treaty. The failure of the CCW’s Third Review Conference to tackle cluster munitions in 2006 led to the Oslo Process that created the 2008 Convention on Cluster Munitions.

At its Fourth Review Conference in 2011, the CCW failed to adopt a program of work in its final report and has been unable since to undertake substantive work. Instead the CCW has met to consider aspects of implementation of various protocols, with presentations and discussion, but there have been no agreements on substantive action.

A CCW mandate

At an annual meeting or review conference of the CCW, any high contracting party can propose a mandate or topic for consideration by the CCW. No proposals were accepted at the 2012 annual meeting, while a mandate to consider questions relating to the emerging technology of “lethal autonomous weapons systems” was proposed by France and adopted by consensus at the CCW annual meeting in November 2013.

While it is necessary to consider the parameters of this emerging issue of concern, a CCW mandate on fully autonomous weapons must be clear in what it seeks to achieve in terms of outcome. There may be temptation to deliberate over whether existing international humanitarian law is sufficient to address the use of fully autonomous weapons. Yet such an approach risks narrowing consideration and ignores proliferation and other concerns.

Deliberations could be approached through a process that seeks to define what is problematic about the type of technology involved and then formulate restrictions or a ban by addressing the design purpose, technical characteristics, and deliberate or inadvertent effect of the weapons technology. With the diverse technologies involved in fully autonomous weapons an alternative approach might be to frame discussions in terms of the level of human control needed for an attack to be acceptable or ‘meaningful.’

The CCW mandate does should not mean that other UN bodies and actors cannot also engage on autonomous weapons at the same time, such as the Human Rights Council and UN Secretary-General.

After a mandate is agreed, CCW deliberations tend to start slow with a couple of years of experts group meetings followed by more years of negotiations. The ban on blinding laser weapons was exceptional in that it was agreed in just a couple of years.

The CCW work should be underpinned by a sense of urgency. It does not make sense to waste years debating whether international humanitarian law is sufficient. Technology is advancing faster than diplomacy at present and we need to catch up by establishing a clear framework to prohibit fully autonomous weapons.

A CCW outcome

As has been **noted**, the CCW is not famous for its ambitious, standard-setting results. Due to its consensus decision-making practice, the CCW tends to result in lowest common denominator outcomes (weak restrictions), but on occasion the CCW has managed to produce high standards that are binding, for example on blinding lasers.

The CCW should seek to establish a legally binding prohibition on fully autonomous weapons rather than voluntary measures (eg guidelines). It should establish a comprehensive ban on weapon systems that can function without meaningful human control in terms of targeting and the use of force. Restriction or limits on certain uses or certain types of fully autonomous weapons is not what the campaign is after, but there may be merit in other types of outcomes, eg to increase transparency on national policy and practice.

The campaign's objective is a total ban regardless of the forum. If it does not prove possible to achieve a prohibition within the CCW, then like-minded states should consider a free-standing process, with the support of UN actors, international organizations, and the campaign.

CCW and civil society

Non-governmental organizations (NGOs) have organized under the banner of the Campaign to Stop Killer Robots to help channel civil society concerns about fully autonomous weapons, provide a coordinated NGO response, and engage in processes that seek to address this concern. The campaign includes several NGOs with a long history of experience working within the CCW.

As with the precedent set by previous CCW discussions and negotiations on other issues, the Campaign to Stop Killer Robots will take its seat at the table at every CCW session, including meetings of the Group of Governmental Experts. It will also follow the practice whereby accredited NGOs can speak on behalf of the campaign at CCW meetings and provide input as well circulate documents and host side events, etc.

Effective engagement by civil society will be crucial to the success of any CCW process on fully autonomous weapons.

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