With reference to UNODA’s letter ODA/2019-00093/STIS dated 31st January 2019 concerning resolution 73/32 entitled “Role of science and technology in the context of international security and disarmament” Austria would like to add the following remarks:

The continuous advances in science and technology increasingly influence our everyday lives and have the potential to benefit our efforts for international security and disarmament. However, at the same time as we seek the benefits from these developments we have to be aware of the possible impacts of non-civilian use of emerging technologies, specifically in the area of artificial intelligence and autonomous systems, on international security and disarmament.

The potential development and use of autonomy in the critical functions of weapons systems confronts us with numerous ethical, moral, legal and security related concerns, which Austria believes the international community must address pre-emptively instead of reacting in retrospect to already existing circumstances.

During the development of new technologies states must ensure that any potential weapon would per se be capable to respect basic principles such as distinction, proportionality and precautions in attack. The human element is critical to safeguard compliance with international and international humanitarian law. IHLe compliance is highly context-dependent, which is particularly sensitive when it comes to emerging technologies with autonomy in critical functions. Contextual legal assessment is deeply human. Also accountability is not possible, when decisions are taken by machines. Therefore, Austria maintains its position that there should not be any autonomous weapons systems that can act independently of meaningful human control when applying lethal force. In our view the development and use of such systems could have regional and global destabilizing effects, could result in a new type of warfare, could lead to an arms race as states will try to avoid comparative disadvantages; lower the threshold for the use of force as the human factor is removed from armed conflict; and contribute to regional and international instability.

The fact that the concerns raised by the potential development of LAWS are discussed at the level of a Group of Governmental Experts within the CCW speaks to the urgency of the matter. Austria welcomes that positive progress has been made at the Group of Governmental Experts in 2018, as all states inter alia affirmed that

1. International law, in particular the UN Charter and international humanitarian law as well as relevant ethical principles should guide the work.

2. International humanitarian law fully applies to autonomous weapon systems, and human responsibility for decisions on the use of weapon systems must be retained since accountability cannot be transferred to machines.

3. Effective/meaningful human control has to be retained.

These very important points indicate that there are restrictions to the means of warfare, which should be spelled out more clearly. Given the complexity, breadth and the ever-evolving nature of the topic however, there are still different interpretations concerning 1) the precise definition of LAWS, 2) the exact degree of human control and 3) in which critical functions human control must be maintained at all times.

Austria considers that these issues could be best clarified in negotiations on a regulatory framework to be introduced which is needed to provide a clear common understanding. For
these reasons Austria supports the establishment of a legally binding instrument in order to prohibit autonomous weapons systems that are not under meaningful and effective human control over critical functions. Therefore, Austria together with Brazil and Chile has submitted a proposal on a mandate to negotiate a legally-binding instrument that addresses the legal, humanitarian and ethical concerns posed by emerging technologies in the area of lethal autonomous weapons systems (LAWS) in August 2018 and actively participates in this year’s GGE in March and August 2019.