

GGE LAWS – Belgian statement segment on Human Element

Mr. President,

My country aligns itself with the statement delivered earlier by the European Union and would like to stress the following elements in its national capacity.

Belgium is of the view that the concept of meaningful human control is an essential and central element of our discussions on LAWS. Such human control should encompass control by design which is related to the conception of weapons systems and control in use which refers to the effective use in operations, in particular in target selection and engagement.

As mentioned in the food-for-thought paper that we submitted with IRL and LUX, and as we stressed yesterday, a number of specific characteristics of LAWS which relate to the lack of meaningful human control would, in our view, pose serious concerns from a legal, humanitarian and ethical point of view. Those characteristics are:

- a. The ability of the weapons system to run through a targeting cycle with the final intention to apply lethal force;
- b. The ability to switch to lethal mode;
- c. The impossibility to interrupt or deactivate the autonomous mode;
- d. The ability for the weapons system to redefine its mission or objective;

Belgium believes that the IHL principles of distinction, proportionality and precaution require the ability for the human agent to retain control over the critical functions of a weapons system. It also requires that human judgement and evaluation of the operating environment be retained.

In line with the guiding principles on the human element in the use of lethal force adopted by the GGE last year, we are of the opinion that the commander always remains responsible for the consequences of the use of a weapons system, either individually or according to command responsibility. Consequently, there should never be an accountability gap.

With regard to your question on predictability and reliability:

We believe that the level of reliability required for autonomous weapons systems would be the same as for other weapon systems. It should not be the purpose to use non-reliable weapon systems. A commander in the Belgian armed forces, in light of his responsibility under international law, would never use a weapons system that is not reliable.

When it comes to predictability, as also we stressed already, the decisional authority should always be fully aware of the potential effects of a weapons system.

Finally, with regard to your question on factors, such a scope of movement, which might affect the type and degree of human involvement required:

Belgium believes that longer operations timeframe and increased scope of movement over an area are major factors that would create uncertainty between the point of activation of an autonomous weapons system and the eventual attack that would result. An autonomous weapons system – since it could select and engage targets independently – would create varying degrees of uncertainty as to exactly when, where and why the resulting attack would take place. Such weapons systems would therefore be undesirable.