

Austrian remarks during the open informal consultations held in accordance with General Assembly resolution 79/62

Lethal autonomous weapons systems

New York, 12-13 May 2025

Briefing by the Chair of the GGE LAWS

- Thank Amb. In den Bosch for his presentation today and for your leadership in the GGE LAWS which we appreciate and support. It is our view that this discussion here in New York serves as an important bridge between the General Assembly and its mandate and the work going on in the framework the Convention on Certain Conventional Weapons in Geneva, including by possibly joining the CCW or participating in its work as observer.
- With the development and use of autonomous weapons systems (AWS), humanity is in the process of passing a defining threshold. A threshold which is of concern for all countries and people and which will ultimately affect all Member States of the United Nations.
- Given the importance of the issue and its impact on the security of all States, it is therefore only appropriate to have a dedicated discussion on AWS in this forum.
- We therefore support other discussions and processes that are relevant for the issue of AI in the military domain such as the US Political declaration, the REAIM as well as the regional and international conferences on this issue. All of them contribute to creating momentum for the regulation of AWS.
- We see a range of aspects that are significant for any future regulation of AWS, which are still somewhat underdeveloped in our discussions, and we are pleased that they will be tackled over the next two days, in full complementarity with the work that has been taking place in other fora, most notably the GGE LAWS, and also the HRC.
- We are very pleased about the substance achieved with the rolling text in the CCW GGE and the quality and depth of discussions. This in itself acknowledges that States see a range of profound challenges that AWS raise, which require legal action complementing and specifying existing international law. We hope that the political hurdles in the GGE can be overcome and the GGE can fulfil its mandate.
- Let me acknowledge the contributions from the ICRC, civil society and academia to the work of the GGE so far.
- We are convinced that only a legally-binding instrument can address the multiple concerns and legal unclaritys that AWS create. Many stem from the fact that IHL was designed for humans. Applying IHL onto algorithms without clear legal guidance and clarity about human control and oversight would create facts on the ground that could have devastating effects.
- We do neither consider current IHL as sufficient nor as sufficiently clear. And we are well aware that a large number of disarmament instruments specify IHL rules in

relation to specific weapons technology and some of them prohibit certain weapons that cannot be used in compliance with IHL. The CCW itself follows this approach.

- AWS are of course a complex category of weapons systems and its future development is hard to predict. At the same time, there is a clear need to provide legal safeguards for the benefit of future generations. These safeguards need to include the acknowledgement that AWS must not be used without meaningful human control, a prohibition of unpredictable weapons as well as regulations that will allow humans to stay in charge and to be accountable. We persistently argued that this is also an ethical issue and a matter of human dignity, both of which have always been a driving force in the development of IHL.
- Finally, let me state that it is our firm belief that decisions over life and death must be taken by humans and cannot be delegated to machines. The preventive window in this regard is closing rapidly and collective action is urgently needed.

Legal considerations

- **International law is fully applicable** when it comes to autonomous weapons systems (AWS). This relates to a wide range of legal instruments including the Charter of the United Nations, international humanitarian law, international human rights law and international criminal law.
- Any weapons systems, including AWS, that is not capable to comply with international law is ipso facto prohibited.
- However, **additional law is required to further clarify and complement** how international law – designed for humans – applies.
- **Meaningful human control** is a precondition for AWS to be used in a way that complies with international law. The use of force must be governed by **informed and moral decision-making** by humans. It further requires a sufficient **understanding** of the functioning of a weapons system, the **conditions and the context of its use** as well as the **predicted outcomes**. Limiting types of targets as well as the durations and geographical scope of the operation are important measures to achieve meaningful human control and to link human intent with the outcome of any use of force. The use of **machine-learning** raises serious concerns in this regard that need to be further examined.
- There is a certain risk that the novelty of AWS will lead to diverging implementation across countries. The discussion in the GGE LAWS have shown that notions about **“control” and core elements of control, such as “predictability”**, which are categories derived from existing IHL, differ significantly. We deem it necessary to specify how control is to be achieved.
- A major legal concern relates to the issue of **accountability and responsibility**. Accountability is central to legal systems and cannot be transferred from humans to machines or algorithms. There is a high risk that the use of AWS will create an accountability gap, which can only be closed through effective governance. This issue is a core issue for effective regulation.

- **Human rights law applies** to all possible scenarios of AWS use, be it in a **law enforcement or security operation context or in armed conflict**. AWS bear a high risk of violating the **right to life**. Regarding concerns about unpredictability and reliability of AWS in complex situations, the use of force could be arbitrary and therefore unlawful under international human rights law.
- At the same time AWS use **risks to violate human dignity**, a core underlining or overarching principle of international law including human rights law, both in terms of the **dehumanization of a human target** who would be selected by sensors through algorithmic data, as well as the **lack of human judgement and empathy** on the side of the killing machine. The well-researched problems related to algorithmic bias and the concerns regarding facial recognition about data protection and privacy add to these concerns. It is therefore of utmost importance in our view to address in more detail **the rules and limits that need to be established for anti-personnel AWS**.
- The **right to an effective remedy** can be affected through problems related to responsibility and accountability.
- The use and development of AWS must also fully comply with **international criminal law**. The **limits to human control** could make it difficult to establish accountability of individuals, if they do not have the knowledge or intent required to be found liable. Also, there is a risk that actors could deliberately use AWS to diffuse accountability and thus allow for impunity. From our view, this issue needs further examination. Question is: How can this be best addressed?
- **Legal reviews** are an important instrument to test new weapons as well as means and methods of warfare with regard to their legality. At the same time the effectiveness of such reviews correlates directly with the specificity of the rules the systems are tested against.
- Question on IHRL: Assuming that the CCW would have agreed an instrument on the basis of the two-tier approach with prohibition and regulations and a comprehensive weapons review, what IHRL concerns would be addressed by such an instrument, where would there still be gaps? What existing IHRL is sufficient to address these gaps and where would additional IHRL regulations be necessary?

Humanitarian considerations

- The humanitarian considerations in relation to the development and use of autonomous weapons systems (AWS) are **closely linked to the legal challenges** that they pose. While AI applications could also be used to protect civilians and civilian objects, on the issue of AWS there is a clear concern about the AWS being able to apply the principle of distinction and **make a legal determination if a person is protected under IHL**, on the basis of statistical probability, an algorithm or even machine-learning.
- The information to assess a person's status in an armed conflict, in particular if the person is a **civilian or a combatant "hors de combat"** depends on the **context** and can change rapidly. It is doubtful if an AWS is able to make such an assessment correctly without meaningful human control. As such, there is a **high risk of endangering the**

civilian population and other protected groups during armed conflict, in particular wounded persons or those surrendering.

- We also need to stress that while machines will conduct hostilities, it will still be **humans who will bear the consequences of armed conflict**. This **misbalance** needs to be taken into account and inform future discussions on this topic.
- We are also concerned about the possibility that vulnerable groups will be disproportionately affected.
- We further want to point also to the **potential traumatizing effect of AWS** being deployed on the battlefield on soldiers, civilians and aid workers. This topic so far has **not been explored** but is related to the issue of preserving the human dignity of all persons present during an armed conflict.
- The **environmental impact of AWS** should also be taken into account, as their use will likely include areas where human presence so far had been sparse, e.g. in a maritime environment. Reduced human oversight could lead to significant environmental damage.

Security considerations

- We welcome the discussion of the implications of autonomous weapons systems (AWS) on peace and security. This aspect is directly related to the **mandate of the General Assembly and its first committee. Its many crucial dimensions are something that has not been discussed very much in the GGE LAWS so far.**
- One of the most under-explored aspects is the **risk of proliferation**, in particular to non-state armed groups or criminal organizations. They could also become weapons of choice for terrorist groups. This in itself poses a risk to global peace and security. Without limitations and guardrails already at the development stage, AWS could be used or modified and used for criminal purposes and in serious violation of international law.
- The **risk of escalation** is directly related to the advantage of speed that militaries seek. This may not only prevent meaningful human control but also lead to dangerous **machine-to-machine interactions that could spiral into greater confrontation**. Make de-escalation more difficult – humans seek off-roads to escalation.
- Link to IHL obligation to take all feasible precautions – speed introduced by AWS difficult to reconcile with this fundamental IHL obligation.
- The unregulated use of AWS could also make it more difficult to attribute responsibility for attacks and therefore **mask serious crimes during the conduct of hostilities**.
- We are also concerned about the increased distance and dehumanisation in the use of force, which is not in line with the humanitarian goals we all pursue. The use of AWS could also **lower the political threshold of entering conflict** and therefore endanger principles enshrined in the UN Charter.
- Finally, we see the risk of **autonomous weapons arms race**. The promises of new technology and a rapid development without clear safeguards and with a focus on

military advantage alone could have devastating consequences on the integrity of international law and for international peace and security.

- We also need to underline that **certain groups and regions will be disproportionately affected** from such an arms race and the effects of the weapons themselves.
- **Questions:** effectiveness of export controls or need to tackle proliferation at development stage? Prediction of how terrorist or organized crime groups will use these weapons? UNODC Firearms protocol?

Technological considerations

- The specificities of autonomous weapons systems (AWS) require the implementation of legal obligations already at the development stage. Many of the key decisions on how an AWS operates are determined long before it is deployed on the battlefield. The **dual use nature** of many systems or of components which have a core impact on the functioning of an AWS requires particular attention and specific measures in the cooperation with private stakeholders including industry and the tech sector. **States must ensure that all actors involved are aware of the requirements of international law.**
- It is also important to note that we perceive a **technology-neutral approach** to the regulation of AWS and a functional understanding of what an AWS is as the most feasible way forward. We also favour a broad interpretation of what constitutes an AWS and to what extent its components need to be integrated at the same location.
- **Automation bias** constitutes one of the biggest challenges in relation to AWS and their use. An over-reliance on Artificial Intelligence without critical thinking and rubber-stamping proposals create a real risk for error and mistakes. Any regulation must also be designed in such a way that prevents circumventing its provisions through nominal human input.
- On a technological level, it is a clear requirement throughout the whole cycle of research, design and development, acquisition and use of an AWS to constantly review and reassess any possible change and modifications in the system's functioning. Such a **monitoring process** should be embedded in an adequate multi-layered international regulatory framework.
- It is also crucial to ensure the **integrity, quality and veracity of data** which is used for the design and the training of an AWS. Data has a large impact on the reliability and predictability of any system and **this deserves additional attention** with regard to regulation. This includes the use of synthetic data.
- States also need to **take specific measures for the prevention of algorithmic bias**. Bias that has entered a system through datasets, programming or training could negatively impact the functioning and the reliability of an AWS. It could further have a discriminatory impact in its operation and disproportionately affect already marginalized groups. **Effective measures to prevent, detect and mitigate algorithmic bias** are necessary. Close civilian-military collaboration seems feasible.
- **Legal reviews** are an important way of assessing the compliance. At the same time, they are only taking place once the design and testing phase of a system has been

concluded. In order to not waste resources, it is important that legal requirements are part of the earliest stages in the life-cycle of an AWS.

- The effects of **machine-learning** and the ability of a system to change its way of operating is **not sufficiently discussed**. The two main issues concern the question at which point the system needs to undergo a new legal review and where the **necessary limitations concerning machine-learning during the active operation** of a system are to be set.
- And finally, the nature of autonomous weapons systems creates an additional layer of risks related to **malicious cyber activities, data spoofing or manipulation through AI-specific vulnerabilities**. It is necessary to ensure their safety and to avoid any loss of control.

Ethical considerations

- Ethical concerns regarding the development and use of autonomous weapons systems (AWS) relate to the dignity of the person. In addition, there are strong concerns regarding the **principles of humanity** and requirements of **public conscience**. These principles are deeply embedded in international law. They are the backbone of IHL and human rights law and have always been the main engine for the creation and development of international law.
- The concept of human dignity is an essential part of many national constitutions as well as the Universal Declaration of Human Rights. Any act impacting on the right to life of a person must also be considered under its procedural aspects and how human dignity is preserved.
- It is highly questionable on moral and ethical grounds to **reduce humans to data points** and as such reduce them to objects. While new technologies hold great promise for the advancement of human welfare, they must empower people and not dehumanize them.
- Furthermore, the issue of **automation bias** and the distance from the battlefield could prevent moral judgement or even restraint by favouring efficiency, speed and scale.
- **Ethical and moral judgements** have always played a fundamental role for the implementation of international humanitarian law. Already the **St. Petersburg Declaration of 1868** was created to “fix[ed] the technical limits at which the necessities of war ought to yield to the requirements of humanity”.
- To follow on, the **Martens Clause** recognizes that in addition to the principles of international law derived from established custom the principles of humanity and the dictates of public conscience remain valid for the protection of civilians and combatants at all times. Any new technology therefore needs to take them into account as well.
- **Autonomous Weapons Systems** that select and engage **persons as targets** in a manner that **violates the dignity and worth of the human person** as well as the **principles of humanity or the dictates of public conscience** are **unacceptable** and must be prohibited.

Regional and global conferences and other initiatives related to LAWS: Briefings by representatives of States that have hosted conferences or led initiatives related to LAWS; Austrian briefing on the Vienna Conference “Humanity at the Crossroads: Autonomous Weapons Systems and the Challenge of Regulation”

- We are grateful for this opportunity to add input from the regional and global conferences and other initiatives that have taken place to advance on the issue of autonomous weapons systems.
- On 29 and 30 April 2024, the Austrian MFA organized the international conference “*Humanity at the crossroads: Autonomous weapons systems and the challenge of regulation*” in Vienna. There was a great interest in the Conference, more than 1000 participants attended the Conference, including from **144 States, the UN, ICRC, international and regional organisations, parliamentarians, tech sector and industry, academia and civil society**. Former Foreign Minister Schallenberg invited for **two high-level panels** with participation of Foreign Ministers and State Secretaries from all regions, the ICRC President and the UN High Representative for Disarmament Affairs. The late Pope Francis sent a message to the Conference.
- **The aim of the Conference** was to raise awareness and further explore the profound legal, ethical and security concerns about autonomous weapons systems and to build momentum for their regulation.
- **Multi-stakeholder expert panels** discussed these aspects of autonomous weapons systems that had not yet been in the focus of discussions. States had an opportunity to present **national statements**.
- Austria in capacity of the host of the Conference issued a **Chair’s Summary** of the expert panels that took place at the Vienna Conference. 40 States have associated themselves with this Summary, which is available on the website of the Conference.
- **There was a lot of media interest and coverage** of the Conference that contributed to **raising awareness in the broader public. Student groups and school classes** visited the Conference and engaged on the issues discussed.
- It is good to see that many of the **issues discussed at the Conference** have been taken up during these informal discussions again, and it is good to see that as an international community we have advanced in our thinking and discussion on several of these issues, be it on **ethics, human rights, security or technological aspects**.
- These discussions first very clearly demonstrate **the urgency of starting negotiations** on a legally binding instrument to regulate autonomous weapons systems, and second, that many aspects discussed during these two days are of **high relevance for the future** regulation of autonomous weapons systems.
- Former Foreign Minister Schallenberg at the Vienna Conference emphasized that **humanity is at the crossroads**. We must come together to confront the challenges posed by autonomous weapons systems. Experts from across disciplines are warning of the profound risks and irreversible consequences of an unregulated autonomous weapons arms race. This may be the “**Oppenheimer Moment**” of our generation.
- Therefore, Austria considers it of utmost importance to intensify and to broaden the awareness of the need for autonomous weapons systems regulation and to include **multi-stakeholder perspectives** in this process. I thank you.