Aleppo is suffering “a complete meltdown of humanity,” said a UN human rights spokesperson on Tuesday.1 Massacres of civilians, extrajudicial killings, mass arrests and detentions, and forced conscription of “military-aged males”—a classic but overlooked form of gender-based violence—are rampant throughout the eastern part of the city as Assad’s soldiers sweep through. Meanwhile in Geneva, states parties discussing implementation of their treaty on “excessively injurious” or indiscriminate weapons argued over whether or not they should set up a group of experts on anti-vehicle mines, the casualties of which are predominantly civilian; or whether they should “note concerns” raised by some states about the use of incendiary weapons or “condemn” the use of these weapons, which burn through skin causing incredible pain and permanent disfigurement.

The head of the International Committee of the Red Cross (ICRC)’s delegation in Syria, witnessing the slaughter in Aleppo, issued an urgent appeal for all parties in Aleppo to “put humanity above military objectives.”2 This is imperative in a situation where civilians and combatants are being slaughtered by government forces. But this must be the approach to everything all of the time—or else we risk Aleppo’s “complete meltdown of humanity” becoming the norm.

With so many state and non-state actors running roughshod over human rights and the laws of war in various on-going and recent conflicts, it may appear to already be a norm. But it is not. Most of us reject the conduct of hostilities we see happening around the world; we reject the notion that parties to conflict can do whatever they want to each other or to civilians—or why would we be in Geneva at all? Why would the United Nations still exist? So if we take as our premise that we do want to cooperate as human beings, and set rules, laws, and norms in the interest of preventing a total global meltdown, why is it so difficult for some governments to put hu-
Editorial, continued

Man first when it comes to restricting or prohibiting weapons that cause immense human suffering?

The profits of war and violence are a compelling factor. The billions of dollars that can be made by corporations and their governmental arms dealers provide a lucrative incentive to develop and proliferate tools used to murder civilians, destroy cities, or repress populations.

But the tools of violence and war do not just generate profits for their manufacturers and dealers. They can also facilitate and even incentivise violence and war, thus creating their own demand.

Would Saudi Arabia be able to obliterate Yemen without the provision of weapons by the United States, United Kingdom, France, and others? Would Syria have been able to destroy its own cities and massacre its own civilians without the support of Russian and Iranian weapons? If resources were put elsewhere other than weapons development and production, would governments push for more and more markets to sell them? Without massive arms fairs and sales made over canapés and champagne, without subsidies and cost-overrun allowances to arms manufacturers, without resources sunk into universities by the military-industrial complex, would we see any of the catastrophic violence we see today?

Now, developments in weapons technology are propelling humanity towards a nightmare future in which machines may “make decisions” over life and death. As we discuss here in Geneva how to deal with this, we should understand that autonomous weapons (as drones before them) risk further incentivising repression, assassination, expansion of the battlefield, and so on. Whenever arguments are made about how such technology is intended to “save lives,” it’s important to realise that it also makes violence more accessible. Technology that takes choices and decisions about the use of force away from humans makes violence more remote and less accountable, and thus “easier” to resort to.

The majority of countries participating in the CCW debate clearly support further discussions on autonomous weapons, but to what end? So far eighteen governments have explicitly called for a prohibition of weapons that would operate without meaningful human control. A number of other countries have emphasised the importance of such control, but have not suggested how that can be retained if fully autonomous weapons are not prohibited. Discussions in a Group of Governmental Experts could hopefully bring more states towards supporting the negotiation of an autonomous weapon ban treaty, but in the meantime technological developments will continue. We have a narrow window to retain human control over violence and war. Missing this opportunity may later prove to be our gravest mistake yet, leading to a different kind of melting down of humanity.

Notes

The negative humanitarian impacts of the use of improvised explosive devices (IEDs) has increased steadily over the last decade, and the international mine action community is adapting its methods and standards in response.

This was the primary message from a side event organized by the UN Mine Action Service (UNMAS) on Tuesday, 13 December. As the Assistant Secretary General for Office of the Rule of Law and Security Institutions (ORLOSI) Dmitry Titov explained, the landscape is changing and no one is exempt from the impact of IEDs. The demands of disposal work are similarly in transition, which often occurs in urban and asymmetrical environments. Strong partnerships and cooperation through access to equipment, information sharing, and early warning is vital to effective disposal work.

UNMAS Director Agnes Marcaillou reinforced this view, noting the close partnership between the agency and ORLOSI. Her presentation outlined the role that UNMAS plays in tackling the challenges posed by IEDs. Building on nearly two decades of experience and knowledge with respect to mine action, it now provides training, advice, and mentoring to states and other entities, such as the African Union, NATO, and certain UN Security Council sanctions committees. UNMAS also often plays a coordination function and is able to bring different actors together. A key contribution from UNMAS in this area is an initiative to elaborate new international standards for IED disposal (IEDD). Mine action standards for anti-personnel landmines and other explosives are not always sufficient to meet the unique challenges of IEDD. Some national militaries are creating their own standards for this work but at present, there is not a universal standard.

Colonel Gunther Haustrate of Belgium, a former operator with IED and other explosive clearance experience, further outlined this initiative. He expressed that UN IEDD standards need to be developed. A working group that includes Belgium, China, Canada, and France, among others, will meet twice in the coming eight months for this purpose.

The final panelist illustrated some practical aspects of IEDD. Jes Luckett is the Chief of Operations for UNMAS Syria. He presented an overview of the scale of the IED threat in Syria. Apart from direct harm to civilians, civilian objects, and infrastructure, there are implications for freedom of mobility. Stockpiling of recovered IEDs within towns and cities poses a further risk. The heaviest contamination is along major transit routes. UNMAS Syria operates out of Turkey and provides technical support, risk education, and clearance. The on-going conflict in Syria presents challenges in accessing necessary equipment for this work and impedes data collection and access to personnel for training purposes.

Discussion following the presentations touched on a few subjects, including from where UNMAS sources its data, and how it select partners for its work. There was also further elaboration on the process to develop new standards or guidelines, in which states can participate, and consideration of precisely where and how these will fit into the multilateral landscape.
SIDE EVENT: TIME TO ACT AGAINST INCENDIARY WEAPONS
Josephine Roele | Women’s International League for Peace and Freedom

On the second day of the Review Conference, civil society and state delegates gathered to hear a compelling and devastating presentation from the Arms Division of Human Rights Watch (HRW). They presented a new report on incendiary weapons, their harms, and how the Fifth Review Conference of the Convention on Certain Conventional Weapons is in a position to respond to the use of these weapons in recent conflicts. Steve Goose, director of the HRW Arms Division, opened the event with a call for high contracting parties to strengthen Protocol III of the CCW. Such a move could lead to success in the protection of civilians, and would demonstrate the value of the CCW as a body that can deliver on the humanitarian imperatives of weapons-use in ongoing conflicts.

Bonnie Docherty, a senior researcher with the HRW Arms Division, noted that incendiary weapons are among the cruelest in use today. A brief video presentation on Syria showed the distressing harm that incendiary weapons cause. White phosphorus, for example, is highly soluble in fat; it burns easily through human flesh and causes agonising burns all the way to the bone. Many victims die from these burns, or suffer from respiratory damage and psychological trauma. Furthermore, incendiary weapons are being used in densely populated areas, destroying civilian infrastructure.

The past year has seen an increase in the use of weapons with incendiary effects, which are not prohibited by the narrow definition of Protocol III, as well as incendiary weapons. This distinction is important. The increase in use corresponds with the start of Russian participation in Syrian government operations. Since June 2016, Human Rights Watch has documented 24 attacks involving incendiary weapons in Syria. Researchers collect evidence to track their use through the inspection of remnants of the weapon, through the logging of photos and videos, and through witness testimonies. In Aleppo, a field hospital was hit; equipment was burned, staff members were injured, patients and doctors fled. The Syrian Civil Defense—volunteer search and rescue workers—have reported 130 such attacks with photographic evidence. Further evidence includes a photograph from Russia Today that shows incendiary bombs mounted on Russian aircraft in a base in Syria. In Yemen this year, the Saudi Arabia-led coalition has used white phosphorus, a substance that the United States has sold to Saudi Arabia in the past. A New York Times photographer caught an attack using white phosphorus on film in October 2016. Existing international law is not working, and strengthening Protocol III to reduce the threat of incendiary weapons is now an urgent humanitarian cause.

Ms. Docherty outlined the shortcomings and inconsistencies of Protocol III along two lines. First, it excludes weapons with incidental incendiary effects, such as white phosphorus or munitions designed to create smokescreens, and only focuses on weapons whose primary purpose is to “set fires and burn people”. Second, total prohibition of use is limited only to air-delivery, but not ground-delivery. In the first case, the exclusion of weapons with incendiary effects bears no relevance to the real experience of human suffering that these weapons cause. In the case of the second, Human Rights Watch has documented the use of ground launched incendiary weapons in Iraq and Yemen, as well as some use in Syria. Once again, the humanitarian consequences are just as severe.

Ms. Docherty urged for concrete action to be taken by states, with specific recommendations for the Review Conference: 1) Condemnation of, not just concern at, the use of these weapons; 2) Adoption of a strong final declaration that reflects calls to strengthen Protocol III; and 3) Agreement of a mandate that sets aside time in 2017 to review Protocol III.

These recommendations respond to the humanitarian suffering that Protocol III sought to address when it was adopted in 1980. Adhering to these recommendations would increase the stigmatisation of these weapons, which in turn has an effect on states not party to the CCW, and on non-state actors. Ms. Docherty noted that the Swiss proposal for an amendment to Protocol III is stronger than the draft final declaration. The ICRC and many NGOs have also called for dedicated work.

Speakers from the floor included Mary Wareham, director of the Campaign to Stop Killer Robots and advocacy director of the HRW Arms Division. Ms. Wareham noted that it is hard to conduct field research as the rate of the attacks is so high. Mark Hiznay, associate director of the Arms Division at HRW, spoke on the methodology of recording and tracking the use of weapons with incendiary effects. Delegates from New Zealand and Switzerland reaffirmed their commitment to condemning these attacks and including strong language in the final declaration, as was already expressed in the general exchange of views in Main Committee I. Mr. Goose closed the event expressing hope that states will set up the necessary mechanism to address Protocol III and the use of incendiary weapons in 2017.

The report from Human Rights Watch is titled Time to Act Against Incendiary Weapons and can be found online at https://www.hrw.org/news/2016/12/12/time-act-against-incendiary-weapons.
SIDEx EVENT: LETHAL AUTONOMOUS WEAPON SYSTEMS AND LEGAL REVIEWS
Elizabeth Minor | Article 36

Covering a variety of aspects of the debate on lethal autonomous weapon systems (LAWS), this lunchtime side event was hosted by the Mission of Canada and chaired by Ambassador Rosemary MacCarney. The panel included Richard Moyes of Article 36; Dr. Heather Roff of the University of Oxford and Arizona State University; Lt. Col. Paul Frost from the International Operational Law Group of Canada; and Neil Davison of the International Committee of the Red Cross.

Speaking on the issue of human control, Moyes highlighted that both human control over technologies and human judgment are necessary for the application of the law. Key elements of control include predictability and reliability in technologies; the availability of information for the user on the outcome sought, the technology, and the context of use; timely human judgment and the possibility for timely intervention; and accountability frameworks. Moyes emphasised that only humans can be legal agents—the law is not addressed to machines, which can only be tools. Conceding legal judgments to machines would therefore represent a fundamental problem.

Dr. Roff explained the concept of and different types of learning systems, and proposed that it is unlikely that it would be possible to subject a weapon using an online learning system (which would develop whilst deployed) to an Article 36 review, given its evolving nature. She emphasised that respect for the law is a human concept, and that though autonomous systems may be able to perform tasks that identify characteristics, artificial intelligences cannot appreciate concepts such as “combatants”.

On applying existing legal frameworks to LAWS, Frost emphasised that the objective must be compliance with international humanitarian law (IHL). Discussing the general applicability of IHL to any weapons system including LAWS, Frost suggested that with respect to legal weapons reviews additional steps to those normally required might need to be taken with LAWS, such as ensuring that such systems could comply with the law on behalf of a state.

Davison emphasised that human control is a useful starting point for discussions, given that this issue distinguishes LAWS from other weapons systems. It is also an issue upon which all states can speak, irrespective of technological developments. He also highlighted that only humans can make legal judgments, that machines cannot be held to human standards, and that ethical issues are an important layer to consider on top of assessments of legal compliance. Davison noted that understanding how control is exercised over exiting systems would be helpful to advancing discussion.

During the discussion following the panel, a representative of Australia asked whether we would retain the opinion that humans should take legal decisions if machines could make better decisions. Canada also raised how the performance of systems should be measured in this context. A representative from the UK contested others’ definitions of autonomy and the value of considering policies regarding existing systems, maintaining that LAWS are systems with higher-level intent that may never exist.

Ending the event, the panelists suggested ways forward including taking human control as a starting point for the Group of Governmental Expert on LAWS, if agreed; considering the logical implications for the control of LAWS if human commanders are the primary locus of legal obligations; the adoption of an obligation on the necessary levels of human control and judgment over weapons systems that could be incorporated into national level weapon reviews and described in a technical annex; and ensuring compliance with IHL.

NEWS IN BRIEF
Allison Pytlak and Josephine Roele | Women’s International League for Peace and Freedom

The following is a summary and does not necessarily reflect all positions or statements.

Main Committee I
Procedural matters
- The ISU presented a report on its activities, including support to meetings and officers, website maintenance, financial matters, and reporting.
- A presentation about the compliance mechanism (voluntary annual reports) reviewed requirements and stressed the importance of information sharing with militaries.
- Fifty-seven reports have been received this year.
- A few delegations made preliminary comments and reactions to the draft final declaration. Some states expressed concern over operative paragraph 14, which notes a connection between the victim assistance provisions of the CCW and those contained in other agreements, which not all CCW states parties are also party to. Several other states clarified that this is meant to acknowledge a practical connection and does not reflect any obligations. More in-depth discussion will follow tomorrow.

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Explosive weapons in populated areas (EWIPA)

• Argentina, Ecuador, Germany, the US, and the International Committee of the Red Cross (ICRC) spoke on this subject, expressing concern with humanitarian harm.

• Ecuador and ICRC called on states to avoid the use of explosive weapons in densely populated areas.

• The US referenced violations of international humanitarian law (IHL) by non-state armed groups, but also called on all parties to armed conflict to honour their obligations and noted that urban warfare is not new and the implementation of IHL is what’s needed to provide protection for civilians in such areas.

• Germany noted there would be great value in discussing how to increase IHL compliance in this context, and that it would require inclusive and transparent deliberations.

Improvised explosive devices (IEDs)

• France has changed the text of the draft political declaration in order to strengthen it. Revisions were not shared during this session. Ecuador supported strengthening it.

• Argentina, Australia, China, Iraq, Italy, Poland, US voiced support for the declaration.

• Ireland will also propose an amendment to the declaration in order for it to reflect concern more about the use of IEDs rather than the nature of the user.

• France has further proposed including a paragraph on IEDs in the final declaration, supported by Russia.

• Mexico raised concern about its ability to support the political declaration on IEDs as an annex to the final document of this Review Conference, as it is not a party to the relevant protocol.

• Colombia and Israel said that an experts meeting to discuss the matter further would be beneficial.

• Cuba emphasised that any initiatives on IEDs should focus on illegal use by non-state actors. China, Ecuador, France, Iraq, and Israel also expressed concern about use by non-state actors or terrorists, or for terrorism.

• Ireland reiterated that work on IEDs should focus on use not users.

• France recognised the use of IEDs by states, such as barrel bombs in

• The UK felt that the work of the committee on IEDs should be used to inform other fora.

• Mines Advisory Group stated that there must be a division of labour between clearance activities for military purposes and those undertaken for humanitarian reasons. They also stressed that humanitarian mine action can only take place once hostilities have ceased and that there is a strong body of skills and approaches among the international mine action community.

Incendiary weapons

• Four delegations referenced the use of incendiary weapons in Syria. Australia is “greatly concerned” about illegal use; Canada is “alarmed”; Croatia condemned air-delivered incendiary weapons against civilians; New Zealand is “horrified”.

• Canada and New Zealand thanked civil society for bringing attention to this issue.

• Canada and the US argued the best way to minimise harm from incendiary weapons is through compliance with Protocol III, rather than the development of new restrictions.

• Switzerland also registered concern about “alleged unlawful” uses of these weapons since the last Review Conference. It would support stronger language in the outcome document to condemn such use as incompatible with both Protocol III and IHL. It further urged a review of Protocol III to assess if its provisions are still adequate. This could consider the method by which these weapons are deployed (land versus air) and the balance between civilian harm and legitimate military use.

• Croatia also supports a review of Protocol III, including considering white phosphorus.

• New Zealand welcomes more discussion although it is flexible on format.

• Mexico supports discussion on military, technical, and legal aspects of incendiary weapons and condemns all use.

• Ecuador would like to see a one-day meeting in 2017 to discuss the harm to civilians from incendiary weapons; it also condemned use.

• Argentina said it is ready to clarify aspects of protocol III.

• New Zealand has proposed an amendment to paragraph 70 of the outcome document to reflect condemnation of the use of incendiary weapons. This received support from Australia, Sweden, and the ICRC.

• Russia stated that it does not want to re-open discussion about Protocol III; the current provisions are sufficient to resolve concerns.
Mines other than anti-personnel mines (MOTAPM)
- Over 15 governments and the ICRC registered support for a proposal tabled by Ireland to establish a group of governmental experts to meet for one week in 2017. Ireland is open to suggestions and amendments to the proposal.
- China and Russia do not support more discussions on this subject.
- China, Cuba, and France underscored the military utility of MOTAPM related to security interests.

Other
- Germany, in the context of mandating a group of governmental experts to discuss EWIPA, suggested that it might be convened back-to-back with other proposed GGEs or combining subjects in order to maximise time and resources. This was supported by Italy. France and Russia were sceptical.
- Switzerland expanded on an earlier suggestion to convene an informal meeting about the implications of science and technology to the CCW, as a means to ensure its ongoing impact and relevance. This might include topics like nanotechnology, cognitive technology, material science, and digital or communications technology. It proposed a first meeting to have a technical briefing to identify what topics should be considered more in future as well as the process by which this could occur. France and Russia were unsure of the utility in such a meeting. Several others expressed interest in such a meeting. The US was interested but concerned about resources being taken away from consideration of existing weapons.
- Ecuador urged a one-day meeting in 2017 regarding laser weapons that cause temporary blindness, an increasing problem. Mexico also spoke to this.
- The Netherlands proposed new language to the draft final declaration relating to financial obligations of states parties.

Main Committee II
Report of informal meeting of experts on LAWS
- Ambassador Biontino of Germany presented the report of the informal meeting of experts in April 2016 on lethal autonomous weapons systems (LAWS). The final recommendations of this report include setting up an open-ended group of government experts (GGE) in 2017 to consider, among others: a working definition of LAWS; the applicability of international law including international humanitarian law and international human rights law; and the effects of LAWS on regional and global security, keeping in mind that LAWS are one of the major emerging challenges to the existing global security architecture.

Establishment of a GGE in 2017
- The vast majority of states who spoke during the general exchange of views supported the 2017 convening of a GGE. The Chair noted this strong overall support in his final remarks.
- Civil society speakers and the ICRC urged the establishment of a GGE.
- El Salvador, the Republic of Korea, the Netherlands, the United Kingdom, and Turkey noted that the GGE should bear in mind the financial concerns of the CCW.
- Some states suggested a timeframe for the GGE negotiations. Ecuador, El Salvador, and Japan suggested five days of discussions; Guatemala and Croatia suggested 10 days; Switzerland suggested 15 days; Moldova and the Campaign to Stop Killer Robots suggested 20 days.
- Switzerland said that states should have time to discuss and digest negotiations between meetings, and should build on the experience of other GGEs.

Prohibition of LAWS
- Costa Rica, Cuba, Ecuador, Guatemala, Nicaragua, and Peru endorsed a preventive approach in their statements.
- Costa Rica, Egypt, and Ecuador suggested that negotiations on LAWS could draw on the negotiations for Protocol IV of the CCW on blinding laser weapons.
- Cuba, Egypt, Costa Rica, and Ecuador supported a new protocol to the CCW on LAWS.
- Russia and the United Kingdom stated that new agreements would not add value to the discussions on LAWS, and that existing frameworks would be sufficient.
- The Campaign to Stop Killer Robots noted that 19 states at the CCW now endorsed a pre-emptive ban on LAWS, and welcomed support from Guatemala and Venezuela.
- Guatemala and Egypt said in their statements that they supported a moratorium on the production and development of LAWS until there is an agreed international instrument.

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News in brief, continued

- Algeria said it would support a legally-binding regime on LAWS.
- Japan stated that to negotiate a legally-binding instrument at this stage would be too early.
- Israel preferred an incremental approach, arguing there are too many divergent views and unknowns.

International law
- Switzerland, in a statement on behalf of eight other states, noted that compliance with international law should be a key aspect of GGE discussions. This involves identifying international law relevant to LAWS, including international humanitarian law and international human rights law.
- Most other speakers, including the European Union, noted the importance of international law in the context of LAWS. Some states were particularly concerned at the complex challenges that LAWS would present to international law.
- Guatemala, Ecuador, and Peru stated that fully autonomous weapons could not be compatible with international law and were therefore unacceptable. They made this argument from an ethical and human rights perspective.
- Sweden, Ecuador, the European Union, the United States, the United Kingdom, and Israel noted that legal weapons reviews are essential in the use of new weapons technologies.
- The ICRC and the Campaign to Stop Killer Robots stated that existing legal weapons reviews would be insufficient to cover the challenges posed by LAWS.

Human rights and ethics
- Costa Rica, Egypt, Venezuela, Guatemala, and Peru were among the states that asserted that an autonomous system should not be given control over lethal force or over matters of life and death, as these are human decisions.
- Ireland valued the discussion of LAWS in other relevant forums, such as the Human Rights Council.
- Peru’s statement highlighted the joint report of the special rapporteur on the rights to freedom of peaceful assembly and the special rapporteur on extrajudicial, summary or arbitrary executions with respect to the control of autonomous weapons systems.
- Venezuela commented on extrajudicial executions in relation to LAWS, as well as other harms to civilian structures and populations.

International security
- Egypt, Nicaragua, and Peru noted that the development of LAWS would have a significant impact on warfare.
- Venezuela expressed concern at the widening gap between the weapons technologies of developed and developing countries.

Accountability and responsibility
- The Netherlands, Peru, Costa Rica, Argentina, and Switzerland on behalf of a group of states noted that the questions of accountability and responsibility would be significant challenges.
- UNIDIR, presenting its publication on safety and unintentional risks in the weaponisation of autonomous technologies, noted that accountability in the case of machine accidents is a particularly thorny area in relation to developments in machine learning and human control.

Human control
- Costa Rica and Cuba were among the states that noted that machines are restricted in terms of their ability to interpret information contextually, or to make a qualitative assessment of a situation.
- Many states, as well as civil society speakers, noted that LAWS would present challenges in areas of distinction and proportionality. Most of these states called for “meaningful human control”. Some preferred the use of “human judgment” or “human involvement.”
- States who spoke on the need for human control expressed concern at the ethical implications of autonomous weapons technologies and the capability for lethal force.

Science and technology
- Venezuela, Japan, Ecuador, the Netherlands, Colombia, and China were among the states that noted the rapid pace of technological developments and modernisation in the context of artificial intelligence.
- The European Union, Switzerland on behalf of a group of states, Sweden, and China noted that technological developments for civilian use must not be hampered. China made explicit reference to developing countries in its statement.

Testing
- The United Kingdom encouraged testing of weapon systems before use.
- States that called for a moratorium or a pre-emptive ban also noted that this would apply to testing.
- UNIDIR expressed scepticism at the conditions for testing LAWS.

Semi-autonomous weapons and drones
- Cuba and Venezuela raised concerns about semi-autonomous weapons such as drones, noting that their use results in high civilian casualties.