Panel Statement

By

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“SCIENCE CANNOT BE PLACED ABOVE ITS HUMANITARIAN CONSEQUENCES: PANEL DISCUSSION ON THE USE OF WEAPON TECHNOLOGIES, OLD AND NEW”

32ns Annual Seminar on International Humanitarian Law for Diplomats Accredited to the United Nations, hosted by the International Committee of the Red Cross and New York University School of Law

New York
19 March, 2015
I would like to thank both the International Committee of the Red Cross and New York University for having me today and for, once again, holding this important forum.

In April this year, the international community will commemorate the centennial of the first large-scale use of chemical weapons in the First World War. The horrific human consequences of these weapons shocked a generation and led to the banning of their use under the 1925 Geneva Protocol.

This post-war imperative to ban chemical weapons highlights a historical nexus between disarmament and international humanitarian law.

From the 1868 St Petersburg Declaration, which outlawed explosive bullets due to the ‘unnecessary suffering’ they caused, to the 1949 Geneva Convention and its Additional Protocols of 1977, there has been a symbiotic relationship between humanitarian concerns, the codification of new norms of customary international law and the regulation, limitation and elimination of arms.

In the 21st century, as the geopolitical environment around us has grown increasingly complex, the focus on humanitarian law has emerged as a key driver to address disarmament and arms regulation issues. It has provided an important mechanism for staying ahead of emerging technologies and tackling seemingly intractable existing concerns.

I am going to talk briefly about the close relationship between disarmament and international humanitarian law in limiting and eliminating weapons technologies – both old and new – and the role played by disarmament and arms control processes in giving effect to these goals.

I’ll turn first to new weapons systems, because the challenges to international peace and security posed by these technologies – from cyber threats to unmanned aerial vehicles (UAVs or ‘drones’) and lethal autonomous weapons systems (the so-called ‘Killer Robots’ or LAWS) – are increasingly the subject of global interest.

Recognising the importance of addressing these emerging challenges, in 2012, the Secretary General asked his Advisory Board on Disarmament Matters, comprised of experts from across the international community, to investigate the implications of new weapons technologies on disarmament and global security.
During two years of deliberations, the Advisory Board, *inter alia*, addressed questions about the weapons’ potential to dehumanize and lower the threshold for conflict and the link to international humanitarian law.

In their findings, Board members stressed that technology was outpacing regulation and law, and highlighted the absence of efficient tools to address new weapons systems. In the absence of such mechanisms, the Board underlined the need for States to abide by existing codes of conduct and moral codes, and ensure that new weapons are compatible with international humanitarian law, including with Article 36 of the first Additional Protocol to the 1949 Geneva Conventions.

For the purposes of today’s panel, the Board made two key recommendations about emerging weapons technology.

The first was that the Secretary General commission a study on the use of the increasingly autonomous weapons technology and on the basis of that study promote coordinated efforts in the Convention on Conventional Weapons (the CCW).

The concept of ‘Killer Robots’ may sound cartoonish, but there are growing concerns about the development of LAWS: weapons that can select and attack targets without human intervention.

The CCW acknowledged these concerns when it held its first expert-level discussion on the matter in May last year. The meeting examined the political, security, legal, technical and ethical implications of LAWS, including the ability of such systems to conform with existing law and the ethical limits to robotic autonomy in deciding on the life or death of a human.

Although some governments have doubts about the need to establish rules to govern a technology that largely does not exist yet, history has taught us the importance of preempting the proliferation of such potentially dangerous weapons.

States do agree on the need for further discussions, in particular to consider technical issues such as definitions, and in my view the CCW is the appropriate forum in which to explore this issue, given its mandate to ban or restrict the use of weapons that cause
unnecessary or unjustifiable suffering or affect civilians indiscriminately. Experts will meet again to take forward these issues in April.

The second recommendation by the Advisory Board was to commission a study on armed UAVs.

The use of drones, particularly in targeted strikes outside of active battlefields, has drawn increasing scrutiny from the international community. Concerns have also been voiced about the proliferation of UAVs and their potential ability to carry weapons of mass destruction.

The Board recommended the study address transparency in targeted UAV strikes conducted outside active battlefields, including the development of a robust oversight and accountability mechanism, the difference between armed and unarmed drones, and how relevant rules in international humanitarian law – such as distinction and proportionality – could be applied to their use.

The Office of Disarmament Affairs, together with the United Nations Institute for Disarmament Research, has been tasked with completing the study, which will be submitted to the General Assembly this year.

It is unclear how the General Assembly will take this forward, but what is clear is the role arms control can play in regulating these weapons – especially ensuring transparency and the application of international humanitarian law in their transfers.

Of course, the issue that has garnered the most recent attention, especially in the media, is the subject of cyber threats, including the potential for cyber warfare. The UN considers cybersecurity to be one of the critical emerging challenges of the 21st century and protecting critical national and international information infrastructure from cyberattacks is now high on the international security agenda.

A Group of Governmental Experts (or GGE), under the auspices of the General Assembly’s First Committee, has been considering the threats posed by information and communication technology for military and national security purposes. Importantly, the GGE has addressed the need to balance emerging threats with ensuring the free flow of information.
In its most recent report, the GGE affirmed the applicability of international law, including the UN Charter, and that States must act in cyberspace under established international rules and principles of the ‘real world’.

To date, the GGE has not elaborated on the need for further international regulation or reached consensus about the applicability of international humanitarian law and the ability of existing international law to regulate ‘hostile’ cyber acts, especially those with mass civilian consequences, such as an attack on a power grid or transport infrastructure.

Should States decide to cooperatively discuss these issues, the United Nations stands ready to provide a forum for them to do so.

In closing, I want to raise the ‘old’ but also pressingly current issue of nuclear weapons. The humanitarian approach to nuclear disarmament has been a highlight of recent efforts to abolish nuclear weapons and has helped reinvigorate a frozen debate.

This approach, as reflected in the three conferences on the issue and the overwhelmingly supported First Committee resolution, has resulted in a new common understanding of the catastrophic consequences that would result from even a limited use of nuclear weapons and also of the international’s community’s inability to respond in any way that could mitigate the human suffering such use would cause.

Given that roughly 80 percent of its States parties support this approach, the humanitarian movement will likely figure prominently at the Nuclear Non-Proliferation Treaty Review Conference in May.

This overwhelming majority of States parties now believe that humanitarian considerations should be at the centre of all future disarmament deliberation. They cannot be ignored, because to do so could have damaging consequences for the role of the NPT as the essential foundation for the pursuit of nuclear disarmament.

At the beginning of my remarks I mentioned the centenary of the first major use of chemical weapons. 2015 also marks 70 years since the one and, thankfully, only use of nuclear weapons on Hiroshima and Nagasaki.
The devastating results of these attacks should serve as a reminder to us all that, when it comes to weapons technologies, science cannot be placed above humanitarian consequences.

Thank you.