

Prof Thompson Chengeta: Submission to the UN HRC Advisory Committee's call for inputs on human rights implications of new and emerging technologies in the military domain

1) Introduction

In February 2023, I was invited by the Advisory Committee of the UN Human Rights Council to share my perspective on the human rights implications of new and emerging technologies in the military domain. This was in the context of the Advisory Committee's current study on "Human rights implications of new and emerging technologies in the military domain" mandated by the Human Rights Council Resolution A/HRC/RES/51/22.

In my oral presentation to the Advisory Committee, I focussed on the right to non-discrimination and autonomous weapon systems. Further, since autonomous weapon systems discussions are currently held in the UN Convention on Conventional Weapons (UNCCW) – with several governance proposals being made in that forum – I addressed the limitations of the UNCCW to sufficiently capture the human rights implications of autonomous weapon systems.

In response to the Advisory Committee's "Request for (written) inputs on human rights implications of new and emerging technologies in the military domain", I present my research outputs below which capture the points that I made to the Advisory Committee earlier in February 2023:

2) Input on the right to non-discrimination implications of autonomous weapon systems

- a) T Chengeta, "The right to non-discrimination, and freedom from racial oppression should be part of the guidelines and principles in the discussion on AWS" (2023), *Written Evidence (AIW0020)*, *United Kingdom Parliament Inquiry on autonomous weapon systems*, <https://committees.parliament.uk/writtenevidence/120290/pdf/>
- b) T Chengeta, "Autonomous weapon systems: Accountability Gap and Racial Oppression" (2022) in Christopher, S, (ed.) *Reclaiming human rights in a changing world order* (Chatham House / Brookings Institution Press pp. 216 -236) <https://researchonline.ljmu.ac.uk/id/eprint/19204/1/Racial%20oppression%20and%20autonomous%20weapon%20systems.pdf>

Key points: In the life cycle of autonomous weapons systems – that is, in the development, deployment, post-use and policy-making stages – there are several practices that are inconsistent with the right to non-discrimination as provided for in the ICCPR, CERD, CEDAW and other international and regional human rights treaties. In examining the right to non-discrimination implications of autonomous weapon systems, it is important to use critical theories as part of the methodology. Critical theories such as critical race theory, decoloniality, feminism, intersectionality etc. are important in understanding the scope of discrimination in new technologies in the military domain.

3) Input on the importance of an appropriate forum to discuss the human rights implications of autonomous weapon systems

- c) T Chengeta, "Is the Convention on Conventional Weapons the appropriate framework to produce a new law on autonomous weapon systems?" (2022) in https://www.pulp.up.ac.za/edocman/edited_collections/a_life_interrupted/Chengeta.pdf

Key points: At the international level, the forum that is chosen by states to consider rules or governance frameworks on AI in the military domain determines the extent that human rights implications of such technologies are considered. For example, states are currently discussing autonomous weapon systems in the UNCCW whose scope of application largely relates to armed conflict and international humanitarian law. Given the broad human rights implications of

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autonomous weapon systems, it is inappropriate for a forum that cannot fully consider the jurisprudence and body of literature on human rights law to produce a governance framework on autonomous weapon systems. I have presented these view points in the UNCCW, for example, recently in the 2023 UNCCW Meeting of State Parties (UN Web TV, start time: 0:02:40, <https://webtv.un.org/en/asset/k1b/k1bf0dm04k>) and the in the UN 2022 Group of Governmental Experts on Lethal Autonomous Weapons (UN Web TV, start time: 2:43:00, <https://media.un.org/en/asset/k1w/k1wafhyvc9>)

4) African Commission Resolution 473 on AI on the need to undertake a study on human and peoples' rights and artificial intelligence (AI), robotics and other new and emerging technologies in Africa – <https://achpr.au.int/en/adopted-resolutions/473-resolution-need-undertake-study-human-and-peoples-rights-and-art>

I would also like to refer to Resolution 473 – an important resolution on the African Continent which equally address the question of AI in the military domain.

Key points: The resolution notes the importance of maintaining meaningful human control over use of force. It also notes that delegating the decision to kill to machines is inconsistent with the right to dignity.