



Permanent Representation
of the Federal Republic of Germany
to the Conference on Disarmament in Geneva

**CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL
WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE
INDISCRIMINATE EFFECTS (CCW)**

**PREPARATORY COMMITTEE
FOR THE
FIFTH REVIEW CONFERENCE**

Geneva, 31 August – 2 September 2016

Statement by

**H.E. Michael Biontino
Ambassador**

**Permanent Representative of Germany
to the Conference on Disarmament**

**on
Lethal Autonomous Weapons Systems (LAWS)**

Madame President,

It is a great honour for me to present as the chair a preliminary report of the Informal Meeting of Experts on Lethal Autonomous Weapons Systems (LAWS) which took place from 11 to 15 April 2016 in Geneva. As mandated, the report is submitted in my personal capacity.

Furthermore, I am pleased to inform this Preparatory Committee on the recommendations that the experts agreed on by consensus for further work for consideration by the Fifth Review Conference.

I have already circulated the full text of the report and the agreed recommendations to all High Contracting Parties in my letter of 8 June 2016.

The Informal Meeting of Experts was attended by a great number of High Contracting Parties to the CCW, observers, International Organizations as well as non-governmental and academic organizations.

In chairing the meeting, I was ably assisted by Friends of the Chair, namely: Ms. Alice Guitton, Ambassador of France, on Mapping Autonomy; Mr. Kim Inchul, Ambassador of the Republic of Korea, and Ms. Beatriz Londono Soto, Ambassador of Colombia, on Towards a working definition of LAWS; Mr. Urs Schmid, Ambassador of Switzerland, and Ms. Päivi Kairamo, Ambassador of Finland, on Challenges to international humanitarian law; Ms. Marta Maurás, Ambassador of Chile, on Human rights and ethical issues; Ms. Yvette Stevens, Ambassador of Sierra Leone, and Mr. Ravinatha Aryasinha, on Security issues.

Furthermore, the meeting greatly benefited from presentations of a total of 34 internationally renowned scientists and practitioners from fields relevant to LAWS.

I am deeply grateful to all of them for the contributions they made.

I. Madame President, in the course of the meeting we were able to cover the following topics:

In the initial General Debate we concentrated on sharing positions on national policies and national legal provisions as well as on the way the CCW could deal with lethal autonomous weapons systems.

Mapping autonomy: We discussed current developments in the civilian sphere; case studies on maritime, aerial and terrestrial autonomous systems, including standard operating procedures and human machine interaction; current developments in the military sphere; and transparency issues.

Towards a working definition of LAWS: We analysed concepts under discussion with a view to refine them and to identify first approaches to operationalize them, including: “Critical functions”; “Autonomy”; “Predictability”; “Indicator based approaches”; “Meaningful human control” and “Human judgment.

Challenges to International Humanitarian Law: In the forefront of our discussions were state presentations on current procedures concerning Art 36, with an emphasis on possible best practices and/or benchmarks; Challenges to Art 36 due to LAWS, including in terms of targeting law, means of warfare and military doctrines; human-machine interaction in terms of various degrees of

autonomy as well as political and legal responsibility for actions of autonomous systems; accountability in case of violation of IHL; transparency issues, including relevant standards concerning resilience against programming and deployment errors as well as vulnerability to cyber attacks; testing and verification procedures/ best practices to ensure compliance with IHL, including a discussion of testing and evaluation of autonomous civilian systems.

Human rights and ethical issues: At the core of the discussion were Human Rights and ethical issues in different scenarios (e.g. maritime/submarine, aerial and terrestrial environments) and social acceptance of autonomous systems in general and in the military sphere in particular.

Security Issues: Here we concentrated on possible regional and/or global destabilization due to the deployment of LAWS; proliferation risks, including concerning non-state actors and terrorists and the military value/risks of the deployment of LAWS in different scenarios (e.g. regional or asymmetrical conflicts, homeland defence)

All in all we had a very rich and productive discussion. A large number of delegations underlined the importance of addressing the issue of lethal autonomous weapon systems (LAWS). The involvement of civil society and non-governmental organizations and their substantive contributions were welcomed

II. Madame President, let my highlight a number of points of particular relevance that were made in the discussion:

There was a general understanding that fully autonomous weapons systems do not yet exist and there were diverging views as to whether these weapons might be developed in the near or long-term future, or not at all. A number of delegations stressed that they had no intention of developing or acquiring such systems.

A large number of delegations emphasized the need for a better understanding of LAWS. In this regard, delegations stressed the need for a working definition, which should, however, not be a necessary prerequisite for proceeding with further substantial work.

A number of delegations proposed considering LAWS in relation to human involvement. For example, the concept of “meaningful human control” was proposed by some delegations as a framework to assess the legal, moral and ethical aspects of LAWS. However, some criticised the

subjective nature of “meaningful human control” and expressed a preference for “appropriate human judgement” instead.

There was general consensus on the importance of the application of international law, in particular international humanitarian law (IHL) and international human rights law. While some delegations stated that the current IHL rules are sufficient to regulate the use of any type of weapon, including LAWS, other delegations questioned whether this would be the case. A number of delegations emphasized the importance of legal weapons review processes to ensure compliance with IHL. In response, some delegations argued that existing legal weapons reviews are incapable of addressing the potential challenges posed by LAWS.

Due to the complex design of LAWS, several delegations noted that these systems would be inherently unpredictable and would not be able to comply with IHL. The unpredictability of LAWS could be exacerbated in situations where multiple systems or swarms of systems interact.

The issue of responsibility and accountability with respect to LAWS was raised by a number of delegations. There was a widely shared understanding that the responsibility for the development, production and deployment of LAWS rests with the operating State. The importance of ensuring an unequivocal accountability chain in the deployment of a weapon system was underlined.

It emerged as an area of common understanding that delegating the decision over life and death of a human being to a machine would be unacceptable. Concerns were raised by a number of delegations that the use of LAWS might severely impact human rights.

Many delegations pointed towards the potential challenges and threats arising from the development and use of LAWS. These included the risk of proliferation, including LAWS being obtained by non-state actors; possibility of an arms race; lowering the threshold for the use of force; and exacerbation of global and regional instability. It was argued that the military utility of LAWS might not be the same in symmetric conflicts as compared to asymmetric conflicts. The gap between technologically advanced States with the ability to develop, procure and deploy LAWS and States without these capabilities could amplify the asymmetric character of armed conflicts in the future.

In terms of the way ahead on LAWS, a number of delegations called for the development of transparency and confidence-building measures and stressed the importance of information sharing, particularly in the area of legal weapons reviews.

A number of delegations proposed a preventive approach, calling for a prohibition on the development, acquisition, trade, deployment and use of LAWS. Some called for a moratorium until a regulatory framework was established.

The dual-use character of autonomously operating technology and their benefits for civilian applications was raised by a number of delegations. There was a widely shared view that legitimate developments in the civilian sphere should not be hampered by regulatory measures taken with regard to LAWS. In this context, Protocol IV of the CCW was cited as an example of banning a future weapon category without curtailing research and development in the civilian sphere.

The CCW was widely affirmed as the appropriate forum for the discussion of LAWS.

III. Madame President, let me now turn to the recommendations that the Informal Meeting of Experts agreed on by consensus for further work for consideration by the Fifth Review Conference.

In essence it is recommended that the 2016 Fifth Review Conference may decide to establish an open-ended Group of Governmental Experts (GGE) in accordance with established practice. It could task the GGE to explore and agree on possible recommendations on options related to emerging technologies in the area of LAWS, in the context of the objectives and purposes of the Convention, taking into account all proposals – past, present and future.

Furthermore the GGE would consider, inter alia, the questions of a working definition of LAWS; International Law, in particular International Humanitarian Law, in the context of LAWS; International Human Rights Law, when applicable; legal and political responsibility and accountability; ethical and moral questions; effects on regional and global security and stability as well as on the threshold for armed conflicts; risk of an arms race; military value and risks; proliferation risks, including to and by non-state actors; risks posed by cyber operations in relation to LAWS.

In summary this would constitute a balanced tasking covering the essential questions with relevance to the CCW.

Keeping in mind that LAWS are, indeed, one of the emerging major challenges to the existing global security architecture, with far reaching implications on International Humanitarian Law, Human Rights and Ethical issues, such a tasking would be in my view an adequate response to be given by the CCW.

It is my sincere hope that this Preparatory Committee will have an in depth discussion of these recommendations to set the stage for the Fifth Review Conference.

Thank you