



Statement

by

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**1st Meeting of the International Panel on the Regulation of
Autonomous Weapons Systems**

Berlin, 7 March 2017

Let me at the outset underline how important the contributions of scientific and think tank experts were up to now in the discussions of Lethal Autonomous Weapons Systems (LAWS). They were integral part of our proceedings in the Convention on Certain Conventional Weapons, shaped and advanced our understanding of these systems and set to a large extent the parameters for the further deliberations. I expect that in the work of the Governmental Group of Experts (21-25 August 2017), expert contributions will continue to play an important role. But you will have the opportunity to discuss this in detail with the Chair of the GGE, Ambassador Amandeep Gill.

Before this backdrop let me briefly outline the issues we identified in the intergovernmental discussion as essential in order to address eventually the question of a regulatory framework for LAWS. We all come to realize that LAWS are an extremely complex topic:

- It proved to be extremely difficult to get a clear picture of the current developments of fully autonomous systems in the military realm. There was a common understanding that while such systems do currently not exist, developments are generally headed in

that direction, however likely advancing step-by-step, starting with autonomous sub-components of weapon systems. Contributions that shed more light on ongoing or reasonably expected developments would be more than helpful.

- The need for an acceptable definition constituted a constant part of the discussions. The notions of “critical functions”, autonomy”, “predictability” and the concept of an indicator based approach formed important elements of the debate. I came to the conclusion that in light of the continuing uncertainty about future developments, a normative approach, as for example “meaningful human control” or “human judgment” might be better suited than a purely technical or legal approach to a definition - particularly to arrive at a clear distinction between these autonomous and automated or remote-controlled weapon systems, in the way they already exist. This certainly merits further input from the scientific community.
- We have to expect that the overwhelming majority of the technology relevant for LAWS will be dual-use. A regulatory framework will have to take this into account in order not to impair legitimate civilian developments. Here, Protocol IV of the CCW on Blinding Laser Weapons could possibly serve as an example.
- The question whether the existing rules of International Humanitarian Law provide a sufficient regulatory framework, for example through a substantiated Art. 36 Weapons Review Process needs further study. This implies of course that LAWS can comply with the requirements of the principles of distinction, proportionality and precaution in attack. In my view, however, even IHL-compliant use of weapons systems entails central value judgments, which seem impossible to be programmed, hence delegated to LAWS. This is particularly valid, because any use of LAWS would qua definitione result in a certain degree of uncertainty and unpredictability, which through the expected employment of swarms of LAWS, would receive an additional destabilizing element.
- In this context the question of responsibility and respectively accountability for the deployment of LAWS can be expected to play another important element of the intergovernmental discussion. It is uncontested that LAWS themselves, even if they were to act autonomously, cannot be responsibility for their own actions, but instead the responsibility would always rest with the operating state. This issue needs further detailed study.

- Beyond the technical and legal aspects, moral, ethical and Human Rights considerations continue to lie at the core of the discussion on LAWS. However, the relevance of these aspects would most likely vary between different scenarios, e.g. land-based, air-based or maritime uses of LAWS. These issues undoubtedly require further deliberation. However, from our German perspective it is very clear that the right to human dignity implies that the decision of life and death of a human being cannot be delegated to a machine and a machine could never be held accountable for making such decision.
- Security- and defense policy issues will need further exploration as well. One central issue in that regard is that, once activated, LAWS would ultimately act outside of the direction and control of the respective commander. This loss of control would be contradictory with the requirements of an integrated approach to warfare, which is able to respond to altering circumstances in the tactical or strategic situation.
- Another important issue is the potentially negative effects of the use of LAWS to regional and global stability. This includes the risk of proliferation, as well to non-state actors and terrorist groups, the risk of “compromised LAWS” through “hacking” and a potential lowering of the threshold to resort to military force in asymmetric and regional conflicts. Furthermore, the potential of the increasing gap between technologically advanced states with the capability to produce and deploy LAWS and states without these capabilities, amplifying the already existing asymmetry in armed conflict, will have to be considered.
- Last not least the question remains what form of a regulatory framework for LAWS could possibly be negotiated and universally accepted. A ban, a moratorium, additional transparency and confidence building measures and a substantiated Art. 36 Weapons Review were elements of the discussion in the CCW. All these require further in depth study on their prerequisites, inter alia an acceptable definition, and their consequences in a real world.

As said at the outset, LAWS is an extremely complex topic and we are all counting on the scientific community to continue its very valuable input in the forthcoming intergovernmental discussions.

I thank you for your attention.