



CAMPAIGN TO STOP KILLER ROBOTS

4 April 2019

Rt. Hon. Winston Peters
Deputy Prime Minister, Minister of Foreign Affairs, Minister for Disarmament and Arms
Control
Parliament Buildings
Wellington
NEW ZEALAND

RE: Prohibiting fully autonomous weapons

Dear Minister,

I am writing on behalf of the Campaign to Stop Killer Robots to urge New Zealand to support the call to preemptively ban lethal autonomous weapons systems, also known as fully autonomous weapons or “killer robots.” We encourage New Zealand to heed the call of New Zealand non-governmental organizations (NGOs), [technology companies](#) and artificial intelligence experts, who have repeatedly encouraged the government to take a firm position to prevent the creation of such weapons systems.

Does New Zealand concur with United Nations Secretary-General António Guterres that the prospect of machines with the discretion and power to take human life is “morally repugnant and politically unacceptable”? The Secretary-General’s 2018 [Agenda for Disarmament](#) details the many serious ethical, legal, moral, operational, proliferation, technical, international security and accountability concerns raised by fully autonomous weapons. He recommends states create a legally binding instrument to prohibit such weapons systems and ensure that “humans remain at all times in control over the use of force.”

As a New Zealander and former member of the Public Advisory Committee for Disarmament and Arms Control it pains me to see this country’s timid contributions to the ongoing effort to address the serious challenges raised by fully autonomous weapons. This is because I know how New Zealand can excel in preventing and mitigating human suffering from unacceptable indiscriminate weapons. I was privileged to work closely with New Zealand officials and political leaders to prohibit antipersonnel landmines through the 1997 Mine Ban Treaty and cluster bombs via the 2008 Convention on Cluster Munitions.

New Zealand’s current policy position on killer robots stands in stark contrast to our bold political leadership on those previous arms challenges. It does not complement the active and central role that New Zealand plays in contributing to multilateral disarmament diplomacy, demonstrated most recently in New Zealand’s central contribution to creating the 2017 Treaty on the Prohibition of Nuclear Weapons.

At last month's Convention on Conventional Weapons (CCW) meeting on lethal autonomous weapons systems at the UN in Geneva, the Campaign to Stop Killer Robots was dismayed to hear New Zealand state that such weapons systems can be developed and used as long as they pass an Article 36 legal review and are used lawfully.

This narrow view ignores the serious concerns raised by fully autonomous weapons and is out of step with a majority of states that find existing international humanitarian law will not be sufficient to prevent the development of fully autonomous weapons. New Zealand is inexplicably absent from the calls from a majority of states to strengthen and clarify existing law by creating a new treaty to prohibit or restrict fully autonomous weapons.

New Zealand has never elaborated what it considers to be a lethal autonomous weapons system and did not provide a working definition or comment in the CCW session dedicated to discussing the characteristics of such weapons. New Zealand's statements also referred to "fully autonomous weapons" yet the delegation could not explain what it meant by that term. Most states and the campaign use both lethal autonomous weapons systems and fully autonomous weapons interchangeably.

New Zealand depicted the effort to define lethal autonomous weapons systems as too complicated or complex for it to comment on. Yet it nonetheless saw fit to defend their development and use. That contradicts the widely held view that states have not yet developed or used lethal autonomous weapons systems. South Korea, the United Kingdom, and other states often affirm that they do not have such weapons systems and have no plans to develop or acquire them.

We concur with New Zealand and other states that find the absence of an agreed definition does not prevent the CCW from moving forward and addressing the challenges raised by fully autonomous weapons. But, if anything, the seven CCW meetings on killer robots since 2014 have shown there is strong convergence that lethal autonomous weapons systems would lack human control over the critical functions of selecting and engaging targets, as the attached list of selected definitions shows. The removal of meaningful human control from weapons systems and the use of force is being stigmatized and remains at the heart of the call for a ban.

At the CCW meeting, New Zealand recommended a series of weak measures that will not address the fundamental challenges raised by killer robots or satisfy mounting public concerns. New Zealand proposed the CCW focus its deliberations on strengthening the operation of Article 36 legal reviews of new and modified weapons systems as well produce a "possible compendium of best practices" for how militaries should undertake such reviews. But the CCW was never created to do this. It is a framework convention established to negotiate prohibitions or restrictions on certain conventional weapons. The CCW talks have been tasked with addressing the challenges raised by lethal autonomous weapons systems, not to legitimize them or determine how to ensure such weapons systems might comply with existing law.

New Zealand expressed interest in the CCW pursuing the development of a declaration that sets out "at a high political level its concerns about unrestrained development and use" of lethal autonomous weapons systems. New Zealand boldly claimed such "politically binding principles on LAWS would constitute a major step forward" and would satisfy the multifaceted concerns raised by states, artificial intelligence experts and civil society. Yet such a political declaration is wholly insufficient to address the serious challenges raised by fully autonomous

weapons. They won't satisfy public concerns either, as we made clear in the campaign's [opening](#) and [closing](#) interventions to the meeting.

New Zealand has expressed support for a failing initiative as the political declaration once proposed by France and Germany is no longer being sought by both countries. This is because there is widespread acknowledgement that such a declaration would fall far short of the regulation that's clearly needed.

New Zealand's only reference to the calls for a new treaty came when it recommended "technical exchanges" to "keep under review the political, security and legal implications of LAWS, and ... allow states to continue to discuss issues involved in a possible legal prohibition on fully autonomous weapons." Again, this sends the wrong message that lethal autonomous weapons systems could be developed and used lawfully.

By implying that certain development and use of such weapons can be restrained, New Zealand is taking a short-sighted view to what is a much larger, long-term problem. Once fully autonomous weapons are developed, they will proliferate and be used by states and non-state armed groups with no regard for the laws of war. Restraining such use will become an impossible task.

At the CCW meeting, New Zealand expressed support for [Australia's extremely problematic position](#), which rejects the notion of human control over the use of force and instead proposes a "system of systems" approach. Australia was the outcast at this meeting as all of the participating states with the exception of Australia and [Russia](#) indicated there is a need to retain some form of human control over weapons systems and the use of force. Australia also brought to the CCW a new Australian defence group called "Trusted Autonomous Systems" that favored LAWS, railed against calls for a ban, and spoke to support its government's statements.

New Zealand's delegation told our campaign that the policy statements prepared for the CCW meeting represent "a realistic sense of what could be achieved" in this forum. This begs the question of why New Zealand would base its policy around what might be achievable in a consensus-based negotiating forum such as the CCW. New Zealand has never provided a coherent policy position on killer robots [despite promising to do so since 2013](#).

There is a need for much greater clarity and stronger ambition from New Zealand when it comes to the killer robots challenge. The Campaign to Stop Killer Robots respectfully encourages New Zealand to develop its own policy on fully autonomous weapons and consider the bigger picture.

In the past, New Zealand [has acknowledged](#) the importance of considering international human rights law and international criminal law with respect to lethal autonomous weapons systems. It has flagged "the profound ethical questions" underlying this issue. Yet these broader concerns were never raised at the last CCW meeting.

Support for a ban on fully autonomous weapons continues to increase, but New Zealand still has not expressed a desire for new international law on killer robots, let alone a prohibition treaty. New Zealand is not among the [28 countries calling for a ban on fully autonomous weapons](#). New Zealand has not commented on the [formal proposal](#) by Austria, Brazil, and Chile to begin the urgent negotiation of "a legally-binding instrument to ensure meaningful human control over the critical functions" of weapons systems.

The fundamental challenges raised by fully autonomous weapons present an opportunity for New Zealand to demonstrate bold political leadership and make full use of the Minister for Disarmament and Arms Control portfolio. But the starting point must be more ambitious than the meek suggestions that New Zealand has offered so far.

I would welcome the opportunity to discuss this concern with you during my visit to New Zealand on 15 April-6 May. Thank you for your kind consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Wareham', with a stylized, cursive script.

Mary Wareham
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CC:

- Fletcher Tabuteau, Parliamentary Under-Secretary for Disarmament and Arms Control
- Simon O'Connor, Chair, Foreign Affairs, Defence and Trade Select Committee
- Edwina Hughes, Aotearoa New Zealand Campaign to Stop Killer Robots



CAMPAIGN TO STOP KILLER ROBOTS

Selected working definitions of lethal autonomous weapons systems April 2019

Fully autonomous weapons or lethal autonomous weapon system would be able to select and engage targets without meaningful human control. Here are some examples of working definitions provided by states and other actors at the Convention on Conventional Weapons (CCW).

Austria

“... weapons that in contrast to traditional inert arms, are capable of functioning with a lesser degree of human manipulation and control, or none at all.”¹

Belgium

“Weapons that can independently elect and attack targets without meaningful human intervention.”²

Holy See

“A weapon system capable of identifying, selecting and triggering action on a target without human supervision.”³

Ireland

“A weapon system which can act autonomously in delivering (lethal) effects to a target and may also act autonomously in detection and target selection prior to engagement of the target.”⁴

Italy

[Lethal autonomous weapons systems] could “select targets and decide when to use force, [and] would be entirely beyond human control.”⁵

The Netherlands

“A weapon that, without human intervention, selects and attacks targets matching certain predefined characteristics, following a human decision to deploy the weapon on the understanding that an attack, once launched, cannot be stopped by human intervention.”⁶

Norway

“Weapons that would search for, identify and attack targets, including human beings, using lethal force without any human operator intervening.”⁷

¹ [Statement of Austria](#), CCW Informal Meeting of Experts on lethal autonomous weapons systems, Geneva, 13 May 2014.

² Parliament of Belgium, “[Proposition de resolution relative à l’interdiction de la recherche, la production, le commerce et l’utilisation des armes totalement autonomes](#),” 12 December 2016, Full text available [here](#).

³ [Working Paper submitted by the Holy See](#), “Elements Supporting the Prohibition of Lethal Autonomous Weapons Systems,” CCW Informal Meeting of Experts on lethal autonomous weapons systems, Geneva, 7 April 2016.

⁴ [Statement of Ireland](#), CCW Group of Governmental Experts meeting, Geneva, 29 August 2018.

⁵ [Statement of Italy](#), CCW Informal Meeting of Experts on lethal autonomous weapons systems, Geneva, 12 April 2016.

⁶ AIV/CAVV, ‘Autonomous weapon systems; the need for meaningful control’, October 2015, a synopsis of the report can be found [here](#) and the full report [here](#).

⁷ [Statement of Norway](#), CCW Informal Meeting of Experts on lethal autonomous weapons systems, Geneva, 13 April 2016.

Switzerland

“Weapons systems that are capable of carrying out tasks governed by IHL in partial or full replacement of a human in the use of force, notably in the targeting cycle.”⁸

United States

“A weapon system that, once activated, can select and engage targets without further intervention by a human operator.”⁹

International Committee of the Red Cross (ICRC)

“Any weapon system with autonomy in its critical functions. That is, a weapon system that can select (i.e. search for or detect, identify, track, select) and attack (i.e. use force against, neutralize, damage or destroy) targets without human intervention.”¹⁰

⁸ [Informal Working Paper submitted by Switzerland](#), CCW Informal Meeting of Experts on lethal autonomous weapons systems, Geneva, 30 March 2016.

⁹ US Department of Defense (DoD), *Autonomy in Weapon Systems*, [Directive 3000.09](#), 21 November 2012 and its amended version (still Directive 3000.09) 2017

¹⁰ Views of the International Committee of the Red Cross on autonomous weapon systems at the CCW Informal Meeting of Experts on lethal autonomous weapons systems, Geneva, 11-15 April 2016.