

## **Statement by New Zealand, 5 August 2021**

### **Agenda item 5(c): Further consideration of the human element in the use of lethal force; aspects of human machine interaction in the development, deployment and use of emerging technologies in the area of lethal autonomous weapons systems**

Thank you Ambassador Pecsteen. It's our pleasure to formally congratulate you on assuming the position of Chair of this Group of Governmental Experts. New Zealand commends your efforts to ensure that this Group is finally able to meet this month, and for your ingenuity in hosting informal consultations in June and July.

New Zealand recognises the urgent need for the international community to demonstrate meaningful progress on this issue. The issue of autonomous weapons systems is one of the top priorities in our new disarmament strategy. This reflects both the nature and extent of the challenges posed by such weapons systems, as well as the urgency with which controls over them must be agreed and implemented. Accordingly, we are undertaking significant work in New Zealand to understand all of the interests connected to AWS and develop a more comprehensive domestic policy on this issue. At the informal consultations, I reported on our multi-stakeholder workshop in April, and I'm pleased to inform you that our domestic work has continued even since then. We are also engaging with a range of other governments and would be happy to discuss our policy development process with any interested delegation.

Two weeks ago, our Minister for Disarmament and Arms Control said, in an opening address to the AI Forum:

"The prospect of weapons that can identify, select and attack targets without human control raises fundamental legal, ethical and security concerns. There are serious doubts about whether such a weapon system can comply with the requirements of International Humanitarian Law, for example to be sure that it can discriminate between a combatant and a civilian, that it can recognise when a combatant is surrendering or injured, or that it can determine whether the action it is taking is proportionate. We are similarly concerned about the ability of such weapons to meet the requirements of human rights and other law, and are alarmed at the capabilities they could offer to oppressive governments, terrorist groups and other non-state actors.

But our concerns are not just legal. Autonomous weapons systems raise profound questions of ethics, accountability and justice. As I have spoken about before, New Zealand is deeply concerned about the dehumanising effect of autonomous technology, and its introduction of biases that perpetuate systemic discrimination and the persecution of minorities.

Autonomous weapons systems also pose very real security risks at the national, regional and global level. Although we recognise the many legitimate benefits that autonomous technologies will bring for militaries around the world, we are clear eyed about the need for controls to ensure compliance with legal and ethical requirements.”

While these issues are still being worked through in New Zealand – as they also appear to be in many other countries around the world – it seems to us that a clear direction of travel is emerging on at least two key issues:

First, on substance, there seems to be near universal agreement that fully autonomous weapons systems that operate completely outside human control are either illegal or ethically unacceptable (or both). Accordingly, we are seeing widespread agreement that AWS should remain under meaningful human control.

Second, on our approach, the idea that the effective regulation of AWS should comprise a two-tier approach of prohibitions on certain types of AWS together with positive obligations governing the other kinds of AWS, seems to be gathering widespread support. We know that the ICRC has proposed ruling out unpredictable and uncontrollable autonomous weapons in the first category, while others have proposed prohibiting different types of autonomous weapons (such as “fully” autonomous systems). And there seems to be broad agreement that autonomous weapons systems falling short of the threshold for prohibition must be subject to the regulations and controls necessary to retain meaningful, appropriate or sufficient human control throughout their lifecycle.

At the same time New Zealand is interested in continuing work to strengthen Article 36 reviews. If undertaken in parallel with the work envisaged on regulations and controls we remain of the view that this will help strengthen the international framework to address the challenges posed by AWS.

New Zealand’s usual preference is to agree on legally-binding rules, rather than a political agreement or code of conduct. But our overarching objective is the effective regulation and control of autonomous weapons systems and we will pursue that in any form. As the ICRC and many others have made clear, time is of the essence. We hope this Group can rise to the challenge before it and agree on an updated forward-leaning mandate for negotiations on autonomous weapons in this forum.