



**Group of Governmental Experts on
Lethal Autonomous Weapons Systems**

Agenda item 5(b)

27 March 2019

Thank you Chair.

As we have stated in the past, New Zealand agrees that LAWS technologies have serious implications for the future of warfare. We have concerns about the legal, ethical and human rights challenges posed by the development and use of LAWS.

New Zealand welcomes the progress made in the Group of Governmental Experts last year, and in particular, the Chair's paper containing "possible guiding principles". New Zealand sees this paper as a useful basis for moving the Group's work towards a conclusion.

In particular, we endorse the points about LAWS being subject to international law, including international humanitarian law, and the overriding importance of human responsibility. Both principles remind us that the use of LAWS is not unlimited. We consider it is important to use this session to explore further what limits already apply to LAWS and how they can be made explicit and better understood.

Existing international law, particularly the requirements of Additional Protocol I to the Geneva Conventions, already provides for meaningful disciplines over autonomous weaponry – in particular, the requirements for military necessity, humanity, proportionality, distinction and proportion in attack.

Article 36 of Additional Protocol I already stipulates that weapons, means and methods of warfare must conform to international law. Human control, as exercised through the lifecycle of the weapon, must be

sufficient to satisfy the requirements of proportionality, distinction and precautions in attack.

We therefore see meaningful human control as the key criterion for judging LAWS. The ability to exercise human control is critical to whether a weapon would be able to comply with international humanitarian law in a particular context, as well as other requirements such as rules of engagement.

In this regard, we welcome the Australian working paper that outlines its system of control as an incremental, layered approach to applying control, covering all aspects of a weapons system from design through to engagement, and which is applicable to the full spectrum of weapons systems. This whole-of-life approach to meaningful human control also helps to ensure that a weapons system can be employed predictably and reliably across a range of contexts.

As highlighted in the questions posed by the Chair, we consider it is helpful for this Group to further consider the kind of human control that is necessary to meet international legal requirements. Understanding meaningful human control through the lens of compliance with international law will also allow us to take a technology-agnostic approach to considering these issues in the CCW. New Zealand is supportive of efforts to develop a common understanding of the issues related to LAWS but joins others in agreeing that a technical definition of lethal autonomous weapons systems is not needed in order to move this work forward.

As an outcome, this Group should state clearly that LAWS that cannot fulfil the requirements of proportionality, distinction and precautions in attack would not be lawful. We should make explicit what is already implicit in international law – that limits on the development and use of autonomous weapons systems already exist. The means and methods of warfare are not unlimited.

As one of the few countries that undertakes Article 36 reviews for new weapons, munitions, methods and means of warfare, New Zealand encourages all States parties to Additional Protocol I to fulfil their existing legal obligations for weapons reviews. New Zealand also supports any initiatives which seek to share best practices for weapons reviews,

including a possible compendium of best practice, as mentioned by other delegations.

Thank you.

NZ disarmament statements online, www.converge.org.nz/pma/nzdist.htm