



Statement by New Zealand
GGE on Lethal Autonomous Weapons
Systems

The way ahead

29 August 2018

Thank you Mr Chair.

New Zealand would like to contribute to the debate on the way ahead. Like many others in the room we sense a very clear intention among delegations to ensure that our ongoing work on LAWS moves us forward. After several years of technical presentations and discussions we consider that this forum is motivated and well-equipped to move past identifying the challenges posed by LAWS and to focus instead on addressing them.

New Zealand has made clear in previous deliberations on the way ahead that we are open-minded about the best way to do so. This remains the case and we are particularly grateful to the many delegations, international organisations, academic institutes and civil society representatives that have contributed specific proposals for consideration in this regard.

For New Zealand's part, we have focused our intersessional work on the contribution that Article 36 reviews could make to addressing at least some of the challenges posed by LAWS. In doing so, we have had in mind the Swiss recommendation from the April session of our GGE to "collate and clarify *existing* legal provisions as they apply to autonomous weapons systems".

It is clear to us that a key challenge for Article 36 reviews of emerging systems is ensuring that reviewers have access to the necessary

technological understanding and competency. It is, of course, impossible to adequately review a system if you do not understand it. Against this backdrop we can identify a number of steps that could be taken to enhance the contribution that Article 36 reviews can make to addressing the challenges posed by autonomous weapons systems.

For example, we see the necessity of reviews of such weapons systems being conducted by multidisciplinary teams of experts in a systematic way covering research and development, procurement, use and review. These teams could include lawyers, scientists, procurement specialists, data experts, policy experts, private sector experts and others, with importance also to be placed on investment in ongoing professional development of reviewers in order to ensure they keep up with advances in technology.

New Zealand also sees great value in improving information-sharing around Article 36 reviews, including the development of international best practice codes of conduct for Article 36 reviews that could be readily shared internationally. In this context we welcome the paper circulated by Australia on its Article 36 review process and look forward to consideration of this and other contributions on Article 36 at future sessions of the GGE.

Mr Chair, beyond technological understanding and competency, we recognise that trust is another key challenge relating to Article 36 reviews of emerging technologies. How can you verify whether a system is reliable and can be trusted? Many of the presenters during our GGE deliberations have highlighted this challenge, noting for example, the difficulty of certifying systems that feature Artificial Intelligence. While many of these challenges persist, from New Zealand's perspective there are a number of factors that can be built into Article 36 reviews to enhance our trust in them. These include the incorporation of "auditable reasoning" into systems during development to ensure that a system is able to explain why particular decisions were made or actions were taken; the use of best practice cyber-security processes in the development of such systems; and, wherever feasible, a collaborative approach to information-sharing on system strengths and weaknesses.

Mr Chair, these are some of New Zealand's initial contributions on Article 36 reviews and we look forward to elaborating them during future

sessions of the GGE. From our perspective, although Article 36 reviews are clearly not seen as sufficient in themselves to address the many challenges posed by LAWS, they comprise an important part of the existing legal framework and deserve our attention moving forward.

More generally, Mr Chair, New Zealand wishes to place on record our preference for a future mandate for our GGE that facilitates a more targeted focus on the human element (or the human-machine interface), rather than on definitions – which remain elusive – or on technology. In our view, such a focus should enable us to understand more clearly exactly what type and quality of human control is required throughout the life cycle of an autonomous weapon system to ensure compliance with IHL. At the same time, the mandate for the GGE must preserve sufficient space for deliberations – and wherever possible, *decisions* – on the concrete proposals that have been put forward to address the challenges posed by LAWS.

Thank you Mr Chair.