



UK Mission
Geneva

Convention on Certain Conventional Weapons
Group of Government Experts on emerging technologies in the area of Lethal
Autonomous Weapons Systems

Geneva, 25-29 March 2019

Agenda item 5(e): Possible options for addressing the humanitarian and international security challenges posed by emerging technologies in the area of lethal autonomous weapons systems in the context of the objectives and purposes of the Convention without prejudging policy outcomes and taking into account past, present and future proposal

Mr Chair

The UK aligns itself with the statement made by the European Union and its Member States; we have some additional comments in a national capacity.

The preceding discussions have once again highlighted the breadth, depth and complexity of the arguments and considerations posed by emerging technologies in the area of LAWS – and a continued lack of consensus in many key areas. Whilst the UK is alive to and deeply concerned by the dangers posed by unregulated or irresponsible developments in AI and autonomous technologies, we contend that the continued divergence of views after several years of discussions makes the formulation of a mutually acceptable, practical and enforceable legal instrument unlikely in the near future – in the CCW or any other forum.

Such an instrument would undoubtedly fail to secure the support of the states that have the financial, technological and military capability to make greatest use of developments in emerging technology. To that end, the resulting instrument would no doubt fulfil the presentational requirement felt by some participants to be seen to be banning LAWS but would have no practical effect in either preventing illicit developments in military technology or ensuring the implications of emerging technology are tracked, understood and discussed in appropriate international fora. And to be clear, we continue to believe that the CCW is the appropriate forum for our discussions.

The UK reiterates its continued commitment to all of our obligations under national and international law – commitments that are already recognised in our existing industry standards, legal review processes and political, strategic, operational and tactical policies and procedures. Human oversight and accountability will always be involved in the application of lethal force, and in monitoring and responding to emergent behaviours in complex systems. This distributed system of governance is both more agile and more adaptive than a monolithic legal instrument, allowing a spectrum of expertise to be brought to bear at multiple points in the development and fielding of weapons systems to ensure that changes in operational, legal, technological or environmental circumstances are reacted to appropriately.

It is ironic to note that many of the states who favour some form of bespoke legislation for an as-yet undefined technology do not themselves meet the obligations set out in Article 36 of Additional Protocol I to the Geneva Conventions to ensure the weapons they field are capable of complying with states' obligations under IHL. Some participants have suggested that the current provisions of IHL and the associated regulatory framework for ensuring that weapons systems can be used in line with its obligations are inadequate to address the complexities presented by emerging technology. However, we are yet to be presented with any empirical evidence as to what these shortcomings might be and how they might be overcome. Seeking to fix as yet undefined problems with existing regulation – if indeed such problems exist – would seem like a better option than rushing to create new legislation.

The UK is keen to continue to share elements of national best practice and has already publicly set out its approach to Article 36 reviews to show how this can and should work. Similarly, we are keen to continue to share our doctrine and concepts on related subjects, as set out in publications such as our Joint Concept Note on Human Machine Teaming and the UK's 2018 LAWS working paper. We look forward to continuing to engage closely in discussions on these themes in support of the CCW's objectives and purposes, and in close alignment with the direction of the GGE's Chair. We encourage all states to do the same and welcome Australia's recent paper on its system of National Control, which we endorse.

The UK maintains that the current lack of consensus on key themes counts against any legal prohibition. We recognise the possible merits of some of the other potential policy options such as the Franco-German work or a code of conduct which could provide space to allow discussions to evolve towards an outcome, whilst reducing the risks of unchecked and unregulated research and development. We remain willing to engage positively. Similarly, we would likely endorse and support the convening of a regular group of experts under the auspices of the CCW which could monitor and report on rapidly changing technological

considerations in the field, noting that there should also be input from across the lifecycle to ensure that discussions do not focus exclusively on technology without fully considering wider realities and exigencies. We do not agree that such a group of experts should be given a negotiating mandate on a legally binding instrument.

Finally, we recognise the value of Possible Guiding Principles arrived at under former-Chair Ambassador Amandeep Singh Gill, not least because they capture the issues on which common agreement has been found. To that end, they are not the Chair's guiding principles; they are ours. We believe the principles could form a very useful overarching set of guidelines for considering the particular challenges posed by AI and autonomy. As indicated in the Chair's programme of work, further effort could be dedicated to 'operationalising' the principles in order to provide a LAWS-specific set of guidelines which could be overlaid on and integrated with existing regulatory structures. This further reinforces the requirement for all states to ensure that the military capabilities they use are adequately assessed to ensure compliance with existing international law.

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