Kingdom of the Netherlands

Statement of the Netherlands

delivered at

Group of Governmental Experts on LAWS

By

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Agenda item 5(b): 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

Geneva, 26 April 2019

Mr. Chair,

The Netherlands aligns itself with the statement delivered by the EU and would like to make some remarks in its national capacity.

Mr. Chair,

The Netherlands is of the view that autonomous weapon systems should remain under meaningful human control to ensure their compliance with international law. After all, only humans can be held accountable, and therefore should have meaningful control over decisions on the use of force.

In our view, meaningful human control should be understood within the context of design, development and operational use of autonomous weapons. The targeting cycle allows for human control in relation to a wide variety of tasks, such as the determination of end-states and objectives, target development, weapon selection, assessment of potential collateral damage, determination of the weapon's operational boundaries in time and space, and the assessment of the effectiveness and lawfulness of the engagement after deployment.

The targeting process is an operational process that guides decision-making at various levels, and allows for the consideration and application of the relevant international law, in particular the principles of distinction, proportionality and precautions.

In practice, this means that in current military targeting practices, it is usually not one single operator who is in control of the complete targeting cycle. The control is, in other words, distributed. The introduction of a

weapon with autonomous functions therefore does not negate the human element throughout the targeting cycle. Rather it modifies the way in which humans, occupying different roles, together exercise sufficient levels of human control.

In this context, it is also important to consider the possible benefits of human-machine collaboration. Effective human-machine teaming may allow for the optimal utilization of technological benefits, such as precision, speed and reliability without sacrificing the robustness and flexibility of human intelligence.

My country wishes to re-emphasize that autonomous weapon systems should be programmed to operate within certain pre-programmed conditions and parameters that cannot be altered by the weapon system itself. The Netherlands considers *fully* autonomous weapon systems, which can change their goal-function independently or alter pre-programmed conditions and parameters, not to be under meaningful human control and therefore considers their use already prohibited under existing international law.

Mr. Chair,

In addition to the aspects I mentioned earlier, meaningful human control should consider, inter alia, the following elements:

(1) 'Responsible innovation' during the design phase – that includes questions related to a system's predictability, explainability and transparency.
(2) Realistic and rigorous testing during the design and development phases.

(3) The execution of legal weapon reviews that pay sufficient attention to the level of autonomy of the weapon system.
and
(4) Extensive training of military personnel (including operators, commanders, legal officers) on the use of the autonomous weapon system.

To conclude, in support of the GGE's work, the Netherlands will be supporting additional efforts by SIPRI and the ICRC this year to identify concrete elements of human control.

Thank you Mr. Chair.