



EU Statement

Group of Governmental Experts on Lethal Autonomous Weapons Systems

Convention on Certain Conventional Weapons

Geneva, 20-21 August 2019

Mr. Chair,

I have the honour to speak on behalf of the European Union.

The Candidate Countries Montenegro*, Serbia* and Albania* as well as Ukraine and the Republic of Moldova align themselves with this statement.

At the outset, I would like to commend you for your leadership and innovative approach to the work of the Group of Governmental Experts on Lethal Autonomous Weapons Systems (GGE LAWS) during its 2019 session and thank you for the preparation of this August meeting.

The EU welcomes the steady progress made over the past few years to increase our collective understanding of the complex topic of LAWS in order to avoid a scenario whereby rapid technological advances would outpace our ability to uphold international law, in particular International Humanitarian Law. We recall that States bear a fundamental responsibility to ensure compliance with the existing international rules, norms and principles including with regard to the development, production, deployment and use of emerging technologies in the area of LAWS.

We encourage the High Contracting Parties to seek further common ground on both the content and the process. The Convention on Certain Conventional Weapons (CCW) is the relevant international forum in this regard combining diplomatic, legal and military expertise and involving industry and civil society. The CCW must remain responsive to new developments in the field of weapons technology and be able to adequately address them. For the credibility of the process and acknowledging the progress already made, it is important that the CCW produces concrete and substantive results. We urge the Group to reach a consensual outcome in this regard.

On the importance of human control to ensure compliance with IHL

* Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.

We recall the mandate agreed by the 2016 CCW Review Conference to the GGE LAWS and the comprehensive list of items identified for further consideration. For us, the consideration of the human element and reaching common understandings on elements of human control will be relevant for all future work.

We should continue work to understand how human-machine interaction, human control, judgment and responsibility might work with regard to possible military applications of emerging technologies in the area of LAWS. In our March statement, which is available on-line, we outlined three key elements which in our view are crucial for ensuring sufficient human supervision. We should aim for a common understanding on the necessary extent and type of human control that is required to ensure compliance with IHL, International Human Rights Law, and other relevant provisions of international law. This might facilitate our consideration of the normative framework related to emerging technologies in the areas of LAWS.

On the proposed work streams

Your proposal on how to continue our work on legal, technical and military aspects is a practical tool to restructure our discussions with the aim to achieve further progress. These work streams will not prevent any State from raising other relevant issues during the debate. We would like to propose that information should be freely and regularly exchanged across these thematic groups, as all three areas have cross-cutting considerations. We would also propose that the key themes with possible deliverables for each work stream are identified in advance, agreed by consensus.

On the guiding principles

The EU welcomes agreement on the 10 guiding principles. Their purpose is to guide how States act in this regard and we encourage High Contracting Parties to take them into account in their national practices and policies.

We look forward to operationalising the agreed guiding principles and developing and reaching timely consensus on additional guiding principles, particularly on human-machine interaction. This may improve our ability to ensure compliance with IHL, including its key principles, of distinction, proportionality and precautions in attack in order to protect the civilian population to the furthest extent possible, as well as the obligation to protect the wounded, sick, prisoners of war and any person *hors de combat*.

On concepts and characteristics of LAWS

In addition to focusing on the human element, we should continue to strive for a common understanding on concepts and characteristics of LAWS, including a possible preliminary working definition, which could bring helpful clarity to our discussions.

On gender aspects

Furthermore, gender equality and the empowerment of women is an important horizontal priority for the EU and we believe it is important to take into account gender perspectives when discussing the issue of LAWS since gender has a potential impact on emerging technologies.

We recognise the critical role that data plays for AI-based technologies.

On sharing of information and good practices

The GGE LAWS provides a good venue for sharing of information and good practices on the implementation of national legal weapons reviews with regard to emerging technologies in the area of LAWS. We recall that pursuant to Article 36 of Additional Protocol I to the Geneva Conventions such legal reviews must be conducted, in the study, development, acquisition or adoption of a new weapon, means or method of warfare, in order to determine, whether its employment would, in some or all circumstances, be prohibited by applicable international law.

We invite interested High Contracting Parties to continue to exchange information on how they implement existing applicable international law in the context of emerging technologies in the area of LAWS, propose voluntary guidance documents, which could include a compilation of applicable legal norms, and share good practices, bearing in mind the objectives and purposes of the CCW.

On the duration of GGE LAWS meetings

Against the backdrop of rapid technological change, the EU and its Member States are firmly committed to engaging in further work on the different legal, ethical, technical and military aspects relevant to this Group's mandate.

We are of the view that the time allocated to the 2019 GGE LAWS turned out not to be sufficient. In order to sustain the momentum and reach consensual outcomes as quickly as possible ahead of 2021, the next Meeting of the High Contracting Parties must allocate more time for expert work. We support your proposal to convene three GGE LAWS sessions of five days each in both 2020 and 2021 for a total of thirty days. In this regard, we once again urge all States to comply with their financial obligations in full and on time, and to settle their outstanding arrears without further delay in order to ensure the continuation of this important work.

Thank you, Mr. Chair