

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

**Statement by Portugal**

**Geneva, 25 March 2019**

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Mr. Chairman,

Allow me to begin by congratulating you for assuming the chairmanship of the GGE, as well as by thanking you for your work and dedication in the preparation of this meeting – extendable to your team and the Secretariat. You may count with my delegation's support and cooperation.

Portugal aligns itself with the statement delivered by the European Union.

I would just like to briefly underline some of the main issues of relevance to us.

Mr. Chairman,

It is of utmost importance to safeguard the inherently human characteristics in the selection and/or attack of legitimate targets. The foreseeable further automatisation of decision-making when targets are being selected and/or engaged may challenge human characteristics and behaviours intrinsic to this process. Characteristics that, in our view, cannot be artificially programmed. For instance, the determination and action according to the principles of proportionality, necessity or precaution cannot and should not be transferred to machines.

Moreover, possible erosions of hierarchy and of chain(s) of command must be addressed. Anthropomorphisation, automatisation and continual learning capabilities of artificially intelligent objects are also of concern.

Mr. Chairman,

The development, use and/or transfer of this specific type of military or security technologies must always safeguard human control and supervision during the entire LAWS life cycle. The human-machine interaction must be designed and programmed in such a way that ensures that the persons responsible for

supervising the use of LAWS are fully accountable for the effects of that use and are able to immediately interrupt an initiated attack should they decide to do so. Therefore, in the autonomy spectrum, the degree of independence of weapons systems has to be limited.

Mr. Chairman,

Upholding the existing and applicable International Law is key and should be at the centre of our discussions. We should ensure that we make the most of the vast legal heritage applicable to the use of force in International Law. Discussions could be based on the CCW but they also must address other international conventions (*e.g. Article 36 of Additional Protocol I to the Geneva Conventions*) and existing international customary law.

We note that the international legal framework applicable to LAWS does not derive exclusively from IHL. The discussion must consider all applicable International Law, including the relevant norms and principles derived from International Human Rights Law and International Criminal Law. In particular, the rules governing the use of force and conduction of armed conflicts, as well as those on international responsibility for illicit acts – which stem from all three of these International Law branches – must guide our discussions at the GGE and elsewhere.

In addition, important ethical issues arise in the application of advanced artificial intelligence in warfare. In line with the 2018 report by the GGE LAWS, ethical aspects, especially those relating to artificial intelligence, should also be taken into account in order to reach comprehensive results regarding the development and use of this kind of potentially lethal technology.

Mr. Chairman,

In what concerns the outcome of this Group's work on LAWS, there are several options which are not mutual excluding. Those include a mandate to negotiate a convention on LAWS. In any case, a step-by-step approach would be advisable.

We should, nevertheless, be ambitious and pragmatic. In this spirit, we would like to propose that this Group confers a mandate – to the Chair, a group of States and / or the Secretariat – to produce a reference document compiling existing norms and principles of International Law applicable to LAWS and identifying related good practices for producers, commanders and operators. I underline that the purpose of this exercise would not be to codify and/or develop new International Law and that the document would have a non-legally binding

nature. In our opinion, this would be a useful and practical tool with a clarifying effect.

The approach taken by the Montreux Document applicable to Private Military and Security Companies, developed by Switzerland and the ICRC, serves as good example of a document of this nature and purpose.

We look forward to engaging in these complex but very important discussions on LAWS and the future of war. This is no longer science fiction but a reality with a great potential of impact in human societies.

Thank you, Mr. Chairman.