

CCW Meeting of Experts of LAWS 11-15 April 2016

Australian Statement: General Debate Exchange of Views

Mr Chairman

Thank you for your leadership on this issue so far, supported by the ISU, for a well-structured program of work and for your thoughtful and clear “food-for-thought” paper.

Australia has participated in previous experts meetings on LAWS and has given careful consideration to the many reports. We also attended the useful and comprehensive expert meeting held by the ICRC in March this year, which delved into the complexity of the issue.

Discussions on LAWS to date have explored the possible military utility of LAWS and the ethical and legal implications of their use, including the application of international humanitarian law (IHL) to the development of such weapons.

May I reaffirm at the outset that Australia takes seriously our responsibilities under the existing legal framework for reviewing new weapons under Article 36 of *Additional Protocol I of 1977 to the Geneva Conventions of 1949*. We fully support and adhere to the obligation to undertake a review of any proposed new weapon, means or method of warfare to determine whether its employment would, in some or all circumstances, be prohibited by international humanitarian law or other international law applicable to Australia. We encourage others also to undertake Article 36 reviews and look forward to hearing about the processes other States undertake to conduct a Review.

Australia is carefully considering the many aspects of the question of weaponisation of increasingly autonomous systems and the potential application of artificial intelligence to existing systems, and where this might lead.

We have observed and considered the various ways of framing the question:

a technological approach, which starts by asking: how can we maximise our military capabilities, without transgressing existing or possible future legal, ethical, or socio-political-cultural constraints;

a legal approach, which asks how IHL applies to weaponisation of increasingly autonomous systems, whether lethal autonomous weapons systems would function in conformity with IHL rules, whether clarification or interpretation of existing law is required, or whether new rules need to be developed; and

an ethical approach, which raises the fundamental question whether the principles of humanity and dictates of public conscience can ever allow machines to select, attack and kill human beings, entirely outside of human control.

Each of these frames provides specific insights, which we need to consider thoroughly.

As we search for organising principles or concepts that enable us to take into account the insights of each frame of thinking (technological, legal and ethical) several concepts are emerging from discussions. Over the coming week, we look forward to hearing more on *meaningful human control; predictability; human judgement and critical functions*.

We are interested on others' views on how the requirements of IHL can be met; (including through the Article 36 Review process).

Any concepts we wish to use must be developed into something that can be understood and accepted by government legislators and policymakers, military planners, weapons researchers and developers, civil society activists and in fact, all the people we represent.

Mr Chairman,

Australia considers that we have some way to go yet in this challenging task.

Much modern military equipment incorporates automated features, as indeed do many modern domestic and industrial devices in everyday use. Artificial intelligence is a rapidly developing field, which we anticipate will have many, as yet unknown, benefits for human development and well-being.

The development of fully autonomous systems able to conduct military targeting operations which kill and injure combatants or civilians may be closer than many of us had imagined. It is an appropriate time to consider the risks of such weapon systems and to make sure we understand fully what might constitute misuse as well as legitimate use of emerging technologies.

If we were to settle, ultimately, on an agreement that there were limits to the autonomy that lethal weapons may possess, or that there were limits to the weaponisation of autonomous systems, we would also have to design ways, not just of defining, but of implementing, such limits, and of verifying compliance. We should not underestimate the complexity of this task. Common understandings and universal acceptance are essential, indeed foundational, to any effective and lasting agreement.

As an international community, we remain some way from common understandings and universal acceptance of the potential use of LAWS, and a long way from being able to set enforceable standards for their use. That does not mean there are no risks, nor that appropriate language cannot be found to examine them. But it means that we must work harder in our collaborative examination of the issues, looking through all the relevant frames: technological, legal and ethical. And we must work with the aim not just of stating our own positions, but of seeking common ground.

Mr Chairman,

Australia is committed to playing a constructive role in this task. We see the CCW as an appropriate venue for such discussions, whether in a Group of Governmental Experts or more informal format.

Thank you, Mr Chairman.