



Federal Republic of Germany
Foreign Office

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Translation

CCW EXPERT MEETING
LETHAL AUTONOMOUS WEAPON SYSTEMS

Geneva, 13 – 17 April 2014

Statement on transparency

by Germany

Mr. Chairperson,
distinguished colleagues,
ladies and gentlemen,

With respect to possible approaches to the implementation of the weapons review process, we would like to share our respective national format.

In order to foster the implementation of the obligation under Article 36 AP I, Germany has established a Steering Group "Review of new Weapons and Methods of Warfare" within the German Federal Ministry of Defence. Under the leadership of the Directorate-General for Legal Affairs' International and Operational Law Branch representatives of all competent Directorates-General of the MoD are convened in the Steering Group. Hereby we are enabled to synergize the in-house knowledge of all experts, ranging from political to technical or operational expertise.

The representatives of the Directorates-General within the Steering Group are primarily points of contact for the Directorate-General for Legal Affairs through whom further subject matter expertise for a weapons review can be introduced. They may also bring in projects for review on behalf of their Directorate-General.

Competence and responsibility for the legal review under Article 36 AP I lies with the Directorate-General for Legal Affairs of the MoD. Legal criterion for the review is primarily the International Humanitarian Law as applicable to Germany.

The introduction of a new weapon, weapon system or method of warfare will - in view of the relevant legal requirements - be ultimately dependent upon the existence of a sufficiently broad range of meaningful operational scenarios for its use in compliance with international law. In the context of "meaningful operational scenarios", we would like to emphasize from a military point of view that a lethal autonomous weapon system without any human control is not in line with our command and control requirements.

The depicted review process regularly requires recourse to subject matter expertise of subordinate levels of command and also from outside the Ministry of Defence and the Armed Forces, for example regarding medical and further impact analysis as well as operational knowledge. The representation of all competent Directorates-General in the Steering Group should also increase awareness within the MoD for the requirements and criteria of the legal review. The establishment of the Steering Group hereby also enhances an early initiation of the review process.

Possible concerns or potential needs for restricting the use of a weapon emerging in the Article-36-review may have considerable repercussions as to the appropriateness of the weapon's overall introduction.

In this respect, Article-36-reviews are sought to be initiated at the earliest possible stage of a new-weapons-project. Dependent upon the complexity of the subject, the review process might be phased in accordance with respective development steps.

We consider that our Steering Group facilitates the legal review process for the Directorate-General for Legal Affairs compared to ad-hoc basis reviews without a respective infrastructure. Obviously, other States may have differing methods of examination in the Art. 36 review process. We believe that international trust and confidence building could be furthered by transparency regarding the review mechanism. A first step could be to make public the national procedures. The CCW could provide the adequate framework.



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Final Statement by Germany

Mr. Chairperson,
distinguished colleagues,
ladies and gentlemen,

First of all I would like to express my sincere thanks to all of the panellists for their inspiring contributions to today's session. The decision to hold a Second Meeting of Experts on the emerging issue of Lethal Autonomous Weapon Systems, building on the good results of the first round of discussions in May was certainly the good choice to make given the active and focused discussions of the last days.

On the first day, we have described our fundamental convictions for the discussion on LAWS, being the unconditional respect for International Humanitarian Law and the necessity to exercise appropriate levels of human control over the use of force. Having listened to our experts and the statements of delegations it seems to me that there is common ground on a number of issues:

- There is a common understanding that LAWS does not exist, there are no fully autonomous weapon systems yet. Without being able to define LAWS precisely, it seems to be understood, that there is more needed as we can see today, even in the highest automated weapon systems
- No State Party is developing or has the project to develop LAWS and I repeat this here for Germany once again: Germany will not accept that the decision over life and death is taken solely by an autonomous system without any possibility for a human intervention. The development and acquisition of LAWS is therefore excluded.
- If LAWS will be developed and deployed it would have multiple consequences which are not in the interest of state parties. Starting with a possible new arms race to ethical and humanitarian principles coming under severe stress
- LAWS will not be invented from one day to another. The development of increased autonomy in the military as in the civilian field is an incremental process

So, if there are no LAWS yet and nobody seems to have the intention to cross the line where we would lose human control over a given weapon system then we should take care to closely monitor the development and introduction of any new weapon system to guarantee that there will be no transgression.

A number of delegations including Germany have already presented the general outline of their national legal review procedures under Article 36 AP I during this week. We see merit in elaborating further on the idea to share national regulations in this regard, to look for common standards and to discuss specific procedures for

detecting transgressions in the direction of LAWS. Germany is of the opinion that given the actual state of the art of artificial intelligence and other important components of LAWS, a legal weapons review for the time being inevitably would lead to the result of LAWS being illegal, as they are not able to meet the requirements set out by Article 36 AP I.

Germany would therefore welcome the establishment of a GGE in the framework of the CCW to discuss and propose transparency measures in this regard. We understand from our discussions this week that there are still a range of complex questions looking for answers before the CCW will be in a position to decide which way to go with regard to LAWS. However the establishment of such a GGE with a respective mandate could be a first step helping to avoid that we are taken by surprise by technical developments we cannot oversee yet.

Thank you for your attention.

