

**Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects**

**Group of Governmental Experts on Lethal Autonomous Weapon Systems  
Geneva, 9-13 April 2018**

**TOP 6 (d) - Possible options for addressing the humanitarian and international security challenges posed by emerging technologies in the area of lethal autonomous weapons systems in the context of the objectives and purposes of the Convention without prejudging policy outcomes and taking into account past, present and future proposals**

**Statement Austria**

Mr Chair,

The ethical, legal and international security concerns related to AWS are manifold. All new weapons need to comply inter alia with the principle of proportionality, distinction and precaution. Emerging technologies in those weapons systems that might not fulfil the criteria set up by IHL and other provisions of international law.

In combat circumstances the assessment of compliance with the standards and rules has to be taken in light of concrete circumstances that means on a case by case basis. We cannot envisage that the human complexity required for such decisions could be lawfully exercised by mere algorithms. Legal norms are created by and based on humans, not devices. Therefore in all AWS it is important to ensure accountability and responsibility of humans for their involvement in critical functions.

My delegation is also concerned about the implication of AWS without human control for international security. The prospect of the use of such systems and the subsequent proliferation prospects would result in destabilizing effects on regions and globally. This was very well elaborated by my German colleague this morning.

All deliberations on AWS should be underpinned by the fundamental ethical and moral concerns and implications.

Mr. Chair,

We had a quite intensive and thought provoking interactive discussions during the past four days. Due to your able chairmanship we have achieved substantial progress in finding common ground, which is particularly important given the mandate of the GGE.

Yesterday afternoon, you Mr Chairman referred to the human control element as the heart of our discussion. We agree with you and are encouraged by the broad if not unanimous agreement that human control and human accountability needs to be ensured in all weapon systems.

The November GGE reconfirmed the applicability of international law to autonomous weapon systems and in the view of my delegation this was strongly reiterated during our debates.

This is reassuring and it became evident that more specific regulation will be needed to properly address the political, ethical and legal challenges posed by AWS. There seems to be convergence of views on the importance and the merits, but also limitations of article 36. Weapon reviews constitute a critical national implementation mechanism to establish the legality of weapon, means or method of warfare. Article 36 is very valuable in that respect but to complete the picture we should not forget that it does not really create a common clear standard, because there is this element of the internal review of such activity, the difficulties when it comes to transparency and verifiability. So to conclude and without taking away of the importance of such measures, there are a number of elements which do not have the transparency and are lacking a clear common standard. That is also one of the reasons why we have under this convention the protocols. If everything could be resolved by Article 36 there would be no need for protocols.

Concluding on the legality of weapons based on the existing framework might be particularly challenging in the case of very innovative weapon systems or if a complexity of new technologies is combined. So it might be well the case that if you merge two or more individually legal systems or weapon systems, you might end up with a system that is not compatible with international law.

In order to international clarify the extent of autonomy acceptable in a system, a specific international legal norm is thus in our view needed. Mindful of new developments in weaponry, the option for protocols was enshrined into our convention the CCW and later specific norms have been negotiated. As it was the case in protocol VI this can and should be done before technology is introduced on the battlefield.

Mr. Chair,

My delegation is encouraged by this week's discussion and we expect the second meeting of the GGE in August to agree upon a substantial report reflecting areas of convergence and recommending to the Meeting of High Contracting Parties an appropriate mandate to make further progress, including the recommendation to start negotiations on a protocol on autonomous weapon systems that do not ensure a meaningful level of human control in critical functions.

The shared view that resulted in our view is that we do not want to see AWS without something that would be meaningful and human control. We should try to capture this if possible almost already in legal language, but at the same time we are well aware that further work will be done during negotiations. So we do not have to come to full agreement on every adjective and comma in this setting.

It is very helpful that during this session we have reached agreement on a number of issues, just to name a view: ethical concern, accountability, responsibility, applicability of international law in particular IHL and HRL, legal norms are addressed to humans. So we have established quite a good basis for August, where we will under your skilful chairmanship hopefully succeed to elaborate a report that could lay a good basis for action by the High Contracting Parties in November. It is clear to us that this GGE cannot replace or pre-empt future negotiations, but we can lay a good basis and in this spirit my delegation is looking forward to the August session.