



CCW Meeting of High Contracting Parties

Agenda Item 8 **Lethal autonomous weapons systems (LAWS)**

Geneva, 21 November

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Permanent Representative of Switzerland to the Conference on Disarmament, Geneva

Mr. Chair,

At the outset, I would like to thank HE Ambassador Pankaj Sharma from India for presenting the report of the GGE on Autonomous Weapons Systems. *(evt convey welcome Pankaj, thanks to Amandeep?)*

As already touched upon in our statement in the General Debate yesterday, Switzerland welcomes

- that the GGE reached an agreement on “Emerging Commonalities, Conclusions and Recommendations”, including a set of Possible Guiding Principles.
- We welcome, in particular, that the GGE was able to make progress on a number of substantive points,
 - namely the affirmation that IHL continues to apply fully to all weapon systems, and
 - that human responsibility must be retained and
 - that in accordance with States’ obligations under international law, legal weapon reviews must be conducted.

While the GGE's report highlights a number of elements of convergence and areas in which further work is required, we now face the challenge of taking our efforts forward.

Mr. Chair,

When discussing the way forward, Switzerland is of the view that we should differentiate between the 1) **policy options**, 2) the **mandate** for next year, and 3) the **specific issues to be addressed in terms of substance**:

1) on policy options: we continue to see a variety of possible avenues.

- We welcome that the report factually reflects and describes the options proposed.
- Our preference remains to work towards a political declaration,
- Such a declaration could capture where views converge, by affirming a number of key principles and by validating shared understandings.
 - o For instance that High Contracting Parties will retain the necessary degree of human decision-making or control over Autonomous Weapons Systems to ensure compliance with IHL, whereas the type and level of that control embedded or exerted in the different stages of the life-cycle of a system is yet to be better understood.
- A declaration would require extensive work, but we remain convinced that the very process of working in such a direction could give our discussions the necessary focus to continue to deepen the various topics related to AWS.
- It is our view that such a declaration would not necessarily represent an endpoint, but rather provide guidance on the way forward. It would also in our view be without prejudice to further discussion including on the question whether further *regulatory* work is needed.

2) With regard to the draft **mandate** contained in the GGE's report, Switzerland would have seen value in a stronger and more focused mandate. If this were not possible, our expectation would be that the HCP will at a minimum validate the GGE recommendations that it meets for ten days in 2019.

3) Issues to be addressed in terms of substance. We are convinced that irrespective of whether we decide to work maintain or change the mandate, there is a need for further work which would be pertinent whatever policy option the CCW will pursue. A few examples:

- the extent and quality of the **human-machine interaction** in the various phases of the weapons system's life cycle:
 - o in this area, the ICRC's working paper makes an interesting suggestion, to determine the type and degree of human control that would be necessary to comply with IHL rules and satisfy ethical concerns and, pursue a number of guiding questions, including about the levels of human supervision that would be required during the operation of a weapon. We would welcome such work, because we remain convinced that given the current state of robotics and artificial intelligence, it is difficult today to conceive of an AWS that would be capable of reliably operating in full compliance with all the obligations arising from existing IHL without any human control in the use of force, notably in the targeting cycle.
- **weapons reviews**: Discussions have emphasized time and again the centrality of the obligation to conduct legal reviews. The GGE could, for instance, discuss a number of questions regarding specific challenges of reviews of such systems;
- **transparency and confidence building**. Of particular interest in this area could be the sharing of information about how control over such systems is maintained. We saw in the GGE positive examples of information sharing. Additional presentations in the framework of a structured exchange could reinforce the benefit of such exercises.
- another example for practical work would be to **collate and clarify the relevant existing legal provisions** as they apply to Autonomous Weapons Systems. With such a document, the CCW could reaffirm and spell out applicable international law, in particular International Humanitarian Law (as well as other branches of international law, most notably human rights law) in greater detail.

I thank you for your attention.