



## Statement by the Netherlands

### 2018 Group of Governmental Experts on LAWS

#### *Options for Challenges – the way ahead*

Thank you Mr. Chair.

The Netherlands would like to thank you, as well as all delegations and experts that contributed to our deliberations this week, for the efforts made. Delegations came in well prepared and your structuring of the discussion helped to address the several dimensions of the debate and enhanced its depth.

In our opinion, the discussions this week have clearly shown the complexity and multifaceted nature of emerging technologies in the area of lethal autonomous weapon systems (LAWS) in the context of the objectives and purposes of the Convention. There are no simple answers to the concerns we have, nor to the opportunities there might be.

The challenge we face here is how to deal with emerging technologies in weapon systems in the context of today and tomorrow's international peace and security. During our elaborations on the characterization and the human-machine interaction, we have been trying to get a grip on what these emerging technologies in weapon systems are or may look like in the future. Now, it is important to consider how best to deal with these challenges in today and tomorrow's international peace and security context, within the framework of existing International Humanitarian Law. We might not necessarily be looking for instruments used in the past. Today's world is more complex with multi-stakeholders playing a role or having a stake in international peace and security. As mentioned earlier, the complex and continuously evolving nature of the emerging technologies may merit novel, out-of-the box ways of dealing with it. More flexible, more inclusive and more practical measures may fit better to what we ultimately aim to achieve: a more peaceful and more secure world, where international law is abided by. Let us further elaborate on this.

Mr. Chair,

As we stated earlier this week, the Netherlands does not believe it is feasible to define LAWS by their technical aspects, because of the fast technical innovations, that for a large part take place in the civilian world.

That is why the Netherlands believes that the **key consideration in our discussions on LAWS should be how we can ensure** that the deployment of **all autonomous weapon systems now and in the future remains under meaningful human control** in relation to the existing legal framework.

This meaningful human control needs to be exercised within the complete targeting cycle, which includes: determination of end state and objectives, target selection, weapon selection and implementation planning, including an assessment of potential collateral damage and the assessment after deployment.

However, as we discussed earlier this week, human control is not only limited to the targeting cycle, but concerns the entire life cycle of the system. Responsible deployment of an autonomous weapon system requires for instance extensive training of military personnel (operators, commanders, legal officers, etc.) on how to use the autonomous weapon system. Additionally, even before planning or deployment, during the design phase, the human factor is essential. Meaningful human control should invariably be part of overall design requirements for new weapon systems. This implies a number of sub-requirements such as, for example, the requirement that systems with a high degree of autonomy explain themselves in understandable terms in order to avoid creating a black box. In this respect the Netherlands also took note of the suggestion made during yesterday's experts panel discussion to program success criteria into autonomous systems to ensure these operate within thresholds determined by humans.

Another aspect through which humans should exercise control is realistic and rigorous testing during the test phase.

Then, we have the aspect of weapon reviews. Article 36 of Additional Protocol I to the Geneva Conventions contains the obligation to review whether the development or acquisition of new means and methods of warfare are permitted under international law. The Netherlands would like to underline that:

- (1) Efforts to ensure full and universal implementation of Article 36 procedures should be increased.
- (2) The concept of meaningful human control should play an important role in the weapons review.
- (3) Greater transparency concerning the outcomes of review procedures and more sharing of best practices is required. Areas for information exchange could include: legal challenges during design and testing in a realistic environment, and the incorporation of the concept of meaningful human control in the weapon review process.

The Netherlands suggests that States Parties work towards the adoption of an interpretative guide that would provide guidance on the requirements for the deployment of autonomous weapon systems under existing international law. This guide could also include best practices on how to incorporate the concept of meaningful human control in weapon review procedures and in the deployment of autonomous weapon systems.

Mr. Chair, though there are divergent views on many of the topics that we have discussed, this week has shown that there seems to be a general understanding on two aspects in relation to autonomous weapon systems: (1) the applicability of International Law and (2) the element of human control. Therefore, the Netherlands would like to see the focus of our deliberations in the upcoming meeting in August on the element of human control, to ensure compliance with existing obligations under international law.

Finally, the Netherlands supports further discussion about a possible political declaration as a way to consolidate our shared understanding that we hope will further develop in time.

Thank you Mr. Chair.