Excellencies,

I write to you in my capacity as Chair of the 2019 Group of Governmental Experts (GGE) on Lethal Autonomous Weapons Systems (LAWS), convened under the Convention on Certain Conventional Weapons (CCW). Let me start by expressing my sincere gratitude to the Eastern European Group for my nomination and to all High Contracting Parties to the CCW for the confidence to Chair this important process.

Each year, we have built on the knowledge and insight of the previous years' work and consensus outcomes. We must, equally, build on the existing consensus from past work of the GGE, on compliance with IHL and the need for human responsibility, and accountability, in the use of weapons and the use of force.

The 2018 report provides useful building blocks for future steps. The "Possible Guiding Principles" — from the first one (CCW/GGE.1/2018/3, III.A.26(a)) that affirms that IHL "continues to apply fully to all weapons systems, including the potential development and use of [LAWS]," to the last one (26(j)), that "the CCW offers an appropriate framework for dealing with" LAWS — are a constructive step forward. In-between, there are important affirmations on: "human responsibility for decisions on the use of weapons systems 26(b);" on "accountability for developing, deploying and using any emerging weapons systems 26(c);" as well as many other considerations under international law, and specifically under IHL.

While focused on possibilities, we must equally be aware of constraints, such as time. Although the recommendation from the GGE report was to have ten days of work, there was no consensus for this during the meeting of High Contracting Parties and only seven days proved possible. This really means that no substantive work is possible in August, save time spent on adoption of the report. The agenda must necessarily adapt accordingly.

To: Permanent Representatives of the
   High Contracting Parties to the
   Convention on Certain Conventional Weapons (CCW)
This is why the provisional agenda (CCW/GGE.1/2019/1) is slightly different from last year. One difference is the absence of a “General Debate” item. There are two main reasons for this. Firstly, this is a group of governmental experts. Let us keep the focus on the expert level through a CCW prism, “that seeks to strike a balance between military necessity and humanitarian considerations” (III.A.26(j)). And secondly, whereas we had ten days of work previously, this year we effectively have five days — the March meetings — with the only possible work to be done in August being to perhaps clarify some aspects left unclear and work on adopting a consensus report.

Another difference in the agenda this year from last year is the focus of our work, which must also seek to build on the achieved consensus, under the given constraints. The first agenda item, 5 (a) — “[a]n exploration of the potential challenges posed by emerging technologies in the area of [LAW] to [IHL]” — draws directly from the chapeau of the possible guiding principles. Indeed, this IHL prism should permeate all areas of our focus, including the agenda items (b) through (e) that follow: from considerations of the human element in the use of lethal force, to review of potential military applications, to characterizations, to potential options of going forward.

Even as we agreed that IHL fully applies to the potential development of fully autonomous weapons, we also recognized that there may be challenges in implementation. Let us look with very discriminating, IHL-focused eyes at these potential challenges. Hence, the key determinant for success at this stage may well be what questions we pose under each agenda sub-item. These questions must:

1. Build on past consensus, specifically from the possible guiding principles, and strive to add greater clarity;
2. Be mindful of the IHL/CCW framework under which we must function; and
3. Be very precise and specific.

We can all meet in an informal and collaborative manner next **Friday, 15 February, 14:00-16:00h, in room VII in the Palais.** I will circulate some questions on Monday as food-for-thought and I propose that we spend the meeting specifically on exploring collaboratively the right questions in order to get the right answers. Feel free to propose questions of your own that may add greater clarity to the themes under each agenda item during our meeting on Friday.

Please accept, Excellencies, the assurances of my highest consideration.

[Signature]

Ljupčo Jivan Gjorgjinski

Minister Counselor and Chargé d’Affaires
Permanent Mission of the Republic of Macedonia in Geneva

Chair of the 2019 CCW Group of Governmental Experts on Lethal Autonomous Weapons Systems