

Statement Netherlands IHL

The Netherlands believes that, in assessing whether autonomous weapon systems are under meaningful human control, there is an important role for the Article 36 procedure of the First Additional Protocol to the Geneva Conventions. Article 36 obliges States Parties to determine whether new means and methods of warfare are permitted under international law. We underlined this position and obligations also in the expert meetings of 2014 and 2015. In 2015 we presented our position and practice on article 36 more in depth during a side event on this topic.

The Netherlands ministry of Defense has established an Advisory Committee on International Law and the Use of Conventional Weapons. This committee plays a key role in advising the Dutch government on the compatibility of specific weapons with International law including autonomous weapons. For this purpose, the concept of meaningful human control serves as a benchmark.

Recently, the Dutch government decided, for transparency reasons, that when it procures a system with autonomous functions it will be explicitly communicated to parliament that the Advisory Committee has assessed that system with autonomous functions under the obligations of International Humanitarian Law.

The Netherlands also advocates greater transparency at the international level concerning the national article 36 procedures and encourages more information sharing on procedures, best practices and outcomes of article 36 reviews.

Therefore the Netherlands calls for the formulation of an interpretative guide that clarifies the current legal landscape with regard to the deployment of weapons with autonomous functions. Such a document could list best practices on issues such as the role of meaningful human control within the article 36 procedure and the role of meaningful human control in relation to the deployment of autonomous weapons.

We are of the opinion that this could be an useful step to a better common understanding of this complex topic.

We propose to further discuss the article 36 topic in a governmental group of experts. This does not necessarily mean that this GGE will itself draft such a guide, which would be informative and educational. This could for exemple also be done by a

independent small group of internationally highly respected experts.

Thank you.