

2016 MEETING OF EXPERTS ON LETHAL AUTONOMOUS WEAPON SYSTEMS

NEW ZEALAND STATEMENT

General debate

Thank you Mr Chairman.

At the outset please allow me to convey New Zealand's appreciation for your willingness to once again chair our Meeting of Experts (MEX) on Lethal Autonomous Weapon Systems and for the very helpful work Germany has done to help inspire and guide further thinking on this issue.

New Zealand welcomes the opportunity provided by this forum for further exchanges involving both States and civil society as we collectively explore and develop an appropriate response to the challenges posed by LAWS. Building on the 2014 Meeting of Experts, the 2015 MEX session saw extensive discussion of a very diverse range of topics, ranging from definitional challenges to the complex interplay of legal, ethical and security considerations. Perhaps inevitably, given the complexity of these underlying issues, that meeting in many ways raised more questions than it answered and certainly highlighted the need for further dedicated discussion to help focus our efforts.

Against that backdrop, Mr Chairman, New Zealand appreciates the practical way in which you have organised the week ahead of us. We are particularly pleased to see a focus on concrete outcomes, including on the issue of a working definition of LAWS and on the need to develop recommendations in advance of the 2016 CCW Review Conference. We endorse your call for delegations to outline their expectations for this meeting of experts and for further work on LAWS within the CCW context in order that we can arrive at common recommendations for our way forward.

New Zealand remains very interested in the insights that can be imparted by any High Contracting Parties that may already have developed national policies and legal provisions specifically applicable to LAWS. Such information can be very helpful in indicating how CCW partners have been able to respond to the key issues and translate them into concrete provisions, even if such policies, doctrines and directives are acknowledged to be "works in progress" as States' collective understanding of LAWS develops.

We are particularly conscious of the need for progress in the determination of a working definition of LAWS. We are well aware that this task is not an easy one with the 2015 MEX session already having highlighted very different views among States on this critical issue. At the same time we hope that the absence of a unanimous definition will not lead to paralysis, particularly in light of the pace of technological developments in the LAWS field. We would expect that our CCW family should indeed be able to arrive at – in the words of France's non-paper – "a common characterisation of a LAWS so that our discussions and work can move forward with the assurance that all stakeholders are discussing the same type" of systems. For

our part, New Zealand looks forward to commenting on definitional issues during the dedicated session devoted to this tomorrow morning.

We also look forward to an informed debate on the challenges posed by LAWS for compliance with the norms and dictates of international humanitarian law. For New Zealand, the absolutely essential requirement is that the development and subsequent usage of any weapon system – including LAWS – must take place only in accordance with IHL. Compliance with IHL, and, as applicable, other aspects of international law, remains of the highest priority for New Zealand and will continue to be the determining factor in our approach to these issues.

The informal working paper provided for this meeting by Switzerland has usefully reminded us all of the full span of the existing IHL requirements with which LAWS must comply. Correspondingly, we are interested in Switzerland's suggestion for a compliance-based approach to guide our CCW discussions and would propose to say more about this in our intervention tomorrow.

Finally, Mr Chairman, New Zealand would certainly consider it desirable that the CCW now intensify its work on LAWS. Discussions to date have already identified a number of serious challenges posed by LAWS to international humanitarian law as well, more broadly, to a number of other standards. It is therefore timely that we move into a more intensive and sustained format for engagement on these issues.

We understand that there is now widespread support for the Fifth Review Conference of the CCW to give a progressive mandate to a Group of Governmental Experts (GGE) to convene next year and take this important work forward. We are happy also to give our support to this.