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**Netherlands Opening Statement
at the General Debate, 3rd Informal meeting of experts on LAWS
Geneva, 11-15 April 2016**

**by His Excellency Ambassador Henk Cor van der Kwast
Permanent Representative of the Kingdom of the Netherlands
to the Conference on Disarmament**

Mr. Chairman,

Let me first congratulate you on your continuing chairmanship of the meeting on Lethal Autonomous Weapons Systems, or simply, LAWS.

Since the decision of the CCW Conference in 2013 to hold informal expert meetings there have been some good results. Today a third week of informal consultations on LAWS starts. We are content about what has been done so far but we also feel the need for more concrete results.

Mr. Chairman,

Since the expert meeting in 2015, the Netherlands has been very active in its thinking about autonomous weapon systems. We have financially contributed to multiple research projects from different organizations, most notably a Phd-project on meaningful human control. We are happy to see that the expert and doctoral candidate will also speak about her research here. At the request of the MFA, the Advisory Committee on issues of Public International Law published its report on LAWS in October 2015. This report ^{will} ~~has been~~ distributed to all delegations. Recently the Dutch government response to the advisory report on autonomous weapon systems from the independent Joint Committee of the *Advisory Council on*

International Affairs and the *Advisory Committee on Issues of Public International Law*, was sent to Parliament. This government response establishes the Dutch position on the topic. Both documents are also digitally available on the website of the Advisory Council on International Affairs. We sincerely hope that both documents will positively contribute to elaborations this week and that they can in some respects serve as a basis for discussions.

Mr. Chairman,

Please allow me, to summarize explain in summary the Dutch position:

1. All weapon systems, and their deployment in armed conflict, including autonomous weapons systems, must comply with the requirements set by international law.
2. As long as autonomous weapon systems are under meaningful human control there is no reason to assume that they will by definition fall into one of the categories of weapons that are banned under international humanitarian law.
3. States should reach agreement on the definitions of LAWS and the concept of meaningful human control. This is essential to make real progress in the international debate.
4. The Netherlands believes meaningful human control should be exercised within the 'wider loop'. This means that human control within the wider targeting process should be meaningful. The wider targeting process includes target selection, weapon selection and implementation planning, including an assessment of potential collateral damage. Furthermore, it includes decisions like the programming of conditions and parameters of the autonomous weapon and the decision of the autonomous weapon's deployment.
5. In that respect it is essential to differentiate between an autonomous weapon, in which humans play a crucial role in the wider loop of human control, and a fully autonomous weapon, in which humans are beyond the wider loop and human control no longer plays any role.
6. The Netherlands **firmly rejects** the development and deployment of such **fully autonomous weapon systems** that have no meaningful human control at all.
7. However, we currently do not support a moratorium on the development of fully autonomous weapon systems for practical reasons. Such a moratorium would be inexpedient and unfeasible, mainly due to the fact that most Artificial Intelligence technology comes from civilian developments, e.g. autonomous car developments. That

technology progress should not suffer from a moratorium, especially when the effectiveness of such a moratorium is very doubtful at the least.

8. Though in our opinion fully autonomous weapons systems, without human control, might not be expected within a short period, we re-iterate the importance of continued monitoring of the rapid technological developments within the field of artificial intelligence. Therefore the Netherlands will re-assess its current position in five years time.
9. Autonomous weapon systems need to remain under meaningful human control. Therefore it is important that when procuring autonomous weapons, the government should ensure that (1) the concept of morally responsible engineering is applied during the design stage, (2) the autonomous weapons systems are extensively tested under realistic conditions and (3) the procedure relating to article 36 of the First Additional Protocol to the Geneva Conventions is strictly applied. With respect to article 36 we believe that the concept of meaningful human control should serve as a benchmark for this purpose.
10. And finally, we do not foresee an accountability gap arising as long as humans exercise meaningful human control in the wider loop of the decision-making process for deploying autonomous weapon systems. In that case the existing legal regime is adequate to hold offenders accountable, as there is no change in the accountability of commanders, subordinates or those in positions of political or administrative responsibility who make the decisions. Likewise, state responsibility remains unchanged in the event of deployment of autonomous weapon systems under human control, according to the advisory committee.

Mr. Chairman,

Following the points I just made, the Netherlands strongly calls for:

1. The **establishment of an open ended Group of Governmental Experts (GGE)** at the annual meeting of the Convention on Certain Conventional Weapons (CCW) in November this year, to further study the concept of LAWS and meaningful human control and to propose definitions for those concepts.
2. A more **widespread implementation by States of the Article 36 procedure at the national level**, greater **transparency concerning the outcomes of these procedures**, and **more and better international information sharing**.

3. **The formulation of an interpretative guide** that clarifies the current legal landscape with regard to the deployment of autonomous weapons. Such a document could list best practices on issues such as the role of meaningful human control in the Article 36 procedure and in relation to the deployment of autonomous weapons.
4. **Awareness raising** for the importance of training and education for military personnel who are responsible for the deployment of autonomous weapon systems, especially when these systems operate with a high degree of autonomy.

Mr. Chairman,

We consider that the current political and civil attention for LAWS should be used to make further progress on this issue. We are looking forward to actively engaging in a productive debate. NGO's have played an active role in the debate and we consider their further input and contributions as important. In this framework we highly appreciated the expert seminar organized by ICRC in Versoix a month ago. That seminar brought a number of issues to the table that need further work.

I am confident that, under your guidance, progress will be made and the necessary extensive discussions between experts of many countries and the NGO community will take place and I wish all participants a week of in depth discussions.

Thank you, Mr. Chairman