Agenda Item 5 (a): An exploration of the potential challenges posed by emerging technologies in the area of Lethal Autonomous Weapons Systems to International Humanitarian Law

Chair

Ireland aligns itself with the statement made by the European Union. I will make the following remarks in a national capacity.

My delegation welcomes the progress made during the 2018 meetings of the GGE on LAWS, notably the agreement on the possible Guiding Principles which reaffirm that international law, in particular International Humanitarian Law (IHL), fully applies to existing and emerging weapons systems.
Lethal Autonomous Weapon Systems (LAWS) have the potential to challenge the principles of international law, in particular International Humanitarian Law. Understanding these potential challenges must remain a central part of our work. At the same time, we remain conscious that the relevant norms and principles derived from International Humanitarian Law and International Criminal Law may have implications for discussions on LAWS. This wider legal landscape was acknowledged in the Guiding Principles from last year and should continue to guide and shape the work of the GGE.

While the primary subjects of IHL are States and parties to an armed conflict, the rules on the conduct of hostilities (notably the rules of distinction, proportionality and precautions in attack) create obligations for military commanders and individual combatants in the use of weapons. It is commanders and individual combatants who are both responsible for compliance with these rules and who will be held accountable for any violation. The principle that humans must remain accountable for using any emerging weapon system since accountability cannot be transferred to machines is an essential element underpinning our work. This principle should apply across the entire life cycle of the weapons system. My delegation has always maintained that humans should take the ultimate decisions in the use of force including in matters of life and death. It is only by retaining human agency in these decisions that we can we ensure full compliance with International Humanitarian Law (IHL). Determining the type and level of human control required to ensure compliance with IHL should form a key part of our discussions this week.

Chair,

Compliance with IHL is a key requirement that States need to fulfil without prejudice to any possible outcome of our discussions. In this context, we recall that States already have an important tool at their disposal to establish whether or not possible emerging weapons systems can be developed, produced or used lawfully. The conduct of legal reviews of new weapons, means and methods of war under article 36 of Additional Protocol I to the Geneva Conventions is important for ensuring that the development, deployment and use of new weapons systems and new means and methods of warfare comply with international law. As with all weapons, assessing the lawfulness of an autonomous weapons system will depend on
its specific characteristics and whether it can be employed in conformity with the rules of
IHL in all circumstances in which it is intended and expected to be used.

Thank you.