Statement of Mines Action Canada  
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Thank you Chairperson

On Monday a delegation mentioned the Convention on Cluster Munitions. Many experiences with that life-saving treaty have relevance to this week’s discussions. Not the least of which is the importance of leaving definitions until you are at the negotiating table.

For many years the refrain by a small number of states here in the CCW was that existing IHL was sufficient to cover cluster munitions, but the large number of states who had a different view found a new pathway to address their concerns. For those who are not yet a State Party the Convention on Cluster Munitions the treaty was negotiated in 2008 and bans an indiscriminate, inhumane and unreliable weapon system that cause unacceptable harm to civilians. It entered into force and became a new part of International Humanitarian Law on August 1st 2010. To date 120 states have joined the CCM and even in those countries that have not yet joined, the treaty has impacts, for example, weapons manufacturers and financial institutions which have ceased to produce or invest in cluster munitions due to the reputational risk and the effects of such risk on their company’s bottom line.

Last week the latest government announced the destruction of their entire stockpile of cluster munitions joining a long list of States Parties which have destroyed their stockpiles including many of those states who spoke this week or in previous GGE sessions on weapons reviews.

Presumably, many of those states that had acquired cluster munitions did Article 36 weapons reviews, using existing IHL at the time. I say presumably because information on these reviews is not publically available.

Yet having undertaken their weapons reviews, then acquiring the weapon, and in some cases using it, they ended up agreeing that existing IHL at that time did need a new instrument specific to that weapon and they then joined the new cluster munitions treaty.

IHL is not static. Since the CCW negotiated Protocol IV, a preventive treaty for a weapon that had never been deployed, five other additions have been made to IHL illustrating that it does evolve and through new legally binding instruments becomes even stronger.

Mines Action Canada believes all states should undertake national weapons reviews before acquiring any weapon. We also believe current processes can be more robust and transparent. Public trust in the viability and acceptability of weapons is very important. Mines Action Canada would be pleased to assist any international efforts to improve these reviews, but that is not the work of this GGE.
Compared to autonomous weapons systems cluster munitions are technologically a much more straightforward weapon. It is hard, therefore, to reconcile the fact that existing IHL was not sufficient for cluster munitions and required a new addition to IHL, but somehow it is sufficient for a new weapon system with emerging, unproven, untested, and unpredictable technologies.

Our experience with the cluster munitions and other weapons leads to the inevitable conclusion that from a humanitarian perspective Article 36 weapons reviews on their own are insufficient to protect civilian populations from autonomous weapons systems.

New international law is needed to address the multitude of concerns with autonomous weapon systems. We believe this is possible by 2020 and urge High Contracting Parties to agree to a negotiating mandate in November.

Chairperson, the ICRC is well known for reminding us that even wars have limits. Mines Action Canada believes that the same applies to autonomy in weapons. Even with autonomy there are limits. It is time to negotiate another legally binding instrument, either here or elsewhere, for three key reasons: firstly to protect civilians; secondly to ensure that research and development of the beneficial uses of these new technologies continues and are not tainted by the stigmatizing impact of fully autonomous weapons; and, finally to come to a common agreement on how retaining meaningful human control will help define those limits to autonomy.

Thank you.