EU Statement

on the report of the Group of Governmental Experts (GGE) related to emerging
technologies in the area of lethal autonomous weapons systems (LAWS)

Meeting of the High Contracting Parties to
the Convention on Certain Conventional Weapons (CCW)
Geneva, 13-15 November 2019

Mr. Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries the Republic of North Macedonia*, Montenegro*, Serbia* and Albania*, as well as Ukraine align themselves with this statement.

The EU welcomes the outcome of the 2019 session of the Group of Governmental Experts on Lethal Autonomous Weapons Systems (GGE LAWS) as a good basis for further progress. Thanks to the tireless efforts of the GGE Chair and High Contracting Parties, a final report was adopted setting out a path on both substantive and procedural aspects which we should now act upon.

We welcome the agreement on the 11 guiding principles, including the additional guiding principle proposed by Belgium and Ireland on human-machine interaction which may take various forms and be implemented at various stages of the life cycle of a weapon, and should ensure that the potential use of weapons systems based on emerging technologies in the area of LAWS is in compliance with applicable international law, in particular IHL. We encourage all States to take the agreed Guiding Principles into account in their national policies and practices. We look forward to operationalising the agreed principles, and elaborating and reaching consensus on additional principles and further work.

* The Republic of North Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.
The EU has repeatedly emphasized that human beings must make the decisions with regard to the use of lethal force, exert control over lethal weapons systems they use, and remain accountable for decisions over life and death in order to ensure compliance with international law, in particular IHL and International Human Rights Law. This includes the key IHL principles of distinction, proportionality and precautions in attack in order to protect the civilian population and civilian objects to the maximum extent possible, as well as the obligation to protect the wounded, sick, prisoners of war and any person hors de combat.

We should continue work to understand how human-machine interaction, human control, judgment and responsibility might work with regard to possible military applications of emerging technologies in the area of LAWS. In the EU statement last March, which is available on-line, we outlined three key elements which in our view are crucial for ensuring sufficient human supervision. The GGE should aim for a common understanding on the necessary extent and type of human control that is required to ensure compliance with IHL, International Human Rights Law and other relevant provisions of international law.

We recall that pursuant to Article 36 of Additional Protocol I to the Geneva Conventions, legal reviews must be conducted in the study, development, acquisition or adoption of a new weapon, means or method of warfare, in order to determine, whether its employment would, in some or all circumstances, be prohibited by applicable international law. We invite interested High Contracting Parties to continue to exchange information on their application of current international law and other regulatory frameworks and disseminate good practices in the context of weapon systems based on emerging technologies in the area of LAWS. We also invite High Contracting Parties to propose national guidance documents which could include a compilation of applicable legal norms and/or policy and practice bearing in mind the objectives and purpose of the CCW.

In addition to focusing on the human element, we should continue to strive for a common understanding on concepts and characteristics of LAWS, which could bring helpful clarity to discussions.

Furthermore, gender equality and the empowerment of women is an important horizontal priority for the EU. We believe it is important to take into account gender perspectives when discussing the issue of LAWS given the nexus between gender and emerging technologies. We recognise the critical role that data plays for AI-based technologies.

We recall that the CCW is the relevant international forum to continue this work combining diplomatic, legal and military expertise and involving the private sector and civil society. Acknowledging the progress already made, the CCW needs to produce concrete and substantive results. The CCW must remain responsive to the fast pace of developments in the field of weapons technology, be able to adequately address them and ensure that international legal frameworks remain appropriate.
We therefore call upon all High Contracting Parties to contribute actively to an effective and comprehensive normative and operational framework for LAWS and engage constructively in order to agree on substantive recommendations ahead of the 2021 CCW Review Conference.

We are mindful that the time allocated to the GGE LAWS turned out to be insufficient in 2019 and that further sessions will be required in future years to reach consensual outcomes. In this regard, we support the proposal of the 2019 GGE Chair to reserve a total of 30 meeting days for the GGE LAWS in the period of 2020-21.

We welcome initiatives which can contribute to the GGE LAWS process in the framework of the CCW, such as the recent Declaration by the Alliance for Multilateralism on LAWS, which was initiated by the Foreign Ministers of Germany and France and presented at the UN General Assembly High Level week by the Foreign Minister of Finland with cross-regional support, and the discussions held in the recent Global Tech Panel meetings set up by the EU’s High Representative for Foreign Affairs and Security Policy.

Thank you, Mr. Chair