STATEMENT BY

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AT

2014 MEETING OF THE HIGH CONTRACTING PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

Geneva, 13 November 2014

Mr. Chairperson,

It gives me great pleasure to congratulate you on your election as Chairperson of the 2014 meeting of the High Contracting Parties to the
CCW. We are confident that your able leadership will guide this Meeting to a successful conclusion. You can count on my delegation’s full support and cooperation.

We thank the Implementation Support Unit (ISU) for the work that they have carried out in the fulfilment of their mandates, and for preparing the background documentation of this meeting.

Mr. Chairperson,

The CCW has become an indispensible element of contemporary humanitarian, disarmament and arms control machinery, as well as a forum to consider how best to protect both civilians and soldiers from the effects of certain conventional weapons. The strength of this Convention lies in its legal framework that strikes the delicate balance between the need to minimize human suffering without sacrificing the legitimate security interests of states.

Pakistan played an active role in the negotiations of this Convention as well as its Protocols. Pakistan is a party to all the five protocols of the CCW and is fully compliant with their provisions. We have been regularly submitting all the requisite reports concerning Pakistan’s compliance, including for the reporting period of 2013.

Pakistan remains fully committed to its obligations arising from the CCW in letter and spirit. We are also proud of our active contribution towards the de-mining efforts in different parts of the world in the context of the UN peace-keeping operations, to which Pakistan is one of the largest troop contributors.

In order to further enhance the positive impact of this Convention and its Protocols, there is a need for enhancing their implementation as well as broadening the membership. In this regard, we welcome and appreciate the work carried out by you, Mr. Chairperson, and the ISU in promoting the universality of the Convention. In order to further promote the implementation, steps may be considered to calibrate the reporting mechanisms, without creating additional reporting burden for the State Parties.

Mr. Chairperson,

We are concerned about the reported use of incendiary weapons which cause excessive injury and indiscriminate effects. We believe that all
States Parties should strictly adhere to the provisions of the CCW and all its protocols.

The issue of Mines Other Than Anti Personnel Mines (MOTAPM) continues to generate divergent viewpoints and perspectives from the States Parties. There exist wide differences in terms of their scope, definitions, transfers, cooperation and assistance, in addition to the technical details.

Pakistan considers all types of mines as legitimate defensive weapons, which deter aggression and avert war, especially in situations of conventional military imbalances. The humanitarian concerns arise from the irresponsible use of mines by non-state actors, since their legitimate use by States Parties is already regulated by the existing provisions of the CCW and International Humanitarian Law (IHL).

At this juncture, we need to strengthen the implementation of the existing instruments and provisions of the CCW. Further amendments to these instruments would hamper efforts to universalize the Convention, thus undermining our collective effort in this endeavour.

Mr. Chairperson,

I will now address the new and emerging technologies and their impact and implications. I will touch upon two issues here: armed drones and Lethal Autonomous Weapons Systems or LAWS.

In our view, the use of armed drones, especially against civilians, constitutes a violation of international law, the UN Charter, International humanitarian as well as human rights laws. Their use contravenes State sovereignty and the UN Charter restrictions on legitimate use of force for self-defence, in the absence of imminent danger and without express permission from States in whose territory the armed drones are used. The established principles of distinction, proportionality, transparency and accountability are also violated.

The use of drones does not fulfill the criteria of the zone of conflict as defined in International Law. As is well known, the drones are being operated and used against civilians outside the conflict zone as defined by IHL.

Drone use is also characterized by lack of transparency, responsibility and accountability. Information on chain of command and responsibility is opaque or unavailable. The UN Human Rights Council, jurists and human
rights groups have all opposed armed drones targeting civilians through signature strikes. In the absence of credible information against the targeted individuals warranting use of drones, their use is tantamount to extrajudicial killings since no due process of law is followed.

Even from an operational and pragmatic point of view, the use of drones is counter-productive in fighting terrorism. Since no information or due process is visible to the general public, drone use is perceived as a blunt tool to use brute force to kill humans.

Notwithstanding the few tactical gains, the proliferation of drone technology over time would make their use more dangerous and vulnerable.

Even more challenging could be the task of preventing and deterring the non-state actors and terrorists from developing, deploying and using drones against people or even States. When technology spreads, their use could create uncertainties, leading to miscalculations and even eruption of inter-State conflicts.

Mr. Chairperson,

Another destabilising development is the advent of Lethal Autonomous Weapons Systems or LAWS. The autonomous or independent target selection and use of lethal force by machines poses serious legal and moral questions and have implications for laws of war. In the absence of any human intervention, such weapons in fact fundamentally change the nature of war. LAWS would lower the threshold of going to war resulting in armed conflict no longer being a measure of last resort. Consequently, the resort to use of force may become a more frequent phenomenon.

LAWS are by nature unethical, because there is no longer a human in the loop and the power to make life and death decisions are delegated to machines which inherently lack compassion and intuition. This would make war inhumane.

LAWS cannot be programmed to comply with International Humanitarian Law (IHL), in particular with its cardinal rules of distinction, proportionality, and precaution. These rules can be complex and entail subjective decision-making, which requires human judgment.

LAWS would, therefore, undermine international peace and security. Their introduction would affect progress on disarmament and non-proliferation. Faced with the prospect of being overwhelmed by LAWS,
states possessing WMD capabilities would be reluctant to give them up, while others would feel encouraged to acquire them.

Mr. Chairperson,

LAWS create an accountability vacuum and provide impunity to the user due to the inability to attribute responsibility for the harm they cause. If the nature of a weapon renders responsibility for its consequences impossible, its use should be considered unethical and unlawful.

LAWS could easily be used in anonymous and clandestine operations as well as for targeted killing including in the territory of other states as is being witnessed in the use of armed drones. Like drones, civilians could be targeted and killed with LAWS through so-called signature strikes. The breaches of State sovereignty in addition to breaches of International Humanitarian Law and International Human Rights Law associated with targeted killing programmes risk making the world and the protection of life less secure with LAWS in the equation.

The use of LAWS in the battlefield would amount to a situation of one-sided killing. Besides depriving the combatants of the targeted state the protection offered to them by the international law of armed conflict, LAWS would also risk the lives of civilians and non-combatants on both sides.

The unavailability of a legitimate human target of the LAWS user State on the ground could lead to reprisals on its civilians including through terrorism as is being done in retaliation to drone strikes.

The states that are currently developing and using LAWS cannot afford to be complacent that such capabilities will not proliferate over time and hence they too shall become vulnerable. Going by past experience we all know that monopolies over such technologies do not last forever. Since the developing countries are not going to carry the burden of non-proliferation, an unchecked robotic arms race could ensue. Besides, LAWS could also proliferate to non-state actors with unimaginable consequences.

Like any other complex machine, LAWS can never be fully predictable or reliable. They could fail for a wide variety of reasons including human error, malfunctions, degraded communications, software failures, cyber
attacks, jamming and spoofing, etc. There will always be a level of uncertainty about the way an autonomous weapon system will interact with the external environment.

Mr. Chairperson,

We should not let the blind quest for the ultimate weapon, driven by commercial interests of the military-industrial complex, get the better of us. The introduction of LAWS would be illegal, unethical, inhumane and unaccountable as well as destabilizing for international peace and security with grave consequences. Therefore, their further development and use must be pre-emptively banned through a dedicated Protocol of the CCW. Pending the negotiations and conclusions of a legally binding Protocol, the states currently developing such weapons should place an immediate moratorium on their production and use.

Pakistan notes the useful discussions that took place during the four-day informal Meeting of Experts, from 13 to 16 May 2014, to discuss the questions related to emerging technologies in the area of lethal autonomous weapons systems, in the context of the objectives and purposes of the Convention. We would like to thank Ambassador Jean-Hugues Simon-Michel of France for convening and chairing this meeting and look forward to discussing the issue of LAWS further under the auspices of the CCW. We, therefore, urge this meeting to further renew the mandate for discussing LAWS in 2015.

I thank you Mr. Chairperson.

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