Mr. Chairman,

Let me join others in congratulating you on your assumption of the Chairmanship of this expert meeting for the second consecutive year. The annotated agenda and the 'food for thought paper' shared by you, serves as a useful basis for our discussion this week.

Mr. Chairman,

When compared to the previous two Experts’ Meetings, today we meet in a significantly changed context. The November 2015 Meeting of the High Contracting Parties to the Convention on Certain Conventional Weapons (CCW), which Sri Lanka had the honour to preside over, mandated, that, in addition to the submission of a Chair’s summery of the proceedings in his personal capacity, this "meeting of experts may agree by consensus on recommendations for further work for consideration by the 2016 Fifth Review Conference".

This expansion of the mandate, constitutes an important step forward demonstrating the willingness of CCW States Parties to endeavor to work towards a tangible outcome. It is noted that while 29 states expressed opinions during the April 2014 Experts Meeting, in April 2015 this figure rose to 46 (17 additional countries, including Sri Lanka). During the November 2015 Meeting of the High Contracting Parties of the CCW, when for the first time a dedicated session was devoted to LAWS, 23 States contributed to the debate and many of these countries also actively participated in the informal discussions that framed the mandate for the present discussion.
Sri Lanka is confident that more States, regardless of their respective technological advancements and ensuing capabilities in developing such weapons, would engage in a constructive dialogue over the next 5 days, with the aim of providing meaningful recommendations as an outcome of the meeting.

That the CCW acts on this issue is important in order to maintain its own credibility, and strike a balance between the legitimate security aspirations of States and the inherent humanitarian concerns of the international community. Further, it provides an opportunity for both States, as well as Civil Society which continues to play an important role in furthering the debate on the LAWS, to engage and strengthen the CCW process. While acknowledging the important contribution by the experts in the field over the past two years, time is now opportune for this body to move further and to initiate a dialogue on this issue among States, who must eventually make the ultimate call.

If we fail to live up to this expectation, it would not only result in denying the 2016 Review Conference which meets only once in five years, a historic opportunity to address this pressing issue decisively, but also see the possible development of LAWS in an unregulated environment, to the detriment of humanity.

Mr. Chairman,

While recalling Sri Lanka's statements made over the course of 2015 on LAWS, I wish to highlight several key points that would be of particular relevance to our discussions this week:

1) It is our understanding that the debate on LAWS is not merely a question to ban or not to ban autonomous technology in weapons systems, but rather a question of the acceptable threshold of the degree of autonomy in weapon systems that is in compliance with international law. Our debate therefore should be an exercise for exploring how we can take pre-emptive regulatory actions, while preserving the space for the peaceful use of the autonomous technology including non-lethal
military and defensive purposes. Protocol IV of the CCW provides an example to this end, where the use of laser technology in a specific context was pre-emptively banned but the same technology continues to be in use for various other peaceful purposes.

2) One of the central issues of our debate has been to understand a definition for LAWS. While working definitions are being used in different discussions, it is important that we, as States agree on the basic elements of such a definition, in order to proceed towards a more structured discussion in the future. Careful study of different definitions put forward so far, and consideration of language used in different defence doctrines issued by States could serve as useful starting points. We note that continued dialogue on the emerging concept of ‘Meaningful Human Control’ (MHC) will also carry relevance in defining LAWS.

3) The issue of IHL compatibility has centrality in our deliberations towards developing an international legal instrument on regulating autonomous technology in weapons. The debate on how and what provisions of IHL should be applied in the case of LAWS and who should be held accountable in the event of unlawful use are some of the fundamental issues that need an answer. As the ICRC notes under the law of State responsibility, in addition to accountability for violations of IHL committed by its armed forces, it is stated that a State could also be held liable for violations of IHL caused by an autonomous weapon system that it has not, or has inadequately tested or reviewed prior to deployment. Further, under the laws of product liability, manufacturers and programmers could also be held accountable for errors in programming or for the malfunction of an autonomous weapon system.

Therefore, we recommend this aspect also be given due attention when discussing Article 36 implementation, to ensure a clear accountability chain with regard to autonomous weapons.

4) While the primary focus has been on autonomous weapons usage in armed conflicts, once developed, there would be no guarantee that the same would not be used in the domestic law enforcement activities, with lethal or less-lethal force. As
pointed out by the Special Rapporteur on extrajudicial, summary or arbitrary executions, such use, both in a military context, and a law enforcement context could pose serious violation of human rights, in particular the right to life and dignity. Given this non-derogable human rights dimension of the subject, we encourage that the matter continues to be pursued in the Human Rights Council as well, under relevant agenda items.

5) As noted at the previous experts meetings, the concern of LAWS posing potential threat to global peace and security remains valid. Potential military advantage of LAWS vis-à-vis combatant casualties would make it an attractive weapon system, risking proliferation, and thereby lowering the threshold of rules of warfare, which would undermine regional as well as global stability, peace and security. The increasing dominance by non-state actors and breach of cyber security should also be seriously noted, before considering applying this technology to weapons systems. The possibility of accidental catastrophic consequences resulting from LAWS could also be an inevitable consequence.

6) While acknowledging that States have limited understanding on this subject, views continue to evolve and States are paying special attention in developing its own policy in this area. Transparency and Confidence Building Measures (TCBMs) in relations to any existing voluntary measures for self-regulation at national levels, may provide a valuable insight into the understanding of this technology as well as to the larger issue of addressing the international framework.

Mr. Chairman,

As to the Way Forward, the general understanding emanating from our past engagements is that the mandate given to us is to address the issue of future autonomous systems. Given the ambiguous nature of such systems, it is noted that there is a sense of discomfort among States to move forward, thus calling for a slower, more ‘cautious’ approach. However, it must be noted that the discussion on future technological advancement would not necessarily be limited to a mere scientific or academic discourse based on hypothetical questions, as yesterday’s
fiction is today’s reality. Hence, the argument for dismissing action on an ‘unknown system’ is not the right approach for preventive disarmament. Therefore, we urge countries who are already in possession of such weapons or have the capability to do so, to engage in an open and constructive dialogue with the rest of the Member States to discuss genuine concerns and consider a way forward within the framework of the CCW.

While noting the positive commitments expressed by many States to not develop ‘unpredictable autonomous weapons’, within their respective national security doctrines, we believe that national regulations themselves would not be sufficient to guarantee that these weapons will not be developed or used, as national military doctrines tend to evolve with ‘potential risks’ from outside. Furthermore, given the repeated emphasis on the danger of a possible military AI arms race, it is of utmost importance that the international community understands the urgent and serious need for regulation of use of artificial intelligence in weapon systems, which if not acted upon swiftly, can be beyond any control.

Therefore, while welcoming voluntary national measures, Sri Lanka wishes to stress the need for negotiating a legally binding international instrument that regulates the use of autonomous technology in weapon systems. We stand ready to support action towards this end.

It is our considered view that an important first step, would be to establish by consensus, a Governmental Group of Experts (GGE) at the Fifth Review Conference with an initial discussion mandate, to take forward future action on LAWS, with particular focus on an agreed definition of LAWS and the ‘test of IHL compliance’.

To conclude, Mr. Chairman, let me express my delegation’s expectation of a fruitful discussion over the next five days, so that we could agree on concrete recommendations acceptable to all States, for consideration at the Review Conference later this year.
I assure you my delegation’s strong commitment and support towards this end.
Thank you.