Mr. Chair,

At the outset, let me express our gratitude to you for chairing for a second consecutive year our work on lethal autonomous weapons systems and for the manner in which you have prepared this Meeting of Experts. I assure you of the full cooperation of my delegation.

Mr. Chair,

Increasing autonomy and artificial intelligence of technology in the military domain bears the potential of redefining the role of humans in the use of force and poses challenges of a political, legal and ethical nature. Important work has been accomplished since 2014 in the CCW in this area, but a great deal of work remains. It is a complex subject, and we still need clarity on a number of conceptual issues and to identify possible practical responses.

We are confident that your approach and the work program you have suggested provide a solid basis for making progress on key issues this week. We can build on the achievements of the last two years as well as on the substantial contributions by civil society, which we view as an essential actor in this field.

This third informal meeting of experts operates with a strengthened mandate. This allows us for the first time to adopt consensus recommendations, and this in view of the upcoming
Review Conference of the CCW. We should seize this opportunity and adopt concrete recommendations, notably on general principles and understandings as well as on next steps to consolidate and strengthen our work process.

Mr. Chair,

Since 2014, we have been able to identify common views on some issues. Our discussions have clearly allowed us to confirm that international law, and particularly international humanitarian law (IHL), fully applies to autonomous weapons and has to be respected in all circumstances. While not a revolutionary conclusion, this consensus constitutes an excellent basis for our future work and should be front and center in our recommendations at the end of this week. This consensus allows us to work from a shared conceptual basis and to pursue concrete avenues linked to the application of the legal framework.

As we already stated last year, the longstanding and fundamental principles of IHL do not allow for compromise. They set the bar very high in terms of technological prerequisites for the development and lawful use of autonomous weapons systems in armed conflict.

Switzerland believes compliance with international law, notably IHL, is central to our discussions and to taking forward our work on autonomous weapons. It is in this context that we have tabled a working paper entitled « Towards a “compliance-based” approach to LAWS ». Copies of the paper are available at the back of the room.

The working paper (1) presents considerations on a possible working definition of autonomous weapons systems, (2) spells out requirements for compliance with IHL, and (3) on that basis, identifies elements for a “compliance-based” approach aimed at advancing the debate within the CCW in an inclusive and constructive manner.

In the following sessions this week, we will come back in greater detail on elements of the working paper. At this stage, let me highlight the three substantive conclusions that our working paper reaches, as they are central to the recommendations this meeting could make as well as to future work beyond this meeting. These can be found in paragraphs 31 to 33 of our working paper.

- First, in order to advance our understanding of autonomy and its relation to IHL, High Contracting Parties could, based on a wide working definition, assess existing systems with limited autonomy in the targeting cycle. The specific parameters which
make a particular system IHL compliant could be identified and examined. These parameters could then be extrapolated to future systems with higher levels of autonomy, to gain an understanding of what features contribute to conformity with, or – conversely – objectionability under, IHL.

- Second, we propose to first reaffirm and then spell out applicable international law, in particular IHL. For ease of reference, there would seem merit in collating and clarifying the relevant existing provisions as they apply to autonomous weapons systems. Such an exercise would involve the three angles considered in our working paper, that is the substantive IHL provisions, legal reviews, and accountability.

- Third, to secure and facilitate compliance, best practices, technical standards and policy measures could be identified, that complement, promote and reinforce the implementation of applicable international obligations. For example, with regard to legal reviews, it could be of interest to identify standard methods and protocols for testing autonomous weapons systems that take into account their unique characteristics. In the same vein, should gaps in the chain of accountability become apparent, States might potentially want to discuss complementary or additional means of ensuring that individual accountability is maintained.

Mr. Chair,

Our suggestion to articulate our work around a compliance-based approach is not meant to limit the debate; nor is it meant to exclude consideration of any further regulatory responses. Instead, the “compliance-based” approach is part of a broader “building block” approach that provides space for legal, military, ethical and other considerations to inform discussions on possible political and regulatory responses.

For instance, another important element for future work is control or supervision over autonomous weapons systems. We claim in our working paper that given the current state of robotics and artificial intelligence, it is difficult today to conceive of autonomous weapons systems that would be capable of reliably operating in full compliance with all the obligations arising from existing IHL without any human control in the use of force, notably in the targeting cycle. Accordingly, the question is not whether States have a duty to control or supervise the development and/or employment of autonomous weapons systems, but how that control or supervision ought to be usefully defined and exerted.
We recognize that control over an autonomous weapons system can be exerted in various ways. Therefore we see merit in further exploring the nature and level of human involvement needed in different phases – from conceptualization to target engagement – to ensure and facilitate compliance with IHL.

We would like to make a final point that relates to the scope of our work. We have until now articulated our work around lethal autonomous weapons systems. A question arising is whether, conceptually, we should simply refer to autonomous weapons systems. The element of lethality, though of particular concern in practice, should not be conceptually regarded as a prerequisite characteristic of autonomous weapons systems. In order to ensure compliance with IHL, we should have an inclusive understanding of autonomous weapons systems, and not exclude systems used to destroy objects or infrastructures, capable of using less than lethal force or systems using non-kinetic effects.

Mr. Chair,

There is a great deal of important work ahead of us, not only this week but also beyond. To undertake more specific work towards concrete results, we strongly urge that this meeting recommends to the 5th Review Conference to establish a Group of Governmental Experts (GGE).

We will come back to different points raised here in this statement during this week.

Thank you, Mr. Chair.