Thank you Mr Chairman.

I would like to thank the excellent panellists, in particular for their very useful work to move from abstract to concrete consideration of the definition issue. They have given us much to think about in terms of how LAWS might be defined in a way that meets our collective objectives.

I would like to take this opportunity to share New Zealand’s preliminary views on the definition issue. As comments to date have already made clear, agreeing on a definition of the weapon system we are seeking to address is an initial element of the task we are engaged on under the auspices of the CCW. Although a critical element, we have been reminded by today’s panellist and by earlier speakers that it would be very unusual for a detailed definition to be agreed as the very first step in any process. That said, we need to ensure that our working definition, or “characterisation” as others have termed it, is indeed common to us all – and that it does genuinely capture all the essential elements of concern to us under the “autonomous weapons” rubric. If this is not the case, our response will neither be appropriate nor adequate to protect the core elements of IHL which are so important to us.

We acknowledge the inherent tension in developing such a definition whereby, as is often the case with many multilateral endeavours, pursuing a more narrow definition can often facilitate widespread agreement on an outcome whereas a broader definition may better meet the level of aspiration of core stakeholders and those most focused on future-proofing our work. Perhaps the Group of Governmental Experts (GGE) now widely mooted to follow up these MEX discussions (and to which we referred in our statement yesterday) may prove the best forum in which to resolve this dichotomy.

That said, my delegation welcomes the growing number of States engaged here on this question and keen to explore possible ways of defining LAWS. Many of the views put forward resonate with New Zealand but we remain also keen to hear the reactions of others.

We note the comment made by Switzerland (in paragraph 4 of their informal working paper) that at this stage, given the complexity of the issues, it would “appear premature to aim for a definition that seeks to draw a line between desirable, acceptable or unacceptable systems”. Whilst acknowledging both the complexity as well as the early stage of our discussions here, we assume that this statement is not to be taken as our MEX going back on the common understanding that emerged from the 2015 Meeting of Experts and which amounted to a rejection of fully autonomous weapons systems deciding over the use of force against humans.
Without any human intervention (or any “human on the loop”). In New Zealand’s view, the concept of human control – whether it is understood as meaningful, appropriate or effective - over the critical functions of weapon systems must be retained.

As this suggests, and in line with the very useful work done by the ICRC on this issue, we consider the most relevant aspects of autonomy to be those relating to the critical functions of a weapon system, i.e. the selection, engagement and tracking of a target. We appreciate also the very useful papers put forward and interventions made questioning for example, whether the element of lethality needs to be regarded as a prerequisite characteristic of the autonomous weapon systems of interest to us, and whether a distinction should be made between offensive and defensive systems.

We note again the contribution to our debate from Switzerland, which has suggested we focus our efforts on “weapones systems that are capable of carrying out tasks governed by IHL in partial or full replacement of a human in the use of force, notably in the targeting cycle”. Although we are still analysing the Swiss proposal we see great merit in its proposal for an approach centred on compliance with international humanitarian law.

As noted in our statement yesterday, New Zealand also views the question of LAWS through the primary lens of IHL, while acknowledging too the implications under international human rights law and international criminal law, as well as the profound ethical questions also underlying this issue. For New Zealand the key questions are whether it is possible for autonomous lethal weapon systems to reliably operate in full compliance with all the obligations of IHL, satisfy the core principle of the Martens clause and meet the accountability requirements of international law including international criminal law.

A “compliance-based” focus must, we would have thought, acknowledge our collective rejection of fully autonomous lethal weapon systems (whether for legal, political or ethical reasons) and our shared understanding that some human-machine interaction must inevitably be required. A central challenge, therefore, is to determine the necessary level or quality of this interaction – in other words, how would an appropriate, meaningful or effective level of human control be defined?

We again note here the very useful work of the ICRC in highlighting that “the kind and degree of human control or oversight required to ensure compliance of an autonomous weapon system with IHL will depend on the type of autonomous weapon system, the tasks it is designed to carry out, the environment in which it is intended to be used, and the types of targets it is programmed to attack, among other factors”. It is therefore unlikely that a “one size fits all” approach will take us very far, something that was also made clear during yesterday afternoon’s expert panel on “mapping autonomy”.

Finally, Mr Chairman, we are of the view that a compliance-based approach – i.e. one that assesses a weapon system according to its ability to comply with
international law rather than its technological characteristics per se – would be consistent with the reluctance expressed by many to unnecessarily inhibit the development of autonomous technologies for civilian use. New Zealand would, in any case, prefer not to focus LAWS discussions on specific technological characteristics given the speed of technological advancement and the risk that any negotiated solutions based on technical characteristics could be swiftly undermined through the use of a slightly different technological approach.

Thank you Mr Chairman.