



Misión Permanente de Costa Rica
ante la Oficina de las Naciones Unidas
Ginebra

**Intervention from Costa Rica
CCW GGE LAWS
21 September 2020**

Courtesy translation

Dear Mr. President,

For Costa Rica, international law, including international human rights law, international criminal law, international humanitarian law, and ethical and moral aspects, must be considered as we carry on our discussions for addressing the humanitarian and international security challenges posed by emerging technologies in the area of lethal autonomous weapons systems, including for considering and developing an international normative framework. The weaponization of technologies continues to advance at a rapid pace, including in the field of autonomous weapon systems (AWS), which urgently calls for an international agreement that limits the development and use of said weapon systems, and in light of humanitarian, legal and ethical concerns, as stated by the United Nations Secretary-General in its Agenda for Disarmament, and other forums.

The GGE has stated, in accordance with international law and the principles of international humanitarian law (IHL), that humans must retain and exercise responsibility for the use of weapon systems and the use of force. In practical terms, measures of meaningful human control shall be applied to the life cycle of AWS, so that individual and state responsibility can be asserted. Furthermore, autonomy in weapon systems cannot be unlimited.

The unpredictability of AWS as it relates to the changing environment in which they operate, provide for these weapon systems to pose serious risks for civilians and civilian objects, which must be addressed. As presented by the International Committee of the Red Cross (ICRC) and the Stockholm International Peace Research Institute (SIPRI), among others, including civil

society, controls on the weapons system's parameters of use (e.g. allowing for deactivation and fail-safe mechanisms), controls on the environment (e.g. excluding the presence of civilians and their objects, temporal and spatial constraints, etc.), controls through human-machine interaction (e.g. allowing the user to supervise the AWS and to intervene in its operation when necessary, including overriding, abortion or deactivation of task or mission) can help reduce and/or compensate for the inherent unpredictability in the use of AWS and its potential risks. Even more so, control measures must be conceived and combined, to ensure legal compliance, ethical and moral acceptability and operational utility of the AWS.

From an artificial intelligence perspective, autonomous weapons systems lack human characteristics that are relevant when making decisions about human lives, while self-learning, multiple data and algorithmic errors (biases), insufficient reliability and the possibility of being 'hacked', can present additional challenges to compliance with international law and the limits on the use of armed force. On the other hand, Costa Rica recognizes the importance of technological developments and their application for peaceful uses.

Finally, Costa Rica would like to highlight that the different proposals for a political declaration, code of conduct, and other voluntary confidence-building measures, including national arms review processes, are not exclusive but complementary.

The aforementioned shall not preclude the development of an international legally binding agreements stipulating prohibitions and regulations on AWS, limiting the levels of autonomy and maintaining meaningful human control in all the critical functions of the autonomous weapon systems. In this sense, aspects of ethical, legal, normative, and operational nature must be considered. Negotiations for this legally binding instrument shall be launched during the next CCW Review Conference.

Many thanks.