Excellency,

The Permanent Mission of Costa Rica to the United Nations Office and other international organizations in Geneva presents its compliments to the 2020 Chair of the Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems GGE LAWS of the Convention on Certain Conventional Weapons, and avails itself of this opportunity to refer to the communication sent by UNODA on behalf of the Chair of GEE on LAWS, dated 14 July, 2020, and other previous communications (18 March and 24 March, 2020).

In this respect, the Permanent Mission of Costa Rica recognizes the importance of the work of the GGE LAWS and its mandate, particularly in the context of the limitations posed by the pandemic of the COVID-19, to hold sessions of the Group as previously scheduled.

Also, as stated in our note verbal to the Chair of the GGE LAWS dated 31 March, 2020, and as expressed during previous formal sessions of the GGE, our delegation values the common understandings reached so far, and considers the guiding principles as a good basis to deepen our discussions, particularly as it relates to the element of human control.

Furthermore, our delegation has cautioned against stirring the work of the GGE solely based on the guiding principles, as they do not constitute an end in themselves, nor enjoy any legal status. Noting the above, we refer herein to some elements to which our delegation attaches great importance, in the context of the GGE mandate. We also reiterate, that Costa Rica has reserved its position as to further comment on the scope and methodology of work chosen by the Chair of the GGE to seek substantive inputs from the delegations, as well as it regards to any other aspects included in related communications.
For Costa Rica, international law, including international human rights law, international humanitarian law, and ethical and moral considerations, must be taken into account as the GGE carries on its 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. This call has been echoed by the United Nations Secretary General in his Agenda for Disarmament: securing our common future.

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 and accountability can be asserted. Furthermore, autonomy in weapon systems cannot be unlimited, and current instruments do not regulate or limit said autonomy, creating a vacuum for effective governance and risk mitigation.

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 elaborated by the International Committee of the Red Cross (ICRC) and the Stockholm International Peace Research Institute (SIPRI), among others, controls on the weapon 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 where necessary, including through the overriding, abortion or deactivation of tasks or mission) could help reduce and/or compensate for the unpredictability inherent in the use of AWS and its potential risks. Even more so, control measures must be conceived and combined, to help ensure legal compliance, ethical and moral acceptability and operational utility of the AWS.

From an artificial intelligence perspective, AWS lack fundamental human characteristics that
take relevance when making decisions about the lives of others; whereas self-learning, multiple data and algorithmic bias, insufficient reliability and the possibility of being hackable, may pose additional challenges for compliance with international law and the thresholds for the use of armed force. On the other hand, Costa Rica recognizes the importance of technological developments and their application for peaceful purposes.

Finally, Costa Rica underscores that proposals for a political declaration, code of conduct, and other voluntary and confidence building measures, including national weapons review processes, are not exclusive but complementary. The aforementioned shall not preclude the development of an international binding agreement stipulating prohibitions and regulations on AWS.

The Permanent Mission of Costa Rica avails itself of this occasion to restate to the 2020 Chair of the Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems GGE LAWS of the Convention on Certain Conventional Weapons, our disposition to engage in a constructive and inclusive dialogue to advance the works of the GGE LAWS, and reiterates the assurances of its highest consideration.

September 1, 2020