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Statement by

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The Convention on Certain Conventional Weapons (CCW)

GGE on Lethal Autonomous Weapons Systems (LAWS)

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Thank you, Mr. Chairperson,

I would like to commend you, and thank you, your team and the secretariat for your efforts on leading the very useful discussions this week, notwithstanding the substantial logistic challenges brought about by COVID-19. As the COVID 19 pandemic continues to affect us all, we regret that some delegations could not actively participate on a virtual platform. These discussions greatly contribute to the process leading up to the Sixth Review Conference. We hope for fruitful and realistic deliberations in the coming days of the GGE and assure you of our delegation's support.

Mr. Chair,

At the outset, we will be giving one statement regarding Article 5, since we view all the sub-sections as interconnected. As we are getting closer to the Review Conference, it is time for reflection on what was done thus far and what lies ahead. Seven years ago, we began a conversation on Lethal Autonomous Weapons Systems. Looking back, there is much that we have achieved. We created a forum to discuss Lethal Autonomous Weapon Systems and have been exploring this topic from various angles – most notably, its legal, technical, military and policy angles. In an effort to contribute to the discussions, Israel has actively participated in the meetings, contributed with participation of relevant experts and also took the opportunity to elaborate on its weapons review procedure.

The GGE meetings thus far have helped promoting a greater understanding of the various aspects of the issue of LAWS. We note that there seems to be wide agreement on certain notions, such as the notion that existing IHL fully applies to the development and use of LAWS, the importance of retaining human responsibility for the use of LAWS, and holding accountable those responsible for IHL violations in accordance with international law.

Furthermore, we advanced enough to the point that allowed us to agree on the 11 guiding principles in 2019. We consider this a noteworthy achievement and a strong foundation for our future work. We are of the view that building on these principles will allow for significant progress in the following discussions. The fact that High Contracting Parties succeeded in agreeing by consensus on a substantial report that contains significant elaborations, illustrates that – despite the complexity of the subject matter and the different approaches of the Parties – reaching shared understandings is attainable.

At the same time, our discussions illustrated – unsurprisingly – that it is not easy to discuss an emerging technology, which is still in its nascent phases. Reaching wide-ranging conclusions at this stage, that would be insufficiently informed, is something we should avoid.

We learned that although this is considered a GGE, a group of governmental experts, there is a wide spectrum of relevant expertise between states and representatives in the room. In this regard, in our view, the greatest contribution to our discussions over the past years came from those who hold knowledge and expertise regarding emerging technologies in the area of LAWS, and we believe that such expertise should continue to frame and guide our discussions, rather than interventions of a political nature.

We also learned, that technology is always changing and advancing. The state of technology in 2014 when we began these discussions is different from the state of technology in 2021. It is safe to assume that technology will keep changing going forward, and this requires us to be modest in our assumptions and predictions today.

Lastly, we have learned that many issues remain in which there are still wide differences of opinion, and convergence of views may be challenging. One of them concerns additional outcomes that could be potentially reached in this

forum. In this regard, it is Israel's position that existing IHL suffices in regulating the use of any future weapon system with autonomous capabilities, and that there is no need for a new legally binding instrument.

Due to these circumstances, we observe that there is a need to continue with an incremental and informed process that will allow us to deepen our understanding and reflect on the aspects mentioned thus far.

Mr. Chair,

In recent months, many significant papers were submitted by states providing new and useful insights, as well as concrete suggestions on the way forward. The fact that so many countries share their perspectives, illustrates once again the importance and complexity of the subject matter.

We reviewed with interest the recent written contributions submitted by States, and carefully listened to the statements made during the latest informal sessions. We would like to express our support for the discussion paper presented by the United States and co-sponsored by Australia, Canada, Japan and the United Kingdom, suggesting potential further GGE consensus recommendations and further work. We believe that both the methodology and content of this paper propose an effective way forward for this forum in the course of this meeting and beyond.

Mr. Chair,

We would like to make a few points, in reflection on the discussions so far, as well as on the way forward:

First, as articulated in the Guiding Principles, IHL fully applies to all weapon systems, including potential employment of LAWS. Accordingly, it must be ensured that the future employment of any such weapon system would comply with IHL in consideration of its planned uses and the relevant circumstances in

which it is expected to be used – as with any other weapon. We believe continuing our discussions on this issue and further clarifying how to apply IHL to LAWS would be a useful way forward, as part of the discussions on the applicable normative and operational framework.

Second, several delegations expressed their views suggesting that analysis of the issue of LAWS should also relate to the potential of such systems to reduce risks of unintended consequences. As we mentioned before, in Israel's view, it is important to note that besides the potential challenges that may be associated with LAWS, there are also potential military and humanitarian advantages, such as better precision in targeting, minimizing collateral damage and reduced risk to civilians. We believe that these potential implications of LAWS should also be further considered, and caution us from prohibiting something that could actually save lives. For this reason, technology should not be demonized nor simplistically labeled as beneficial or detrimental.

Third, in line with the views expressed by other delegations, we believe human judgment to be an integral part of any process regarding emerging technologies in the area of LAWS, and that it should be applied during their life-cycle. As LAWS will be designed and programmed by humans, they will operate as another means to effectuate the intention of commanders and operators. Therefore, human beings will always be responsible for the use of LAWS. Accordingly, we do not view the use of autonomous functions in weapons systems as delegating life and death decisions to machines; indeed, as the 11 guiding principles state, "weapons systems should not be anthropomorphized". Looking forward, it seems clear that further in-depth discussions are required on human-machine interaction in the various phases of the weapon's life cycle, as well as human responsibility when using emerging technologies in the area of LAWS.

Lastly, another issue that seems to necessitate further discussions is national weapon reviews. This issue reflects an important avenue of human input and directly concerns compliance of weapon systems with international law. Applying legal reviews to new weapon systems is a major instrument for a State to ensure that it employs only lawful means of warfare, which touches at the very heart of our discussions. We are convinced that national weapons reviews will be of substantial importance in determining compliance of LAWS with IHL and view the discussions on this issue in the framework of this forum as very helpful.

Mr. Chairperson,

We have two final comments: Firstly, it is important to keep in mind that our mandate here is on lethal autonomous weapon systems, and not any other formulation of weapon systems. Secondly, we note that different delegations have been using different terms to describe their expectations regarding human-machine interaction – whether by using the terms “control”, “judgment”, “involvement”, “supervision” or otherwise. Israel emphasizes the need to stick to a neutral language, which can be agreed by consensus. In particular, we recall that the term “control” has proved controversial in our discussions, and that it does not appear in the 11 guiding principles for that reason. .

In conclusion, Israel looks forward to the continuing the meaningful discussions during the work of the GGE, leading up to the review conference.

I thank you, Mr. Chair.