



**Statement delivered by Ambassador Ichiro OGASAWARA,
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Conference on Disarmament**

**2023 Group of Governmental Experts on Emerging Technologies in the
Area of Lethal Autonomous Weapons Systems: 6 - 10 March
Agenda 5, Topic 2: Application of International Humanitarian Law
- possible prohibitions and regulations**

Thank you very much, Mr. Chairperson,

First of all I would like to thank you for your really balanced and accurate description of the current discussion on this topic. And at the same time I note that you have raised a number of important issues. Without responding to these directly, please allow me to first read out our prepared text.

Mr. Chairperson,

First of all, we would like to point out that International Humanitarian Law, which aims to prevent unnecessary casualties and damage to civilian objects in armed conflict and to protect all persons who do not participate in combat and victims of armed conflicts, has become even more important in the recent severe security environment. Examining the application of International Humanitarian Law on the basis of its fundamental principle concept of striking a balance between military necessity and humanitarian considerations will directly lead to the reduction of casualties and damage in armed conflicts.

For weapons systems based on emerging technologies in the area of LAWS, in order to ensure compliance with international laws such as IHL, it is necessary to consider not only matters related to their use, but also the entire life cycle of the weapons. The hardware and software of autonomous weapon systems should be repeatedly and rigorously tested, evaluated, verified, especially in the design, development, and testing phases, under a variety of realistic environmental assumptions, to assess the possible risks posed by such weapon systems and their mitigation measures. Thus, it is important to improve the predictability and reliability of the use of such weapons. We believe that many countries have reached a consensus on this point.

In addition, the use of emerging technologies in the area of LAWS may help prevent and mitigate harm to civilian and damage to civilian objects in military operations, and identifying and sharing such good practices is meaningful from the perspective of promoting compliance with IHL.

In order to ensure compliance with IHL, it is necessary to discuss and clarify the application of IHL to weapons systems using emerging technologies in a concrete and individual basis. As indicated in the P&G proposal we jointly submitted last year, the application of IHL to decision support tools for targeting by commanders and operators, and weapon systems that rely on autonomous functions for target selection and engagement are both areas for further discussion.

The joint proposal, the Draft Articles on Autonomous Weapon Systems circulated by my US colleagues yesterday organizes the principle applicable to AWS around the application of IHL, including the prohibition of AWS that are inherently incapable of compliance with IHL, and

regulations to ensure compliance with the principles of proportionality, distinction, and precautions when using non-prohibited AWS, which many countries can support.

With regard to decision support tools for targeting by commanders and operators, the introduction of artificial intelligence is expected to enable the faster processing and analysis of vast amounts of data, helping to improve the cognitive ability of commanders with regard to the distinction between military objectives and civilians, and civilian objects in combat areas. Furthermore, the use of autonomous technology may improve the accuracy and speed of target identification and targeting compared to manual human operations.

Regarding possible prohibitions and regulations. Japan has recognized the need to discuss both prohibitions and regulations with regard to weapon systems based on emerging technologies in the area of LAWS. Japan believes that the discussion on the characteristics of LAWS, such as nature of human involvement, is still developing. Further, it is not appropriate to make an evaluation under IHL based solely on the degree of 'autonomous function' and it is not desirable to indicate the targets of prohibitions and regulations by using names such as 'fully autonomous' or 'partially autonomous'. Rather, such evaluations should be made from the viewpoint of the degree of conformity to IHL, not the degree of autonomy. Indeed, it is this perspective that underpins the measures within our joint proposal, without using clear definitions or specific terms. That same wording garners consensus among High Contracting Parties in paragraph 19 of the Solemn Declaration of the Final Report of the Sixth Review Conference, that "a weapon system based on emerging technologies in the area of LAWS must not be used if it is of a nature to cause superfluous

injury or unnecessary suffering, or if it is inherently indiscriminate, or is otherwise incapable of being used on accordance with international humanitarian law". Therefore, there is no objection to the two-tier approach in the sense that weapons systems based on emerging technologies in the area of LAWS are classified into those that are to be prohibited and regulated.

This concept is specifically reflected in Article 1 and 2 of the Draft Articles on AWS, our joint proposal. In particular, Article 1 of the Draft Articles on AWS describes prohibitions on the design of weapons with the stated objective of preventing the development and use of weapon systems that would be subject to prohibition under IHL. It is important to organize such prohibitions to prevent the development of weapons that cannot be used in a manner that complies with IHL. This arrangement is also necessary in relation to the next agenda item, legal reviews.

I thank you, Mr. Chairperson.