



PHILIPPINES

**U.N. Convention on Certain Conventional Weapons (CCW)
2023 Group of Governmental Experts on Lethal Autonomous Weapon Systems
6-10 March 2023**

STATEMENT

Agenda Item 5, Topic 6: Risk mitigation and confidence-building measures

*Delivered by Mr. Jonelle John S. Domingo,
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Mister Chair,

Under this topic, my delegation wishes to submit three points.

First: Like the issue of weapons review, risk mitigation and confidence-building is an area where we have a high degree of convergence. The comparative paper prepared by UNIDIR illustrates this clearly, and we thank UNIDIR for its work.

Building on the wealth of understanding that the GGE has developed for the past nine years, the proposals more or less agree on many of the risks that need to be mitigated. These are related to the design, development, testing and deployment cycle; possible proliferation and acquisition by terrorist groups, possible cyber attacks and data spoofing, among others.

There is also a degree of consensus on the need for limits on the type of targets, geographical scope, efforts to reduce automation bias, incorporation of self-destruct, self-deactivation, or self-neutralization mechanisms, deactivation procedures, tailored risk mitigation measures and appropriate safeguards and other mechanisms to enhance control or improve decision-making.

Where proposals diverge is on the question of whether risk mitigation measures should be left to the prerogative of national authorities, or whether it should be enshrined in a multilateral framework, including a legally binding protocol. This divergence, however, is not difficult to overcome. Ensuring effective and comprehensive risk mitigation measures could be enshrined as a legal obligation in principle, and its elaboration and operationalization could be developed through national practices, which could also be enhanced through regular exchanges that could lead to further norms-building.

This is precisely the rationale behind *Draft Protocol VI*'s proposed formulation in its Article 5 on risk mitigation. This article is in consonance with Articles 25 to 29 of the joint proposal for *Principles and Good Practices* presented by the U.S. and its co-sponsors, which could provide a basis for a more elaborated basis for possible good practices to undertake the general legal obligation to ensure effective and comprehensive mitigation, adjusted in accordance to specific national conditions.

The second point we wish to highlight, Mister Chair, is the need to also consider ethical risks of the application of AI, algorithms, and machine learning in weapon systems. While some delegations appear to remain uncomfortable with discussions under the banner of ethics, ethical considerations can already be inferred from many of the measures across all proposals.

Earlier this morning, the distinguished delegation of Finland cautioned against any stigmatization of advanced technologies such as AI, algorithms, and machine learning. There is no disagreement on this point. My delegation finds value in the applications of these technologies in many areas, including some military functions, such as, for instance, reconnaissance and navigation. Indeed, previous GGE understandings already include the recognition of the right to peaceful uses of AI technologies, which is particularly relevant for developing countries.

Yet the use of force, which includes decisions over life or death, is an area where ethical considerations transcend the narrow prisms of codified legal rules and principles. The use of AI over such decisions cannot be compared with the use of AI in other areas that carry less risks, yet as the delegate from the University of Cambridge pointed out this morning, relevant AI developments in this context remains driven by industry, which is not necessarily sensitive to the need to differentiate the gravity of risks.

The hierarchy of risks is already an accepted paradigm in other regulatory frameworks concerning AI. The European Commission's proposal for an AI regulatory framework, for instance, defines four levels of AI risks, ranking them as minimal risks, limited risks, high risks, and unacceptable risks.

Under this proposal "all AI systems considered a clear threat to the safety, livelihoods and rights of people will be banned, from social scoring by governments to toys using voice assistance that encourages dangerous behaviour" is unacceptable. The basis for this is not any specific legal provisions, but universally accepted ethical norms concerning the inviolability of human life and dignity.

The best way to avoid AI risks related to the use of force remains to be a prohibition of weapon systems that are outside the scope of predictability, reliability, understandability and explainability, and traceability; and those that cannot operate within a responsible chain of command and control, including those that operate through machine learning and evolution. This, Mister Chair, is essentially what we mean when we presented our proposal for a prohibition on the basis of meaningful human control.

Finally, risk mitigation measures would benefit from capacity-building, which is proposed in our *Draft Protocol VI*. Confidence-building would also be facilitated through regular consultations among High Contracting Parties -- similar to this GGE -- but more institutionalized as proposed in the *Draft Protocol VI*.

Mister Chair,

My delegation believes that you have at your disposal ample substantive material on this topic to prepare a draft substantive report that the GGE can work on in the next session.

My delegation agrees with your assessment that the way forward should constitute a step-by-step approach. This is essentially what we have been proposing in our proposal for a *Roadmap* that we submitted with a group of states. We believe that we are already on the second step of the three steps identified in our *Roadmap*. To consummate this step, we need to work for an outcome that is open to all options, including legally binding or non-legal binding, with the view to obtaining buy-in from all delegations.

Rest assured that my delegation will continue to engage constructively.

Thank you, Mister Chair.