



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 2: Application of International Humanitarian Law (IHL):
Possible prohibitions and regulations

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Thank you, Mister Chair.

My delegation is encouraged to note the sharpening points of convergence among the proposals in the context of the applicability of international humanitarian law and on possible prohibitions and regulations. This point of convergence has crystallized even further following the submission of additional working papers this week.

There is unanimous agreement that IHL applies in the context of autonomous weapon systems, and that states have the obligation to ensure compliance with the principles of distinction, proportionality, and precautions. Our group of twenty-three states asserted last year that any weapon system that does not comply with IHL is *ipso facto* prohibited.

In our previous GGE session, your delegation together with Chile and Mexico also stressed that autonomous functionalities in weapon systems call for a broader approach than the traditional scope of IHL, and that IHL would need to focus only on use but also other aspects in the weapon's life cycle. This necessitates strengthening IHL through the development of a normative and operational framework.

Thus, non-compliance with IHL is one of the two standards for prohibition proposed in *Draft Protocol VI*. This includes systems that are incapable of distinguishing between civilians, enemy combatants, and hors de combats; are of a nature to cause superfluous injury or unnecessary suffering or are inherently indiscriminatory. Many of these elements are also present in the new working paper presented yesterday by Pakistan.

We also welcome the thoughtful inputs presented by the U.S.-led group of states that submitted the *Draft Articles* yesterday, which elaborates this even further. The *Draft Articles* follows the template of prohibition and regulations on the basis of compliance with IHL. Its proposed regulatory measures to ensure distinction, proportionality, and precaution, as well as accountability, are welcome elements. We note with interest its elaboration of the principles of good faith and due diligence in terms of reliance on autonomous function, which we believe is worthy of study.

Tangentially, the *Russian Working Paper* circulated yesterday also touched upon elements that enhance IHL compliance, articulating them in the context of the need to maintain human control over machines to uphold compliance with existing norms of international law. The *Russian Working Paper* stresses that such control should be exercised by means of increased reliability and fault tolerance, limitations of types of targets, limitations on duration of operation, geographic scope and scale of use, among others. Similarly, the *Two-Tier Paper* presented by a group of European states calls for regulations to ensure compliance with IHL.

While there are differences in the terminologies and the nuances of the frameworks proposed, all of the proposals agree on the need for further regulations to ensure compliance with IHL. There is an inferred recognition that the use of autonomy adds a layer of complexity that necessitates the development of a normative and operational framework. This was made clear in the intervention earlier by the Republic of Korea.

Beyond IHL, we reiterate that there is also growing convergence around a two-pillared architecture consisting of prohibitions and regulations. Article III entitled “Prohibitions and Regulations” in *Draft Protocol VI* is built around such a dual framework. This is also salient in the so-called “two-tier approach” proposed by a group of European states, the *Principles and Good Practices* and *Draft Articles* proposed by the U.S.-led group of states, the *Chinese Working Paper*, and the working paper submitted by twenty-three states.

The foundation of this two-pillared architecture should be human control. The *Two-Tier Paper* talks of outlawing fully autonomous lethal weapon systems, a proposal that finds salience in many other proposals. Following this logical framework, the *Chinese Working Paper* talks of unacceptable lethal autonomous weapon systems, the elements of which includes lethality, absence of human intervention and control during the entire process of executing a task, impossibility for termination, indiscriminate killing, and evolution. We find some of these elements useful and agreeable. However, we caution that prohibiting only weapon systems that contain all -- rather than just some or many -- of these elements might lower the level of ambition of any prohibition contemplated.

We remain convinced that the framework should be meaningful human control, elements of which have been proposed in the *Roadmap*, *Draft Protocol VI*, as well as the *Austrian and Palestinian Working Papers*. The Philippines is agnostic on the term, but would rather focus on the elements of this concept: Predictability, reliability, understandability and explainability, and traceability. In this regard, we are encouraged by the new Russian Working Paper, which refers to the Russian Defense Ministry’s

approval of the Concept of Activities related to AI. While we still diverge with many of the paper's points, we fully agree with its proposals on the elements of "transparency," which touches upon the explainability of AI processes; as well as "control," which acknowledges the need to maintain human control over a system with AI technologies.

Mister Chair,

What the evolving positions of GGE delegations tell us is that the convergences are intensifying, but there remains many differences that we might not be able to resolve during this GGE session. Nonetheless, those differences could be referred to in our substantive report as the basis for further negotiation of an instrument containing prohibitions and regulations, bearing in mind that our mandate tasks us to take into account the examples of other Protocols in the CCW. We continue to believe that such an instrument should be legally binding, and we are willing to explore possible practical pathways towards that end.

Thank you, Mister Chair.