Statement by Sri Lanka

First session of the 2024 CCW Group of Governmental Experts on emerging technologies in the area of Lethal Autonomous Weapons Systems (GGE on LAWS), 4-8 March 2024

Agenda Item 5

Mr. Chair,

Let me congratulate you on assuming the role as the Chair of the Group and please be assured of the fullest cooperation and support of my delegation for the success of our work.

Mr. Chair,

We are pleased to note that over the past years, the mandate of the GGE on LAWS has evolved in a stronger and positive direction through the extensive deliberations of the Group. Today, we have before us, the most ambitious mandate since the establishment of the GGE entrusted ‘to further consider and formulate, by consensus, a set of elements of an instrument’.

Mr. Chair,

Emanating from the discussions of the meetings of the GGE held last year, Sri Lanka strongly believes that the mandate of the GGE on LAWS for this year should be interpreted in a manner that will allow a more holistic approach to cover possible ‘elements of an instrument’ and ‘other possible measures’ to address emerging technologies in the area of lethal autonomous weapons systems.

With a view to organize the work of the GGE based on the new mandate more effective and outcome oriented and furthermore to make the objectives and focus more clearer in formulating ‘a set of elements of an instrument’, Sri Lanka supported a joint proposal on the topics for discussions at the First Session of the GGE on LAWS. In our view, we should not leave any of the elements unattended in the backdrop of rapidly evolving advanced technologies and automated functions of weapons powered by AI.
The majority of international and non-international armed conflicts in the globe occurred since 1949, i.e. after the Four Geneva Conventions and their Additional Protocols were adopted. As a result, the applicability of core principles of IHL which were exclusively developed to address the implications of weapons with human control has today been questioned in the context of contemporary weapons systems. Modern warfare is interwoven with modern automated weapons with AI driven features such as automatic target recognition, sensor inputs, capacity of analyzing large amounts of data and swarming where multiple weapons systems are deployed together.

Therefore, while IHL remains as the inalienable cornerstone, my delegation suggests that ‘a set of elements of an instrument’ should consider application of ‘International Law’ in the broader context, to prohibit and regulate autonomous weapon systems, including International Human Rights Law, the UN Charter and other relevant Treaties on arms control beyond the principles of IHL.

**Characterizations and definition of LAWS** is another aspect that we need to carefully focus on while considering the level of autonomy, new trends in autonomous functions as well as the development of information systems, as data is an important element for AI powered weapon systems. It is essential to consider the functional approach of the lethal and autonomous weapons systems as well as future challenges when characterizing and defining the LAWS.

Sri Lanka consistently advocates for the centrality of human control in weapons systems. The main argument is that LAWS do not comply with the basic principle of ‘distinction’ as the weapon cannot differentiate military and civilian objects. LAWS are operated when predefined conditions are satisfied to automatically aim and shoot at the target in question. Determining the legality of LAWS should not merely depend on its targeting mechanism, technology, design or the purpose of use but also need to consider its actual capacity to identify, recognize and assess the military and civilian objects. It should also be evaluated against the manner in which it is being used in the real battlefield and also the possibility of misusing such weapons systems. Therefore, my delegation strongly believes that ‘Human Machine Interaction/Meaningful human control and Ethical Considerations’ should be a topic of deliberations of the GGE when developing elements of an instrument. Human intervention is a must as machines cannot make an ethical decision during warfare.

In addition to considering ‘risk mitigation and confidence building’, the GGE may also focus on ‘Security Considerations and other Risks’ in a broader perspective in the prevailing geo-
political context. My delegation is also concerned about the long term and severe impact to the environment and health-related risks of LAWS.

It is our firm view that the GGE should also focus on addressing ‘**Responsibility and Accountability**’ of deployment as well as consequences of deployment of lethal and autonomous weapons systems including the breach of IHL. In this regard, we need to address the challenges of making non-state actors responsible or accountable for violating IHL in non-international armed conflicts. The lack of directly applicable treaty laws does not restrict the applicability of customary laws to hold non state violators accountable.

While ‘Prohibition’ of LAWS is the ultimate expectation, the ‘elements of an instrument’ should additionally include the provisions for ‘Regulations’ of existing LAWS. Thus, the need to focus on ‘**Prohibition and Regulation**’ of LAWS during deliberation on the ‘elements of an instruments’ which necessarily must be extended to cover experimenting, designing, manufacturing, transferring and using of such weapons.

Mr. Chair, while Sri Lanka remains ready to discuss all these parameters, our consistent position remains that non-binding regulations in this area are inadequate given the rapid advances, future trends as well as lethal and unpredictable consequences of the use of LAWS. We also see the growing number of calls from States for a legally binding instrument. Although the non-binding frameworks may provide useful confidence building measures, we continue to believe that such measures do not adequately address the gravity of the legal, ethical, technological and security implications associated with the use of LAWS. We are mindful that the existing provisions in IHL do not provide answers to all the associated threats of today’s sophisticated weapon systems. Therefore, Sri Lanka continues to advocate and strongly support negotiations towards a legally binding instrument for prohibition and regulation of lethal autonomous weapons systems.

I thank you Mr. Chair