

Israel's remarks: Secretary-General Implementation Report (L.56: "Lethal Autonomous Weapons Systems")

1. Israel notes the adoption of UN General Assembly resolution 78/241 entitled "Lethal Autonomous Weapons Systems" (LAWS) of 22 December 2023, and in accordance with operative paragraph 2 of the resolution, has the honor to submit its national contribution to the report of the UN Secretary-General to the General Assembly at its 79th session for further discussion by Member States.
2. Israel recognizes the potential advantages and challenges regarding LAWS. In this regard, Israel would like to note that weapons systems based on emerging technologies in the area of LAWS may serve both military necessity and humanitarian considerations and can be used to uphold compliance with IHL.
3. Israel sees great importance in the Convention on Certain Conventional Weapons (CCW) and acknowledges its uniqueness as an IHL-focused forum, with the participation of relevant stakeholders who hold military, legal, and technical expertise, which has the ability to strike the appropriate balance between military necessity and humanitarian considerations in any deliberation concerning conventional weapons. These features have rendered the CCW's achievements in the field of conventional weapons as those with the greatest practical effect on the ground, and are cardinal also when discussing the issue of LAWS.
4. With regard to LAWS, the progress that has been made within the framework of the CCW should be recognized, alongside the need for further in-depth discussions within the LAWS GGE that could lead to tangible consensual outcomes. The recent constructive atmosphere of the discussions reaffirms Israel's conviction that the CCW remains the most suitable forum for addressing the challenges and opportunities presented by emerging technologies in the area of LAWS.
5. The GGE has a robust mandate to further consider and formulate, by consensus, a set of elements of an instrument, without prejudging its nature, and other possible measures to address emerging technologies in the area of LAWS. Such a consensus-based forum, which includes a wide participation of States, civil society and experts, promotes inclusivity. External initiatives that lack such characteristics risk not only duplication but fragmentation of approaches. It is essential not to undermine the important gains achieved within the CCW

and the continuation of dialogue in its framework, including by creating different initiatives aimed at crafting policy measures on the subject of LAWS.

6. In addition, it is Israel's position that any characterization of the topic must continue to focus on lethal autonomous weapon systems (rather than autonomous weapon systems), as has been the focus of the GGE since its inception.
7. It is of importance to stress that existing international law, and in particular, international humanitarian law, fully applies to LAWS and, in Israel's view, provides a sufficient legal framework for any future use of LAWS in the context of armed conflicts
8. Israel believes that when discussing the topic of LAWS, the focus must be on discussing the application of existing IHL to LAWS while keeping the operational context in mind. It is problematic to discuss the legality of LAWS while focusing only on the capabilities of the weapon, without consideration of the operational context in which it is intended to be used, as well as the type and level of human input in the process. Also, discussion of the implementation of IHL rules that are context-dependent should not be conflated with discussion of the *per se* legality of weapons.
9. It is critical to distinguish, on the one hand, between primary rules of IHL – including categorical prohibitions on weapons, targeting rules, and other legal rules – and on the other hand, legal or practical aspects which are not by themselves primary IHL rules. This includes issues such as control, responsibility, foreseeability, predictability or reliability. While some of these concepts have significance in other fields of law, such as the law of state responsibility or international criminal law, or have a practical meaning in the implementation of IHL, treating them as IHL rules, or even framing prohibitions while using them, would be problematic on many legal and practical levels. For example, there is no requirement under international law that refers to "human control" in the context of using weapons. Human control is not an end in and of itself, but rather, it may be a relevant concept in the implementation of various IHL obligations in different circumstances (as could be other concepts as well).
10. Finally, considering the continuous evolution of technology, it is important to recognize that our understanding and expectations of emerging technologies in the area of LAWS can shift over time. Therefore, in order to conduct a serious and responsible discussion on LAWS there is a need to approach the matter in a careful and measured manner.