Introduction

1. Sri Lanka, as a long-standing advocate for humanitarian disarmament, humanitarian methods of warfare and non-proliferation of weapons of Mass Destruction, welcomes the adoption of the UNGA Resolution 78/241 on “Lethal Autonomous Weapons Systems” which stresses the urgent need for the international community to address the challenges and concerns raised by autonomous weapons systems (AWS). As a co-sponsor of the resolution Sri Lanka appreciates the opportunity it provides to initiate inclusive dialogue and wider awareness on the issue as an important step forward to address the related challenges.

2. Rapid advancement of technology has revolutionized and significantly transformed every aspect of modern civilization. Sri Lanka recognizes the growing dependency on advanced technology for human development. However, integration of autonomy including artificial intelligence in weapon systems requires particular consideration given the fundamental challenges such weapon systems would pose to human dignity, moral and ethical considerations. Guided by its consistent call for humanitarian disarmament and support for multilateralism, Sri Lanka has actively contributed to the multilateral discussions on this topic in Geneva and in New York.

3. Sri Lanka recalls in this regard the first Joint Statement on Lethal Autonomous Weapons Systems delivered at the UNGA in October 2021 with the support of a wide cross regional group of 70 states including Sri Lanka. Sri Lanka welcomes the joint appeal by the Secretary-General of the United Nations and the President of the International Committee of the Red Cross, to urgently establish new international rules on AWS by 2026 as well as the address of the issue by the Secretary General in his Policy Brief New Agenda for Peace.

4. Sri Lanka remains fully convinced that adoption of a legally binding treaty will be the most effective approach to address the serious challenges posed by AWS. This submission provides Sri Lanka’s views on humanitarian, legal, security, technological and ethical risks of AWS as well as on possible means to address such challenges.
Sri Lanka expects that the discussions initiated by this resolution will contribute to accelerate a global multilateral response on the issue in view of the fast-closing window for action.

**Humanitarian considerations:**

6. Development and use of weapon systems with autonomous decision-making capabilities particularly on critical decisions over life and death raise fundamental humanitarian concerns. The disturbing possibility of removal of human from the loop could result in anonymous selection of targets without human empathy, morality, and compassion.

7. The Martens Clause - a long standing and binding rule of international law, is of particular relevance in this context. The Martens Clause referred to in the Geneva Conventions, Additional Protocol I and in the preamble of the Convention on Certain Conventional (CCW), creates a legal obligation for states to consider principles of humanity and dictates of public conscience in the absence of a specific legal provision. A weapon system that selects and engages targets without meaningful human control reducing human beings to mere data points would most likely to run counter to both prongs of the Martens clause.

**Legal considerations:**

8. Full application of International Humanitarian Law (IHL) to AWS is undisputed. The pertinent question therefore is how exactly IHL provisions should be applied, and compliance therewith ensured.

9. It has been agreed that AWS must not be used if it would cause superfluous injury, unnecessary suffering, or inherently indiscriminate effects. It is highly questionable whether machine algorithms in complex battlefield environments could ensure application of carefully calculated decisions on distinction, proportionality, and precautions in attack – which are fundamental obligations under IHL. Furthermore, serious legal challenges emerge on the issue of responsibility and accountability in situations where the human element is removed from the decision making process. Sri Lanka considers meaningful human control is an inherent requirement in this regard. Predictability, reliability and explainability should be considered as some of the key elements of meaningful human control in weapon systems.

**Security considerations:**

10. Deployment of AWS could result in asymmetric warfare. They would also risk conflict escalation as states are more likely to engage in armed conflicts when the risk of military casualties is reduced for the user state. Threats of proliferation, access by non-state actors and even the potential for mass destruction are some of the additional risks of AWS for destabilization at national, regional, and international level. In the absence of binding regulations these weapon systems are bound to trigger costly arms races given the relative

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ease in which the related technology could be acquired. Security concerns of unregulated AI in weapons systems could be further exacerbated in cyber and space domains.

**Technological considerations:**

11. Autonomy in weapon systems could exist over a spectrum within which involvement level of human agency could vary. Sri Lanka notes the current lack of consensus on an agreed definition on “autonomous weapon systems” as a challenge to reach common understandings on their regulation. However, the issue of a specific technical definition on AWS should not stand in the way of commencement of negotiations for development of related legal limitations. In view of rapid evolution in technology, a working characterization of AWS which is future proof and technology neutral would provide a useful starting point in this regard.

**Ethical considerations:**

12. The Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights recognize that human rights are derived from the “inherent dignity” of all. For Sri Lanka, the ethical and moral element of the debate is one of the fundamental, if not the most important aspect of the issue. Allowing an algorithmic process to decide over a life and death of a human being poses significant challenges to the principles of humanity. Machine learning and data biases in potential AWS are also cross cutting issues of grave concern relevant to both ethical and legal considerations.

**Way forward: towards a legally binding instrument:**

13. At present, no rule of international law specifically prohibits or restricts the use of autonomy in weapon systems, nor does the existing IHL principles specifically require maintenance of human control.

14. Sri Lanka welcomes adoption of non-binding voluntary measures such as Codes of Conduct and political declarations on the use of AWS as progressive developments. However, such measures would only be of complementary value strengthening the normative framework on the issue given their insufficiency to address serious legal, ethical and security challenges involved. Similarly, legal reviews of weapon systems pursuant to already existing obligations under Art. 36 of the Additional Protocol I would not be an adequate in the absence of an internationally agreed binding regulation.

15. In view of aforementioned serious humanitarian, legal, security, technological and ethical challenges, Sri Lanka strongly supports and advocates for the negotiation of a legally binding instrument on AWS- a call that has been voiced by a growing majority of states in the CCW Group of Governmental Experts (CCW GGE). Such binding limitations would be the most effective response to the complexities around the issue and should entail prohibition of certain AWS that cannot be in compliance with IHL and strict regulation of others.

16. Intensifying efforts to reach an urgent multilateral agreement on the development and use of AWS is an important priority. Sri Lanka will therefore continue to be fully committed to engage constructively in discussions on this issue.