

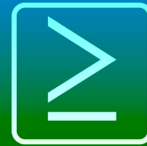


**Report on the 2023 Group of Governmental Experts (GGE) on emerging technologies in the area of
lethal autonomous weapons systems (LAWS), Second session
Palais des Nations | Building E, Room XVIII | 15-19 May 2023**

Between 15 and 19 of May 2023, the Group of Governmental Experts (GGE) consisting of High Contracting Parties (HPC) and Observers of the Convention on Certain Conventional Weapons (CCW) gathered once again in Geneva to discuss proposal for regulations of Lethal Autonomous Weapons Systems (LAWS). It was the second session of 2023. Before the session two new documents were presented: the Working Paper VI, created by a group of 14 States; and a report of a possible resolution proposed by the Chair, the provisional Agenda addressed the first three days for the first reading of the document.

On Monday, High Contracting Parties made their opening statements, referencing points found by their delegations to be crucial to the debate. After High Contracting Parties, observers made their opening remarks. In the afternoon session, the discussion was firstly on paragraphs 16 to 20 of the report proposed by the chair. During the day there was a noticeable set of joint statements. Those paragraphs recall the mandate (16 & 17), possible future measures for the mandate (p.s 17 & 18). p. 19 introduces essential elements, and p. 20 on the application of International Humanitarian Law (IHL). In the morning Colombia delivered a statement representing the 14 delegations that co-authored Protocol VI (G14) made a statement in which they expressed that such an agreement would be a good basis for deliberations. Iraq also delivered a statement on behalf of Arabic High Contracting Parties, supporting a legally binding instrument. In the afternoon, a joint statement from 51 countries was delivered by Germany and The Philippines, where the need for tangible outcomes in the CCW was highlighted. After the Chair closed the meeting the delegates were invited to a reception.

Tuesday started with the remaining countries that wanted to address paragraphs from Monday. The ICRC asked for the word to make a statement, the Delegation of Russia asked for a point of order, and deliberated that since we are participating in a drafting exercise, based on Art. 48 of the Rules of Procedure the Russian delegation interpreted that they shouldn't have the right to deliver a statement. The Chair specified that the current Agenda item, number 7, as a first reading, not a drafting exercise. But in a spirit of compromise, ruled to reopen agenda item 5, for the consideration of proposals, when an observer wishes to deliver a statement. Even though this ruling solved an immediate problem, it creates a precedent that observers can only talk on specific agenda points, which could be later instrumentalized by States that are less favorable of observers participation by them claiming that the specific agenda item should not be reopened. After that, the deliberation HCP continued on articles 16-20 and in the Afternoon Session paragraphs 21 and 22 were addressed. Both paragraphs try to articulate concerns on



how LAWS relate to IHL, in addition to that, paragraph 21 looks to create clear red lines for the development of such systems, and paragraph 22 looks to the aspects that, not included in the previous paragraph, should be regulated. These two paragraphs contained the “two-tier approach”, that is, the understanding that the regulation of such systems should contain prohibitions and regulations.

On Wednesday morning, the next point of order was addressed, going from paragraphs 23 to 27 and the intention was to conclude the first reading on the same day. Those paragraphs aim to operationalize the measures proposed in previous paragraphs. In the afternoon paragraphs the discussion revolved around 28 to 30, which contained the end of operationalizations and the recommendations agreed upon by the group. The expectation for a new draft on the same night or in the next morning was maintained, as all HCP were invited to submit their proposals of changes for the Chair via email. By Thursday morning, a new draft was presented in the morning, and the delegations had the morning to review it. In the afternoon, after brief remarks from 35 delegations about the new version of the report, with a live screen share of the document, the Chair urged delegations to state their proposals for editing the document in paragraphs 15-17 in the most time efficient manner. After the end of the afternoon session, informals were held between the Chair and about 20 High Contracting Parties.

On Friday, the morning meeting was initially postponed and informals were held, and when the formal session began, the text was presented with alterations made. The Chair urged time-efficiency from the HCP, stating that for the remaining time the group was “not in good shape”, and paragraphs 22 and 23 were put up for discussions. After lunch, the session restarted 18 hours. The Chair made clear that formals would continue for half an hour, and after that, if an agreement was still not possible, that HPC would go to informals, without translation, for how long it would take for consensus to arrive. After half an hour in formals, the informal session began with a stark statement from Russia of how only HCP should be in the meeting. After comments from Ireland, Canada, Germany, Mexico, Belgium, Costa Rica, Sweden, Norway, New Zealand, US, Denmark, Austria, Italy, Ecuador, Switzerland, Finland, France, Australia, Peru, Netherlands and Bulgaria supporting the presence of observers, the Chair ruled in favor of the removal of observers.

The changes to acquire consensus required measurable trade-offs. On one hand, the two-tier approach was reduced to compliance with IHL, on the other hand, terms defended by parties that were more progressive in the regulations, such as the “technology neutral approach”, which consisted in support for the use of AI in military aspects other than LAWS, were also removed from the document. The limitations imposed on the participation of Observers in Agenda points and their exclusion from informals, highlights the potential for the current Rules of Procedure to be utilized in a manner that may undermine transparency in the process. Even though the CCW has been in negotiations for more than 10 years, it appears that there is currently limited potential for concrete outcomes in the foreseeable future in this forum.