

Mr President,

My country fully aligns itself with the statement delivered by the European Union and wishes to make the following brief remarks in its national capacity in reaction to the questions you have put forward under this item.

But before doing so, I would like to thank delegations that have submitted papers on this topic and Sweden for its useful presentation.

Mr. President,

In the case of existing weapons, there is still a need for one or more human interventions. Each person operating a weapon is responsible for his decision. Automated weapons systems (such as mines) and partially autonomous weapons (such as anti-missile systems) differ from fully autonomous weapons systems by the foreseeability of the reactions of the system, which is programmed to react in a way that is expected, without the uncertainty of its final reaction. In the case of existing weapons, the commander that decides to use a certain weapon within certain circumstances will be responsible for its use, either individually or according to command responsibility. The latter would also be applicable in the case where fully autonomous weapons would be used.

As pointed out in the paper it submitted together with Ireland and Luxemburg, Belgium is of the opinion that the commander, on whatever level, who decides to use a weapon system, always remains responsible for the consequences of its use. According to IHL, the choice of the means and methods of warfare is not unlimited and consequently, it is not because a weapon is available that it can be used in any circumstance. The choice of the weapon should always fit the intended purpose of its use and comply with IHL. Therefore, the decisional authority should also be (made) fully aware of the potential effects of a weapons system and the circumstances in which it can be used. A commander who would not be certain of the IHL compliant use of a weapon system in those particular circumstances should not use this weapon system. The State's obligation to conduct a legal review of any new weapons, means and methods of warfare in accordance with international law and, in particular, article 36 of the First Additional Protocol to the Geneva Conventions is an important tool to achieve this aim. Consequently, there should never be any accountability gap. Finally, the State ultimately remains responsible for the conduct of its organs.

Thank you Mr. President.