



**MANATŪ KAUPAPA  
WAONGA**  
NEW ZEALAND  
MINISTRY OF DEFENCE

# Briefing to Petitions Committee

**Response to petition of Edwina Hughes,  
Aotearoa New Zealand Campaign to  
Stop Killer Robots**

Ministry of Foreign Affairs and Trade  
Ministry of Defence

February 2022





## *Briefing request*

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1. On 1 December 2021, the Petitions Committee requested evidence from the Ministry of Foreign Affairs and Trade (MFAT) and the Ministry of Defence (MOD) to support its consideration of a petition. On 3 December 2021, the Committee confirmed it would be happy to receive a joint submission from MFAT and MOD.
2. MFAT and MOD have carefully considered the petition entitled “Act now on killer robots”. The petition requests that the House of Representatives, as a matter of urgency:
  - enact legislation to prohibit the development, production and use of lethal autonomous weapon systems in New Zealand; and
  - urge the Government to support negotiations on a new treaty to retain meaningful human control over the use of force by prohibiting such weapons.
3. MFAT and MOD considered the petition as it pertains to New Zealand’s existing foreign policy settings and obligations and responsibilities under international law.

## *Summary of response*

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### General comment on Sections B and C of the petition

4. The petition provides a well-informed summary of autonomous weapons systems and the key ethical, legal, technical and security concerns associated with them. The views of MFAT and MOD on these issues can be found in the paper taken to Cabinet by the Minister of Disarmament and Arms Control in November 2021, published on the MFAT website [here](#).

5. The approach taken by MFAT and MOD to defining autonomous weapons systems is consistent with that presented in the petition. In particular, MFAT and MOD agree that it is most useful to consider autonomous weapons as a spectrum of weapons. At the far end of this spectrum would be found “fully” autonomous weapons which, once deployed, would have no possibility of human involvement in the targeting and engagement decisions they make. Below the threshold of “fully” autonomous systems, the spectrum includes weapons systems that have varying opportunities for human control over – or involvement in – targeting and engagement decisions.

6. The petition notes that “some autonomous weapons have already been deployed”. MOD and MFAT agree with this statement, but note that “fully autonomous systems” do not yet exist, while some other autonomous systems at the other end of the spectrum have been around for decades and are considered to be legally and ethically acceptable e.g. the Phalanx Close-In Weapons System (CIWS), a mounted gun used on Royal New Zealand Navy frigates that is designed to detect and automatically fire at certain approaching threats like missiles. MOD and MFAT note there remains uncertainty around the capabilities of the STM Kargu-2 system referred to in the petition, as well as around the nature of its deployment in Libya. However, it is clear that concerns about the potential capabilities of such systems illustrate the importance of agreeing robust international rules, regulations and controls on autonomous weapons systems.

7. With respect to concerns held about more advanced autonomous weapons systems, the views of MFAT and MOD are contained in the November 2021 Cabinet paper referred to above. That paper highlights that such systems carry risks and pose considerable challenges to existing legal and ethical frameworks, and to regional and global stability (paragraphs 12-19 of the paper refer). Indeed, many of the concerns highlighted in the petition are also reflected in the Cabinet paper.

8. MOD and MFAT note that not all potential systems within the spectrum of autonomous weapons systems invoke the same level or type of concern. As laid out in paragraph 12 of the Cabinet paper, it is important to note that just as these systems exist on a spectrum, so too does the severity of the legal, ethical and security concerns they raise. Not all autonomous weapons systems will be unethical, nor is it impossible to envisage some systems being able to operate in compliance with international humanitarian law or international human rights law. As a result, MFAT and MOD recognise that efforts to address concerns about autonomous weapons systems will need to be nuanced and calibrated in accordance with the varying capabilities of such systems.

9. MFAT and MOD note that the petition does not include any analysis of the reasons why autonomous weapons systems are being pursued. This analysis is an important part of national and global efforts to address concerns about autonomous weapons systems and should form part of the Committee’s consideration of the petition.

10. As outlined in paragraphs 9-11 of the Cabinet paper, autonomous weapons systems are being pursued by some countries because of the potential strategic, organisational, operational and tactical military benefits they offer. These include strategic advantages, for example, providing a competitive edge in any arms race and reducing the risk that platforms and personnel will be rendered obsolete or vulnerable to significant deployment of autonomous weapons systems by others. Other potential advantages include the provision of a decisive military edge in combat through faster machine decision-making and reactions, and the potential reduction of military casualties. Ignoring this aspect of autonomous weapons systems risks minimising the challenges to be faced in progressing their prohibition and regulation, and risks setting unrealistic expectations about the international negotiation process that lies ahead of us.

11. The nature and significance of these potential benefits render autonomous weapons systems an attractive pursuit for many militaries – a fact that needs to be reflected in national and global efforts to address concerns about such systems. For MOD and MFAT, this reflection led to the articulation of New Zealand’s policy on autonomous weapons systems as a fundamentally precautionary one – namely, that any potential benefits of autonomous weapons systems should not be pursued without prior (or at least parallel) efforts to address the legal, ethical and other concerns we have about them.

### Comment on Section D of the petition

12. MOD and MFAT note the information provided in the petition on the broad range of governments, international organisations, parliaments, researchers, roboticists, tech experts, non-governmental organisations, faith leaders, youth networks and New Zealanders who have called for some form of action to address concerns about autonomous weapons systems. As active participants in the multilateral process established to consider this issue, MOD and MFAT have been following closely a broad range of domestic and international voices, and reaching out directly to many of the groups and partners referred to in the petition.

13. At the same time, MOD and MFAT have undertaken extensive national consultation in the development of the policy presented to Cabinet in November 2021. This included MFAT’s commissioning of one of the public surveys referred to in the petition, alongside workshops, meetings and events with interested government agencies, academic communities, the AI Forum, industry representatives and civil society groups. MFAT also supported the Minister for Disarmament and Arms Control in his engagement with the Foreign Affairs, Defence and Trade Select Committee on this issue.

14. This process of domestic engagement demonstrated that there is significant and widespread support within New Zealand for action on autonomous weapons systems. But it also indicated an important understanding of some of the complexities of the issue, and the need for more granularity in the articulation of exactly what action should be taken (for example, so as to not cut across New Zealand’s national defence interests). It is this granularity that is reflected in the policy position agreed by Cabinet.

### Comment on Sections E and F of the petition

15. In Section E, the petition outlines some of the proposals that have been put forward with respect to new international law on autonomous weapons, including from the Campaign to Stop Killer Robots and the International Committee of the Red Cross. MFAT and MOD have engaged actively with these proposals, many elements of which are also reflected in the national policy position agreed by Cabinet in November 2021.

16. In Section F, the petition includes two specific asks of New Zealand. The first is that, at an international level, New Zealand must continue to work with like-minded states to push for negotiations on a legally binding instrument on autonomous weapons systems to begin as a matter of urgency, and encourage other states to support this. The petition specifically calls for New Zealand to prepare a proposal to be put to the Sixth Review Conference of the UN Convention on Conventional Weapons (CCW) for a mandate to begin negotiations on a legally binding instrument containing prohibitions and regulations on autonomous weapon systems, and an obligation to ensure meaningful human control of all weapon systems at all times. The Review Conference referred to in the petition took place from 13-17 December 2021.

17. The MOD and MFAT response to this proposal can again be found in the policy approved by Cabinet in November 2021, namely that:

- There is an urgent need to agree new and adequate rules and limits on the development and use of autonomous weapons systems, including to enable the realisation of their potential military benefits;
- Aotearoa New Zealand will advocate for a legally-binding instrument to articulate these rules or limits, and will also support interim steps and measures such as non-legally binding guidelines, declarations or norms, without prejudice to the future adoption of legally binding measures;
- Aotearoa New Zealand will engage actively in efforts to identify appropriately nuanced prohibitions, controls and restrictions, recognising that a range of controls may be required for autonomous weapons systems that occupy different points along the spectrum of autonomy;
- Aotearoa New Zealand will actively engage in international fora to pursue an express prohibition on autonomous weapons systems that are not sufficiently predictable or controllable to meet legal or ethical requirements, as well as controls on other autonomous weapons systems to ensure sufficient human oversight;
- Aotearoa New Zealand will actively engage to pursue controls or positive obligations on other autonomous weapons systems to ensure sufficient human control or oversight throughout the lifecycle of the weapon system;
- Aotearoa New Zealand will support international efforts to strengthen the existing weapons review process, recognising the contribution that this work can make to the effective control of autonomous weapons systems;
- Aotearoa New Zealand will play an active and constructive role in seeking a forward-leaning mandate for a refreshed Group of Governmental Experts at its Review Conference in December 2021;
- Aotearoa New Zealand will also remain open to other opportunities to make progress; and
- Aotearoa New Zealand will seek to play a leadership role in building a diverse, inclusive, and effective coalition of States, substantive experts, and civil society groups to promote and contribute to the timely elaboration of the necessary rules and limits on autonomous weapons systems in a multilateral setting, both within the Convention on Certain Conventional Weapons (CCW) and any other credible fora that emerge.

18. Officials from MFAT engaged in the 2021 CCW Review Conference in accordance with the mandate approved by Cabinet (including, for example, by advocating explicitly for a legally-binding prohibition and set of controls on autonomous weapons systems). No agreement was reached at the CCW Review Conference on commencing negotiations on such an instrument, although the Group of Governmental Experts received a renewed mandate to continue its work.

19. The second key aspect of the petition is its request for New Zealand to act with urgency to develop national legislation on autonomous weapon systems. The petition requests this action irrespective of the status of progress on multilateral negotiations, noting that even if such negotiations do get underway it will take some years for new international law to be negotiated and adopted.

20. MFAT and MOD do not see the pursuit of domestic legislation on autonomous weapons systems as an effective way forward on this issue at present. In light of the challenges posed by autonomous weapons systems to international law and ethics, and to global security and stability, New Zealand's concerns about them can only be addressed effectively through a multilateral response. As noted in the November 2021 Cabinet paper, there remains significant divergence internationally on some of the key issues that would need to be resolved in any national legislation, including with respect to definitions, standards and verification. Acting alone, under urgency and in the absence of greater international convergence on key issues (including on a range of technical issues), New Zealand has limited capacity to craft a credible domestic legal framework that effectively addresses our concerns about autonomous weapons systems.

21. Passing national legislation at this stage would have limited impact or uptake internationally, and such legislation may need to be rapidly amended depending on any international agreements subsequently reached. In addition, our current national position and approach preserves some space for us to try influence an outcome internationally with those states investing in advanced military capabilities – this requires some flexibility in our own position, which the early or pre-emptive adoption of domestic legislation would inhibit.

22. Consultation with domestic industry representatives during the development phase of our national policy on autonomous weapons systems confirmed that they do not plan to directly contribute to autonomous weapons systems research and development. The establishment of a domestic inter-agency working group on autonomous weapons, with its intention to provide for the appropriate participation of industry, academia, civil society and Māori, offers an avenue for ongoing engagement with external stakeholders and provides an alternative way to ensure clarity about New Zealand's policy on such systems.