

Delegation from the State of Kuwait
Position Paper for the General Assembly First Committee

The topics before the General Assembly First Committee are: Developments in the Field of Information and Telecommunications in the Context of International Security and Addressing Lethal Autonomous Weapon Systems (LAWS). The State of Kuwait acknowledges the vital importance of these topics and looks forward to cooperating with fellow Member States at our upcoming conference in Washington, D.C.

I. Developments in the Field of Information and Telecommunications in the Context of International Security

The rapid development of Information and Communication Technologies (ICTs) has changed the nature of the world and created a host of new security threats for States and societies. Kuwait sees multiple avenues of danger to both its national infrastructure and the wider international community due to the extending threats of terrorism, espionage, and cybercrime. These expanding challenges have ultimately impacted SDG 9 (Industry, Innovation, and Infrastructure) and SDG 16 (Peace, Justice, and Strong Institutions) by undermining the ethical use and development of ICTs as well as compromising the security of national and international institutions. It is clear that no unilateral panacea exists, especially given the rising frequency and sophistication of cyberattacks worldwide. Maintaining the safe and peaceful use of ICTs has become ever more crucial in maintaining international peace and stability. The State of Kuwait recognizes these challenges as well as the possibilities to be had by the technological revolution ICTs have brought.

In tackling cybersecurity issues, the international community has made considerable progress, with the UN leading the charge through the Group of Governmental Experts (GGE) and Open-Ended Working Group (OEWG) initiatives. Specifically, the GA resolution 73/266 (2018) advocated for the creation of a GGE on Advancing Responsible State Behavior in Cyberspace, along with the GA resolution 75/240 (2020) which established the OEWG. Both the GGE and the OEWG were created to establish and define the rules and principles of the responsible behavior of Member States in cyberspace. Regionally, Kuwait has participated in the Arab ICT Organization's (AICTO) meetings and discussions since its creation in 2002 by the Social and Economic Council of the League of Arab States. Additionally, the State of Kuwait has also worked within the Gulf Cooperation Council (GCC) to continue improving cybersecurity capabilities by utilizing ICTs in the region to enhance productivity, strengthen the digital economy, as well as diversify the economies of GCC States, and improve the accessibility of e-governmental services. Nationally, in 2022, Kuwait established the National Cybersecurity Centre (NCSC) to safeguard the digital infrastructure of the country and address potential cybersecurity challenges. The NCSC is responsible for creating and monitoring the Kuwait national cybersecurity system, overseeing developments of State capabilities in cybersecurity, and ensuring a secure use of the cyberspace. Moreover, Kuwait has established legal and regulatory frameworks that address ICTs for national security by creating the Communication and Information Technology Regulatory Authority in 2014 to define, manage, and enforce the data privacy.

Kuwait is certain that global cooperation is essential to combatting cyber threats, support national sovereignty, as well as promote international peace and security. Accordingly, Kuwait puts forwards three solutions. First, the State of Kuwait advocates for the creation of national cybersecurity centers, similar to Kuwait's NCSC, which would monitor the national networks for cybersecurity threats, collect and respond to potential threat intelligence, support the governments approach to cybersecurity response within the State, and coordinate with various international and national agencies to improve ICT infrastructure. Second, since cyberspace has no fixed boundaries, no single nation can handle these challenges on its own, therefore, Kuwait supports the creation of global and regional multilateral cybersecurity approaches that will enhance global and regional cyber governance systems. Kuwait is interested in improving its cybersecurity frameworks and continue working with international organizations and fellow Member States to design and implement national cybercrime laws that restrict the use of ICTs for criminal activities like cyberterrorism and espionage. Finally, in the area of technological innovation, Member States should strive to build cooperation and mutual confidence based on upholding international law, including the concepts of peaceful coexistence, non-interference, and sovereignty. Kuwait believes that through our collaborative efforts we can create a more secure and safe global community where ICTs are utilized to improve the growth, security, and health of Member States and our global community.

II. Addressing Lethal Autonomous Weapons Systems (LAWS)

The use and abuse of LAWS has posed a significant security challenge to Member States around the world, which has contributed to a lack of accountability mechanisms surrounding their use and abuse. Due to the lack of internationally binding agreements on the use of LAWS, Member States rely on their individual interpretation of International Humanitarian Law (IHL) to determine if a robotic weapon system's malfunction violates IHL, even though IHL was written several decades before the inventions of LAWS themselves. Moreover, since LAWS have no human operators, there is no clear individual or entity that is responsible for their malfunction, making it challenging to enforce IHL standards. Additionally, the emergence of modern technologies like artificial intelligence has created a new industry of dual-use products that non-state armed groups (NSAGs) can use to spread their message through violence. The present-day export controls for dual-use products have yet to be effective in preventing NSAGs from obtaining and using independent strike systems causing a serious security concern among Member States. The capacity for NSAGs to use LAWS against Member States has directly threatened SDG 16 (Peace, Justice, and Strong Institutions) due to the lack of accountability mechanisms and weak export controls for dual-use products. Overall, the rise of innovative technologies like artificial intelligence and LAWS has highlighted multiple shortfalls of existing regulations and monitoring systems that the international community relies upon for preserving international peace and stability.

The topic of addressing LAWS has previously been discussed on the international stage, beginning in the 1980's. One of the first international agreements to address LAWS was the adoption of the Convention on Certain Conventional Weapons (CCW), which addresses weapons that have been determined to indiscriminately harm the public or violate international humanitarian law. Additionally, the General Assembly created the United Nations Office for Disarmament Research (UNODA) in 1998 to address the humanitarian impact that weapons such as LAWS have on society as well as assisting the implementation of CCW decisions. In 2013, the General Assembly also created the United Nations Institute for Disarmament Research (UNIDIR) in 2013 to research LAWS and provide the GGE with recommendations based on disarmament research. Furthermore, in 2016 the CCW established the Group of Government Experts (GGE) on LAWS, who in turn created the 11 guiding principles for the ethical use of LAWS - a benchmark by which many follow. Along with these guiding principles, the UN Educational, Scientific and Cultural Organization (UNESCO) established the Recommendation on Ethics of Artificial Intelligence in 2021, suggesting limitations for LAWS utilizing artificial intelligence. Regionally, the Arab League has participated in international discussions around LAWS at various CCW and GGE meetings, which primarily stressed the need for international regulations to control the developments of these dangerous weapon systems. In addition to this, Member States of the Arab League, such as Algeria and Egypt, have emphasized the vital importance of human oversight for autonomous weapon systems. Nationally, the State of Kuwait has engaged in CCW discussions on LAWS and participated in GGE meetings, expressing the need for legislative controls on LAWS due to the legal, ethical, and humanitarian challenges caused by LAWS. Kuwait, like many of its fellow Member States, have expressed concerns about the responsible development and use of these lethal technologies within the framework of international law.

The State of Kuwait acknowledges the importance of addressing LAWS due to the lack of accountability mechanisms and the security threat NSAGs pose to national and human security. Therefore, Kuwait offers three recommendations to resolve these challenges. First, Kuwait proposes the establishment of a new international legal framework that ensures accountability and transparency for the purchase, use, and abuse of LAWS. This international framework should mandate human control over weapon systems due to the potential for software malfunctions that many unintentionally harm innocent civilians. Second, the Delegation from Kuwait supports the implementation of national export controls on dual-use products to limit the threat NSAGs. Through the use of properly enforced export controls, Member States can minimize the overall danger of dual-use products such as thermal imaging and nuclear technology as well as limit the illegal development of LAWS. Finally, the Government of Kuwait urges the international community to further define ethical guidelines for the use of artificial intelligence in LAWS based on the recommendations established by UNESCO in 2021. These ethical guidelines should be an optional protocol with binding rules and regulations for participating Member States that support the principles of international security, peace, and national sovereignty. The State of Kuwait is committed to collaborating with peace-loving Member States to address the numerous security challenges posed by lethal autonomous weapons systems today.