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Addressing the social and humanitarian impact of autonomous weapon systems and artificial intelligence

***Explanatory memorandum submitted by the co-Rapporteurs
Ms. M. Stolbizer (Argentina) and Mr. C. Lacroix (Belgium)***

1. Humanity's journey towards overall well-being is intricately tied to innovative and technological advancements dedicated to fostering peace, security, democracy and human rights. The primary goal of these developments should be to bridge inequalities, enhancing the universal enjoyment of rights and freedoms. Such emerging technologies, which leverage digitalization and connectivity, encompass, among others, the internet, Big Data, blockchain, robotics, drones, nanotechnology and artificial intelligence (AI).
2. While there is no universal definition of AI, the most relevant ones¹, among them those of the United Nations, the European Commission and the Organisation for Economic Co-operation and Development (OECD) capture many of the same elements. In this framework, AI is generally considered to be a discipline of computer science aimed at developing machines and systems that can carry out tasks considered to require human intelligence, and that are capable of autonomous analysis and action to achieve specific objectives. The development of AI is unlocking a whole new world of innovation and brings enormous benefits in the digital era, but it can also significantly compromise the safety and agency of users worldwide. Indeed, while AI can perform specific tasks with remarkable precision, it cannot fully replicate human intelligence and creativity, as it lacks consciousness and emotions. This poses three major areas of ethical concern for society: privacy and surveillance, bias and discrimination, and the role of human judgment.
3. The draft resolution is intended to address the profound implications of developing autonomous weapons that can function devoid of human intervention, highlighting the risks and consequences, especially from social and humanitarian perspectives. It recognizes the International Committee of the Red Cross (ICRC) definition of Lethal Autonomous Weapons Systems (LAWS) as those capable of selecting and attacking targets without human intervention, and stresses the need to preserve human control in decisions with severe consequences in armed conflicts. On this basis, the resolution raises concerns about the militarization of AI and emphasizes the challenges posed to peace, international security and ethical considerations.
4. Since the 146th IPU Assembly in March 2023, which adopted the subject of LAWS for this resolution, co-rapporteurs Ms. M. Stolbizer from Argentina and Mr. C. Lacroix from Belgium have taken various actions. These include in-depth analysis, meetings and interviews with experts, as well as consultations with representatives of IPU Member Parliaments and specialized audiences. In addition, they took part in the expert hearing organized by the Standing Committee on Peace and International Security during the 147th IPU Assembly in Luanda in October 2023, during which they received input from various experts and colleagues from different regions of the world, as well as from the IPU Forum of Young Parliamentarians.

¹ EU AI Act: www.europarl.europa.eu/news/en/headlines/society/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence; OECD AI Principles : oecd.ai/en/ai-principles; UN - Our Common Agenda Policy Brief 5 on a Global Digital Compact: www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-gobal-digi-compact-en.pdf

5. The preparatory research highlighted the fact that the international community has been actively engaging with the complex issues surrounding LAWS since 2010. Subsequent years saw discussions based on the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW) regarding the legal, ethical and humanitarian implications of autonomous weapon systems. Noteworthy milestones include the identification of autonomy criteria, the acknowledgment of the importance of human control, and the formulation of guiding principles in 2019. All of these ensured a growing consensus on the need for a binding international instrument to ensure that ethical, legal and humanitarian considerations are taken into account in the development and use of autonomous weapons.

6. Throughout 2023, LAWS have been at the centre of discussions at various levels:

- The Group of Governmental Experts of the CCW² affirmed the applicability of international humanitarian law (IHL) to LAWS and stressed that such weapons should not be used if they cannot comply with IHL. It underscored the necessity of human control over LAWS throughout their life cycle and outlined recommendations for States to ensure compliance, including limiting targets, defining operational scope and providing adequate training.
- International conferences and resolutions, such as the Belén Communiqué³ and the XXVIII Ibero-American Summit special communication⁴, echoed the urgency of negotiating a binding international instrument to regulate autonomy in weapons systems.
- Resolution 2485/2023⁵ of the Parliamentary Assembly of the Council of Europe emphasized the centrality of human control in ensuring compliance with IHL and human rights.
- The “Stop Killer Robots” Campaign and the European Commission’s High-Level Expert Group on artificial intelligence advocated for a legally binding instrument, emphasizing the importance of human agency and oversight in AI. Concerns were voiced by various UN Special Rapporteurs, the ICRC and civil society about the potential dangers of autonomous weapons.
- UN Secretary-General António Guterres called for a treaty to ban killer robots by 2026, highlighting the moral and political unacceptability of machines making life-and-death decisions. He urged States to adopt AI regulations under IHL, emphasizing the dual nature of AI as a tool for both positive and potentially devastating applications.
- Resolution A/RES/78/241⁶ adopted by the United Nations General Assembly in December 2023, with 152 countries in favour, reflects the global consensus on the urgency of addressing the challenges posed by LAWS. The resolution seeks diverse perspectives from Member States, international organizations, the ICRC, civil society, the scientific community and industry to inform further consideration during the 79th session of the General Assembly.

7. Overall, the resolution aims to empower parliaments to actively contribute to shaping the ethical and legal frameworks being developed for autonomous weapons. It emphasizes the crucial role of parliaments in addressing the challenges posed by LAWS and calls for urgent and active parliamentary engagement, urging the development of national legislation that takes into account ethical, legal, humanitarian and security implications, including the prohibition of using LAWS on human targets or targets where humans are present.

8. In the preambular paragraphs, the co-rapporteurs have recalled the current state of play and argue against the use of LAWS in accordance with IHL, citing their potential illegality and ethical violations. The resolution warns against the dangers of a lack of international control and regulation, potentially resulting in violence without human judgment. The escalation of military dominance by highly militarized States using AI and algorithmic processing is seen as a risk to global stability, risking further destabilization and severe consequences for international security.

² [docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2023\)/CCW_GGE1_2023_2_Advance_version.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2023)/CCW_GGE1_2023_2_Advance_version.pdf)

³ conferenciaawscostarica2023.com/wp-content/uploads/2023/02/EN-Communiqué-of-La-Ribera-de-Belen-Costa-Rica-February-23-24-2023..pdf

⁴ www.segib.org/wp-content/uploads/11.-Comunicado-especial-sobre-el-impacto-social-y-humanitario-de-las-armas-autonomas_Es.pdf

⁵ pace.coe.int/en/files/31633

⁶ daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/RES/78/241&Lang=E

9. The resolution also highlights the potential unauthorized use of LAWS by non-State armed and organized crime groups as a global security threat, mentioning LAWS as potential future weapons of mass destruction. The obligations of States extend beyond the use of LAWS to the entire research and creation process, necessitating guarantees for monitoring, testing and verification. The resolution also emphasizes the need for comprehensive oversight throughout the life cycle of new weapons, emphasizing human supervision, due control and the assumption of responsibilities.

10. The resolution concludes by stressing the necessity to manage technology responsibly, ensuring it contributes to progress without threatening peace, international security or global stability. IHL aims to limit war-induced suffering, acknowledging the right of combatants to choose their means and methods of warfare but within the constraints of applicable international law. The CCW seeks to restrict or prohibit specific weapons causing undue suffering or indiscriminate effects, emphasizing the importance of prior international commitments.

11. The operative part of the resolution encourages parliaments to push for international negotiations on a binding instrument to regulate LAWS, ensuring compliance with international law and ethical principles. Collaboration with various stakeholders, including the defence industry, civil society and academia, is recommended to understand and establish safeguards for both AI and LAWS.

12. Parliaments are called upon to play a key role in holding governments accountable for LAWS, ensuring transparency in their development, and promoting concrete actions to address these challenges. The resolution also highlights the importance of addressing the disproportionate impact of LAWS on specific groups, including women and historically excluded individuals.

13. Finally, the resolution suggests measures such as defining responsibilities for developers, establishing legislation to prevent unlawful use, encouraging awareness raising and promoting the exchange of good practices on LAWS between States and in relevant parliamentary networks and international forums. To that end, it invites the IPU to stay informed about and engaged with the LAWS issue.