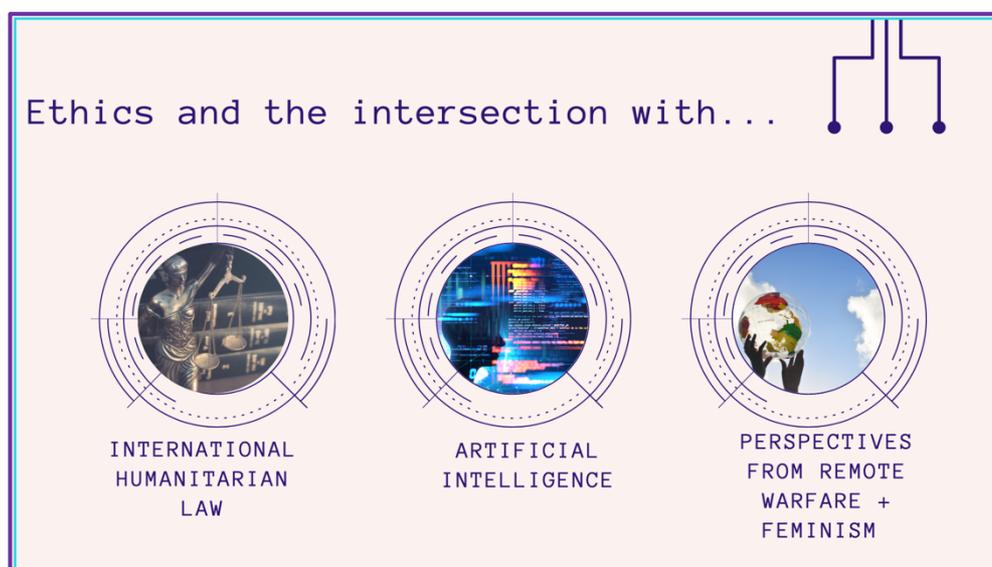


Ethics and autonomous weapons systems

Intervention delivered by Wanda Muñoz on 16/09/2021 at the “Ethics, Human Dignity and Autonomous Weapons Systems” panel of the Austria conference on Safeguarding Human Control.¹

I will start by quoting the UN Secretary General, who has described machines with the power to take lives without human involvement as “politically unacceptable” and “morally repugnant”. This is a very strong statement that adequately sets the scene for the discussion on ethics and autonomous weapons.

Today, I will share with you some thoughts about ethics and their intersection with International Humanitarian Law (IHL) and Artificial Intelligence (AI), perspectives from remote warfare and feminisms, and finally, how these ethical considerations may be translated into action.



¹ For more info: https://eventmaker.at/bmeia/laws_conference_2021/



1. Ethics in IHL

I will start with IHL. The International Committee of the Red Cross (ICRC) has indicated that “*ethical decisions by States, and by society at large, have preceded and motivated the development of new international legal constraints in warfare*”.² This is precisely the situation in which we are today with respect to autonomous weapons.

Yesterday, our colleagues discussed the Martens Clause and the dictates of public conscience, so I will not elaborate further. But let me just add that in the ICRC’s blog, Prof. Rob Sparrow, expert on ethical issues and new technologies, affirms that the dictates of public conscience can be determined by three elements: a) polling the public, b) expert opinion, and c) public deliberation. He concludes that:

*“We should understand the dictates of public conscience as the conclusions of an open and inclusive process of deliberation conducted at multiple levels in as broad a community as possible”.*³

With this in mind, I would like to recall four key facts:

- i. Since 2013, a growing number of States and organisations have called for a legally binding instrument on autonomous weapons.⁴
- ii. Last year, a survey in 28 countries found that that three in five people oppose using autonomous weapons, and this proportion has been increasing since 2017.⁵
- iii. More than 4,500 AI and robotics scientists have called for a ban on autonomous weapons in the letter published by the Future of Life Institute in 2015.⁶
- iv. The report “Our common agenda”, released last week by the UN secretary general and prepared with a broad array of stakeholders (including Member States, thought leaders, young people, civil society and the United Nations

system and its many partners) identified as one of its priorities “to establish agreed limits on lethal autonomous weapons systems.”⁷

What are these manifestations if not an increasing appeal by the public conscience to take urgent action on this issue?



2. Ethics in AI

Secondly, I will talk about ethics in Artificial Intelligence. We should look at the issue of autonomous weapons not only through the lens of IHL, but also taking into consideration what experts with multidisciplinary backgrounds have already analysed and proposed regarding the ethics of AI.

The best example is, of course, the UNESCO Recommendations on the Ethics of Artificial Intelligence. Since we are fortunate to have our colleague from UNESCO on this panel, I will just highlight two elements from this framework:

1. The recommendation says that life and death decisions should not be ceded to AI systems. It does not say:
 - “Life and death decisions should not be ceded to AI. Well, you know, they could, but just for people who live in countries affected by conflict”; or
 - “They should not be ceded... but they may be, if the AI systems work within some parameters”; or even
 - “They should not be ceded in cases in which weapons may change their own rules... but otherwise go ahead”.

No!

The standard set by UNESCO is clear that this just should not happen to anyone, under any circumstances, without any exceptions or caveats.

2. The UNESCO recommendations say AI technologies raise fundamental ethical concerns such as the bias they can embed and exacerbate. This is relevant because such bias could be reflected, particularly in antipersonnel autonomous weapons systems, and add a disproportionate impact among women and marginalised populations. This is one more reason why we in SEHLAC and the Campaign to Stop Killer Robots believe these should be explicitly banned.

There are many other ethical commitments, such as those by the Organisation for Economic Cooperation and Development, the G20, the European Union Commission, the African Commission of Peoples and Human Rights;⁸ all of these, in my view, should be taken as the minimum ethical standard for any discussion on autonomous weapons. Otherwise, we will create incoherent ethical and normative frameworks at the international level.

In addition, just yesterday, Michelle Bachelet, the United Nations High Commissioner for Human Rights, declared:

“We cannot afford to continue playing catch-up regarding AI, allowing its use with limited or no boundaries or oversight, and dealing with the almost inevitable human rights consequences after the fact. The power of AI to serve people is undeniable, but so is its ability to feed human rights violations at an enormous scale with virtually no visibility”

And her statement is not even specific to autonomous weapons, which are exponentially worse in degree. She concluded: “Action is needed now to set human rights guard rails for the good of all of us”.⁹

This is the international context of the ethics of Artificial Intelligence today, in which the debate on autonomous weapons should also be framed. It cannot, and we should not allow it to be, separated from this wider context.

In addition, if the international community does not adopt a legally binding instrument on autonomous weapons from an ethical perspective, it would send the message to the world that the right to life can be delegated to autonomous functions.

Such an unacceptable precedent would negatively influence other regulations on artificial intelligence, and the standard of what we could demand from regulators would inevitably be lowered. **Because if we accept that the right to life can be delegated to autonomy, then why should we not accept that the right to health, employment, justice, or education can be as well?**

Let us not be mistaken; this is also what is at stake.



3. Ethics from the view of populations affected by conflict

Moving on to my third point, I would also like to put on the table the notion that “ethics” is not a single, monolithic guideline set in stone.¹⁰ It keeps evolving and incorporating different perspectives, including those from populations that have been historically marginalised.

We need to discuss the ethics of autonomous weapons through the perspectives of IHL and AI, but we should also incorporate, and even prioritise, ethical perspectives from countries and populations affected by conflict, and from humanitarian organisations that deal with and respond to the consequences of war every single day.

Their assessment of what is acceptable or not would certainly be quite different to that presented by States that are the main producers of weaponry, and of those who say that humanitarian concerns should be balanced with military concerns.

Now, this is a panel about ethics, so let us be honest: in such a balance, it is likely that the minority —weapons producers— will win, and the large majority —victims of conflict, essentially in the Global South— will lose. What kind of ethics is this? That balance, that scale is not fair.

Humanitarian concerns should prevail over all other concerns.

Now, let me share with you a quote from the excellent podcast SaferWorld on remote warfare that can also inform our ethical reflections:

“Remote war sounds very clean, controlled, and distanced, but there is no such thing as a clean war. War has perhaps become distant and sanitised for some, but it remains brutal, intimate, physical, to those at the receiving end of it”.¹¹

We cannot act as if we had no clue about the potential consequences of autonomous weapons. It is really not serious, nor honest, to keep calling a mandate for a legally binding instrument “premature”; given that, in addition to the concerns raised by the use of artificial intelligence *per se*, we already have examples of the humanitarian impact, inaccuracies, and lack of accountability of other methods of remote warfare. Everything indicates that autonomous weapons would only make things worse.

Furthermore, any discussion on ethics should include a feminist approach, which among other things, brings to the forefront of any debate the lived experience of persons affected,¹² or potentially affected, by the topic being discussed, and which should be recognized to be at least equal to the experiences of “experts” in the way we usually understand this term.



Five suggestions

I hope I have convinced you with these arguments and that now you are wondering how we can specifically translate these ethical concerns into our work on autonomous weapons.

For these ethical concerns to translate into action, the international community needs to take these five actions:

1. **Maintain** ethics and human rights as explicit references in all our work.

2. **Negotiate** a legally binding instrument that¹³:
 - a. Prohibits autonomous weapons systems that can function without meaningful human control, and those that target humans, and
 - b. Regulates other autonomous weapons systems.

If CCW fails to agree on a mandate to do so, like-minded countries should initiate such a process outside of the CCW. Continuing discussions without a negotiating mandate is not neutral; it forces the international community into inaction, and in doing so, benefits those who want to produce these weapons, at the expense of those who will be victims of these weapons.

3. **Build on**, and ensure coherence with, the large spectrum of commitments that countries have already undertaken on the ethics of artificial intelligence.
4. **Recognise** that these concerns are raised by all autonomous weapons (not only the lethal ones): we should take the letter “L” out of “LAWS”, because lethality is not a criterion for legality in IHL.
5. **Incorporate** measures to ensure clear accountability and responsibility for the consequences of autonomous weapons systems.

In conclusion, it is truly our moral obligation to act upon the information and the precedents that we already have. We cannot act as if we do not know. We really must move forward on this topic, and hearing the panellists so far, I am hopeful and reassured that we are moving in the right direction.

Thank you very much.



Moving forward towards a legally binding
instrument on AWS is our moral obligation
as international community

Wanda Muñoz, September 2021

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