POLICY BRIEF

InterAgency Institute
BEYOND INSTITUTIONAL BOUNDARIES

A MULTIDIMENSIONAL PLEDGE FOR STOPPING KILLER ROBOTS

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POLICY STATEMENT

The Stop Killer Robots international campaign reaches the War in Ukraine in some of its dimensions. Although the appeal does not seem so clear and urgent, the issue is related to the moral determinants of the existence of autonomous armaments in conflicts that, even when governed by norms and international law, are not observed by what they represent in their comprehensive effects. Thus, the consequences that arise between the inhuman character of both the attack and reception and the systematic and disorderly use of artificial intelligence (AI) in armaments require a more objective liability. One hypothesis is that autonomous weapons can victimize civilian populations, either accidentally or deliberately depending on the level of animosity. In this sense, it should be noted that the campaign becomes urgent in at least three aspects that touch the war in Ukraine: the absence of an ethical standards agreement at the end of 2021, demonstrating the fragility of the multilateral system in ensuring limits to this type of controversy; the nature of an informational and asymmetric Russian war in Ukraine under course, which harbors the use by both parties of the conflict of autonomous weaponry; and the use of autonomous weapons against the displacement civilian population.

BACKGROUND

The situation in Ukraine awakens to the responsibility of the use of weapons even in war situations. In the escalation of technological advancement, lethal weapons gain new dimensions, such as being triggered by applications or programs. On the one hand, it saves part of the aggressor's troop by not exposing lives in combat; however, the attacked side can suffer much greater damage than with conventional weapons.

The Russian army's modus operandi, since previous conflicts, shows a tendency not to spare civilian populations. Evidence of this fact for the current conflict was the non-compliance with the ceasefire in the areas where the humanitarian corridors were installed, exposing displaced populations to the consequences of using different weapons (1).

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At the heart of the debate on autonomous weapons and artificial intelligence are the conditions that touch on the need for *meaningful human control* (MHC), which underscores the demand for lethal weapons operators to make conscious decisions and be subject to legal frameworks of their actions. Ensuring a moral significance to the tactical-operational field in war is a subject of international humanitarian law, guided by the Hague Convention (1907), the Geneva Conventions (1949), and their Additional Protocols (Protocol I, 1977, above all), as well as other associated legal instruments (2). Citing a report made in 2013 on autonomous weapons, Amoroso & Tamborrini (2018) point out that *robots cannot acquire human capabilities linked to situational awareness* in terms of their capacity of judgment, whose reserve to humans constitutes a fundamental guarantee of dignity and life (3).

The first initiative that anticipates the Stop Killer Robots *campaign was the International Committee for Robot Arms Control (ICRAC)*, an NGO whose mission statement includes the ban on Unmanned Autonomous Systems (UAS) with the use of nuclear weapons and robot space weapons. Theis main argument is that "*machines should not be allowed to decide to kill people*" (4).

One of the guarantees associated with the regulation of armaments for ethical purposes is the use of vehicles without control of action and destination and unmanned, between model rockets and *drones*. A report by *Human Rights Watch* demonstrates the illegality of military invasion and war in Ukraine through the shelter of regional and international human rights treaties and the restrictions on certain tactics in the war. This characterization goes through military objectives in which any war strategy can only contemplate objects directly linked to military confrontation by the opposing forces.

In this context, *the Human Security* concept applies, whose constitution is both relevant above the strategic interests of states and the provision of security obligations towards people by the states and entities beyond them (5). More broadly today than before, the protection of civilians is a bastion of more contemporary security policies of both the European Union and NATO, even with different interpretations of what governs the protection of civilians in a conflict. The most critical questions concerning how much the operations and tactics are employed to protect civilians or put them at risk. A human approach in the context of war would apply to guarantees of civil protection as the primary objective to be achieved with emerging solutions.

As part of the 2019 *Meeting of High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or Have Indiscriminate Effects (known as CCW* or *Inhumane Weapons Convention)*, the Group *of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems (GGE - LAWS)* coordinated a series of meetings in the second half of 2021, observing the issues that touch on the ethics and limits necessary for the use of autonomous weapons. In September 2021, the *Stop Killer Robots campaign* developed an article in response to questions submitted to the GGE committee on the legality of the use of autonomous weapons and the question of the impossibility of assigning responsibility to those other than humans.

Despite the efforts, after eight years of discussion, the diplomatic meetings did not reach common ground on the issue, considering the continuity of the conversation to be the unique point of agreement from the December 2021 talks (6). The eleven principles negotiated during the 2019 talks kept valid but remain uncertain, as stated by the 11th principle:

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> *The CCW offers an appropriate framework for dealing with the issue of emerging technologies in the area of lethal autonomous weapons systems within the context of the objectives and purposes of the Convention, which seeks to strike a balance between military necessity and humanitarian considerations.* (7).

A last important topic may arise: the probable arms race after the war in Ukrainian and repercussions associated with the European Union (EU) funds dedicated to the development of AI assets in the defense development and procurement programs. The Transnational Institute report (2022) states that the influential cycle within the EU defense policies has been controlled by private interests and industry lobby, which threatens the EU AI use in military ethics (8).

The use of drones in the Ukrainian conflict can be seen, including providing private equipment to assist in the conflict. This is an extremely worrying situation as it exposes civilians, including those who operate them, to become targets as their location data is exposed. But there are already taser-armed drones being manufactured to attack migrants at borders, as in the case of the US company BRINC (9). Although the company's objective is to apply the equipment on the US-Mexico border, in a war scenario, it could end up in the power of paramilitary groups that could use it on other refugee populations around the world.

The logic of securitization of migrations provides technological investment in border control to contain fewer desirable flows, using increasingly technologically advanced surveillance resources. The major concern is the use of equipment that, in addition to patrolling physical barriers at the borders, can be used against vulnerable bodies.

The usual criminalization, which intensified from the 1990s onwards, makes it possible to treat people on the move in the logic of security without considering their human condition and the right to free mobility. In the logic of sovereignty and the election of those who would be able to cross the limits, it criminalizes the figure of the migrant. Evidence of this is the existence of detention centers for migrants in Australia (10) and the United States (11), among others.

We highlight here the difference between the term's securitization and ***crimigration***. The first concerns the construction of speeches of actors of influence of a threat to the State and international security. When the media and political discourse become accepted by society, and this demands containment measures, the matter is securitized. The securitization of migration directly influences the management and control of borders (12).

The second is an American theory that argues about the progressive loss of migrants' rights, the criminalization of their behavior, and the convergence of criminal law with immigration law. In those cases, individuals are treated with intransigence even if they have not committed any crimes (13).

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RESULTS

Although potentially the cause represents strongly understandable elements in the light of ethical and moral codes involving discussions about war and the law in war, there is a certain slowness regarding the manifestation of certain countries and the more qualified engagement in the term. Norway, for example, has incorporated too many comprehensive elements in the matter into its National Strategy for Artificial Intelligence which, on the other hand, is a document that can benchmark servers (14).
NATO had agreed on setting AI standards to its members in March 2021, which might include the use of LAWS within members and collaborating states, because: "*The Western military alliance has identified artificial intelligence as a key technology needed to maintain an edge over adversaries*" (15).
The war in Ukraine had offered the possibility of using LAWS since Russia and Turkey are producers, and Turkey has been selling those means to Ukraine, and there is evidence that those arms are being used (16). The difficulties associated are also connected to information in some different levels: the disinformation campaigns; the required transparency of acquisition and defense development programs, the prospects of IA use in military means (systems); the difficulties of detecting evidence in the field (which also can be helped through AI, as social networks and geointelligence is being used).
After a report by the UN, it was concluded that those LAWS were possibly used in the Libya war, which would be the first reported use of LAWS (2020): the Turkish Kargu-2 Drone used against Libya Army troops (17). It is, then, urgent to accelerate the debates and qualify the instruments of advocating on transparency and the possible use of LAWS during the ongoing war in Ukraine.

Three points seem critical:

(1) Absence of formal and formal multilateral mechanisms to inhibit acts of aggression. The multilateral forums would be important mechanisms of pressure and regulation of the actions of the States.

(2) Autonomous lethal weapons, owned by fighters, without the required chain of responsibility. This responsibility becomes fluid in the absence of legislation that regulates the purposes and limits.

(3) The use of armed and non-armed autonomous instruments against immigrants emerges as a point of concern as there is clear evidence of equipment already manufactured for this use.

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CONCLUSIONS

Based on the BRINC proposal, we can argue that if there is no international regulation on the ethics of using autonomous weapons, the risk associated with unmeasured consequences on the civilian population can be devastating. The ambiance of conflict can still be varied between a hybrid war such as in Ukraine or domestic civilian-wars. This exponential risk can be added to evidence that AI (drones) is being used against migrant populations at borders and conflict areas (see reference 9).
In this regard, the use of drones on both sides of the war in Ukraine is a matter of concern, as humanitarian corridors still do not provide security for the evacuation of civilians, and the ceasefire and demilitarization of these areas have been disregarded. On the other side, but with the same consequences, the logic of securitization builds the road to criminalize migrants, justifying from the border's vigilance perspective the use of LAWS against people. The issue affects international human security and breaks all humanitarian pacts around migration, whether domestic or international.

RECOMMENDATIONS

The recommendations presented here highlight:

- The relevance of the support of the national project AI regulation can be aligned through National Artificial Intelligence Strategies.
- For the GGE's work, which involves diplomat bodies, a multistakeholder approach can facilitate routing technical constraints that are not part of a comprehensive and public discussion.
- In this field, the approach of countries that are not central to the weapons production system can offer a relevant chorus of public and political pressure, if together, as is Brazil’s leadership in the discussion at the GGE level. The slowing down of some public debate processes, as in the case of Portugal (18), may help delay the pressures on producer entities.
- Promote in a broader group of institutions the development of their strategies on Artificial Intelligence including the LAWS theme – OECD, OSCE, EU, NATO.
- Creation of up-to-date, comprehensive, specific legislation and accountability for the use of autonomous weapons on civilian populations.

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