

THE EXPANSION OF THE DEBATE ON THE REGULATION OF AUTONOMOUS WEAPONS IN IBEROFONIA

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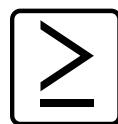
ABSTRACT

This *policy brief* aims to analyze the strategies adopted by organized civil society groups involved in the international campaign Stop Killer Robots. Such strategies are based on promoting awareness activities from the associations and activities that are collaborators of the campaign from a *bottom-up* approach. The new phase of the SKR campaign focuses on promoting interparliamentary debates as a form of "direct politics," pressuring governments to adopt ethical stances on the use of artificial intelligence in autonomous weapons and evidencing the change in the perception of social risk caused by them. In political terms, these strategies represent a framework of innovation in the role of social actors who interact with each other - scientific community and civil society - in an attempt to be heard in states' decision-making.

Adhering to the challenging proposal of the Stop Killer Robots Campaign, the InterAgency Institute promotes a pilot project of transnational advocacy through the 1st **Interparliamentary Debate on Artificial Intelligence Applied to Defense in Iberofonia** that aims to promote an interparliamentary focus group among members of the Iberian countries. The election of Portugal and Spain consists of reflecting the theme related to LAWS through the Portuguese language (260 million speakers) and the Spanish language (540 million speakers), to expand access to debate beyond the Anglo-Saxon world. The aim of an iberofonia proposal is the importance of strengthening the alignment of Iberian countries with the political position of SKR on the prohibition/regulation of LAWS, the consequent political, geographical, and linguistic influence of these countries in the global South, and finally, and to stimulate the exchange of good practices and solutions considering the Iberian Peninsula as a strategic geopolitical zone of migratory routes.

BACKGROUND

International civil society mobilizes around anti-gun campaigns when war artifacts and the issue go beyond the subtle line between a perception of security for a perception of the threat. The international campaign for the eradication of landmines during the 1980s, the various movements for disarmament and against the use of weapons during the Vietnam War in the 1960s/1970s, as well as movements against nuclear and biological weapons, represent situations of changing perception of social security. Recent



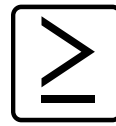
decades' warlike and technological progress has been able to attribute a social perception of security and predictability even with the advent of wars transmitted in real-time (for example, in the War against Iraq). This framework began to transform with the new Autonomous Lethal Weapons Systems (LAWS) used from the Syrian War (2011- currently) considered by experts a revolutionary category of armaments: endowed with Artificial Intelligence, unlimited ultra sensory resources, mobility, portability, additional to the low production cost, maintenance, and logistics. The LAWS have several levels of autonomy regarding decision-making without human intervention, enable the deterritorialization of the war field, and inaugurated the "surgical attacks" (persecution of an enemy target outside the context of War). If, on the one hand, the technological characteristics of the LAWS are seen as war superiority due to the greater control and specialization of the target, on the other hand, for a part of the scientific community and the organized civilian society, such qualities elevate the perception of social risk, and its use is considered latent aggressions to human rights and individual guarantees.

In this sense, the Stop Killer Robots Campaign (SKR) has mobilized 190 institutions from various sectors of civil society in 67 countries to put "direct policy" strategies into practice: to encourage the generation of focus groups between scientific institutions and organized civil society and their parliaments. The SKR campaign found that the political debate around LAWS should be as innovative as they are, considering a *bottom-up approach* and the inclusion of diverse social actors ranging from humanitarian aid institutions, defense experts, academics, and organized civil society.

In this sense, the interagency institute's proposal for transnational advocacy through an *iberófono*ⁱⁱⁱ interparliamentary focus group aims to enhance geographical and linguistic proximity. The election of Portugal and Spain in the pilot advocacy project lies in the importance of strengthening the participation and alignment of Iberian countries with the political position of SKR on the prohibition/regulation of LAWS, the consequent political and linguistic influence of these in the global South, and finally, considering the Iberian Peninsula as a strategic geopolitical zone of migratory routes.

The importance of the repercussion of the theme of LAWS through the Portuguese and Spanish languages aims to broaden the debate of topics that ordinarily circulate first in the centers of world powers beyond the Anglo-Saxon world. The central goal is to raise awareness among legislatures from the discussion about autonomous weapons systems and how these can hurt human rights and then be a risk to human security using LAWS weapons.

Another interesting initiative was the independent action of a group of UK Parliamentarians who, concerned about the increasing membership of the country's parliamentarians concerning the laws' autonomy, sent parliamentary colleagues nine questions aimed at obtaining official answers that revealed the contradiction of the UK's stance. Questions regarding the level of human control in LAWS, issues related to ethics and respect for human rights, as well as the identification of targets based on biometrics or based on perceived gender/racial/age characteristics, and finally, with regard to *"encouraging greater transparency in the development of gender the development of significant mechanisms for regulation, supervision, and accountability in its implementation, including through continuous involvement with parliamentarians, civil society, and other experts and stakeholders"*^{iv}. The SKR Campaign has been exerting political pressure for the UK government - the country is an exporting producer of LAWS - to implement the Joint Declaration on Lethal Autonomous Weapons Systems delivered to the First



Committee on Armaments and International Security of the Un Assembly General, signed by 70 states, including the United Kingdom itself.

RESULTS

The theme of artificial intelligence has been highlighted within the institutions of the European Union. Aware of the reality that virtualization and technologies advance with significant speed, the community is concerned with creating its regulation on Artificial Intelligence to be strategically located in the theme and actions. But it also demonstrates the concern in the area of law and that it should seek to meet the legal needs that the use of artificial intelligence can hurt.

To this end, a proposal for a Regulation of the European Parliament and the Council is in place to establish harmonized standards in the framework of artificial intelligence. This regulation complements existing legislation in the Union on data protection. It will aim, among others, at citizen protection under the Charter of Fundamental Rights of the European Union, with concerns about how the use of artificial intelligence could affect human dignity.

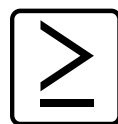
This regulation seeks to unify the internal systems of all member states by imposing minimum rules so each of them can develop its regulations (1). The horizontal regulatory framework assigns a broad and dynamic definition of artificial intelligence so that it can follow the evolution in the theme (2). Furthermore, considering the supranational question and the division of competencies between the community and the Member States on several issues, it also touches on the guidelines relating to artificial intelligence.

In February 2017, the European Parliament adopted a resolution^v with recommendations to the European Commission on civil and robotic law standards, recognizing the need for regulation and the creation of regulations about autonomous robots (3).

From the Proposal for a Regulation of the European Parliament and the Council establishing harmonized standards on artificial intelligence in progress, we highlight here the legal initiatives and efforts that Portugal and Spain intend to promote to act following the future supranational rules, as well as the internal adaptation to technological advances in the era of artificial intelligence.

In 2020, Portugal entered the D9+, the informal group of Member States that brings together the best-ranked European countries in the European Commission's Annual Index of Digital Economy and Society (DESI). Since then, the government has committed to the digital transition in various areas related to governance, trade, services, and national security.

The country's main law on the use of Artificial Intelligence directed to robotics is found in the Portuguese Charter of Human Rights in the Digital Age (with the force of Law No. 27/2021, of May 17), in which, in Article 9, entitled "the use of artificial intelligence and robots," item 1, legislates on the use of artificial intelligence provided that it is guided by "respect for fundamental rights, ensuring a fair balance between the principles of explainability, security, transparency, and accountability" to "avoid any prejudice and forms of discrimination." Item 2 legislates that "decisions with significant impact on the sphere of recipients that are made through the use of algorithms must be communicated to interested parties,"



and, finally, item 3 reads: "The principles of beneficence, non-maleficence, respect for human autonomy are applicable" and, finally, item 3 reads: "The principles of beneficence, non-maleficence, respect for human autonomy are applicable"^{vi} and finally, refers to the values enshrined in Article 2 of the Treaty on European Union^{vii}.

These paragraphs contain a series of *concepts that would be sufficient for* disambiguation of Portugal's position at the UN General Assembly (4) since the country supported multilateral negotiations stating *that* it "shares specific humanitarian, moral and legal concerns" and the need to maintain human control over the critical functions of weapons systems. However, it did not support proposals to ban autonomous weapons altogether and suggested that Member States examine how international law applies about using these weapons^{viii}.

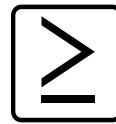
In collaboration with the European Commission, Spain has presented the first pilot that brings together a sandbox^{ix} *active* for the regulation of artificial intelligence in the European Union. This document presents proposals for joint definitions of good practice for implementing the future European artificial intelligence regulation. It seeks to address legal certainty for entities when they start applying the requirements. This document will be presented in the first half of 2023, during the Spanish presidency of the Council of the European Union.

Spain, therefore, was the first country in the community to invest its Recovery and Resilience Fund^x in adapting to creating a supranational cybersecurity environment. It intended these actions to initiate consultations for creating a Spanish Agency for The Supervision of Artificial Intelligence. In addition, through consultation by keywords on the official website of the Congress of Deputies^{xi} of Spain, we identified an expressive parliamentary action around the discussion on artificial intelligence. This indicates relevance to the subject in the current legislative debate.

Spain participated in all UN conventions on certain conventional weapons meetings on LAWS between 2014-2019 and, in 2018, stated that it does not have autonomous lethal weapons systems and "does not intend to develop or acquire them in the future." He supported a proposal to start multilateral negotiations on LAWS and expressed interest in examining ethical and legal issues. However, the country has not supported proposals to ban fully autonomous weapons. Instead, it "reiterates that respect for IHL requires sufficient human control in all weapons systems"^{xii}.

CONCLUSIONS

After nine years of debates on LAWS, the European Union is still far from finding consensus on the various issues involving this war system, its levels of autonomy, restrictions, and regulation for its use of action. It concerns a kind of "silence" and the absence of a democratic and participatory social debate on the part of several UN Member States and the European Union, both on the official position of the State, categorically against the proliferation of LAWS, on the deregulated use of laws in wars, in "surgical actions" and in border surveillance, i.e., use in the context of peace. One of the last documents produced by the SKR Campaign, the Joint Statement on Autonomous Lethal Weapons Systems (5), delivered at the United Nations General Assembly in New York, was signed by both countries with similar understandings about LAWS.



In the current phase of advocacy of the InterAgency Institute, the concept of transparency acquires central importance that aims to promote an interparliamentary debate that contributes to disambiguation in the positions of Portugal and Spain with regard to the prohibition/regulation of LAWS. The election of countries is strategic because they are important actors in the geopolitics of borders in the eurozone, a focus of tensions in relation to migration policies, and, therefore, a representative in terms of international policy. *Iberofonia* is understood as a fluid, flexible frontier, a political and linguistic extension of the project's next phases, as the inclusion of non-central countries in the problems of LAWS, that is, Latin America and Africa.

RECOMMENDATIONS

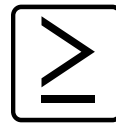
We support the elaboration of a UN Convention that prohibits LAWS "in times of peace" and regulated "in times of war" and deprived of autonomy in any situation. Such a Convention should unequivocally prohibit the production, storage, and transfer of Lethal Autonomous Weapons Systems and encourage the creation of independent inspection mechanisms covering all links in the productive chain of this type of weapons. The Focus Group methodology will identify the party proposals and parliamentarians from the two countries invited to the debate. The dissemination of *immoral* code (campaign video) will be used as a form of awareness and open discussions.

The outcome of the debate, with the proposals of the parliamentarians, will be discussed by observers, which will have the participation of academia, international organizations, and civil society. The exchange of proposals and expectations of actions of various actors can influence political decisions. The AI intends to present the results to the campaign partners in Geneva from the final report.

Because it is a project that involves the use of LAWS and migrations, the theme will lead us to discuss the vulnerability of human security in minority sections that are exposed to rigid borders and guarded with increasingly advanced equipment. Therefore, we are talking about the South-North migration axis and the southern border of the Iberian Peninsula, where displaced populations suffer from vulnerability, including blacks, women, and children who are subjected to sometimes disproportionate measures of restraint. Our concern is in the asymmetry of forces between states and migrants so that they are subject to the use of the sovereign prerogative of border control by those.

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ⁱⁱⁱ Iberófono - For the execution of the project and, thinking about the division of a linguistic frontier, we launched the neologism Iberofonia to justify the spaces of the Luso-Hispanic speaking countries.

^{iv} Statement by Stop Killer Robots to the 77th UNGA First Committee on Disarmament and International Security

^v European Parliament, Committee on Legal Affairs, Report with recommendations to the Commission on Civil Law Rules and Robotics, 2017, Available in: <https://www.europarl.europa.eu/doceo/document/A-8-2017-0005_EN.pdf>

^{vi} Portuguese Charter of Human Rights in the Digital Age, Available in:

https://www.parlamento.pt/Legislacao/Paginas/Educacao_Carta-Portuguesa-de-Direitos-Humanos-na-Era-Digital.aspx

^{vii} "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society characterized by pluralism, non-discrimination, tolerance, justice, solidarity and equality between men and women." Available in: https://eur-lex.europa.eu/resource.html?uri=cellar:9e8d52e1-2c70-11e6-b497-01aa75ed71a1.0019.01/DOC_2&format=PDF

^{viii} Stopping killer Robots Country Positions on Banning Fully Autonomous Weapons and Retaining Human Control Available in: https://www.hrw.org/report/2020/08/10/stopping-killer-robots/country-positions-banning-fully-autonomous-weapons-and#_ftn214

^{ix} Available in: https://portal.mineco.gob.es/es-es/comunicacion/Paginas/20220627-PR_AI_Sandbox.asp

^x As part of an extended response, the objective of the Recovery and Resilience Mechanism is to mitigate the economic and social impact of the pandemic caused by the coronavirus and to make European economies and societies more sustainable, resilient, and better prepared to meet challenges and seize the opportunities resulting from ecological and digital transitions. Available in: https://commission.europa.eu/business-economy-euro/economic-recovery/recovery-and-resilience-facility_pt

^{xi} Available in: <https://www.congreso.es/>

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