Artificial intelligence: questions of interpretation and application of international law in so far as the EU is affected in the areas of civil and military uses and of state authority outside the scope of criminal justice

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The Committee on Legal Affairs adopted the report by Gilles LEBRETON (ID, FR) on artificial intelligence: questions of interpretation and application of international law in so far as the EU is affected in the areas of civil and military uses and of state authority outside the scope of criminal justice.

The report stressed the potentials and the risks offered by the development, deployment and use of artificial intelligence (AI) for security both within the EU and in its external relations.

EU framework on AI

European citizens could benefit from an appropriate, effective, transparent and coherent regulatory approach at EU level to ensure that EU and its Member States retain control over the regulations to be established in this area, so that they are not forced to adopt or accept standards set by others.

The report recalled that a common EU framework, with harmonised definitions and common ethical principles, must cover the development, deployment and use of AI, robotics and related technologies, and must ensure respect for human dignity and human rights. The EU and its Member States should have a particular responsibility to make sure that AI, robotics and related technologies – as they can be used cross borders – are human-centred, i.e. basically intended for use in the service of humanity and the common good.

This responsibility implies a need to examine questions of interpretation and application of international law related to the active participation of the EU in international negotiations, in so far as the EU is affected by the civil and military uses of this kind of AI, robotics and related technologies, and questions of state authority over such technologies lie outside the scope of criminal justice.

International law and military uses of artificial intelligence

The impressive advances in artificial intelligence (AI) pose a challenge for international law, both public and private, and more broadly for the authority of states. AI used in a military and a civil context must be subject to meaningful human control, so that at all times a human has the means to correct, halt or disable it in the event of unforeseen behaviour, accidental intervention, cyber-attacks or interference by third parties with AI-based technology or where third parties acquire such technology.

Lethal autonomous weapon systems (LAWS)

In this context, Members stressed that Parliament has called for the drafting and urgent adoption of a common position on lethal autonomous weapon systems, preventing the development, production and the use of LAWS capable of attack without meaningful human control, as well as the initiation of effective negotiations for their prohibition. The use of lethal autonomous weapon systems raises fundamental

ethical and legal questions about the ability of humans to control these systems. Lethal autonomous weapon systems should only be used as a last resort and be deemed lawful only if subject to human control, since it must be humans that decide between life and death.

Fundamental rights

Members expressed serious concerns about some highly intrusive social scoring applications that have been developed, as they seriously endanger the respect of fundamental rights. They called for an explicit ban on the use of mass social scoring (for monitoring and rating of citizens) by public authorities as a way to restrict the rights of citizens.

Transport

Members took note of the significant economic potential of AI applications in this area. They stressed the need to promote AI to foster the multimodality, interoperability and energy efficiency of all modes of transport, including in the field of military logistics.

Judiciary

Judges use AI technologies more and more in decision-making and to speed up proceedings. However, safeguards need to be introduced to protect the interests of citizens. The report stated that AI cannot replace humans in the judicial process when it comes to passing sentence or taking a final decision of any kind, as such decisions must always be taken by a human and be strictly subject to human verification and due process. AI, robotics and related technologies should be developed in a secure and technically rigorous manner.