Opening Statement delivered by Luís C. Farias as a delegate for The InterAgency Institute
Adressing the 2023 Group of Governmental Experts (GGE) on emerging technologies in the area of
lethal autonomous weapons systems (LAWS), Second session
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We are gathering this week in Geneva, with the opportunity to make a legally binding instrument on lethal autonomous weapons systems. In this spirit, the InterAgency Institute celebrates the Draft Protocol presented by the 14 States that have taken leadership on this issue. The Draft demonstrates tangible progress and sets expectations of meaningful outcomes reflecting the work of the group.

It is important to keep in mind that risk assessment for the development of such systems is not thoroughly understood. The use of machine learning, natural language processing, large language models, and deep learning in systems that require, due to its strategic nature, a lack of entry points and back doors, comprise inconceivable risks. These risks are not circumscribed to adversarial machine learning or advanced persistent threats, they encompass a wider array than only cyber-related risks. For instance, the accessibility of the creation of these systems with available hardware and possible components already existing as Open Source software.

Even though States have the monopoly on the legitimate use of force, that monopoly does not reflect the reality of the world, in which a wide range of actors are enticed by such systems. The access of paramilitary groups and other non-state actors to such systems is a daunting thought. Therefore, it is critical that we go through with a legally binding instrument, even though not all risks have been identified. Through this legally binding instrument we can halt the unrestrained development of such technologies before this externality occurs, regulating the functional and non-functional requirements of such systems and preventing massive investment and technological spillovers in machinery that would lower the threshold of violence.

The use of deep learning creates a challenge in the understanding of these systems once the process through which the machine will take decisions is based on a series of highly abstract mathematical calculations that the machine itself has created to convert its inputs into the desired outputs, diminishing Meaningful Human Control, that requires not only the necessity of human intervention in both aiming and engagement functionalities, but also human comprehension of what the machine is doing. It is imperative that the specifications for such systems have functional requirements not only for human intervention in both aiming and engagement, but also, limits in use duration and area. On top of all those functional requirements, constituting possible regulations on a two-tier approach, there is also the need for complete prohibition of military systems with autonomous functions that are non-compliant with IHL and States international obligations, as required by Article 36 of the Additional Protocol I to the Geneva Conventions and to weapons systems that have no other ends but to engage with human targets, such as anti-personnel weapons.

All this is possible with strict regulations that developers should comply with during the whole Software Development Life Cycle. A legally binding instrument is only the first step on the long journey of mitigating AI related threats. The InterAgency Institute calls on Member-States to demonstrate tangible progress from these ten years of negotiations, and take this first step as a preemptive measure, before it becomes impossible to do so.

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