



**2020/2013(INI)(INI)**

30.6.2020

# **COMPROMISE AMENDMENT**

## **1 - 11**

**Draft opinion**

**Urmaz Paet**

(PE650.702v01-00)

on artificial intelligence: questions of interpretation and application of international law insofar as the EU is affected in the areas of civil and military uses and of state authority outside the scope of criminal justice  
(2020/2013(INI)(INI))



**Amendment 1**  
**Urmas Paet**

Compromise amendment replacing Amendment(s): 2, 3, 4, 5 and 6

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Highlights that the security and defence policies of the European Union and its Member States are guided by the principles of the UN Charter, and by a common understanding of the universal values of the inviolable and inalienable rights of the human person, of freedom, of democracy, of equality and of the rule of law; highlights that all defence-related efforts within the Union framework must respect these universal values while promoting peace, security and progress in Europe and in the world;

*Amendment*

1. Highlights that the security and defence policies of the European Union and its Member States are guided by the principles *enshrined in the European Charter of Fundamental Rights and of those* of the UN Charter, *which calls upon all States to refrain from the threat or use of force in their relation with each other, as well as by the international law, by the principles of human rights and respect for human dignity* and by a common understanding of the universal values of the inviolable and inalienable rights of the human person, of freedom, of democracy, of equality and of the rule of law; highlights that all defence-related efforts within the Union framework must respect these universal values while promoting peace, *stability*, security and progress in Europe and in the world;

Or. en

**Amendment 2**  
**Urmas Paet**

Compromise amendment replacing Amendment(s): 7, 8, 9, 10, 17, 20, 66 and 67

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. Calls on the UN and the wider international community to undertake all necessary efforts to ensure that the application of Artificial Intelligence (AI) in military affairs and the use of AI-enabled systems by the military stay within the

*Amendment*

2. Calls on the UN and the wider international community to undertake all necessary *regulatory* efforts to ensure that the *development and* application of Artificial Intelligence (AI) in military affairs *andin the law enforcement civil*

strict limits set by international law *and* international humanitarian law (IHL);

*capacities, such as police and border control forces and the study, development and use of AI-enabled systems by the military stay within the strict limits set by international law, including international humanitarian law (IHL) and Human Rights Law; stresses that the EU should pursue the international adoption of its technical and ethical standards in AI-enabled military systems, and, in close cooperation with like-minded partners, strive for an international regulatory framework, agreeing on common norms, based on democratic values, adequately framed as to prevent their use for espionage, mass, targeted and political surveillance, disinformation and data manipulation, and a cyber arms race; calls for an increased cooperation with NATO Alliance for the establishment of common standards and interoperability of AI-enabled systems; calls on the European Commission to foster dialogue, closer cooperation and synergies among Member States, researchers, academics, civil society actors and the private sector, in particular leading companies and enterprises, and the military so as to have inclusive policymaking processes when it comes to defence-related AI regulations;*

Or. en

### Amendment 3 Urmas Paet

Compromise amendment replacing Amendment(s): 14, 15 and 16

### Draft opinion Paragraph 3

#### *Draft opinion*

3. Considers in particular that AI-enabled systems *must abide by the principles of* the Martens Clause, and must never breach or be permitted to breach the dictates of the public conscience and humanity; considers that *this* is the

#### *Amendment*

3. Considers in particular that *the design, development and the use of* AI-enabled systems *in armed conflicts must, as provided by* the Martens Clause, *abide by the general principles of IHL* and must never breach or be permitted to breach the

*ultimate test* for the admissibility of an AI-enabled system in warfare; calls on the AI research community to integrate this principle in all AI-enabled systems intended to be used in warfare; considers that no authority can issue a derogation from those principles or certify an AI-enabled system;

dictates of the public conscience and humanity; considers that *their ability to be used in compliance with international humanitarian law* is the *minimum standard* for the admissibility of an AI-enabled system in warfare; calls on the AI research community to integrate this principle in all AI-enabled systems intended to be used in warfare; considers that no authority can issue a derogation from those principles or certify an AI-enabled system *breaching them*;

Or. en

#### **Amendment 4** **Urmas Paet**

Compromise amendment replacing Amendment(s): 21, 22, 23, 24, 25 and 27

#### **Draft opinion** **Paragraph 4**

##### *Draft opinion*

4. Stresses that states, parties to a conflict and individuals, when employing AI-enabled systems in warfare, must at all times adhere to their obligations under the applicable international law and remain accountable for actions resulting from the use of such systems; recalls that *AI machines can under no circumstances be held* accountable for intended, unintended or undesirable effects caused by AI-enabled systems on the battlefield;

##### *Amendment*

4. Stresses that states, parties to a conflict and individuals, when employing AI-enabled systems in warfare, must at all times adhere to their obligations *and liability* under the applicable international law and *must* remain accountable for actions resulting from the use of such systems; recalls that *humans remain* accountable for intended, unintended or undesirable effects caused by AI-enabled systems on the battlefield; *emphasizes that the decision to take lethal action by means of weapons systems with a high degree of autonomy must always be made by human operators exercising meaningful control and oversight and necessary level of judgment in line with the principles of proportionality and necessity; stresses and that AI-enabled systems can under no circumstances be permitted to replace human decision*;

Or. en

**Amendment 5**  
**Urmas Paet**

Compromise amendment replacing Amendment(s): 28, 29, 30 and 33

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Highlights the need to take duly into account, during the design, development, testing and deployment phases of an AI-enabled system, potential risks as regards civilian casualties and injury, accidental loss of life, and damage to civilian infrastructure, but also risks related to unintended engagement, manipulation, proliferation, cyber-attack or interference and acquisition by terrorist groups;

*Amendment*

5. Highlights the need to take duly into account, during the design, development, testing and deployment phases of an AI-enabled system, potential risks as regards, ***in particular to incidental*** civilian casualties and injury, accidental loss of life, and damage to civilian infrastructure, but also risks related to unintended engagement, manipulation, proliferation, cyber-attack or interference and acquisition by ***organised crime and*** terrorist groups, ***lading to escalatory destabilising effects that aim to make our societies, militaries and institutions vulnerable***;

Or. en

**Amendment 6**  
**Urmas Paet**

Compromise amendment replacing Amendment(s): 30 and 33

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

***5 a. Is concerned by the fact that not all Members of the international community would follow a regulatory human-centric AI approach; urges the EU and Member States to assess the development of AI technologies, particularly military and surveillance, within authoritarian states that avoid compliance with EU led regulations;***

Or. en

**Amendment 7**  
**Urmas Paet**

Compromise amendment replacing Amendment(s): 31, 35, 36 and 37

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Stresses the need for robust testing **and** evaluation systems based on norms to ensure that during the entire *lifecycle* of AI-enabled systems in the military domain, in particular during the phases of human-machine interaction, machine learning and adjusting and adapting to new circumstances, the systems do not go beyond the intended limits and **will** at all times **comply** with the applicable international law;

*Amendment*

6. Stresses the need for robust testing, evaluation, **certification, monitoring and verification** systems based on **clear legal and democratic** norms **as well as on clear safety and security provisions**, to ensure that during the entire *life cycle* of AI-enabled systems in the military domain, in particular during the phases of human-machine interaction, machine learning and adjusting and adapting to new circumstances, the systems **and their effect** do not go beyond the intended limits and **must be used** at all times **incompliance** with the applicable international law;

Or. en

**Amendment 8**  
**Urmas Paet**

Compromise amendment replacing Amendment(s): 40, 41, 43 and 44

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

7. Highlights that any AI-enabled system used in the military domain must, as a minimum set of requirements, be able to distinguish between combatants and non-combatants on the battlefield, not have indiscriminate effects, **not** cause unnecessary suffering to persons, not be biased or be trained on biased data, and be in compliance with the IHL principles of military necessity, **proportionality in the**

*Amendment*

7. Highlights that any AI-enabled system used in the military domain must, as a minimum set of requirements, be able to distinguish between combatants and non-combatants on the battlefield, **between military and civilian targets, recognize when a combatant surrenders or is hors de combat**, not have indiscriminate effects, **individuate the use of force and not target a certain category of people, not be of a**

*use of force and precaution* prior to engagement;

*nature to* cause unnecessary suffering to persons, *nor cruel or degrading treatments*, not be biased or be trained on biased data, and be *used* in compliance with the IHL *general* principles of *humanity, distinction, proportionality, precaution and the principle* of military necessity prior to engagement *and in attack*; *underlines the importance of the quality of algorithms, original data and ex-ante review of decision-making processes*;

Or. en

## **Amendment 9** **Urmas Paet**

Compromise amendment replacing Amendment(s): 46, 47 and 48

### **Draft opinion** **Paragraph 8**

#### *Draft opinion*

8. Stresses that in the use of AI-enabled systems in security and defence, *full* situational understanding of the operator, ability to detect possible changes in circumstances and ability to discontinue an attack are needed to ensure that IHL principles, in particular distinction, proportionality and precaution in attack, are fully applied across the entire chain of command and control; stresses that AI-enabled systems must allow the military leadership to assume its full responsibility *at all times*;

#### *Amendment*

8. Stresses that in the use of AI-enabled systems in security and defence, *comprehensive* situational understanding of the *human* operator, *predictability and reliability of the AI-enabled system, as well as the human operator's* ability to detect possible changes in circumstances and *operational environment and* ability to *intervene in or* discontinue an attack are needed to ensure that IHL principles, in particular distinction, proportionality and precaution in attack, are fully applied across the entire chain of command and control; stresses that AI-enabled systems must allow the military leadership to *exert meaningful control, to* assume its full responsibility *and be accountable throughout each of their uses*;

Or. en

## **Amendment 10** **Urmas Paet**



Compromise amendment replacing Amendment(s): 53 and 54

**Draft opinion**  
**Paragraph 9**

*Draft opinion*

9. ***Calls on*** states to carry out an assessment ***of*** how autonomous military ***devices have*** contributed to their national security and what their national security ***can*** gain from ***AI-enabled*** weapon systems, in particular as regards the potential of such technologies to ***reduce*** human ***error, thus enhancing the implementation of IHL*** principles;

*Amendment*

9. ***Encourages*** states to carry out an assessment ***on whether and*** how autonomous military ***device shave*** contributed to their national security and what their national security ***could*** gain from ***AI-enabled*** weapon systems, in particular as regards the potential of such technologies to ***support and enhance*** human ***decision-making in compliance with IHL and its*** principles;

Or. en

**Amendment 11**  
**Urmas Paet**

Compromise amendment replacing Amendment(s): 20, 57, 58, 59 and 62

**Draft opinion**  
**Paragraph 10**

*Draft opinion*

10. Calls on the HR/VP, in the framework of the ongoing discussions on the international regulation of lethal autonomous weapon systems by states parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW), to ***help streamline the global debate on core issues and definitions where consensus has not been reached, in particular as regards*** concepts and characteristics of ***AI-enabled*** lethal autonomous weapons ***and*** their functions ***in the identification, selection and engagement of a target, application of the concept*** of human responsibility ***in the use of AI-enabled systems in defence***, and the degree of human/machine interaction, including the

*Amendment*

10. ***Recalls the European Parliament's position on autonomous weapons systems to not enable strikes to be carried out without meaningful human intervention of 12 September 2018; calls on the HR/VP, the Member States and the European Council to adopt a common position on autonomous weapons system, that ensures meaningful human control over the critical functions of weapons systems, including during deployment; reaffirms support to the work of the UN CCWGGE on LAWs, which remains the relevant international forum for discussions and negotiations on the legal challenges posed by autonomous weapons systems; calls for all existing multilateral efforts to be accelerated so that normative***

concept of human control and judgment, during the different stages of the lifecycle of an *AI-enabled* weapon.

*and regulatory frameworks are not outpaced by technological development and new methods of warfare; calls on the HR/VP, in the framework of the ongoing discussions on the international regulation of lethal autonomous weapon systems by states parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW) to remain engaged and help advancing, without delay, the effort to develop a new global normative framework and a legally binding instrument, focused on definitions, concepts and characteristics of emerging technologies in the area of lethal autonomous weapons systems, ethical and legal questions of human control, in particular with regard to their critical functions, such as target selection and engagement, retention of human responsibility and accountability and the necessary degree of human/machine interaction, including the concept of human control and human judgment, to ensure compliance with international humanitarian and Human Rights law during the different stages of the lifecycle of an AI-enabled weapon, with a view to agree tangible recommendations on the clarification, consideration and development of aspects of the normative framework on emerging technologies in the area of lethal autonomous weapons systems;*

Or. en