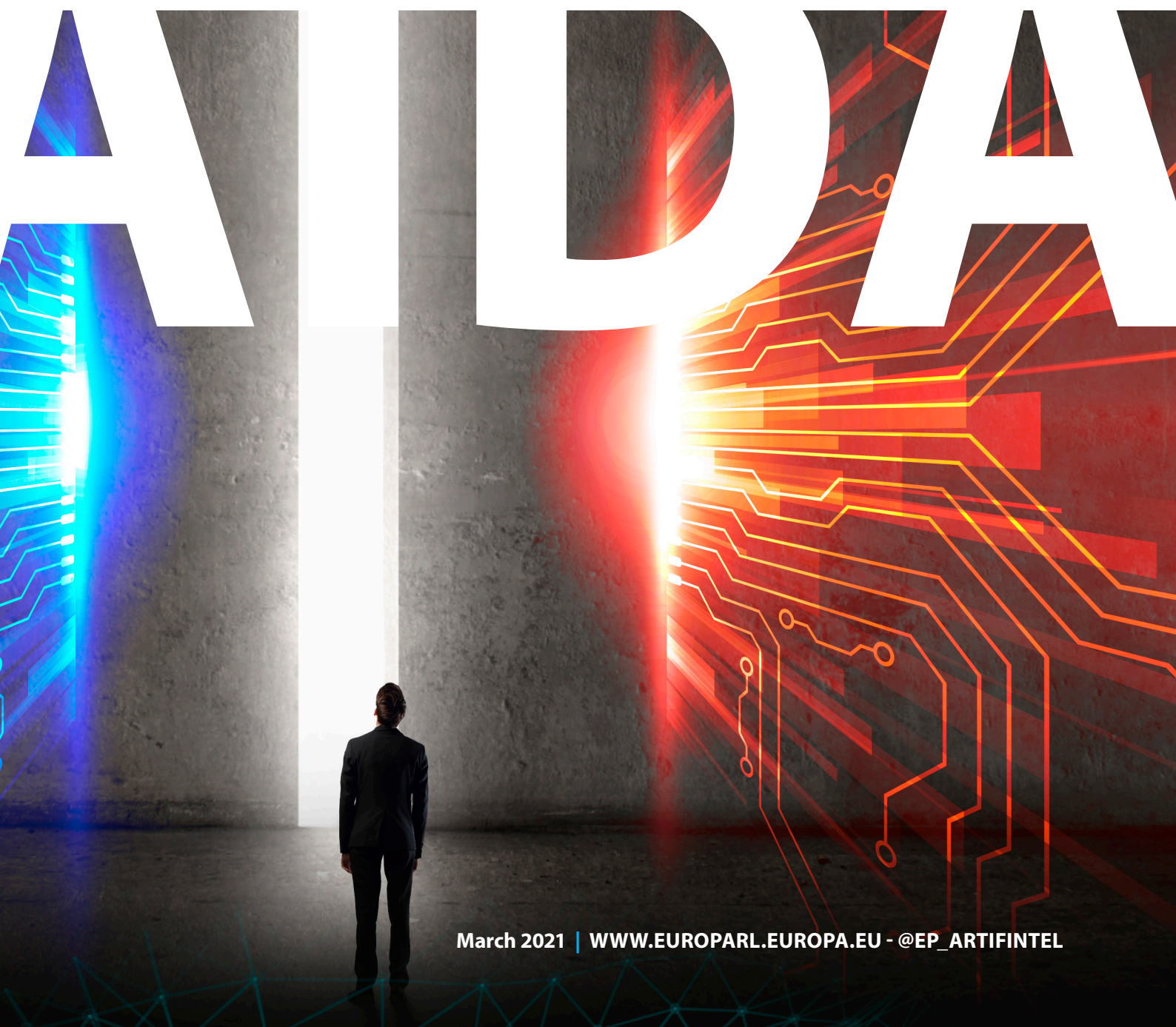


AIDA Working Paper on 'The External Policy Dimensions of AI'

following the AIDA/AFET/SEDE public hearing on 1 and 4 March 2021



Introduction



At the AIDA Committee meeting of 1 and 4 March 2021, in cooperation with the Foreign Affairs Committee (AFET) and the Sub-Committee on Security and Defence (SEDE), the AIDA Committee explored the opportunities and obstacles to greater transatlantic cooperation on AI, by holding two panel discussions bringing together AI leaders from across government, industry, and international civil society. The key takeaways from both panels are summarised below, followed by contributions on the outcome of the hearing made by the European Parliament political groups. A recording of the event is available via the AIDA Committee website¹.

In its pursuit of human-centric and trustworthy AI, the EU has an objective of building fair AI systems that serve society and are compliant with existing legal frameworks at national, European and international level. Drawing on its strengths in research, robotics, industrial data, as well as a strong legal framework for data protection based on the GDPR, the EU has the potential to be at the forefront of the global regulatory challenge that will define how the world develops and implements AI technologies.

On 2 December 2020, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy issued a [joint communication](#)² on a new EU-US agenda for global change. One of the four focus areas - trade and tech - set out a recommendation that the EU and US enter into a transatlantic 'AI Agreement' in a greater drive to strengthen multilater-

alism and regulatory convergence in the digital economy. Building on the shared value of human-centric AI, the agreement would set a blueprint for global AI standards that is fundamentally values-driven and consistent with the framework of existing legal norms set out in international law.

Across the Atlantic, similar developments are underway. In a November 2020 [Majority Report](#)³ of the Committee on Foreign Relations, the US Senate set out its vision on how increased EU-US cooperation can "shape the future of technology" and influence global standard-setting, while addressing the risks of lagging behind China in the future development of AI. Meanwhile, the US National Security Commission on Artificial Intelligence (NSCAI) has been tasked with adopting expert recommendations on advancing the development of AI in a security and defence context. As regards transatlantic cooperation on this front, in its Third Quarter Recommendations to the US Congress, the NSCAI proposed a Strategic Dialogue for Emerging Technologies (SDET) between the United States and the European Union (in the meanwhile, the NSCAI has issued its Final Report⁴).

In the field of cybersecurity, defence, and AI-enabled and autonomous weapon systems, there is also scope for more global regulatory dialogue. The new EU Cybersecurity Strategy⁵ was adopted jointly by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy on 16 December 2020. Regarding in particular future regulato-



ry cooperation on LAWS (lethal autonomous weapon systems), many questions remain to be addressed at international level. The European Parliament has expressed its position⁶ on LAWS, calling for a ban thereof and recalling that the development and use of LAWS raises fundamental ethical concerns. The European Commission High Level Expert Group referenced the Parliament's position in its Ethics Guidelines for Trustworthy AI⁷.

Against this backdrop, and amidst recent and forthcoming EU legislative activity aimed at regulating AI, the AIDA Committee, together with AFET and SEDE, saw an opportunity to deepen the debate on the external policy dimensions of AI and explore regulatory and legislative measures to support it. Looking at not only the EU-US partnership, but also beyond to strategic rivals such as China, time is of the essence in build-

ing regulatory and policy consensus on AI ahead of the EU's 2030 Digital Decade.

Summing up the two panel discussions, AIDA Chair Dragoş Tudorache made the following statement: "As we prepare, at the European level, multiple and complementary pieces of legislation setting the rules of the digital world, we need to also start promoting our views, values, and rules around the world. For the EU to become a global geopolitical actor, we need to adapt our foreign policy and external action to the digital future, and a key component of this is strengthening the digital transatlantic partnership. The EU and the US are both founded on the values of freedom, human rights, democracy, and the rule of law. These values need to serve as cornerstones for the global digital future."

1 AIDA website, <https://www.europarl.europa.eu/committees/en/aida>

2 JOIN(2020) 22 final JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL - "A new EU-US agenda for global change"

3 The United States Senate Committee on Foreign Relations Majority Report November 2020 - "The United States and Europe - A Concrete Agenda for Transatlantic Cooperation on China"

4 NSCAI Final Report, <https://www.nscai.gov/>

5 JOIN(2020) 18 final JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL - "The EU's Cybersecurity Strategy for the Digital Decade"

6 European Parliament resolution of 12 September 2018 on autonomous weapon systems (2018/2752(RSP)); see also: European Parliament resolution of 20 January 2021 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 (2020/2013(INI))

7 Ethics guidelines for trustworthy AI, 9 April 2019, High-Level Expert Group on AI, p. 34

Key takeaways:

Panel 1: “AI Diplomacy and Governance in a Global Setting: Towards Regulatory Convergence?”

International cooperation on AI is growing in importance across a broad range of UN agencies and initiatives. Irakli Beridze (Head of Centre for AI and Robotics, United Nations Interregional Crime and Justice Research Institute - UNICRI) informed Members that, since the establishment of its specialised Centre for AI and Robotics in the Hague in 2017, UNICRI has contributed to a range of UN-backed initiatives centred on increasing international cooperation on AI, including the Secretary-General’s High-Level Panel on Digital Cooperation and the AI for Good Summit. **Within its mandate on crime prevention, criminal justice, rule of law and security, UNICRI supports Member States through soft law approaches and knowledge development on how AI is used in the context of crime prevention, counter-terrorism, and law enforcement.** Mr Beridze stated that, **in addition to developing operational AI toolkits and supporting capacity development, the Centre for AI and Robotics organises an annual Global Meeting on AI for Law Enforcement in partnership with INTERPOL**, which serves as a unique platform for dialogue and cooperation on AI between law enforcement agencies, industry, academia and civil society. The platform is committed **to developing AI in a way that respects human rights and observes the principles of fairness, accountability, transparency and explainability.**

In terms of geopolitics, **AI has become an area of strategic importance, in view of its potential to help solve a multitude of global societal challenges** according to Kristin de Peyron (Deputy Managing Director for Human Rights – Global and Multilateral Issues, European External Action Service - EEAS). Ms de Peyron reiterated that while AI regulation is still in its infancy, the nascent EU approach differs from that of China and Russia, but also to some extent from that of the US. Ms de Peyron explained that the rationale of the forthcoming EU legislative proposal on AI would be to set forth a balanced regulatory framework based on an ecosystem of excellence and trust. Making a connection to the Joint Communication to the European Parliament and the Council on strengthening the EU’s contribution to rules-based multilateralism⁸, Ms de Peyron also highlighted that, with its approach to AI, **the EU aims to push for a globally competitive AI framework that is human-centric, human-rights based, and respects EU values.** Ms de Peyron noted that the EU should both leverage the Single Market’s attractiveness and use active regulatory cooperation in order to play a prominent role in helping to help shape global AI norms and standards. **Finally, in line with the proposed transatlantic AI**

agreement, Ms de Peyron stressed that this is an area where EU-US cooperation is welcome and important.

Bruno Sportisse (CEO, GPAI Centre of Expertise in Paris, National Institute for Research in Digital Science and Technology - INRIA) highlighted that INRIA is engaged on several fronts in advancing the international regulatory dialogue on AI. Its Regalia Project “aims to build a software environment for testing and regulation support to deal with the risks of bias and disloyalty generated by the algorithms of digital platforms”⁹. **In addition to regulatory innovation, Europe has work to do in building greater capacities in digital skills and education, as well as gaps in funding for R&D, both of which remain structural challenges to building a European workforce and entrepreneurial base equipped to harness the future of AI.**

Countries in Latin America are also looking towards the transformative potential of AI, with a long-term vision emerging for the continent’s transition to a data-based economy, according to Agostinho Almeida (Head of the Centre for the Fourth Industrial Revolution in Colombia (C4IR.CO), affiliate to the World Economic Forum). In terms of Latin American regulatory cooperation on AI, Mr Almeida also mentioned several ongoing projects taking place in cooperation with the World Economic Forum and CAF, focused on the strategic use of data and AI in the public sector in Latin America as well as the development of AI-related public procurement guidelines.

Across the Atlantic, legislative and regulatory efforts are underway to harness the full potential of AI. Congresswoman Robin Kelly (US Congress (D, IL)) explained the work undertaken in Congress through the Bipartisan Policy Centre to outline the top priorities for a US national strategy, and how a number of these priorities were eventually taken up as law through the adoption of the National Defense Authorization Act. Congresswoman Kelly also spoke of the persisting issues of bias in AI, in terms of race, gender, and age, stating that: **“Consistently, persons who are older, darker skinned, and women, are the most inaccurately classified by AI. While often unintentional, bad data sets and real-world biases can creep into algorithms. Tech companies cannot hide behind the shield of stifling innovation to avoid all regulation. Companies must be reminded that if things are illegal in the real world, then they are also illegal in an algorithm.”**



Panel 2: “AI, Cybersecurity, and Defence”

In December 2019, **NATO adopted a comprehensive roadmap on emerging and disruptive technologies (EDTs)** and the respective future implementation strategy agreed by the Allies, as stated by Mircea Geoană (Deputy Secretary General, NATO). **EDTs, including AI, are fundamental to the future security of NATO and its Allies, as reflected in the NATO 2030 initiative**, which aims for greater transatlantic collaboration regarding emerging technologies and standard setting. Mr Geoană expressed concern over technological developments carried out with little regard to human rights and data privacy in Russia and China. He called for a common framework for the responsible use of AI based on democratic values and the rule of law.

AI will be addressed in the European Defence Fund’s annual work programmes as it is a key enabling technology for most defence capabilities, according to Francois Arbault (Director for Defence Industry, DG DEFIS, European Commission). **Concerning the forthcoming European Commission proposal for a horizontal legal framework for AI, military uses of AI will not be covered, as the legal basis does not allow for it.** However, the risk-based approach proposed in the draft Regulation foresees mandatory requirements for high-risk AI systems, which could include: use of high-quality training data which respects EU rules and values; record keeping of relevant documentation regarding the data, algorithm and the programming and training of AI systems; provision of information on AI systems’ performance; robustness and accuracy requirements; and human oversight. **As regards the important question of LAWS, the EDF Regulation requires that all R&D projects funded under the Fund be fully compliant with relevant international, EU and national law as well as the ethical principles reflected therein.**

Autonomous systems are considered as a game-changer in military operations, but under the principle of orthogonality, the actions and the results of the system will remain within the boundaries set by man, hence remaining controllable. However, without an internationally agreed upon definition of Meaningful Human Control (MHC), it is not possible to fully prohibit LAWS that do not have MHC. Pieter Elands (Program Manager Unmanned Systems, TNO) presented the main principle of achieving Meaningful Human Control, the Orthogonality Principle, crucial to the field of autonomous systems. Applying this concept, Mr Elands stated that it is possible to constrain the actions of machines and set achievable goals for them in accordance with ethical and legal restrictions. Mr Elands described the TNO’s

framework for meaningful human control in a military context, which is based on the exercise of control and accountability through detailed explanations before, during and after a mission.

In moving towards the international regulation of autonomous weapons systems (AWS) which include military applications of AI, effective international legal regulation in this area must include both positive obligations to retain meaningful human control as well as prohibitions on certain types of weapons systems, according to Elizabeth Minor (Advisor, Article 36 NGO). Ms Minor commended the European Parliament’s 2018 and 2021 resolutions regarding an international treaty on autonomous weapons, and stated that Europe should play a leading role in setting the standards and endorsing an international treaty. Ms Minor highlighted **the role of the European Defence Fund in drawing a legal line against the support of certain autonomous weapons that cannot be meaningfully controlled.**

Gilman Louie (Commissioner, US National Security Commission on AI - NSCAI) emphasized **the need for the United States, the EU, and EU Member States to “get AI right”** and further advance economic prosperity and international security. Mr Louie acknowledged the challenges of the transatlantic relationship, however, he encouraged **the creation of a high-level Strategic Dialogue on Emerging Technologies**, which would foster consensus on ethics and reinforce democratic values. **The NSCAI has also proposed an Emerging Technology Coalition of democratic nations.**

The minimum requirements for meaningful human control are the combination of situational understanding and options for intervention of a human operator, according to Anja Dahlmann (Head of Project - International Panel on the Regulation of Autonomous Weapons (iPRAW), German Institute for International and Security Affairs). **International efforts to regulate and define MHC may best be geared not towards an international treaty, but a mix of hard law measures and dynamic soft-law mechanisms - a “Treaty Plus” approach.** According to Ms Dahlmann, the EU’s contribution to the norm-making process is already well under-way, and a definition of meaningful human control can be consolidated through a Common Position, as mentioned in the Parliament’s resolution of January 2021¹⁰, where Member States can provide contributions and translate the main principles into national and international law.

8 JOIN(2021) 3 final JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL - “Strengthening the EU’s contribution to rules-based multilateralism”

9 INRA, “For algorithm control”, <https://www.inria.fr/en/algorithm-control>

10 European Parliament resolution of 20 January 2021 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 (2020/2013(INI))



The European People's Party Group (EPP)

The EPP Group believes using AI in the defence sector ensures the EU's strategic autonomy and resilience. While addressing the ethical concerns raised by AI-based defence systems, the EU should not overregulate their use, as otherwise we risk lagging behind our competitors at global level such as the US, China and Russia.

AI-enabled military systems must be subject to meaningful human oversight and control. Humans shall remain ultimately responsible for the decision to select a target and to take lethal action by means of autonomous weapons systems.

The development and improvement of AI requires infrastructure - in particular, the growing need for AI data centres, as AI algorithms need training with a lot of data in order to become reliable tools.

To ensure the rapid development of defence capabilities, investments in R&D are key. The EPP Group highlights the European Defence Fund, aiming at supporting the cooperation across the EU to foster innovation and develop defence technology and products.

Democratic nations should join forces to promote the responsible use of AI, to set international standards, interoperability and data sharing - EU-US-NATO cooperation is a must.



The Progressive Alliance of Socialists and Democrats Group (S&D)

The EU should shape the AI revolution globally by promoting its values such as respect for fundamental rights, democracy, non-discrimination and inclusivity. The EU must closely cooperate within all international fora towards setting international standards. Such international cooperation should be transparent and include a critical and ethics-based dialogue with third countries that might pursue alternative models of AI regulation. The EU should assess which bilateral and multilateral treaties should be adjusted, to consistently promote the European model of ethical compliance globally.

An EU Agency for AI could help in making Europe a world leader, to address the opportunities and risks inherent in AI. No EU technology must be exported to authoritarian regimes and used for repression purposes. Technologies such as cyber-surveillance and biometric recognition should fall under the possible EU export restrictions. When it comes to AI-based weapons systems, we call for standards and an international ethics code of conduct to underpin the deployment of such AI technologies in military operations, in full respect of international humanitarian law and human rights law, and in compliance with Union law and values. Killer robots should be banned altogether.



The Renew Europe Group

The external policy dimension is a crucial aspect of the EU's long term vision of AI. The EU should play an increasingly influential role at the global stage while cooperating at international level with like-minded partners who share the same democratic values and protect the fundamental rights of their citizens. Such cooperation in the digital field should be a key component of the trans-Atlantic partnership that could become a model for future cooperation with other countries. Multilateral organisations, such as G7, G20, NATO and the OECD should also aim at creating an efficient model of AI governance. The need for strengthened international regulatory convergence is especially relevant for the defence area where the EU should proactively influence AI developments worldwide in line with European values and fundamental rights. The condition of meaningful human control when it comes to lethal autonomous weapons should always be respected. The European Defence Fund is a good starting point for incentivising Member States to invest more in R&D that is based on strong ethical safeguards.



Greens/European Free Alliance

The human-centric approach is central: focus diplomacy on establishing international legal norms and regulations, which allow technological progress while respecting our core principles, fundamental rights and freedoms. New international rules should prevent the spread of cyber warfare, intrusion, and surveillance technology. Denying the export of high-end semi-conductors and their production technology to authoritarian states is of key importance. At the same time, it is important to strengthen trade and economic cooperation between like-minded democracies on AI and its computational components.

The most challenging use of AI is lethal autonomous weapon systems without meaningful human control. Based on the 2018 position of the European Parliament, which is now legally codified in the regulation establishing the European Defence Fund, the HR/VP, the Commission, the Council and the Member States should implement nationally, and promote internationally, a prohibition of LAWS and the concept of meaningful human control for weapons systems.



ECR

The ECR Group considers that the EU and the US are on different paths when it comes to regulating AI and have distinct points of view on data-sharing restrictions and liability agreements. Nevertheless, there is a need for greater cooperation to face strategic competitors, who can challenge our values. Enhanced transatlantic AI cooperation in a security and defence context would therefore be beneficial for both sides. Uneven adoption of AI will threaten military interoperability, and political cohesion and resiliency across our alliances. Given the rapid development of technology across the world, amongst both allies and adversaries, we should, in our action to support the development of AI, minimise the risk of de-synchronization of defence and intelligence activities between the US and the EU.



The Left

The Left supports the UN Secretary-General's message that we must harness technological development for the common good.

While there is a worrying global trend in using AI and technological developments for repressive or manipulative measures, the EU should lead on an alternative path: regulation and protection of fundamental rights. The Left sees with great concern foreign companies and countries trying to deviate and steer us away from this path. The Left is appalled to read that the US Internet Association lobbies the federal government to "act decisively and quickly in order to prevent the rapid expansion of harmful initiatives" in Europe. The Left is further concerned to hear afterwards the U.S. National Security Commission on Artificial Intelligence (NSCAI) chair repeating that "Europe is not going to be successful doing its own third way".

The Left supports the European Citizen Initiative (ECI) launched earlier this year to ban facial recognition in Europe.

Sign here: <https://reclaimyourface.eu>

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