HUMAN RIGHTS IMPLICATIONS OF NEW AND EMERGING TECHNOLOGIES IN THE MILITARY DOMAIN

RESPONSE TO QUESTION/THEME 6

How can the right to equality and non-discrimination be upheld in the design, development, and use of NTMD, especially when they rely on data sets and algorithms that may introduce or amplify bias or discrimination? How can the collection and management of representative data be ensured? How can the transfer and trade of NTMD be effectively regulated?

New and emerging technologies in the military domain are likely to affect African states and communities disproportionately, with conflict increasing on the continent. New technologies like drones have been used in counter-terrorism exercises in Africa with negative effects, leading to several coups in the Sahel and loss of life across Africa. Autonomous weapons systems are likely to amplify Global racial inequalities with many African lives sacrificed in the name of 'precision' and counter-terrorism. Incidences of innocent civilians being killed at weddings in Mali through mistakes made by surveillance drone technologies have already been recorded, and the first use of autonomous weapon system was reportedly seen in Libya. We submit that those who are likely to be most affected should get an equal opportunity for involvement in the making of the Global norms that will govern weapons based on new and emerging technologies, and addressing issues of algorithmic bias should be at the forefront of these principles. This intervention seeks to highlight the importance of developing fully inclusive forums in the discussions on autonomous weapons systems.

The discussions on autonomous weapons systems have happened for almost a decade in the Convention on Certain Conventional Weapons (CCW), which aims to balance between military necessity and humanitarian needs. However, although a group of states (Group of 15) have consistently tried to have the issue of algorithmic bias to be discussed and included in detail, the outcomes have always been disappointing. Problems of algorithmic bias have been extensively documented in academic research and have been acknowledged by civil society but states have often avoided discussing them in relation to autonomous weapons systems.

The focus on International Humanitarian Law (IHL) while neglecting International Human Rights Law (IHRL) has led to the relegation of issues of equality and inclusion to the periphery, making the key issue of algorithmic bias a mere footnote in the discussions.

The CCW discussions have not been fully inclusive, and most states who are likely to be affected by the use of autonomous weapons systems are not involved in the discussions. More than half of the African state population has yet to find the opportunity to participate in the CCW discussions. African states face several challenges in the CCW including having small delegations who cannot be in different forums at the same time, limited resources for training experts and for participating, the structural exclusivity of the CCW, the political costs of going against highly militarised states, the inequality of voice in the discussions, and several other challenges that impede their participation. We therefore suggest the following strategies to address this:

1. discussing the threats, risks and possible regulations of autonomous weapons systems in a forum that is inclusive,
2. incentivising inclusive participation through developing expertise from the Global South,
3. having more youths from the Global South involved, and
4. deliberately including algorithmic bias as a key agenda for discussion in the development of policies on autonomous weapons systems

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