ISSUE BRIEF

INSTITUTE OF STRATEGIC STUDIES ISLAMABAD
Web: www.issi.org.pk
Phone: +92-51-9204423, 24
Fax: +92-51-9204658

REGULATING ARTIFICIAL INTELLIGENCE: UN RESOLUTION AND BEYOND

By
Ghazala Yasmin Jalil
Research Fellow
Arms Control & Disarmament Centre, ISSI

Edited by
Malik Qasim Mustafa

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Artificial intelligence (AI) is all set to revolutionize how militaries operate and conduct future wars. AI is also being incorporated in every facet of life in the civilian domain from ChatGPT to healthcare, education, agriculture, social media, advertising, customer service, financial services, and transport. AI, especially military AI, raises profound ethical and legal questions about human agency and human control. As UN Secretary General, António Guterres, has stated that "Human agency must be preserved at all cost." However, AI has not been adequately regulated at the national and international levels. On March 21, 2024, the UN General Assembly took a "historic step forward" and adopted a U.S.-led draft resolution that highlighted the respect, protection, and promotion of human rights in the design, development, deployment, and use of AI.[1] It represents the first time the Assembly has adopted a resolution on regulating the emerging field of AI. The resolution was adopted without a vote and backed by more than 120 Member States.

The resolution had several elements that are vital for the safe and responsible use of AI. The Assembly called on all Member States and stakeholders "to refrain from or cease the use of artificial

1 "General Assembly adopts landmark resolution on artificial intelligence," March 21, 2024, https://news.un.org/en/story/2024/03/1147831

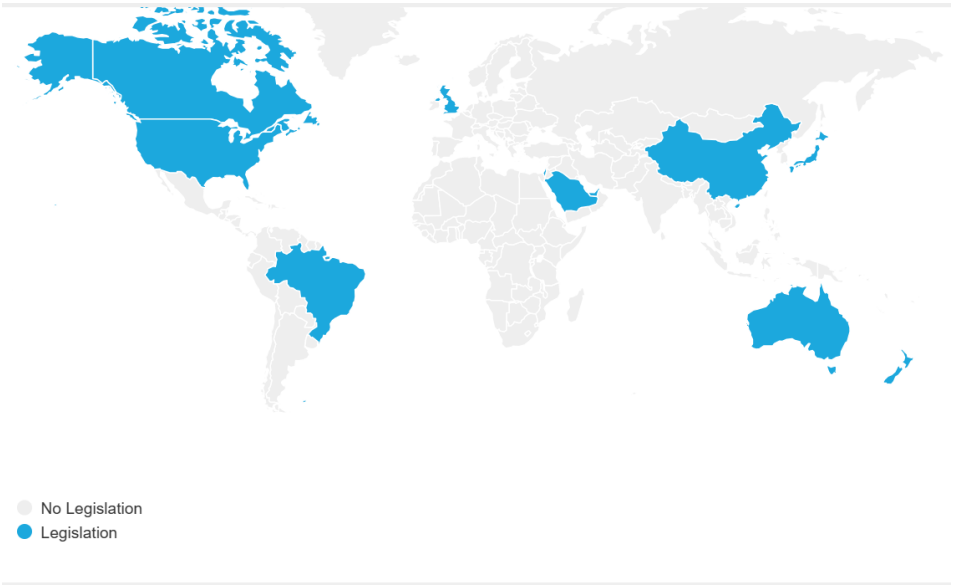
intelligence systems that are impossible to operate in compliance with international human rights law or that pose undue risks to the enjoyment of human rights."[2] It also urged States, the private sector, civil society, research organizations, and the media, to develop and support regulatory and governance approaches and frameworks related to safe, secure, and trustworthy use of AI. At the same time, the Assembly recognized the varying levels of technological development between and within countries and urged states and other stakeholders to cooperate with developing countries so they can also profit from inclusive and equitable access, close the digital divide, and increase digital literacy. Moreover, it also recognized AI systems' potential to accelerate progress towards reaching the 17 UN Sustainable Development Goals (SDGs).

The U.S. Permanent Representative to the UN, Ambassador Linda Thomas-Greenfield, introduced the draft resolution, and said that "inclusive and constructive dialogue that led to this resolution would serve as a model for future conversations on AI challenges in other arenas, for example, with respect to peace and security and responsible military use of AI autonomy."[3] She highlighted that the resolution was designed to amplify the work already being done by the UN, including the International Telecommunication Union (ITU), the UN Educational, Scientific and Cultural Organization (UNESCO), and the Human Rights Council. She underscored the responsibility of the international community "to govern this technology rather than let it govern us".[4]

AI is a vast field. There is already some regulation in the AI field, which is aimed at optimizing the opportunities while mitigating the risks of the technology. Some of the concerns center around ethical use and misuse. There has been an increase in ethical misuse of AI, including deepfake technologies, raising concerns over its potential to exacerbate fake news and propaganda. Another concern is AI as a "Black Box" whereby AI's operations remain unexplained to a large extent, posing challenges in ensuring trustworthiness and interpretability.[5] Other concerns include data privacy and bias concerns. There has been a legislative push worldwide, with 37 AI-related bills passed in 2022 alone, aiming to regulate AI use, and develop frameworks, guidelines, and legislation to govern AI use responsibly.[6]

2 Ibid.
3 Ibid
4 Ibid
5 Anas Baig "An Overview of Emerging Global AI Regulations," July 10, 2023, https://securiti.ai/ai-regulations-around-the-world/
6 Ibid

Global AI Regulations



Source: Anas Baig "An Overview of Emerging Global AI Regulations," July 10, 2023, https://securiti.ai/ai-regulations-around-the-world/

There have been several initiatives taken to regulate the use of AI in the last few years. The G7 agreed on the Hiroshima Process International Code of Conduct for Organizations Developing Advanced AI Systems, "to promote safe, secure, and trustworthy AI worldwide." The U.S. President, Joe Biden, issued an executive order establishing new standards for AI "safety and security, protects Americans' privacy, advances equity and civil rights, stands up for consumers and workers, promotes innovation and competition, advances American leadership around the world,"[7] while the UK hosted the first global AI Safety Summit.[8] There is also the UNESCO Ethics of AI, National Artificial Intelligence Initiative, and the U.S. Blueprint for an AI Bill of Rights provided by the White House Office of Science and Technology Policy identifying five principles that should guide the design, use, and deployment of automated systems to protect the American public in the age of artificial intelligence.[9] However, most of these initiatives are not legally enforceable.

Pakistan also issued the draft national Artificial Intelligence policy under Digital Pakistan Vision in May 2023. It aims to raise awareness among the public on AI, work on developing the existing workforce, invest in R&D, and develop a regulation framework and ethical practices. It prioritizes

7 "Issues Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence," https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/30/fact-sheet-president-biden-issues-executive-order-on-safe-secure-and-trustworthy-artificial-intelligence/

8 Melissa Parke, "Preventing AI Nuclear Armageddon," November 8, 2023, https://www.project-syndicate.org/commentary/dangers-of-artificial-intelligence-ai-applications-nuclear-weapons-by-melissa-parke-2023-11

9 "Blueprint for an AI Bill of Rights," https://www.whitehouse.gov/ostp/ai-bill-of-rights/

four elements: market enablement; AI awareness and readiness; building a progressive and trusted environment; and transformation and evolution.[10] It aims to position Pakistan competitively in the era of the fourth industrial revolution and data-driven digitized governments. It envisages a National AI Coordination Council, a robust regulatory framework, research and development initiatives, and AI innovation hubs. However, observers have pointed out that it lacks in clearly articulating its objectives and measurable goals, lacking clarity and focus which may hinder effective implementation.[11]

Internationally, the most pressing need today is the regulation of Military AI. AI is steadily being incorporated into weapons systems – from drones to Intelligence, Surveillance, and Reconnaissance (ISR) systems, as well as fully or partially autonomous weapons. An even more worrying aspect is the incorporation of AI in nuclear deterrence architectures around the world.[12] James Johnston has argued that there is potential use of AI in Early Warning Systems and ISR, command and control; as well as delivery systems with the increased risk of miscalculation, misperception, and data biases.[13] This makes it imperative to negotiate regulations on military use of AI, especially legally binding agreements on the prohibition of AI use in nuclear weapons complexes.

The U.S. has started an initiative to govern military AI. It issued a Political Declaration on Responsible Military Use of Artificial Intelligence and Autonomy. It is essentially a blueprint for a growing consensus on military use of AI, to herald a safer and more stable use of AI in international politics. However, this document is not a binding instrument, nor is it a detailed framework for international regulation of military AI. More than 50 countries have signed the Declaration including the U.K., Japan, Australia, and Singapore.[14] Historically, the U.S. has resisted full bans in the arms control realm in favor of a softer approach of "responsible use." This Declaration also attempts to outline the norms of responsible military AI use. It does not address the issue of integration of autonomy into nuclear command and control and early warning systems. However, a lot more needs to be done on the use of AI in weapons and military technology. In November 2023, there was progress in this regard as the UN General Assembly's First Committee approved a new resolution on Lethal

10 "Draft National Artificial Intelligence Policy," https://moitt.gov.pk/SiteImage/Misc/files/National%20AI%20Policy%20Consultation%20Draft%20V1.pdf

11 "Decoding Pakistan's National AI Policy 2023 ," IPRI Policy Analysis, July 2023, https://ipripak.org/decoding-pakistans-national-ai-policy-2023/

12 Please see Ghazala Yasmin Jalil, "Artificial Intelligence and Nuclear Weapons: Way to the Future or Path to Disaster?" December 11, 2023, https://issi.org.pk/wp-content/uploads/2023/12/IB_Ghazala_Dec_11_2023.pdf

13 James Johnson, *AI and the Bomb: Nuclear Strategy and Risk in the Digital Ag*e (Oxford University Press, 2023)

14 Michael Depp "The Next Step in Military AI Multilateralism," March 26, 2024, https://www.lawfaremedia.org/article/the-next-step-in-military-ai-multilateralism

Autonomous Weapons (LAWS).[15] As concern was voiced that "an algorithm must not be in full control of decisions involving killing," it expressed concern "about the possible negative consequences and impact of autonomous weapons systems on global security and regional and international stability, including the risk of an emerging arms race, and lowering the threshold for conflict and proliferation, including to non-State actors."[16] Pakistan has been very actively lobbying in the UN for a ban on LAWS.

Conclusion

AI is said to herald the Fourth Age of Industrialization. While AI may wield immense benefits for humanity from healthcare to education, agriculture, social media, advertising, customer service, financial services, and transport, the rapid changes brought about by AI also raise profound ethical concerns. AI is also steadily creeping into military use as well as nuclear deterrence architectures around the world. This can have catastrophic consequences if it is not adequately regulated. AI experts are calling this their "Oppenheimer moment" - the time to claim responsibility to mitigate unintended consequences amid the immense benefits that AI can have.[17] Regulation of military AI is a necessity, not a choice.

Major powers are competing in the field of AI, particularly for military applications of AI. States that lead in this field do not want their advantage to be curbed by international regulations. However, there are concerns that without regulations, this could lead to arms races and potentially destructive outcomes. Humanity stands at the cusp of a new era – we can regulate technology for the benefit of humanity or let it destroy us.

15 "First Committee Approves New Resolution on Lethal Autonomous Weapons, as Speaker Warns 'An Algorithm Must Not Be in Full Control of Decisions Involving Killing," GA/DIS/3731, November 1, 2023, https://press.un.org/en/2023/gadis3731.doc.htm

16 Ibid.

17 Sophie Maccartney, "With AI, regulations must come before benefits," August 17, 2023, https://armscontrolcenter.org/with-ai-regulations-must-come-before-benefits/