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Re Request for updated advisory report on autonomous weapon systems

Dear Mr Chair and Madam Chair,

In October 2015 the AIV and the CAVV presented the government with their joint advisory report, 'Autonomous Weapon Systems: The Need for Meaningful Human Control'. The insights and guidelines contained in that report have since formed the basis of the development of Dutch policy on autonomous weapon systems. The AIV/CAVV recommended reviewing the relevance of the advisory report after five years to assess the extent to which its insights and guidelines are still applicable. The government therefore requests that the AIV and the CAVV update the 2015 report.

The context today is different from that of five years ago. The fields of robotics and artificial intelligence (AI) are advancing rapidly. Stanford University's AI Index 2019 Report shows, for example, that the speed of AI computational capacity is doubling every three months.¹ At the same time, talks on this subject in the framework of the Group of Governmental Experts on Lethal Autonomous Weapons Systems (GGE LAWS), mandated by the States Parties to the Convention on Certain Conventional Weapons (CCW), have yielded new insights. There is agreement on 11 'Guiding Principles' concerning the development and use of autonomous weapon systems. Under these principles, there must always be a certain degree of human involvement in the use of autonomous weapon systems in order to meet the requirements of international law. With these principles the participating countries emphasise that humans will always retain responsibility for the use of weapon systems, as machines cannot render account for their actions. The practical

¹ https://hai.stanford.edu/sites/g/files/sbiybj10986/f/ai_index_2019_report.pdf.

application of these and other principles – as has been government policy in recent years – nevertheless needs to be elaborated in more detail in the run-up to the five-yearly CCW Review Conference, to be held in 2021.

Given the above developments, the government would like to have an update to the 2015 AIV/CAVV advisory report. Although the questions the government posed in 2015 can be used again, in part, to structure the report, the government has also identified a number of additional issues that are relevant in the current context. The government therefore presents the AIV and the CAVV with the following questions to be addressed in the advisory report:

1. The 2015 advisory report concluded that if the Dutch armed forces are to remain technologically advanced, autonomous weapons will have a role to play, now and in the future. The government shares this view. Moreover, the investments being made by a large number of countries in the development of autonomous military applications show that autonomous weapon systems and technologies are increasingly set to be a part of the military toolkit. At present, China, Israel, Russia and the United States are the leading players in the development of this technology. Given the predicted strategic impact of autonomous weapon systems and technologies, the government believes that arms control initiatives make sense only if all the relevant players take part.

How, in the view of the AIV and the CAVV, do potential arms control initiatives relate to national and allied security perspectives on the development of autonomous weapons? What role do the AIV and the CAVV see for Dutch efforts at NATO level with a view to the defence of the Alliance, and for defence cooperation at EU level?

2. In the 2015 report the AIV and CAVV concluded that the deployment of autonomous weapons must always involve meaningful human control in order to meet the requirements of international law. The government agrees with this view. There is also agreement at international level that there is a link between human involvement and the requirements of international law. The substance of this human role, however, needs to be elaborated in more detail. How do the AIV and the CAVV believe the substance of that role should be shaped?

3. While the Netherlands is committed to the concept of 'meaningful human control', other countries are opting for concepts such as 'supervision' or 'intervention' to express the interaction between humans and machines. Do the AIV and the CAVV see scope for reaching international agreement on a concept that is supported by a majority of countries but is at the same time sufficiently comprehensive to safeguard the underlying principles inherent to 'meaningful human control'?

4. In its response to the 2015 advisory report, the government rejected out of hand the development and use of fully autonomous weapon systems because, in accordance with the advisory report, it took the view that the use of such systems is incompatible with the

requirements of international law. Do the AIV and the CAVV still maintain this position, and if so, can they explain which provisions of international law this position is based on?

5. In 2015 the AIV and the CAVV argued that a moratorium on the development and use of fully autonomous weapon systems was neither expedient nor feasible. Five years on, do they still maintain this position, or do they see grounds for revising this view?

6. In the public debate on autonomous weapon systems there have been loud calls for a legally binding ban on such systems. In the 2015 advisory report the AIV and the CAVV argued that such a ban was neither necessary nor expedient, because the current international legal framework was adequate to regulate the development and use of autonomous systems. Is this still the position of the AIV and the CAVV?

7. Since its establishment the GGE LAWS has made progress towards achieving an international consensus on the principles underlying the development and use of autonomous weapons. The 11 Guiding Principles are the most visible example of this. What is the AIV and the CAVV's assessment of these principles, bearing in mind the Netherlands' need to define its position in the debate on the further elaboration of the Guiding Principles in the run-up to the CCW Review Conference?

8. Developments relating to artificial intelligence and autonomy are largely taking place within the private sector. In the view of the AIV and the CAVV, do government authorities have sufficient insight into these developments? Could Dutch government authorities play more of a steering/supervisory role in this regard?

9. In the context of autonomous weapon systems, concerns are sometimes expressed about the risk of non-state actors, particularly terrorist groups, acquiring such systems. To what extent do the AIV and the CAVV consider this risk likely, and if so what should government authorities do to address it?

The government would be grateful if the AIV and the CAVV could submit their advisory report well in advance of the CCW Review Conference in 2021.

We look forward to receiving your report.

Yours sincerely,

Stef Blok
Minister of Foreign Affairs

Ank Bijleveld
Minister of Defence