

# How to prepare a Legal, Ethical and Assurance Program Plan for Emerging Technologies Anticipating an Art 36 weapon Review (in 6 easy steps)

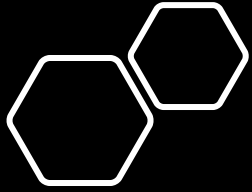
*Damian Copeland*  
*Director*

*Ethics Uplift Workshop*  
*23 November 2021*

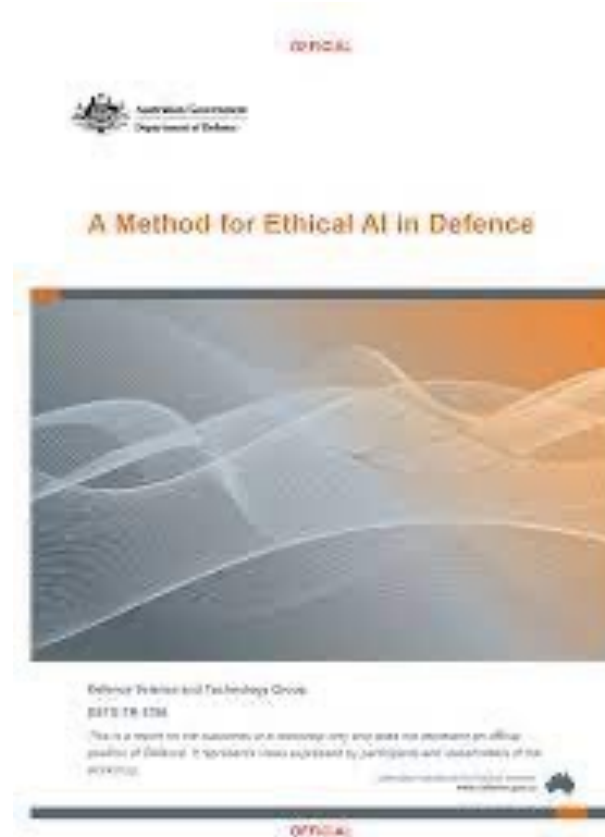
The logo for the International Weapons Review (IWR) features the letters 'IWR' in a bold, red, sans-serif font. The letters are positioned within a large, light gray hexagonal shape that has a white outline. The hexagon is slightly offset to the right of the center of the slide.

**IWR**

International Weapons Review



# 1. Understand what a Legal, Ethical and Assurance Program Plan is.



Ethical AI Checklist



Ethical AI Risk Matrix



LEAPP

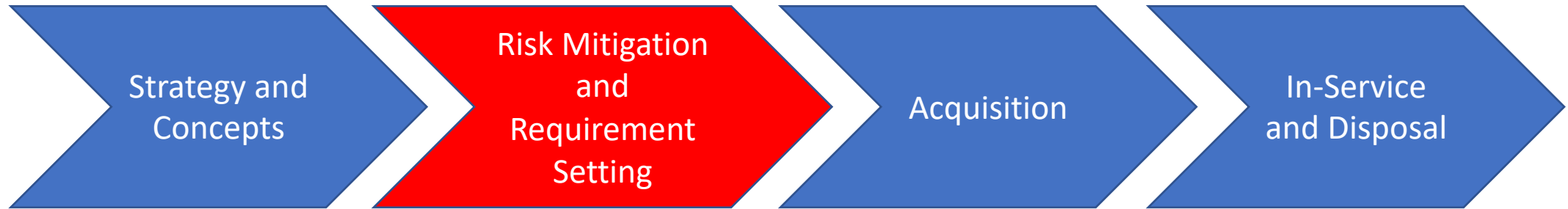
Evidence based, legal and ethical **risk identification and mitigation process** for AI projects above a certain threshold

i.e. all AI projects subject to an Article 36 weapon review.

## 2. Understand what a LEAPP is intended to achieve

Describes the **Contractor's plan** for assuring AI meets the Commonwealth's legal and ethical assurance requirements.

### 3. Understand how LEAPP may fit within the Product Life Cycle?



Joint Capability Needs Statement allows initial **Defence LEAPP analysis**.

**Defence LEAPP analysis** may inform:

- Requirements Statement,
- Technology Risk Assessment,
- Business Case,
- Test & Eval Plan,
- Industry Engagement,
- Tender Documentation,
- Interim Art 36 Review.

**Contractor LEAPP** may inform the Article 36 weapon review.

**Contractor updated LEAPP** may inform the requirement for further Article 36 weapon review.

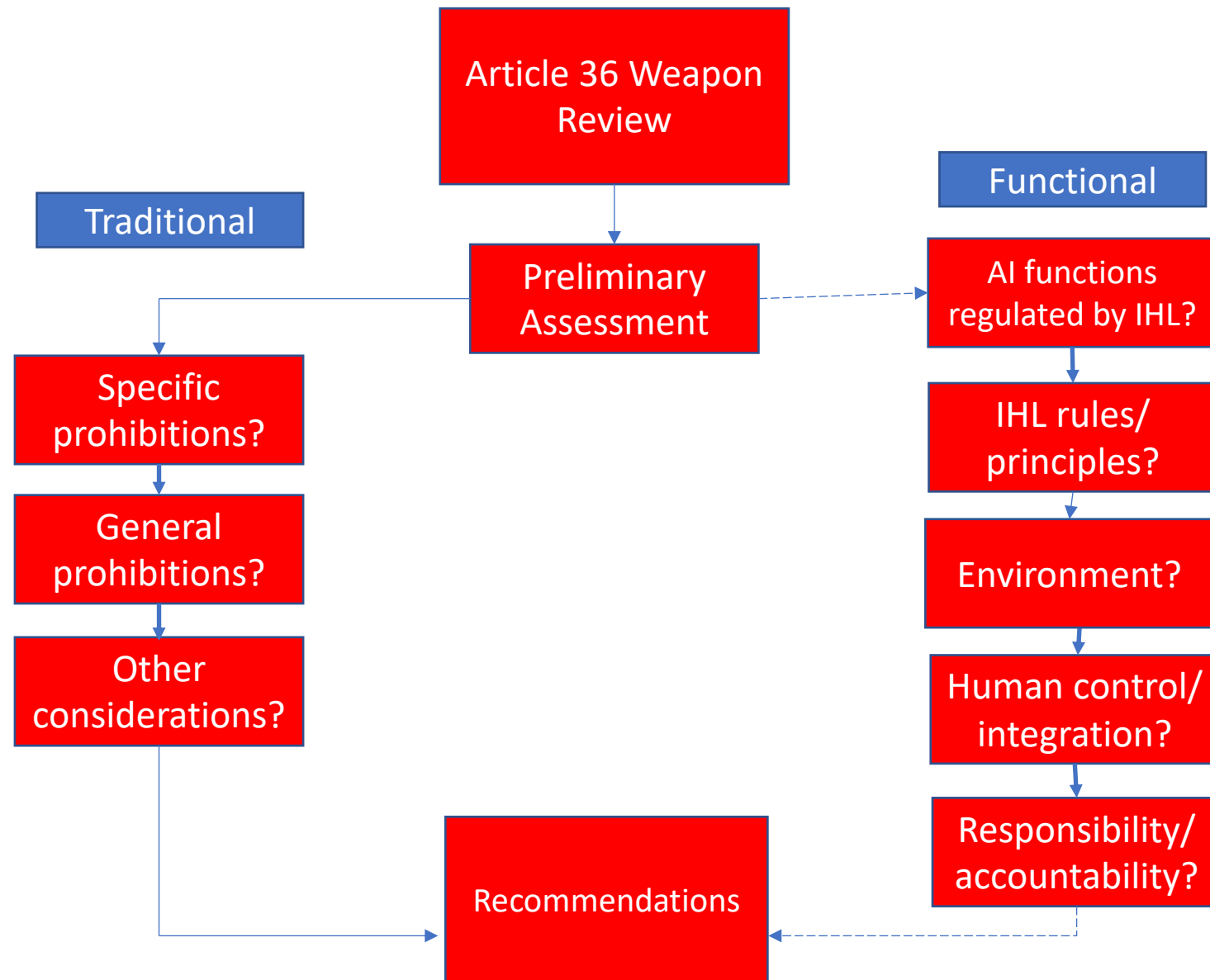


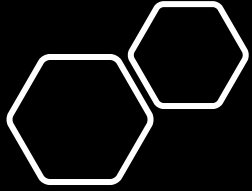
## Article 36 Reviews

## Article 36 to AP I

*'In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party'*

## 4. Understand what an Article 36 weapon review of an AWS may consider?

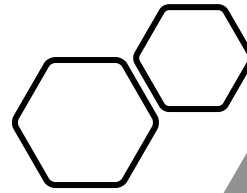




# 5. Anticipate potential LEAPP content requirements

- Project/ capability including a description of:
  - normal or expected use including means of causing weapon effect
  - anticipated operating environment(s) and operational context(s)
  - hardware/ software/ system type and design
  - human/ machine integration design
  - autonomous functions
  - data sources and requirements
- Description of AI decisions (planning/ executive) governed by IHL
- Description of relevant IHL rules and principles (direct/indirect) and their application to capabilities normal or expected use
- Environmental/ operational factors relevant to AI functions/ risk
- Legal risk identification method/ frameworks
- Test, evaluation and validation method(s)/ process(es)
- Risk identification and mitigation report format
- Defence engagement plan
- Ongoing risk analysis/ assurance/governance plan

## 6. Know who to contact for advice



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