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مقاله مروری

The Military Use of Artificial Intelligence in Armed Conflict: States Protective Obligations Stemming from IHL

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Abstract

Artificial intelligence (AI) by integrating into weapons systems not only increased the autonomy of these systems, but also due to the lack or poor human control of their use, has highlighted the responsibility of states to protect humanitarian laws. Therefore, the question arises as to whether there are any IHL rules to limit the use of autonomous weapons systems (AWS) in armed conflict. The author believes that new technology does not necessarily need new laws. Although there is no international treaty on the use of AWS in armed conflicts, it is possible to design, regulate and develop the use of AI-based weapons in armed conflicts by resorting to the IHL principles- i.e. the principles of distinction, proportionality, humanity and the prohibition of unnecessary suffering on the one hand and by relying on the general obligations of states to ensure respect for IHL and specific obligations to legal reviews of new weapons, precautions in attack and arms control on the other. However, incorporating the principles of distinction, proportionality and precautions into AI is not yet technically possible or imaginable. Thus, significant human control is necessary to ensure compliance of AWS with IHL. Based on this fact, humanitarian law demands a human-centered approach for the design, production, development and use of military AI in armed conflicts.

Key words: AI; Armed Conflicts; Principle of Distinction; Principle of Proportionality; Martens Clause; Precautions in attack; Legal Reviews.

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