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Ensuring lawful and ethical use of artificial intelligence in warfare

Motion for a resolution
tabled by the Committee on Legal Affairs and Human Rights

This motion has not been discussed in the Assembly and commits only those who have signed it

The emergence of use of artificial intelligence (AI) technologies in warfare presents profound implications for the respect for human rights and international humanitarian law (IHL). While AI may offer substantial advantages in speed, efficiency, and decision-making capabilities on the battlefield, it simultaneously raises significant ethical and legal concerns. AI-enabled tools and weapons are already being deployed on an ever-growing scale in armed conflicts, such as those in Gaza and Ukraine.

Such systems might not be able to distinguish between a soldier with a weapon and a civilian with a harmless object, leading to potential unlawful uses of force.

Moreover, the use of AI-enabled surveillance tools and lethal autonomous weapons systems (LAWS) can exacerbate the opacity and unpredictability of military operations. Ethical and legal concerns become even greater when these systems lack sufficient human oversight, leading to possible accountability gaps. This underscores the necessity for strict regulatory frameworks to govern their use, as noted by the Parliamentary Assembly in Resolution 2485 (2023). While the new Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225) excludes defence matters from its scope, States continue to be bound by IHL rules and human rights instruments when using AI for military purposes. These include the principles of distinction, proportionality, necessity and precaution.

Given these concerns, the Assembly should analyse the compliance of the use of AI-based military systems with human rights and IHL, focusing on their ability to distinguish between combatants and non-combatants and the potential for critical errors leading to civilian casualties. It should also examine the extent of human oversight required to ensure accountability. The Assembly could make proposals to States and relevant international actors with a view to adapting the existing international regulatory framework to the ever-changing challenges posed by AI in this area.