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A Less Dangerous Use of AI in Armed Conflicts? Decision Support Systems under the Lens of International Law

Unlike Autonomous Weapon Systems (AWS), Decision Support Systems (DSS) provide recommendations for the identification of legitimate targets and the execution of attacks, leaving the final decision on target selection and engagement to human commanders and operators. In fact, their use has long gone unnoticed in diplomatic and legal debates, on the assumption that these systems are in no way meant to oust humans from critical decision-making processes.

Recent reports on the extensive use of DSS by the Israeli Defense Forces (IDF) in the Gaza war have dramatically exposed how flawed this assumption was. The investigation into the use of the so-called “Lavender” system showed how the pervasive integration of AI into decision-making processes, even when not taking the humans out of the loop, can profoundly affect the conduct of hostilities. Against this backdrop, and taking Lavender as a case study, the present lecture will explore the legal challenges that may arise from the use of AI-based DSS in the targeting process, focusing on three main risks: automation bias, oversimplification of relevant norms and accountability gaps.

Ethical and Legal Approaches to the Autonomy of AI Systems (*panel discussion*)

Salient properties required for autonomous decision-making will be examined, exploring how far we are in the process of ensuring these properties in current AI systems. Moreover, the legality of Autonomous Weapons Systems (AWS) will be examined, focusing on whether AWS may align with International Humanitarian Law (IHL) and its principles of distinction, proportionality, and precaution. Finally, the two-tiered approach to prohibiting and regulating AWS, advanced by the International Committee of the Red Cross (ICRC), will be examined. The moral foundations of the ICRC distinction between regulated versus prohibited systems will be explored, as well as the moral foundations for the specific requirements for human control in regulated systems.