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Artificial Intelligence and International Law

Artificial intelligence has become a key instrument of human progress in recent years and influences everyday processes, for example in medical care, speech recognition or the aggregation of information. Furthermore, the integration of artificial intelligence-enabled decision support systems into weapon systems and decision-making processes of governments and the military can already be observed and will further develop in the future. Ultimately, technology-based decisions, *inter alia*, on war and peace, life and death, the length of prison sentences, or the creditworthiness of individuals have explosive implications politically and individually. That is why, despite the technical nature of this topic and as we will explore together in this seminar, artificial intelligence must not only be addressed from the perspective of international law but must also adhere to it.

In addition to a fundamental positioning of artificial intelligence and algorithm-based decisions in international law and the examination of the potential of ethical behavior by AI in international law, specific areas that will be addressed are, among others, human rights law, humanitarian law, and the *ius contra bellum*.

Accordingly, questions we aim to answer are, *inter alia*: Is it possible to solve the alignment problem and avoid discrimination and other forms of “unethical” behavior by an AI? Can artificial intelligence foster human rights, e.g., in helping to achieve the full realization of the right to water? What are the legal implications of fully autonomous weapons regarding the question of attribution and norm-compliance? Are existing legal norms sufficient to regulate the use of artificial intelligence through creative interpretation or is there a need for new regulation of the *lex lata* should not foresee any applicable rules? Can the due diligence principle save the day in regulating AI? And who is to be held accountable in case of deep fakes and spoofs manipulating decisions?

The seminar is open to all interested students who are willing to thoroughly engage with the topics and actively participate in the discussions.

Note: The seminar will be held on January 26 to 28, 2024. A **preliminary meeting** via zoom: <https://tu-dresden.zoom-x.de/j/67656153274?pwd=TDVxdGd5VnVPTjYzdGtNNDVBUDI5Zz09> will take place on **October 9 from 11.10 to 12.00**. Only after the meeting will it be possible to choose your topic. The seminar will be held in English.

Seminar Topics:

I. Introduction

1. **Artificial Intelligence in International Law:** Mapping the *Lex Lata*
2. **Dehumanization of Decision-Making Processes:** Is there a Need for Meaningful Human Control in General International Law?
3. **Algorithmic Norm-Compliance and Cyber Agents:** The Question of Attribution of AI Decisions
4. **Ethical Machines:** The Implementation of Human Values in Machines and Corresponding Legal Challenges in the Application of International Law

II. Artificial Intelligence and Human Rights Issues

5. **Artificial Intelligence in Counterterrorism Investigations** –State Obligations to Protect the Right to Privacy of (Potential) Terrorists
6. **Algorithmic Discrimination:** The Application of International and European Non-Discrimination Law
7. **AI and Migration:** Discrimination in Automated Border Control Procedures from the Perspective of International Law
8. **Right to a Fair Trial:** The Incorporation of Artificial Intelligence into Judicial Systems
9. **Freedom of Thought:** Emerging Challenges of Neurotechnology and AI – A New Human Right to Freedom of Thought?
10. **Human Rights Implications of AI-based Facial Recognition Technology**
11. **AI in China's Social Credit System:** Violating Human Rights?
12. **AI and Online Disinformation:** Human Rights Prerequisites and Limits to the Use of AI by Social Media Platforms
13. **The Right to Water:** Is AI a Way to Progressively Achieve its Full Realization?
14. **Automation and Job Loss:** Is AI Threatening or Fostering the Right to Work?
15. **Achieving Better Compliance with the Right to Health via AI?**

III. Artificial Intelligence and the *ius in bello* / *ius contra bellum*

16. **Decision Support Systems in Armed Conflicts:** Meaningful Human Control and Compliance with International Legal Norms
17. **Autonomous Targeting:** Legal Implications of Algorithmic Life-or-Death Decisions and the Question of Responsibility
18. **AI Powered Drones:** Limited Warfare and the Principle of Distinction
19. **AI in Lethal Autonomous Weapons Systems (LAWS):** Regulated by International Humanitarian Law?

20. **Out-of-the-Loop:** Legality of Fully Autonomous Weapon Systems and New Challenges for the Review Process – from Designing to Utilization
21. **Self-Defense via AI?** Necessity and Proportionality Assessment by an AI

IV. Artificial Intelligence and Specific Areas of International Law

22. **AI and Cyber Operations:** The Principle of Non-Intervention and the Notion of Virtual Territorial Integrity
23. **Space Law:** Legal Implication of AI-enabled Space Exploration and the Question of Liability
24. **Obligations of AI Programming Companies:** Duties of Private Companies in the Development of AI Technologies?

V. Whither International Law? – Regulations and the Development of International Law

25. **Governance Through Interpretation:** Creative Reading of Existing Norms as a Sufficient Tool?
26. **The Due Diligence Principle:** The Key to Solve all AI Problems?
27. **Deepfakes, Fools and Spoofs:** Regulations and Accountability under International Law
28. **Regional Organizations:** Role and Limits of Regulating Artificial Intelligence