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WHO IS RESPONSIBLE? THE USE OF ARTIFICIAL INTELLIGENCE IN ARMED CONFLICTS AND THE CHALLENGES OF ESTABLISHING ACCOUNTABILITY

The rapid development and increasingly widespread use of artificial intelligence-based systems in the military domain raise numerous questions regarding their compatibility with the rules of international humanitarian law, as well as the possibility of establishing responsibility for the consequences of their use. Autonomous weapon systems and artificial intelligence systems involved in military decision-making present a particular challenge, given that an increasing degree of autonomy may lead to reduced direct human involvement in the process of target selection and decisions on the use of force.

The fact that an artificial intelligence-based system may independently perform certain functions does not, however, mean that legal responsibility can be attributed to the system itself. On the contrary, contemporary approaches under international law proceed from the premise that human responsibility for decisions concerning the use of weapon systems must be

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preserved. At the same time, the increasing degree of autonomy of such systems raises the complex question of how responsibility for violations of international law can be established in situations where harmful consequences result from the operation of a system functioning with a limited or reduced degree of direct human control.

A particular concern is the possibility of an "accountability gap", namely a situation in which traditional mechanisms for establishing responsibility do not provide an adequate response to the consequences of using highly autonomous systems. This raises the question of whether the existing rules on responsibility provide a sufficient legal framework for situations in which artificial intelligence-based systems participate in decision-making processes that may result in violations of international humanitarian law.

This paper will analyze the principal challenges of establishing responsibility for the use of artificial intelligence-based systems in armed conflicts, with particular emphasis on the relationship between the degree of system autonomy, the preservation of human control, and the applicability of existing accountability mechanisms. The aim of the paper is to examine existing international legal frameworks and determine whether they enable the effective establishment of responsibility in the context of increasing reliance on autonomous technologies, or whether further clarification of the rules of international law is necessary to prevent accountability gaps in cases involving the use of autonomous systems in armed conflicts.

Keywords: artificial intelligence, contemporary armed conflicts, responsibility, autonomous weapon systems, international humanitarian law

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