United Nations Security Council (UNSC)
Study Guide

Singularity Foundation Model of United Nations

SMUN2030

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Table of Contents

Welcome letter

Dear delegates,

In the context of this conference, we are giving you the opportunity to look more than forward of the nearest future. I want you to imagine yourself in 2030, where the world we have today has turned upside down and many of the things you know have changed completely.

This study guide is your initial point of departure whilst preparing for the conference. However, it is enormously important for you to bear in mind that it will be necessary for you to do a substantial amount of reading beyond this guide.

In preparation for the conference, you have to write a position paper, which should outline your country's interests in the topic at hand and your specific focusses and aims in the debate. We recommend you to write the position paper in such a manner that it can be seen as distinctively representing the policies of the country that you have been assigned, rather than being just a summary of the problem or otherwise imprecise.

I recommend you to look at which countries will be in the committee to prepare your strategy before the beginning of the conference. Although it represents that we are not in the actual world, all of the countries you will represent have a concrete opinion on this issue, which you will be able to use and develop to specify your delegation's position.

You will be representing the delegation of one of the 15 countries of the most powerful body of the United Nations system, and I hope that you will perform your duties with dignity, equity and diligence, without forsaking the policy of your state.

The expectations for you to prepare well and contribute actively are higher in the case of this committee than in others at the conference. I look forward to working with you. In case of any questions, please do not hesitate to email our Committee address.

Yours sincerely,

Aina Patiño

Chair director of the Security Council

Chair's biography

- Chair director, Aina Patiño Pedrola

Greetings delegates,

My name is Aina Patiño Pedrola and I am currently a second year Law student at the University Pompeu Fabra, Barcelona. It is my great privilege to be your committee director at this session of S'MUN2030.

Over the last year, I have valued the international atmosphere of the MUN conferences I visited and the collaboration with so many young people in taking affords to change the world we are living in.

I am convinced that the passion that I have in the world of international relations is similar to the one you have, and it is because of that, that I expect high-level discussions within the committee's session.

I await February eagerly, as I am assured discourse within the paramount body of the United Nations system will be intriguing and fruitful, an aspect augmented by the fascinating nature of the topic that will be debated.

See you all in Barcelona!

- Co-chair, Berta Nicolotti

My name is Berta Nicolotti and I am one of the co-chairs of the Security Council. Currently, I'm a third year Political Science student at University Pompeu Fabra, and I am also the Head Organizer of the United Nations Course that we organize at UNSA Barcelona.

I discovered the world of Model of United Nations thanks to the same organization which I am part of today, but before that I was always fascinated by the world of diplomacy and international relations, which also motivated me to do a career in that area. Personally, I come from a family who loves to travel and learn more about the cultures in our planet, so I would say that one of my favourite hobbies is traveling and discovering, a hobby that has sadly been limited due to the current state of the pandemic. However, I also enjoy reading about ongoing issues, spending time with my partner and photographing my friends and city.

I am really excited to chair this committee as I'm sure the topic will encourage amazing discussions that will help practice your debating skills, at the same time that we all have an incredible experience discovering the world of the UN.

Take care.

- Co-chair, Marta Fuertes

My name is Marta Fuertes and I am in the fourth year of the law degree at the Universitat Pompeu Fabra (UPF) in Barcelona.

I started with MUN because with my law degree I have recently awakened an extremely strong motivation for international subjects. These simulations allowed me to live in a closer way to this international experience and at the same time I had the chance of meeting really interesting people and keeping in touch with them. That is why I am still doing it.

I do not consider myself as a person with lots of hobbies, but there are two that are really clear to me: sports and music.

Having the opportunity to participate, as a co-chair on this amazing project of the S'MUN 2030 is a great chance to hear and to inactivate the sustainable development proposals, which I look forward to hearing.

Introduction to the committee

The United Nations Security Council was founded in 1945 and met for the first time on the 17th January 1946; its creation was predominantly influenced by the experiences of WWII and the need to create an international body to ensure peace and stability in order to avoid a conflict like WWII to happen again.

It is considered the paramount council of the United Nations and it is formed by 5 permanent members: the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation and the People's Republic of China and 10 rotating members for a period of 2 years elected to the UNSC on the basis of regional quotas.

Its establishment and nature is enshrined in Chapter V of the United Nations Charter and, in addition, the Chapters VI, VII, VIII and XII contain provisions pertaining to the powers of the Security Council. Nonetheless, I want you to specifically have a look on the Chapter VI, which pertains to the pacific settlement of disputes (articles 33 to 38), Chapter VII, which deals with the action with respect to threats to the peace (articles 39 to 41) and articles 42 to 50, which pertain to the utilization of armed-measures.

It is vital to note that passage of a resolution in the Security Council is conditional on the affirmative voting of 9 member states and the absence of usage of the veto power, which a certain 5 states hold.

Topic: Development of criteria to limit the effects of armed conflicts with modern artificial intelligence weapons

History of the topic

Perhaps international humanitarian law (IHL) has evolved over the time, it is said that with the development of emerging technologies, this body of law has to face several challenges in order to adopt the current international legislation to the situation of the moment.

It is indeed that when we talk about the combination of artificial intelligence and weapons, the attention of the international community increases. Nevertheless, we should go back in time to see the beginnings of the treaties of armed conflicts.
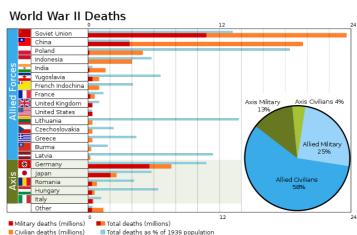
It is true that in the 19th century some treaties were signed in order to reduce tensions between the powers of the century, however, the first convention we should highlight is the Hague Convention of 1899 and its subsequent meeting of 1907. Promoted by Russian Tsar Nicholas II, it was possible to submit up to a total of 43 countries that had the most global presence at that time to discuss and make decisions on war: war regulation, the creation of an international arbitration tribunal and they opened the door to try to develop the main objective of the Conference, the limitation of armaments.

Since then, more and more treaties, conventions and declarations were signed and more countries decided to be involved in the regulation of armed conflicts in the international atmosphere. It is important to mention that the customary international law is one of the sources of the IHL (the other one are the treaties).

As its core, IHL represents a balance between military necessity and humanitarian considerations in the context of conflict. Humanity, as a cornerstone of IHL, represents the imperative during conflict to alleviate suffering and safe lives, and to treat humanely and respectfully each individual. Military necessity is the justification of measures necessary to achieve a military goal, provided these measures comply with international humanitarian law.[1]

During the 20th century, technological developments began to enter the military world and, moreover, the usage of them in wars had a great impact in relation with the society: in the WWI up to 34 million people died, and in the WWII up to 83 million, between civilians and military, lost their lives. Here we can see reflected that the implementation of weapon development at the military level caused an unprecedented impact on the entire population.

Since then, technology has advanced much faster during the recent years and the development of artificial intelligence weapons, such as the autonomous weapon system, is beginning to have an increasingly superior presence in the armed conflicts that are happening today.

Definition of key Terms

- *Artificial intelligence (AI):* AI is a field of computer science devoted to creating computer systems that perform operations characteristic of human intelligence, such as learning and decision making. The term does not imply human-level intelligence and the level of intelligence in any implementation of AI can vary greatly. [2]
- *International humanitarian law (IHL):* also known as the laws of war, or the law of armed conflicts. It is the legal framework applicable to situations of armed conflict and occupation. As a set of rules and principles it aims, for humanitarian reasons, to limit the effects of armed conflicts. [3]
- *Autonomous weapon system (AWS):* also known as AI weapons. They have been defined by the IRCs as weapons that can independently select and attack targets with autonomy in the critical functions of acquiring, tracking, selecting and attacking targets.[4]

Timeline of standing out Declarations, Conventions and Treaties

- **1856**: Declaration of Paris in which France and England agreed among others, not to seize enemy goods in neutral ships or neutral goods in enemy ships as well as the abolition of the Corsair permits.

- **1864**: First Geneva Convention for the "Improvement of the Condition of the Wounded and Sick Armed Forces on the battlefield."

- **1899:** The Hague Peace Conference consisted of four main sections and three additional declarations.

- **1907**: Hague Peace Conference had thirteen sections, of which twelve were ratified and are in force, and two statements.

- **1925**: Geneva Protocol for the Prohibition of Employment in the War of Choking, Toxic or Similar Gases and Bacteriological Media.

- **1929**: Geneva Convention, concerning the treatment of prisoners of war.

- **1929**: Geneva Convention on the improvement of the condition of the wounded and sick.

- **1938**: League of Nations declaration for the Protection of the Civilian Population against Air Bombing in the Event of War.

- **1949**: I Geneva Convention for the Improvement of the Status of the Armed Forces of the Wounded and Sick in the Battlefield.

- **1949**: II Geneva Convention for the Improvement of the Condition of the Wounded, Sick and Shipwrecked of the Armed Forces at sea.

- **1949**: III Geneva Convention Relating to Treatment Due to Prisoners of War.

- **1949**: IV Geneva Convention Relating to the Protection of Civilian Persons in Time of War.

- **1977**: First and Second Geneva Protocol Additional to the Geneva Conventions of August. 12, 1949, Concerning the Protection of Victims of Non-International Armed Conflicts.

- **1978**: Fundamental Rules of the Red Cross of International Humanitarian Law Applicable in Armed Conflicts.

- **1994**: San Remo Handbook on International Law Applicable to Armed Conflicts at Sea.

- **1998**: Rome Statute of the International Criminal Court entered into force on July 1, 2002.

➢ **2000**: Optional Protocol on the Participation of Children in Armed Conflicts, entered into force on February 12, 2002.

➢ **2008**: Rules about cluster munitions, entered into force on August 1, 2010.

Current situation

Precautionary principle vs Innovation principle

Artificial intelligence (AI) has the potential to deliver significant social and economic benefits, including reducing accidental deaths and injuries, making new scientific discoveries, and increasing productivity.[5] Nevertheless, we have been able to see that the other part of the doctrine considers AI such as a threat to humanity. It is because of that, that the two main positions of the international doctrine are described in two principles.

On one hand, the **precautionary principle** is related with the idea from which we have to be conscious that we do not want to cause harm to society with recently developed weapons. If it is proved that the new AI weapons are not sure at 100% for the society, governments should limit the usage of them.

On the other one, the **innovation principle** considers that the use of AI weapons provide us a general benefit for the whole society and pose modest and not irreversible risks. Those who support this point of view, consider that governments should make case-by-case policies if there is evidence that new technological advances, in the field of military weapons, can harm society. If there is not evidence, we cannot deprive people from the benefits they could provide us.[5]

Accountability after employment

It is important to bear in mind that AI weapons are designed, manufactured, programmed and employed by humans and humans should not use the "error" of AI systems as an excuse to dodge their own responsibilities. Therefore, AI weapons are not considered as "combatants" and that means that they do not have legal responsibility to respond to errors and damages they commit.

Humans have to respond for the negative effects that the usage of an AI weapon may cause, however it is not stipulated to whom the responsibility falls. According the *Article 35(1)* of the First Additional Protocol of the Geneva Convention: "in any armed conflict,

the right of the Parties to the conflict to choose methods or means of warfare is not unlimited", and that means that someone from the chain of people that participates in the manufacturing process, use… has to be responsible for the actions of the AI weapon. Depending on the country, the accountability has been solved in different ways, for example, the Chinese government has stated that the one that has to assume the responsibility for the wrongful targeting of the AI weapon are the end users.

In contrast, we must consider the situation of the AI weapons that have an autonomous system (AWS). They do not have any human control, and it has to be decided at the international level to whom bears individual criminal responsibility for any potential serious violations of IHL. In addition, the attribution of the state responsibility for the approval of the use of the AWS that has caused those violations has to be considered too. Furthermore, the targeting of AI weapon systems is closely tied to their design and programming and, that means that, the more autonomy they have, the higher the design and programming standards must be in order to meet the IHL requirements.[6]

Current use of AI weapons

If we have to rely on any convention, we should have a look in the First Additional Protocol to Geneva Conventions (AP I). Although it is important to say that for the actual situation we do not have any international agreement of which kind of AI weapons can be used, governments should answer these questions in order to know whether these weapons are legally permitted:

- First, are the new weapons prohibited by specific international conventions, such as the Chemical Weapons Convention, Biological Weapons Convention or Convention on Certain Conventional Weapons?
- Second, would such weapons cause superfluous injury or unnecessary suffering, or widespread, long-term and severe damage to the natural environment (*Art 35* AP I)?
- Third, will such weapons likely have the effects of indiscriminate attacks (*Art 51* AP I)?
- Lastly, will such weapons accord with the principles of humanity and dictates of public conscience—the Martens Clause (*Art 1(2)* AP I)? [7]

Since 1977, governments have had to respond to these questions to discover if the new technological developments can be used in the military field and they follow the IHL.

Ethical aspect

Since humans began to replace the work we were carrying out by machines, it can be said, philosophically speaking, that we lost part of our nature by making our lives easier. It happened in most of the fields, but in the exposed topic, we can assure that AI weapons are not expected to respect principles of military necessity and proportionality.

We should differentiate from the lethal autonomous weapon systems from those who are not lethal. It is important to make this distinction specifically for the first ones due to are a significant challenge to human ethics. It has been said that these kinds of weapons have more probability to result in violations of IHL rules because they can hardly identify the willingness to fight for a human, or understand the historical, cultural, religious and humanistic values of a specific object. From this perspective, even though it is still possible when employing of non-lethal AI weapons, highly lethal AI weapons should be totally prohibited on both international and national levels in view of their high-level autonomy. [8]

Past UN action / International action

Since the Charter of the United Nations, that entered into force on October 24, 1945, was firmed, the United Nations has tried to protect the human rights of the world's population.

Specifically, with the following measures taken by different bodies related with the UN, the international organization has been able to improve and regulate the situation of the population in conflict zones:

➢ **1947**: Nuremberg Principles formulated under Resolution 177 of the United Nations General Assembly November 21, 1947

➢ **1948**: United Nations Convention for the Prevention and Punishment of the Crime of Genocide.

➢ **1971**: Resolution of the Zagreb Institute of International Law on the Conditions for the Application of Humanitarian Standards in the Hostilities of Armed Conflicts in which the United Nations Forces may be Called

➢ **1980**: United Nations Convention on Certain Conventional Weapons (CCW)

- ➤ **1994**: ICRC / UNGA General Assembly on Guidelines for Military Manuals and Instructions on the Protection of the Environment in Time of Armed Conflict
- ➤ **1994**: UN Convention on the Security of the United Nations and Associated Personnel

Even though we can see that measures have been taken in relation with the IHL, it is clear that technological development and its adaptation in the military field has not been accompanied by international legislative cooperation.

Evaluation of current policies

So far, we have seen over the years, when there has been an immediate need, countries have decided to agree and propose measures to regulate the field of weapons used in wars. In addition, there has been certain compromise within the international community, but as we have stated before, now we are in a completely different situation.

We are using the conventions promulgated at international level and we try to apply them by analogy, when what is needed is to recognize the lack of a specific treaty or convention on this matter. Countries should work together in order to develop new criteria on the use and consequences of AI weapons used in military issues.

Possible considerations for the future

Under the framework of such new convention, the first thing countries should take into account is that the design standards of AI weapons shall be formulated. In addition, it could be considered that states shall be responsible for the designing and programming of those weapons with high levels of autonomy. On a higher step it has been said that those states that manufacture and transfer AI weapons in a manner inconsistent with relevant international law, including IHL and Arms Trade Treaty, shall incur responsibility. These points regarding the accountability are the base in order to try to develop more issues.

Furthermore, as it is a matter of criminal international responsibility, states should also provide legal advisors to the designers and programmers. For this reason, in addition to

the development of IHL rules, states should also be responsible for developing their national laws and procedures, in particular transparency mechanisms.[9]

On this matter, it is known that there are some states that have an advanced development in AI technology compared to other nations. It should be debated if they shall play an exemplary role concerning this matter. Nonetheless, we must remember the stated principles in order to decide which actions are the exemplary ones. For example:

- Following the precautionary principle, many groups have started movements to ban lethal autonomous weapons due to fears that they will lead to armed conflict on a scale greater and faster than ever before. Those autonomous robotics systems can independently identify and engage targets based on programmed constraints, such as the drone permits or the facial recognition. If we have to highlight some movements, we should begin with the one of the 116 founders of mostly small robotics and AI companies, including Elon Musk, that signed a letter to the United Nations in 2017, urging the body to ban lethal autonomous weapons. In 2018, the UN Secretary-General Antonio Guterres stated that "machines that have the power and the discretion to take human lives are politically unacceptable, are morally repugnant, and should be banned by international law." Also in 2018, within the European communities, members of the European Parliament adopted a resolution asking member states and the European Council for "the start of international negotiations on a legally binding instrument prohibiting lethal autonomous weapons systems."

WHO'S INVOLVED?

272 SCIENTISTS
INCLUDING ENGINEERS, COMPUTING, AI EXPERTS AND ROBOTICISTS IN 37 COUNTRIES HAVE CALLED FOR A BAN ON THE DEVELOPMENT AND DEPLOYMENT OF FULLY AUTONOMOUS WEAPONS.

AT LEAST 6 STATES
ARE KNOWN TO BE RESEARCHING, DEVELOPING AND TESTING FULLY AUTONOMOUS WEAPONS: THE US, THE UK, CHINA, ISRAEL, RUSSIA AND SOUTH KOREA.

44 STATES
HAVE SPOKEN PUBLICLY ON FULLY AUTONOMOUS WEAPONS SINCE THE HUMAN RIGHTS COUNCIL DEBATE ON 30 MAY 2013.

- If we follow the doctrine of the innovation principle, they usually emphasise the negative effects of the banning of the development of AI weapons. Countries that follow the other principle are facilitating the limitation of the testing and use of AI weapons and even ban certain positive applications. More points that should be taken into account are that nations that slow AI adoption, will metaphorically tie one hand behind the backs of their companies competing in global markets. Moreover, for nations such as the United States, finishing behind China in the global race to be the leader in AI, not only limits its ability to influence the development of AI, but also raises national security concerns due to the many potential national security applications of AI and the reduced competitiveness of the defense industrial base. [9]

Whether we are objective, and speaking about exact AI weapons, we can obtain positive and negative results from them and it is important to mention that, depending on the perspective, the innovations can be beneficial or not. On one hand, in the field of consumer experiences, initially AI was created, for example, to be able to reduce the effects of implicit bias, the stereotypes that affect human actions in an unconscious manner. On the other one, restrictions on one AI technology can also limit ways to develop another AI technology. For example, researchers in Germany are using drones hovering hundreds of meters above highways to record the movements of vehicles. This data can help develop simulations to test autonomous vehicles; such simulations are

important tools for improving the safety of autonomous vehicles because otherwise they would need to travel billions of miles for safety validation.[10]

We have only mentioned two innovations that are used in the social sphera, however, we know that they had a subsequent implementation in the military world. Finally, we would like to say that investments appear to mark the early stages of an AI arms race. Much like the nuclear arms race of the 20th century, this type of military escalation poses a threat to all humanity and is ultimately unwinnable. It incentivizes speed over safety and ethics in the development of new technologies, and as these technologies proliferate it offers no long-term advantage to any one player. Nevertheless, the development of military AI is accelerating.

Block positions

United States of America

In 2018, the US stated that there was a need to develop "a shared understanding of the risk and benefits of this technology before deciding on a specific policy response. We remain convinced that it is premature to embark on negotiating any particular legal or political instrument in 2019." In the military field we can highlight the following facts:

- In September 2018, the Pentagon committed to spend USD 2 billion over the next five years through the Defense Advanced Research Projects Agency (DARPA) to "develop [the] next wave of AI technologies." They also developed the Advanced Targeting and Lethality Automated System (ATLAS) program, a branch of DARPA, "will use artificial intelligence and machine learning to give ground-combat vehicles autonomous target capabilities."

We can prove that DARPA's Squad X Experimentation Program, which aims for human fighters to "have a greater sense of confidence in their autonomous partners, as well as a better understanding of how the autonomous systems would likely act on the battlefield," is being developed in collaboration with Lockheed Martin Missiles.

People's Republic of China

China demonstrated the "desire to negotiate and conclude" a new protocol "to ban the use of fully autonomous lethal weapons systems." Nonetheless, its interest is not realted with the banning of the development of these weapons. To advance military innovation, President Xi Jinping has called for China to follow "the road of military-civil fusion-style innovation," such that military innovation is integrated into China's national innovation system. This fusion has been elevated to the level of a national strategy.

China elaborated the People's Liberation Army (PLA) that relies heavily on tech firms and innovative start-ups. The larger AI research organizations in China can be found within the private sector. Regarding the application of artificial intelligence to weapons, China is currently developing "next generation stealth drones," including, for instance, Ziyan's Blowfish A2 model. According to the company, this model "autonomously performs more complex combat missions, including fixed-point timing detection, fixed-range reconnaissance, and targeted precision strikes."

Russian Federation

The position of Russia is that we should not ignore the potential benefits of lethal autonomous weapons, adding that "the concerns regarding LAWS can be addressed through faithful implementation of the existing international legal norms." While Russia does not have a military-only AI strategy yet, it is clearly working towards integrating AI more comprehensively. In January 2019, reports emerged that Russia was developing an autonomous drone, which "will be able to take off, accomplish its mission, and land without human interference," though "weapons use will require human approval."

According to the Kremlin, the "main goal of the research and development planned for the technopolis is the creation of military artificial intelligence systems and supporting technologies." In addition, in 2017, Kalashnikov — Russia's largest gun manufacturer — announced that it had developed a fully automated combat module based on neural-network technologies that enable it to identify targets and make decisions.

United Kingdom of Great Britain and Northern Ireland

The UK stated that "the current lack of consensus on key themes counts against any legal prohibition," and that it "would not have any practical effect." Because of that, in a national level, we can find the Defense Science and Technology Laboratory, the MoD's research arm, launched the AI Lab in 2018. In terms of weaponry, the best-known example of autonomous technology currently under development is the top-secret Taranis armed drone, the "most technically advanced demonstration aircraft ever built in the UK," according to the MoD.

If we have to highlight some facts, the MoD has a cross-government organization called the Defense and Security Accelerator (DASA), launched in December 2016. In March 2019, DASA awarded a GBP 2.5 million contract to Blue Bear Systems, as part of the Many Drones Make Light Work project.

French Republic

France understands the autonomy of laws as total, with no form of human supervision from the moment of activation and no subordination to a chain of command. France stated that a legally binding instrument on the issue would not be appropriate, describing it as neither realistic nor desirable. France did propose a political declaration that would reaffirm fundamental principles and "would underline the need to maintain human control over the ultimate decision of the use of lethal force."

France's national AI strategy is detailed in the 2018 Villani Report, which states that "the increasing use of AI in some sensitive areas such as […] in Defense (with the question of autonomous weapons) raises a real society-wide debate and implies an analysis of the issue of human responsibility." On defense and security, the Villani Report states that the use of AI will be a necessity in the future to ensure security missions, to maintain power over potential opponents, and to maintain France's position relative to its allies.[11]

Other countries of the Security Council

Although the remaining 10 countries in the Security Council are in very different conditions with respect to the application of artificial intelligence to military weapons, most of them have different programs in charge of developing these new technologies.

Germany and Belgium stand out, but there are others, like the Dominican Republic or Indonesia that are in the process of developing their own national projects.

Questions a resolution must answer

1. Are the new weapons prohibited by specific international conventions, such as the Chemical Weapons Convention?
2. If a new convention is needed, which principle should follow the majority of governments: the innovation principle or the precautionary principle?
3. Will such weapons likely have the effects of indiscriminate attacks?
4. Should the members of the UNSC agree which person of the chain of people that participate in the process of the creation and use of the AI weapons has to carry the responsibility if the AI weapon causes harm to any population?
5. Will such weapons accord with the principles of humanity and dictates of public conscience?
6. Is necessary a new Convention made with support of any UN body in the field of IHL in armed conflicts with artificial intelligence weapons?
7. Which is the most successful principle according to the states to have a more modern and prosperous development, but also safe for their nations? And for the world in general?
8. How developing states could benefit from the development of new criteria for the use of AI weapons in war matters?
9. Can we suppose that the national AI weapon plans of the P5 countries of the Security Council are completely private? Is there any intention to share the know-how to other countries?
10. Is there a real need for fully autonomous weapons in military issues?

Optional Reading

44th session of the Human Rights Council (2020)

- https://www.ohchr.org/EN/Issues/Executions/Pages/AnnualReports.aspx

The International Committee of the Red Cross has an International Humanitarian Law page that provides a number of introductory IHL resources.

- https://www.icrc.org/en/war-and-law

The Geneva Academy of International Humanitarian Law and Human Rights hosts the Rule of Law in Armed Conflicts Project that provides a database of relevant legal instruments and overviews of current IHL issues.

- http://www.rulac.org/

The International Committee of the Red Cross hosts an IHL treaty database on its website.

- https://www.icrc.org/en/war-and-law

Regulation of Artificial Intelligence: Europe and Central Asia

- https://www.loc.gov/law/help/artificial-intelligence/europe-asia.php

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