

Introduction

...the first ultra-intelligent machine is the last invention that man need ever make, provided that the machine is docile enough to tell us how to keep it under control.¹

Throughout history, the development stages of humanity have been defined by the tools and technology employed and relied upon by our species, from the discovery of fire to electricity, from the wheel to skyrockets, from script to computer coding, from spears to nuclear weapons.

In our modern landscape, it is common in legal debates to dwell upon the legality of emerging technological developments.

However, now these debates are taking a completely different spin since we are discussing situations in which human judgment could be replaced or overcome by choices derived from computer coding.

Thus, we are at a crossroads, faced with the most significant, and perhaps *the last*, invention of mankind - Artificial Intelligence (AI).

¹ Irving John Good, *Speculations Concerning the First Ultra-Intelligent Machine*, Academic Press Inc., New York, at 33 (1965).

These discussions are significantly different in nature since they require a higher level of specialized technical understanding, ethical awareness, and legal knowledge in order to properly comprehend the ramifications of this new technology. Hence, it is with good reason this is a multifaceted, inter and transdisciplinary widely controversial topic.

Moreover, this debate becomes particularly relevant in the context of armed conflicts because international humanitarian law accepts that during wartime there will be lawful death, destruction and largescale deployment of weapons to that end.

Therefore, it is imperative that we, as a society, analyze and discuss the factual and legal implications of the growing development of artificial intelligence technologies for bellicose purposes, in particular, Autonomous Weapons Systems (AWS).²

The analysis I present in this Article is aimed at evincing the legal void for the use of such technologies in the current legal order, viewed from the lens of international humanitarian law and international criminal law.

The purpose of the aforementioned is to call upon all relevant actors and stakeholders to take an active part in the debate leading to the normative and conceptual reforms necessary to bridge the unsustainable accountability gap this legal *lacuna* gives rise to.

² Also known as lethal autonomous weapons "LAWS".