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State Reliance on AI for Humanitarian Activities in Armed Conflict

Framing Initial IHL-related Considerations

Dustin A. Lewis and Taha Wiheba

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Executive Summary

As artificial intelligence (AI) capabilities continue to develop, multilateral discussions concerning AI and armed conflict have focused primarily on military applications, including autonomous weapon systems, targeting, cyber operations, and battlefield decision support. Far less attention has been devoted to a related question: whether States may appropriately rely on AI in carrying out humanitarian activities regulated by international humanitarian law (IHL).

This analysis seeks to encourage government legal advisers and humanitarian-policy officials to begin developing views on that question before political, economic, or operational pressures might constrict opportunities for careful reflection. Although relatively few publicly documented examples currently involve extensive State reliance on AI for humanitarian activities, rapidly evolving capabilities may increasingly generate proposals to employ AI in areas such as needs assessments, humanitarian-relief planning, civilian protection, displacement forecasting, and the allocation of scarce resources.

This paper suggests evaluating such proposals not only by assessing whether AI may improve efficiency, speed, or consistency. States should also consider whether reliance on AI would affect the implementation of applicable IHL obligations as well as the achievement of intended humanitarian purposes. Humanitarian activities frequently require context-sensitive assessments concerning vulnerability, dignity, access, prioritization, and protection. These judgments often depend on local knowledge, professional expertise, and human responsibility that may not readily be captured through AI outputs alone.

To support such assessments, this paper applies HLS PILAC's *Exercising Cognitive Agency* framework. The framework proceeds from the premise that IHL assigns responsibility for administering IHL obligations to legally responsible humans acting on behalf of a party to the conflict, not to machines. It therefore asks whether a legally responsible human remains capable of exercising sufficient cognitive agency when relying on AI to assist in executing cognitive tasks required by IHL.

The analysis proposes five initial considerations for government decision-makers: (i) identifying the relevant IHL obligations and humanitarian objectives; (ii) determining the cognitive tasks those obligations entail; (iii) assessing the role that AI would play in executing those tasks; (iv) evaluating whether reliance on AI would support, alter, or undermine the humanitarian character and objectives of the activity; and (v) determining whether a legally responsible human would be capable of exercising sufficient cognitive agency while relying on the particular AI tool or technique at issue. Illustrative examples concerning humanitarian-relief operations and AI-based identity verification demonstrate how these considerations may apply in practice.

The analysis does not seek categorical conclusions regarding potential AI use. Instead, it offers a structured framework to help States evaluate whether — and, if so, under what conditions — reliance on AI may or may not assist in upholding respect for IHL and in supporting the humanitarian purposes of relief and protection activities.

1. Objective

As part of HLS PILAC's work on artificial intelligence (AI) and international humanitarian law (IHL), this analysis is intended to encourage government legal advisers and humanitarian-policy officials to consider developing initial views on potential State reliance on AI for humanitarian activities in relation to armed conflict. In particular, it seeks to support officials responsible for interpreting and implementing IHL, as well as those responsible for developing and supervising humanitarian policy and operations.

2. Why This Issue Matters Now

Multilateral discussion of AI in armed conflict has largely focused on military uses, including autonomous weapon systems, targeting, cyber operations, and battlefield decision support. At the same time, humanitarian organizations are increasingly employing AI tools or techniques for activities such as assessing civilian needs, locating vulnerable populations, forecasting displacement, planning relief operations, and administering assistance.

Much less attention has been devoted to a related question: how States themselves might rely on AI in carrying out humanitarian activities regulated by IHL. At present, relatively few publicly documented examples appear to involve extensive State reliance on AI for such activities. Yet developments in AI capabilities might increasingly create perceived opportunities — and, potentially, even calls — for States to employ those tools and techniques in connection with humanitarian action.

For their part, humanitarian-relief and -protection activities often require officials and other actors to make difficult assessments and judgments concerning need, vulnerability, access, prioritization, and implementation. Those determinations typically arise in environments characterized by incomplete information, competing demands, resource constraints, and rapidly changing circumstances. Whether reliance on AI for such determinations would be beneficial, detrimental, or a combination of both might depend on numerous factors, such as the particular obligation, objective, task, technology, and operational context involved. These complexities underscore the importance of carefully assessing how reliance on AI could affect the implementation of applicable IHL obligations and the pursuit of humanitarian objectives.

A lesson from military applications of AI is that political, economic, and operational pressures to adopt emerging technologies can develop rapidly. Decisions concerning research, procurement, deployment, and implementation might proceed on timelines that leave limited opportunity for sustained reflection on legal obligations, humanitarian objectives, and longer-term consequences. On the one hand, certain anticipated benefits of AI — such as increased speed, scale, efficiency, and consistency — may be comparatively easy to identify and measure. On the other hand, certain potential drawbacks — including for the implementation of legal obligations, the achievement of humanitarian objectives, or the exercise of human judgment — may be more difficult to assess.

This analysis is intended to prompt consideration of these issues by State legal advisers and humanitarian-policy officials before certain pressures risk constricting the space for deliberation. In particular, it seeks to support consideration of whether — and, if so, under

what conditions — AI may be used by States in ways that could help to uphold respect for IHL and to support the humanitarian purposes of relief and protection activities.

3. HLS PILAC's Cognitive-Agency Framework

This inquiry draws on HLS PILAC's *Exercising Cognitive Agency* framework. The framework assumes that existing IHL assigns responsibility for administering the performance of obligations to legally responsible humans acting on behalf of a party to an armed conflict, not to machines. Under the framework, IHL obligations may be understood as entailing particular cognitive tasks that must be carried out, alongside any required action, in administering the performance of those obligations. A central question is whether a legally responsible human remains capable of exercising sufficient cognitive agency when relying on AI to assist in executing such a cognitive task. In this context, cognitive agency refers to a human vested with relevant legal capacity undertaking and carrying out a conscientious and intentional operation of mind in implementing the execution of the cognitive tasks entailed in an applicable IHL obligation. Here, *conscientious* means that the person is aware of the content of the relevant IHL obligation, and *intentional* means that the person undertakes to carry out that obligation in good faith.

4. Five Initial Legal and Policy Considerations

As States consider whether AI may be used in connection with humanitarian activities in relation to armed conflict, they may wish to assess not only whether reliance on such tools and techniques is compatible with applicable IHL obligations but also whether their use may advance — or undermine — the humanitarian purposes of those activities. The following five questions are intended to assist legal advisers and policy officials in developing initial views on these matters.

Consideration 1: Which IHL obligations and humanitarian objectives are at issue?

Different humanitarian activities may engage different IHL obligations and humanitarian objectives. Before evaluating whether AI may appropriately assist in a particular activity, States may wish to identify both the applicable legal obligation(s) and the humanitarian purpose(s) of the activity. Depending on the context, those purposes might include (among others) alleviating suffering, protecting human dignity, facilitating relief, safeguarding civilians and persons *hors de combat*, carrying out medical services, or locating missing persons. Clarifying both the legal obligation(s) and the humanitarian objective(s) may help determine what successful implementation of the activity requires in practice and what values are at stake in decisions concerning potential reliance on AI.

Consideration 2: Which cognitive tasks are required to perform applicable IHL obligations?

Different IHL obligations may require different kinds of cognitive tasks, including various types of assessments, determinations, judgments, and decisions. Depending on the

obligation at issue, those tasks may include (among others): determining the existence and extent of civilian need; identifying relevant persons, objects, or activities entitled to protection; or evaluating information concerning humanitarian access. States may wish to identify which cognitive tasks are necessary to administer the performance of the relevant IHL obligations and, perhaps especially, which aspects of the activity may require an exercise of human judgment.

Consideration 3: What role would AI play in executing those tasks?

Various AI tools and techniques might support human decision-making involved in humanitarian activities in different ways and to different degrees. For example, some may assist in collecting, organizing, or processing related information. Others may generate predictions, classifications, recommendations, or assessments that substantially influence how humans understand a humanitarian situation and make decisions regarding it. States may therefore wish to identify precisely what role a proposed AI tool or technique would play in relation to the relevant cognitive tasks, how influential its outputs would be in practice, and whether reliance on those outputs could reshape how human decision-makers implement underlying tasks. In particular, States may wish to assess whether the tool or technique would support human judgment or whether it might, in practice, displace, narrow, or otherwise adversely alter the exercise of that judgment.

Consideration 4: Would reliance on AI support, alter, or undermine the humanitarian character and objectives of the activity?

Over several decades, policy officials, legal advisers, military officers, and others have contributed to a substantial body of principles, safeguards, and operational approaches concerning the implementation of humanitarian activities in armed conflict. Many of these measures have developed to support the determinations and decisions required to administer the performance of applicable IHL obligations while pursuing humanitarian objectives. Proposals to rely on AI therefore may raise questions not only about what a specific tool or technique may be capable of doing but also about how reliance on it may interact with those existing approaches.

In environments characterized by uncertainty, competing pressures, and operational constraints, AI may appear capable of assisting with tasks such as processing information, generating forecasts, identifying patterns, supporting prioritization decisions, or allocating scarce resources. Yet potentially countervailing considerations should be taken into account as well. Not least, humanitarian-relief and -protection activities have traditionally sought to uphold human dignity in part by responding to people in light of their particular vulnerabilities, contexts, and relief or protection needs. That approach may rely on (among other things) contextual understanding, local knowledge, and sensitivity to individual and social circumstances. Those elements may be more difficult to capture, measure, or evaluate through AI-based outputs alone.

States may therefore wish to assess not only whether a specific AI tool or technique appears capable of producing useful outputs but also how reliance on it may affect the implementation of the relevant cognitive tasks and the achievement of the intended

humanitarian objective. Pertinent considerations may include (among others): the quality and representativeness of the information on which the tool or technique relies; the possibility of inaccurate, biased, incomplete, or manipulated outputs; the treatment of vulnerable populations; the role of local knowledge and contextual understanding; and the extent to which reliance on the tool or technique may reinforce or diminish the exercise of human judgment. A central question is therefore not whether AI is beneficial or harmful in the abstract. Rather, it is whether, in respect of a particular context, reliance on AI may help or hinder the implementation of the relevant cognitive tasks and support or undermine the humanitarian purposes that the activity is intended to achieve.

Consideration 5: How, if at all, may a legally responsible human appropriately rely on AI in carrying out those tasks?

Different forms of reliance on AI in connection with humanitarian activities may affect the exercise of human judgment in different ways. Depending on the task, the operational environment, and the characteristics of the specific tool or technique, reliance on AI might assist legally responsible humans in carrying out cognitive tasks associated with the performance of applicable IHL obligations. In other circumstances, reliance on AI may make it more difficult for those humans to understand, evaluate, or challenge — as well as take responsibility for — the execution of those tasks.

States may therefore wish to assess not only whether a specific AI tool or technique appears capable of supporting the relevant cognitive tasks but also how reliance on it may affect the role of the legally responsible human. Legal advisers and humanitarian-policy officials may be particularly well placed to assist decision-makers in identifying and evaluating considerations that may be difficult to quantify but nevertheless remain relevant to the administration of applicable IHL obligations. Relevant factors may include (among others): the degree of influence that the specific tool's or technique's outputs are likely to exert in practice; the human's ability to understand and evaluate those outputs; the availability of information concerning the tool's or technique's capabilities and limitations; applicable review and validation procedures; training and documentation practices; data-protection safeguards; and other mechanisms and policies intended to support human responsibility and accountability.

Under HLS PILAC's *Exercising Cognitive Agency* framework, a central question is whether a legally responsible human remains capable of exercising sufficient cognitive agency in administering the performance of the applicable IHL obligations. This includes understanding the content of the obligation, intentionally undertaking to perform it in good faith, evaluating information relevant to its implementation, exercising judgment where warranted, and taking responsibility for decisions made in reliance on AI. Such assessments may assist States in determining whether — and, if so, how — a legally responsible human may appropriately rely on AI in executing particular cognitive tasks while upholding respect for IHL and supporting the humanitarian purposes of the activity.

5. Illustrative Examples

The following examples are intended to provide a snapshot of two of the many situations in which States might be encouraged to rely on AI in connection with humanitarian activities in armed conflict. The accompanying questions are designed to illustrate — in outline form — how HLS PILAC's *Exercising Cognitive Agency* framework may help identify some initial legal and policy considerations that could arise in relation to such contexts. They are neither exhaustive nor intended to predetermine outcomes.

Example 1: A Machine-Learning Model to Help Facilitate Humanitarian Relief

Imagine an armed conflict in which fighting has displaced hundreds of thousands of civilians across several regions. Humanitarian organizations report growing food insecurity and increasing difficulty reaching some affected populations because of damaged infrastructure and rapidly shifting front lines. A civilian-military liaison officer is responsible for coordinating relief operations with an impartial humanitarian organization. The State is considering whether the officer may rely on a machine-learning model that purports to forecast food insecurity, predict population movements, and identify routes for humanitarian-relief deliveries. Officials are told that the AI tool may enable faster and more efficient decisions concerning where assistance should be directed. Bound by IHL obligations concerning the rapid and unimpeded passage of humanitarian-relief operations, the State has identified several cognitive tasks associated with administering the performance of those obligations, including assessing civilian need, identifying and protecting relief routes, and recognizing relief personnel and equipment.

i. **Legal obligations and humanitarian objectives.** Relevant IHL obligations concern the facilitation of humanitarian relief and the protection of relief personnel, objects, and operations. An associated humanitarian objective is not merely to move supplies efficiently but to help ensure that assistance reaches affected civilians in a manner consistent with the humanitarian principles of (among others) humanity and impartiality.

ii. **Cognitive tasks.** Legally relevant cognitive tasks may include assessing civilian need, evaluating security risks and access constraints, identifying routes suitable for relief, recognizing and protecting relief personnel and assets, and determining whether particular measures would facilitate or impede relief operations. These tasks may require not only information processing but also contextual judgment about need, urgency, and risk, as well as about the practical conditions under which relief may proceed.

iii. **Role of AI.** The AI tool appears to support forecasting, pattern recognition, route analysis, and prioritization. Because each form of reliance may affect the legally responsible human's role differently, an official may need to determine (among other things) whether the tool's outputs would be treated as background information, presumptive recommendations, or operationally decisive assessments.

iv. **Effects on cognitive tasks and humanitarian objectives.** Reliance on the tool might strengthen implementation of certain relevant tasks if, for example, it improves situational awareness, identifies overlooked needs, or supports faster and better-targeted relief. Yet reliance on the tool might also adversely affect cognitive-task performance — for example, if the model relies on incomplete, outdated, irreparably biased, or

non-conflict-specific data, it may contribute to misidentifying need, unduly privileging certain populations, or obscuring local knowledge and protection concerns.

v. **Cognitive agency.** A core question is whether a legally responsible human remains capable of exercising sufficient cognitive agency in administering the performance of the relevant IHL obligations. Exercising such agency in good faith may entail understanding the applicable IHL obligations, appreciating the tool's role and limits, and evaluating and challenging its outputs where warranted, rather than deferring to the tool's recommendation as if it could, by itself, comprehensively perform the legal and humanitarian judgment required.

Example 2: A Facial-Recognition Application to Assist with Aid Distribution

Imagine an armed conflict in which large numbers of civilians have been displaced and humanitarian organizations are struggling to distribute assistance efficiently. Reports have emerged that some individuals are receiving duplicate distributions while others may not be receiving assistance at all. To address these concerns, State officials propose using an AI-based facial-recognition application at aid-distribution sites. The application would compare each recipient's facial scan against a database of persons registered as eligible for relief and would generate a match, non-match, or uncertainty flag for review by an official. Proponents argue that the application could reduce fraud, improve accountability, and accelerate distribution. Bound by IHL obligations prohibiting adverse distinction in undertaking humanitarian-and-impartial relief actions, the State has identified numerous cognitive tasks associated with administering the performance of those obligations, including identifying populations in need and ensuring that relief reaches those populations without prohibited discriminatory exclusion.

i. **Legal obligations and humanitarian objectives.** Relevant IHL obligations concern the provision of humanitarian relief without adverse distinction. An associated humanitarian objective is to ensure that relief reaches civilians in need without impermissible discriminatory exclusion.

ii. **Cognitive tasks.** Legally relevant cognitive tasks may include identifying persons and populations in need, determining eligibility for assistance, assessing whether exclusion would amount to adverse distinction, and evaluating whether safeguards are sufficient to protect affected persons. Those tasks may require attention not only to identity verification but also to vulnerability, access, and dignity, as well as to the potential for erroneous exclusion.

iii. **Role of AI.** The facial-recognition application would classify individuals as a match, a non-match, or an uncertainty case. Officials may need to determine (among other things) whether that output would merely trigger further review or whether, in practice, it would become the basis for granting or denying relief.

iv. **Effects on cognitive tasks and humanitarian objectives.** The application might help reduce duplication and speed distribution. It may also support more consistent and accurate administration of relief. But the biometric application might produce unequal error rates, depend on incomplete registration databases, and amplify adverse biases configured in the data or the model. Further, such an application might expose

affected populations to a heightened risk of surveillance, targeting, detention, or later misuse of sensitive data.

v. **Cognitive agency.** A legally responsible human may need to be able to understand and evaluate the application's classifications, identify when a non-match or uncertainty flag should not lead to exclusion, and take responsibility for the resulting decision. Reliance on the application may make it especially difficult to exercise cognitive agency if officials cannot meaningfully review or contest results, understand the application's limitations, or ensure that affected persons are not denied relief merely because the application fails to recognize them.

6. Conclusion

As capabilities continue to develop, States may increasingly encounter proposals to use AI for humanitarian activities in relation to armed conflict. Different humanitarian activities, IHL obligations, operational environments, and AI tools and techniques may raise different legal, policy, technical, and ethical considerations. For that reason, broad conclusions on the appropriateness or inappropriateness of reliance on AI may not be suitable across all contexts.

This analysis has suggested a framework for developing initial views concerning such potential reliance. A State's inquiry may include identifying the relevant IHL obligations and humanitarian objectives, determining the cognitive tasks entailed in administering the performance of the obligations, assessing the role that a specific AI tool or technique would play in carrying out those tasks, evaluating how reliance on it might affect their implementation and the achievement of the relevant humanitarian objectives, and considering whether a legally responsible human may appropriately rely on the tool or technique in the contemplated circumstances.

Across those contexts, a recurring question is likely to remain the same: whether that legally responsible human remains capable of exercising sufficient cognitive agency. Developing views on that question in advance of potential adoption may assist States in determining whether — and, if so, how — particular AI tools or techniques may or may not be used in ways that uphold respect for IHL and that support the humanitarian purposes of relief and protection activities.

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About the Authors. Dustin A. Lewis is the Research Director of HLS PILAC, and Taha Wiheba is a Program Fellow at HLS PILAC.

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Correspondence. Correspondence concerning this paper may be sent to pilac@law.harvard.edu.

pilac.law.harvard.edu