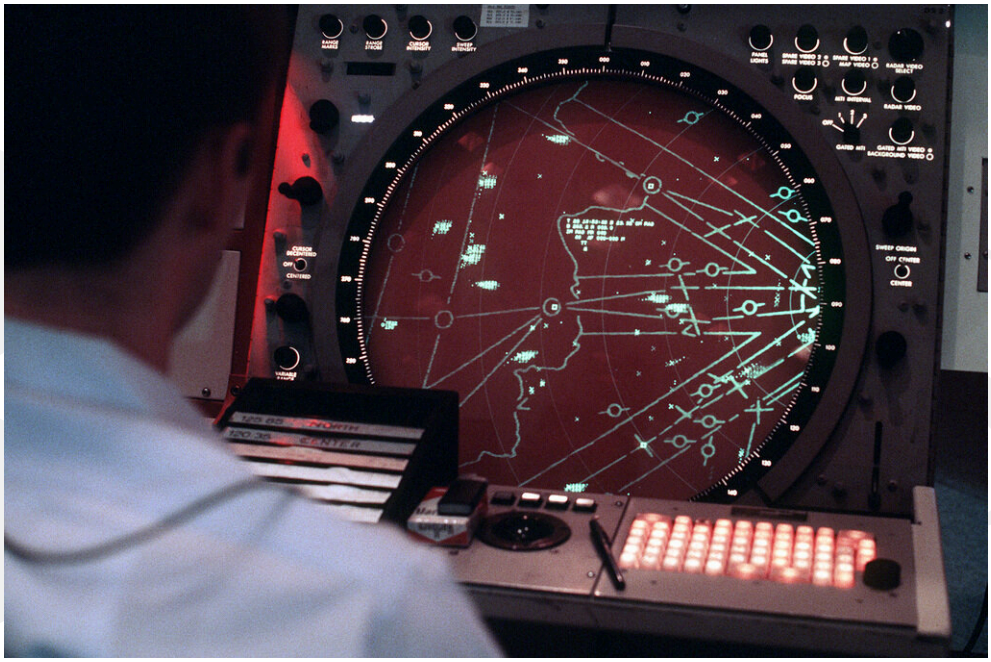
AI in European Defence: What are the ethical limits?

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An airman monitors the new display console for the AN/FPS-117 air defense radar system at Templehof Central Airport. The system is operated by members of the 1946th Information Systems Squadron.

AI in European Defence

Artificial intelligence has been shaping the way we understand the world, as well as the impact that technology has on our lives. Beyond its role in processing information and generating results through algorithms, AI has become a transformative tool across different sectors of society, introducing new possibilities for decision-making, automation and problem-solving.

In the military field, however, AI takes on a particularly significant role. Its application goes beyond information processing, influencing operational planning, threat identification, intelligence analysis and military decision-making. By integrating technological capabilities with strategic objectives, AI is contributing to a transformation in the way warfare is understood and conducted. From protection against cyberattacks to threat identification,

this new tool has raised a debate among weapons programmes within the European Union.

Thus, while this dimension of improving strategies for more effective defence and a more integrated response to threats makes this tool a significant investment vector for European states, the ethical dimensions and the dehumanisation of defence can pose problems if this new mode of defence is not regulated.

Finally, faced with the dilemma of accelerating war at Europe's doorstep, the use of artificial intelligence for operationalisation and strategic purposes proves to be a very near reality, which requires regulation and funding for the transition from the old model of warfare to a new path of technological utilisation.

Ethical challenges in AI Defence

The first ethical issue that arises in the use of artificial intelligence in new defence models in Europe is the dehumanisation of combat, that is, placing the entire combat process into an algorithm that lacks the capacity to understand the level and impact of the attack launched against a target. Thus, the lack of critical assessment and perception of harm on the part of the human operator managing AI-based weaponry may not be sufficient to identify the consequences or weigh the damage caused by the attack or defence itself.

The second point relates to responsibility and accountability under established principles of international law. The use of AI in the domain of defence can inflict severe and irreparable harm, raising questions about who should ultimately be held responsible for the consequences of decisions made through these systems. This can call into question the ethical principles and standards governing military conduct, potentially even leading to violations of international law. These AI systems must be developed and deployed within a framework that ensures compliance with international humanitarian law, protects civilian populations and establishes clear lines of human responsibility.

A further ethical and legal challenge concerns the attribution of responsibility when AI-enabled military systems cause unlawful harm. Beyond the immediate consequences of automated decision-making, an important question emerges: who should ultimately be held accountable when an AI-controlled weapon system commits an act that constitutes a war crime? Is responsibility to be attributed to the military commander who authorised its deployment, the operator who activated the system, or the individuals responsible for its design and development?

This dilemma raises significant questions about the limits of human responsibility in increasingly automated military operations. Although AI systems can perform complex tasks and, in certain circumstances, select and engage targets without further human intervention, they cannot assume

legal or moral responsibility for their actions. Under international criminal law, responsibility must remain attributable to individuals whose conduct fulfils the relevant legal requirements. Consequently, the delegation of military decisions to AI cannot become a means of avoiding accountability for violations of international humanitarian law. Establishing clear lines of responsibility is therefore essential to ensuring that technological innovation does not create a legal or ethical vacuum in European defence.

In the European context, these challenges entail finding a delicate balance between technological innovation and strategic autonomy, on the one hand, and fundamental rights and international legal obligations, on the other. Although the European Union actively promotes trustworthy AI, its AI Act excludes systems used exclusively for military, defence or national security purposes from its scope of application, without prejudice to other applicable legal obligations that remain in force. Concurrently, international humanitarian law applies strictly to the conduct of armed conflicts, including the use of weapons equipped with artificial intelligence, requiring that these systems and weaponry undergo appropriate legal reviews. To safeguard these principles, NATO promotes responsible AI guidelines based on lawfulness, responsibility and accountability, explainability and traceability, reliability, governability and bias mitigation.

Human control in AI Defence

In this dimension of human control, Europe must know how to adapt principles of human integrity to the control of AI. Humans must be capable of controlling the decision-making process in the operationalisation of AI on the battlefield, understanding the actors, decisions and impacts surrounding the scenario in which AI will be used, and ultimately assuming responsibility for its use in any context.

Human involvement in the field of defence must follow standards that encompass the design, development and supervision of all AI deployment processes, taking into account the ethical values and moral standards that define warfare, defence and the understanding of these concepts in light of a world of transformations and conflicts. The strategic dilemma of innovating through the use of a more technological and digital defence economy, supported by AI, cannot disregard the legal and ethical dimensions of actions involving these new technologies.

Finally, the European legal framework must keep pace with the development of defence through the use of AI as a tool that increases the protective capabilities of states, while equally presenting greater challenges and responsibilities for those using these new artificial intelligence systems. Ethical boundaries must be present within the institutions that develop and use these AI systems, ensuring awareness of the damage and impacts on civilians and the broader implications for European defence. The pursuit of military innovation accompanied by human control is the great challenge

for European defence in a world witnessing the emergence of a new tool that enhances new modes of defence and the growth of the industry surrounding defence and warfare.