The Role of Artificial Intelligence in the Formation of New Norms of International Public Law

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Abstract: Artificial intelligence (AI) is rapidly changing the dynamics of global governance—not just through technological advancement, but by subtly unsettling the legal principles that have long underpinned public international law (PIL). Traditionally built around human judgment, sovereign authority, and clear lines of accountability, PIL now faces a shifting landscape where machine-driven processes play an increasingly central role. This piece explores how AI is beginning to shape the development of new international legal norms. It does so by looking at how international organizations are deploying AI, what legal and ethical dilemmas arise from its use, and how current regulatory frameworks are either adapting or falling short. While soft law instruments and a few treaty-based efforts have shown early signs of progress, notable gaps persist—especially when it comes to assigning responsibility, ensuring transparency, and upholding data sovereignty.

Keywords: Artificial Intelligence (AI), International Public Law, Norm Formation, Digital Governance, Global Regulation

Introduction

Artificial intelligence is no longer a peripheral concern—it's now woven into the fabric of global governance, shaping everything from trade negotiations to defense strategies, healthcare protocols, and the ways we communicate across borders. Its ability to process vast quantities of data and make decisions independently is starting to blur the lines of accountability, transparency, and human oversight in international relations. In essence, AI is tugging at the seams of a legal system that was never built with such technologies in mind [1].

Public international law, with its roots in treaties, customs, and broad legal principles, now faces dilemmas it was never intended to resolve. For instance, if an autonomous system causes an internationally wrongful act, who's to blame? Can international institutions realistically demand algorithmic transparency when even their developers sometimes struggle to explain how these systems work? And what happens to the idea of data sovereignty when AI platforms inherently defy geographic boundaries? [2]

These aren't just hypothetical musings—they reflect a pressing need for international legal structures to catch up. AI offers real promise for enhancing cross-border collaboration, but without thoughtful regulation, it could just as easily unravel established legal norms. Some international bodies are beginning to respond: the United Nations, the World Trade Organization, and the Council of Europe are all starting to incorporate AI into their policy-making. Still, the legal ramifications of these shifts remain murky at best.

This article aims to unpack how AI is already nudging international law in new directions. It will examine the specific tensions AI introduces to traditional legal principles, explore how new norms

might be emerging, and ask a fundamental question: Is the current international legal framework even equipped to handle this transformation?

Methods

This study employs a doctrinal and normative methodology to examine the evolving interface between artificial intelligence and public international law. It draws on a close textual analysis of primary legal instruments—including treaties, declarations, institutional resolutions, and strategic policy documents—issued primarily by the United Nations and the Council of Europe. These are assessed alongside regional regulatory initiatives, most notably the European Union's Artificial Intelligence Act, to enable comparative insights into divergent governance approaches.

The research further incorporates a critical review of secondary literature published between 2021 and 2025, encompassing academic commentary, expert reports, and legal scholarship. This body of work serves to contextualize the primary sources and illuminate prevailing theoretical and policy-oriented debates regarding AI governance within international legal frameworks.

Methodologically, the analysis is qualitative in nature, emphasizing legal interpretation, normative evaluation, and the internal coherence of emerging doctrinal trends. The objective is not empirical generalization but conceptual clarification—specifically, to assess whether existing legal norms can accommodate the disruptive capacities of AI, or whether new normative architectures are required to preserve accountability, transparency, and sovereignty in an increasingly automated global order.

Results

International organizations are increasingly acknowledging the urgent need to confront the legal implications of artificial intelligence. In a landmark move, the United Nations General Assembly adopted its first non-binding resolution on AI in March 2024, urging states to ensure that AI systems remain safe, transparent, and respectful of fundamental human rights [3]. That same year, the Council of Europe finalized the Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, which was opened for signature in September 2024 [4]. As the first binding international treaty in this domain, it seeks to impose enforceable obligations on member states to ensure that AI technologies align with core legal and ethical standards [5].

Yet despite these significant developments, the rise of AI continues to challenge foundational doctrines in public international law. One of the most pressing issues is that of responsibility and attribution [6]. Classical formulations of state responsibility presume decisions made by human agents. When AI systems operate with a degree of autonomy—as seen with autonomous weapons or algorithmic border control—the task of assigning legal responsibility becomes murky. Scholars such as Demir and Druzin, Boute, and Ramsden have all drawn attention to the resulting "accountability gap," where no individual or entity can be definitively held liable for harm caused by AI actions.

Transparency and explainability form a second area of concern. Many AI systems, particularly those built on deep learning architectures, function as so-called "black boxes," producing decisions without clear, comprehensible justifications. This obscurity runs counter to key principles of due process and procedural fairness that underpin both domestic and international legal systems [7]. As Talapina (2025) warns, the absence of algorithmic transparency risks eroding public trust in governance and could even compromise the legitimacy of international bodies that increasingly rely on AI tools for assessments and enforcement [8].

A third critical issue revolves around data sovereignty and the regulation of cross-border data flows. AI systems are fundamentally reliant on vast amounts of data, often collected, transmitted, and processed across multiple jurisdictions. This raises thorny questions about privacy rights, legal jurisdiction, and the preservation of state sovereignty [9]. The legal frameworks developed in an era of territorial and human-mediated information exchange are proving increasingly ill-equipped to handle the distributed and transnational architecture of AI technologies.

Even so, international legal practice is beginning to evolve in response. Several guiding principles are gradually coalescing into what may emerge as the normative foundation of a distinct subfield—

international AI law [10]. Among these are the precautionary principle, which mandates proactive state regulation of AI; the principle of accountability and human oversight, aimed at ensuring that human actors remain ultimately responsible for AI outcomes; ethics-by-design, which calls for the integration of fairness and human rights considerations into AI systems from their inception; and the principle of transparency, which demands the explainability and auditability of AI processes in both public and private domains [11]. The Council of Europe's Framework Convention gives explicit legal expression to many of these principles, signaling a pivotal moment in the ongoing normative development of global AI governance [12].

Discussion

The findings of this study indicate that artificial intelligence is already exerting a measurable impact on the trajectory of public international law—though this influence remains uneven and fragmented. Normative developments are being driven primarily through soft law instruments: non-binding resolutions, strategic policy documents, and regional regulatory frameworks. While these mechanisms offer space for experimentation and help foster emerging consensus, they simultaneously underscore the absence of universally binding legal standards [13].

At the heart of this evolving landscape lies a fundamental tension between the imperatives of innovation and the demands of regulation. States are eager to harness AI's strategic and economic potential but remain wary of legal constraints that could hinder technological advancement. Yet, in the absence of robust legal safeguards, the dangers are far from abstract: the potential for human rights violations, algorithmic bias, and failures of cross-border accountability is both real and growing. This imbalance is exacerbated by stark disparities in technological capacity, leading to fears of what some have termed "AI colonialism"—a scenario in which data, infrastructure, and algorithmic influence are concentrated in a small number of highly developed jurisdictions [14].

And yet, AI may also serve as a catalyst for renewal within international law. It challenges jurists and policymakers to revisit foundational legal doctrines—such as sovereignty, responsibility, and consent—in light of the profound interdependencies introduced by digital technologies. The consolidation of AI-specific legal principles, ongoing treaty negotiations, and the reinterpretation of existing legal norms suggest that the international legal order is entering a phase of deeper normative pluralism. Rather than displacing traditional legal concepts, AI is prompting their extension into uncharted regulatory domains, thereby reshaping international law from within [15].

Conclusion

Artificial intelligence is no longer an external technological phenomenon but a structural force shaping international legal processes. It challenges the established assumptions of public international law, particularly those related to agency, accountability, and territoriality. The ongoing normative evolution reflects a broader transformation in global governance, in which AI both disrupts and enriches the international legal order.

While initiatives such as the United Nations' resolution on AI and the Council of Europe's Framework Convention represent important milestones, the development of binding, globally accepted standards remains a pressing challenge. To preserve the integrity of international law, states and international institutions must recognize the necessity of integrating AI-specific obligations—transparency, accountability, human oversight, and data protection—into the corpus of international norms.

Ultimately, the future of public international law will depend on its ability to adapt to technological realities without sacrificing its core values of human dignity, justice, and the rule of law. Artificial intelligence, properly governed, can become not a threat but a catalyst for strengthening the legitimacy and resilience of the international legal system.

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