
Artificial Intelligence and the Reshaping of Sovereignty and International Responsibility: A Study of the Legal and Political Implications for the Balance of Power in the International System



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Abstract:

Artificial intelligence has become one of the most influential technological transformations shaping the contemporary international system. Its rapid development raises complex legal and political challenges, particularly concerning the adequacy of traditional rules of international responsibility to regulate actions generated by autonomous non-human systems. This study analyzes how artificial intelligence contributes to redefining the concepts of sovereignty and international responsibility and examines its implications for the balance of power among states. The research adopts an integrative analytical approach combining legal analysis with political perspectives. The legal dimension evaluates the capacity of international law to adapt its rules of responsibility to acts produced by intelligent systems, while the political dimension explores the strategic consequences of technological disparities among states. The study concludes that artificial intelligence is transforming sovereignty toward a digital dimension and reinforcing technological asymmetries, which requires the development of new international legal mechanisms to ensure accountability and maintain stability within the international system.

Keywords: *Artificial Intelligence; International Responsibility; Sovereignty; International Law; Balance of Power.*

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Introduction:

Artificial intelligence today constitutes one of the most prominent technological variables reshaping the structure of the international system, as its impact intertwines in the legal and political spheres in an unprecedented manner. This new variable raises profound legal issues concerning the adequacy of traditional rules of international responsibility to accommodate acts emanating from non-human systems capable of learning and making autonomous decisions, while also reshaping the concept of national sovereignty and the balance of power among states, necessitating an integrative analytical approach combining legal analysis with political perspective.

The central problem of this study is: How can artificial intelligence, as an emergent technological variable, reshape the concepts of sovereignty and international responsibility, and what are the implications of this for the structure of power distribution within the international system? From this main problem, several analytical questions branch out: How can the legal nature of artificial intelligence be adapted within traditional classifications of legal personality? What mechanisms allow for the attribution of unlawful acts committed by intelligent systems to specific legal actors? How does the disparity in technological capabilities affect the balance of power among states? Are the existing legal and political frameworks still capable of accommodating the new challenges posed by this technology?

The central hypothesis of this study is that traditional legal frameworks governing international responsibility and the political concept of sovereignty are no longer sufficient to address the challenges posed by artificial intelligence. This necessitates a shift towards establishing international responsibility on the basis of risk theory, as it is more suitable for dealing with the harms resulting from the use of intelligent systems, given the difficulty of proving fault. It also requires rethinking the concept of sovereignty in light of digital transformation and the emergence of new forms of technological disparity that reshape the international balance of power.

This study relies on a critical analytical methodology combining two integrated levels: the analytical legal method, allowing for the deconstruction of legal texts and international agreements and extrapolating the positions of jurisprudence and international judiciary on adapting the rules of international responsibility to include acts emanating from artificial intelligence systems; and the comparative political method, enabling the analysis of the impact of technological disparity on the structure of the international system and the distribution of power among states.

1. The Conceptual Framework of the Relationship between Artificial Intelligence and the Principles of Sovereignty and International Responsibility

This section establishes an integrated conceptual vision regarding the nature of artificial intelligence and its relationship with fundamental concepts in international law and political relations, through deconstructing the jurisprudential debate on the legal personality of artificial intelligence, analyzing the transformations of sovereignty in the context of digital transformation, and reinterpreting the theory of international responsibility in light of technological developments

1.1 The Legal Nature of Artificial Intelligence between Rejection and Acceptance: An Analytical Approach: The rapid development of artificial intelligence technologies raises a fundamental issue related to determining its legal nature, especially given the increasing expansion of its uses in vital sectors at both national and international levels. The jurisprudential debate revolves around the possibility of granting legal personality to artificial intelligence or considering it merely a technical tool subject to general rules (Abbas Mustafa Abbas, 2023, p. 1431). The jurisprudential positions on this matter can be classified into two main directions:

a. The Proponent Direction for Granting Legal Personality: Foundations and Arguments: This direction is based on the consideration that the technical progress achieved by artificial intelligence necessitates the creation of a new legal framework that suits its specificity. Proponents argue that artificial intelligence has transcended being merely a passive tool subject to complete human control, becoming an entity with analytical capabilities and relative autonomy that qualifies it to acquire a special legal personality (Abbas Mustafa Abbas, 2023, pp. 1431-1432). Recognizing the legal personality of artificial intelligence aims to establish a clear legal regulation defining its rights, duties, and responsibilities, ensuring dealing with it according to specific legal foundations that align with its growing presence in various fields (Ibid, pp. 1433-1435).

Proponents present several arguments supporting their position. Most notably, legal personality is not a privilege exclusive to humans, as evidenced by granting it to legal entities such as corporations and international organizations (Farida Mohammedi "Zawawi", 2000, p. 56). Furthermore, artificial intelligence is no longer just an inert technical tool but has gained advanced analytical capabilities and relative autonomy in decision-making (Hamdi Ahmed Saad Ahmed, 2021, p. 112). Recognizing legal personality represents a mechanism to address the existing legislative vacuum concerning determining liability for damages resulting from the decisions and actions of intelligent systems (Abbas Mustafa Abbas, 2023, pp. 1437-1438).

b. The Opposing Direction for Granting Legal Personality: Foundations and Arguments: This direction rejects granting legal personality to artificial intelligence, considering it merely a tool or object of rights, not a person possessing the will and awareness necessary to acquire rights and assume obligations (Hamdi Ahmed Saad Ahmed, 2021, p. 112).

Legally, artificial intelligence does not align with traditional classifications of legal personality, which only recognize natural and juridical persons (Farida Mohammedi "Zawawi", 2000, p. 56; Tarek Afifi Sadek Ahmed, 2016, p. 230). Intelligent systems lack the independent will essential for acquiring rights and obligations, as their actions rely on pre-existing software and algorithms (Hamdi Ahmed Saad Ahmed, 2021, p. 112). They cannot enjoy basic rights such as capacity, independent financial liability, and the right to litigation, which require awareness and perception they do not possess (Ibid, p. 112). Moreover, they cannot be held criminally or civilly liable, necessitating that responsibility remains with designers and operators (Abbas Mustafa Abbas, 2023, pp. 1448-1449).

This position received institutional support. The World Commission on the Ethics of Scientific Knowledge and Technology, in its 2017 report, affirmed that artificial intelligence lacks essential components of legal personality, such as freedom of action, perception, and moral sense (Abbas Mustafa Abbas, 2023, p. 1432). The European Parliament also stated in its October 20, 2020 recommendation that granting legal personality to artificial intelligence is unnecessary, given its continuous dependence on human programming and operation, with responsibility remaining with humans (Ahmed Belhaj Jarad, 2022, p. 245).

1.2 Transformations of the Concept of Sovereignty in the Digital Space: From Territorial Exclusivity to Active Pluralism

The concept of sovereignty represents the cornerstone of both The concept of sovereignty, defined as the supreme authority of the state over its territory and independence from external authority, is fundamental to international law and political relations (Faisal bin Abdulaziz Al-Khuraiji, 2019, p. 89). However, rapid technological developments, particularly in artificial intelligence, have imposed unprecedented challenges on this classical concept.

Cyberspace fundamentally challenges territorial sovereignty, as AI-powered cyber activities can target another state's vital infrastructure without clear attribution mechanisms (High-Level Advisory Body on Artificial Intelligence, 2024, p. 8). Disinformation campaigns managed by intelligent systems also undermine political stability and constitute unprecedented interference in internal affairs (Voeneky, S & Others, 2022, p. 189). Consequently, the issue of "digital sovereignty" has emerged, whereby states no longer fully control cross-border data flows or the algorithms influencing their citizens (Advisory Body, 2024, p. 8).

Moreover, autonomous weapon systems threaten the sovereignty of technologically non-advanced states, creating unprecedented disparities in defensive and offensive capabilities (Adib Bin Rashid & Others, 2023).

1.3 The Problematic of International Responsibility between Traditional Theory and Risk Theory

International responsibility represents one of the fundamental pillars of the international legal system, defining the mechanisms by which international actors are held accountable for unlawful acts and for redressing the damages arising from them. It has been defined as "a legal status by which the state to which an act or activity is attributed is obliged to compensate for the harm affecting another state or one of its nationals as a result of this act or activity" (Suhaib Ibrahim Hajim Al-Hiti, 2015, p. 152). This concept has also been developed to include "the responsibility incumbent upon the state due to damages resulting from lawful activities but which entail grave risks, regardless of the existence of fault, negligence, or error on the part of the state; it is a no-fault liability for a dangerous activity" (Mohamed Saadi, 2014, p. 106). International responsibility is based on three fundamental pillars:

a. The First Pillar: Fault

Fault is defined as the breach of an international obligation, whether by a positive act or by abstaining from an act that should have been performed (Abdel Aal Al-Derbi, 2016, p. 62). However, proving fault in the context of autonomous AI systems poses significant epistemological problems, as it is difficult to determine whether the harmful decision resulted from human error at the programming stage, a defect in deep learning algorithms, or an autonomous decision by the machine that cannot be traced back to direct human intervention (Mohamed Saadi, 2014, p. 106). This problem becomes more complex in the context of continuous learning systems that modify their behavior based on interactions with the surrounding environment.

b. The Second Pillar: Attribution

Attribution is the legal process that links the act constituting international responsibility to a specific international legal person, whether a state, international organization, or individual (Israa Sabah Al-Yasiri, 2018, pp. 251-252). Acts issued by state organs or its officials are attributed to the state itself if issued within the scope of their function or under its authority (Faisal bin Abdulaziz Al-Khuraiji, 2019, p. 89). However, attributing the acts of autonomous intelligent systems remains a subject of profound debate: are they attributed to the programmer, the operator, the state that developed or used the system, or the system itself?

c. The Third Pillar: Damage

Damage represents the objective element without which international responsibility cannot be established, as a state cannot be held responsible unless its unlawful act has infringed upon a right or legitimate interest of another international person (Israa Sabah Al-Yasiri, 2018, p. 250). Damage includes material damage affecting property and persons, and moral damage affecting reputation, dignity, or feelings (Muslim Dhahir Hassoun Al-Husseini, 2019, p. 179). The issue of assessing damage becomes more complex in the context of AI systems, especially when the damage is moral in nature, such as influencing electoral processes, undermining trust in political institutions, or manipulating public opinion.

2. Transformations of International Responsibility in Light of Risk Theory: A Legal-Political Reading

2.1 The Theoretical Foundations of Risk Theory in International Law

Driven by rapid technological development, international law has gradually shifted from fault theory to risk theory as a basis for responsibility for exceptionally dangerous activities, such as nuclear energy and space exploration (Mohamed Ramadan, 2013, pp. 12-13). These developments prompted the International Law Commission, since 1970, to adopt risk theory as a basis for obligation concerning lawful but dangerous activities (Khalil Abdel Mohsen Khalil Mohamed, 2001, p. 67).

Risk theory represents an epistemological break from traditional fault theory, as it does not require proof of negligence or intent; it suffices that damage related to the dangerous activity occurs (Abdel Aal Al-Derbi, 2016, p. 62). This theory rests on a fundamental principle: whoever engages in a lawful but dangerous activity bears the consequences of resulting damage, even absent fault, because others have the right to live safely from its dangers (Mohamed Saadi, 2014, p. 106). This principle expands the scope of international responsibility and enhances the protection of states' and individuals' rights against increasing technological risks.

2.2 Areas of Application of Risk Theory to Artificial Intelligence Activities

The areas justifying the application of risk theory to AI activities are numerous and can be summarized in the following contexts:

a. The Context of the Impossibility of Proving Fault

This context represents the most prominent criticism directed at traditional fault theory, which requires proof that the international actor committed a fault resulting from negligence or intent (Abdel Aal Al-Derbi, 2016, p. 62). In the context of damages resulting from the use of intelligent systems, proving a direct fault attributable to the developer or end-user becomes an extremely complex matter, given the autonomous and evolving nature of these systems, especially when the damage results from autonomous decisions taken without direct human intervention (Voeneky, S & Others, 2022, p. 189).

b. The Context of Damages Resulting from Emergent Risks

Artificial intelligence technologies represent a model of dual-use technologies; on one hand, they contribute to enhancing human well-being through applications in health, education, and the economy, and on the other hand, they involve grave risks that can lead to death, personal injury, property damage, as well as reinforcing discriminatory and exploitative practices (Voeneky, S & Others, 2022, p. 189). Practical experiences have revealed the inadequacy of traditional liability rules in facing damages resulting from these technological developments, necessitating the adoption of risk theory as a more suitable framework.

c. The Context of Lawful Activities of a Dangerous Nature

Many AI applications fall within the category of lawful activities of a dangerous nature, whose danger is no less than the activities that necessitated the adoption of special international agreements to regulate liability for them, such as the Paris Convention of 1960 on Third Party Liability in the Field of Nuclear Energy. The danger of artificial intelligence stems from the various stages of its lifecycle, starting from design and development, through distribution and deployment, and ending with actual use and continuous self-evolution.

2.3 The Position of International Legal Institutions on Risk Theory

International legal institutions have adopted risk theory as a basis for liability in numerous international agreements, reflecting a shift in the prevailing legal philosophy towards activities of high risk:

a. In the Field of the Peaceful Use of Nuclear Energy

The Paris Convention on Third Party Liability in the Field of Nuclear Energy of 1960 established the operator's liability for damage caused by nuclear incidents regardless of proof of fault or negligence, once it is established that the damage resulted from facts related to nuclear fuel, products, or radioactive waste (Article 3 of the Paris Convention). This text represents a clear embodiment of risk theory.

b. In the Field of Activities Related to Outer Space

The Convention on International Liability for Damage Caused by Space Objects of 1972 established the principle of absolute liability, obligating states parties to bear international liability for any damage caused by space objects they launch, whether the damage occurs on the surface of the earth or affects natural or juridical persons within states parties (Article 7 of the Liability Convention).

c. In the Field of Environmental Pollution

The International Convention on Civil Liability for Oil Pollution Damage of 1969 obligated the tanker owner to compensate for damage resulting from oil spills

without proof of fault (Article 3 of the CLC Convention), implicitly recognizing risk theory for environmental damage from dangerous maritime activities.

Risk theory gained wide acceptance in international jurisprudence. Georges Scelle argued that the sole basis for international responsibility lies in the idea of risk (Mohamed Saadi, 2014, p. 106), while Dionisio Anzilotti called for abandoning the fault-based liability system, affirming that the mere occurrence of objective causation is sufficient for the state to bear international responsibility (Abdullah Mohsen Abdullah, 2019, p. 56).

International judiciary also adopted this theory, most notably in the Corfu Channel case (1949), where the International Court of Justice held Albania responsible based on the finding that naval mines could not have been laid without its knowledge, establishing responsibility merely on the occurrence of damage within the state's territorial control, without needing to prove direct fault (International Court of Justice, 1949).

3. Reshaping the Balance of Power in the International System: A Political Approach to the Effects of the Technological Gap

3.1 Artificial Intelligence and the Transformations of the Concept of Power in International Relations

Amidst rapid technological transformations, artificial intelligence emerges as a strategic variable reshaping power in international relations, granting states with advanced capabilities an unprecedented comparative advantage in both hard power (military and economic) and soft power (cultural and media influence) (Adib Bin Rashid & Others, 2023).

Militarily, autonomous weapon systems enable precise operations without exposing forces to risk, changing traditional rules of engagement and creating asymmetry in combat capabilities (Khaled Abdel Aal Ismail Hassan, 2022, pp. 272-273), while complex AI-powered cyberattacks provide technologically advanced states with a new tool of pressure in international relations.

Economically, artificial intelligence reshapes global value chains and grants leading states a tremendous competitive advantage (Bassiouni Mohamed Taha Al-Khouli, 2024). Control over big data and advanced algorithms represents a source of economic influence that can be politically employed to influence other states' decisions and policies.

In the media dimension, AI-powered social media platforms enable states to influence global public opinion and interfere in the internal affairs of other states through disinformation and cognitive guidance operations (Voeneky, S & Others, 2022, p. 189), constituting a new source of soft power that surpasses traditional tools such as cultural diplomacy and media.

3.2 Technological Disparity and the Restructuring of the International System

The disparity in AI technological capabilities restructures the international system on new foundations, rendering traditional divisions between North and South insufficient to understand ongoing transformations. A new digital divide has emerged—the "AI gap"—separating states that can develop and use this technology from those that cannot (Advisory Body, 2024, p. 8).

This gap profoundly impacts national sovereignty, as technologically non-advanced states find themselves in a subordinate position, dependent on imported technology that may carry hidden agendas or security vulnerabilities (Ibid, p. 8). Their limited ability to defend their sovereignty in cyberspace makes them vulnerable to cyber-attacks and external interference without appropriate deterrence tools. Furthermore, the concentration of technological capabilities in a limited number of states and giant corporations creates a new form of dependency, where other states become mere technology consumers, subject to conditions imposed by producing states and owning companies (Bérénice Boutin, 2022, pp. 134-145).

3.3 The Problematic of International Criminal Responsibility of States for AI Crimes: A Critical Reading

The use of intelligent systems, particularly autonomous ones, raises complex legal and political issues regarding the extent to which the state to which this technology belongs can be held accountable for the criminal acts committed through them (Bérénice Boutin, 2022, p. 134). Jurisprudential positions on this matter have diverged into two main directions:

a. The Direction Supporting the Criminal Accountability of the State

Proponents of this direction see the possibility of holding the state criminally responsible for crimes committed using AI systems, based on several considerations. First, artificial intelligence remains merely a tool in the hands of the state that develops, acquires, or uses it, not an independent legal entity (Bérénice Boutin, 2022, pp. 134-145). Second, the existing international rules of attribution are sufficient to link the act to the state, as the International Law Commission's Draft Articles consider any act by a state organ or an entity acting under its direction to be attributable to it (Articles 4-11 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts). Third, holding the state accountable enhances compliance with international law and prevents impunity, particularly when it is difficult to hold individuals accountable due to the technological complexity that prevents identifying the direct responsible party (Mia Swart, 2023).

b. The Direction Opposing the Criminal Accountability of the State

Proponents of this direction reject holding the state criminally accountable, considering that criminal responsibility attaches exclusively to natural persons (Zahra Edda Faghoule, 2018, p. 138). They argue that crimes are committed by natural persons acting in the name of the state, so responsibility should fall on them alone, without extending to the state as a legal entity (Ibid, p. 138). Moreover, criminal punishment is linked to the perpetrator's moral and ethical contribution, which the state as a legal entity lacks (Ibid, p. 138), and proving the causal link between the voluntary act and the criminal result is difficult in the case of a state.

The prevailing opinion considers political or civil accountability of the state more realistic than criminal liability, especially absent an international criminal mechanism competent to try states. The Rome Statute of the International Criminal Court has jurisdiction over natural persons only, without extending to states as legal entities (Zahra Edda Faghoule, 2018, p. 138). This creates a legal gap requiring new mechanisms for international accountability that combine legal and political dimensions to address the specific challenges posed by artificial intelligence.

Conclusion:

This study provided an integrative approach to analyze the impact of artificial intelligence on sovereignty and international responsibility, and their implications for the balance of power, drawing on analytical tools from international law and political relations.

The findings can be summarized as follows:

At the legal level, artificial intelligence lacks the essential elements of legal personality—*independent will, awareness, and perception*—precluding granting it this status and keeping legal responsibility focused on designers, operators, and user states.

Risk theory constitutes the most appropriate legal framework for international responsibility for damages caused by AI systems, particularly when proving fault is impossible, multiple parties are involved, or in the context of lawful but dangerous activities.

At the political level, AI development threatens traditional national sovereignty through the erosion of geographical borders in cyberspace, increasing difficulty in controlling data and decisions, and the emergence of new forms of technological dependency.

The disparity in AI technological capabilities restructures the international system, creating an "AI gap" that redistributes power and influence among states according to technological criteria rather than traditional political or economic ones.

International criminal responsibility for AI-related crimes extends beyond individual users to manufacturers and developers, raising the issue of holding states accountable according to specific controls and conditions.

The complex nature of damages caused by AI necessitates innovative redress mechanisms, going beyond material and financial compensation to include satisfactions acknowledging moral damages and restoring victims' standing

Footnotes: Explanatory footnotes should be inserted as endnotes.

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