

**AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

**Submission of the African Commission on Human and Peoples' Rights' Focal  
Point on the African Commission's Study on AI, other technologies and  
human and peoples' rights**

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**ACHPR**  
African Commission on  
Human & Peoples' Rights

## **I Introduction**

The African Commission on Human and Peoples' Rights (the African Commission), as the premier treaty-based human and peoples' rights body of the African Union (AU), is entrusted with the mandate of promoting and protecting human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (African Charter). In the African Commission's study on [Addressing Human Rights Issues in Conflict Situations](#), the African Commission's Focal Point who led the study observed that 'it is ... in conflict and crisis situations that the most egregious violations and abuses of rights are perpetrated...With the changes in the nature of conflicts and the attendant heightened threat to human and peoples' rights, there is a greater need for the human rights system to pay increasing attention to and provide effective responses to the challenges that these new dynamics present to the protection and observance of rights.' In the current context, one of the major new dynamics that carries serious implications for peace and security and therefore human and peoples' rights relate to Artificial Intelligence (AI) and in particular its rapid development and use in the military domain.

During its 1214<sup>th</sup> meeting, the AU Peace and Security Council (PSC), in requesting the AU Commission to conduct a study to assess the adverse impact of AI on peace and security, underscored the necessity of ensuring African perspectives in shaping global AI governance frameworks. Against this background and having regard to its work on AI and other technologies and human and peoples' rights<sup>1</sup> and human rights in peace and security, the African Commission is pleased to share its views in response to the invitation of the Secretary-General for submission of inputs on AI in the military domain and its implications for international peace and security.<sup>2</sup>

## **II AI in the military domain and peace and security**

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<sup>1</sup> Resolution ACHPR/Res. 473 (EXT.OS/ XXXI) 2021 on human and peoples' rights and artificial intelligence (AI), robotics and other new and emerging technologies in Africa, available at <https://achpr.au.int/en/adopted-resolutions/473-resolution-need-undertake-study-humanand-peoples-rights-and-art>

<sup>2</sup> The Focal Point of the African Commission on its study on human and peoples' rights and AI, robotics and other technologies acknowledges with appreciation the contribution of Professor Thompson Chengeta, who is the consultant providing technical assistance in the development of the study, through the Centre for Human Rights, University of Pretoria.

The development and use of AI technologies in the military domain particularly to automate military functions such as surveillance, targeting, and the deployment of lethal force have far reaching consequences for peace and security and hence for human and peoples' rights. The AU Continental AI Strategy, endorsed during the 44<sup>th</sup> Extraordinary Session of the Executive Council of the African Union, highlights AI governance and regulatory challenges, particularly in military applications, warning that AI could exacerbate conflicts through inaccurate predictions or deployment of autonomous weapon systems. Additionally, the framework raises concern about disinformation, misinformation, cybersecurity threats, and military risks.

From the perspective of the development and use of AI in the military domain, peace and security should not be seen just from the perspective only of what it means for stability of states and societies. Beyond its conception under the UN Charter and public international law associated with friendly relations of states, peace and security is also a fundamental right of all peoples. The African Charter thus stipulates that 'All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.'<sup>3</sup>

The framing of peace and security as a right of peoples compels states to assess and govern the development and deployment of AI technologies in the military domain through a human rights lens that prioritises the prevention of harm, suffering, and injustice. Together international law conception of peace and security, it places an affirmative duty on states to ensure that AI systems do not contribute to conflict, perpetuate structural inequalities, or violate the rights and dignity of individuals and communities. By embedding peace and security within the framework of human rights, states are not only accountable for avoiding direct acts of aggression, but also for proactively creating and maintaining environments in which human flourishing, security, and justice are protected from the potentially disruptive or harmful impacts of emerging military technologies.

The implication of AI in the military domain to peace and security, framed comprehensively, thus goes beyond how it shapes the obligation of states for non-aggression. It also covers how

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<sup>3</sup> Article 23(1) of the African Charter.

algorithm-driven systems may dehumanise individuals, introduce bias, and lead to unaccountable or disproportionate harm. It raises critical questions about the erosion of human oversight, the potential for unlawful killings or violations of international humanitarian law, and the targeting of vulnerable or marginalised populations.

By transforming military capabilities, the application of AI in the military domain can also have implications for peace and security by heightening tendencies for engaging in hostilities. The resultant escalation of tension and violence will be inimical not only to stability and peace between and within states but also most importantly carries more adverse consequences for the development needs of the less developed parts of the world such as Africa. While AI may contribute to advancing the development needs of Africa, its development and use in the military domain can have devastating consequences for development detrimental in particular to the right to development enshrined in Article 22 of the African Charter.<sup>4</sup>

This link between peace and development is also central to the Sustainable Development Goals (SDGs), especially SDG 16, which promotes peace, justice, and strong institutions. Without peace and security, sustainable development cannot be achieved. Recognising this link is critical in the governance of military AI, as the militarisation of AI can aggravate instability, particularly in fragile regions, and undermine Africa's developmental aspirations. By reaffirming the interconnectedness of peace and development, the African Commission calls for a governance approach that upholds peace as both a human right and a developmental imperative.

### **III The need for a human and peoples' rights-based regulation of the development and use of AI in the military domain**

Given the ways in which the use of AI in the military domain transforms the conduct of hostilities and how the development of AI relies on the extraction of natural resources particularly critical minerals such as rare earth minerals, it is the submission of the African Commission that both the process of extraction of resources in the development of AI in the military domain and the use of

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<sup>4</sup> All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

AI in the military domain need to be in full compliance with human and peoples' rights standards and international law principles, including international humanitarian law.

First and foremost, it is of paramount significance that the development and use of AI in the military domain complies with the right to peace and security enshrined in Article 23 of the African Charter on Human and Peoples' Rights. As a right that is born out of the recognition of the inseparability of the enjoyment of other human rights states from peace and security, this right entails that the use of AI in the military domain should be consistent with the international law prohibition of the use of force enshrined in the UN Charter and the Constitutive Act of the African Union.

Second, the use of AI technologies in conflict settings need to ensure respect for applicable human and peoples' rights and international humanitarian law principles, including most notably needs to adhere to the principles of precaution, necessity, distinction, proportionality and legitimacy. These requirements apply irrespective of whether the context in which the use of AI in the military domain relates to international armed conflicts or non-international armed conflicts. As established in the African Commission's study,<sup>5</sup> parties to conflict are obliged to observe human rights standards where such conflicts do not meet the IHL threshold of armed conflict. As such, those who use AI technologies in conflict situations that do not meet the IHL threshold of armed conflict are legally obliged to respect and ensure respect for the human and peoples' rights standards established under treaty and customary international human rights law.

Third, the development of AI in the military domain and the use AI technologies in hostilities need to comply with the principle of transparency. This is fundamental because it is the basis for ensuring effective regulation of the development and use of AI in the military domain and for compliance with applicable human rights and international law standards. Additionally, transparency is critical for ensuring compliance with the obligation for respecting the dignity, privacy and data protection of individuals. The principle of transparency is also a pre-requisite for addressing some of the concerns that arise from use of AI in the military domain including bias (owing to the source and type of data used) and explainability. Transparency is also critical not

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<sup>5</sup> ACHPR, Addressing human rights issues in conflict situations, <https://achpr.au.int/en/node/895>

only with the development of AI in the military domain but also with respect to the transfer of AI technologies in the military domain.

Fourth, from the perspective of human and peoples' rights and IHL, the other standard key to human rights and international law-based regulation of the development and use of AI concerns accountability. In the event of the occurrence of violations of human and peoples' rights standards or IHL principles from the development and use of AI in the military domain, there has to be both institutional and individual accountability. Accountability in this instance encompasses not only the measures that are taken against perpetrators but also the remedial steps that need to be put in place for redressing victims.

Fifth, building and sharing of technical knowhow critical to ensuring regulation by states is the other principle. Recent developments including the jamming of GPS systems affecting flights reported in Eastern DRC and the deployment by the Islamic State of West Africa of armed drones, highlight not only the need for effective regulation but also the need for developing the requisite infrastructure and technical capacity for ensuring effective regulation.

#### **IV The link between the development of AI in the military domain and Africa's natural resources and its implications for peace and security**

The African Commission is also of the view that when discussing peace and security, stakeholders must be aware of the link between development of military AI, Africa's natural resources—particularly critical minerals—and the notion of peace and security. Article 21(1) of the African Charter on Human and Peoples' Rights affirms: "All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it."<sup>6</sup> Article 21(5) further provides that "States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources."<sup>7</sup>

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<sup>6</sup> Article 21(1) of the African Charter.

<sup>7</sup> Article 21(5) of the African Charter.

This provision is particularly important in the context of military AI, which depends heavily on critical minerals such as cobalt, lithium, and rare earth elements—resources abundantly found in Africa. The 2024 Report of the Chairperson of the African Commission’s Working Group on Extractive Industries, Environment and Human Rights Violations, stressed the “significance of critical minerals for new and emerging technologies” and highlighted that Africa has been burdened by a “resource curse phenomenon.”<sup>8</sup> The report of the Chairperson noted that “extraction of minerals and other resources not only fuels but also at times becomes the site where contestation over whose control and use triggers conflicts. In some instances, this has created a vicious cycle of insecurity and violence, a condition that not only leads to major human and peoples’ rights violations but also the perpetuation of a vacuum of effective governance and the concomitant exploitative, socially and environmentally costly extraction of the resources of the continent.”<sup>9</sup>

Therefore, governance of military AI must not only ensure the legal use of force but also address the exploitative chains of extraction that power such technologies. This requires strict oversight, equitable benefit sharing, and regional solidarity to prevent Africa’s resources from being used to fuel further conflict and inequality.

## **V Conclusion**

The African Commission is of the view that the development and use of AI in the military domain carries far reaching consequences for international peace and security in general and for less developed parts of the world such as in Africa that historically suffered violations and remain vulnerable to the adverse impacts of the development and use of AI in the military domain without robust and effective legal regime for such development and use in the military domain. The African Commission affirms that the development and use of AI in the military domain needs to be regulated on the basis of international law, human and peoples’ rights and international humanitarian law standards with particular regard to the development and peace and security interests and human and peoples’ rights needs of less developed parts of the world.

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<sup>8</sup> African Commission’s Working Group on Extractive Industries, Environment and Human Rights Violations (2024), <https://achpr.au.int/en/intersession-activity-reports/extractive-industries-environment-and-human-rights-violations> (accessed 08 April 2025).

<sup>9</sup> As above.

More specifically, beyond and above the right to peace and security, the governance of AI in the military domain needs to ensure respect for applicable human and peoples' rights and international humanitarian law principles, including most notably needs to adhere to the principles of precaution, necessity, distinction, proportionality and legitimacy, the principles of transparency, accountability and redress for victims and the obligation to build and share technical knowhow necessary for enabling societies to avert the risks that the development and use of AI in the military domain carries for peace and security. Only by ensuring that the development and use of military AI are aligned with international legal standards including those relating to the right to peace and security, the right to development, the right to privacy and protection of personal data, the right to remedy and the responsibility for exercising human control, the right to and control over natural resources and by addressing the structural inequities underpinning global technological advancement, can states uphold their duties to their peoples and advance genuine peace, justice, and security in relation to the development and use of AI in the military domain.