

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Key Governance Issues in the New Space Age (4)

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THE NUANCES OF RESPONSIBILITY OF ARTIFICIAL INTELLIGENCE FOR IRRESPONSIBLE
SPACE ACTIVITY

Abstract

Existing legal AI regulatory tools do not fully allow making space law effective and compatible with the specified technology, as well as the risks that this technology can bring. Article II of the Convention on International Liability for Damage Caused by Space Objects (1971) apply to spacecraft that have used AI technology, as well as from the time of its adoption space objects and mechanisms of their control have changed extremely, but regardless this transformation of technologies the term: "space object" includes the component parts of a space object and software now is the integral part of thereof. In this case we can't deny application Liability Convention, but on the top comes the problem of proving the fault for consequences. Responsibility arises if there is an action or inaction agent, who has a sufficient degree of control over the action (inaction) and if the action (inaction) agent knows what he is doing and understands the nature of his action. In this light the critical issue of current legal approaches to liability of IA is predictability. Furthermore, the immanent to space activity "problem of many hands" lead to difficulties to trace the cause and effect relationship between the action of a particular person in the chain of AI creation, maintenance, use, etc., and the harm caused by an autonomous spacecraft. In this regard, joint tort liability is not the best solution because such type of liability do not correspond to neither Article XVIII nor any other provision of the Liability Convention specifies what substantive law is used to decide on the merits and determine the compensation issue. Thus, the lack of the conventional legal regime at the international level; a single global administrative body; pluralism of liability, state-oriented only, limits the ability of the space law treaty regime to establish a harmonious or uniform legal standard for making decisions on claims relating to damage related to space activities using AI. In the presentation authors reveal key contradictions of current regulations of responsibility AI for irresponsible space activity and suggest ways for their solving.