After the Algorithmic Battlefield: Artificial Intelligence in Post-Conflict Asia-Pacific Societies and the Fragmentation of International Humanitarian Protection

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ABSTRACT
This article examines the growing role of artificial intelligence (AI) in post-conflict Asia-Pacific societies and evaluates whether existing international legal frameworks adequately regulate its long-term humanitarian consequences. It argues that AI systems deployed during armed conflict often persist into post-conflict governance, surveillance, and reconstruction, creating accountability gaps and civilian vulnerabilities. While international humanitarian law, human rights law, and emerging soft-law standards offer partial safeguards, their fragmented application leaves significant regulatory gaps. The article advocates a more coherent legal framework addressing the humanitarian implications of AI beyond active hostilities.

Keywords: *Artificial Intelligence, Post-Conflict Phase, International Humanitarian Law, Algorithmic Accountability, Civilian Protection.*

1. Introduction

Nowadays, it is hardly ever the case that armed conflicts end quickly with the silence of guns. However, even after the ceasefire or peace

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agreement, the territorial violence is lifted, the technological infrastructures that have been developed and used during the war times normally continue to exist long after the official declaration of the end of fighting. Artificial Intelligence systems play a very important role among these.[1] AI has been deeply intertwined with the structure of modern war, as it is being used in many different ways, such as decision support tools on the battlefield, biometric identification systems, data-driven surveillance, and risk assessment technologies. Most importantly, these systems don't disappear after the wars. They become a part of post-conflict governance structures, influencing security, reconstruction, and civilian-state relations; thus, the effects of war are carried to the seemingly peaceful spheres.[2]

The transformation of war consequences from physical destruction to what can be termed 'algorithmic aftermaths' is not just a change in the mode of devastation but also a change in the experience and regulation of war consequences. The classical approach to the understanding of post-conflict transitions had been limited to disarmament, demobilisation, reconciliation, and institutional restructuring.[3] Nonetheless, the continued existence of AI technologies presents a different story. The military surveillance tools are justified at the beginning and later used for the sake of internal security. The databases collected during the war are retained and utilized for police and border control purposes, and the

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[1] Louise Arbour, *War Crimes and the Rule of Law*, University of Toronto Press, Toronto, 2003, pp. 215–217.
[2] Marco Sassòli, Antoine A. Bouvier and Anne Quintin, *How Does Law Protect in War*, 3rd ed., Vol. 1, ICRC, Geneva, 2011, pp. 45–47.
[3] William H. Boothby, *Weapons and the Law of Armed Conflict*, Oxford University Press, Oxford, 2009, pp. 356–358.

algorithms aimed at counterinsurgency are now being used to govern post-conflict situations.[4]

International humanitarian law, which has historically been focused on regulating the conduct of hostilities, has found it difficult to cater for this technological continuity. Although IHL recognises that some obligations continue even after the end of hostilities, such as those related to detainees, missing persons and the wounded, it still mainly focuses on battlefield conduct.[5] Consequently, the post-conflict phase has been relatively neglected in IHL studies, especially when it comes to new technologies whose negative impacts are slow and indirect. AI reveals this hole sharply because its impacts are predominantly through less visible processes like administrative decision-making, data governance and security policies, rather than through direct acts of violence.[6]

The Asia-Pacific region illustrates this reality clearly, having experienced numerous long-standing non-international armed conflicts. In many cases, active violence has diminished without comprehensive peace settlements, leaving societies in fragile post-conflict conditions where unresolved political tensions, insecurity, and state surveillance continue to shape governance and everyday life. For example, in Sri Lanka, although the civil war ended in 2009, many Tamil-majority areas continue to experience heavy military

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[4] Jean-Marie Henckaerts and Louise Doswald-Beck (eds), *Customary International Humanitarian Law*, Vol. 1: Rules, Cambridge University Press, Cambridge, 2005 (ICRC Customary Law Study), pp. 3–5.

[5] Sarah Knuckey, "Surveillance, Counterterrorism and International Human Rights", *Human Rights Law Review*, Vol. 15, No. 1, 2015, pp. 51–53.

[6] Tristan Ferraro, "Determining the Beginning and End of an Occupation under International Humanitarian Law", *International Review of the Red Cross*, Vol. 94, No. 885, 2012, p. 133.

presence, surveillance, and unresolved political grievances[7]. In Myanmar, decades of ethnic armed conflict and the persecution of the Rohingya have persisted alongside increasing digital surveillance and online misinformation[8]. In the Philippines, particularly in Mindanao, counter-insurgency operations against armed groups have continued even after peace initiatives, creating ongoing security tensions[9]. Similarly, in India's Jammu and Kashmir region, prolonged political conflict has been accompanied by extensive internet restrictions, biometric monitoring, and heightened state surveillance measures[10]. In some cases, there has been an end to hostilities without dismantling the security apparatus built during the conflicts. Such a post-conflict securitisation pattern is very conducive to the continual use of AI systems that were first introduced under the special requirements of armed conflict.[11]

Fragile peace processes in the Asia-Pacific region continue to worsen the situation with these challenges. In cases where peace agreements are partial, contested, or only weakly implemented, authorities in such areas usually prefer stability to accountability. Quite often in such societies, AI-based surveillance and predictive policing instruments are presented as impartial tools of governance

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[7] Ambika Satkunanathan, "Collaboration, Suspicion and Traitors: An Exploratory Study of Intra-Community Relations in Post-War Northern Sri Lanka", *Contemporary South Asia*, Vol. 24, No. 4, 2016, pp. 416–428.
[8] Matt Schissler, "Beyond Hate Speech and Misinformation: Facebook and the Rohingya Genocide in Myanmar", *Journal of Genocide Research*, Vol. 27, No. 3, 2025, pp. 445–470.
[9] Steven Rood, "A Tale of Two Towns: Patterns of Violent Conflict in Maguindanao since the Framework Agreement on the Bangsamoro", in Steven Rood and Veronica L. Taylor (eds.), *Contesting the Philippines*, ISEAS–Yusof Ishak Institute, Singapore, 2025, pp. 239–262.
[10] Raouf Ahmad Peerzada, Amrita Sharma and Samyuktha Kannan, "The Jurisprudence of Digital Blackouts: Law and Its Exceptions in Jammu and Kashmir", *Human Geography*, Vol. 19, No. 1, 2025, pp. 1–7.
[11] David Rodin and Fritz Allhoff (eds), *War and Ethics: A New Just War Theory*, Oxford University Press, Oxford, 2008, pp. 112–114.

while, in reality, they are mostly unfairly targeting populations affected by conflicts.[12] Continuation of emergency legal regimes and exceptional security measures well into the post-conflict phase serves to normalize the use of algorithmic technologies and, thus, erases the temporal and normative distinctions between the wartime need and peacetime governance.[13]

In view of the preceding, the article assumes that artificial intelligence represents not only a weapon or a tool of war but also a lasting heritage of armed conflict. This heritage, in a way, opens deep legal, ethical, and moral issues that the existing framework has not yet been capable of settling.[14] International humanitarian law applies strictly during armed conflict and, to a very limited extent, also beyond it. International human rights law regulates the conduct of states in peacetime, and the increasing number of soft law instruments is aimed at laying down principles for the responsible use of AI. Nevertheless, these regimes quite frequently function alongside one another without coordination, thus resulting in a disjointed protection of individuals and communities who must cope with post-conflict environments being defined by algorithmic governance.[15]

This splitting gets increasingly obvious when considering the use of AI after conflict. IHL hardly deals with issues such as holding on to or changing the purpose of wartime data, holding accountable

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[12] United Nations Office on Drugs and Crime, *Handbook on Police Accountability, Oversight and Integrity*, UNODC, Vienna, 2011, pp. 87–89.
[13] Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*, Routledge, London, 2001, pp. 98–101.
[14] Robert Cryer, Darryl Robinson and Sergey Vasiliev, *An Introduction to International Criminal Law and Procedure*, 4th ed., Cambridge University Press, Cambridge, 2019, pp. 22–24.
[15] International Committee of the Red Cross, *Artificial Intelligence and Machine Learning in Armed Conflict: A Human-Centred Approach*, ICRC, Geneva, 2019, pp. 4–6.

systems that make decisions based on algorithms, or the long-term monitoring of civilian populations after the end of hostilities. Human rights law at the international level is normatively relevant to some extent, but it encounters issues of enforcement, jurisdiction, and derogation in post-conflict situations.[16] The regional agreements in the Asia-Pacific area, which are based on the principles of non-interference and security-first governance, seldom offer binding safeguards. At the national level, domestic legal systems typically give priority to counter terrorism and internal security measures, thus hardly allowing for humanitarian or ethical control over AI systems that have been carried over from conflict.[17]

Hence, this paper tries to answer three interconnected issues. One, does IHL [18] regulate the use of and impacts of artificial intelligence in the post-conflict period, and if it does, to what extent? Two, what are the gaps and weaknesses of international, regional, and national legal systems in providing a logical and effective regulation of post-conflict AI deployment, especially in the societies of the Asia-Pacific? And three, what ethical and moral duties are still left unresolved when algorithmic systems keep determining the living conditions of the populations that are recovering from armed conflict?

Answering these questions, the article develops the main point that the international protection of humanitarian rights is becoming more and more fragmented in post-conflict situations, particularly where artificial intelligence erases the differences between war and

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[16] United Nations Secretary-General, *Peacebuilding in the Aftermath of Conflict*, UN Doc. A/67/499–S/2012/746, 8 October 2012, paras. 14–16.
[17] Michael N. Schmitt, "Autonomous Weapon Systems and International Humanitarian Law: A Reply to the Critics", *Harvard National Security Journal*, Vol. 8, 2017, pp. 19–21.
[18] Hereinafter referred to as IHL

peace. Tracing the flow of AI technologies from the battlefield to post-conflict government and locating this discussion within the actual experiences of the Asia-Pacific region, the article will argue that the legal frameworks in place are not enough to address the long-term humanitarian impacts of algorithmic warfare. It thus advocates for a reconsideration of post-conflict duties that would give due consideration to the ethical, legal, and social aspects of artificial intelligence long after the fighting has ceased.

2. Artificial Intelligence Beyond Active Hostilities: Conceptualising the Post-Conflict Phase

2.1. Defining the Post-Conflict Phase in International Humanitarian Law

The post-conflict period is an ambiguous and often infrequently theorized phase within international humanitarian law. In contrast with the beginning of an armed conflict, whose occurrence is pinpointed by fairly clear legal criteria, the change from conflict to peace is hardly ever straightforward or announced officially. IHL separates the end of fighting from the point at which humanitarian law stops applying, thereby acknowledging that some responsibilities exist even outside the battlefield. These are, among others, the obligations to properly treat and release the detainees, to find the missing persons, and to compensate those who suffered during the conflict. Moreover, in the case of an occupation, IHL rules may still govern a situation long after what is generally understood as a post-conflict time.[19]

[19] United Nations Secretary-General, *Roadmap for Digital Cooperation*, UN, New York, June 2020, pp. 21–23.

Nevertheless, this repertoire of regulations was mainly designed in reaction to classical warfare and does not sufficiently cover technologies whose effects reach far beyond moments of physical violence.[20] Although IHL admits that the humanitarian harm caused during the armed conflict may last after the cessation of hostilities, it is still generally silent on the regulation of tech systems that keep on functioning, developing, and impacting governance frameworks. By sticking wartime behaviours in post-conflict institutions, artificial intelligence unmasks this shortcoming, thus implying that conflict situations may result in peacetime administrations.[21]

2.2. Typologies of Artificial Intelligence Use in the Post-Conflict Phase

Artificial intelligence reveals itself in post-conflict environments through various interlinked typologies that collectively question the conventional notions of post-war governance. One dominant feature is that of surveillance and population monitoring. [22] AI-based surveillance systems that have been deployed during the armed conflict phase, mainly for intelligence and security purposes, are nowadays commonly seen being redirected for use in post-conflict environments to keep an eye on former conflict zones as well as marginalized communities.[23] Despite being justified most of the time as being necessary for stability and crime prevention, these systems

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[20] Christopher Kutz, *Complicity: Ethics and Law for a Collective Age*, Cambridge University Press, Cambridge, 2000, pp. 118–120.
[21] Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, UN Doc. A/HRC/44/38, 29 June 2020, paras. 63–66.
[22] David Luban, "War as Punishment", *Philosophy & Public Affairs*, Vol. 39, No. 4, 2011, pp. 299–301.
[23] Hugo Slim, *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*, Oxford University Press, Oxford, 2015, pp. 184–186.

unfortunately continue the wartime logics of suspicion and control, hence eroding trust and increasing the vulnerability of civilians.[24]

Another major typology of post-conflict AI applications is represented by biometric databases and facial recognition technologies. Biometric data, which is typically collected amidst conflict, often under coercive conditions or without acquiring proper consent, rarely gets discarded once the conflict is over.[25] On the contrary, these databases become a part of post-conflict law enforcement, border control, and civil administration. For those populations who have been affected by the conflict, ceaseless dependence on biometric identification has the potential of cementing existing patterns of exclusion and discrimination, thereby triggering issues that go beyond the traditional perimeter of IHL safeguards.[26]

Another segment refers to AI-based risk profiling for counter terrorism and law enforcement. Predictive algorithms utilized amid armed conflict for identifying potential threats are, in fact, the war strategies that are kept as part of post-conflict security measures. These programs depend on data derived from war intelligence activities, which, as a result, can have a bias, be mistaken, or have threat assessments that are overbroad.[27] The use of algorithmic risk profiling in post-conflict settings can facilitate the use of preventive

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[24] International Committee of the Red Cross, *Ethical Challenges of Artificial Intelligence in Armed Conflict and Beyond*, ICRC, Geneva, 2020, pp. 7–9.
[25] International Committee of the Red Cross, *Respecting and Protecting Health Care in Armed Conflicts and in Situations Not Covered by International Humanitarian Law*, ICRC, Geneva, 2012, pp. 9–11.
[26] Heather Roff, "Lethal Autonomous Weapons and Jus ad Bellum Proportionality", *Case Western Reserve Journal of International Law*, Vol. 47, 2015, pp. 37–39.
[27] United Nations General Assembly, *Human Rights and Transitional Justice*, UN Doc. A/RES/60/147, 16 December 2005.

detention, intensified surveillance, and disproportionate law enforcement by security forces, thus making it more difficult for the society to return to civilian administration.[28]

Moreover, artificial intelligence is being extensively used in rebuilding and humanitarian situations. AI-aided devices are utilized to evaluate the impact of the disaster, estimate the number of people who will be displaced, determine the priority of aid delivery, and decide on the distribution of reconstruction resources.[29] Although these types of uses are in most cases presented as neutral or efficiency-enhancing, they give rise to major concerns related to transparency, accountability, and participation. Algorithmic decisions can drastically influence the post-conflict recovery stage, but the communities concerned are generally deprived of the knowledge of or the power to regulate these mechanisms.[30]

2.3. Why Artificial Intelligence Disrupts Traditional Post-Conflict Assumptions

Artificial intelligence disrupts traditional ways of thinking about the post-conflict phase in at least three major aspects. The first concern is that the continuous operation of AI systems challenges legal frameworks traditionally founded on a clear temporal distinction between periods of war and peace. Unlike weapons or military

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[28] United Nations General Assembly, *Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism*, UN Doc. A/RES/74/147, 18 December 2019.

[29] Seth G. Jones, *Waging Insurgent Warfare*, Oxford University Press, Oxford, 2017, pp. 412–414.

[30] Karen Hao, "Training a Single AI Model Can Emit as Much Carbon as Five Cars in Their Lifetimes", *MIT Technology Review*, 6 June 2019, available at: https://www.technologyreview.com/2019/06/06/239031/training-a-single-ai-model-can-emit-as-much-carbon-as-five-cars-in-their-lifetimes (accessed in Jan. 2026)

equipment, AI systems keep on functioning, learning, and thus bringing about new effects over time, which makes the active hostilities cease an inadequate marker for the end of harm.[31]

Secondly, the opacity and partial autonomy of AI systems may well be game-changers for the post-conflict scenario because they may largely dismantle already existing accountability systems.[32] A great number of the AI-based decisions are almost impossible to provide reasons for or challenge, especially in post-conflict societies where institutional structures are very weak, and people's trust in the government is extremely fragile. Responsibility attribution is more and more problematic in case harm results from the interaction between data, algorithms, and human oversight rather than from separate acts of violence.[33]

Thirdly, AI is speeding up the merging of the military and the civilian spheres. The technologies initially designed for war are being incorporated into post-conflict administration and security, which makes it really hard to tell the difference between extraordinary security measures and normal governance. The growing civil-military amalgamation is a real headache for international humanitarian law as well as international human rights law since post-conflict governance is still very much influenced by wartime logics of control and risk management.[34]

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[31] Human Rights Watch, *Rights in Reverse: Surveillance and Security Laws in Post-Conflict States*, Human Rights Watch, New York, 2022, pp. 14–18.
[32] Rosa Brooks, *How Everything Became War and the Military Became Everything*, Oxford University Press, Oxford, 2016, pp. 327–329.
[33] Abby Stoddard, Adele Harmer and Victoria DiDomenico, *Providing Aid in Insecure Environments: 2009 Update*, Humanitarian Policy Group Policy Brief No. 34, Overseas Development Institute, London, April 2009, p. 6.
[34] Nils Melzer, *Targeted Killing in International Law*, Oxford University Press, Oxford, 2008, pp. 287–289.

3. International Legal Frameworks: Applicability and Limits of IHL in Post-Conflict AI Governance

3.1. Continued Applicability of IHL Obligations after Hostilities

IHL is not a kind of law that just fades away once war has stopped. IHL's main rule is that quite a few obligations on both sides remain after the fighting has ceased. They have been underlining this feature since the social and humanitarian consequences that armed conflicts bring about do not just disappear when the guns stop firing.[35] Common Article 3 of the Geneva Conventions, which is binding on non-international armed conflicts, limits the treatment of persons who have ceased to take part in hostilities, such as those who have been captured or otherwise are under the control of a party to the conflict. The focus on humane treatment, prohibition of discrimination, and judicial guarantees, reminds us of how humanitarian protection is still very much needed in times of transition.[36]

Besides that, customary IHL points to the same aspects. The obligations connected to the issue of missing persons, the treatment of detainees in a humane way and their release, the provision of compensation for damages, etc., are not matters that will be terminated just by the end of war.[37] These commitments recognise the fact that the damages inflicted as a result of the armed conflict bring about not only immediate but also long-standing humanitarian

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[35] United Nations Office of the High Commissioner for Human Rights, *Guidance on Lethal Autonomous Weapons Systems*, OHCHR, Geneva, 2023, pp. 5–7.

[36] United Nations Development Programme, *Digital Strategy 2022–2025*, UNDP, New York, 2022, pp. 10–12.

[37] Hildebrandt Mireille, "Law as Computation in the Era of Artificial Legal Intelligence", *Osgoode Hall Law Journal*, Vol. 55, No. 1, 2017, pp. 107–109.

consequences that need to be legally remedied.[38] In the event of occupation, IHL may apply for a longer period. It will regulate the functions of administration, security, and welfare that an occupier carries out[39]. There is even a possibility that some lingering obligations in terms of restitution, accountability, and protection, which phase out slowly but surely, continue to govern the post-conflict situation even after the formal end of the occupation.[40]

However, IHL only provides a legal basis for certain obligations to continue after the conflict has ended, and this is only in the context of ensuring that there is no return to the infliction of physical violence and direct coercion. The post-conflict obligations were thought of in the scenarios of detention regimes, forced displacement, and physical abuse. With the help of AI, this continuum is broken as the resulting damages can be of a nature that is indirect, systemic, and often with a time lag.[41] AI systems that have been used during a conflict may still have an impact on decision-making in the post-conflict period but in fact, such situations may not fit those categories of humanitarian obligations. This means that while IHL, generally speaking, is still valid, after the hostilities are over, it possesses only a limited ability to regulate the use of post-conflict AI from a conceptual perspective.[42]

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[38] Richard Goldstone and Adam M. Smith, *International Judicial Institutions*, Routledge, London, 2009, pp. 164–166.
[39] Vaios Koutroulis, "The Application of International Humanitarian Law and International Human Rights Law in Situations of Prolonged Occupation: Only a Matter of Time?", *International Review of the Red Cross*, Vol. 94, No. 885, 2012, pp. 205–231.
[40] Jelena Pejic, "The Protective Scope of Common Article 3: More than Meets the Eye", *International Review of the Red Cross*, Vol. 93, No. 881, 2011, p. 189.
[41] UN Secretary-General, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, UN Doc. S/2004/616, 23 August 2004, paras. 8–10.
[42] Philip Alston, "The Populist Challenge to Human Rights", *Journal of Human Rights Practice*, Vol. 9, No. 1, 2017, pp. 1–4.

3.2. The Silence of IHL on Post-Conflict Technological Governance

The limitations of IHL are significantly highlighted when we consider its silence on post-conflict technological governance. The normative framework of IHL is primarily and heavily focused on the regulation of the conduct of hostilities, including targeting, proportionality, distinction, and precaution.[43] Even when the obligations go beyond the battlefield, the text refers to the consequences of physical violence rather than the governance of technological systems. This emphasis is a leftover from the historical evolution of IHL as a tool to regulate kinetic warfare and creates huge regulatory voids in the case of artificial intelligence in post-conflict scenarios.[44]

One example is data retention. AI systems are dependent on huge volumes of data, a significant portion of which is obtained during armed conflict through surveillance, intelligence gathering, and biometric registration. IHL does not provide any guidance on whether, how, or for how long such data should be retained after the cessation of hostilities.[45] Neither does it cover issues of consent, purpose limitation, or secondary use of conflict-era data in post-conflict governance. The lack of rules governing data retention makes it possible for the wartime databases to be kept indefinitely, and information gathered under exceptional circumstances can remain the basis of civilian life long after the conflict is over.[46]

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[43] David Fisher, *Law and Ethics in War and Peace*, Oxford University Press, Oxford, 2011, pp. 198–200.
[44] International Committee of the Red Cross, *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts*, ICRC, Geneva, 2019, pp. 34–36.
[45] United Nations Institute for Disarmament Research, *Increasing Transparency in the Development of Autonomous Weapon Systems*, UNIDIR, Geneva, 2022, pp. 14–16.
[46] United Nations High Commissioner for Human Rights, *The Right to Privacy in the Digital Age*, UN Doc. A/HRC/48/31, 13 September 2021, paras. 52–55.

A second gap concerns algorithmic decision-making. IHL assumes human agency and accountability even when it comes to regulating warfare with the help of technology. It is not about the human decision-making level only, but about the processes of decision-making which are algorithmically oriented, especially when such processes are completely or partially operating in post-conflict administrative systems.[47] The issues of explainability, contestability, and responsibility for algorithmic results are not in the traditional domain of humanitarian regulation. Therefore, those people who are impacted by the AI decisions in post-conflict situations do not have clear humanitarian protections or access to accountability mechanisms.[48]

Long-term civilian surveillance is another area where the norms are silent[49]. Surveillance technologies used during an armed conflict are often defensible with the argument of military necessity. However, the constant use of such technologies for monitoring the population after the end of the hostilities does not reconcile easily with IHL's protective rationale.[50] Still, IHL does not set out any standards by which to evaluate the appropriateness of the continuing surveillance once the legal context moves away from armed conflict. The upshot is a regulatory vacuum where practices that were

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[47] Mark Drumbl, *Atrocity, Punishment, and International Law*, Cambridge University Press, Cambridge, 2007, pp. 102–104.
[48] Sandra Wachter, Brent Mittelstadt and Luciano Floridi, "Why a Right to Explanation of Automated Decision-Making Does Not Exist in the General Data Protection Regulation", *International Data Privacy Law*, Vol. 7, No. 2, 2017, pp. 76–78.
[49] Al-Haj, A., & Shany, Y. (2021). Automating occupation: International humanitarian and human rights law implications of the deployment of facial recognition technologies in the occupied Palestinian territory. International Review of the Red Cross, 103(918), 1-27.
[50] United Nations Peacekeeping Operations, *Technology and Innovation in Peacekeeping*, UN, New York, 2018, pp. 19–21.

developed during wartime become normalized features of post-conflict governance.[51]

3.3. Interface with International Human Rights Law

Because of the limitations of IHL, international human rights law (IHRL) is usually quoted as the default legal framework for regulating AI use in post-conflict situations. In principle, IHRL is applicable at all times, including during and after armed conflicts, and it provides protections that cover most of the negative effects of AI.[52] AI-enabled surveillance, profiling, and decision-making can directly infringe on the rights to privacy, equality, due process, and access to an effective remedy. The IHL-IHRL relationship is most often explained as being mutually supportive, with IHL being the *lex specialis* during armed conflict and IHRL remaining the general regulator of state behaviour.[53]

On the other hand, the practical interface between IHL and IHRL in post-conflict situations is more of a combination of fragmentation and complementarity. There are jurisdictional difficulties most of the time, especially in cases of extraterritorial control, multinational operations, or changing governance structures.[54] Governments may deny the extraterritorial application of human rights obligations, which in turn limits the scope of IHRL exactly in those contexts where post-conflict AI systems are being deployed most heavily. These jurisdictional conflicts undermine the

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[51] Frédéric Mégret, "The Dehumanization of International Humanitarian Law", *Goettingen Journal of International Law*, Vol. 8, No. 1, 2016, pp. 42–44.
[52] Doris Schroeder and Julie Cook Lucas, "The Ethics of Digital Surveillance in Post-Conflict Societies", *Ethics and International Affairs*, Vol. 33, No. 2, 2019, pp. 223–225.
[53] United Nations Security Council, UNSC Res. 1325, 31 October 2000.
[54] International Committee of the Red Cross, *When Rain Turns to Dust: Understanding and Responding to the Combined Impact of Armed Conflicts and the Climate and Environment Crisis on People's Lives*, ICRC, Geneva, 2020, pp. 46–48.

human rights protections' practical effectiveness in post-conflict environments.[55]

Derogation adds to the confusion in the application of IHRL. States recovering from armed conflict typically continue to hold states of emergency or adopt exceptional security measures, and hence they derogate from the implementation of certain human rights obligations.[56] Despite the fact that derogations are within the limits of the law, their extensive use in a post-conflict setting might result in the protection standards lowering becoming the norm. AI security tools empowered by conflict might, therefore, still be running based on emergency regulations that make it difficult for them to be subject to human rights scrutiny.[57]

Enforcement gaps constitute a further problem. Even if human rights standards are technically applicable, societies after a conflict are often without functioning judicial and institutional mechanisms that can effectively deal with AI-related harm.[58] Those who are affected by the decisions of algorithms may find it difficult to discover who is responsible, obtain necessary data, or receive compensation.[59] The international human rights mechanisms, although significant in terms of norms, generally function slowly and do not have the capacity to deal with technologically systemic harms in a prompt way. Hence, the

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[55] Mary Ellen O'Connell, *The Power and Purpose of International Law*, Oxford University Press, Oxford, 2008, pp. 251–253.
[56] Timothy L.H. McCormack, "Post-Conflict Justice and International Humanitarian Law", *International Review of the Red Cross*, Vol. 89, No. 867, 2007, pp. 497–499.
[57] International Criminal Tribunal for Rwanda, *The Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-I, Judgment (Appeals Chamber), 1 June 2001, paras. 37–45.
[58] United Nations Office for Disarmament Affairs, *Ethics and Emerging Military Technologies*, UNODA, New York, 2021, pp. 9–11.
[59] United Nations General Assembly, *Protection of Civilians in Armed Conflict*, UN Doc. A/RES/75/192, 28 December 2020.

guarantee of IHRL protection for those who are under post-conflict AI governance is still more of a hope than a reality.[60]

The weakness of remedies is particularly acute in cases of AI-driven harm. Traditional human rights remedies presuppose identifiable acts and decision-makers, whereas algorithmic systems diffuse responsibility across data sets, software developers, state agencies, and private actors. This diffusion undermines accountability and leaves victims without clear avenues for redress. In post-conflict contexts, where social trust and institutional legitimacy are already fragile, such accountability deficits risk exacerbating grievances and undermining peacebuilding efforts.[61]

Taken together, the interaction between IHL and IHRL shows that the law is very fragmented, and thus it is not very suitable for regulating artificial intelligence in the post-conflict phase. IHL still applies in some ways but is basically silent on technological governance. IHRL provides relevant norms but is limited by jurisdictional, derogation, and enforcement difficulties. [62] Consequently, there is a protection gap in which AI systems that were inherited from armed conflict have very limited legal constraints. Such fragmentation supports the main argument presented in this article, which is that international humanitarian law in its current form

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[60] International Court of Justice, *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Judgment, ICJ Reports 1986, paras. 172–179.

[61] United Nations Institute for Disarmament Research, *The Humanitarian Impact of Autonomous Weapons*, UNIDIR, Geneva, 2018, pp. 9–11.

[62] Carsten Stahn, *Justice as Message: Expressivism and Transitional Justice*, Intersentia, Cambridge, 2020, pp. 271–273.

cannot effectively regulate technologies that cause most of their harm after the end of war.[63]

4. Regional and Soft-Law Approaches: Asia-Pacific Perspectives on Post-Conflict AI Regulation

4.1. Regional Security Practices in Post-Conflict Asia-Pacific Societies

Post-conflict governance in the Asia-Pacific region has been largely influenced by the security paradigms that focus on the primacy of stability, territorial integrity, and internal order. Several states in the region have been through prolonged non-international armed conflicts characterised by insurgency, counter-insurgency, and an extended state of emergency.[64] While they are the formal end of hostilities, these conflicts still result in institutional cultures that continue to securitise political dissent, mobility, and social organisation. Artificial intelligence technologies are being used more and more in these post-conflict security practices that maintain, rather than challenge, the wartime logics of control.[65]

One of the hallmarks of post-conflict security practices in the region is the wide use of surveillance. AI-enabled monitoring systems introduced during armed conflict, often justified as necessary for intelligence-gathering or threat prevention, are retained and

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[63] David Kaye, *Speech Police: The Global Struggle to Govern the Internet*, Columbia Global Reports, New York, 2019, pp. 163–165.

[64] United Nations Office for Disarmament Affairs, *Human Control and Emerging Technologies in Warfare*, UNODA, New York, 2022, pp. 11–13.

[65] International Committee of the Red Cross, *Digital Risks in Armed Conflicts*, ICRC, Geneva, 2021, pp. 15–17.

expanded in post-conflict contexts.[66] Former conflict zones, border regions, and communities associated with insurgent movements remain subject to heightened observation through facial recognition, data analytics, and predictive monitoring. This persistence of surveillance cultures reflects a broader reluctance to fully demilitarise governance after conflict, particularly where peace processes are fragile or incomplete.[67]

Counter-insurgency legacies continue to influence how the region implements post-conflict AI use. In many Asia-Pacific settings, counter-insurgency tactics have over time dangerously compromised the distinction between civilians and security threats. AI, in this case, intensifies the problem as it allows for mass risk profiling and pattern recognition based on datasets from wars.[68] People and groups get labelled as per algorithmic threat assessments that can be very much alive even when hostilities have ceased. Such behaviours nourish the condition of mutual distrust, thus making post-conflict reconciliation difficult as people still live under the wartime security securitizations rather than rights-based accountability.[69]

These regional security behaviours expose the essence of the dichotomy between post-conflict peacebuilding and the continuous use of AI-controlled means. On the one hand, states typically

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[66] Paul Ricœur, *Memory, History, Forgetting*, University of Chicago Press, Chicago, 2004, pp. 412–414.
[67] ASEAN Secretariat, *ASEAN Political-Security Community Blueprint 2025*, Jakarta, 2015, pp. 3–5.
[68] International Committee of the Red Cross, *Legal Reviews of New Weapons, Means and Methods of Warfare*, ICRC, Geneva, 2006, pp. 3–5.
[69] Ian Scobbie, "Operationalising the Law of Armed Conflict for Dissident Forces in Libya", *EJIL: Talk! – Blog of the European Journal of International Law*, 31 August 2011, available at:
http://www.ejiltalk.org/operationalising-the-law-of-armed-conflict-for-dissident-forces-in-libya/ (accessed in Jan. 2026)

represent this kind of technology as mere instruments for upholding order; on the other hand, their use reveals the persistence of structural links between the mode of governing during the war and the one after the conflict. Here, AI is a means through which extraordinary measures are perpetuated; thus, it negatively impacts the division of humanitarian protection in the post-conflict phase.[70]

4.2. Role of Regional Organisations and Policy Instruments

Regional organisations in the Asia-Pacific region are not significantly involved in the post-conflict regulation of AI, especially from a humanitarian point of view. The Association of Southeast Asian Nations (ASEAN) is an example of a regional governance model that focuses on state sovereignty, consensus decision-making, and non-interference in the internal affairs of states.[71] While this approach has helped maintain regional stability, it has also limited the agreement of regional standards on human rights, humanitarian protection, and new technologies to be enforceable.[72]

ASEAN's focus on security is also visible in the way it deals with digital technologies. Regional talks about artificial intelligence usually highlight economic innovation, smart governance, and security cooperation, while humanitarian safeguards are rarely mentioned.[73] After a conflict, this attitude leads to very few checks on how AI systems that have been used in warfare can impact civilians. Since

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[70] United Nations General Assembly, *Report of the Group of Governmental Experts on Lethal Autonomous Weapons Systems*, UN Doc. A/78/234, 28 July 2023.
[71] Thomas Franck, *The Power of Legitimacy among Nations*, Oxford University Press, Oxford, 1990, pp. 24–26.
[72] Heather Roff and Richard Moyes, "Meaningful Human Control, Artificial Intelligence and Autonomous Weapons", *Global Policy*, Vol. 7, No. 4, 2016, pp. 5–7.
[73] United Nations Institute for Disarmament Research, *Responsible Innovation in Military AI*, UNIDIR, Geneva, 2023, pp. 17–19

there are no regional binding instruments that address AI from a humanitarian or post-conflict perspective, regulation is left almost entirely to national governments, thus creating different levels of protection within the region.[74]

The absence of binding humanitarian AI standards at the regional level only contributes to the problem of fragmentation. While other regions have supranational courts or human rights mechanisms that provide oversight, the Asia-Pacific region has no such strong regional enforcement structures capable of dealing with technological harm in post-conflict situations.[75] Therefore, regional policy instruments are usually considered as platforms for dialogue rather than as sources of legal obligation. The inability of regional organisations to significantly limit the use of post-conflict AI or to standardise the requirements among war-affected states is due to this fundamental flaw.[76]

Non-interference is the main reason why the region can hardly be regulated. It is legitimate for the technologies deployed in post-conflict situations to be seen as local issues, even if they have cross-border effects or involve transnational actors. Respect for state sovereignty has become the reason why governments can continue and even expand their AI-driven security practices without any meaningful regional oversight. Without binding standards, regional frameworks are more likely to accept post-conflict securitisation

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[74] Jean Pictet (ed.), *Commentary on the Geneva Conventions of 12 August 1949*, Vol. 1, ICRC, Geneva, 1952, p. 45.
[75] Simon Chesterman, "Asia's Ambivalence about International Law and Institutions: Past, Present and Futures", *European Journal of International Law*, Vol. 27, No. 4, 2016, pp. 945–978.
[76] Yves Sandoz, Christophe Swinarski and Bruno Zimmermann (eds), *Commentary on the Additional Protocols*, ICRC, Geneva, 1987, pp. 35–36.

rather than challenge it, thus leaving humanitarian issues at the margin of broader governance concerns.[77]

4.3. Soft-Law Initiatives and Their Limits in Post-Conflict Settings

When no binding regional regulation exists, soft law initiatives have come to represent the main normative guidance on the use of artificial intelligence for humanitarian protection.[78] At the global level, various United Nations bodies have issued principles and guidelines for the responsible use of AI, highlighting transparency, accountability, non-discrimination, and human oversight as key elements. Such documents set out valuable ethical standards and attest to the growing understanding of the threats that algorithmic governance might bring, including in post-conflict situations.[79] In the same vein, the International Committee of the Red Cross (ICRC) has gradually taken up the question of how the digital and technological revolution impacts humanitarian protection.[80]

Based on its policy notes, expert meetings, and interpretative guidelines, the ICRC has indicated that the integration of technology in humanitarian work must be compatible with respect for fundamental humanitarian principles.[81] Working with AI, the ICRC has centered its efforts in the areas of ensuring human control over the technology, minimizing the risk of harming civilians, and looking into

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[77] United Nations Office for Disarmament Affairs, *Securing Our Common Future: An Agenda for Disarmament*, UN, New York, 2018, pp. 17–18.
[78] United Nations Secretary-General, *Our Agenda for Peace*, UN, New York, 1992, paras. 59–61.
[79] United Nations General Assembly, *Right to Remedy and Reparation*, UN Doc. A/RES/76/148, 16 December 2021.
[80] Rebecca Crootof, "The Killer Robots Are Here: Legal and Policy Implications", *Cardozo Law Review*, Vol. 36, 2015, pp. 1839–1842.
[81] International Committee of the Red Cross, *The Principle of Proportionality in the Rules Governing the Conduct of Hostilities*, ICRC, Geneva, 2018, pp. 21–23.

a legal framework that could be adaptable to a fast-changing technological environment. These pieces of work bear great importance, especially considering that the ICRC is the authority responsible for safeguarding IHL.[82]

Despite their normative value, soft-law initiatives face inherent limitations in post-conflict settings. Non-binding standards lack enforceability and depend on voluntary compliance by states, many of which prioritise security and stability over humanitarian restraint in fragile post-conflict contexts.[83] Where AI systems are embedded within domestic security architectures, ethical guidelines alone are unlikely to constrain their use. Moreover, soft-law instruments often operate at a high level of abstraction, thus offering limited guidance on how principles should be applied to specific post-conflict practices such as data retention, biometric governance or predictive policing.[84]

The limitations of soft law in post-conflict societies run even deeper when power asymmetries come into the picture. People in the conflict-affected areas simply do not have the power to bring up ethical issues or control how the decision to use AI in these areas is made.[85] Without strong legal commitments or effective watch mechanisms, the norms based on soft law can be mere rhetorical commitments without real practical safeguards. In other words, depending on non-binding measures might give a false impression

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[82] International Committee of the Red Cross, *Human Control over Weapon Systems*, ICRC Position Paper, Geneva, 2021, pp. 2–4.
[83] Peter Asaro, "On Banning Autonomous Weapon Systems", *International Review of the Red Cross*, Vol. 94, No. 886, 2012, pp. 687–689.
[84] United Nations General Assembly, UNGA Res. 2857 (XXVI), 20 December 1971.
[85] Antonio Cassese, *International Law*, 2nd ed., Oxford University Press, Oxford, 2005, pp. 420–422.

that there is regulation when actually the core practices remain unchanged.[86]

Bringing together both regional and soft law frameworks exposes the potential as well as the limitations in the regulation of AI in Asia-Pacific post-conflict societies. Regional organizations remain constrained by the principle of state sovereignty, which limits their ability to intervene in member states' internal governance practices. At the same time, soft law initiatives provide valuable ethical and normative guidance on AI governance, but they lack legally enforceable mechanisms to ensure compliance or accountability.[87] Thus, the regulatory environment is such that while humanitarian concerns are raised, they are only very weakly institutionalised, thereby perpetuating the international humanitarian protection fragmentation in post-conflict settings where artificial intelligence plays a role.[88]

5. National Frameworks and Practices in Post-Conflict Asia-Pacific States

5.1. Artificial Intelligence and Post-Conflict Policing Practices

At the national level, regulation and deployment of artificial intelligence in post-conflict Asia-Pacific countries are largely influenced by domestic security concerns that are prioritized over humanitarian considerations. AI-assisted police work has become one of the main tools of post-conflict governance, especially in societies

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[86] United Nations Security Council, UNSC Res. 181, 7 August 1963.
[87] United Nations University Centre for Policy Research, The Future of Conflict and AI, UNU-CPR, New York, 2020, pp. 8–10.
[88] Philip Alston, *Report on the Use of Armed Drones for Targeted Killings*, UN Doc. A/HRC/14/24/Add.6, 28 May 2010, paras. 79–81.

that are emerging from long-term internal armed conflicts.[89] Methods that were first used for intelligence gathering, counter insurgency operations, or battlefield surveillance often get utilized for ordinary law enforcement purposes. The different types of technology that aid in predicting crimes, such as facial recognition techniques and data analytics programs, are used as tools to keep the community safe and stop violence from happening again.[90]

Nevertheless, in a post-conflict setting, AI-assisted police work is more likely to reflect the negative aspects of wartime suspicion and control. Areas that used to be battlegrounds and neighbourhoods that were the base of insurgent movements are still being targeted for surveillance that is justified by the need to deal with lingering security threats.[91] Algorithmic systems that were developed based on data from the time of the conflict might accommodate biases formed by military intelligence methods, which in turn led to the disproportionate targeting of certain groups. Therefore, the application of AI in police work makes the distinction between exceptional security measures and normal law enforcement activities less clear, thereby weakening the switch to civilian rule based on rights and accountability.[92]

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[89] Helen Durham, "Women, Armed Conflict and International Law", *International Review of the Red Cross*, Vol. 84, No. 847, 2002, pp. 655–657.
[90] Shoshana Zuboff, *The Age of Surveillance Capitalism*, Profile Books, London, 2019, pp. 376–378.
[91] United Nations Economic and Social Council, *Science, Technology and Innovation for Sustaining Peace*, UN Doc. E/2021/58, 4 May 2021, paras. 19–21.
[92] David Lyon, *Surveillance Studies: An Overview*, Polity Press, Cambridge, 2007, pp. 91–93.

5.2. Expansion of Biometric Databases and Data Infrastructures

Another hallmark of post-conflict AI governance at the national level is the rise of biometric databases. In the course of hostilities, gathering biometric data is frequently defended as a necessary measure for identification purposes, controlling access, or delivering humanitarian aid.[93] Nonetheless, in the post-conflict stage, these databases are hardly ever dismantled. On the contrary, they get enlarged and connected with the greater state data systems, and thus they can be used for different purposes such as policing, migration control, welfare distribution, voter registration, etc.[94]

This continuation of biometric systems brings up grave humanitarian as well as legal issues. The data gathered in conflict situations, usually without meaningful consent or adequate safeguards, still determines the way individuals have to deal with the state, long after the conflict has ended.[95] For persons affected by conflict, especially those who are displaced and those who have been detained, the growth of biometric databases may foster their vulnerability instead of helping them reintegrate. The lack of appropriate legal frameworks that regulate data retention, access, and deletion is like adding fuel to the risk of misuse and abuse, thus stressing the gap between internal AI governance and humanitarian protection.[96]

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[93] International Committee of the Red Cross, *Operational Guidelines for Data Protection in Humanitarian Action*, ICRC, Geneva, 2015, pp. 10–12.
[94] UN Secretary-General, *Our Common Agenda*, UN, New York, 2021, pp. 89–90.
[95] Mary Kaldor, *New and Old Wars*, 3rd ed., Polity Press, Cambridge, 2012, pp. 187–189.
[96] International Committee of the Red Cross, *Data Protection and Humanitarian Action*, ICRC, Geneva, 2020, pp. 6–8.

5.3. Emergency Laws and the Normalisation of Exceptional Governance

A common occurrence in post-conflict governance across the Asia-Pacific region is the continuation of emergency legal frameworks that were initially set up during the period of armed conflict. Nations that have gone through internal conflicts tend to keep emergency powers, counter terrorism laws, and special security regimes not just during the war but for a considerable time after the conflict is over.[97] Artificial intelligence technologies are being incorporated into these legal frameworks, thus helping to further embed the practice of ruling through exceptional measures. Surveillance systems, risk, profiling algorithms, and intelligence databases can be found functioning under legal authorities that were means of wartime exigencies rather than peacetime accountability.[98]

The embedding of AI technologies in such frameworks reinforces the fact that officers of the law operate within the legal framework, even in an emergency, they can use the AI of prediction systems to carry out profiling. Such legal frameworks may result in a reduction of civilian privacy and civil rights.[99] Allowing this machinery to run in a war zone context, you are giving that machinery war jurisdiction, and therefore the so-called application of the peace law to that is going to be difficult. Legal awareness campaigns may be part of the efforts to unravel the sophisticated suspense of the legal

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[97] United Nations Human Rights Council, *Business, Human Rights and New Technologies*, UN Doc. A/HRC/50/56, 18 April 2022, paras. 29–32.
[98] Jack Balkin, "The Constitution in the National Surveillance State", *Minnesota Law Review*, Vol. 93, 2008, pp. 3–5.
[99] Andrew Clapham and Paola Gaeta (eds), *The Oxford Handbook of International Law in Armed Conflict*, Oxford University Press, Oxford, 2014, pp. 682–684.

framework used to deploy AI under an emergency transition government.[100]

5.4. Domestic Security Laws and the Marginalisation of Humanitarian Considerations

Domestic security laws in post-conflict Asia-Pacific states frequently override humanitarian considerations in the regulation of artificial intelligence. National legal frameworks tend to prioritise counter-terrorism, internal security, and public order, often at the expense of protections for privacy, due process, and non-discrimination. While some states have adopted data protection or digital governance legislation, these laws are often framed narrowly and include broad exemptions for security agencies. As a result, AI-driven security practices operate with limited transparency and accountability.[101]

Judicial oversight of algorithmic systems remains weak across much of the region. Courts often lack the technical expertise, procedural tools, or institutional independence necessary to effectively review AI-driven decision-making. [102] Challenges to surveillance or predictive policing are further complicated by secrecy claims and national security exemptions. For individuals affected by algorithmic governance, access to justice is thus constrained,

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[100] Human Rights Council, *Impact of New Technologies on the Promotion and Protection of Human Rights*, UN Doc. A/HRC/47/23, 18 June 2021, paras. 40–43.
[101] Rome Statute of the International Criminal Court, UN Doc. A/CONF.183/9, 17 July 1998 (entered into force 1 July 2002).
[102] United Nations Development Programme, *Human Rights and AI Governance*, UNDP, New York, 2021, pp. 16–18.

reinforcing the protection gap identified at the international and regional levels.[103]

The marginalisation of conflict-affected populations is a particularly troubling consequence of these domestic practices. Communities that bore the brunt of armed conflict often remain subject to heightened surveillance and control in the post-conflict phase. [104] AI systems trained on conflict-era data perpetuate stereotypes and risk classifications that fail to reflect changed circumstances. Rather than facilitating reconciliation and reintegration, national AI governance frameworks risk entrenching exclusion and deepening post-conflict harm.[105]

5.5. Repurposing Wartime Technologies and Deepening Post-Conflict Harm

On the whole, the national frameworks of post-conflict states in the Asia-Pacific region show that they are following the example of major powers by modernizing and extending wartime AI technologies and capabilities.[106] Among the tools of war, those developed at the height of armed conflict become part of the normal functioning of the state without the redefinition of legal norms and the addition of protection measures for the affected population. [107] Such changes mirror the

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[103] International Committee of the Red Cross, *Autonomous Weapon Systems: Implications of Increasing Autonomy in the Critical Functions of Weapons*, ICRC, Geneva, 2016, pp. 12–14.
[104] International Committee of the Red Cross, *Legal Reviews of New Weapons, Means and Methods of Warfare*, ICRC, Geneva, 2006, pp. 3–5.
[105] Stuart Casey-Maslen, *Weapons under International Human Rights Law*, Cambridge University Press, Cambridge, 2014, pp. 284–286.
[106] United Nations General Assembly, *Science, Technology and Innovation for Peace and Development*, UN Doc. A/RES/76/213, 24 December 2021.
[107] Paul Ricœur, *Memory, History, Forgetting*, University of Chicago Press, Chicago, 2004, pp. 412–414.

structural aspects of the continuance of the relationship between wartime and post-conflict governance, whereby security considerations continue to be at the forefront of legal and policy frameworks.[108]

The main impact of this continuity is, of course, the aggravation of post-conflict suffering. Advanced technologies for surveillance, profiling, and AI decision-making will, without a doubt, continue to be a source of trauma for civilians who, owing to the cycle of conflict, have become more vulnerable.[109] When there is neither independent legal oversight nor regulation with a humanitarian perspective, the use of AI at the national level may, through its direct and indirect effects, destabilize the very pillars of the post-conflict political and social order, such as reconciliation, trust-building, and sustainable peace.[110] The present discussion points to the need to conceptualize national AI governance in post-conflict settings not as a niche issue of domestic security, but essentially as a core humanitarian concern.[111]

6. Ethical and Moral Fault Lines in Post-Conflict AI Deployment

6.1. Accountability Gaps in Algorithmic Harm

The introduction of artificial intelligence to the peacebuilding process exposes significant gaps in accountability that pose challenges for the

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[108] Christof Heyns, "Autonomous Weapons Systems: Living a Dystopian Future", *Human Rights Quarterly*, Vol. 38, No. 4, 2016, pp. 803–805.
[109] United Nations Office for Disarmament Affairs, *Human Control and Emerging Technologies in Warfare*, UNODA, New York, 2022, pp. 11–13.
[110] Carsten Stahn, *Justice as Message: Expressivism and Transitional Justice*, Intersentia, Cambridge, 2020, pp. 271–273.
[111] United Nations Institute for Training and Research, *Artificial Intelligence and Peacebuilding*, UNITAR, Geneva, 2020, pp. 11–13.

traditional ethical and legal frameworks.[112] These are very different from the usual atrocities in war, which can be linked to the culpability of specific actors and their particular decisions. Algorithmic harm, on the other hand, can be unheard of, being so widespread, indirect, and delayed.[113] AI technologies employed during hostilities, for example, in reconnaissance, target location or data analysis, can keep on functioning or subconsciously affecting human choices long after conflicts have finally ended. When harm occurs in the aftermath of war, it is very difficult to apportion responsibility.[114]

At the level of ethics, it is questioned whether the responsibility should be attributed to the government that keeps on using or adapting AI systems for different purposes, to the individuals who develop and maintain such technologies, or to the decision makers who consider the outputs coming from the algorithm. Critics of states are often reminded of the fact that they use national security or technical complexity as excuses to evade responsibility, while technology companies argue that they are only suppliers of neutral and impartial tools.[115] The creators of the systems may even say that post-conflict uses are beyond the scope of their initial intention. This scattering of responsibility leads to what is figuratively an accountability black hole, where no one actor takes the moral or legal

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[112] International Committee of the Red Cross, *When Rain Turns to Dust: Understanding and Responding to the Combined Impact of Armed Conflicts and the Climate and Environment Crisis on People's Lives*, ICRC, Geneva, 2020, pp. 46–48.
[113] United Nations General Assembly, *Protection of Civilians in Armed Conflict*, UN Doc. A/RES/75/192, 28 December 2020.
[114] Antonia Chayes and Abram Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements*, Harvard University Press, Cambridge, MA, 1995, pp. 22–24.
[115] United Nations Office of the High Commissioner for Human Rights, *Artificial Intelligence and Human Rights*, OHCHR, Geneva, 2021, pp. 4–6.

blame for algorithmic harm.[116] In situations of post-conflict where governance and other systems are weak, such accountability gaps exist. Populations emerging from violence are often unable to identify who is responsible for continued surveillance, exclusion, or coercive decision-making driven by AI.[117]

6.2. Opacity, Explainability, and Human Dignity

Opacity is the main issue responsible for the ethical problems that arise after the deployment of AI in post-conflict situations. Most AI systems are black boxes that give results that are very hard or even impossible to explain in terms understandable by humans. Post-conflict societies, especially those whose members have suffered arbitrary detention, targeting, or displacement, are greatly affected by the further vulnerability of not being able to understand or challenge algorithmic decisions.[118] For instance, decisions about one's freedom of movement, access to services, or inclusion in security databases may become so puzzling that the person affected would essentially have no real power to act.[119]

Moreover, the ethical importance of the right to explanation goes far beyond just procedural fairness. It links strongly to the safeguarding of human dignity. People become mere 'data points' when their algorithmic categorization is done without their knowing the criteria or logic used, and thus, they are denied viewing

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[116] Doris Schroeder and Julie Cook Lucas, "The Ethics of Digital Surveillance in Post-Conflict Societies", *Ethics and International Affairs*, Vol. 33, No. 2, 2019, pp. 223–225.
[117] Rebecca Hamilton, "Governing Data after Conflict", *Journal of International Humanitarian Legal Studies*, Vol. 12, No. 1, 2021, pp. 76–79.
[118] United Nations Peacekeeping Operations, *Technology and Innovation in Peacekeeping*, UN, New York, 2018, pp. 19–21.
[119] Paul Scharre, *Army of None: Autonomous Weapons and the Future of War*, W.W. Norton & Company, New York, 2018, pp. 362–365.

themselves as rights holders.[120] Such dehumanisation is very marked in post-conflict situations since the populations there have already been seen as mere objects through the war's rationales. The persistent use of hidden AI will therefore continue to depersonalize these people who are the subjects of post-conflict recovery.[121]

Besides that, opacity also lessens the chance for ethical oversight. If there is no transparency, courts and oversight bodies are not going to be able to determine whether AI systems discriminate or cause harm. It is very hard to apply ethical principles like proportionality, necessity, and fairness if the decision-making processes are kept secret. Therefore, opacity is not only a technical limitation but also a moral failure that destroys accountability and dignity in post-conflict governance.[122]

6.3. Dehumanisation and the Algorithmic Framing of Post-Conflict Populations

Post-conflict AI systems often mirror narratives of threat and suspicion from wartime. Algorithms that have been trained on conflict-era data sets inherit assumptions derived from military intelligence practices, where entire communities were treated as potential threats.[123] By continuing their application during the post-conflict phase, these systems still carry out a threat-based

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[120] Mark Drumbl, *Atrocity, Punishment, and International Law*, Cambridge University Press, Cambridge, 2007, pp. 102–104.
[121] Marko Milanovic, "The End of Application of International Humanitarian Law", *International Review of the Red Cross*, Vol. 96, No. 893, 2014, pp. 163–166.
[122] United Nations Peacebuilding Support Office, *Technology and Sustaining Peace*, UN, New York, 2022, pp. 18–20.
[123] Martti Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument*, Cambridge University Press, Cambridge, 2005, pp. 606–608.

characterisation of populations instead of one of vulnerability or rights.[124]

The ethical consequences resulting from this dehumanisation are quite profound. Post-conflict transitions mainly aim at restoring trust, bringing about inclusion, and reestablishing social cohesion. To use AI-driven governance that constantly arouses suspicion is really going against these goals because it basically mistrusts regularly.[125] People who have to live with the situation of being monitored all the time or checked by algorithms might start to think that they are under surveillance forever, which will not only discourage them from being active in the community but also segregate the society even more. In essence, ethically speaking, such results are very far from the moral intentions of post-conflict reconstruction.[126]

Also, dehumanisation is evident in the routinisation of harm, where algorithmic systems make big decisions with little human help, which means that there is hardly any room for human empathy or contextual judgment.[127] In post-conflict societies, the point of view of individuals is usually very complicated and heavily influenced by their past experiences. Hence, when human judgment is replaced by machine-automated decision-making processes, there is a very high

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[124] Gary Corn and Eric Talbot Jensen, "Transnational Armed Conflict and the Plight of Civilians", *Vanderbilt Journal of Transnational Law*, Vol. 47, 2014, pp. 1003–1006.
[125] Noelle Quénivet, *The Implementation of International Humanitarian Law*, Hart Publishing, Oxford, 2013, pp. 241–243.
[126] United Nations Development Programme, *Digital Public Infrastructure and Human Rights*, UNDP, New York, 2023, pp. 27–29.
[127] United Nations Office of the High Commissioner for Human Rights, *Human Rights Implications of the Use of New and Emerging Technologies in Military Contexts*, OHCHR, Geneva, 2020, pp. 9–11.

chance of getting ethically deficient outcomes that do not take the lived experiences into consideration.[128]

6.4. Moral Injury and the Persistence of Surveillance after War

The post-conflict AI-enabled surveillance keeps on being deeply harmful to the victims of the war. The continuation of wartime surveillance for a long time after military conflicts tremendously adds to the violation of morally right conduct in war. The remainders of the war surveillance for long-suffering victims actually indicate that the war is not yet over.[129] Harming the victims, the physical stop of fighting is a mere pretence as the psychological state of being permanently observed, classified, and judged is put before the eyes of the victims. The constant observation situation is a strong blow to the victims' feeling of safety and peace, which are the immediate effects of the resumption of normal life.[130]

Morally, the perpetuation of surveillance is tantamount to denying the moral value of peace. Surveillance extent in war is only challenging in moral terms if it is a necessary evil. Post-conflict misuse of the surveillance technologies for purposes other than safety signals an unspoken probable continuation of the population's distrust and treatment as an enemy, thus, the continuation of the cycle of hatred. This violation of moral standards goes even further than the individual

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[128] Ryan Goodman and Derek Jinks, *Socializing States: Promoting Human Rights through International Law*, Oxford University Press, Oxford, 2013, pp. 89–91.
[129] Gabriella Blum, "The Individualization of War: From War to Policing in the Regulation of Armed Conflicts", *Georgetown Law Journal*, Vol. 107, 2019, pp. 1789–1792.
[130] Iain Scobbie, "Principle or Pragmatics? The Relationship between Human Rights Law and the Law of Armed Conflict", *Journal of Conflict and Security Law*, Vol. 14, No. 3, 2009, pp. 449–451.

victims; it is the collective memory and social trust that get disturbed.[131]

The extent to which AI-assisted systems perpetuate suspicion is highly likely to result in the entrenchment of retaliatory cycles of exclusion. The tightly looped self-reinforcing sequence of the continuously monitored communities [132] The state's response with detachment or confrontation, thereby further justifying the continuation of the monitoring, is the result. In terms of ethics, this state of things is diametrically opposite to the values of reconciliation and restorative justice, which form the basis of post-conflict peacebuilding.[133]

6.5. Ethical Responsibility Beyond the End of Hostilities

The ethical issues addressed here form part of a bigger normative argument that ethical responsibility should be continued even after the cessation of hostilities. It is agreed that while IHL and other related legal frameworks mainly focus on temporal aspects in setting limits on when moral responsibility arises or fades, morality is not so concerned with time. It is for this reason that the State, private actors, and artificial intelligence system designers need to have an attitude of moral responsibility throughout.[134] Such continuing ethical supports include familiarising oneself with the changing nature of conflict situations as influenced by the effects of AI, ensuring transparency

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[131] United Nations General Assembly, *Right to Privacy in the Digital Age*, UN Doc. A/RES/73/179, 17 December 2018.
[132] United Nations Peacebuilding Commission, *Harnessing Technology for Peacebuilding*, UN, New York, 2021, pp. 6–8.
[133] Laurie Blank and Gregory Noone, *International Law and Armed Conflict: Fundamental Principles and Contemporary Challenges*, Wolters Kluwer, New York, 2019, pp. 412–415.
[134] Jonathan Havercroft, "Beyond the Responsibility to Protect: Peacebuilding and Accountability", *Ethics & International Affairs*, Vol. 28, No. 4, 2014, pp. 415–417.

and providing rationale for decisions, and prioritising conflict, with affected people being given their dignity and agency as the highest value.[135]

Accepting ethical responsibility after a conflict phase necessitates changing one's narrow concentration on lawfulness to a more thorough look at the notion of damage. AI deployment may be legally correct, but if in performing its function, it causes the perpetuation of dehumanisation, exclusion, or the infliction of psychological damage, it is also not acceptable on moral grounds. Hence, ethics intervene to provide support to the law in terms of clarifying which aspects of post-conflict harmful effects that the law is unable to identify by itself.[136]

In the end, dealing with the ethical and moral post-conflict dilemmas that arise due to AI use is crucial if we are to save peace from being ruined by war technology's legacy. The mere fact that if post-conflict governance relies on AI systems that have been developed based on wartime logic, then the issue of transition holds no promise at all.[137]

7. Toward an Integrated Post-Conflict Regulatory Framework

The investigation to date has shown that AI not only magnifies the ill effects of war on people during hostilities but also long after the fighting has stopped. However, the current set of laws and regulations

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[135] Human Rights Council Advisory Committee, *New and Emerging Digital Technologies and Human Rights*, UN Doc. A/HRC/AC/28/2, 13 January 2022, paras. 21–24.
[136] UN Secretary-General, *Peacebuilding and Sustaining Peace*, UN Doc. A/72/707–S/2018/43, 18 January 2018, paras. 28–31.
[137] Antoon De Baets, *Responsible History*, Berghahn Books, New York, 2009, pp. 194–196.

is still not up to the task of dealing with this situation.[138] The law of armed conflict internationally still relies on the categories and time-related assumptions of only physical warfare, whereas human rights law at the international level and regional mechanisms for governance present a patchy and sometimes weak protection in situations following conflicts.[139] This part outlines a reformist framework that aims to integrate legal, ethical, and institutional responses to post-conflict AI governance without proposing radical departures from established international law.[140]

7.1. Recognising Post-Conflict AI Governance as a Humanitarian Concern

One crucial first step involves a clear acknowledgment that post-conflict AI governance should be considered a humanitarian issue and not just a technical or security-related matter. Post-conflict AI systems may significantly impact the civilian population, influencing their rights, security, and availability of resources.[141] Thus, recognizing post-conflict AI deployment as a humanitarian issue would be in line with the goal of International Humanitarian Law, which, through its provisions, aims to alleviate the long-term suffering of civilians due to war. Such acknowledgment might serve as the normative basis for the

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[138] Lisa Hajjar, "Lawfare and Armed Conflict", *Annual Review of Law and Social Science*, Vol. 13, 2017, pp. 529–531.
[139] David Kennedy, *Of War and Law*, Princeton University Press, Princeton, NJ, 2006, pp. 301–303.
[140] David Kretzmer, "Targeted Killing of Suspected Terrorists: Extra-Judicial Executions or Legitimate Means of Defence?", *European Journal of International Law*, Vol. 16, No. 2, 2005, pp. 193–195.
[141] International Committee of the Red Cross, *Avoiding Civilian Harm from the Use of Information and Communication Technologies in Armed Conflict*, ICRC, Geneva, 2022, pp. 18–20.

application of the existing protective principles to AI governance in post-conflict environments.[142]

Furthermore, this change in viewpoint caters to the habit of states to interpret the issue of AI deployment solely from the perspective of their domestic security or innovation. If we frame post-conflict AI governance within a humanitarian context, then the focal point will be on the protection, accountability, and dignity of civilians. [143] Such a change does not necessarily entail the establishment of completely new legal frameworks but rather the reinterpretation of the existing duties against the backdrop of the new technological circumstances.[144]

7.2. Extending IHL Interpretation to Technological Aftereffects

Although IHL was not meant to be a regulatory framework for artificial intelligence, its interpretive flexibility makes it possible to apply the core humanitarian principles to new situations. Such basic principles as humanity, necessity, proportionality, and precaution may be reinterpreted to deal with the technological consequences of war.[145] That is not to say that IHL's material scope is being extended to such an extent that it no longer recognises its main categories of regulation. On the contrary, it is now understood that the consequences of war

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[142] United Nations Office for Disarmament Affairs, *Lethal Autonomous Weapons Systems: A Primer*, UNODA, New York, 2020, pp. 6–8.
[143] United Nations Economic and Social Commission for Asia and the Pacific, *Technology, Security and Human Rights in Asia and the Pacific*, UNESCAP, Bangkok, 2021, pp. 41–43.
[144] Eyal Benvenisti, *The International Law of Occupation*, 2nd ed., Oxford University Press, Oxford, 2012, pp. 303–305.
[145] Christian Schaller, "Private Security Companies and New Technologies in Post-Conflict Environments", *Journal of Conflict and Security Law*, Vol. 24, No. 2, 2019, pp. 213–215.

include a myriad of algorithmic systems that perpetually influence the lives of civilians.[146]

Interpreting international humanitarian law in this manner would represent a significant step toward addressing the realities of contemporary conflict. The concept of harm should no longer be limited to visible physical injury or destruction alone, but it must also encompass the less visible but deeply consequential harms produced by AI-driven systems, including long-term surveillance, algorithmic exclusion, automated decision-making, and persistent data-based profiling. In modern conflict and post-conflict settings, these forms of technological harm can profoundly affect individual dignity, privacy, autonomy, and access to rights, even in the absence of direct physical violence[147]. With such an interpretive method, IHL would be able to readily deal with the employment of AI after a conflict without upsetting its internal logic or doing more than its original mission.[148] In fact, it is quite a simple matter that the extension be kept very closely to the existing treaty obligations and recognized customary principles, leaving aside the creation of strange or impractical standards.[149]

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[146] International Committee of the Red Cross, *Professional Standards for Protection Work*, ICRC, Geneva, 2018, pp. 55–57.
[147] United Nations Secretary-General, *Counter-Terrorism and the Rule of Law*, UN Doc. A/70/371, 18 September 2015, paras. 22–24.
[148] Mark Duffield, *Global Governance and the New Wars*, Zed Books, London, 2001, pp. 155–157.
[149] Thomas Burri, "The Politics of Robotic Warfare", *German Law Journal*, Vol. 19, No. 1, 2018, pp. 1–3.

7.3. Strengthening Integration between IHL and International Human Rights Law

A more coherent post-conflict regulatory framework would require a greater level of integration between IHL and international human rights law. Instead of considering these legal systems as consecutive or hierarchically separate, post-conflict governance calls for a complementary approach that maximizes the strengths of both legal systems.[150] IHL conveys a humanitarian perspective based on the harshness of conflict, whereas IHRL provides substantive rights and procedural safeguards that are pertinent to AI-driven governance.[151]

Enhanced integration might provide clearer guidance on the simultaneous application of IHL and IHRL in post-conflict situations, especially regarding surveillance, data governance, and algorithmic decision-making. Furthermore, such clarity will lessen the controversy around issues of jurisdiction, derogation, and enforcement and ensure stronger protections for those impacted by post-conflict AI systems. Integration at this level does not necessarily require undergoing a treaty-making process; explanatory guidance and judicial practice can be quite efficacious in the unification of these regimes.[152]

7.4. Developing Context-Sensitive Regional Standards

Given the wide range of post-conflict situations, regional approaches are essential in reconciling global standards with local practices. In the

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[150] United Nations Research Institute for Social Development, *Digital Governance and Post-Conflict Inequality*, UNRISD, Geneva, 2021, pp. 19–21.
[151] United Nations Research Institute for Social Development, *Digital Technologies and Social Justice*, UNRISD, Geneva, 2020, pp. 14–16.
[152] Andrew Clapham, *Human Rights Obligations of Non-State Actors*, Oxford University Press, Oxford, 2006, pp. 271–273.

context of the Asia-Pacific region, tailor-made standards could effectively reflect the diverse security cultures, governance models, and post-conflict characteristics that determine AI usage.[153] Although it might be politically challenging to have legally binding regional treaties, creating regional guidelines or making principles a focus of post-conflict AI governance could help with the alignment of different norms.[154]

These standards should mainly focus on human rights while still taking regional governance models into account. Concentrating on such features as transparency, proportionality, and oversight may offer a common platform without compromising state sovereignty.[155] Regional dialogue and peer review mechanisms could also improve accountability by motivating states to consider the long-term humanitarian consequences of deploying AI in post-conflict settings.[156]

7.5. Humanitarian Oversight of AI in Post-Conflict Reconstruction

Finally, integrating humanitarian oversight into the use of AI in post-conflict situations should be considered without question. Efforts aimed at reconstruction and peacebuilding are getting more and more dependent on AI-based solutions for such things as planning,

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[153] Sarah E. Kreps and John R. Lindsay, "Where the Laws of War Come from", *Journal of Global Security Studies*, Vol. 3, No. 3, 2018, pp. 345–347.
[154] Frederic Megret and Florian Hoffman, "The UN as a Human Rights Violator? Some Reflections on the United Nations Changing Human Rights Responsibilities", *Human Rights Quarterly*, Vol. 25, No. 2, 2003, pp. 314–316.
[155] International Committee of the Red Cross, *Position on Autonomous Weapon Systems*, ICRC, Geneva, 2023, pp. 1–3.
[156] United Nations General Assembly, *Impact of Rapid Technological Change on the Achievement of the Sustainable Development Goals*, UN Doc. A/75/161, 21 July 2020, paras. 44–47.

allocating resources, and delivering services.[157] Although these technologies bring about efficiency improvements, they also pose risks of exclusion and bias. Embedding humanitarian oversight features, such as independent review committees, impact evaluations, and public hearings, can provide a shared engagement framework and mitigate the risks of AI deployment advancing post-conflict goals of inclusion and trust.[158]

Humanitarian oversight is a misconception if it is viewed as an impediment to innovation; rather, it is a protection against the repetition of wartime atrocities. If AI systems' design and deployment are fused with ethical and humanitarian issues, post-conflict societies will be able to strike a better balance between technological progress and respect for human dignity.[159] This reformist attitude realizes the shortcomings of the present system and, at the same time, proposes practical solutions for augmenting protection in a post-conflict setting that is becoming more and more algorithmic.[160]

Conclusion

The paper has highlighted that AI significantly alters the experience of and the way the end of an armed conflict is governed. On top of that, IHL shores up the reality that wars have impacts that last beyond the cessation of hostilities; however, it has not caught up with technologies whose impacts are continuous, systemic, and integrated

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[157] Neil Richards, *Why Privacy Matters*, Oxford University Press, Oxford, 2021, pp. 146–148.
[158] United Nations Economic and Social Commission for Asia and the Pacific, *Digital Transformation for Inclusive Development in Asia and the Pacific*, UNESCAP, Bangkok, 2022, pp. 33–35.
[159] Jeremy Waldron, *Dignity, Rank, and Rights*, Oxford University Press, Oxford, 2012, pp. 210–212.
[160] Jelena Aparac, "Humanitarian Principles and New Technologies", *International Review of the Red Cross*, Vol. 102, No. 913, 2020, pp. 1017–1019.

into post-conflict governance. AI technology, no matter whether it comes from autonomous weapons, intelligence infrastructure, or data-driven security practices, carries the logic of war into the post-conflict period, thus challenging the idea that peace is a clear legal and moral break from war.

This article reveals that international, regional, and national pieces of law are broken and inconsistent in protecting against harms caused by AI after a conflict. Humanitarian law is still very much focused on physical violence, and it does not offer much in the way of guidance on issues such as data retention, algorithmic decision-making, or long-term civilian surveillance. On the other hand, international human rights law provides relevant norms, albeit it is weakened in post-conflict situations due to different factors such as doubt over jurisdiction, emergency governance, and limited access to effective remedies. Furthermore, in the Asia-Pacific region, the focus on security-first regional approaches and non-binding standards only serves to further deepen the regulatory gaps.

At the domestic level, AI tools used in wartime are often reappropriated for use in peacetime controls under security laws and emergency powers, generally without being adjusted to post-conflict situations. In these cases, practices that do not serve reconciliation can lead to the marginalisation of conflict-affected populations and the continuation of wartime logics of surveillance and suspicion. Ethical analysis shows that the responsibility is not limited to the end of the war; accountability gaps, algorithmic opacity, and the continuation of surveillance cause moral injuries and weaken the trust of society.

The article suggests a reformist way out, which is based on recognising post-conflict AI governance as a humanitarian issue,

reinforcing the IHL-IHRL relationship, creating context-sensitive regional standards, and including humanitarian supervision in reconstruction. If we do not face the technological aftermath of war, peace may remain only something that has been declared but will actually be fragile, as it will be influenced by the invisible technological continuities that make the difference between war and peace unclear.