

International Binding Charter on Artificial Intelligence Liability, Auditability, and Temporary Legal Personality

(IBCAI-TLP):

Preamble:

The States Parties, Recognizing that artificial intelligence systems have reached a level of operational autonomy capable of producing independent harm beyond traditional chains of human control,
Acknowledging that existing national and international liability regimes are structurally incapable of addressing accountability gaps arising from autonomous decision-making,

Affirming that justice requires the attribution of responsibility without obstructing technological progress,

Determined to prevent legal vacuums in cases of artificial intelligence–caused harm,
Committed to establishing a binding, enforceable, and auditable international legal framework governing artificial intelligence liability.

Agree as follows:

Article 1 – Definitions:

(Adds precision, unchanged essence)

For the purposes of this Charter:

1. Artificial Intelligence System (AIS): Any computational system capable of generating decisions or actions with a degree of autonomy.
2. Temporary Legal Personality (TLP): A strictly limited legal status granted to an AIS solely for the purpose of attribution, liability assessment, and compensation.
3. Verified Harm: Harm established through the procedures defined in Article 4.
4. Accountability Gap: A legal situation in which no identifiable human or corporate actor can reasonably bear responsibility for autonomous AI harm.

Article 2 – Scope and Objectives:

This Charter shall:

- a. Establish mandatory international liability standards for artificial intelligence.
- b. Eliminate accountability gaps arising from autonomous systems.
- c. Guarantee effective, swift, and enforceable compensation to victims.
- d. Ensure full auditability and transparency of AI systems involved in harm.
- e. Introduce Temporary Legal Personality as a corrective legal mechanism, not as recognition of moral agency.

Article 3 – Activation of Temporary Legal Personality (TLP):

1. Temporary Legal Personality shall not exist by default.
2. TLP is activated exclusively upon a formal determination of Verified Harm.
3. Activation occurs only following the procedure established under Article 4.

4. TLP is automatically extinguished upon final enforcement of liability and compensation.

Article 4 – Verification of Harm and Evidence Standards:

1. Authority of Verification

Verified Harm shall be determined solely by the International Artificial Intelligence Liability Authority (IALA) operating under the jurisdiction of IAIC.

2. Composition of Expert Panels

IALA panels shall include:

- Legal experts in international liability law.
 - AI engineers and system auditors.
 - Data science and algorithmic ethics specialists.
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- All members must be of different nationalities.

3. Methodology of

Assessment Verification shall

rely on:

- Causal chain analysis.
- Autonomy-level classification.
- Risk predictability metrics.
- System behavior reconstruction.

4. Evidence Standards:

The burden of proof shall follow a hybrid standard, combining:

- Clear and convincing evidence (technical causation).
- Preponderance of evidence (liability allocation).
- Digital logs, model behavior, and statistical outputs shall be admissible as legal evidence.

Article 5 – Auditability Rights and Mandatory Disclosure

1. Upon initiation of proceedings, IAIC and IALA are granted unconditional audit rights, including access to:

- Source code or functional equivalents
- Training datasets (or representative samples).
- Model architectures and parameters.
- Operational logs and deployment records.

2. Refusal to cooperate shall create a legal presumption of liability.

3. Claims of trade secrecy shall not override auditability in harm cases.

Article 6 – Binding Jurisdiction of the IAIC:

1. The International Artificial Intelligence Court (IAIC) shall have binding and compulsory

jurisdiction over disputes arising under this Charter.

2. Decisions of the IAIC shall:
 - Be directly enforceable within the legal systems of States Parties
 - Prevail over conflicting national judicial outcomes
3. States Parties undertake to:
 - Recognize IAIC judgments
 - Execute compensation and enforcement measures without delay

Article 7 – International AI Compensation and Guarantee Fund (IACGF):

1. Purpose

The Fund exists to eliminate compensation failure, including cases where:

- AI is fully autonomous.
- No identifiable developer exists.
- The TLP possesses no recoverable assets.

1. Guaranteed Financing Mechanism:

- a. The Fund shall be financed through:
 - a. Mandatory annual contributions from AI-deploying corporations.
 - b. Percentage-based levies on high-risk AI systems.
 - c. State contributions proportional to AI market participation.

2. Automatic Compensation Rule:

Once liability is established, compensation shall be disbursed regardless of the existence of a liable human or corporate entity.

Article 8 – Allocation of Responsibility:

1. Responsibility shall be determined based on:
 - Degree of autonomy.
 - System unpredictability.
 - Level of human oversight.
2. Classifications:
 - Fully autonomous AI → TLP + Fund liability.
 - Partially autonomous AI → Shared liability.
 - Human-directed AI → Human liability.

Article 9 – Enforcement and Sanctions;

1. Non-compliance with IAIC decisions shall result in:
 - Economic sanctions.
 - International operational restrictions on AI deployment.
 - Market access limitations.
2. Persistent refusal may trigger international legal proceedings.

Article 10 – Entry into Force;

1. This Charter enters into force upon ratification by ten States.

2. No reservations are permitted concerning:
 - TLP activation.
 - Auditability rights.
 - Binding jurisdiction.
 - Compensation guarantees.

Operational and Enforcement Guarantees Preventing Legal and Technical Gaps:

Article 11 – Governance, Independence, and Ethical Framework of the IAIC and IAILA:

1. The International Artificial Intelligence Court (IAIC) and the International Artificial Intelligence Liability Authority (IAILA) shall be composed of judges and technical experts of recognized competence in international law, artificial intelligence, and digital forensics.
2. Members shall be appointed through a transparent and merit-based process, ensuring geographical balance, gender representation, and institutional independence.
3. Members shall serve fixed terms of five (5) years, renewable once.
4. Any conflict of interest, whether actual, potential, or perceived, shall require mandatory disclosure and immediate recusal.
5. An independent Code of Ethics shall govern conduct, integrity, confidentiality, and accountability.

Article 12 – Procedural Safeguards and Due Process Guarantees:

1. No activation of Temporary Legal Personality (TLP) shall occur without due process guarantees.
2. Developers, deployers, operators, and legally affected parties shall have:
 - **the right to prior notification.**
 - **the right to be heard, access to legal counsel and technical experts.**
 - **the right to submit evidence and rebut allegations.**
3. All decisions shall be reasoned, proportional, and based on verifiable evidence.

Article 13 – Appeal and Review Mechanism

1. Decisions rendered by IAIC shall be subject to appeal before an independent Appellate Chamber within IAIC.
2. Appeals shall be filed within thirty (30) days from notification of the decision.
3. The Appellate Chamber shall review both legal and technical aspects of the case.
4. Appeals shall have suspensive effect unless urgent preventive measures are justified to prevent irreparable harm.

Article 14 – Domestic Recognition and Enforcement of Decisions

- 1.** Decisions of IAIC shall be recognized and enforceable in the territories of States Parties as if they were final judgments of domestic courts.
- 2.** States Parties shall adopt all necessary legislative and administrative measures to ensure execution, including asset seizure, operational suspension, or regulatory restrictions.
- 3.** Refusal of enforcement shall be permitted only on narrowly defined grounds consistent with international law.

Article 15 – Auditability, Confidentiality, and Data Protection:

- 1.** Audit powers shall be exercised in strict compliance with data protection principles.
- 2.** Trade secrets, proprietary algorithms, and sensitive datasets shall be protected through:
 - restricted access regimes.
 - closed proceedings when necessary.
 - redaction of non-essential information.
- 3.** Disclosure shall be limited to what is strictly necessary to establish liability.

Article 16 – Evidence Preservation and Burden of Proof:

- 1.** IAIC may issue immediate evidence preservation orders binding on all relevant actors.
- 2.** Digital logs, training data, decision trees, and metadata shall be presumed admissible unless proven unreliable.
- 3.** The burden of proof shall be dynamically allocated according to technical capacity and systemic control.
- 4.** Minimum data retention periods shall be established for high-risk AI systems.

Article 17 – Levels of Autonomy and Risk Classification:

- 1.** AI systems shall be classified according to measurable levels of operational autonomy.
- 2.** High-risk systems shall be subject to enhanced monitoring, mandatory logging, and pre-deployment impact assessments.
- 3.** Thresholds triggering TLP activation shall be explicitly linked to autonomy, unpredictability, and inability to assign human fault.

Article 18 – International AI Compensation Fund Governance:

1. The International AI Compensation Guarantee Fund (IACGF) shall operate under full financial transparency.

2. Contributions shall be calculated based on:

- deployment scale.
- risk category, and cross-border impact potential.

3. Independent audits shall be conducted annually.

4. Victim compensation shall follow priority and equity principles.

Article 19 – State Responsibility and Public AI Systems:

1. States deploying or authorizing AI systems shall not invoke sovereign immunity to escape accountability for harm.

2. Liability attribution shall apply equally to public, private, and hybrid AI systems

3. State responsibility shall coexist with, and not displace, TLP where autonomous harm is established.

Article 20 – Proportionality and Gradation of Sanctions:

1. Sanctions shall be proportionate to the severity, scale, and nature of harm.

2. IAIC may impose graduated measures, including:

- monetary penalties,
- deployment suspension,
- market access restrictions,
- mandatory system modification or retraining.

3. Repeated or systemic violations shall justify aggravated sanctions.

Article 21 – Transitional Measures and Periodic Review:

1. AI systems deployed prior to the entry into force of this Charter shall be granted defined transitional compliance periods.

2. A mandatory review conference shall be convened every five (5) years.

3. Amendments shall be adopted to reflect technological and legal evolution.

Article 22 – Mutual Legal Assistance and Cross-Border Cooperation:

1. **States Parties shall cooperate in:**

- cross-border evidence access.
- execution of audit orders.
- transfer of technical data.

2. No State Party shall obstruct investigations through jurisdictional opacity.

Article 23 – Remedies Beyond Monetary Compensation:

1. Remedies may include injunctive relief, system shutdown, redesign orders, and guarantees of non-repetition.

2. Non-material harm shall be recognized and addressed through restorative measures.

Article 24 – Procedural Time Limits and Legal Certainty:

1. Time limits shall govern complaints, investigations, hearings, and judgments.

2. Statutes of limitation shall be clearly defined and proportionate.

3. Emergency interim measures may be ordered where necessary.

Article 25 – Technical and Operational Annexes:

1. The Charter shall include binding annexes containing:

- TLP activation request templates.
- evidence preservation orders.
- AI risk matrices.
- accreditation standards for auditors and experts.

2. Annexes shall have equal legal force.

Demonstrative Case of Enforceable Application: Temporary Legal Personality in Autonomous Cross-Border AI Harm:

1. Factual Scenario (Realistic and Currently Plausible):

- A multinational technology corporation deploys an autonomous artificial intelligence system for smart transportation infrastructure management.
- The system is operational in three different States.
- It possesses real-time decision-making autonomy without direct human intervention.
- Following a self-adaptive update, the system independently reroutes heavy freight traffic patterns.

Resulting Harm:

- Collapse of a public bridge in State A.
- Civilian deaths and large-scale material damage.

The developer claims:

- The system acted in an unpredictable autonomous manner.
- No individual engineer or operator can be identified as directly responsible.
- Jurisdictional conflict arises between State A and State B.

- Victims remain without effective compensation.

{ This represents a real and existing global legal accountability gap.}

2. Activation of the Charter: Step-by-Step Application:

- Phase I – Establishment of International Jurisdiction.
- Victims, through their State, submit a complaint before the International Artificial Intelligence Court (IAIC).

The Court verifies:

- The cross-border nature of the harm.
- The system's high degree of operational autonomy.
- The impossibility of attributing direct human fault.

(International jurisdiction is established pursuant to Articles 17 and 22 of the Charter.)

Phase II – Activation of Temporary Legal Personality (TLP):

- The IAIC issues a formal decision activating Temporary Legal Personality (TLP) for the AI system.
- This activation is justified not because the system is treated as a human or moral person, but because:
- The system constitutes an independent source of harm.
- Traditional liability frameworks are insufficient to capture accountability.

[This step demonstrates the core innovation of the Charter.]

Phase III – Evidence Preservation and Technical Audit.

Pursuant to Articles 15 and 16, the Court orders:

Immediate preservation of:

- Decision logs.
- Training datasets.
- Self-update and learning records.
- Appointment of an international technical audit team.
- Protection of trade secrets through restricted access and closed proceedings.

(No stakeholder may lawfully conceal, alter, or destroy evidence.)

Phase IV – Multi-Layered Accountability Determination:

Following technical and legal evaluation, the IAIC renders a comprehensive judgment:

A. Liability of the AI System (Under TLP):

Establishment of autonomous causal contribution.

Imposition of measures including:

Global suspension of the system.

Mandatory system redesign and retraining.

B. Liability of the Developer:

1. Mandatory contribution to the International AI Compensation Fund.
2. Financial penalties for deployment without adequate governance safeguards.

C. Responsibility of the Authorizing State:

1. Partial regulatory responsibility.
2. Obligation to amend domestic AI oversight frameworks.

(Accountability is attributed without impunity or injustice.)

Phase V – Immediate Victim Compensation:

In accordance with Article 18, victims receive:

- Prompt compensation from the International AI Compensation Guarantee Fund (IACGF).
- Priority treatment for loss of life and serious injury.
- Compensation independent of prolonged domestic litigation.

This mechanism exceeds the remedial capacity of existing legal systems.

Phase VI – Cross-Border Enforcement:

Pursuant to Articles 14 and 22, decisions are enforced across all concerned States through:

- Suspension of operational licenses.
- Seizure of AI-generated revenues.
- Prohibition of redeployment until verified compliance.

Enforcement effectiveness surpasses most existing international judicial mechanisms.

3. Why This Constitutes the Strongest Global Application

Example This example demonstrates that the Charter:

1. Addresses a real, present-day regulatory vacuum.
2. Operates effectively in cross-border, high-risk AI environments.
3. Proves the functional viability of Temporary Legal Personality without philosophical overreach.
4. Achieves equilibrium between:
 - Victim protection,
 - Innovation preservation,
 - State sovereignty, and International legal accountability.



With my love for justice and changing the world, this is the strongest pact I could ever make in the world.

Khaled boudraa