Updating the charter of the United Nations in the age of Artificial Intelligence:
A civilizational proposal under the aegis of Article 109.

Futures Group, APDSI – July 2026

The epistemological framework: AI as constitutional and technological disruption

The advent of Artificial Intelligence (AI) does not merely represent a technological acceleration or an increase in operational efficiency in the traditional information society context. From a humanistic perspective and taking a critical analysis of complex systems, contemporary AI constitutes an “unfinished work”. What the dominant technocratic discourse labels as autonomous intelligence consists, fundamentally, of high-performance statistical architectures that, although endowed with extreme fluidity and processing speed, lack semantic understanding, causal reasoning, and the intrinsic capacity for truth verification.

The civilizational danger lies in the fact that global society is replacing verification with speed and critical reasoning with blind trust in these algorithmic black boxes. By treating probabilistic models as infallible oracles, humanity abdicates its sovereign act of discovery and questioning, sliding into a systematic training in technological dependence.

This mutation profoundly impact the scale of power relations, transcending the traditional dichotomy between analog and digital. When autonomous systems begin to dictate individual behaviors, guide consumption dynamics, and mediate the very perception of reality, where the human mind becomes the critical infrastructure to protect. The challenge, therefore, ceases to be merely technical and becomes constitutional.

The 1945 Charter of the United Nations was structured to regulate a world of sovereign states, geographical borders, and diplomatic corps. The contemporary ecosystem, however, is governed by cross-border information flows and autonomous systems devoid of territorial anchoring that operate outside the reach of existing multilateral rules.

The foreseeable evolution of digital intelligence points to an accelerated transition that demands a global and binding regulatory response, as systematized in the following table:

Technological paradigm	Estimated time horizon	Main technical characteristics	Impact on governance and sovereignty
Generative AI	Emergency: 2022	Generation of text, code, and analysis of large-scale statistical patterns.	Misinformation overload; urgent need for digital literacy and verification.
AI Agents / Agentic AI	Emergency: 2026	Creating software agents capable of planning and executing tasks in a coordinated manner.	Disintermediation of administrative decisions; the need to ensure the chain of human responsibility.
Cognitive AI	Emergency: 2030	Models endowed with the capacity for logical reasoning, explainability, and integration of knowledge.	A direct challenge to cognitive sovereignty; a need for broader ethics and epistemic audits.
Physical AI	Emergency: 2035	Integration of autonomous systems in adaptive robotics (health, agriculture, climate emergency).	Direct impact on the tangible world; constitutional requirement of strict reversibility.
Autonomous AI	Emergency: 2040	Hypercomplex multi-agent systems operating in ecosystems of independent decision-making.	Risk of obsolescence of state power; need for architects of cognitive ecosystems based on human values.

The multidimensional triad: information, AI, and planetary energy limits

The dematerialization of governance and the digital transition do not occur in a physical vacuum; they depend on an extremely centralized and resource-intensive material infrastructure. Artificial Intelligence, by processing massive volumes of data and information, requires thermodynamic support that directly clashes with the biophysical limits of the planet. The carbon footprint of data centers, the consumption of potable water for server cooling, and the exploitation of rare minerals for semiconductors place AI at the center of global energy disputes.

This interdependence between information processing, intelligent automation, and energy resources constitutes the critical triad of contemporary governance. An updated United Nations Charter for the 21st century cannot isolate AI as a purely logical phenomenon; it must regulate it in close articulation with

environmental sustainability and the energy sovereignty of peoples. Technological dependence on proprietary foreign systems often forces importing countries to channel their own energy capacity to power infrastructures over which they have no political control or technical audit.

The following table illustrates the points of friction between AI infrastructure, information flow, and global energy constraints:

Friction vector	Physical impact mechanism	Geopolitical consequence	Need for constitutional regulation
Electricity Consumption	Intensive processing on supercomputers and training of large-scale language models.	Overburdening of national electricity grids and increased dependence on fossil fuels.	Imposing global energy efficiency limits for the licensing of AI models.
Water Footprint	Evaporative cooling of servers in hyper-concentrated data centers.	Local water scarcity and conflicts over water use between local populations and technology corporations.	Submission of data center installations to water sovereignty and environmental assessments.
Exploration of Rare Minerals	Extraction of lithium, cobalt, and neodymium for hardware and backup batteries.	Dynamics of neo-extractivism in the Global South without proper value sharing or environmental protection.	Recognition of fair technology supply chains and protection against asymmetric exploitation.

Cognitive sovereignty and algorithmic coloniality on the geopolitical chessboard.

The asymmetry in the distribution of global technological power has reconfigured the relations of dependence between the Global North and the Global South, generating a phenomenon that the scientific literature qualifies as neocolonialism or algorithmic coloniality.

The extreme concentration of financial resources, computing infrastructures, and scientific talent has resulted in an absolute technological oligopoly, where the rules of operation of the digital society are dictated by a restricted number of corporations and state powers, often using digital platforms and services for global use and exploitation.

This scenario manifests itself through profound structural asymmetries:

Asymmetry vector	Data and global distribution	Geopolitical and cultural consequence
Concentration of private investment	United States: 66% China: 17% Latin America and Africa combined: 2%	Submitting the rest of the world to proprietary solutions designed outside of their jurisdictions and values.
Development of large models	Of the 10 largest generative AI models, 6 are from the US, 2 from China, and 2 from Europe.	Imposition of Eurocentric and Anglo-Saxon worldviews, resulting in “monocultures of the mind”.
Linguistic heuristics on the Web	English dominates over 60% of websites, despite representing only 16% of the global population.	Cognitive bias in AI; marginalization of languages such as Portuguese, Arabic, and local languages.
Cognitive division of labor	Training and infrastructure in the North; poor labeling and moderation outsourced to the Global South.	Exploitation of cognitive labor and extraction of cultural data from the Global South without due compensation or consent.

Sources for the data on the table:

Maslej, N., Fattorini, L., Perrault, R. et al. (2024). Artificial Intelligence Index Report 2024. *arXiv*. https://doi.org/10.48550/arxiv.2405.19522

Pimienta, D., Blanco, Á. & de Oliveira, G. (2023). The method behind the unprecedented production of indicators of the presence of languages in the Internet. *Frontiers in Research Metrics and Analytics*, *8*. https://doi.org/10.3389/frma.2023.1149347

Casilli, A. (2021). Waiting for robots: the ever-elusive myth of automation and the global exploitation of digital labor. *Sociologias*, *23*, 112-133. https://doi.org/10.1590/15174522-114092

The loss of technological sovereignty by sovereign states is not merely an economic vulnerability; it translates into a loss of cognitive sovereignty. Cognitive sovereignty is understood as the inalienable right of peoples and individuals to form their opinions, preserve their historical memory, and determine their cultural development based on reliable, unmanipulated information that respects their own identity. As recommendation algorithms and language models begin to act as the new curators of reality, an invisible colonization of the human mind is taking place.

Additionally, the physical infrastructure supporting the digital world, such as submarine cables and data centers, presents a highly asymmetrical distribution, leaving the Global South vulnerable to communication disruptions and leonine contractual dependencies. Without a global constitutional intervention that declares the human mind as critical infrastructure and cognitive sovereignty as an international public good, the digital transition will cease to be an instrument of emancipation and become a mechanism of civilizational capture.

The APDSI proposal: founding principles and the new constitutional framework

Given the urgent need to equip the multilateral system with effective legal tools, the Futures Group of the Association for the Promotion and Development of the Information Society (APDSI) has developed a structured proposal for updating the United Nations Charter in the Digital Age. This initiative is based on the premise that AI regulation should not be merely technical, but rather constitutional in nature, establishing non-derogable limits to algorithmic power.

The proposal is developed through a matrix that correlates ethical-philosophical principles with proposals for specific articles to be integrated into the overall constitutional text, as detailed in the table below:

Founding principle (inalienable)	Article proposed for the letter	Legal safeguard mechanism
I. Primacy of human responsibility No autonomous system can be the ultimate agent of actions with consequences for human beings.	**Article II: Who decides and who is responsible** Responsibility for the effects of a decision always lies with the human entity that adopted the system.	The unpredictability of the machine's behavior does not exempt its installer from civil or criminal liability.
II. Democracy as a Limit to Efficiency Technical efficiency does not legitimize the application of AI in public governance without democratic scrutiny.	**Article III: On political judgment and democracy** The chain of responsibility linking the decision-making process to elected officials must remain visible and traceable.	Prohibition of the introduction of autonomous systems that obscure constitutional review processes.
III. Irreversibility as a Prohibition No technological adoption that creates essential dependency can be made without a guarantee of reversibility.	**Article I: On digital sovereignty** Digital sovereignty is an inalienable attribute of the State, not subject to commercial or contractual renunciation.	Contractual clauses that prevent the migration, auditing, or replacement of essential systems are null and void by operation of law.
IV. The right to zero opacity It is the right of every citizen to understand the rationale behind an algorithmic decision that affects them.	**Article IV: On Cognitive Sovereignty** Cognitive sovereignty is protected as an international public good against algorithmic manipulation.	Prohibition of political micro-segmentation without explicit consent and imposition of algorithmic transparency on large platforms.
V. Technological sovereignty as a third-generation right The right of peoples to determine the technological conditions of their own governance.	**Article VI: On algorithmic coloniality** Recognition and prohibition of the use of technological dependence as an instrument of interstate pressure.	The United Nations ensures the real means for all countries to develop and audit their autonomous systems.

Founding principle (inalienable)	Article proposed for the letter	Legal safeguard mechanism
VII. The digital space as a global common good Access to an open and secure digital environment is a prerequisite for exercising citizenship.	**Article VII: Human Rights in the Digital Space** Universal access and interoperability are binding rights, ensuring that digital infrastructure serves humanity without exclusion.	Guaranteeing net neutrality and prohibiting arbitrary data cuts; imposing technical standards that prevent the creation of data monopolies that infringe on civil rights.
VIII. Human dignity as a design requirement (*rights by design*). Fundamental rights must be the basis of the technical architecture, not a layer of conformity that comes later.	**Article VIII: Artificial Intelligence and Human Rights** Protection against manipulation and surveillance is inherent in the development of any high-impact AI system.	Mandatory prior impact assessments and independent external audits; inalienable right to human resources and to challenge automated decisions.

Beyond this framework of principles and its articulation, the APDSI Futures Group proposal establishes in **Article V (On automation and the value it creates)** a mechanism for global economic justice. It stipulates that robotic and algorithmic systems that replace human labor should contribute fiscally in direct proportion to the economic value generated, with these revenues primarily allocated to financing social protection and professional retraining of the affected populations.

Finally, the document establishes a set of **Absolute and Non-Derogable Prohibitions**, applicable even under states of emergency, national security, or economic interests:

1. Autonomous systems possessing the capacity for self-replication not controlled by humans;
2. Systems capable of autonomously modifying their higher-level objectives outside the parameters defined by human designers:
3. Lethal autonomous weapons systems lacking significant human oversight and without an immediate deactivation mechanism;
4. Mass biometric surveillance systems in public spaces, except under strict prior judicial supervision in declared emergency situations;
5. Digital surveillance by dragging without a prior court order or lacking robust guarantees of anonymity and privacy;
6. The systematic generation and dissemination of synthetic content (*deepfakes*) designed to mislead about the facts, identities, or positions of public figures;

7. Implementation of high-impact AI systems in essential public services without sovereignty impact assessment, parliamentary approval, and contractual guarantee of reversibility.

Portugal's three geopolitical assets and the activation of Article 109

Implementing a reform of this magnitude requires agile and credible diplomatic leadership within the multilateral system. It is in this context that the Portuguese Republic positions itself as a key player, possessing three interconnected strategic assets that give it the authority and capacity necessary to lead the process of adding the digital dimension to the Charter of the United Nations.

Asset 1: Smart power and global goodwill

Portugal has a well-established reputation for constructive and positive diplomacy, often characterized by the exercise of *smart power*. Portuguese public and cultural diplomacy focuses on consensus-building and conflict mediation, devoid of hegemonic or coercive agendas. This capital of international goodwill and respectability *allows* Portugal to present ethical and normative proposals without provoking the geopolitical antibodies common to major technological powers.

Asset 2: Geopolitical credibility and the bridge to the Global South

Portugal's historical and linguistic positioning, strengthened by its umbilical relationship with the Community of Portuguese Language Countries (CPLP) and with nations in Africa, Latin America, and Asia, gives it unique credibility as an interlocutor with the Global South. In a debate often polarized between the American corporate vision and the Chinese model of state control, Portugal emerges as a bridge capable of translating the legitimate concerns of the Global South regarding the vulnerability of its communications infrastructure, the loss of cognitive sovereignty, and the danger of algorithmic colonialism. This proximity facilitates the mobilization of geographically distributed coalitions, essential for the approval of multilateral reforms.

Asset 3: Leading role in digital multilateralism and in the defense of the United Nations.

Portugal has maintained a leading position in defending the United Nations as the legitimate and irreplaceable forum for governing the digital transition, information integrity, and the energy and ecological impacts of AI. The involvement of Portuguese civil society organizations, such as APDSI, in direct partnership with the international coalition *article109.org* – a global movement advocating for a General Review Conference of the UN Charter – demonstrates

the commitment of countries to the multilateral constitutional path. Portugal understands that the challenges of the 21st century require a space for dialogue where the primacy of human dignity prevails over algorithmic technocracy and data monopolies.

In conclusion

We are therefore experiencing the paradox of San Francisco, the site of the signing of the United Nations Charter in 1945, which reveals a constitutional disruption between the reality for which the United Nations Charter was designed in 1945 and the technological reality of 2026. This paradox highlights that contemporary governance operates in a legal vacuum, since the current Charter regulates a tangible reality that no longer corresponds to the digitized world, expressed in the following contrast:

- The world of 1945: focused on sovereign nation-states, clearly defined geographical borders, and analog treaties negotiated by human diplomats;
- The world of 2026: characterized by autonomous cross-border systems, invisible flows of information and communication, and computational agents that do not negotiate.

The paradox lies in the fact that the United Nations Charter simply doesn't know that these digital and autonomous systems exist. The central problem is not seen as technological, but rather constitutional: when machines govern without a mandate and humans lose the power to intervene, it becomes imperative to update the Charter to impose inalienable limits on these systems.

The legal operationalization strategy for this reform is based on the activation of **Article 109 of the United Nations Charter**. This article, historically little invoked, stipulates that a General Conference of the Members of the United Nations to revise the current Charter may be convened by a two-thirds vote of the members of the General Assembly and any nine members of the Security Council. The Portuguese proposal aims to convene this General Review Conference with the specific objective of adopting the Charter for the Digital Age, integrating safeguards against algorithmic neocolonialism and ensuring that the benefits of AI are equitably distributed.