

GGE on LAWS

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For the purposes of the work of the GGE and with the understanding that nothing has reached consensus until everything has reached consensus, the Group provisionally found consensus on the following formulations for the purpose of advancing its work on a set of elements of an instrument, without prejudging its nature, and other possible measures, in accordance with the Group's mandate.

I

1. [Within the scope of the application of the CCW and for the purpose of these elements of an instrument,] a lethal autonomous weapon system can be characterized as a functionally integrated combination of one or more weapons and technological components, that can identify, select, and engage a target, without intervention by a human operator in the execution of these tasks.
 - A. The fact that a human operator sets the parameters of the target(s) does not exclude the system from the characterization.
 - B. The fact that a LAWS can be used in a way that does not result in loss of life, such as to damage or destroy objects or to cause injury, does not exclude it from this characterization.
 - C. The above description is without prejudice to any future understanding and the potential modification of this characterization, as well as the possible exclusion of certain types of systems.

II

1. The right of the parties to an armed conflict to choose methods or means of warfare is not unlimited.
2. IHL applies to armed conflict, whether international or non-international, and governs the use of all weapons, means and methods of warfare, those of the past, those of the present and those of the future, and is, consequently, applicable regardless of the technology used.
3. IHL imposes obligations on States, parties to armed conflict and individuals, not on machines.

4. IHL applies fully to the development and use of LAWS.
5. In cases not covered by the CCW and its annexed Protocols or by other international agreements, the civilian population and the combatants at all times remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience.

III

1. It is prohibited in all circumstances to use LAWS which are of a nature to cause superfluous injury or unnecessary suffering, which are inherently indiscriminate, or which are otherwise incapable of being used in compliance with IHL.
2. It is prohibited to use LAWS if their effects in attack cannot be anticipated and limited, as required by IHL in the circumstances of their use.
3. It is prohibited to make the civilian population as such, as well as individual civilians or civilian objects, the object of an attack by LAWS.
4. States shall refrain from manufacturing, otherwise acquiring, stockpiling, or transferring LAWS that cannot be used in compliance with IHL. The retention, acquisition, or transfer of LAWS that cannot be used in compliance with IHL shall be permitted solely for the purposes of training and the development of countermeasures, only in the minimum quantity necessary, and shall be destroyed once they are no longer required for the purposes for which they were retained.
5. LAWS may only be used in accordance with IHL, including the principles and requirements of distinction, proportionality and precautions in attack.
6. Context-appropriate human judgement and control is needed to ensure the use and effects of LAWS are in compliance with international law, in particular IHL, including the principles and requirements of distinction, proportionality and precautions in attack.
7. States should ensure such context-appropriate human judgement and control through, inter alia, the following measures:
 - A. Ensure that LAWS are operated under a responsible chain of command and control. This includes ensuring assessment of legal obligations by a human, in particular with regard to the effects of the identification, selection and engagement functions, as well as ensuring due regard for

ethical considerations;

- B. Ensure the effects of LAWS can be adequately anticipated and controlled by those responsible for their use, including by limiting or otherwise restricting the scale of the operation, which includes the types of targets, duration, geographical scope and the number of engagements that LAWS can undertake autonomously;
 - C. Ensure that mission parameters of LAWS cannot significantly be modified by the system without human intervention including through real-time machine learning;
 - D. Ensure that LAWS can be deactivated in a timely manner and/or incorporate self-destruct, self-deactivation or self- neutralization mechanisms;
 - E. Limit the operation of LAWS to a defined perimeter and restrict their use to military objects to minimize the likelihood of harm to civilians or damage to civilian objects.
8. The formulated prohibitions, requirements and measures must be taken into account in the design, development, and use of LAWS.

IV

Prior to potential deployment and as applicable throughout the entire life cycle of LAWS, States, in addition to their legal obligations, should:

1. Conduct legal reviews to determine, in the study, development, acquisition, or adoption of LAWS, whether their employment would, in some or all circumstances, be prohibited by international law. In this context, the voluntary exchange of relevant practices between States is encouraged, bearing in mind national security considerations or commercial restrictions on proprietary information.
2. Ensure that any further development of, or modifications to, existing LAWS that have a significant impact on their target identification, selection, and engagement functions or on their anticipated effects, are reviewed to ensure compliance with IHL.
3. Ensure there is context-appropriate human judgement and control across the lifecycle of LAWS.
4. Ensure that the capabilities and limitations of LAWS, in their expected use, and their anticipated effects in different circumstances, are understood by:

- A. Conducting testing and evaluation, including realistic simulations of their use in operational environments.
 - B. Ensuring appropriate guidance, training and instructions for those in the responsible chain of command and human operators of LAWS.
5. Implement measures to prevent and mitigate, as much as possible, unintended bias, including bias in data sets.
 6. Implement measures to prevent and mitigate, as much as possible, automation bias.

V

1. States, parties to armed conflict, and individuals remain at all times responsible and accountable in accordance with applicable international law for their decisions with regard to LAWS since responsibility and accountability cannot be transferred to machines. This should be considered across the entire life cycle of the weapon system.
2. States must ensure individual accountability for the means or methods of warfare involving the use of LAWS in accordance with their obligations under IHL, including through the operation of such systems within a responsible chain of human command and control.
3. To promote human responsibility and accountability in the use of LAWS and to mitigate the risk of unintended engagements, States should provide:
 - A. Understandable human-machine interfaces;
 - B. Guidance and instructions (e.g., policies, doctrine, and procedures), consistent with applicable IHL, for personnel regarding the use of LAWS;
 - C. Training of personnel to understand such guidance and instructions and the capabilities and limitations of the autonomous functions of LAWS in the anticipated circumstances of their use.
4. States must take all appropriate steps to prevent and suppress violations of international law, including IHL, relating to LAWS by persons or on territory under their jurisdiction.
5. States must ensure effective internal mechanisms for the investigation, reporting and appropriate action in response to incidents with the use of LAWS that may involve violations of IHL.