

GGE on LAWS

Additional suggestions from the Chair on sub-section A of CCW/GGE.1/2026/CRP.1

25. Within the scope of the application of the CCW, a lethal autonomous weapon system can be characterized as a combination of one or more weapons and functionally integrated technological components that can identify, select, and engage a target, without intervention by a human operating the system.

- (a) The fact that a human being designs, programs, or otherwise determines a set of potential targets or characteristics thereof does not exclude the system from this characterization. A system is not included in this characterization when the personnel planning, deciding upon, or carrying out the attack determines the specific target or specific group of targets to be engaged by the system.
- (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 exclusion or inclusion of certain types of systems.

26. The right of the parties to an armed conflict to choose methods or means of warfare is not unlimited.

27. 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.

28. IHL imposes obligations on States, parties to armed conflict and individuals, not on machines.

29. IHL applies fully to the development and use of LAWS.

30. 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.

31. 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.

32. 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.

33. It is prohibited to make the civilian population as such, as well as individual civilians and civilian objects protected ~~as such in accordance with~~under IHL, the object of an attack by LAWS.

34. States shall refrain from manufacturing, otherwise acquiring, stockpiling, or transferring LAWS that cannot be used in compliance with IHL.

35. LAWS must only be used in accordance with applicable international law, in particular IHL, including the principles and requirements of distinction, proportionality, and precautions in attack.

36. To uphold compliance with international law, in particular IHL, including the principles and requirements of distinction, proportionality, and precautions in attack, control and human judgement and control with regard to LAWS are needed. Human beings exercise such control directly or indirectly, provided they determine, on the basis of the anticipated effects of the attack, that such use will comply with applicable IHL. This does not imply constant direct human control.

37. Rather, in determining the appropriate level~~The exercise of control and human judgement and control with regard to LAWS entails needed, consideration of~~ a range of factors ~~should be considered~~, including the operational context and the characteristics and capabilities of the weapon system as a whole.

38. Measures to exercise control and human judgement with regard to LAWS include, inter alia and is implemented through, inter alia, the following measures:

- (a) That LAWS are operated under a responsible chain of command and control, including 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 taking into account ethical considerations;
- (b) That those responsible for the use of LAWS can limit their effects, including, inter alia, by restricting the scale of the operation, ~~the~~ types of targets, duration, and geographical scope, ~~and the number of engagements that LAWS can undertake autonomously~~;
- (c) That LAWS' target and mission parameters ~~, while active in an operational context,~~ cannot be substantially modified unless such modification is executed or authorized by a human;
- (d) That LAWS can be deactivated or neutralized in a timely manner.

~~36. The formulated elements should be taken into account in the design, development, and use of LAWS.~~

~~36.39.~~ States must, as appropriate, across the life cycle of LAWS, and in accordance with their obligations under international law:

- (a) Conduct legal reviews in the study, development, acquisition or adoption of LAWS to determine whether their employment ~~of LAWS~~ 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 and commercial restrictions on proprietary information.
- (b) Ensure that any further development of, or modifications to, existing LAWS that have a substantial impact on the operational functioning of their target identification, selection, and engagement functions, or on their anticipated effects, are reviewed to ensure compliance with IHL.

~~37.40.~~ States should, as appropriate, across the life cycle of LAWS, 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 within simulations that can assess their performance of their use within the variable operational environments;
- (b) Ensuring appropriate guidance, training, and instructions for those in the responsible chain of command and in control of LAWS;
- (c) Ensuring that LAWS, in their identification, selection, and engagement functions, are adequately operate in a predictable and reliable in operation manner, and that their functioning and effects are predictable, explainable and traceable and explainable to those responsible for their development and use.

~~38.41.~~ States should implement measures to prevent and mitigate, as much as possible, unintended bias, including bias in data sets and artificial intelligence models.

~~39.42.~~ States should implement measures to prevent and mitigate, as much as possible, automation bias.

~~40.43.~~ States, parties to armed conflict and individuals remain at all times responsible under applicable international law and accountable for their decisions with regard to LAWS since responsibility cannot be transferred to

machines. This should be considered across the entire life cycle of the weapon system.

~~41.44.~~ 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.

~~42.45.~~ 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., rules of engagement, 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.

~~43.46.~~ 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.

~~44.47.~~ States must ensure effective internal mechanisms for the investigation, reporting, and appropriate action in response to incidents involving their use of LAWS that may involve violations of IHL.

48. The formulated elements and other possible measures should be taken into account in the design, development, and use of LAWS.