

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

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English only

Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons System

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Agenda item 5

Further consider and formulate, by consensus, a set of elements of an instrument, without prejudging its nature, and other possible measures to address emerging technologies in the area of lethal autonomous weapon systems, taking into account the example of existing Protocols within the Convention, proposals presented by High Contracting Parties and other options related to the normative and operational framework on emerging technologies in the area of lethal autonomous weapon systems, building upon the recommendations and conclusions of the Group, and bringing in expertise on legal, military, and technological aspects

Working Paper – Emerging Technologies in the area of Lethal Autonomous Weapons Systems

Submitted by India*

1. Emerging technologies in the area of lethal autonomous weapons systems (LAWS) raise legitimate legal and ethical questions. India is committed to addressing these within the framework of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW) which seeks to balance military necessity with humanitarian considerations.
2. Without downplaying the legitimate legal and ethical concerns they raise, India also supports the view that, in general, emerging technologies could potentially improve compliance with International Humanitarian Law (IHL).
3. The significant progress made by the Group of Governmental Experts (GGE) on LAWS, especially the adoption of the Guiding Principles, provides a strong foundation for elements of a normative and operational framework and/or possible measures (hereafter, referred to as ‘framework’).
4. The GGE is working in the backdrop of rapid advancements in Artificial Intelligence (AI) and other emerging technologies in the military domain. Complementarities exist between the GGE’s work and broader multilateral and multi-stakeholder discussions on AI in the military domain. However, the GGE should continue to maintain its focus specifically on LAWS, a subset of AI-enabled systems in the military domain.
5. India’s approach to any possible framework is founded on the following broad principles:
 - (a) Technology is value-neutral and is not inherently ‘good’ or ‘bad’; ‘legal’ or ‘illegal’, ‘moral’ or ‘immoral’. The stigmatization of technology for fear of its misuse should be avoided.
 - (b) Appropriate regulations must be limited to the use and effects of the system, and not to the constituent technology and technological inputs.

* The present document is being issued without formal editing.



- (c) Access to technology for peaceful and developmental applications must not be restricted.
- (d) IHL, and its cardinal principles of distinction, proportionality, and precaution, apply fully to all weapons systems of the past, present and future, including LAWS.
- (e) Human judgement and oversight in the use of LAWS are essential. These may take various forms and be implemented at various stages of the life cycle depending on the operational context and characteristics of the weapons system.
- (f) Assessments of advances in emerging technologies should take into account potential advantages such as greater precision in targeting which could reduce collateral damage and loss of civilian life and enhance compliance with IHL.
- (g) Precision, clarity, and a common understanding in defining and characterizing LAWS are essential for delineating the scope of the framework and thus, advancing the work of the GGE.
- (h) In keeping with the mandate of the GGE, appropriate regulations must be restricted to those autonomous weapons systems which are 'lethal', as understood in the context of LAWS.
- (i) Legal and ethical questions in the use of LAWS arise primarily from the delegation of life and death decisions to machines and the ensuing implications on human dignity. Therefore, any possible framework should regulate LAWS designed for use against humans.
- (j) Autonomy is a continuum, and its understanding is evolving with advances in technology. It is closely linked to the degree of human oversight and control which in turn connects to questions of responsibility and accountability.
- (k) Ultimate responsibility for use of LAWS will always rest with the human operator/user. Discussions on Responsibility of States for Internationally Wrongful Acts are evolving in other multilateral platforms and should not be prejudged in this GGE.
- (l) The risk of misuse of LAWS by non-state actors and terrorists is of grave concern. Accountability of governments for aiding and abetting terrorism by non-state actors and terrorists should be addressed.

6. Common and shared understandings on characteristics and definitions serve as a basis for delineating the scope of any possible framework. India's understanding on characterization and definitions are:

- (a) Lethality is a cumulative function of both the characteristics and the effect of the weapons system i.e. both design and use features existing together create the function of lethality.
- (b) The GGE has not yet arrived at a shared understanding on what constitutes autonomy. Nevertheless, the inter-related concepts of 'human in the loop', 'human on the loop' and 'human out of the loop' serve as contextual reference points.
- (c) Full autonomy for LAWS broadly refers to 'human out of loop' in the cumulative execution of critical functions in the "kill chain", viz., target identification, selection, and engagement.
- (d) Any possible framework should exclude weapons systems which are already in use with either 'human in the loop' or 'human on the loop'. Uncrewed vehicles should also be excluded from the scope.

7. India supports the prohibition of the use of fully autonomous LAWS which cannot be used in compliance with IHL. For all other LAWS, the GGE should identify measures for appropriate regulations on their use to ensure they are used in compliance with IHL.

8. Appropriate regulations arising out of any possible framework should be implemented nationally, in accordance with national policies and requirements.

9. India supports the voluntary adoption of best practices and technical safeguards. These may include:

- (a) Appropriate safeguards such as in-built fail-safe mechanisms and automatic deactivation features.
- (b) Robust testing, evaluation, and certification norms.
- (c) Regular training for human operators and military commanders.
- (d) Periodic technical reviews and checks.
- (e) Transparency and confidence-building measures, including voluntary exchange of best practices and technical risk assessments among states.
- (f) Ensuring physical and cyber security.
- (g) Addressing risks from unaccounted proliferation and misuse by non-state actors and terror groups.