

The Concept of Lethality in the Autonomous Weapon Systems Debate and Its Implications

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ABSTRACT

This article explores the concept of lethality in the autonomous weapon systems (AWS) debate by examining the arguments for and against the inclusion of this concept within the definition of these systems. The arguments both for and against such inclusion carry significant implications for international security, as the definition of AWS will directly shape the scope of any future regulatory framework. As there appears to be a provisional agreement to include the concept, this article examines the proposed definitions and evaluates the implications of their adoption—ranging from the architecture of a potential regulatory framework to the risk of conflating international humanitarian law and international human rights law.

Keywords: Autonomous weapon systems, Lethal autonomous weapon systems, Artificial intelligence, Lethality, Non-lethal weapon

I. Introduction

For almost a decade, multilateral dialogue surrounding the use of artificial intelligence (AI) in the military domain has focused, almost entirely, on autonomous weapon systems (AWS). These systems are commonly understood as systems that, once activated, can autonomously select and engage targets without further human intervention.¹ While AWS may or may not incorporate AI, technological advancements, particularly in AI and robotics, have raised humanitarian, legal and security concerns surrounding their development and use thereby successfully capturing public and political attention.

Multilateral dialogue on AWS is led by the United Nations (UN) group of governmental experts (GGE) related to emerging technologies in the area of lethal autonomous weapons systems (LAWS), under the auspices of the Convention on Certain Conventional Weapons (CCW)—a key international humanitarian law

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¹ International Committee of the Red Cross (ICRC), *ICRC Position and Background Paper on Autonomous Weapon Systems*, Geneva, 12 May 2021, p. 2. AWS encompass various existing military technologies. These include: (i) air defence systems used on warships or at military bases that can be used to strike incoming missiles, rockets or mortars; (ii) active protection systems on armoured vehicles designed to strike incoming munitions; (iii) certain guided munitions; and (iv) mines which have been described as less sophisticated AWS. See *ibid.*, p. 5; Stockholm International Peace Research Institute (SIPRI), *Mapping the Development of Autonomy in Weapon Systems*, Solna, November 2017.

(IHL) instrument which seeks to govern the use of certain types of weapons that are deemed to cause unnecessary or unjustifiable suffering, or to affect civilians indiscriminately.² The GGE was established by the High Contracting Parties to the CCW in 2016.³

It has been a decade since the GGE was established, and the group is still unable to reach a consensus on the regulation of these weapon systems.⁴ A key point of disagreement is whether the term “lethal” should be used to describe AWS, meaning whether these systems should be described as “lethal” AWS (LAWS) or simply AWS. Arguments offered by States generally fall along two fault lines. One group of States insists on incorporating the term “lethal” into the definition,⁵ citing the GGE’s mandate concerning emerging technologies in the area of LAWS. Conversely, another group opposes this, arguing that the concept of lethality lacks a basis in IHL and lethality is an effect of a weapon rather than a design feature.

The GGE is currently mandated to “further consider and formulate, by consensus, a set of elements of an instrument...and other possible measures to address emerging technologies in the area of lethal autonomous weapon systems”.⁶ As the GGE’s current mandate ends in 2026 with growing calls from civil society and the UN Secretary-General for a legally binding instrument on these weapon systems,⁷ this article assesses the debate surrounding the issue of lethality at the GGE. In doing so, Section 2 of the article maps the state of the lethality debate within

² 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 (CCW), 1342 UNTS 137, 10 October 1980 (entered into force 2 December 1983), Preamble.

³ Final Document of the Fifth Review Conference, UN Doc. CCW/CONF.V/10, 23 December 2016, p. 9.

⁴ Since its establishment, the GGE has affirmed, in 2017, that IHL continues to apply fully to all weapons systems. In 2019, the GGE developed a set of guiding principles to address the challenges posed by these systems, particularly those related to accountability for their development and deployment. In 2023, the GGE affirms, among others, the applicability of IHL to the potential development and use of LAWS, and control with regard to weapon systems, including LAWS. See Report of the 2017 Group of Governmental Experts on Lethal Autonomous Weapons Systems (LAWS), UN Doc. CCW/GGE.1/2017/3, 22 December 2017; Report of the 2019 Session of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, UN Doc. CCW/GGE.1/2019/3, 25 September 2019; Report of the 2023 session of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, UN Doc. CCW/GGE.1/2023/2, 24 May 2023.

⁵ It is noted that States generally refer to the term “definition” as a “working definition” or “working characterisation”. This article uses the term “definition” instead of “working definition” for ease of reference, and to align with the language used when the GGE was first established. See Report of the 2016 Informal Meeting of Experts on Lethal Autonomous Weapons Systems (LAWS) (Report of the 2016 Informal Meeting), UN Doc. CCW/CONF.V/2, 10 June 2016, paras. 35-42.

⁶ Meeting of the High Contracting Parties to the CCW—Final Report, UN Doc. CCW/MSP/2023/7, 23 December 2023, para. 20.

⁷ “Secretary-General’s Remarks at the Launch of the Policy Brief on a New Agenda for Peace”, 20 July 2023, available at: <https://www.un.org/sg/en/content/sg/statements/2023-07-20/secretary-generals-remarks-the-launch-of-the-policy-brief-new-agenda-for-peace-bilingual-delivered-follows-scroll-down-for-all-english-and-all-french> (all internet references were accessed on 13 July 2026).

the GGE under its current mandate (2024–2026) and tracks the changes in position. Thereafter, Section 3 examines whether the attribute of lethality is required by analysing the documents pertaining to the establishment of the GGE. This examination is conducted to evaluate the claim that lethality is central to the GGE's mandate. Subsequently, Sections 4 and 5 analyse the arguments and counterarguments related to the inclusion of this concept within the definition before attempting to define the concept in Section 6. Section 7 concludes with a set of recommendations for policymakers.

This article demonstrates that while the decision to include or exclude the concept of lethality within the definition of AWS is purely policy-related, such a decision carries both policy and legal implications for the broader weapon regulatory framework. This article does not aim to derail the discussions currently undergoing within the GGE but rather hopes that the analysis provided herein may assist in delineating policy and legal arguments so that the object and purpose of the CCW, under which the GGE operates, may be achieved.

2. The Lethality Debate at the GGE (2024 – 2026)

This section provides an overview of the current debate surrounding the concept of lethality under the GGE's current mandate. It examines the arguments advanced by States both for and against including the concept of lethality within the definition of AWS. The analysis provided in this section finds that these State positions are, at times, inconsistent.

To support the GGE in fulfilling its mandate, the GGE Chairperson introduced a document in 2024, which is referred to as the “rolling text”. It lays out a set of elements that could be incorporated into a future final instrument regulating AWS. These elements include, among others, the definition of AWS and the types of AWS that should be prohibited and regulated.

The Chairperson circulated the first version of the rolling text on 26 July 2024,⁸ the second version on 8 November 2024,⁹ the third version on 12 May 2025,¹⁰

⁸ “GGE on LAWS, Rolling Text, Status Date: 26 July 2024” (Rolling Text – 26 July 2024), available at: [https://docs-library.unoda.org/Convention_on_Certain_Conventional_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2024\)/Rolling_text_draft.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2024)/Rolling_text_draft.pdf).

⁹ “GGE on LAWS, Rolling Text, Status Date: 8 November 2024” (Rolling Text - 8 November 2024), available at: [https://docs-library.unoda.org/Convention_on_Certain_Conventional_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2024\)/Revised_rolling_text_as_of_8_November_2024_final.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2024)/Revised_rolling_text_as_of_8_November_2024_final.pdf).

¹⁰ “GGE on LAWS, Rolling Text, Status Date: 12 May 2025” (Rolling Text - 12 May 2025), available at: [https://docs-library.unoda.org/Convention_on_Certain_Conventional_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2025\)/CCW_GGE_LAWS_-_Revised_rolling_text_as_of_12_May_2025.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2025)/CCW_GGE_LAWS_-_Revised_rolling_text_as_of_12_May_2025.pdf).

and the fourth version on 18 December 2025.¹¹ The evolution of the definition can be seen in Table 1 below:¹²

Table 1: Evolution of the Definition

Rolling Text – 26 July 2024

Without prejudging any other options for measures, a lethal autonomous weapon system can be characterised as a weapon system that, after activation, can select and engage a target without further intervention by a human operator.

Rolling Text – 8 November 2024

1. A lethal autonomous weapon system can be characterised as an integrated combination of one or more weapons and technological components that enable the system to identify and/or select, and engage a target, without intervention by a human user in the execution of these tasks.

Rolling Text – 12 May 2025

1. Within the scope of the application of the CCW, A lethal autonomous weapon system can be characterised as an integrated combination of one or more weapons and technological components, that can select, and engage a target, without intervention by a human user in the execution of these tasks.

2. For the purposes of these elements of an instrument, lethal refers to the capacity to cause death to a person. The fact that a LAWS can be used in circumstances that do not result in death, such as to damage or destroy objects or to cause injury, does not exclude it from this characterisation.

Rolling Text – 18 December 2025

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 characterised

¹¹ “GGE on LAWS, Rolling Text, Status Date: 18 December 2025” (Rolling Text - 18 December 2025), available at: [https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2026\)/CCW_GGE_LAWS_Rolling_Text_-_status_18_December_2025.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2026)/CCW_GGE_LAWS_Rolling_Text_-_status_18_December_2025.pdf).

¹² The definitions provided in the rolling text have been standardised to British English. At the time of the editorial process, the fifth version of the rolling text has been published. See “GGE on LAWS, Rolling Text, Status Date: 05 June 2026”, available at: [https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2026\)/GGE_LAWS_-_Rolling_Text_-_5_June_2026.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2026)/GGE_LAWS_-_Rolling_Text_-_5_June_2026.pdf).

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.

...

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 characterisation.

During the GGE's second meeting for 2024 held in August, Switzerland opposed the inclusion of the term "lethal" in the definition.¹³ It noted that lethality is an effect of using a weapon system rather than a characteristic of such a system and that "[m]any IHL challenges are much broader than lethality",¹⁴ and therefore, the group must not limit its considerations solely to this concept. Ireland clarified that IHL also protects against superfluous injury and unnecessary suffering, as well as providing protection for objects.¹⁵ Therefore, it considered the inclusion of "lethal" as a qualifier in the definition to be inappropriate. Other states, such as Austria,¹⁶ Brazil,¹⁷ Canada,¹⁸ Costa Rica,¹⁹ Guatemala,²⁰ New Zealand,²¹ Norway,²² Pakistan,²³ Panama,²⁴ and Peru,²⁵ also opposed including the term "lethal".

In contrast, Israel argued that the GGE must focus on "lethal" AWS and "not just any autonomous weapons system in accordance with [the group's] current

¹³ "Switzerland", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=2539>.

¹⁴ *Ibid.*

¹⁵ "Ireland", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=3876>.

¹⁶ "Austria", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=4557>.

¹⁷ "Brazil", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=4899>.

¹⁸ "Canada", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/FA0FFCD3-4DA7-4ADF-96F9-03AA13398337/10h19/en?position=1245>.

¹⁹ "Costa Rica", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=3135>.

²⁰ "Guatemala", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=6043>.

²¹ "New Zealand", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=7240>.

²² "Norway", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=9569>.

²³ "Pakistan", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=4033>.

²⁴ "Panama", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=7350>.

²⁵ "Peru", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=4367>.

mandate”.²⁶ It emphasised that the inclusion of non-lethal force could lead to broadening the GGE’s debate to encompass weapon systems that fall outside the purview of the GGE’s mandate. Furthermore, it warned that by deviating from the issue of lethality, the GGE risked “losing sight of compliance with the key aspects of using weapons under IHL”.²⁷ India supported Israel’s remarks.²⁸ China similarly supported the inclusion of “lethal” in the definition. It noted that a “lethal weapon system refers to a weapon system that is designed for and has the function of killing and maiming, and it is indeed capable of causing such killing and maiming effect when it carries out its mission.”²⁹

During the meeting, the GGE considered four alternative formulations of the definition but failed to reach a consensus.³⁰ In November 2024, the Chairperson circulated an amended definition in the second version of the rolling text. This was intended for the GGE’s consideration prior to its March 2025 meeting.

²⁶ “Israel” (Israel’s Statement at the GGE), available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=5139>.

²⁷ *Ibid.*

²⁸ “India” (India’s Statement at the GGE), available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/7D069CCD-CAD1-4EF2-9027-0DD859BFB8E3/15h13/en?position=7538>.

²⁹ “China” (China’s Statement at the GGE), available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/B2BE5F31-6F30-4EF4-BEF1-5D648F300165/15h16/en?position=5004>.

³⁰ Reaching Critical Will, *Civil society perspectives on the Group of Governmental Experts of the Convention on Certain Conventional Weapons on Lethal Autonomous Weapon Systems 26–30 August 2024*, Geneva, 5 September 2024, pp. 11–28. The first formulation of the definitions can be seen in Table 1 above, under “Rolling Text – 26 July 2024”. The subsequent formulations were presented by the GGE Chairperson on 27, 28 and 30 August 2024 respectively. The second formulation can be seen here: “Rolling Text, Status Date: 27 August 2024”, available at: <https://reachingcriticalwill.org/images/documents/Disarmament-fora/ccw/2024/gge/documents/rolling-text-characterisation.pdf>. The third formulation can be seen here: “Rolling Text, Status Date: 28 August 2024”, available at: https://reachingcriticalwill.org/images/documents/Disarmament-fora/ccw/2024/gge/documents/rolling_text_characterisation_3.pdf. The final formulation can be seen here: “Rolling Text, Status Date: 30 August 2024”, available at: https://reachingcriticalwill.org/images/documents/Disarmament-fora/ccw/2024/gge/documents/rolling_text_characterisation_4.pdf.

During the group's meeting in March, the issue of lethality was extensively debated. States, such as China,³¹ India,³² Russia,³³ Singapore,³⁴ and the United States,³⁵ insisted on retaining the term "lethal". They considered it a core component of these weapon systems and central to the GGE's mandate. In contrast, other States, including Austria,³⁶ Brazil,³⁷ Pakistan,³⁸ and Switzerland,³⁹ opposed it.

Consequently, the group considered an alternative iteration of the definition, which also included a specific definition of the term "lethal".⁴⁰ Once again, the group failed to reach a consensus. Following this, and ahead of the informal consultations on these weapon systems in New York in May 2025,⁴¹ the GGE Chairperson

³¹ "China", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/5A654DCE-4B95-4676-9685-CFF7439A8DE4/10h06?position=6119>.

³² "India", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/5A654DCE-4B95-4676-9685-CFF7439A8DE4/10h06?position=8411>.

³³ "Russia", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/5A654DCE-4B95-4676-9685-CFF7439A8DE4/10h06?position=9303>.

³⁴ "Singapore", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/5A654DCE-4B95-4676-9685-CFF7439A8DE4/10h06?position=7716>. Singapore has also suggested that lethal weapons mean weapons that are designed to kill or intended to kill. See "Singapore", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/735DA0AD-9CD1-4F91-A5EB-743C519D65ED/10h31/en?position=3044>.

³⁵ "United States", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/5A654DCE-4B95-4676-9685-CFF7439A8DE4/10h06?position=3874>.

³⁶ "Austria", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/2008D96D-0896-49F4-B2DD-FB23082C8DA0/15h11/en?position=2403>.

³⁷ "Brazil", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/5A654DCE-4B95-4676-9685-CFF7439A8DE4/10h06?position=2618>.

³⁸ "Pakistan", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/5A654DCE-4B95-4676-9685-CFF7439A8DE4/10h06?position=2945>.

³⁹ "Switzerland", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/5A654DCE-4B95-4676-9685-CFF7439A8DE4/10h06?position=4999>.

⁴⁰ Reaching Critical Will, *Civil Society Perspectives on the Group of Governmental Experts of the Convention on Certain Conventional Weapons on Lethal Autonomous Weapon Systems 3–7 March 2025*, Geneva, 11 March 2025, pp. 4-8. The alternative iteration of the definition that was debated by the GGE is as follows:

"1. Within the scope of the application of the CCW, a lethal autonomous weapon system can be characterised as an integrated combination of one or more weapons and technological components that can identify and/or select, and engage a target, without intervention by a human user in the execution of these tasks.

2. For purposes of these elements of an instrument, lethal means weapons with the capacity to kill or injure one or more persons, which includes weapons that can be used to damage or destroy objects."

⁴¹ In accordance with the United Nations General Assembly (UNGA) Resolution 79/62, a two-day informal consultation was held in New York to consider the UN Secretary-General's report on LAWS "in full complementarity with and in a manner that supports the fulfilment of the mandate" of the GGE. See "Informal Consultations on Lethal Autonomous Weapons Systems", available at: <https://unodaweb-meetings.unoda.org/public/2025-03/20250324%20AM.pdf>; UNGA Res. 79/62, 2 December 2024. For the UN Secretary-General's Report on LAWS, see Lethal Autonomous Weapons Systems – Report of the Secretary-General, UN Doc. A/79/88, 1 July 2024.

circulated an amended definition within the third iteration of the rolling text. This was intended for the GGE's consideration ahead of its second meeting of 2025.

During the GGE's second meeting in September 2025, some of the States opposing the inclusion of "lethal" signalled their willingness to compromise.⁴² This shift was likely due to the addition of a definition for the term "lethal", alongside a clarifying sentence which followed immediately after the definition, as set out in the third version of the rolling text. The paragraph, when read as a whole, would encompass not only the death of persons but also injury, as well as the damage or destruction of objects.

This wider scope addressed the concerns of States that opposed the inclusion of the term "lethal" by moving the focus away from human fatalities to a more comprehensive one that includes a broader range of effects of using these weapon systems. For these States, the deletion of the clarifying sentence—namely, that "a LAWS can be used in circumstances that do not result in death, such as to damage or destroy objects or to cause injury, does not exclude it from this characterisation"—was unacceptable.⁴³ In essence, the underlying position of these States did not shift. Rather, the inclusion of the term "lethal" can be viewed as a strategic diplomatic move aimed at achieving consensus. Their concerns—specifically that IHL also protects objects and guards against human injury—were effectively addressed by the clarifying sentence.

For those States insisting on including the term "lethal" in the definition of AWS, their contention is that this term is central to the GGE's mandate and serves to limit the group's scope.⁴⁴ However, the paragraph containing the definition of the term "lethal" and its clarifying sentence was modelled on a suggestion from these States.⁴⁵ If the primary aim of including the term "lethal" was indeed to limit the

⁴² Mei Ching Liu, "International Regulation of Lethal Autonomous Weapon Systems: A Long Road Ahead", *IDSS Paper*, 1 October 2025, available at: <https://rsis.edu.sg/rsis-publication/idss/ip25095-international-regulation-of-lethal-autonomous-weapon-systems-a-long-road-ahead/>.

⁴³ For example, see "Spain", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/F1F4A6EF-06DC-47DB-B361-30B89BAF4CC4/10h14/en?position=4819>.

⁴⁴ For example, Israel's Statement at the GGE, above note 26; India's Statement at the GGE, above note 28; China's Statement at the GGE, above note 29; "Working Paper of the People's Republic of China on Lethal Autonomous Weapons Systems (July 2022)", p. 2, available at: <https://documents.unoda.org/wp-content/uploads/2022/07/Working-Paper-of-the-Peoples-Republic-of-China-on-Lethal-Autonomous-Weapons-Systems%EF%BC%88English%EF%BC%89.pdf>.

⁴⁵ Specifically, the United States. It proposed it during the GGE's meeting on 3 March 2025. The relevant parts of the United States' proposal are as follows: "I think we would suggest that one way to get at this would be to include after paragraph 1, *1 bis* that could read 'Lethal force is force that is capable of resulting in death. The fact that LAWS can be used in circumstances that do not result in death such as to destroy objects or to cause injury does not exclude it from its characterisation.' And that we think would be a way to get at the concern that we think animates the focus on lethality. This would acknowledge that these types of weapon systems can also be used in non-lethal operations and that they wouldn't be excluded for that reason." See "United States", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/5A654DCE-4B95-4676-9685-CFF7439A8DE4/10h06/en?position=3874>.

scope of the GGE's discussions, the definition in the third version of the rolling text—along with its clarifying sentence—would fail to achieve that restriction. Therefore, it ought to have received an overwhelming rejection from States which insisted on the term's inclusion.

Surprisingly, this did not happen. As noted in the GGE Chairperson's summary of the September 2025 meeting, "there was general support" for the definition of lethality in the third version of the rolling text, which marked a break from the previous disagreements,⁴⁶ but the reason for the shift in States' positions was unclear as these States have not explained their reasons for such a shift.

Nevertheless, in the March 2026 meeting, some States supportive of including the term "lethal" in the definition sought further concessions from those that opposed it. For example, there was a proposal specifically aiming to restrict the effects of such weapon systems to exclude objects.⁴⁷ States, including those which opposed the inclusion of the term "lethal" in the definition, rejected this suggestion.⁴⁸ Another proposal concerned the removal of the phrase "does not result in loss of life" in the clarifying sentence; this was also rejected by some States.⁴⁹

⁴⁶ Chair's Summary – Second 2025 Session of the GGE on LAWS, UN Doc. CCW/GGE.1/2025/WP.9, 20 October 2025, para. 12. During the March 2025 meeting, States such as Japan and the Republic of Korea, which had insisted on the inclusion of the term "lethal", had expressed support for the United States' proposal. See "Japan" (Japan's Statement at March 2025 Meeting), available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/5A654DCE-4B95-4676-9685-CFF7439A8DE4/10h06/en?position=8245>; "Republic of Korea", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/735DA0AD-9CD1-4F91-A5EB-743C519D65ED/10h31/en?position=5838>. This support also persisted in the March 2026 meeting. For example, Japan stated that "Mr. Chair, point number 2, quite briefly regarding lethality, while my Delegation does not object to including nonfatal injury and material damage within the scope, but we would like to clarify the focus on this discussion on the lethality as included in the very mandate of this GGE." See "Japan" (Japan's Statement at March 2026 Meeting), available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/83ECCAE6-057E-4EA5-840C-351247F34438/15h03/en?position=3984>.

⁴⁷ For example, during the session on 5 March 2026, Russia proposed to remove the term "target" and replace it with "manpower", "human being" or "personnel". See "Russia", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/86B33684-84E0-498A-B6B0-327A27D50405/10h13/en?position=2220>.

⁴⁸ For example, Brazil, Switzerland and the United Kingdom. See "Brazil", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/86B33684-84E0-498A-B6B0-327A27D50405/10h13/en?position=4116>; "Switzerland", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/86B33684-84E0-498A-B6B0-327A27D50405/10h13/en?position=4570>; "United Kingdom", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/86B33684-84E0-498A-B6B0-327A27D50405/10h13/en?position=3499>.

⁴⁹ For example, Austria and Norway. See "Austria", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/86B33684-84E0-498A-B6B0-327A27D50405/10h13/en?position=7878>; "Austria", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/86B33684-84E0-498A-B6B0-327A27D50405/10h13/en?position=8795>; "Norway", available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/86B33684-84E0-498A-B6B0-327A27D50405/10h13/en?position=6923>.

3. The Lethality Debate Before the Establishment of the GGE (2013 – 2016)

As discussed in Section 2, one key argument advanced by States which insisted on including the term “lethal” within the definition is that the concept of lethality is central to the GGE’s mandate. To evaluate this claim, this section examines the history of the GGE’s establishment.

Issues surrounding AWS were first raised within the international human rights law (IHRL) framework in a 2013 report by the UN Special Rapporteur Christof Heyns, which was submitted to the UN Human Rights Council.⁵⁰ In this report, Heyns referred to these weapon systems as “lethal autonomous robotics” based on his observations regarding the implications for the protection of life under the IHRL framework,⁵¹ stemming from targeted killings conducted with remotely piloted armed drones.⁵² The systems referred to in the report were initially developed for surveillance and were considered non-lethal until their use expanded to include armed strikes.⁵³ As these systems were primarily used in warfare,⁵⁴ consensus emerged among States that issues surrounding AWS would be better addressed within the IHL framework rather than the IHRL framework, as IHL is the legal regime specifically crafted to regulate the conduct of warfare. As a result, multilateral discussions related to AWS were shifted to another forum, i.e. the CCW.⁵⁵

When concerns regarding AWS were introduced during the 2013 meeting of the High Contracting Parties to the CCW (held from 14 to 15 November 2013), these systems were described using 13 different labels.⁵⁶ Table 2 below identifies the terms

⁵⁰ Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions—Christof Heyns, UN Doc. A/HRC/23/47, 9 April 2013. Heyns also submitted a report to the UN General Assembly in 2013, see Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (Heyns’ 2013 Report to UNGA), UN Doc. A/68/382, 13 September 2013.

⁵¹ Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions—Christof Heyns, above note 50, paras. 26-36.

⁵² *Ibid.*, paras. 44-52, Heyns’ 2013 Report to UNGA, above note 50, paras. 12-25.

⁵³ Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions—Christof Heyns, above note 50, paras. 29-30; Heyns’ 2013 Report to UNGA, above note 50, paras. 12-25.

⁵⁴ Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions—Christof Heyns, above note 50, paras. 50-81. Heyns also outlined the use of armed drones outside of warfare, see Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions—Christof Heyns, above note 50, paras. 82-85.

⁵⁵ “Timeline of LAWS in the CCW”, available at: <https://disarmament.unoda.org/timeline-of-laws-in-the-ccw/>.

⁵⁶ Based on an analysis of the documents and statements presented during the 2013 meeting. There were no audio recordings. Given the current conceptual understanding of AWS, labels exclusively associated with drones, such as “armed drones” and “weaponised drones”, were not included. For the documents and statements presented during the 2013 meeting, see “Convention on Certain Conventional Weapons — Meeting of High Contracting Parties (2013)”, available at: <https://meetings.unoda.org/meeting/29457/documents>. For availability of audio recordings, see “Digital Recordings Portal”, available at: <https://conf.unog.ch/digitalrecordings/en/search?date%5Bmin%5D=2013-11-14&date%5Bmax%5D=2013-11-15&keywords=Meeting+of+the+High+Contracting+Parties+to+the+CCW&audience=&organization=All>.

used to describe these weapon systems and the parties that used these terms during the meeting

Table 2: Terms that were used to Describe AWS in 2013 CCW Meeting

No.	Terms	States/Non-governmental Organisations
1	Autonomous weapons	International Committee of the Red Cross (ICRC), ⁵⁷ United States ⁵⁸
2	AWS	UN Secretary-General, ⁵⁹ Austria, ⁶⁰ Article 36, ⁶¹ Ghana, ⁶² Canada, ⁶³ IKV Pax Christi, ⁶⁴ China, ⁶⁵ United States ⁶⁶

⁵⁷ “Statement of the ICRC to the 2013 Meeting of States Parties to the Convention on Certain Conventional Weapons”, p. 1, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/ICRC_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/ICRC_MSP%2B2013_statement.pdf)

⁵⁸ “U.S. Delegation Opening Statement”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/USA_MSP_GenStatement_2013.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/USA_MSP_GenStatement_2013.pdf). This description was used as a subheading in the statement.

⁵⁹ “The Secretary-General – Message to the Conferences of the High Contracting Parties to the Convention on Certain Conventional Weapons and Its Protocols”, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/DGS_MSP_GenStatement_2013.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/DGS_MSP_GenStatement_2013.pdf).

⁶⁰ “Statement by Austria”, p. 3, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Austria_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Austria_MSP%2B2013_statement.pdf).

⁶¹ Meeting of the High Contracting Parties to the CCW – Summary Record of the 2nd Meeting (Summary Record of the 2nd Meeting), UN Doc. CCW/MSP/2013/SR.2, 4 December 2013, para. 28; “Statement by Article 36 to the Meeting of States Parties to the CCW”, p. 1, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/NGO_article36_MSP_GenStatement_2013.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/NGO_article36_MSP_GenStatement_2013.pdf).

⁶² “Statement by the Delegation of Ghana”, p. 1, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Ghana_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Ghana_MSP%2B2013_statement.pdf).

⁶³ Summary Record of the 2nd Meeting, above note 61, para. 5.

⁶⁴ *Ibid.*, para. 33.

⁶⁵ Réunion des Hautes Parties contractantes à la Convention sur l’interdiction ou la limitation de l’emploi de certaines armes classiques qui peuvent être considérées comme produisant des effets traumatiques excessifs ou comme frappant sans discrimination - Compte rendu analytique de la 1^{re} séance (Summary Record of the 1st Meeting), UN Doc. CCW/MSP/2013/SR.1, 19 November 2013, para. 24.

⁶⁶ *Ibid.*, para. 26.

3	Fully autonomous weapons	Republic of Lithuania, ⁶⁷ IKV Pax Christi, ⁶⁸ Human Rights Watch, ⁶⁹ European Union, ⁷⁰ ICRC ⁷¹
4	Fully AWS	International Committee for Robot Arms Control, ⁷² Republic of Korea ⁷³
5	Killer robots	Ukraine ⁷⁴
6	Lethal autonomous robots	Egypt, ⁷⁵ ICRC, ⁷⁶ Human Rights Watch ⁷⁷
7	Lethal autonomous robotics	Germany, ⁷⁸ Japan, ⁷⁹ Pakistan, ⁸⁰ IKV Pax Christi ⁸¹

⁶⁷ “Statement by the Republic of Lithuania”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Lithuania_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Lithuania_MSP%2B2013_statement.pdf).

⁶⁸ Summary Record of the 2nd Meeting, above note 61, para. 33.

⁶⁹ *Ibid.*, paras 21-25; “Statement by Steve Goose – Human Rights Watch”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/NGOHRW_MSP_GenStatement_2013.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/NGOHRW_MSP_GenStatement_2013.pdf).

⁷⁰ “EU Statement at the Meeting of the High Contracting Parties to the Convention on Certain Conventional Weapons”, p. 4, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/EU_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/EU_MSP%2B2013_statement.pdf).

⁷¹ “Statement of the ICRC to the 2013 Meeting of States Parties to the Convention on Certain Conventional Weapons”, above note 57, p. 1.

⁷² Summary Record of the 2nd Meeting, above note 61, paras. 29-32.

⁷³ “Meeting of the High Contracting Parties to the CCW – General Exchange of Views”, para. 5, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/RoK_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/RoK_MSP%2B2013_statement.pdf).

⁷⁴ “Statement by Mr Oleksandr Aleksandrovich – Head of Delegation of Ukraine”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Ukraine_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Ukraine_MSP%2B2013_statement.pdf).

⁷⁵ “Statement of Egypt”, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Egypt_MSP_LAWS_2013.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Egypt_MSP_LAWS_2013.pdf).

⁷⁶ Summary Record of the 2nd Meeting, above note 61, para. 18. The term “lethal autonomous robots” was used as an alternative for autonomous weapons.

⁷⁷ *Ibid.*, para. 25. It is stated that “fully autonomous weapons, also known as lethal autonomous robots”.

⁷⁸ “General Statement by Germany”, p. 3, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Germany_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Germany_MSP%2B2013_statement.pdf).

⁷⁹ “Statement by H.E. Ambassador Toshio Sano – Permanent Representative of Japan to the Conference on Disarmament”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Japan_Msp_GenStatement_2013.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Japan_Msp_GenStatement_2013.pdf).

⁸⁰ “Statement by Ambassador Zamir Akram – Permanent Representative”, p. 3, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Pakistan_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Pakistan_MSP%2B2013_statement.pdf).

⁸¹ Summary Record of the 2nd Meeting, above note 61, para. 33.

8	Lethal autonomous weapons	Italy, ⁸² Holy See, ⁸³ Türkiye, ⁸⁴ Mexico ⁸⁵
9	LAWS	UN Inter-Agency Coordination Group on Mine Action, ⁸⁶ UN Mine Action Service, ⁸⁷ Ireland, ⁸⁸ France, ⁸⁹ Brazil, ⁹⁰ Switzerland, ⁹¹ European Union, ⁹² Belarus, ⁹³ Lithuania ⁹⁴

⁸² “Statement by Ambassador Vincio Mati – Permanent Representative of Italy to the Conference on Disarmament”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Italy_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Italy_MSP%2B2013_statement.pdf). Italy also described lethal autonomous weapons as “the so-called killer robots”.

⁸³ “Statement by H. E. Archbishop Silvano M. Tomasi”, p. 1, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/HolySee_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/HolySee_MSP%2B2013_statement.pdf). Throughout the statement, varied terminologies were used, including robotic weapon systems and weapon drones.

⁸⁴ “Statement by Turkey”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Turkey_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Turkey_MSP%2B2013_statement.pdf).

⁸⁵ “Intervención de México”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Mexico_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Mexico_MSP%2B2013_statement.pdf).

⁸⁶ “United Nations Inter-Agency Coordination Group on Mine Action”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/IACG_MSP_GenStatement_2013.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/IACG_MSP_GenStatement_2013.pdf).

⁸⁷ “United Nations Inter-Agency Coordination Group on Mine Action – Delivered by UNMAS”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/UNMAS_MSP_Statement_2013.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/UNMAS_MSP_Statement_2013.pdf); Summary Record of the 2nd Meeting, above note 61, para. 15.

⁸⁸ “Statement by Ireland”, p. 3, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Ireland_MSP_GenStatement_2013.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Ireland_MSP_GenStatement_2013.pdf).

⁸⁹ “Convention sur Certaines Armes Classiques – Intervention Générale”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/France_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/France_MSP%2B2013_statement.pdf).

⁹⁰ “Statement by Ambassador Antonio Guerreiro – Permanent Representative of Brazil to the Conference on Disarmament”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Brazil_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Brazil_MSP%2B2013_statement.pdf). [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Brazil_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Brazil_MSP%2B2013_statement.pdf)

⁹¹ “Switzerland – Informal Copy for Interpreters”, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Switzerland_MSP_GenStatement_2013.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Switzerland_MSP_GenStatement_2013.pdf); Summary Record of the 2nd Meeting, above note 61, para. 11.

⁹² “EU Statement at the Meeting of the High Contracting Parties to the Convention on Certain Conventional Weapons”, above note 70, p. 4.

⁹³ Summary Record of the 2nd Meeting, above note 61, para. 7.

⁹⁴ “Statement by the Republic of Lithuania”, above note 67, p. 2.

10	Lethal fully autonomous robots	Australia ⁹⁵
11	Lethal fully AWS	United States ⁹⁶
12	Robots	Cuba ⁹⁷
13	Robotic weapons systems	Human Rights Watch, ⁹⁸ Holy See ⁹⁹

As seen in Table 2, the majority of States and non-governmental parties used one or more terminologies to describe AWS.

During the same meeting, the Chairperson proposed to hold an informal meeting of experts in 2014, but this proposal itself was referred to using a range of titles. In the 2013 meeting's final report, it was called "emerging technologies in the area of lethal autonomous weapons systems"¹⁰⁰—this is also the name of the GGE. However, when listed as a provisional agenda item for the 2014 meeting of the CCW High Contracting Parties, it was simply referred to as "LAWS".¹⁰¹ Additionally, the 2013 meeting's summary record further detailed other descriptions used by various parties when addressing the Chairperson's proposal:

- "Canada supported the proposal to hold an informal meeting of experts to discuss matters related to emerging lethal weapons technologies, including autonomous weapons systems."¹⁰²
- "As a member of the Campaign to Stop Killer Robots, Article 36 welcomed the proposal that the Meeting of the High Contracting Parties should adopt a mandate to discuss autonomous weapons systems."¹⁰³
- "ICRAC welcomed the proposal to convene expert meetings in 2014 to examine the challenges posed by fully autonomous weapons systems."¹⁰⁴

No audio recording or written document is presently available to ascertain the precise title of the Chairperson's proposal.

⁹⁵ "Statement by Mr Ian McConville, Chargé, Australian Permanent to the United Nations in Geneva", p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Australia_MSP%2B2013_statement.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Australia_MSP%2B2013_statement.pdf).

⁹⁶ "U.S. Delegation Opening Statement", above note 58, p. 2.

⁹⁷ "Intervencion de Nadezda Arredondo, Miembro de la Delegación de Cuba", p. 1, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_\(2013\)/Cuba_MSP_Statement_2013.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Meeting_of_High_Contracting_Parties_(2013)/Cuba_MSP_Statement_2013.pdf).

⁹⁸ "Statement by Steve Goose – Human Rights Watch", above note 69, p. 2.

⁹⁹ "Statement by H. E. Archbishop Silvano M. Tomasi", above note 83, p. 3.

¹⁰⁰ Meeting of the High Contracting Parties to the CCW – Final Report (2013 CCW Final Report), UN Doc. CCW/MSP/2013/10, 16 December 2013, paras. 18 and 32.

¹⁰¹ *Ibid.*, p. 6.

¹⁰² Summary Record of the 2nd Meeting, above note 61, para. 5.

¹⁰³ *Ibid.*, para. 28.

¹⁰⁴ *Ibid.*, para. 32.

As a result of the 2013 discussion, the first informal meeting of experts was convened in 2014 under the CCW. At the 2014 informal meeting of experts, the terminology used in the meeting report regarding the mandate was not consistent. First, it referred to the mandate as “emerging technologies in the area of lethal autonomous weapons systems”, citing the 2013 meeting’s final report.¹⁰⁵ Yet, the title of the report did not include the “emerging technologies” aspect, and within the same report, it was stated that “delegations were reminded that the mandate was about emerging technologies”; there was no mention of LAWS and/or AWS.¹⁰⁶ The programme included as an annex to the report only used the term “LAWS”.¹⁰⁷ Throughout this meeting, these weapon systems continued to be described with a range of different terminologies by various States and non-governmental parties.¹⁰⁸

The use of different terminologies persisted into the 2015 meeting.¹⁰⁹ In 2016, the informal meeting of experts considered whether the attribute of lethality was a required aspect of the mandate, based on discussion captured in the meeting report:

“41. The question was raised as to whether the attribute of lethality was required and that instead it would be more constructive to focus on the use of force. There was a proposal to understand LAWS more inclusively, covering also means and methods of warfare that do not

¹⁰⁵ Report of the 2014 Informal Meeting of Experts on Lethal Autonomous Weapons Systems (LAWS) (Report of the 2014 Informal Meeting), UN Doc. CCW/MSP/2014/3, 11 June 2014, para. 1.

¹⁰⁶ *Ibid.*, para. 16. It was stated that “delegations were reminded that the mandate was about emerging technologies”.

¹⁰⁷ *Ibid.*, p. 7.

¹⁰⁸ At this point in time, most delegations referred to these weapon systems either as AWS or LAWS, but some delegations, such as Swedish, used these terms interchangeably. For example, “During deployment of any new weapon system, including LAWS, the principles of distinction, proportionality and precautions in attack apply. Despite potential technical advances, of which we have heard examples in the previous sessions of this meeting, it is our assessment that weapon systems will not be capable of performing the subjective evaluations necessary to comply with these rules in the foreseeable future. Targeting decisions and other critical functions, including careful balancing of the principles of IHL, must therefore continue to be made by humans. Today, the technological limitations combined with the rules of IHL, if followed properly, would therefore effectively preclude deployment of an autonomous weapon system.” See “Session on Legal Aspects – Swedish Remarks”, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Informal_Meeting_of_Experts_\(2014\)/Sweden_Legal%2BAspects_IHL.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Informal_Meeting_of_Experts_(2014)/Sweden_Legal%2BAspects_IHL.pdf).

¹⁰⁹ For example, the Holy See used “military robots” or “armed robots” to describe these weapon systems, while Republic of Korea’s statement indicated that it was wary of “fully autonomous weapons systems”. See “The Use of Lethal Autonomous Weapon Systems, Ethical Questions – Permanent Mission of the Holy See to the United Nations and other International Organisations in Geneva”, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Informal_Meeting_of_Experts_\(2015\)/2015_LAWS_MX_Holy%2BSee.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Informal_Meeting_of_Experts_(2015)/2015_LAWS_MX_Holy%2BSee.pdf) and “Statement by Ambassador Ahn Youngjip”, p. 2, available at: [https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Informal_Meeting_of_Experts_\(2015\)/2015_LAWS_MX_RoK_GS%2BCorr.pdf](https://unoda-documents-library.s3.amazonaws.com/Convention_on_Certain_Conventional_Weapons_-_Informal_Meeting_of_Experts_(2015)/2015_LAWS_MX_RoK_GS%2BCorr.pdf).

necessarily inflict death. Others argued that only the lethal use of weapons is relevant in regard to IHL.

42. While several delegations welcomed the progress made on the conceptual understanding of LAWS, there was a widespread agreement that further work was needed on this issue. In this regard, it was reiterated by many that a GGE, established by the Fifth Review Conference, would be the appropriate body to address a possible working definition.”¹¹⁰

From this excerpt, it is clear that the informal meetings of experts had never considered lethality as a core or essential component. Rather, it was an issue that warranted further discussion. Therefore, among the recommendations submitted by the Chairperson of the 2016 informal meeting of experts to the CCW Fifth Review Conference was the establishment of an open-ended GGE to identify characteristics and elaborate a working definition for these weapon systems.¹¹¹ Subsequently, during the CCW Fifth Review Conference in December 2016, High Contracting Parties to the CCW established the GGE, adopting the recommendation put forth by the 2016 informal meeting of experts.¹¹²

A review of the GGE’s origins and establishment reveals a persistent ambiguity surrounding the essentiality of the term “lethal” in its mandate since 2013. In 2013, when States supported the CCW Chairperson’s proposal for an informal meeting of experts, the mandate for this meeting was unclear. This lack of clarity stemmed from the varied descriptions of AWS and the title of the Chairperson’s proposal used by different parties, with no audio recording or written documents available to clarify the matter. The meeting report from the 2014 informal meeting of experts further compounded this issue by inconsistent use of terminology.

By 2016, during deliberations among the informal meeting of experts on whether lethality was a required attribute, the group failed to reach a consensus. As a result, they agreed to establish a GGE for further deliberation. Since then, the question of whether the concept of lethality is a necessary requirement has been debated continuously to the present day. Furthermore, reflecting on the GGE’s history and debate from 2024 to 2026, while the term “lethal” was included in the name of the group and/or its current mandate, there has been no common understanding of what this term means since the GGE’s establishment.¹¹³

¹¹⁰ Report of the 2016 Informal Meeting, above note 5, pp. 7-8.

¹¹¹ *Ibid.*, p. 14.

¹¹² Final Document of the Fifth Review Conference, above note 3, pp. 13 and 9.

¹¹³ This point was also raised by Brazil in its intervention during the session on 2 March 2026. See “Brazil” (Brazil’s Statement at the GGE), available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/83ECCAE6-057E-4EA5-840C-351247F34438/15h03?position=4811>.

4. Arguments in Favour for Including Lethality within the Definition and Their Rebuttals

This section provides a brief overview of the arguments for including the term “lethal” in the definition of AWS. States advocating for this inclusion contend that the opportunities afforded by such a classification would allow for a targeted regulatory approach,¹¹⁴ which aligns with their national security interests, such as force protection and projection. However, the use of weapons in such circumstances does not necessarily require a lethal capability or entail an AWS. Furthermore, while such opportunities purportedly improve compliance with IHL, they largely depend on the specific circumstances in which the weapon systems are used.

Force Protection and Projection

As some States have argued, the primary motivation for including the attribute of lethality is to restrict the scope of the GGE’s discussions, ensuring that they encompass only lethal systems.¹¹⁵ This motivation is ultimately linked to national security interests, including the desires to afford greater protection to soldiers and to extend their reach, thereby enhancing force projection.

With regard to the protection of soldiers, AWS are frequently cited as being suited for the so-called “dirty, dull, and dangerous” tasks.¹¹⁶ A wide range of military tasks could fall into these categories, from long-duration sorties to explosive ordnance disposal (EOD).¹¹⁷ However, these tasks do not necessarily require a lethal capability, but rather the use of unmanned platforms. For example, the United States’ Unmanned Systems Roadmap: 2007–2032 notes that “ground robots” were used extensively by the coalition forces for EOD efforts in Iraq,¹¹⁸ and modern EOD operations often renders an explosive device inert without causing it to detonate. Such operations are typically conducted by firing a high-pressure water jet to disrupt

¹¹⁴ For example, China stated that “[a]ddressing the definition of LAWS is the key of negotiating any practical control measures...In our view, we should focus on weapons systems with autonomous killing capabilities, which means autonomous weapons platforms with a lethal mission payload. In terms of lethality, CCW is not intended to prohibit all conventional weapons. Discussions deviated from lethality would not only be contrary to the goal of the CCW, but also make it difficult to have objective and fair discussions on the impacts of AI and other emerging technologies.” See “Working Paper of the People’s Republic of China on Lethal Autonomous Weapons Systems (July 2022)”, above note 44.

¹¹⁵ *Ibid.*; Israel’s Statement at the GGE, above note 26.

¹¹⁶ Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions—Christof Heyns, above note 50, para. 51; Jonathan Kwik, *Lawfully Using Autonomous Weapon Technologies*, TMC Asser Press, The Hague, 2024, p. 278; Amitai Etzioni and Oren Etzioni, “Pros and Cons of Autonomous Weapons Systems”, *Military Review*, 2017, p. 72, available at: <https://www.armyupress.army.mil/Portals/7/military-review/Archives/English/pros-and-cons-of-autonomous-weapons-systems.pdf>.

¹¹⁷ The United States’ Department of Defense, *Unmanned Systems Roadmap: 2007-2032*, Washington DC, 10 December 2007, p. 19, available at: <https://www.govinfo.gov/content/pkg/GOVPUB-D-PURL-LPS91893/pdf/GOVPUB-D-PURL-LPS91893.pdf>.

¹¹⁸ *Ibid.*

the device's wires.¹¹⁹ The use of high-pressure water jet is arguably non-lethal, but it can inflict painful injury which might engage the *maux superflus* rule.¹²⁰ On this issue concerning an AWS that seemingly does not possess a lethal capability, it will be further addressed in the section below.

On the other hand, while force projection requires a lethal capability, it does not necessarily entail an AWS. It may be achieved via remotely controlled unmanned platforms.¹²¹ However, it is acknowledged that there are specific circumstances in which AWS equipped with a lethal capability would be particularly useful, including in scenarios where a communication link cannot be maintained. As Thurnher put it, "[lethal autonomous robots] have the unique potential...to lethally strike even when communications links have been severed".¹²² These systems may be essential where the operational environment precludes regular communications or where mission success depends on maintaining communication silence, such as in covert operations within contested territory.¹²³

Regarding operational environments that preclude regular communications, such as in undersea or underground environments,¹²⁴ the use of autonomous weapons could arguably remain compliant with IHL. For instance, in an undersea environment, there are typically few civilian objects, this suggests that such weapons

¹¹⁹ Peter Ray Allison, "What Does a Bomb Disposal Robot Actually Do?", *BBC News*, 16 July 2016, available at: <https://www.bbc.com/future/article/20160714-what-does-a-bomb-disposal-robot-actually-do>.

¹²⁰ Schuller described a hypothetical system named "Surrender Bot", equipped with a high-power laser capable of cutting through an enemy soldier's body armour. He argued that the Surrender Bot is designed to inflict painful injury, but non-lethal, thereby forcing the enemy to surrender. Schuller used this scenario to illustrate a situation in which the *maux superflus* (superfluous injury or unnecessary suffering) rule would apply to AWS. See Alan L. Schuller, "Artificial Intelligence Effecting Human Decisions to Kill: The Challenge of Linking Numerically Quantifiable Goals to IHL Compliance", *Journal of Law and Policy for the Information Society*, Vol. 15, pp. 118-119. For the *maux superflus* (superfluous injury or unnecessary suffering) rule, see Hague Regulations Concerning the Laws and Customs of War on Land (Hague Regulations), 18 October 1907 (entered into force 26 January 1910), Art. 23(e); Protocol Additional (I) to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (AP I), 1125 UNTS 3, 8 June 1977 (entered into force 7 December 1978), Art. 35(2); "Customary IHL Database" (CIHL), Rule 70, available at: <https://ihl-databases.icrc.org/en/customary-ihl>.

¹²¹ J. Kwik, above note 116, p. 278.

¹²² Jeffrey S. Thurnher, "No One at the Controls: Legal Implications of Fully Autonomous Targeting", *Joint Force Quarterly*, Issue 67, p. 83.

¹²³ *Ibid.* One example of such a covert operation is Ukraine's "Operation Spider's Web", conducted in June 2025. While the operation was not fully autonomous, reports suggest that autonomous capability and AI likely played a supporting role in flight navigation, stabilisation, and targeting, enabling the drones to strike their targets within Russia. See Kateryna Bondar, "How Ukraine's Operation 'Spider's Web' Redefines Asymmetric Warfare", *Center for Strategic & International Studies*, 2 June 2025, available at: <https://www.csis.org/analysis/how-ukraines-spider-web-operation-redefines-asymmetric-warfare>; Katja Bego, "Ukraine's Operation Spider's Web is A Game-Changer for Modern Drone Warfare. NATO Should Pay Attention", *Chatham House*, 6 June 2025, available at: <https://www.chathamhouse.org/2025/06/ukraines-operation-spiders-web-game-changer-modern-drone-warfare-nato-should-pay-attention>.

¹²⁴ J. Kwik, above note 116, p. 283.

could potentially satisfy the principle of distinction.¹²⁵ However, suppose that an underwater autonomous weapon was deployed to strike a replenishment tanker of the enemy, it would raise questions regarding the principle of proportionality.¹²⁶ This assessment depends on the configuration of the weapon. For instance, whether it is programmed to strike at a specific time and location to minimise environmental impact, or whether it would engage the target immediately upon identification, regardless of the surrounding maritime environment. Similarly, covert operations also raise such IHL issues, especially when the weapon systems were used in urban environments.

Minimise Civilian Harm

Furthermore, while some States have argued that AWS with a lethal capability could offer the potential for greater civilian protection through more precise and accurate strikes,¹²⁷ this purported benefit is not primarily achieved through the lethal capability itself, but rather through the autonomous capability of such systems.

Autonomous capability offers a range of benefits, including “faster execution of tasks, higher interoperability, lower error rates, and the increasing use of unmanned platforms, which decreases risk to life and improves operational access”.¹²⁸ The integration of AI in this regard could arguably help to deliver more precise and accurate strikes, by shortening the time of data processing, which in turn could help an autonomous weapon in executing decisions in a fraction of the time humans could, and ultimately, shortening the time of the OODA Loop (observe, orient, decide, act loop).¹²⁹ However, as many experts have argued, there are various difficulties associated with using these weapons to ensure such precision and accuracy.¹³⁰

¹²⁵ AP I above note 120, Art. 48; CIHL, above note 120, Rules 1 and 7.

¹²⁶ AP I above note 120, Art. 51(5)(b); CIHL, above note 120, Rule 14.

¹²⁷ This is also highlighted by Heyns, see Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions—Christof Heyns, above note 50, para. 52.

¹²⁸ Andrew P. Williams and Paul D. Scharre, *Autonomous Systems: Issues for Defence Policymakers*, NATO: Headquarters Supreme Allied Commander Transformation, Virginia, 2015, p. 37.

¹²⁹ J. Kwik, above note 116, p. 281.

¹³⁰ For example, see Noel Sharkey, “Saying ‘No!’ to Lethal Autonomous Targeting”, *Journal of Military Ethics*, Vol. 9, No. 4, 2010; J. Kwik, above note 116, pp. 167-268; Peter Asaro, “On Banning Autonomous Weapon Systems: Human Rights, Automation, and the Dehumanization of Lethal Decision-Making”, *International Review of the Red Cross*, Vol. 94, No. 886, 2012, pp. 696-703; Gary E. Marchant et. al., “International Governance of Autonomous Military Robots”, *The Columbia Science and Technology Law Review*, Vol. XII, 2011, pp. 281-289.

5. Counterarguments to the Inclusion of Lethality within the Definition and the Risks of Its Inclusion

This section outlines the counterarguments and risks associated with including the concept of lethality within the definition of AWS. It is found that the arguments offered by some States in opposition to this inclusion are largely grounded in both policy and legal considerations.

Lethality is an Effect of How a Weapon is Used

The first argument against including the concept of lethality within the definition is that lethality is not an inherent design feature of a weapon. Indeed, it is a consequence of how a weapon is used, and therefore, it presents operational challenges in determining whether a weapon system is lethal or not.

Within the GGE, some States have attempted to classify weapons as either lethal or non-lethal.¹³¹ The definition of “non-lethal weapons” is unclear, as the GGE has not attempted to define this term. In scholarly literature, this term is used to encompass weapons that are “sub-lethal”, “less lethal”, and “less-than-lethal”.¹³²

The binary classification within the GGE overlooks the fact that a weapon’s lethality depends on a wide range of factors, including the manner in which the

¹³¹ For example, France and the United States. See Compilation of Replies Received to the Chair’s Guiding Questions, UN Doc. CCW/GGE.1/2024/CRP.1, 1 March 2024, pp. 6-7, available at: [https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2024\)/CCW_GGE1_2024_CRP1.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2024)/CCW_GGE1_2024_CRP1.pdf); “United States”, available at: <https://conf.unog.ch/digitalrecordings/en/clients/61.0500/meetings/86B33684-84E0-498A-B6B0-327A27D50405/10h13/en?position=9796>. In the United States’ intervention during the GGE’s session on 5 March 2026, it urged the international community to examine its reservation to the CCW’s Amended Protocol II. In this reservation, the United States distinguished between lethal and non-lethal weapon technology. See “The United States of America’s Reservation”, available at: <https://ihl-databases.icrc.org/en/ihl-treaties/ccw-amended-protocol-ii-1996/state-parties/us?activeTab=>.

¹³² David P. Fidler, “The International Legal Implications of Non-Lethal”, *Michigan Journal of International Law*, Vol. 21, 1999, pp. 53-54; David A. Koplow, *Non-Lethal Weapons: The Law and Policy of Revolutionary Technologies for the Military and Law Enforcement*, Cambridge University Press, Cambridge, 2006, pp 9-10. Koplow’s book also include weapons that are “disabling” or those that can achieve a “soft kill” or a “mission kill”. The term “less lethal” has also been used in literature concerning the use of weapons in armed conflict, including in situations of occupation. See Elisabeth Hoffberger-Pippin, *Less-Lethal Weapons under International Law: A Three-Dimensional Perspective*, Cambridge University Press, Cambridge, 2021. There is also a UN guidance, see Guidance on Less-Lethal Weapons in Law Enforcement, UN Doc. HR/PUB/20/1, 2020. The guidance defines “lethal weapons” as “[w]eapons designed or intended for use on individuals or groups of individuals and which, in the course of expected or reasonably foreseen use, have a lower risk of causing death or serious injury than firearms. Less-lethal ammunition may be fired from conventional firearms. For the purpose of this Guidance, the term includes conventional firearms when they are used to discharge less-lethal ammunition, but not when they are used to discharge conventional bullets or other ammunition that would be likely to result in life-threatening injuries.”

weapon is used and the intent of the user. Weapon systems do not have a 100% lethality rate. Weapons which are perceived to be lethal may, in practice, produce non-lethal outcomes. Research has shown that rifles and fragmentation weapons result in only 20-25% of fatalities.¹³³ Similarly, a study examining the mortality rate associated with weapon use in armed conflict found that the total fatalities never exceeded 26% of all recorded casualties.¹³⁴ Conversely, the so-called non-lethal weapons can result in death under certain circumstances.¹³⁵ For example, a seemingly innocuous object such as a piece of wood, if used to strike a person repeatedly, can inflict serious injuries, potentially leading to death.

Consequently, lethality is not an inherent characteristic of a weapon, but rather a context-dependent effect determined by the circumstances in which the weapon is used. Any attempt to measure the lethality of a weapon system in absolute terms is inherently ambiguous and unreliable. It also raises questions of whether lethality can be feasibly and practically measured at all.

Non-Lethal AWS May Be Unlawful under IHL

The second counterargument relates to the concern that categorising AWS into lethal and non-lethal may open a regulatory loophole, enabling States to argue that non-lethal AWS fall outside the scope of regulation. States advocating for the distinction between lethal and non-lethal AWS appear to be under the impression that the use of non-lethal AWS is inherently compliant with IHL. For instance, Israel argued that if the GGE does not focus on the use of lethal force, it “risk[s] losing sight of compliance with the key aspects of using weapons under IHL, particularly compliance with targeting rules”.¹³⁶ However, this line of argument is flawed. Non-lethal AWS are not necessarily compliant with IHL by default.

For instance, blinding laser weapons, typically described as non-lethal, are expressly prohibited under Protocol IV of the CCW because they can cause superfluous injury or unnecessary suffering.¹³⁷ Similarly, non-lethal AWS may still be deemed unlawful if they are inherently indiscriminate,¹³⁸ or if their use is expected to cause widespread, long-term and severe damage to the natural environment.¹³⁹ An

¹³³ Robin M. Coupland, “‘Non-lethal’ Weapons: Precipitating A New Arms Race”, *British Medical Journal*, Vol. 315, 1997, p. 72.

¹³⁴ Robin M. Coupland and David R. Meddings, “Mortality Associated with Use of Weapons in Armed Conflicts, Wartime Atrocities, and Civilian Mass Shootings: Literature Review”, *British Medical Journal*, Vol. 319, 1999, p. 407.

¹³⁵ D. P. Fidler, above note 132, p. 55.

¹³⁶ “Statement by Mrs. Michal Maayan, Minister-Counsellor, Deputy Permanent Representative to the Conference on Disarmament”, available at: [https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2024\)/Israel's_State_ment_-_GGE_LAWS_-_March_4th.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2024)/Israel's_State_ment_-_GGE_LAWS_-_March_4th.pdf).

¹³⁷ AP I, above note 120, Art. 35(2); CIHL, above note 120, Rule 70.

¹³⁸ AP I, above note 120, Arts. 51(4)(b)-(c); CIHL, above note 120, Rule 71.

¹³⁹ AP I, above note 120, Art. 35(3); CIHL, above note 120, Rule 45.

example could include autonomous drone swarms deployed to disperse biological or chemical agents, which, even if not expressly lethal, can cause severe harm to the natural environment and civilian population. As such, categorising AWS according to their perceived lethality risks creating a narrow regulatory focus that is insufficient to address the risks and challenges associated with AWS.

Diverts Attention from the Real Concerns Posed by AWS

The insistence on using the term “lethal” in the definition of AWS diverts attention from the real concerns associated with these systems: their autonomy and the risks and harms they pose. Shifting the focus to lethality risks weakening the regulatory framework for prohibiting or restricting harmful weapons in the future.

Regardless of whether an attack on an enemy soldier or object is sufficiently fatal, the core issue with AWS lies in its inability to carry out the type of abstract reasoning required for IHL compliance. For instance, in assessing the proportionality of an attack, IHL obliges the attacker to determine whether the expected incidental civilian harm would be “excessive” in relation to the anticipated concrete and direct military advantage.¹⁴⁰ This legal assessment is not a simple calculation; it requires complex value judgements, contextual interpretation, and ethical reasoning. From a technical standpoint, such legal assessments are arguably not suitable to be encoded using purely computational or mathematical means.¹⁴¹ While autonomous weapons may be capable of processing large datasets, they lack capabilities like ethical reasoning and value judgements, which such legal assessments require.¹⁴² Consequently, these systems are fundamentally incapable of making the legal assessments demanded by IHL.

The risk of diverting attention from the actual concerns posed by AWS is that it could ultimately weaken the overall regulatory framework for weapons in general. Traditionally, weapons regulation has focused on their effects, specifically whether they cause unnecessary suffering, superfluous injury, indiscriminate harm, or widespread, long-term and severe damage to the natural environment. Introducing lethality as a criterion for defining a weapon system sets a problematic precedent. In the future, policymakers might be compelled to assess and define a weapon’s lethality

¹⁴⁰ AP I, above note 120, Art. 51(5)(b); CIHL, above note 120, Rule 14.

¹⁴¹ A. L. Schuller, above note 120, pp. 111-121; ICRC and Geneva Academy, *Expert Consultation Report on AI and Related Technologies in Military Decision-Making on the Use of Force in Armed Conflicts*, Geneva, March 2024, p. 15.

¹⁴² UN Institute for Disarmament Research, *The Interpretation and Application of International Humanitarian Law in Relation to Lethal Autonomous Weapon Systems: Background Paper on the Views of States, Scholars and Other Experts*, Geneva, 6 March 2025, p. 24.

before determining whether it should be prohibited and/or regulated.¹⁴³ This additional layer of lethality assessment not only introduces technical and operational complexities in determining a weapon system's lethality (since lethality depends on how a weapon is used and the intent of the user as discussed above), but could also delay or hinder timely actions in ensuring the use of such weapons complies with international law.

Congflation of IHL and IHRL Frameworks

Lastly, the concept of lethality is not explicitly recognised in IHL, as argued by some States. Its inclusion in the definition raises concerns that it could blur the distinction between the frameworks of IHL and IHRL, and thereby undermining the legal understanding of warfare, particularly in relation to the legitimacy of the use of force in armed conflict.

While IHL is the primary legal framework under which issues of AWS are being discussed, the framework of IHRL remains relevant because it applies in times of peace and armed conflict.¹⁴⁴ Because IHL provides specific rules on how warfare should be conducted and AWS are mostly used in warfare (at least for now), IHL is the most directly relevant international legal framework for these systems. While distinct, IHL and IHRL both have protective purposes, and their rules may overlap and complement each other.¹⁴⁵ However, these legal frameworks may also have conflicting norms. In such circumstances, the more specific rule prevails over the more general one (to be discussed below).

As mentioned above, the debate surrounding AWS takes place within the IHL framework, specifically the CCW. Within the IHL framework, the concept of lethality is notably absent. This is because the use of force, including lethal force, is presumed to be an inherent aspect of armed conflict, which is the context in which IHL operates. IHL allows lethal force to be directed against lawful targets as a first

¹⁴³ The United States has implemented a policy related to the so-called non-lethal weapons. See "DoD Executive Agent for Non-Lethal Weapons (NLW), and NLW Policy", DoD Directive 3000.03E, available at: <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/300003p.pdf?ver=2017-09-27-125836-647>. Fidler rightly observed that the United States is leading the "non-lethal" weapon movement and warned that the U.S. interpretations of international law might be "self-serving", aimed at promoting the development and deployment of the so-called non-lethal weapons. See D. P. Fidler, above note 132, pp. 95-96.

¹⁴⁴ States have also argued that other branches of international law, such as international criminal law and state responsibility, are also applicable.

¹⁴⁵ Vienna Convention on the Law of Treaties, 1155 UNTS 331, 23 May 1969 (entered into force 27 January 1980), Art. 31(3)(c). For example, while IHL prohibits torture, it does not define it. Therefore, the definition of torture found in the IHRL framework, specifically Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, can inform its interpretation under IHL.

resort.¹⁴⁶ This is reflected in the core principles of IHL—distinction, proportionality, and precautions—which regulate how attacks must be conducted during armed conflict, rather than whether lethal force should be used in the first place.

In contrast, IHRL imposes much stricter limitations on the use of lethal force. Under IHRL, lethal force may be employed only as a last resort, subject to strict or absolute necessity.¹⁴⁷ This restriction is closely associated with a fundamental concept of IHRL, namely the right to life. But this concept of the right to life is also not explicitly recognised within the IHL framework.

IHRL-based use of lethal force and the right to life are fundamentally at odds with the realities and legal framework governing warfare, where the use of lethal force is not only anticipated but legally permissible when directed against lawful targets under IHL.

According to the doctrine concerning special law repealing general law (known as *lex specialis derogat legi generali*), when two bodies of law offer conflicting norms, the more specific legal regime prevails over the more general one.¹⁴⁸ Since IHL is the body of law specifically crafted to regulate the conduct of hostilities during armed conflict, its provisions take precedence over conflicting rules of IHRL. Therefore, given that IHL does not contain the concepts of lethality and the right to life in the same manner as IHRL, the inclusion of the notion of lethality in the definition of AWS is not only legally unfounded in IHL, but also contradicts the *lex specialis derogat legi generali* doctrine.

Moreover, importing such IHRL standards into the IHL framework risks distorting the legal understanding of warfare, thereby undermining the legitimacy of the use of force in armed conflict. For instance, if IHRL standards were to be applied to a strike against an enemy soldier, the strike may be considered unlawful unless it could be shown that no other means, such as capture, were available, and the strike was absolutely necessary. This example underscores the risks of imposing impractical legal obligations on belligerents during armed conflict. It also illustrates the unusual circumstances under which belligerents might be forced to operate, as the use of lethal force would no longer be regarded as a lawful first resort in warfare.

¹⁴⁶ “International Humanitarian Law and the Challenges of Contemporary Armed Conflicts in 2015”, paras. 168 and 178, available at: <https://casebook.icrc.org/case-study/icrc-international-humanitarian-law-and-challenges-contemporary-armed-conflicts-2015>.

¹⁴⁷ For example, Article 2(2) of the European Convention on Human Rights provides that lethal force is permissible when it is absolutely necessary to defend any person from unlawful violence, to effect a lawful arrest or to prevent the escape of a person lawfully detained, or in action lawfully taken for the purpose of quelling a riot or insurrection. See Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR), 4 November 1950 (entered into force 3 September 1953), Art. 2(2).

¹⁴⁸ “*Lex specialis derogat legi generali*”, available at: <https://www.oxfordreference.com/display/10.1093/acref/9780195369380.001.0001/acref-9780195369380-e-1303>.

6. Defining “Lethal”

Notwithstanding the counterarguments and risks associated with the inclusion of the concept of lethality within the definition, the GGE has included it and incorporated an interpretation of the term “lethal” into the rolling text.¹⁴⁹ This approach represents a compromise between the two group of States which argue for and against the inclusion of the term “lethal” in AWS’ definition,¹⁵⁰ and it can help to overcome the current gridlock. The next question, then, is what the appropriate interpretation of this term is.

As outlined in Section 2, the current state of debate within the GGE is that some States supporting the inclusion of the concept of lethality within the definition were seeking further concessions from those that opposed, and to limit the interpretation of the term “lethal” to encompass only human fatalities.

In finding an appropriate interpretation, one should examine the term’s ordinary meaning, considered within its specific context and in accordance with the relevant instrument’s object and purpose.¹⁵¹ While acknowledging that the rolling text is not a legally binding treaty, and that the GGE does not have a mandate to negotiate a legally binding treaty for these weapon systems, the interpretive methodology contained herein is intended to move the discussion away from States’ preferences, and to better align with the objectives of the rolling text.

If one adopts the *Oxford English Dictionary* definition, the term “lethal” can be understood as being “sufficient to cause death”, or “very harmful, destructive”.¹⁵² Consequently, a definition of lethality that solely focuses on human fatalities does not sit neatly with this ordinary meaning. Furthermore, such a definition would also fail to account for the effects of these weapon systems on objects. They are not exclusively used against humans. If the definition of lethality is confined solely to human fatalities, it would not only neglect the impacts AWS can have on objects, but also create an internal inconsistency within the rolling text. For example, within the rolling text, there is an element limiting or restricting the use of these weapon systems to objects that qualify as military objectives by nature (as seen in the third version of the rolling text)¹⁵³ or to military objects (as seen in the fourth version of the rolling text).¹⁵⁴

¹⁴⁹ As seen in the fourth iteration of the rolling text. However, this may change in future debates within the GGE.

¹⁵⁰ The GGE Chairperson’s summary of the March 2026 meeting noted that “[t]he formulation in subparagraph 1B appeared to represent a compromise that accommodates these differing perspectives.” See Chair’s Summary – First 2026 session of the GGE on LAWS, UN Doc. CCW/GGE.1/2026/WP.2, 1 April 2026, para. 14.

¹⁵¹ Vienna Convention on the Law of Treaties, above note 145, Art. 31(1). This provision provides that “[a] treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.”

¹⁵² “Lethal”, available at: https://www.oed.com/dictionary/lethal_adj?tab=meaning_and_use.

¹⁵³ Rolling Text - 12 May 2025, above note 10, p. 3.

¹⁵⁴ Rolling Text - 18 December 2025, above note 11, p. 3.

Moreover, even if the proposals were amended to include damage and destruction of objects—while still excluding human injury—they would remain at odds with one of the core principles of IHL: the proportionality principle. According to this principle, an attack is considered disproportionate if it is “expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”¹⁵⁵ Notably, this principle does not limit its scope to human fatalities; it includes human injuries as well. Consider a scenario in which an autonomous system targeting a human has failed to produce fatal effects and has caused injuries to a group of civilians in the vicinity of the target. Such an incident would raise questions, such as whether those injuries suffered by the civilians would fall under the proportionality principle. These are precisely the types of legal ambiguities that would arise if such narrowly framed definitions of lethality were to be adopted. Additionally, the proposals seeking to interpret “lethal” to encompass only human fatalities overlook the fact that weapons cannot guarantee a 100% lethality rate. The lethal effect of a weapon depends on the circumstances in which it is used.

In contrast, the proposals for defining lethality that include not only human death and injury, but also the destruction, damage or neutralisation of objects more accurately reflect the diverse effects of these weapon systems. By taking these diverse effects into account, this broader definition of lethality helps to close two potential regulatory loopholes. First, it ensures that the effects of AWS on objects are not overlooked. Second, it acknowledges that the so-called non-lethal AWS may still fall within the regulatory bounds.

7. Conclusion

Mapping and analysing the issue of lethality within the GGE under its current mandate—from the initial debate concerning whether to include the concept, to the proposed definitions and the responses from States—reveals that some States that insisted on including the concept of lethality within the definition of AWS have adopted an inconsistent position. On the one hand, they maintained that the term “lethal” is central to the GGE’s mandate and necessary to limit its scope of discussions. However, their general support for the proposed definition and its clarifying sentence (as stated in the third version of the rolling text)¹⁵⁶ or the clarifying sentence (as seen in the fourth version of the rolling text),¹⁵⁷ which would expand that scope, deviates from their original rationale. While this shift in position could be perceived as a constructive way forward for the two groups of States, it casts doubt on the underlying reasons for their initial insistence.

¹⁵⁵ AP I, above note 120, Art. 51(5)(b); CIHL, above note 120, Rule 14.

¹⁵⁶ As discussed in Section 2. Also see Chair’s Summary – Second 2025 Session of the GGE on LAWS, above note 46, para. 12.

¹⁵⁷ Japan’s Statement at March 2026 Meeting, above note 46; See Chair’s Summary – First 2026 session of the GGE on LAWS, above note 150, para. 14.

The key factors driving some of these States in supporting the inclusion of the concept of lethality within the definition are mainly related to national security interests, including force protection and projection. An examination of these interests, however, reveals that the use of autonomous weapons for both force protection and projection does not necessarily require a lethal capability and/or entail a specific AWS. These objectives could be achieved by other means, such as the use of remotely controlled unmanned systems. More importantly, even if an AWS does not possess a lethal capability, its use may still raise IHL concerns.

This is because weapons do not have a 100% lethality rate. A so-called lethal AWS may produce non-lethal effects, while a non-lethal AWS may cause lethal effects. Therefore, an artificial separation of lethal and non-lethal AWS (or any other classifications such as “less lethal”, “less-than-lethal” or “sub-lethal” as mentioned in Section 5) raises questions regarding the practicality and feasibility of determining a weapon’s lethality. Additionally, since IHL allows the use of force as a first resort (unlike IHRL), the necessity for such an artificial classification is unclear, unless it serves as a means to limit the scope of the regulatory framework, and carve out a space for the continued development and use of the so-called non-lethal AWS in warfare.¹⁵⁸

Furthermore, while some States contend that the attribute of lethality is necessary because it is explicit in the GGE’s mandate, an examination of the group’s origins shows that the informal meetings of experts had never considered lethality as a core or essential component. Rather, it was an issue that warranted further discussion. This subsequently led to the establishment of the GGE in 2016, which was tasked with identifying the characteristics and elaborating on a working definition of these weapon systems. Thus, whilst the name and mandate of the group include the term “lethal”, there has been no common understanding of this term since its inception.¹⁵⁹ Consequently, the issue of lethality has remained a subject of debate long after the GGE’s establishment, continuing to the present day.

¹⁵⁸ Similar arguments have been in relation to the so-called non-lethal weapons, but not in the context of non-lethal AWS. For example, see D. P. Fidler, above note 132, p. 96. Another reason relates to defence industry interests. Some States that are insisting on the inclusion of the concept of lethality within the definition are the world’s leading arms exporters. For example, the United States’ share of global arms exports currently stands at 42%, Russia at 6.8%, China at 5.6%, Israel at 4.4%, and Japan at 3.0%. These States are the top 25 largest arms exporters. See SIPRI, *Fact Sheet: Trends in International Arms Transfers 2025*, Solna, March 2026, p. 2. For a brief discussion on this issue on defence industry interests, see Mei Ching Liu and Manoj Harjani, “International Regulation of Lethal Autonomous Weapon Systems: Divergence and the Way Forward”, *IDSS Paper*, 30 March 2026, available at: <https://rsis.edu.sg/rsis-publication/idss/ip26056-international-regulation-of-lethal-autonomous-weapon-systems-divergence-and-the-way-forward/>. On the other hand, Fidler identified five key factors in driving the interest in the concept of “non-lethal” weapons: (i) technological developments; (ii) changes in the roles of military forces; (iii) pressure to retain competitive advantages against adversaries; (iv) moral and legal pressure exerted by international law on armed conflict; and (v) marketing by the military. See D. P. Fidler, above note 132, pp. 57-60.

¹⁵⁹ Brazil’s Statement at the GGE, above note 113.

The issues surrounding the concept of lethality within the definition are not merely semantic. They carry significant implications for international peace and security. The definition of AWS would directly shape the scope of a future regulatory framework. Including the term “lethal” in the definition would narrow the regulatory framework, meaning that only AWS capable of producing so-called lethal effects would fall within the framework. This could significantly limit the types of autonomous systems subject to regulatory oversight. Conversely, excluding the term “lethal” from the definition would prevent artificial restrictions on the framework. It would allow for broader regulatory coverage and limit the development and use of AWS that would, in some or all circumstances, be prohibited by international law.

However, as discussed in this article, there is a provisional agreement from States that originally opposed the inclusion of the concept of lethality. These States appear willing to compromise. However, those seeking its inclusion were demanding further concessions, specifically that the term “lethal” be interpreted solely as encompassing human fatalities. To overcome the divergences related to the interpretation, it is recommended that a broader definition of lethality be adopted, which encompasses not only human fatalities but also human injuries, as well as the damage, destruction and neutralisation of objects.

Nevertheless, it is recommended that the concept of lethality should ultimately not be embedded in any future final legal instrument regulating AWS (provided that the GGE receives a mandate to commence such negotiations or if such negotiations are initiated through other platforms, such as the UN General Assembly). States’ concern regarding the term’s lack of a basis in IHL has far greater implications, extending beyond the AWS regulatory framework.

Incorporating the concept of lethality into a weapon regulatory framework not only signifies a departure from how weapons are traditionally governed, but also contradicts the *lex specialis derogat legi generali* doctrine. The implication of contradicting this legal doctrine is that it could undermine the established coherence and hierarchy of international legal principles, making it more challenging for States to determine which legal norms apply in various situations. It could also blur the distinction between the frameworks of IHL and IHRL, thereby altering our understanding of warfare. Lastly, the concerns with incorporating the concept of lethality into a legally binding instrument lie not only in the technical and operational difficulties of assessing a weapon’s lethality, but also in the risk that this additional layer of lethality assessment could be used to undermine the broader weapons regulatory framework.

In light of the above, the international community should resist efforts that could blur the distinction between IHL and IHRL, as doing so could set a dangerous precedent for how weapons are regulated and how the use of force in armed conflict is interpreted under international law.