

The Hague Centre
for Strategic Studies

Human Responsibility and Accountability

Compliance Challenges and the Industrial Impact of the GGE Framework

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* AI was used to assist with brainstorming, structuring ideas, reviewing arguments, identifying blind spots, and/or improving clarity. Core analytical tasks such as literature review, conceptual development, substantive judgement and final writing remain human led. The authors take full responsibility for the integrity of the work.

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Executive Summary

Artificial intelligence is accelerating the development and deployment of lethal autonomous weapon systems (LAWS), which can identify, select and engage targets with limited or no human intervention. Their proliferation is raising urgent questions about legal compliance, civilian protection, and accountability. In September 2026, the UN Group of Governmental Experts (GGE) under the Convention on Certain Conventional Weapons (CCW) adopted a final set of elements intended to guide future governance of LAWS. The outcome establishes an important political foundation but leaves major gaps in regulating the systems' design, modification and manufacture.

Most notably, the final text is principally an instrument for states, not manufacturers. It requires states to determine whether a new system's employment would be prohibited under international law; to consider risks to civilians during design, development, testing and deployment; and to maintain human responsibility and accountability for the use of force.

Indeed, the GGE's final report describes binding process obligations for only part of the LAWS lifecycle and does not establish what a lawful autonomous system must be capable of doing, nor what evidence manufacturers must provide to demonstrate compliance. Crucially, the adopted text removed provisions that would have required renewed review when a system is materially modified and would have set clearer expectations for predictable, reliable, and traceable system behaviour. These omissions are particularly consequential for systems whose software and targeting functions are continuously updated, including based on operational AI data.

The resulting regulatory gap creates confusion vis-à-vis aspects such as autonomous weapons design. In practice, manufacturers face an increasingly fragmented compliance environment in which requirements may vary by customer and jurisdiction, while many states lack the technical capacity or formal mechanisms to conduct robust weapons reviews.

To address these concerns, this report puts forward the following recommendations:

1. **Put back the requirement for review when a system changes**
2. **Decide whether the instrument governs the platform or the entire capability**
3. **Create a technical input route for the people who build these systems and the watch-dogs who monitor them**
4. **Recognise that if the UN does not set the standard, procurement will**
5. **Consider an International Code of Conduct for Autonomous Weapon Manufacturers**

1. Introduction

The rapid advancement of artificial intelligence (AI) has greatly revolutionised military technology, leading to the development of lethal autonomous weapon systems (LAWS), or more colloquially known as "killer robots". These LAWS are being deployed on an increasing number of battlefields worldwide and changing the nature of warfare. For example, in August 2026, Moscow reportedly deployed an autonomous drone that independently made the decision, using AI, to strike a target, which led to the death of three civilians in Zaporizhzhia, Ukraine.[1]

AI is a general-purpose technology and, as such, the specific use and value that AI provides in the military domain is "at minimum dependent on the domain in which they are deployed, the type of military activity they are used for, and where on the spectrum of conflict they are employed".[2] In this vein, integrating AI and granting it varying levels of autonomy to military systems is changing how force is applied and how responsibility for its application is assigned. LAWS sit at the sharp end of that change, since they can identify, select, and engage a target without human intervention, raising legal, ethical, and operational questions that existing instruments were not written to answer.

According to a November 2024 report of the Automated Decision Research (ADR) team at the non-governmental organisation (NGO) Stop Killer Robots, nine states are currently testing and beginning to field similar systems (the US, Israel, Russia, Turkey, Germany, South Korea, Iran, Poland, and Ukraine).[3] As such, this technology's proliferation is expected to increase over the coming years as more nation-states invest in it. However, these weapon systems' potential for independent decision-making and lethality, along with the diverging national interests of the investing nation-states, raises fears that this will create an autonomous weapons arms race that has the same tangible impact as the 20th-century nuclear race. Indeed, even defence firm Rheinmetall's CEO Armin Papperger has called for "global regulations governing the use of AI weapons" similar to those for nuclear weapons.[4]

It is against this background that the United Nations' (UN) Group of Government Experts (GGE), operating under the Convention on Certain Conventional Weapons (CCW), was tasked with formulating the elements of a possible instrument on LAWS, drawing together legal, military and technological expertise. The GGE on LAWS has met under the CCW since 2017, and its predecessor expert meetings have met since 2014.[5] Its three-year mandate concluded at its final session, held at the Palais des Nations from 31 August to 4 September 2026, where the GGE agreed to a final report outlining a foundational "set of elements" to govern the future development and military deployment of autonomous weapon systems.[6]

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1 Andrew E. Kramer, 'A Drone Killed Three Ukrainians. It Was Guided Entirely by A.I.', New York Times, 24 August 2026, https://www.nytimes.com/2026/08/24/world/europe/russia-drones-autonomous-ai-kill-ukraine-war.html.

2 Sofia Romansky, *Responsible by Design: Strategic Guidance Report on the Risks, Opportunities, and Governance of Artificial Intelligence in the Military Domain* (The Hague Centre for Strategic Studies, 2025), 11, https://hcss.nl/wp-content/uploads/2025/09/GC-REAIM-Strategic-Guidance-Report-Responsible-By-Design-HCSS-2025.pdf.

3 Automated Decision Research, 'Weapons Systems Database', https://automatedresearch.org/weapons-systems/

4 'Rheinmetall-Chef Fordert Globale Regeln Für KI-Waffen-Einsatz', Die Zeit, 19 June 2026, https://www.zeit.de/wirtschaft/2026-06/ki-waffen-armin-papperger-rheinmetall-globale-regeln.

5 Digital Watch Observatory, "GGE on lethal autonomous weapons systems", process overview, https://dig.watch/processes/gge-laws (accessed 23 August 2026).

6 Please find a link to the GGE CCW's final report here: https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2026)/CCW-GGE.1-2026-3-Advance_copy.pdf

During this process, the GGE brought together many interested and relevant stakeholders, from nation-states to NGOs and academics. However, it has notably excluded defence manufacturers from the negotiations, despite the process directly impacting their work. As such, this study initially began by asking defence manufacturers what they made of the rules being drafted for them in Geneva. However, very few were willing to engage in a dialogue over the GGE or the negotiations. An industry that speaks readily about autonomy, targeting, and machine learning at trade fairs, in investor briefings, and in national procurement consultations proved reluctant to discuss the same subjects in relation to a multilateral legal instrument.

This reluctance stems from the fact that defence manufacturers often operate under the guise of their stakeholders and, more importantly, their state backers. As such, these firms should not be seen as unwilling to speak out; rather, overarching geopolitical considerations beyond their immediate control hamstring them. Nevertheless, despite these limitations, their intentional or unintentional absence from the GGE's proceedings has notable and tangible consequences. Indeed, the text that emerged from the final session asks States to consider whether a system is lawful. It does not say what a lawful system must be. Every provision expressed as a duty concerns a process: a determination before adoption, accountability for use, or the suppression of violations. Every provision concerning the system's properties, what an engineer would recognise as requirements, is expressed as something States should ensure so far as feasible. This latter part means that system properties of a LAWS, e.g., the targeting AI and training data, could differ per nation-state client, creating the potential for more or less lethal versions of the same LAW.

Therefore, given this potential gulf between what the GGE initially agreed and the on-the-ground implications for defence manufacturers, it remains uncertain whether this current text will achieve the desired outcome. To assess this, HCSS analysed the central question: "What will the outcome of the GGE's final session require of LAWS-related manufacturers in practice, and what considerations should be made for future negotiations?"

To address this, the report adopts a multi-pronged approach. First, Chapter 2 outlines the methodology framework underpinning this analysis. Afterwards, Chapter 3 follows deliberations from 2013 to the eve of the final session and explains where states divided and why. Chapter 4 turns to September itself, reading the text that emerged and, in a breakout section, the positions of the main blocs. Chapter 5 traces the four channels through which the outcome reaches manufacturers and asks what it requires of them in practice. Finally, the report's analysis will inform the conclusions and recommendations in Chapter 6.

In doing so, the paper aims to underscore the need for a broader shift in governance approaches: from deliberations conducted predominantly among states and civil society towards more inclusive and empirically grounded engagement with the full spectrum of actors implicated in the development and deployment of autonomous military technologies.[7] It is noted in this that States play a unique role, given both their strong regulatory role over arms industries and their role as the often sole purchaser of defence products. This is especially important as States move toward the Seventh Review Conference in November 2026 and decide whether to negotiate a legally binding instrument, using the September report as a foundation. Therefore much of this paper is directed towards the State level, on the understanding that much of industry's behaviour is shaped by State-level disincentives and signals.

Without sustained dialogue among governments, industry, and other stakeholders, LAWS development may occur unevenly across actors, creating challenges for international coordination, governance, and the implementation of future risk-mitigation measures.

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7 Tim Sweijs and Sofia Romansky, 'International Norms Development and AI in the Military Domain', CIGI Papers No. 300, September 2024. https://hcss.nl/wp-content/uploads/2024/09/International-Norms-Development-and-AI-in-the-Military-Domain-no.300-1.pdf.

2. Methodology

This study's methodology rests on three components:

The first is documentary analysis of the primary record. The negotiating history of this process is highly accessible because the Chair maintained a rolling text whose successive iterations were published in November 2024, May 2025, December 2025, and June 2026. This was followed by the conference room paper of 3 September 2026, which carried those elements into the final report. Reading a provision across those versions shows not only what changed but when, and the Chair's session summaries and the delegations' own working papers indicate at whose insistence. Where this paper describes the content of the September outcome, it draws on the adopted report, CCW/GGE.1/2026/3, rather than accounts of it, and notes where the adopted text differs from the conference room paper of 3 September.

The second is direct observation. The authors attended the final session in September 2026. Observation of this kind captures what formal summaries are drafted to smooth over, the order in which delegations intervene, which arguments are met and which are left to stand, and the composition of the delegations themselves. Where the paper relies on observation, it says so, and it reports what was seen.

The third is a structured implications analysis. Each provision of the September text is mapped onto the point in the industrial life cycle at which it becomes an obligation, onto the modal form in which it is expressed. The result is then compared against requirements already imposed under national frameworks, such as, but not limited to, the United States Department of Defense Directive 3000.09, to separate genuinely new burdens from the codification of practice that is already routine for a supplier selling into a regulated market. Tables 1 and 2 present that mapping.

3. The GGE CCW on LAWS

Before discussing what the GGE CCW's September agreement entails, it is important to set the context: what the GGE is, what the CCW does, and what their negotiations have been like throughout its existence and recent mandate. In order to do so, this chapter sets out the substance of the GGE's work until now (including the negotiated draft framework, known as the rolling text); the disagreements carried into the final session of the mandate; and why the absence of one category of actor from these deliberations matters for what follows.

What is the Group of Governmental Experts within the Convention on Certain Conventional Weapons?

The CCW took up autonomy in weapons in 2013, when the Meeting of High Contracting Parties mandated its chairperson to convene informal meetings of experts. Those met in 2014, 2015 and 2016, and at the Fifth Review Conference in December 2016 the High Contracting Parties decided to establish an open-ended[8] Group of Governmental Experts on emerging technologies in the area of LAWS.[9] The GGE first convened in November 2017 and has met at least annually since. Its only substantive consensus output before the September session was the eleven Guiding Principles affirmed in 2019 and endorsed by the Meeting of High Contracting Parties. These principles covered human responsibility across the life cycle, human-machine interaction, risk assessment and legal review.[10]

The September session of the GGE was the final meeting of a three-year mandate agreed in 2023. Under this mandate, the GGE aimed to further consider and, by consensus, formulate a "set of elements" to govern the future development and military deployment of autonomous weapon systems, taking into account existing Protocols within the Convention and proposals presented by High Contracting Parties.[11] Two features of that formulation govern everything the GGE does. The consensus requirement means progress depends on the least willing participant rather than on the size of any majority. The phrase "without prejudging its nature" means the GGE prepares material rather than negotiating an instrument, which allows states opposed to a treaty to take part in drafting its elements.[12]

8 Open-ended here means open to all States party to the Convention. It does not extend participation beyond them.

9 Fifth Review Conference of the High Contracting Parties to the CCW, Decision 1, CCW/CONF.V/10, December 2016, adhering to the agreed recommendations contained in CCW/CONF.V/2. See also Digital Watch Observatory, 'GGE on lethal autonomous weapons systems', https://dig.watch/processes/gge-laws.

10 Report of the 2019 session of the GGE on LAWS, Annex IV, CCW/GGE.1/2019/3, endorsed by the 2019 Meeting of the High Contracting Parties.

11 Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, *Chair's Summary: First 2026 Session*, CCW/GGE.1/2026/WP.2, 1 April 2026

12 CCW/MSP/2025/8, para. 19(c); UNODA, 'Convention on Certain Conventional Weapons: Seventh Review Conference (2026)', https://meetings.unoda.org/ccw-revcon/convention-on-certain-conventional-weapons-seventh-review-conference-2026

The rolling text

Since 2024 the GGE has worked from a rolling text maintained by the Chair, Ambassador Robert in den Bosch of the Netherlands.[13] It collects the formulations the Group has provisionally accepted so that work can continue, on the standing understanding that nothing is agreed until everything is agreed.[14] Iterations appeared in November 2024, May 2025, December 2025 and June 2026.[15] The version dated 5 June 2026 was the last of them. It was the text on the table when delegations returned to Geneva for the final week on 31 August, and by then more than seventy states supported negotiating on its basis.[16]

Delegations still speak of the "boxes" into which earlier drafts sorted the elements, and the shorthand survives in session reporting.[17] The June text has no boxes, and no headings either. It runs as twenty-two numbered paragraphs with lettered sub-paragraphs across four pages, and nothing in it is bracketed. References below are to paragraph numbers.[18]

What the June text contained, in the order it set it out:

1. **Characterisation (paragraph 1).** A LAWS is characterised as "a combination of one or more weapons and functionally integrated technological components" that can identify, select and engage a target without intervention by a human operating the system. Three sub-paragraphs qualify this. A human who designs or programs a set of potential targets does not thereby place the system outside the characterisation, while a system falls outside it where the personnel planning or carrying out the attack determine the specific target. Nor does the fact that a system can be used in a way that does not result in loss of life exclude it. The third sub-paragraph records that the description is without prejudice to any future understanding of it.[19]

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13 Digital Watch Observatory, "GGE on Lethal Autonomous Weapons Systems," https://dig.watch/processes/gge-laws (accessed 2 November 2026).

14 On the contingent status of provisional agreement in the Group, see Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, *Rolling Text, Status Date: 18 December 2025*, chapeau, 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. The formulation is standing practice in the Group rather than particular to one iteration.

15 On the November 2024 iteration see Article 36, "Key Comments on the Current CCW GGE Rolling Text on Autonomous Weapons," February 2025, https://article36.org/updates/key-comments-on-the-current-ccw-gge-rolling-text-on-autonomous-weapons/; on the May 2025 iteration see ICT4Peace Foundation, "Geneva Talks on Autonomous Weapons: Momentum Builds, But Challenges Remain," October 2025, https://ict4peace.org/activities/geneva-talks-on-autonomous-weapons-momentum-builds-but-challenges-remain/. For the final iteration see Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, *Rolling Text, Status Date: 05 June 2026*, 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.

16 Rain Liivoja, "Crunch Time for the Discussion About Autonomous Weapons," Asia-Pacific Institute for Law and Security, 27 August 2026, https://apils.org/2026/08/27/crunch-time-for-the-discussion-about-autonomous-weapons/.

17 Reaching Critical Will, "CCW Report, Vol. 14, No. 2: The Final Stretch Before the Finishing Line," March 2026, https://www.wilpf.org/ccw-report-vol-14-no-2-the-final-stretch-before-the-finishing-line/.

18 *Rolling Text, Status Date: 05 June 2026*, paras. 1-22.

19 *Rolling Text, Status Date: 05 June 2026*, para. 1 and sub-paras. A-C. The adopted report kept the structure but replaced "functionally integrated" with "operating together" and moved the loss-of-life qualifier into the opening sentence: *Report of the 2024-2025-2026 Sessions of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems*, CCW/GGE.1/2026/3 (advance copy, 14 September 2026), para. 25, https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2026)/CCW-GGE.1-2026-3-Advance_copy.pdf. On the vagueness objection that prompted the change, see Liivoja, "Crunch Time."

2. **Application of international humanitarian law (paragraphs 2 to 6).** IHL applies in full. The right of parties to an armed conflict to choose means and methods of warfare is not unlimited, and IHL imposes its obligations on states, parties to an armed conflict and individuals, not on machines.[20]
3. **Prohibitions (paragraphs 7 to 10).** Use is prohibited where a system is of a nature to cause superfluous injury or unnecessary suffering, where its effects in attack cannot be anticipated and limited, and where it would be directed at the civilian population or at civilian objects. Paragraph 10 reached past use: states "shall refrain from manufacturing, otherwise acquiring, stockpiling, or transferring" systems that could not be used in compliance with IHL. It was the only paragraph in the text that touched production and trade rather than deployment, and it did not survive into the adopted report.[21]
4. **Human judgement and control (paragraphs 11 to 13).** LAWS must only be used in accordance with applicable IHL, and human judgement and control are needed, which the text is careful to add does not imply constant direct control. Four sub-paragraphs give the requirement content: a responsible chain of command and control; the ability of those responsible to limit a system's effects by scale of operations, target type, duration, geographic scope and number of autonomous engagements; a bar on substantial modification unless a human executes or authorises it; and the capacity to deactivate or neutralise the system in a timely manner.[22]
5. **Life cycle measures (paragraphs 14 to 17).** Here the June text divided in two, and the division is the one this paper follows. States **must**, as appropriate and across the life cycle, conduct legal reviews of whether employment would be prohibited, and review further development or modification that substantially affects a system's targeting functions or anticipated effects. States **should**, as appropriate and across the life cycle, make a system's capabilities and limitations understood, including that it is adequately predictable and reliable in operation, and should act to prevent and mitigate unintended bias and automation bias.[23]
6. **Responsibility, accountability and enforcement (paragraphs 18 to 22).** States, parties to an armed conflict and individuals remain at all times responsible, since responsibility cannot be transferred to machines. States must ensure individual accountability for the means or methods of warfare involving LAWS, must take all appropriate steps to prevent and suppress violations, and must ensure effective internal mechanisms for investigation and reporting. One provision in this group was advisory rather than mandatory: states should provide understandable human-machine interfaces, guidance such as rules of engagement, and training of personnel to understand it.[24]

Three features of the June text deserve attention, because the final report changed all three.

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20 *Rolling Text, Status Date: 05 June 2026*, paras. 2-6, and in particular para. 4. See also CCW/GGE.1/2025/WP.9.

21 *Rolling Text, Status Date: 05 June 2026*, paras. 7-10. Nothing in the adopted elements, CCW/GGE.1/2026/3, paras. 25-44, addresses manufacture, production, stockpiling, transfer or export. "Acquisition" survives in two places only, neither restrictive: as one of the life-cycle stages triggering the legal determination at para. 36, and in the risk list at para. 37.

22 *Rolling Text, Status Date: 05 June 2026*, paras. 11-13, in particular para. 12 and sub-paras. A-D. The concept of context-appropriate human judgement and control is examined in the Chairperson's background paper, CCW/GGE.1/2025/CRP.1.

23 *Rolling Text, Status Date: 05 June 2026*, paras. 14-17. Paragraph 14 is governed by "States must, as appropriate, across the life cycle of LAWS"; paragraphs 15 to 17 by "should". See also the 2019 Guiding Principles on risk assessment across the life cycle, Annex IV to CCW/GGE.1/2019/3.

24 *Rolling Text, Status Date: 05 June 2026*, paras. 18-22. The advisory provision is para. 20, governed by "States should provide", with sub-paras. A-C. See also CCW/GGE.1/2024/WP.4, para. 12.

The first is the division in the fifth element. In June, the "legal review" and "the review after modification" were things states had to do, while predictability and reliability were things states ought to pursue. That is the difference between an obligation of process and an obligation of product, and it was already drawn in the text that went into the final session. The adopted report kept the legal determination as a duty but narrowed what triggers it, to "the study, development, acquisition, or adoption of a new LAWS". The words "modified" and "upgrade" do not appear in the adopted elements at all.[25]

The second is how much of the accountability block was mandatory. Four of its provisions used "must". In the adopted report the duty to ensure individual accountability became a duty to take measures to ensure it and lost its reference to means or methods of warfare, so that it now reaches use alone. The duty to provide interfaces, guidance and training became a duty to promote them, with the three measures recast as examples states may draw on. The duty to take all appropriate steps to prevent and suppress violations became a duty to take necessary measures. The requirement of effective internal mechanisms for investigation and reporting became an encouragement that mechanisms be established, with the specific functions removed.[26]

The third is paragraph 10, and it is the one that matters most to the readers this paper is addressed to. In June, the text asked states to refrain from manufacturing, acquiring, stockpiling or transferring systems that could not be used lawfully. That was the single point at which the exercise spoke to what a company does rather than to what a soldier does. Nothing of it remains in the adopted elements.

The Chair's summary of the first 2026 session had already marked out the ground. Participants shared an understanding that IHL applies and that human accountability cannot be delegated to a machine, while they continued to differ over how far prohibitions should reach and over whether the regulatory measures should be legal or political in character.[27] This paper follows the second disagreement.

Points of contention entering the final session

Despite GGE members agreeing on certain elements, several notable points of contention remained going into the September session. The main points of contention are as follows:

- **Human control against good faith:** The requirement for context-appropriate human judgement and control has been resisted by representatives of the United States and Israel, who have proposed a formulation built around good faith human judgement and care, which many other delegations regard as insufficient to protect civilians or

[25] CCW/GGE.1/2026/3, para. 36; compare *Rolling Text, Status Date: 05 June 2026*, para. 14 and sub-para. B. The only appearance of "modification" in paras. 25-44 is at para. 25(c), which concerns possible future modification of the characterisation of LAWS rather than of a weapon system.

[26] Jessica Dorsey, "Symposium on the CCW GGE LAWS: You Can't Always Get What You Want - The (D) evolution of Responsibility and Accountability," *Opinio Juris*, 9 October 2026, http://opiniojuris.org/2026/10/09/symposium-on-the-ccw-gge-laws-from-obligations-to-encouragement-responsibility-retained-accountability-diluted-in-the-gge-laws-final-report/; compare *Rolling Text, Status Date: 05 June 2026*, paras. 18-22, with CCW/GGE.1/2026/3, paras. 40-44.

[27] "Chair's Summary: First 2026 Session," Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, CCW/GGE.1/2026/WP.2, 1 April 2026, https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2026)/CCW-GGE.1-2026-WP.2.pdf.

uphold IHL.[28] A control standard is something a system must be built to permit, and an operator must be positioned to exercise. A good faith standard is something a commander can assert after the fact.

- **Prohibition against non-use:** Russia and the United States have pressed to replace prohibitory language with the softer formulation that such systems must not be used. Most states opposed this move, arguing it would weaken the legal force of any instrument.[29] The practical difference lies in domestic implementation: a prohibition ordinarily reaches procurement and export control, while a non-use provision constrains conduct in the field and leaves development and transfer largely untouched.
- **Lethality and target types:** There was contention over whether "lethal" implies that LAWS target only persons. Russia and China have preferred to limit scope to systems targeting personnel. Meanwhile, Brazil, Austria and the United Kingdom, among others, have argued that the rules must also cover systems that destroy civilian objects and infrastructure.[30] This determines how much of the existing product base falls inside the instrument.
- **Decision support systems:** Standalone tools that recommend targets for human approval remain outside the GGE's scope, an exclusion which observers have raised repeatedly given the harms attributed to such systems in current conflicts.[31] It is this exclusion that has the greatest commercial consequence, which is further elaborated on in Chapters 5.

Running beneath the aforementioned contentions is a concern described as a consensus spree: that in the closing days of the mandate, safeguards would be removed from the text at speed to secure unanimous agreement on something rather than nothing.[32]

What are the practical implications of these elemental points of contention?

The crux of these points of contention is related to who can be held accountable for actions undertaken by LAWS. From a legal perspective, responsibility refers "specifically to forms of accountability grounded in law (e.g., state responsibility or individual criminal responsibility) including the attribution of breaches and the legal consequences that may follow in case of a breach". In this context, interjections from states such as the United States and Russia, at its core, debate the extent to which humans remain responsible for actions undertaken by autonomous weapon systems and how actors can be held accountable for LAWS-related actions.[33]

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28 Laura Varella, 'The Final Stretch Before the Finishing Line', *CCW Report* 14, no. 2 (11 March 2026), Reaching Critical Will of the Women's International League for Peace and Freedom, https://www.wilpf.org/ccw-report-vol-14-no-2-the-final-stretch-before-the-finishing-line/.

29 Ibid.

30 Ibid.

31 Stop Killer Robots, 'Box I: Statement to the GGE on lethal autonomous weapon systems, 2-6 March', delivered by Elizabeth Minor, 2 March 2026, https://stopkillerrobots.org/resource/box-i-statement-by-stop-killer-robots-to-the-gge-on-lethal-autonomous-weapons-systems-2-6-march/.

32 Laura Varella, 'The Final Stretch Before the Finishing Line', *CCW Report* 14, no. 2 (11 March 2026), Reaching Critical Will of the Women's International League for Peace and Freedom, https://www.wilpf.org/ccw-report-vol-14-no-2-the-final-stretch-before-the-finishing-line/.

33 Jessica Dorsey, 'Symposium on the CCW GGE LAWS: You Can't Always Get What You Want–The (D)Evolution of Responsibility and Accountability', OpinioJuris, 9 October 2026, https://opiniojuris.org/2026/10/09/symposium-on-the-ccw-gge-laws-from-obligations-to-encouragement-responsibility-retained-accountability-diluted-in-the-gge-laws-final-report/.

Conclusion

Discussions about regulating autonomous weapon systems have long continued under the auspices of the CCW. Despite this, members had not yet reached consensus on several important elements, including the aforementioned points of contention. As such, there remained a risk that disagreements over elements such as whether a legally binding instrument is needed, the standard for human judgement and control over the weapons, and their definition and characterisation could see a decades-worth of negotiation collapse.

While this collapse ultimately did not occur, last-minute changes and compromises to the GGE's elements watered down the language, giving considerably less direction on how and where human responsibility cannot be transferred to machines. This also means less guidance on translating these principles into meaningful accountability mechanisms vis-à-vis LAWS.

4. The outcome of the September 2026 Session

The GGE CCW September session closed in the early hours of Saturday 5 September 2026, when the Group adopted its final report.[34] Despite at-length discussion about the practical matters discussed in Chapter 3, the final report was visibly diluted over the week. This left the text open to discussion at the GGE CCW's Review Conference planned for 16-19 November 2026. It arrived alongside the strongest political support the CCW has produced on this subject: by the close, 76 states backed moving to negotiations, 70 of them High Contracting Parties and therefore a majority of the Convention's membership.

Before describing what the text concedes, it is worth noting what it does not, because commentary on the September session tends to overlook these elements. Three of the attempts to narrow the scope of the report described in the previous chapter did not carry: the proposal to place a system outside the characterisation where a human has programmed the target set in advance, the attempt to confine scope to systems used against personnel, and the attempt to express the prohibitions as undertakings not to use rather than as prohibitions on conduct.

For example, paragraph 25 characterises a LAWS as a combination of weapons and technological components able to identify, select and engage a target in a way that results in loss of life, without intervention by a human being operating the system.[35] Sub-paragraph 25(a) adds that a human programming or otherwise determining a set of potential targets, or their characteristics, does not take a system outside that characterisation. The exclusion is confined to cases where the personnel planning, deciding upon or carrying out the attack determine the specific target, or group of targets, and the timing of the attack. Sub-paragraph 25(b) provides that a system is not excluded merely because it is used in a way that does not cause loss of life, for example to damage objects or to cause injury.

In paragraphs 31 to 33, the prohibitions are expressed as conduct that must not be undertaken, rather than as systems that states undertake not to use. In practice, this covers systems that are told what to look for and where to look, which describes most loitering munitions now in service. Two further attempts failed: one to limit the scope to systems used against people, and one to replace the prohibitions with undertakings not to use.

However, it should be noted that the final report preserves a "bare-bones architecture of human responsibility" and, as a result ", reflects a weakened institutional approach towards ensuring the means through which actors will be held to account". Nevertheless, these language changes are crucial to understanding the implications of the final report.

34 Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, CCW/GGE.1/2026/WP.2, 1 April 2026.

35 Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, advance copy, CCW/GGE.1/2026/3, 14 September 2026, para. 25(a).

The producing states, by not writing themselves a narrower definition, obtained something less visible: a difference in wording for one class of provision but not another.

This formulation is not accidental; it reflects the many closed-door and sidebar meetings between different blocs and factions during the last session. Moreover, these textual changes to the final report underscore geopolitical ambitions playing out in real time, including where certain nation-states won and where they compromised on other aspects. As such, given the importance of these geopolitical considerations not only to the negotiations but also to how defence manufacturers will need to engage with the report going forward, it is important to understand where the major blocs' considerations stem from.

Reading the room: states, blocs and the motivations behind them

What stood out in the final session was that nation-states, which can be seen as geopolitical straits with each other on the global stage, converged on several points at the GGE. For example, the United States, Russia, and China each pressed for a narrower characterisation of LAWS, weaker language on human control, and obligations on use rather than development. While they did not prevail on the first two elements, the language of the third contention point, regulating use rather than system development, was ultimately softened. When broken down per major bloc or nation-state, the considerations were as follows:

The United States

The US position in the GGE stems from its belief that national regulations already govern the technical characteristics of autonomy. The Department of Defense Directive 3000.09, *Autonomy of Weapons Systems*, is the Pentagon's own policy on how autonomous weapons systems are designed, tested and fielded and has been in force since 2012, most recently updated in 2023.[36] It sets requirements for verification, validation, testing in realistic conditions, and human judgement over the use of force. This gives Washington reason to treat an international text specifying the same properties as duplicative at best and as a constraint on standards it prefers to set for itself.[37]

Another example of how the GGE CCW's additional agreements could create friction with existing US efforts appears in the Air Force's Combat Aircraft Programme. The Air Force's Collaborative Combat Aircraft Programme entered production in June 2026 under an acquisition model that separates hardware from software so capability can be upgraded continuously, and that ties part of the payment for mission autonomy to operator feedback and combat performance.[38] A weapon bought this way is never finished, and that is a problem for the GGE's final report, because the report's elements are not formulated to address weapons in constant flux.

An example of how this fluctuation would have caused issues for the US under the previous formulation appears in a scenario where the US government wants to buy an aircraft. First, it

36 US Department of Defense, https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/300009p.PDF . First issued on 21 November 2012; the 2023 text cancels and replaces it.

37 Ibid.

38 A. Mehta and M. Marrow, 'Air Force picks General Atomics, Anduril to build first CCA drone wingmen', Breaking Defense, 17 June 2026, https://breakingdefense.com/2026/06/air-force-cca-drone-wingman-anduril-general-atomics-selection/; GovCon Wire, 'USAF's Collaborative Combat Aircraft Program: 5 Key Takeaways', 24 June 2026, https://www.govconwire.com/articles/air-force-collaborative-combat-aircraft-autonomy-mosa-agra.

must determine, under its own decision-making processes, whether using that weapon would break the law.[39] However, the problem does not stem from the aircraft itself because it does not autonomously decide its attack vectors. Instead, the Air Force buys the AI system under a separate contract to use with the aircraft and continuously updates it as new training data emerges, changing the system's parameters and capabilities. From a technical perspective, this means it no longer falls within the GGE's newly formulated scope. However, the draft circulated on 3 September would have dealt with this by requiring a fresh review whenever a change materially affected how a system picks and attacks targets.[40]

For the US, this change is highly beneficial, as several of its systems are currently in the testing phase, saving them time and money by avoiding renewed reviews under the current final report elements. For example, Washington is testing the General Atomics' YFQ-42A, which flew its first semi-autonomous mission in February 2026 using software integrated through the Autonomy Government Reference Architecture.[41] Anduril's YFQ-44A Fury completed its first flight test in February 2026 carrying Shield AI's Hivemind autonomy software, which the manufacturers describe as intended to control tactical missions.[42] Northrop Grumman's YFQ-48A Talon Blue flew for the first time on 3 October 2026.[43] At the other end of the inventory, the Army ordered another tranche of AeroVironment's Switchblade 600 loitering munition, worth about $51 million.

Russian Federation

During the September 2026 session, Russia frequently raised several elements, including objections to non-government observer participation and a preference for formulations that limited "prohibitions" and confined the scope to "suggestions" and lethal systems engaging personnel. Although almost none of Russia's text-alternation suggestions was adopted, the attempts are indicative of Moscow's ongoing efforts vis-à-vis LAWS.

The Lancet loitering munition produced by Russian defence firm ZALA Aero has reportedly been refined to strike specific weak points across a wide range of targets, such as tanks and artillery, which implies a substantial body of accumulated training data.[44] The Chinese/Russian hybrid V2U system carries onboard processing that lets it search for, identify, and select targets using computer "vision", with reported elements of collective behaviour. The V2U system has been flown as many as thirty to fifty times per day across several front-line sectors, with the targeting software trained in the process.[45] The Atlant Aero Molniya was also converted during 2026 to operate without a control antenna, making navigation, target search and attack autonomous. A strike attributed to it killed three civilians at Zaporizhzhia on 6 July 2026.[46]

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39 Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, CCW/GGE.1/2026/3, advance copy, 14 September 2026, para. 36.

40 Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, *Draft Final Report*, CCW/GGE.1/2026/CRP.1/Rev.1, 3 September 2026, para. 38(b).

41 General Atomics Aeronautical Systems, GA-ASI achieves new milestone with semi-autonomous CCA flight, 12 February 2026.

42 Shield AI, Hivemind successfully completes first CCA flight test aboard Anduril's YFQ-44A aircraft, 26 February 2026.

43 Northrop's Talon Blue collaborative combat aircraft makes first flight, Air & Space Forces Magazine, 3 October 2026.

44 Center for Strategic and International Studies, How Russia is building a sovereign drone ecosystem with AI-driven autonomy.

45 Autonomous drone warfare, IEEE Spectrum, 2026; and Russia's V2U autonomous drone is striking targets in Ukraine, Calibre Defence.

46 Russia's autonomous drones are now killing without human control, New York Times, 24 August 2026; and Russia's Molniya strike drones now fully autonomous, Calibre Defence, October 2026.

The sequence matters more than any individual system. These were not designed to a specification and then fielded. They were fielded, flown at volume and improved on operational data, with the Molniya described as having been developed on the back of that work. Whether it is observed by a state that is not a participant in good standing in the process is a separate question from whether the text reaches the practice, and the two should not be run together.

Russia has consistently expressed the view that existing international legal frameworks are sufficient to address the challenges posed by LAWS, and that considerations beyond those frameworks should be left to the discretion of individual states. Its national contribution says international humanitarian law is "fully applicable" to these systems and that Russia "does not see any convincing reasons requiring introduction of any new restrictions and bans".[47] It accepts that a human always bears responsibility for using force, but treats the form that control takes as a national matter, and rejects "meaningful human control" as an international standard, calling the term politicised.[48]

It is this rationale that put Moscow and Washington in the same corner vis-à-vis this specific topic. Both hold that IHL binds states and individuals rather than machines, and both treat the legal review before adoption as the safeguard that already exists in a national capacity.[49] Meanwhile, Russia and China pressed, successfully, for lethality to anchor the definition. The adopted text characterises a system by its capacity to identify, select and engage a target "in a way that results in loss of life".[50]

Other delegations had warned that anchoring the definition on loss of life would turn the instrument into one about anti-personnel weapons and leave anti-materiel systems outside it. Sub-paragraph 25(b) addressed these concerns by stating: a system is not excluded because it is used in a way that does not kill, such as to damage objects or cause injury, and the characterisation turns on what a system is capable of rather than on what it was built for.[51]

The argument was never abstract, because both States already field systems the definition captures. For example, the Molniya was modified during 2026 to fly without a control antenna. On 6 July one struck a petrol station in Zaporizhzhia and killed three civilians, and investigators who recovered its object-detection code found that operators had set the area while the drone picked the specific object itself.[52] That is exactly the case sub-paragraph 25(a) keeps inside the definition.[53] Ukraine fights the same way. A module costing about $150 adds onboard targeting to an ordinary FPV drone: the operator locks a target, and the

47 Russian Federation, national contribution submitted pursuant to General Assembly resolution 79/239, unofficial translation, 2025, https://docs-library.unoda.org/General_Assembly_First_Committee_-Eightieth_session_(2025)/79-239-RussianFed-en.pdf.

48 Gerald Mako, 'No New Rules Needed: Russia's Minimalist Vision of Human Oversight for LAWS', https://lieber.westpoint.edu/no-new-rules-needed-russias-minimalist-vision-human-oversight-for-laws/.

49 Gerald Mako, 'No New Rules Needed: Russia's Minimalist Vision of Human Oversight for LAWS', *Articles of War*, Lieber Institute West Point, 13 April 2026, https://lieber.westpoint.edu/no-new-rules-needed-russias-minimalist-vision-human-oversight-for-laws/.

50 CCW/GGE.1/2026/3, para. 25, as quoted in Liivoja, 'Words (Don't Come Easy)', which also records the Russian and Chinese insistence on lethality.

51 Rain Liivoja, 'Symposium on the CCW GGE LAWS: Words (Don't Come Easy) - Characterisation of Lethal Autonomous Weapon Systems', https://opiniojuris.org/2026/10/05/symposium-on-the-ccw-gge-laws-words-dont-come-easy-characterisation-of-lethal-autonomous-weapon-systems/.

52 Zoriana Katola, 'A Russian drone chose its own target and killed three. The code that told it what to look for was readable', https://euromaidanpress.com/2026/08/25/a-russian-drone-chose-its-own-target-and-killed-three-the-code-that-told-it-what-to-look-for-was-readable/.

53 Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, *Final Report*, advance copy, CCW/GGE.1/2026/3, 14 September 2026, para. 25(a)

drone completes the engagement without a control link, which makes jamming largely irrelevant.[54] The September report's findings apply to both these systems because both are flying weapons that "control" their own last few hundred metres through terminal guidance and limited route planning.[55]

Russia also argued that a human must stay in control throughout an entire attack, a standard far stricter than anything it accepted elsewhere in the mandate and plainly aimed at the aforementioned Ukrainian practice.[56] A delegation that had spent three years calling meaningful human control politicised called for a more stringent text formulation due to geopolitical considerations, and the standard would not have spared the Molniya. Its opening intervention of the session was in the same register: a complaint about the presence of non-governmental organisations and what it called false accusations about Moscow's use of these weapons.[57] That objection makes sense once you notice who supplies the evidence. What the Molniya did at Zaporizhzhia was established by Ukrainian investigators and the press, not by any delegation.

Russia lost most of the drafting arguments and kept the thing it needed. Its systems were not built to a specification and then fielded; they were fielded, used in very large numbers, and improved on whatever came back. The adopted text says nothing about a weapon that changes once it is in service, and the provision that would have, requiring a fresh review whenever a modification materially changed how a system identifies, selects or engages a target, was cut on the final day.[58]

China

China's position has not changed since 2018, and it rests on a definition rather than on a prohibition. Beijing's framework has two tiers. The first prohibits what China calls unacceptable systems, meaning fully autonomous weapons with no meaningful human involvement. The second regulates everything else, requiring what China describes as appropriate human involvement, a formulation closer to a commander supervising a system than to a person approving each engagement.[59]

The prohibited tier is almost empty by design. China's April 2018 working paper, repeated in a separate paper published in July 2022, defines that tier by five characteristics a system must display all at once. These characteristics include lethality; full autonomy, meaning no human intervention throughout the task; no way to stop it once it has started; indiscriminate effect regardless of conditions or target; and evolution beyond what its designers expected.[60]

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54 David Kirichenko, 'Inside Ukraine's Race to Build Autonomous Strike Capabilities', https://www.forbes.com/sites/davidkirichenko/2026/08/09/inside-ukraines-race-to-build-autonomous-strike-capabilities/.

55 Éle Donegan and Anna Hehir, *Autonomous Weapons Watch*, Trend Report 1 (Future of Life Institute, August 2026), https://autonomousweaponswatch.org/files/trend-reports/trend-report-1-0aec4d77.pdf.

56 Authors' observation, Group of Governmental Experts on LAWS, Palais des Nations, Geneva, 31 August to 4 September 2026.

57 Ibid.

58 Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, *Draft Final Report*, CCW/GGE.1/2026/CRP.1/Rev.1, 3 September 2026, para. 38(b).

59 Gerald Mako, 'Human Oversight with Chinese Characteristics: Lethal Autonomous Weapons in the CCW GGE', Lieber Institute West Point, 27 March 2026, https://lieber.westpoint.edu/human-oversight-chinese-characteristics-lethal-autonomous-weapons-ccw-gge/.

60 People's Republic of China, 'Position Paper', CCW/GGE.1/2018/WP.7, 11 April 2018; and China's working paper on lethal autonomous weapons systems, July 2022.

As such, a weapon with a failsafe falls outside the scope of this characterisation, as does one with human involvement at any point. Almost nothing in service anywhere meets all five.[61]

Further afield, the ban China proposed was also never a ban on building these weapons. Its delegation said in 2018 that the prohibition "is limited to use only", and the same paper argued that nothing should impede AI development.[62] That is the distinction between "use and development" which runs through Beijing's policy agenda.

China does support a legally binding instrument, which separates it from Washington and Moscow, but only when conditions allow. Beijing said it would support it "when conditions are ripe" in 2024 and "when the conditions are mature" in October 2025. In both cases the condition is prior agreement on the working characterisation and the scope of regulation.[63] Those are the two questions the Group spent twelve years on and settled only in part in September 2026. When the First Committee adopted resolution 80/57 on 6 November 2025, calling for urgent work towards a binding instrument, 156 states voted in favour, Russia and the United States voted against, and China abstained.[64]

Meanwhile, Beijing, alongside Russia, successfully pressed for lethality to anchor the characterisation. One observer notes that Beijing held the position consistently without ever explaining why.[65] The reason is visible in the structure of its own framework: lethality is the first of the five cumulative criteria, and anchoring the whole definition on loss of life pulls it towards weapons used against people. Sub-paragraph 25(b) of the current report reversed that, stating that using a system in a way that does not kill does not take it outside the characterisation.

What distinguishes China from the other two is that it is predominantly a seller of its systems rather than an end user or buyer of them. For example, Chinese defence firm NORINCO unveiled the FL50, a swarm-capable loitering munition, at the World Defence Show in Riyadh in 2026, and showed the FL-60A alongside the BZK-005E uncrewed aircraft at Eurosatory the same year. The state-owned aerospace firm China Aerospace Science and Technology Corporation (CASC) markets its FH-901 loitering munition as part of a highly autonomous, swarm-capable family.

The African Bloc

Algeria delivered the African Group's joint statement at the September session. The Group's position had been set out at the Economic Community of West African States (ECOWAS) regional conference on the peace and security aspects of autonomous weapons systems in Freetown in April 2024. That meeting produced the Freetown Communiqué, which called for strengthening existing law by establishing new legally binding rules, including prohibitions and regulations.[66]

61 Elsa B. Kania, 'China's Strategic Ambiguity and Shifting Approach to Lethal Autonomous Weapons Systems', 17 April 2018, https://www.lawfaremedia.org/article/chinas-strategic-ambiguity-and-shifting-approach-lethal-autonomous-weapons-systems.

62 Ibid.

63 Gerald Mako, 'Human Oversight with Chinese Characteristics: Lethal Autonomous Weapons in the CCW GGE', https://lieber.westpoint.edu/human-oversight-chinese-characteristics-lethal-autonomous-weapons-ccw-gge/.

64 Ibid.

65 Rain Liivoja, 'Symposium on the CCW GGE LAWS: Words (Don't Come Easy) – Characterisation of Lethal Autonomous Weapon Systems', 5 October 2026, https://opiniojuris.org/2026/10/05/symposium-on-the-ccw-gge-laws-words-dont-come-easy-characterisation-of-lethal-autonomous-weapon-systems/.

66 Stop Killer Robots, 'ECOWAS states adopt Freetown Communiqué', 22 April 2024, https://www.stopkillerrobots.org/news/ecowas-states-adopt-freetown-communique/. The conference was held in Freetown on 17 and 18 April 2024.

Within this Bloc, Egypt made its position clear in a working paper tabled at the March 2026 session. It asked for four things: a two-tier structure prohibiting fully autonomous weapons and regulating the rest; human control across the whole life cycle, with the operator keeping the final decision to use force; accountability for states and explainability of the software; and technology transfer and capacity-building for developing countries, so that regulation does not harden into a technological monopoly.[67]

That last point is the only argument made in the room about industrial structure rather than about law. A standard written by the states that build these systems can function as a barrier to entry as easily as a safeguard. A country that will never design a targeting algorithm still has to decide whether the rules it signs up to leave it buying from three suppliers or from thirty.

Egypt also asked that systems whose behaviour cannot be reasonably predicted or explained fall inside the prohibited tier.[68] Neither half of the request survived.

Explainability appears nowhere in the adopted text. The provision that came closest to covering unpredictable behaviour was a prohibition on using systems whose effects in an attack cannot be anticipated and limited, and it was removed from the text altogether. Israel, the United States and Russia pressed for its removal. Austria and Panama argued that it should stay, because it did no more than restate what international humanitarian law already requires. This paragraph was eventually not adopted and their point was dropped.[69]

For a buyer, the binding character of an instrument matters more than its technical content, because a standard addressed to designers in another jurisdiction is not a standard a purchaser can enforce. This is why the GGE pressed hardest on legal force rather than wording, and why its arrival during the March 2026 session raised the number of nation-states supporting negotiations from just over forty at the start of the week to more than seventy by its close.

There is an uncomfortable corollary, and the paper should state it. The September text imposes one obligation: a government must determine whether to acquire a new system, and that decision falls on the buyer. Most buyers cannot perform it. The International Committee of the Red Cross (ICRC) puts the number of states with a formal review mechanism at between fifteen and twenty out of one hundred and seventy-four parties to Additional Protocol I,[70] and the United Nations Institute for Disarmament Research (UNIDIR)'s regional consultations recorded that many states have limited financial, technical, and human resources for the task.[71] So the nation-states that argued hardest for binding rules are the least equipped to enforce the only binding rule.

South Africa is the partial exception. South African defence firm Milkor promotes its Milkor 380 uncrewed aircraft for South African border surveillance, and said in October 2026 that the aircraft was operational somewhere in the Middle East, declining to name the country or the

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67 Egypt, working paper submitted to the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, CCW/GGE.1/2026/WP.1, 5 March 2026.

68 Egypt, *Working Paper*, CCW/GGE.1/2026/WP.1, 5 March 2026

69 Sally Longworth, 'Symposium on the CCW GGE LAWS: What's in a Prohibition? The Framing of the Final Set of Elements within Existing IHL', *Opinio Juris*, 6 October 2026, https://opiniojuris.org/2026/10/06/symposium-on-the-ccw-gge-laws-whats-in-a-prohibition-the-framing-of-the-final-set-of-elements-within-existing-ihl/

70 ICRC, 'Legal review of new weapons: scope of the obligation and best practices', 6 October 2016, https://blogs.icrc.org/law-and-policy/2016/10/06/legal-review-new-weapons/.

71 Yasmin Afina, (Geneva: UNIDIR, 2025), https://unidir.org/wp-content/uploads/2025/04/UNIDIR_Regional-Perspectives-on-the-Application-of-International-Humanitarian-Law-to-Lethal-Autonomus-Weapon-Systems.pdf. One of four regional consultations was held in Pretoria on 4 and 5 February 2025.

customer.[72] It is the continent's most visible indigenous large uncrewed aircraft programme. It is not an autonomous strike system, and the company does not present it as one. It does, however, show the same pattern in miniature: the only control that reaches the aircraft is the review conducted by whoever bought it, and nobody outside the company knows who that is.

The coalition behind the Brazil statement

The largest grouping in the room was the one Brazil spoke for. It delivered its joint statement to the final session on behalf of 44 High Contracting Parties, with three observer states associating themselves afterwards.[73] It welcomed the text's two-tiered approach, prohibitions on some types of systems and regulation of the design and use of others. This Bloc placed special importance on affirming the human element through the concepts of human judgement and control, called the draft a sufficient basis for negotiations inside the Convention, and said the signatories remained open to alternative language that would build consensus without losing the core of the report.

The coalition pressed for the text to reach design, and in a narrow sense it succeeded. Design survives in paragraph 37, which requires that the risks of civilian casualties be considered during design, development, testing, and deployment.[74] However, its considerations vis-à-vis force were not adopted. Indeed, nothing in the adopted text tells a designer what the finished system has to achieve. Two of its members, Austria and Panama, defended the prohibition on systems whose effects in an attack cannot be anticipated and limited. However, it was dropped at the insistence of Israel, the United States and Russia.[75]

Brazil's own position is not explained by its production base. Its munitions industry is established, but its holdings in this category are modest, and its army has only recently begun acquiring loitering munitions. A state in that position carries little exposure from a design standard and stands to gain from an instrument that constrains the systems it may one day face. That is a coherent interest, and it is the interest of most of the states that signed with it.

The European producers within the Bloc Supporting Brazil

Although part of the aforementioned Bloc, more than half of this group's industrial exposure comes from European members. As such, this sub-group will be addressed separately. First, it is important to outline Europe's regulatory landscape vis-à-vis autonomous weapon systems. The EU Artificial Intelligence Act, the most comprehensive AI statute anywhere, excludes

72 Milkor promotes its 380 large drone for South African border surveillance', 28 July 2026, https://www.engineeringnews.co.za/article/milkor-promotes-its-380-large-drone-for-south-african-border-surveillance-2026-07-28; Admire Moyo, 'SA-made Milkor combat drone deployed in Middle East', 14 October 2026, https://www.itweb.co.za/article/sa-made-milkor-combat-drone-deployed-in-middle-east/5yONPvErN9K7XWrb.

73 Joint statement to the August–September 2026 session of the CCW Group of Governmental Experts on LAWS, delivered by Brazil on behalf of 44 High Contracting Parties, https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2026)/Updated_JST_for_GGE_LAWS_Aug-Sep_2026_session.pdf. Algeria, Bangladesh, Cyprus, the Dominican Republic, Malta and Senegal associated themselves after delivery; Mozambique, Nigeria and Thailand associated themselves as observer states.

74 Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, *Draft Final Report*, CCW/GGE.1/2026/CRP.1/Rev.1, 3 September 2026, para. 38(b).

75 Sally Longworth, 'Symposium on the CCW GGE LAWS: What's in a Prohibition? The Framing of the Final Set of Elements within Existing IHL', 6 October 2026, https://opiniojuris.org/2026/10/06/symposium-on-the-ccw-gge-laws-whats-in-a-prohibition-the-framing-of-the-final-set-of-elements-within-existing-ihl/.

military and defence applications from its risk framework altogether.[76] What does reach the design of an autonomous weapon in Europe is money. The European Defence Fund refuses funding for lethal autonomous weapons without meaningful human control over selection and engagement decisions, and its ethics screening requires applicants to explain how they will exercise that control.[77]

This is especially important when considering the European nation-states' text demands and position. It is the one place in the world where a requirement about human control reaches a weapons manufacturer before the weapon is finished, and it reaches it through a funding contract rather than through a statute or a treaty.

Within the above regulatory framework, the European states in this group still had different considerations vis-à-vis the GGE's text. Germany has pushed the two-tier approach since 2021 and holds that the decision over life and death must be made by a human, with the degree of control depending on the system and the circumstances. It treats control as something that applies in design as well as in use, and its export controls and army guidelines rule out fully autonomous lethal systems without meaningful human oversight. France accepts the same two tiers but wants more room inside them. Fully autonomous systems should be prohibited; partially autonomous ones should be handled through policies applied across the life cycle rather than against a fixed threshold; and any instrument should be negotiated inside the CCW rather than written as prescriptive rules elsewhere. Countries such as France, Germany, Italy, Spain, Sweden, Norway, Belgium and Switzerland, significant weapons producers, are the only states in the room with real industrial exposure that nonetheless asked for design to be regulated.[78]

Across the mandate, the Nordic states and the Netherlands pressed for something more specific than human control in general: limits fixed before use. Finland's 2020 working paper asked for boundaries defined in advance, by geographic coordinates, time windows and environmental conditions, and Norway reported broad convergence among delegations on predictability, understandability and limits on targets, time and geography.[79]

Coordinates, time windows and environmental conditions are parameters rather than principles: they can be written into a contract, designed against and checked before a system is fielded. Six years later the adopted text contains no such obligation, and predictability, the convergence Norway reported, was among the provisions cut on the final day.[80]

It also puts the European position in Geneva in a particular light. These states asked for an international process to reach a design, while at home they chose to reach it through procurement conditions and keep their general AI law away from the military altogether.

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76 Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence, art. 2, which excludes systems placed on the market or put into service exclusively for military, defence or national security purposes.

77 Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund, arts. 7 and 10(6). See also Article 36, https://article36.org/wp-content/uploads/2024/04/european-defence-fund-autonomous-weapons-1.pdf.

78 Sam Cranny-Evans, 'HX-2: Helsing releases details of AI-enabled loitering munition', https://www.calibredefence.co.uk/hx-2-helsing-releases-details-of-ai-enabled-loitering-munition/.

79 Automated Decision Research, *Convergences in State Positions on Human Control* (Automated Decision Research, May 2023), https://www.stopkillerrobots.org/wp-content/uploads/2023/11/ADR_Convergences-in-state-positions-on-human-control.pdf.

80 Automated Decision Research, *Convergences in State Positions on Human Control* (Automated Decision Research, May 2023), https://www.stopkillerrobots.org/wp-content/uploads/2023/11/ADR_Convergences-in-state-positions-on-human-control.pdf.

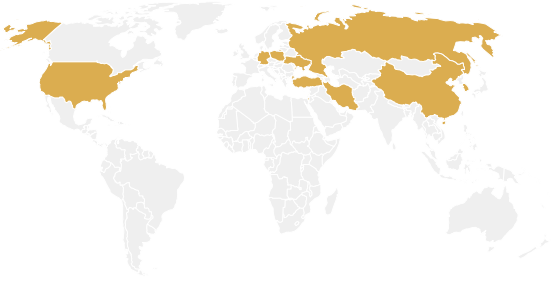
This is where the gap in the adopted text becomes concrete. The Stockholm International Peace Research Institute (SIPRI)'s study of the two-tier approach found that participants treated very few technical characteristics as inherently unlawful, and that the closest they came to agreement on a design-based prohibition concerned systems that keep learning after activation in order to recognise targets.[81] That is exactly the case the September text does not reach. The final text cut the two provisions that would have required a fresh review when a modification materially changes how a system selects targets, and that systems behave predictably and traceably.

Conclusion: What the pattern indicates

Defence manufacturers were absent from these deliberations. Nevertheless, their position within major arms-exporting countries' geopolitical ambitions was at least partially represented, even if their fielded systems and export portfolios were not. Whether or not the delegations intended this, the implication was that nation-states represented third parties' interests without giving them a seat at the negotiation table.

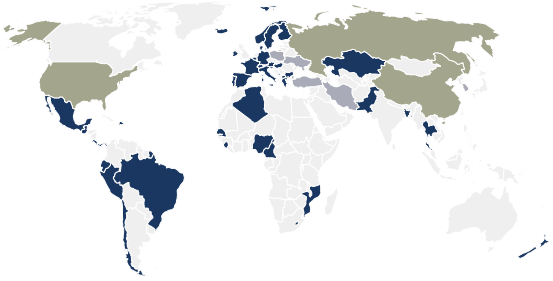
Figure 1: Who builds these systems, and who supports regulating them

A. Who builds these systems



Developing or beginning to field such systems

B. Position on regulation, September 2026



Resisted the key provisions

Co-sponsored the joint statement

Builds them; no position on the record

Panel B, darkest in green: the four states that resisted the core provisions. The United States and Israel proposed good-faith human judgement and care in place of human control;[82] Russia and China pressed for lethality to anchor the characterisation;[83] Russia objected to the prohibitions being expressed as prohibitions, and Israel, the United States and Russia together secured the removal of the prohibition on systems whose effects in an attack cannot be anticipated and limited.[84] Panel B, in Gold : the 44 High Contracting Parties that co-sponsored the joint statement Brazil delivered at the August–September 2026 session, and the three observer states that associated themselves with it.[85]

81 Laura Bruun, (Stockholm: Stockholm International Peace Research Institute, August 2024), https://www.sipri.org/sites/default/files/2024-08/laws.pdf.

82 Laura Varella, 'The Final Stretch Before the Finishing Line', 14, no. 2 (11 March 2026), Reaching Critical Will of the Women's International League for Peace and Freedom, https://www.wilpf.org/ccw-report-vol-14-no-2-the-final-stretch-before-the-finishing-line/.

83 Rain Liivoja, 'Symposium on the CCW GGE LAWS: Words (Don't Come Easy) - Characterisation of Lethal Autonomous Weapon Systems', 5 October 2026, https://opiniojuris.org/2026/10/05/symposium-on-the-ccw-gge-laws-words-dont-come-easy-characterisation-of-lethal-autonomous-weapon-systems/

84 Sally Longworth, 'Symposium on the CCW GGE LAWS: What's in a Prohibition? The Framing of the Final Set of Elements within Existing IHL', 6 October 2026, https://opiniojuris.org/2026/10/06/symposium-on-the-ccw-gge-laws-whats-in-a-prohibition-the-framing-of-the-final-set-of-elements-within-existing-ihl/.

85 Joint statement to the August-September 2026 session of the CCW Group of Governmental Experts on LAWS, delivered by Brazil on behalf of 44 High Contracting Parties, https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2026)/Updated_JST_for_GGE_LAWS_Aug-Sep_2026_session.pdf.

Although some notable defence-manufacturing countries in the coalition sought stricter design regulation, a significant policy gap remains between those resistant to key regulatory positions and those in favour of them. This gap was most evident in the language the two sides proposed. Countries seeking more stringent agreements used language such as "a legal review before adoption; accountability that cannot be delegated to a machine; and measures to prevent and suppress violations". Meanwhile, those resistant to key GGE provisions, such as Russia, China, or the US, wanted ambiguous language removed, emphasising terms such as reliability, predictability, traceability, bias mitigation, and interface design. Despite the latter language, the final text was watered down, with the more precise language attributed to select parts of the life cycle and systems, leaving room for workaround.

5. What the outcome requires of manufacturers

The ambiguity in the aforementioned language largely stems from states speaking for the industrial base they own or buy from, with their key interest in long-term geopolitical ambitions rather than the potential problems the agreed-upon language poses for feasibility or practicality. Indeed, a manufacturer would have asked questions such as how a reliability requirement is demonstrated for a system that learns, what evidence a review should consider, and how a traceability obligation is discharged across a supply chain of sub-suppliers, but those questions were neither asked nor considered.

Despite the lack of these considerations, the GGE CCW reached an agreement at the September 2026 session that stipulates what nation-states must do and what their weapons should ideally be like. However, the GGE Report's framing also leaves out issues such as prohibitions, decision support systems used for targeting and the use of force, and international human rights law/ethics. In the same vein, nothing agreed in Geneva addresses manufacturers. Industry appears exactly once in the whole report, in a line thanking it for contributions.[86] As such, the report raises more questions than answers about what this means for defence manufacturers and their production going forward. To reduce this ambiguity, this chapter assesses what the September session's final findings mean for the companies that design how these weapons behave.

Obligations of process and obligations of product

Under the agreed-upon text, States **must** conduct a legal review in the study, development, acquisition or adoption of a new system to determine whether its employment would be prohibited in some or all circumstances. They **must** take measures to ensure individual accountability, prevent and suppress violations, and maintain internal incident-reporting mechanisms. Systems **must** only be used in accordance with distinction, proportionality and precautions in attack.[87] Each of these is a process: a determination, a review, a mechanism, a judgement exercised at the moment of use.

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86 *Report of the 2024-2025-2026 Sessions of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems*, advance copy, CCW/GGE.1/2026/3, 14 September 2026, para. 21, https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2026)/CCW-GGE.1-2026-3-Advance_copy.pdf.

87 Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, CCW/GGE.1/2026/CRP.1/Rev.1, 3 September 2026, paras. 34, 38(a)-(b), 43 and 45-46.

Every provision about what the system itself should be is expressed differently. Indeed, these provisions matter the most for industry. The text binds States to ask whether a system is lawful. It does not say what a lawful system must be. For example, they state that States **should** ensure that they understand the capabilities and limitations of such systems through testing and evaluation, including simulations representative of the expected operational environment, to the extent feasible.

In addition, the provision notes that States **should** ensure that systems operate with adequate reliability and that their functioning and effects are predictable and traceable to those responsible for development and use. They **should** implement measures to prevent and mitigate unintended bias in data sets, models and other components, as feasible. Moreover, these elements should be considered in the design, development, and use of such systems.[88] Each of these is a property: something an engineer would recognise as a requirement, and something a programme could be held to.

During the September session, it was said repeatedly that references to design and development had been stripped out of the text, though the text does not reflect this. Development appears in paragraphs 29, 36 and 37, and design in paragraph 37.[89] What is missing is not the subject but any statement of what a system has to be capable of. This is consequential in that wording that is present, but only advisory, can be tightened in a later negotiation. Wording that was never drafted has to be invented from scratch, or it will never find its way into regulations.

Two provisions that would have gone further were cut on the final day of negotiations. The draft of 3 September required a fresh review whenever a technical change materially affected how a system picks and attacks targets, and it required systems to work reliably and to behave predictably and traceably. None of this language reached the adopted text after interventions by Russia and the United States.

Taken together, the language on legal reviews during design and on continuous review during updates offers some guidance to designers as new systems are explored. The subjects are settled. Testing against realistic conditions, reducing bias, behaviour that can be traced, and interfaces people can follow are now named in a text that states are adopted by consensus, and they are the likely terms any future treaty or national directive will reach for.

What the text asks of the firms that build these systems

Designers and manufacturers are at risk of being surprised by compliance requirements in the coming years. The present environment of loose experimentation and deployment is unlikely to last, and a treaty is only one of the routes by which it could change. Two provisions of the September text bear directly on the oversight and control of these systems.

88 Ibid., paras 39(a) and (c), 40 and 47.

89 *Report of the 2024-2025-2026 Sessions of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems*, advance copy, CCW/GGE.1/2026/3, 14 September 2026, paras. 29, 36 and 37, https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2026)/CCW-GGE.1-2026-3-Advance_copy.pdf.

"In accordance with States' obligations under applicable international law, in the study, development, acquisition, or adoption of a new LAWS, determination must be made whether its employment would, in some or all circumstances, be prohibited by international law. In this context, the voluntary exchange of relevant practices between States is encouraged, bearing in mind national security considerations and commercial restrictions on proprietary information." *Paragraph 36*.

"During the design, development, testing, and deployment of LAWS, the risks, inter alia, of civilian casualties, as well as precautions to help minimise the risk of incidental loss of life, injuries to civilians and damage to civilian objects must be considered. Other types of risks should be considered, as appropriate, including but not limited to the risk of unintended engagements, risk of loss of control of the system, risk of proliferation, and risk of acquisition by terrorist groups." *Paragraph 37*.[90]

The first is binding and is triggered from the study of a new system onward, long before anything is fielded. The second is the only formulation in the process that names design, development and testing together. If that language were carried into a binding instrument, practices currently routine across the industry would, for the first time, have to be evidenced as a matter of international obligation rather than national policy.

For example, the rapid fielding of newly developed systems may become subject to greater scrutiny if the language of the GGE report is adopted. Ukraine, for example, has fielded a range of air- and seaborne drone systems with rapid software and hardware updates in response to battlefield experiences.[91] It has further been reported that on at least one occasion a prototype drone model was used in combat and was fully autonomous, where reportedly "10 drones cut their communications link, used onboard AI to search for targets, and struck without any human input in the final decision to attack."[92] The close link between testing and battlefield use in LAWS development has created an environment where the laboratory and the use of an actual weapon can become indistinguishable. Israel has also been known to use the occupied Palestinian territories as a testing ground for weaponised autonomy, including the Lavender and Gospel AI targeting systems in Gaza.[93]

For governments that aim to adhere to the language of the GGE report, this will require much closer monitoring of the feedback loop that enables the rapid development, testing, and fielding of new systems. The companies involved in this development will have to reach a higher threshold to show that the software and hardware embedded on these platforms are compliant with international law. This will require targeting systems that can discriminate with high fidelity between civilian and military targets, as well as between civilian and military infrastructure.

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90 *Report of the 2024-2025-2026 Sessions*, paras. 36 and 37. In the draft final report of 3 September 2026, CCW/GGE.1/2026/CRP.1/Rev.1, these provisions appeared at paragraphs 38(a) and 37 respectively; the first was renumbered on adoption.

91 Rachael Hoagland, 'Build at Scale, Innovate at the Edge, Close the Feedback Loop Fast: Transforming Acquisition for the Drone Age', *Modern War Institute*, 20 July 2026, https://mwi.westpoint.edu/build-at-scale-innovate-at-the-edge-close-the-feedback-loop-fast-transforming-acquisition-for-the-drone-age/.

92 Gerald Mako, 'Fully Autonomous Drones Reportedly Kill in Ukraine', *Small Wars Journal*, 17 August 2026, https://smallwarsjournal.com/2026/08/17/fully-autonomous-drones-reportedly-kill-in-ukraine/.

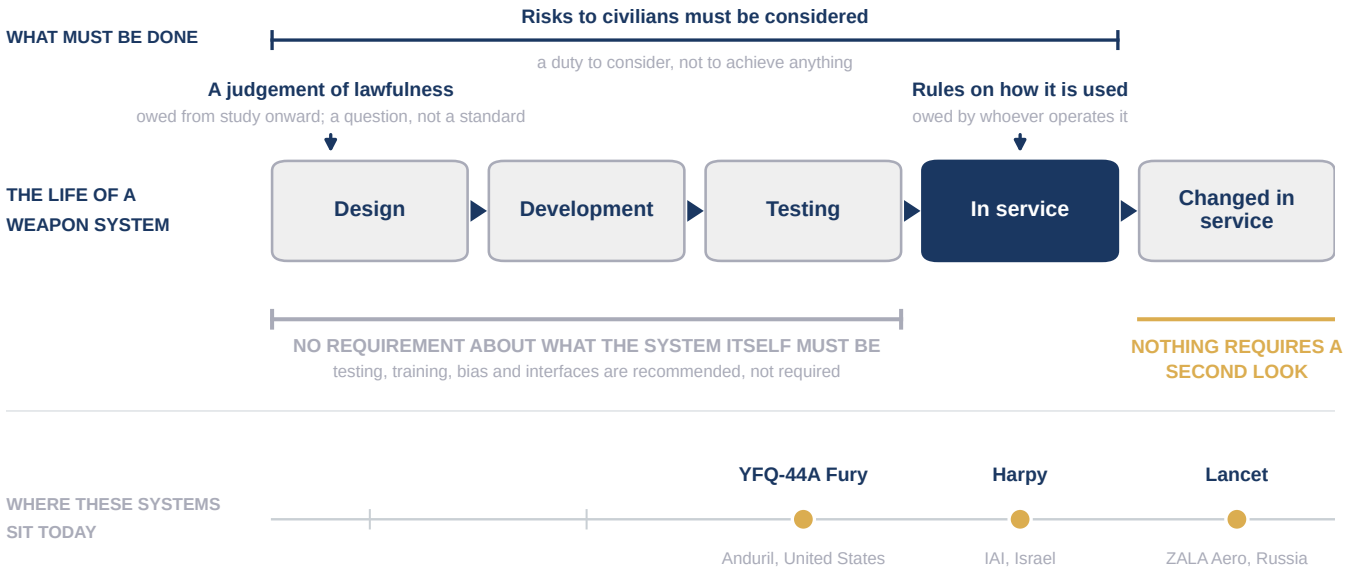
93 Yuval Abraham, '"Lavender": The AI Machine Directing Israel's Bombing Spree in Gaza', *+972 Magazine*, 3 April 2024, https://www.972mag.com/lavender-ai-israeli-army-gaza/; Antony Loewenstein, *The Palestine Laboratory: How Israel Exports the Technology of Occupation Around the World* (London: Verso Books, 2023), https://www.versobooks.com/products/2684-the-palestine-laboratory.

What the GGE report framing leaves out

The text's provisions are primarily framed in the language of international humanitarian law (IHL), the body of international agreements which governs parties' conduct *during* an armed conflict, as compared to international law which includes agreements on wider issues such as prohibition of armed conflict in general, peacetime efforts at civilian protection, and prohibitions against specific weapon types entirely, such as chemical weapons or landmines.[94] Reports of the closing hours describe a deliberate narrowing from the broader scope of international law to IHL, though the obligation to conduct a legal review found in paragraph 36 still turns on whether international law generally would prohibit development or employment.

Nevertheless, as it stands, the text has the same practical effect: it says little about using autonomous systems in circumstances short of armed conflict, even though the same platforms are used and marketed for activities such as policing, border control, and internal security.[95] For a manufacturer whose customer base includes interior ministries and border agencies as well as the armed forces, this lack of clarity can create confusion and legal frustrations. This means a single set of internationally agreed expectations does not cover a substantial part of the market or the activities of its products. This also creates the need for two product variants, one for military and one for law enforcement, each with strict internal controls.

Figure 2: Where the September outcome binds, across the life of a weapon



Three things bind, and all three say what a government must do. It must judge whether using a system would be lawful, a duty owed from the moment it begins studying one. It must consider the risks to civilians during design, development, testing and deployment. And whoever operates the system must follow the rules on use. None of the three says what the weapon itself

94 International Committee of the Red Cross, 'What Is IHL?', 18 September 2015, https://www.icrc.org/en/document/what-ihl.

95 Verity Coyle, 'UN Talks on Killer Robots End with Calls for Negotiations Growing', Human Rights Watch, 7 September 2026, https://www.hrw.org/news/2026/09/07/un-talks-on-killer-robots-ends-with-calls-for-negotiations-growing.

must be: testing, reliability, bias mitigation and interface design are recommended and qualified by feasibility. The provision that would have required a fresh look when a fielded system was materially changed was removed from the text on the final day. Source: authors' analysis of *Report of the 2024-2025-2026 Sessions*, paras. 25-44, and of the draft final report of 3 September 2026, CCW/GGE.1/2026/CRP.1/Rev.1, para. 38(b).

Compared with a weapon system's life cycle, the potential implications of the current formulations become clearer. One requirement appears at the earliest stages: a government must reach a judgement on a particular system, but it says nothing about what the system itself should be like or what the ideal judgement should be. Therefore, the early phase of any weapons system is left to the individual nation-states' classification and specifications, within the "advice" provided by the GGE CCW. After that, however, no part of the GGE's findings is binding until the weapon is used. Everything in between, which is the part of the life cycle where a system's behaviour is actually decided, is governed by recommendations heavily qualified by national security and commercial considerations.

How an international obligation reaches a factory

So far, this paper has focused on the specific language of the GGE CCW report text. The question builds on the text and asks: how does an obligation arising from it end up changing a decision made inside a company?

The report text is addressed to states, so nothing in it is directly written to regulate a manufacturer. What follows traces four routes by which a government obligation becomes a condition on a company and asks the same three questions of each: who owes it, when it comes due, and what happens if they do not meet it. These four routes are: being written into a procurement contract, building it into the evidence a state needs before deciding a system are lawful to use, embedding it in the testing a programme must pass, and attaching it to an export licence.

Table 1: The four routes by which obligations reach the firms that build weapons

Route	What it is	Where it comes from	What September changed	Who answers for it
Procurement specification	Requirements written into the contract between a ministry and a supplier, and passed down the supply chain	National acquisition rules; in the United States, Directive 3000.09	Nothing mandatory. A government may turn the technical language into contract requirements. Nothing obliges it to, and nothing tells it where to set the bar	Programme management and contracts
Legal review before fielding	The judgement a government makes about whether using a new system would be unlawful	Article 36 of Additional Protocol I, which requires the judgement but prescribes no method	The duty is restated for new systems. The draft of 3 September would have extended it to significant modifications. That provision was cut before adoption	Legal, systems engineering, test and evaluation
Testing and evaluation	The trials and acceptance a system passes before and after it enters service	National test policy and service acceptance procedures	Governments should ensure a system's capabilities and limits can be understood, including through realistic simulation. No measure of adequacy is given	Test and evaluation; software and data teams
Export control	Licensing of transfers and the conditions attached to them	National export control law; the Wassenaar Arrangement and allied regimes	Little. Rules framed around how a weapon is used do not travel easily into whether a sale may proceed	Trade compliance

Column four records what the September outcome changed in each route. The first three routes operate inside a national system and can be made as demanding as a government chooses. The fourth attaches to a transfer and says little about how a weapon was built. Source: the authors' analysis of the adopted elements,[96] read against national practice on procurement specification,[97] legal review,[98] testing and evaluation,[99] and export control.[100] None of these instruments controls autonomy as such.

Three systems, three different answers

The four routes shown in Table 1 apply to every weapon; however, how long they apply to a specific system is dependent on when it enters or exits its life cycle. If we examine the three systems noted in Figure 2 from the preceding chapter, at three different stages, the process would proceed as follows:

1. A system whose behaviour is still being written

The Anduril YFQ-44 A Fury is currently in the flight-testing phase. However, one important point is that it has not yet been decided which autonomy software it will carry. In one sortie, it flew Shield AI's Hivemind, then switched in mid-air to Anduril's own software to repeat the same test points. The US Air Force does not expect to choose a primary supplier before 2027.[101] The aircraft exists. The element that will decide what it attacks does not yet have a supplier.

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96 Ibid, paras. 25-44.

97 UK Ministry of Defence, V1.1 (November 2024), sec. 8, https://assets.publishing.service.gov.uk/media/6735fc89f6920bfb5abc7b62/JSP936_Part1.pdf, which requires contracting teams to oblige suppliers to demonstrate competence and furnish safety evidence, routed through Def Stan 00-055 and 00-056; Ministry of Defense of Japan, (2025), https://www.mod.go.jp/atla/soubiseisaku/ai_guideline/ai_guideline_ver.01_eng_202506.pdf; Directive 2009/81/EC on defence and security procurement; and Regulation (EU) 2021/697 establishing the European Defence Fund, arts. 7 and 10(6), https://eur-lex.europa.eu/eli/reg/2021/697/oj/eng. On the American direction of travel, see 'Secretary of War Announces Acquisition Reform', 7 November 2025, https://www.war.gov/News/Releases/Release/Article/4329487/secretary-of-war-announces-acquisition-reform/.

98 Article 36 of Additional Protocol I, https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-36; International Committee of the Red Cross, (Geneva: ICRC, 2006), https://www.icrc.org/en/doc/assets/files/other/icrc_002_0902.pdf; Vincent Boulanin and Maaike Verbruggen, SIPRI Background Paper (SIPRI, December 2017), https://sipri.org/sites/default/files/2017-12/sipri_bp_1712_article_36_compendium_2017.pdf, which profiles nine national mechanisms established between 1974 and 2015; Ministry of Defence of the Netherlands, 'Article 36 Reviews: Netherlands Policy and Practice', 21 September 2020, https://documents.unoda.org/wp-content/uploads/2020/10/Weapons-reviews-2020-Netherlands.pdf; and United States, 'Autonomy in Weapon Systems', CCW/GGE.1/2017/WP.6, 2017, https://ogc.osd.mil/Portals/99/Law%20of%20War/Practice%20Documents/US%20Working%20Paper%20-%20Autonomy%20in%20Weapon%20Systems%20-%20CCW_GGE.1_2017_WP.6_E.pdf.

99 US Department of Defense, DoD Directive 3000.09 (Washington, DC: Office of the Under Secretary of Defense for Policy, 25 January 2023), sec. 3, https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/300009p.PDF; and , Part 1, which requires hazard analysis, separated training and test data, demonstrated safe behaviour outside the intended operating conditions, and re-verification after substantive modification.

100 Wassenaar Arrangement, https://sipri.org/sites/default/files/research/disarmament/dualuse/pdf-archive-att/pdfs/wassenaar-arrangement-best-practice-guidelines-on-internal-compliance-programmes-for-dual-use-goods-and-technologies.pdf , which are non-binding and addressed to participating States; the International Traffic in Arms Regulations and the US Munitions List; the Export Administration Regulations and the Commerce Control List; Regulation (EU) 2021/821 on dual-use items; and Common Position 2008/944/CFSP, as amended. See also UNIDIR, https://unidir.org/wp-content/uploads/2023/05/enhancing-the-understanding-of-roles-and-responsibilities-of-industry-and-states-to-prevent-diversion-en-819.pdf.

101 'YFQ-44A CCA Tests Shield AI's Hivemind and Anduril's Lattice AIs during Single Flight', *The Aviationist*, 3 March 2026, https://theaviationist.com/2026/03/03/yfq-44a-tests-shivemind-lattice-ais/; and 'Air Force Picks Anduril, General Atomics to Build First Operational CCA Drones', *DefenseScoop*, 17 June 2026, https://defensescoop.com/2026/06/17/air-force-picks-anduril-general-atomics-to-build-first-operational-cca-drones/.

All four routes are open at this stage, and only one of them requires anything. Testing, procurement and export control carry advice. That leaves the legal review, which a government owes from the moment it starts studying a new weapon, so it is owed for this aircraft already.

Three things follow. First, the government has to reach a judgement about a weapon whose most important component has no supplier yet, meaning it must judge something that does not exist. The second is that it may not be able to reach the judgement at all. SIPRI found that current testing methods cannot establish how reliably a complex learning system performs, and concluded that, as things stand, a weapon that learns in use would not be expected to pass a review.[102] The third is that the evidence the reviewer needs, what the system does, how it fails, which version of the model is installed and where its training data came from, sits with the supplier, and the supplier owes nothing. Switzerland's procedure says in terms that the manufacturer shall provide the documentation. The Netherlands lists manufacturers first among its sources.[103]

At the one point where a rule could still change how this aircraft behaves, what reaches the company is not a requirement to meet. It is paperwork to hand over in order to get paid.

2. A system whose design was settled long ago

The Israeli Aerospace Industries Harpy was unveiled in the early 1990s and has been exported for most of the time since. It flies to a pre-defined area, loiters while it searches for radar emissions, compares what it finds against a stored database of known air-defence systems, and dives on a confirmed match.[104] Israel Aerospace Industries built it to attack radar installations and mobile missile launchers, and the Harpy, or its Harop successor, has been reported in service with Azerbaijan, China, Germany, India, Kazakhstan, South Korea, Turkey, and Uzbekistan, as well as Israel itself.[105]

Two of the four routes, procurement and testing, closed decades ago. The specification was written, and the testing passed before the debate that produced the September text had begun, and nothing in that text reopens either.

What is left is the rules on how the Harpy may be used, which bind the armed forces operating it rather than the firm that built it, and whatever conditions a licensing authority attaches to a further sale. Both are owed separately in every country that has bought one. Eight export customers means eight determinations, made under eight different procedures, most of which do not formally exist.

The Harpy is also the clearest illustration of why winning the argument about the definition changed so little. It is exactly the sort of system the producing states tried to place outside the characterisation: a weapon told what to look for and where to look. They failed, and

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102 Vincent Boulanin and Maaike Verbruggen, *Article 36 Reviews: Dealing with the Challenges Posed by Emerging Technologies* (SIPRI, December 2017), https://www.sipri.org/publications/2017/policy-reports/article-36-reviews-dealing-challenges-posed-emerging-technologies.

103 Vincent Boulanin and Maaike Verbruggen, *SIPRI Compendium on Article 36 Reviews*, SIPRI Background Paper (SIPRI, December 2017), https://sipri.org/sites/default/files/2017-12/sipri_bp_1712_article_36_compendium_2017.pdf.

104 Automated Decision Research, 'Israel Aerospace Systems HARPY Loitering Munition', Weapons Systems database, last modified 28 September 2023, https://automatedresearch.org/weapon/israel-aerospace-systems-harpy-loitering-munition.

105 Dan Gettinger and Arthur Holland Michel, https://dronecenter.bard.edu/files/2017/02/CSD-Loitering-Munitions.pdf . The report lists operators of the Harpy and the Harop together.

sub-paragraph 25(a) keeps it inside.[106] So the text covers the Harpy completely and reaches it with nothing, because every route by which a requirement could have touched its design closed before the argument started.

This is not an unusual case. Most of the installed base is in the same position. For weapons already built and already sold, regulation of this kind arrives at the far end of the life cycle or not at all.

3. A system that is never finished

This third case will become the most common, and the clearest examples are Russian.

ZALA Aero's Lancet has reportedly been refined to hit specific weak points on a wide range of vehicles, which implies a large body of accumulated targeting data. The V2U carries enough processing on board to search for, recognise and select targets using computer vision; as many as thirty to fifty were in use each day across several front-line sectors, and the targeting software was trained in the course of that. The Molniya was modified during 2026 to fly without a control antenna, which left navigation, target search and attack to the machine. A strike attributed to one killed three civilians at Zaporizhzhia on 6 July 2026.

None of the three was designed to a specification and then fielded. They were fielded, used in very large numbers, and improved on whatever came back, with the Molniya reportedly built on the back of that work.

It would be easy to dismiss all this as the behaviour of a state that never took the process seriously. That would be a mistake. The method is not peculiar to Russia, and whether the text can reach it is a separate question from who happens to be using it.

Each of the four routes attaches to a fixed point, and a weapon like this never stands still long enough to reach one. A specification describes something that will have changed by the time it is delivered. A test programme certifies one particular configuration. An export licence is issued against one too. A weapon that keeps learning is, in effect, becoming a different weapon all the time, and under the adopted text the first time anyone looks at the new behaviour is when it is already being used.[107]

This regulatory oversight stems from the last-minute interventions and geopolitical considerations outlined in the previous chapter. More specifically, the draft circulated on 3 September contained a requirement that significant modifications to how a system picks and attacks targets should be reviewed as changes occur. However, this obligation was removed from the text adopted the following day. Companion provisions, stopping a system's mission parameters from being changed substantially without a human authorising it and that a system work reliably and behave predictably and traceably, were also removed.[108].

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106 Ibid, para. 25(a).

107 Zena Assaad and Tim McFarland, 'Legal Reviews of In Situ Learning in Autonomous Weapons', *Ethics and Information Technology* 25, no. 1 (2023): 1-10, https://doi.org/10.1007/s10676-023-09688-9.

108 Netta Goussac, 'Symposium on the CCW GGE LAWS: Once in a Lifecycle - Same as It Ever Was in the GGE's Elements', *Opinio Juris*, 8 October 2026, https://opiniojuris.org/2026/10/08/symposium-on-the-ccw-gge-laws-once-in-a-lifecycle-same-as-it-ever-was-in-the-gges-elements/, describing the deletion as consequential and recording that the United States sought to remove or narrow the provision. Compare GGE on LAWS, *Draft Final Report*, CCW/GGE.1/2026/CRP.1/Rev.1, 3 September 2026, paras. 38(b) and 39(c), with *Report of the 2024-2025-2026 Sessions*, paras. 25-44. The words reliability, predictability and traceability do not appear in the adopted text; explainability never appeared at all.

One Pathway that States Must Still Adhere To

One requirement does still bind. When a state studies, develops, buys or adopts a new weapon, it has to work out whether using that weapon would be prohibited, in some or all circumstances, by international law. This is not new. It restates Article 36 of Additional Protocol I, agreed in 1977 as an addition to the Geneva Conventions, which has bound its parties ever since.[109]

Everything therefore rests on how much weight one old, lightly specified obligation can carry. The answer, from the people who have studied how it actually works, is not much.

Hardly anybody does it. The ICRC puts the number of States with a formal review mechanism at between fifteen and twenty, out of one hundred and seventy-four parties to the Protocol, and notes that the rest tend to rely on information from manufacturers and on reviews other countries have done.[110] It also prescribes no method, no reviewing body and no standard of evidence, so restating it adds nothing to what was already there.

And the review runs on evidence the reviewer cannot generate. Switzerland's procedure states plainly that the manufacturer shall provide the documentation. The Netherlands lists manufacturers first among its sources. SIPRI notes that one way to contain costs is to have the manufacturer do the testing.[111] The ICRC's own guidance, which asked who should supply it, points at the government department doing the buying rather than at the company.[112]

The only real obligation that reaches a weapon while it is still being designed is satisfied with material that only the manufacturer holds, and the manufacturer is not the one who owes it.

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109 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, art. 36.

110 International Committee of the Red Cross, 'Legal Review of New Weapons: Scope of the Obligation and Best Practices', *Humanitarian Law & Policy Blog*, 6 October 2016, https://blogs.icrc.org/law-and-policy/2016/10/06/legal-review-new-weapons/.

111 Vincent Boulanin, *Implementing Article 36 Weapon Reviews in the Light of Increasing Autonomy in Weapon Systems*, SIPRI Insights on Peace and Security 2015/1 (SIPRI, 2015), 14, 16, 22, https://www.sipri.org/sites/default/files/files/insight/SIPRIInsight1501.pdf; Ministry of Defence of the Netherlands, 'Article 36 Reviews: Netherlands Policy and Practice', 21 September 2020, https://documents.unoda.org/wp-content/uploads/2020/10/Weapons-reviews-2020-Netherlands.pdf.

112 International Committee of the Red Cross, *A Guide to the Legal Review of New Weapons, Means and Methods of Warfare: Measures to Implement Article 36 of Additional Protocol I of 1977* (Geneva: ICRC, 2006), sec. 2.3.3, https://www.icrc.org/en/doc/assets/files/other/icrc_002_0902.pdf.

The same question, across the field

Table 3 asks the same question of nineteen systems drawn from every bloc discussed in the breakout section: what actually binds this weapon today, and who bears responsibility for the system?

Table 2. Who is responsible for the duty that reaches each system

System	Maker and state	Stage, October 2026	What binds systems today	Who is responsible
United States				
YFQ-44A Fury	Anduril	In flight test	A single judgment before purchase, and nothing else	The United States, as buyer
YFQ-42A	General Atomics	In flight test	A single judgment before purchase, and nothing else	The United States, as buyer
YFQ-48A Talon Blue	Northrop Grumman	Company-funded; flew autonomously October 2026	Nothing, owed by anyone	Nobody. There is no buyer
Switchblade 600	AeroVironment	In service and exported	The rules on how it is used. Nothing requires a second look, whatever changes	The United States, and each export customer separately
Phalanx CIWS, Patriot	Raytheon and others	In service for decades	The rules on how it is used. Nothing requires a second look, whatever changes	Each operating State
Russian Federation				
Lancet-3	ZALA Aero, Kalashnikov group	In active use	The rules on how it is used. Nothing requires a second look, whatever changes	The Russian Federation, as operator
V2U	Russian assembly, largely foreign components	In use at high tempo	The rules on how it is used. Nothing requires a second look, whatever changes	The Russian Federation, as operator
Molniya	Russia	In use	The rules on how it is used. Nothing requires a second look, whatever changes	The Russian Federation, as operator
Chernika-2	Russia	Fielded; autonomy maturing	The rules on how it is used. Nothing requires a second look, whatever changes	The Russian Federation, as operator
China				
FL50	NORINCO	Unveiled 2026; marketed for export	A single judgment before purchase, and nothing else	Whichever State buys it, if it reviews at all
FL-60A and BZK-005E	NORINCO	Marketed for export	A single judgment before purchase, and nothing else	Whichever State buys it, if it reviews at all
FH-901	CASC	Marketed for export	A single judgment before purchase, and nothing else	Whichever State buys it, if it reviews at all
Wing Loong X	AVIC	In development	A single judgment before purchase, and nothing else	Whichever State buys it, if it reviews at all
Producers outside the co-sponsoring coalition				
Harpy	Israel Aerospace Industries, Israel	In service since the 1990s; exported	The rules on how it is used. Nothing requires a second look, whatever changes	Israel, and each export customer separately
Kargu-2	STM, Turkey	In service; exported	The rules on how it is used. Nothing requires a second look, whatever changes	Turkey, and each export customer separately
Shahed-136 / Geran-2	HESA, Iran, and Russian licensed production	In mass use	The rules on how it is used. Nothing requires a second look, whatever changes	Iran and the Russian Federation, as operators
Co-signatories of the 2025 cross-regional joint statement				
HX-2	Helsing, Germany	In use in Ukraine	The rules on how it is used. Nothing requires a second look, whatever changes	Ukraine, as operator
African Group				
Milkor 380	Milkor, South Africa	In flight	A single judgment before purchase, and nothing else	Whichever State buys it, if it reviews at all
Outside the principal groupings				
Dart-2	Norda Dynamics, Ukraine	In test and iterative fielding	The rules on how it is used. Nothing requires a second look, whatever changes	Ukraine, as operator and buyer

For a system not yet bought, the only requirement engaged is the judgement a government must make before acquiring it. For one already in service, the rules on how it may be used. Because the adopted text contains nothing on modification, no system here will require a further review once it is fielded, however much its behaviour changes. The recommendations on testing, bias, interfaces and training apply at every stage and bind at none, so they are not recorded.

The last two columns are the authors' analysis of the adopted elements, applied to the stage each system had reached in October 2026.[113] What each system does, and the evidence for it, is set out in Chapter 4, apart from three entries sourced only here.[114] The Milkor 380 is included to show the position of a bloc with no such system in national service; its maker does not present it as autonomous in target selection. Claims of autonomy rest on the manufacturer's own description for the Chinese entries, the Harpy and the Milkor 380, and substantially on reporting by a party to the conflict for the Russian and Ukrainian entries.

Three things follow that no single row shows.

- **No manufacturer appears in the last column.** Every firm is named in the second column and none in the fifth. In eighteen of nineteen cases, the duty is owed by a government, and in the nineteenth by nobody at all. The companies that write the targeting behaviour owe nothing, and are reached only when a government chooses to pass something down.
- **For seven of the nineteen, the whole content of the outcome is one judgement call.** These are the systems not yet in service, which is to say the ones whose software is being written now. Nothing governs how they are built. The other eleven pick up the rules on use as well, but only because they are already finished, and nothing will ever require a second look at any of them.
- **In six cases there is nobody who can realistically discharge it.** The Chinese entries and the Milkor 380 are sold for export rather than fielded at home, so the duty falls on whichever country buys them, and most countries have no review process. Talon Blue is the limiting case: Northrop built it with its own money, flew a complete mission autonomously from taxi to landing, and because no government has bought it, no government owes anything in respect of it.[115]

This does not mean the systems in the table are unregulated. It means something more precise. The obligations have an addressee who is never the author of the behaviour, and they fall due at a point where that behaviour is already fixed. An instrument like that can record what has been built. It cannot shape what is being built.

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113 Ibid, advance copy, CCW/GGE.1/2026/3, 14 September 2026, paras. 25-44, https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2026)/CCW-GGE.1-2026-3-Advance_copy.pdf.

114 Automated Decision Research, 'Shahed-136/Geran-2 loitering munition', Weapons Systems database, https://automatedresearch.org/weapons-systems/; Letter dated 8 March 2021 from the Panel of Experts on Libya established pursuant to resolution 1973 (2011) addressed to the President of the Security Council, S/2021/229, 8 March 2021, https://undocs.org/S/2021/229, on the Kargu-2; and David Kirichenko, 'Inside Ukraine's Race To Build Autonomous Strike Capabilities', 9 August 2026, https://www.forbes.com/sites/davidkirichenko/2026/08/09/inside-ukraines-race-to-build-autonomous-strike-capabilities/ , on the Dart-2.

115 Northrop Grumman, 'Northrop Grumman Advances Autonomous Airpower with First Talon Blue Flight', press release, 3 October 2026, https://news.northropgrumman.com/autonomous-systems/northrop-grumman-advances-autonomous-airpower-with-first-talon-blue-flight; and 'Northrop Grumman's YFQ-48A CCA Completes First Fully Autonomous Flight', 6 October 2026, https://www.defensenews.com/industry/techwatch/2026/10/06/northrop-grummans-yfq-48a-cca-completes-first-fully-autonomous-flight/

Systems currently in development

The duty is triggered when a government studies, develops, buys or adopts a weapon. That assumes a government is doing the studying and the developing. For this class of system, that is increasingly not the case.

Talon Blue is the clearest case. Northrop describes it as developed through company investment and says the company invests ahead of demand.[116] The Air Force holds no contract for it and did not specify it. It nonetheless gave the aircraft an official designation in December 2025 and welcomed it publicly, one officer saying the service was encouraged by Northrop's continued investment in developing advanced semi-autonomous capabilities.[117] A government has given an official name to an autonomous combat aircraft it has not bought, did not ask for, and owes nothing in respect of.

It is not isolated. Helsing unveiled the CA-1 Europa in September 2025 as a full-size design with no programme, no contract and no stated customer.[118] Anduril built a Fury production line and bought parts ahead of any bulk order. Even General Atomics, an established prime, says it is working at risk with its own funds.[119]

And the customer is actively encouraging it. Announcing an overhaul of defence acquisition in November 2025, the US Secretary of Defense told industry: "You must invest in yourselves rather than saddling taxpayers with every cost."[120] A government that asks suppliers to carry the development risk is also, without meaning to, moving the design of those weapons outside the window in which its own obligations work.

The flagship programme shows it plainly. The Air Force awarded production contracts for the first Collaborative Combat Aircraft in June 2026 and expects to pick the main autonomy supplier around the summer of 2027. The aircraft go into production roughly a year before the company that will decide what they attack is chosen.

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116 Northrop Grumman, 'What You Need to Know about Northrop Grumman's YFQ-48A Talon Blue', 23 February 2026, https://news.northropgrumman.com/autonomous-systems/what-you-need-to-know-about-northrop-grummans-yfq-48a-talon-blue-autonomous-wingman-for-the-us-air-force/

117 YFQ-48A "Fighter Drone" Designation Given to Northrop Grumman's Talon by USAF', 22 December 2025, https://www.twz.com/news-features/yfq-48a-fighter-drone-designation-given-to-northrop-grummans-talon-drone-by-usaf.

118 Germany's Helsing Unveils AI-Enabled CA-1 Europa UCAV, Targets 2029 Entry to Service', 25 September 2025, https://breakingdefense.com/2025/09/germanys-helsing-unveils-ai-enabled-ca-1-europa-ucav-targets-2029-entry-to-service/.

119 'Air Force, Industry Fear Continuing Resolution Could Hinder CCA Production', 28 September 2026, https://www.airandspaceforces.com/air-force-industry-fears-continuing-resolution-could-hinder-cca-production/.

120 Unveiling Acquisition Overhaul, Hegseth Tells Industry to Get with the Program', 7 November 2025, https://www.defenseone.com/business/2025/11/unveiling-acquisition-overhaul-hegseth-tells-industry-get-program/409419/. The accompanying memoranda describe procurement decisions as "investable demand signals for private capital"; see 'DoD Draft Memo: Acquisition Reform, Hegseth Commercial Scorecard', November 2025, https://breakingdefense.com/2025/11/dod-draft-memo-acquisition-reform-hegseth-commercial-scorecard-exclusive/.

6. Conclusions

Conclusion

The GGE CCW in September has produced the most open-ended statement on autonomous weapons the Convention has produced in twelve years, and it did so amid defence industry being the most active it has been in years. The LAWS characterisation is broad. A system told what to look for and where to look falls within it, which covers most loitering munitions now in service, and using one in a way that does not kill but instead destroys an object does not exclude it from regulation. The prohibitions survived as rules of conduct, although they are now written as what states must not do rather than as what systems are prohibited, and one, on systems whose effects in an attack cannot be anticipated and limited, was dropped.[121]

Every obligation in the adopted text describes something a government does: determine before acquiring a system whether using it would be unlawful, consider the risk to civilians, maintain human accountability, and prevent and suppress violations. Everything about the system itself is advice qualified by national security interests and commercial secrecy. The provisions that came closest to setting a standard a weapon had to meet, on reliability and on predictable and traceable functioning, and the requirement to look again when a fielded system materially changes, were cut on the final day of a three-year mandate after Russian and US intervention.[122]

For the firms that build these systems, the consequences have been deferred. Obligations will, however, reach a factory by four routes: 1) a procurement specification, 2) the evidence a government needs before it clears a system for use, 3) the testing a programme must pass, and 4) the conditions on an export licence. An obligation that falls due before a design is settled can change what gets built. One that falls due afterwards can only describe it.

The report as written put almost all of them in the second category. Across nineteen systems drawn from every bloc in the room, not one manufacturer is named as owing anything.

What should happen now?

The Review Conference should open treaty negotiations on the basis of the GGE report elements. A negotiated treaty is the only outcome in which a recommendation becomes a requirement, and the only one in which the technical questions have to be answered rather than deferred. The September 2026 outcome looks the way it does because the Group could defer those questions indefinitely and still produce a document at the end. It is more difficult in a treaty negotiation aiming for a binding outcome to defer endlessly.

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121 Sally Longworth, 'Symposium on the CCW GGE LAWS: What's in a Prohibition? The Framing of the Final Set of Elements within Existing IHL', 6 October 2026, https://opiniojuris.org/2026/10/06/symposium-on-the-ccw-gge-laws-whats-in-a-prohibition-the-framing-of-the-final-set-of-elements-within-existing-ihl/.

122 Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, *Draft Final Report*, CCW/GGE.1/2026/CRP.1/Rev.1, 3 September 2026, para. 38(b).

The alternatives are less favourable. Extending the expert group mandate would repeat the same procedure that produced the present division between what states must do and what they should build, with the likely result being the same. Letting the process lapse would move the question outside the Convention, to a forum the producing states would be unlikely to join. That is the outcome least in anybody's interest, including theirs. Where requirements develop at different speeds in different markets, a supplier selling into several of them can end up maintaining two incompatible assurance regimes inside a single product line.

Whichever path the Conference takes, it should do two things. The requirement to look again when a system materially changes should go back into the text: it is the only provision the Group drafted that was written for a weapon that keeps changing; almost every system described in this paper is one, and the drafting already exists in a document every delegation has read.[123] As such, the Conference should open a technical route for the people who build these systems. Not a seat at a negotiation table, but a standing way of establishing what is actually achievable, so that the next text does not have to guess. Ideally, this would also feature watchdog groups with technical expertise equal to that of industry being present in the room.

The obligations described in this paper are already being written. They are moving through procurement contracts, review files, test plans and export licences, in national systems where the thresholds get set one customer at a time and nobody outside is watching. The choice at the Conference is not between a requirement and no requirement. It is between writing it once, with the states that will bear it in the room, and writing it fifty times in rooms where neither the smaller countries nor the suppliers have any standing at all.

Recommendations

These recommendations follow from the analysis rather than from any particular wording. None requires a treaty, and none requires giving industry a seat at an intergovernmental negotiation.

1. Put back the requirement for review when a system changes

These systems are no longer built, finished and then fielded. They are fielded and then improved, often continuously and often on data gathered in combat. The draft circulated on 3 September required a fresh review whenever a modification materially changed how a system identifies, selects or engages a target. It was the one provision in the document written for a weapon that keeps changing, and it did not survive adoption. Restoring is a very useful thing the Review Conference could do; it needs no new concept, and the text already exists in a document every delegation has read.

[123] There are some other reports, such as a previous UN draft resolution, the UNIDIR, and the University of Queensland, that do interpret life cycle as including modifications. Therefore, this standard is already agreed on elsewhere.

2. Decide whether the instrument governs the platform or the entire capability

Autonomy increasingly sits in software and in commercially available components, supplied by firms that do not think of themselves as weapons manufacturers. A regime built around the transfer and use of weapons reaches the aircraft and not the thing that makes it autonomous. The American programme makes the point concrete: the airframes entered production in June 2026, and the company that will supply the software deciding what they attack will not be chosen until around the summer of 2027. This one question, which includes how decision support tools are treated, determines how much of the field any eventual instrument touches, and it is currently being settled by silence rather than by decision.

3. Create a technical input route for the people who build these systems and the watchdogs who monitor them

This does not mean a seat at a negotiation. The precedents are advisory and technical. The closest is the Montreal Protocol's assessment panel, where industry-affiliated experts sit inside the treaty's own machinery, nominated by governments, serving unpaid and filing published declarations of interest, in order to advise on what is technically and economically achievable.[124] Yet this is precisely the role that a process, which has spent the past three years qualifying its own proposals on grounds of feasibility, has not been able to perform. A standing call for evidence would be a lighter first step. The idea is not novel inside the system: the UN High Representative for Disarmament Affairs has publicly suggested requiring manufacturers to conduct legal reviews themselves, to complement what states already owe.[125]

4. Recognise that if the UN does not set the standard, procurement will

These requirements will be written either once, internationally, or repeatedly and inconsistently in national contracts over the following decade. The second is already happening. Britain turned principles drawn from national policy and non-binding NATO guidance into a mandatory defence directive in about two years, under which suppliers must demonstrate competence, produce evidence for the safety case and document where their training data came from.[126] Japan has done something similar with the Group's own Guiding Principles. The officials who write national acquisition policy, and the groupings of buyers who could align it, should be treated as part of this regime rather than as evidence of its failure.

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124 UNEP Ozone Secretariat, 'Technology and Economic Assessment Panel', accessed 23 October 2026, https://ozone.unep.org/science/assessment/teap; and the Panel's terms of reference, adopted by Decision XXIV/8 of the Twenty-Fourth Meeting of the Parties to the Montreal Protocol (2012).

125 UNODA, 'The Disarmament Community Has a Proud History of Anticipating Weapons, Means and Methods of Warfare', 2024, https://disarmament.unoda.org/update/the-disarmament-community-has-a-proud-history-of-anticipating-weapons-means-and-methods-of-warfare-high-representative-opens-unoda-icrc-side-event-on-legal-reviews-of-weapons-at/.

126 UK Ministry of Defence, *JSP 936: Dependable Artificial Intelligence (AI) in Defence, Part 1: Directive*, V1.1 (November 2024), sec. 8, https://assets.publishing.service.gov.uk/media/6735fc89f6920bfb5abc7b62/JSP936_Part1.pdf.

5. Consider an International Code of Conduct for Autonomous Weapon Manufacturers

There is already in existence the International Code of Conduct for Private Security Service Providers, a 2011 document developed under the auspices of the ICRC and the Geneva Centre for Security Sector Governance after a range of abuses by private military companies in Iraq and Afghanistan. The Code and its Geneva-based oversight mechanisms have established a model whereby voluntary, multi-stakeholder governance can delineate industry expectations. In particular for LAWs, the Code's commitments for management and governance of companies offers a model wherein IHL and international law are integrated into corporate governance practices. This Code has already been endorsed by major industry stakeholders, such as the UK-based ADS Group, which includes Airbus UK, BAE Systems, and Raytheon. There is of course risks inherent to any voluntary code of conduct. Without a strong oversight mechanism and functioning tools for industry insiders to report misconduct, there is little that can be put into practice. That such a mechanism has been established in the past offers a frame for future efforts.



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