

Statements/Interventions during the First Session of GGE on LAWS,
3-7 March 2025

INTERVENTION I: Characteristics

Chair,

At the outset, let me on behalf of my delegation commend you for your efforts in advancing the work of this group and bringing us closer to a shared understanding on the subject and facilitate the GGE to successfully meet the mandate entrusted to it. Also, express gratitude to the friends of the chair for their efforts in building consensus.

Acknowledging the diversity in opinion and understanding on the conception of LAWS amongst High Contracting Parties, India endorses the approach adopted by the Chair of the GGE to identify a set of characteristics and build a shared understanding of systems and platforms relevant to these discussions. This would determine the scope of the instrument and is thus the most critical and challenging task ahead.

India's understanding on the subject of characteristics is as follows:

- **Lethality-** The instrument must restrict itself to the regulation of those autonomous weapon systems which are '**lethal**' in **ACCORDANCE WITH THE MANDATE OF THE GGE**. This remains a contested term and forms the core of the discussion around definitions and characterizations, which in turn determines the scope of the proposed instrument. Arriving at a **narrow, specific** and **precise** understanding of 'lethal' in the context of LAWS is critical to meeting the mandate of the GGE.
- In our understanding, **lethality** is a cumulative function of both the characteristics and the effect of the weapon system. This means that for a system to be regulated under this instrument, it must be specifically designed to be able to have a lethal effect **and** then be used in a manner which has a lethal effect. Both design and use features together create the function of lethality for the purpose of this instrument.
- The scope of the instrument is also closely tied to the question of **autonomy**. **In our view**, Autonomy is a **continuum** closely linked to the degree of **human oversight and control**.
- **It is our view that** for the purpose of this instrument- **Full autonomy** (*with a human completely out of the loop of the entire "kill chain"*)- is relevant only in the **execution of critical functions** or in the **use of lethal force**. These critical functions are identification, selection **and** engagement done together, as a **cumulative set of functions**. If a human is either in, or on the loop, in the execution of **either one or more of these** three functions, the system cannot be understood as being fully autonomous in carrying out lethal effects and would be **excluded from the scope of this instrument**.
- There are several systems already in use for several years that contain a degree of autonomy in their functioning but **do not meet the criteria to meet the threshold of LAWS as we understand them**. These include but are not limited to uncrewed autonomous platforms such as drones, remotely piloted vehicles etc., and are **excluded from the scope** of this instrument. We support the wording in para 2 of the text.

- And finally, we would like to reiterate that the scope of the discussion and the ensuing Regulation, limits and controls under this instrument must be limited to the **use and effects of the system**, and not to the **constituent technology and technological inputs**.
- And now let me share our specific textual edits to Para 1 of the text:

A lethal autonomous weapon system can be characterized as an integrated combination of] weapons **along with their** technological components that **once activated** enable the system to identify, select, and engage a target **with lethal effect**, without **human** intervention.

Session II: Intervention 3 March 2025, 1600 hrs

Thank you Chair

The delegation of decision making around the use of force to machines raises legitimate legal and ethical challenges around the question of responsibility and accountability in case of violations of International Humanitarian Law which must continue to guide the conduct of armed conflict.

India is supportive of the concepts and ideas contained in this section and is broadly comfortable with the current wording. Some limited specific textual edits have been shared with your team.

However, let me take this opportunity to share our views on some of the debates and questions raised this afternoon by some delegations.

Development and use across the text!

- Regulation, limits and controls under this instrument must be limited to the **use and effects of the system**, and not to the **constituent technology and technological inputs**. Therefore, the focus of prohibitions and regulations as are being considered in this rolling text must be on the **actual operational use of the weapon system**
- This does not in any way dilute the applicability of existing bodies of relevant international law to the entire life-cycle of the weapon system, including its design, development and deployment, as also acknowledged in Guiding Principle (a) of the GGE.
- However, in our view the focus of this group is to identify specific regulatory measures and elements that would ensure that LAWS are **operated and used** in a manner that does not violate **International Humanitarian Law**.
- **This is consistent with meeting obligations under IHL, where prohibitions and regulations are linked to the effects of use of weapons and not on their development unless specifically constrained by legal instruments or treaties.**

Application of IHL

- **International Humanitarian Law**, and the cardinal principles of **distinction, proportionality and precaution**, contained therein, apply to all means and methods of warfare, those of the past, present and those of the future. These would include **lethal autonomous weapon systems that are fully autonomous**, which in our view are the subject of discussion in the GGE.

- **Human judgment** and **oversight** remain integral to ensure the use of LAWS in a manner that meets standards laid out under IHL.

Human control and judgement

- We heard from the many delegations earlier this afternoon about the difference between 'control' and 'judgement'. It is our view that both these are subjective terms and it is not clear how they would be quantified
- We believe context appropriate human judgement is a broad umbrella term that contains within it ideas of command, control and oversight- and that control can be exercised through judgement. However, we agree that this remains a contested concept and we will need to do more work as a group to arrive at a phraseology that is acceptable to all members of the GGE.
- Finally, with regards language in Para 2, we do not see the need for mentioning international and non-international after 'armed conflict' as we believe this is superfluous.

Section III

Thank you Chair.

- India acknowledges that emerging technologies in the area of lethal autonomous weapons systems raise legal and ethical challenges and concerns and endorse the approach put forward in sections III and IV to address these concerns.
- For the purpose of the instrument under consideration of the GGE, we fully endorse the principle that LAWS must comply with International Humanitarian Law and the principles of **distinction, proportionality, and precaution** as enshrined therein
- We believe that **human judgment** and **oversight** remain integral to ensure the use of LAWS in a manner that meets standards laid out under IHL.
- India supports a prohibition of use of Lethal Autonomous Weapons Systems that are fully autonomous and cannot be used in compliance with IHL.
- As such, we support fully the iteration of this important principle in Paras 1 and 2 of the text.
- With regards Para 3, we propose replacing references to "civilians" and "civilian objects" with "non-combatants" and "non-military objectives". We believe this is essential to deal with current realities where we do have civilians participate in hostilities and grey-zone warfare.
- All other lethal autonomous weapon systems that may have elements or characteristics of autonomy may be used by states with **prescribed controls and regulations** to ensure their use is not in contravention of IHL.
- India supports efforts of the GGE to identify a set of **regulatory measures** for states to incorporate in their domestic guidelines and directives for the design, development and use of LAWS as is attempted to be done in Boxes III and IV.

- Para 5: We would like to delete reference to human control and keep only human judgement in this section; as also throughout the text. We have already heard from several delegations that there is still no consensus within the GGE on the principle of “human control”; and, also that control is possible to be exercised by several means for example through a software.
- Therefore, it is our view that human judgement is a broad enough term reflecting human cognition which would contain the ideas of control and intervention. In other words, control- human or through a machine- is exercised only through the application of human cognition or judgement.
- We would make the same proposal for the reference to human control in Para 7.
- Para 6 A- We endorse the idea and concepts proposed in this Para and understand that this is linked to the idea of being able to exercise human judgement and oversight. However, we would echo the concerns of some delegates around the legal ambiguities around these terms; as also the technical limits on realizing these obligations. We do believe these would need further discussion and clarification at future sessions of the GGE.
- Para 6 (C)- Chapeau: Limit the types of targets, duration, geographical scope, and scale of the operation of LAWS. We view these as possible options amongst many others to regulate the use of LAWS and would propose clarifying this through the addition of the following words- **“where appropriate and feasible, through measures including but not limited to”**
 - delete (i) delete by a human user
 - Delete (iii)
 - (iv) replace with non-combatants and non-military objectives.
 - V- Read as “Limiting the types of targets to legitimate military objectives”
- With regards the proposal of several delegations to replace the reference to use of LAWS with “development and use”, let me reiterate our views on this subject.
- IHL deals with regulating the conduct of armed conflict. Therefore regulation, limits and controls under this instrument must be limited to **actual operational use of the weapon system.**
- Imposing IHL obligations and its principles on the design and development stage goes beyond the purview of IHL. Imposing legal uncertainties and hard to realize obligations will have the effect of stigmatizing technology, stall innovation and hamper R&D. This we believe goes against the letter and spirit of the GGE.

Section-IV

Thank you, Mr. Chairperson,

Appreciate your steering the work of the Group.

Acknowledge in-depth discussions that have taken place this week on various sections of rolling text.

We have seen very active participation and a high quality of argumentation, which reflects that the group remains appropriate forum for discussing lethal autonomous weapon systems and autonomy in weapon systems.

We view Section IV as an important section. There are several reasons to this. But the most important is that the section could become a place holder for those elements of the rolling text which fail to find convergence in sections above i.e. regulations and prohibitions.

I have four points to suggest.

First the Chapeau: -

Instead of should – we prefer use of “states are encouraged to”.

The Chapeau should read as “*Prior to potential employment and as applicable throughout the entire life cycle of LAWS, States are encouraged to*”.

- Distinguish risk mitigation measures from regulation measures. There is an intrinsic difference between the two. Risk mitigation measures, in our view are adjunct to primary obligations covered under Section III. Our amendment seeks to clarify this relationship.

We can support suggestion made by RoK, that these measures should not hamper progress in S&T advancements related to the convention.

Second:

In Para 4, we would like the language to be consistent with Para 1, where we qualify the sentence with “in accordance with obligations under IHL”.

We are also open to deleting this para, since it can be covered under para 1.

Third:

Revised para 5 should look as:

“Conduct rigorous testing and evaluation in realistic simulated operational environments” (we can delete the following part. It is subjective. It uses terms which are not necessary, but which also does not compromise the given provision)

Fourth

The divergence/ opposing positions on traceability and explainability (and other terms) could be accommodated here.

Terms such as traceability and explainability contain in them important principles.

However, we note that there is inherent subjectivity in terms of what they mean. There was also a view that in any case the meanings that these terms would have to be interpreted nationally. Therefore, as a compromise, we could have reference to these terms over here, with an understanding that these are not, per se, obligations but aimed at encouraging states to take them into account.

Lastly,

We can agree with the delegation of Australia on their amendments to para 6 and 7 concerning replacing harmful bias with unintended bias.

We can also agree with views that duplicative provisions in this section should be avoided.

Section-VI

Intervention

We want to thank you for providing the revised text.

We are only making textual suggestions because we believe that the focus of our discussions should be to reach consensus on the language of the possible elements of the instrument.

Our comments are preliminary and brief.

1. We support Israeli, Chinese and Singaporean interventions to introduce the element of “design”, which we feel is essential in characterisations.
2. The cumulative nature of the individual critical functions of identify selection and engagement must be carried out without any human intervention for it to be characterised as LAWS for the purpose of this instrument
3. We also support the view expressed by US and others that the mandate of this GGE is to discuss only lethal autonomous weapons systems. We support language that respects this mandate.
4. We also support the German proposal on insertion of “once activated” before can “identify, select and engage a target”.
