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Issue Brief

India and the Global LAWS Debates

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Summary

The international debate on the fate of Lethal Autonomous Weapon Systems (LAWS) remains significantly divisive even as technologies continue to grow, especially in the context of whether autonomous weapons can be permissible within International Humanitarian Law (IHL). India, with its pragmatic outlook towards technological innovation, ethical commitments towards IHL, and unique security considerations, is championing flexible, voluntary commitments that enshrine human accountability and compliance with IHL norms in military AI.

Introduction

Lethal Autonomous Weapon Systems, or LAWS, may be defined as weapon systems that, once activated, can select and engage targets with limited to no intervention required by a human operator.[1] Technological innovations in fields such as Artificial Intelligence (AI)/Machine Learning (ML), neural networks and human–machine interface have catapulted LAWS from science fiction to reality. The development of these systems is also spurred by the potential of unprecedented precision in warfare, even as they challenge humanity's monopoly on life-or-death decisions.

There has been significant alarm regarding the rapid advancement of autonomous technologies in military applications, as their development continues to outpace international regulatory frameworks. The prospect of fully autonomous systems has been driving urgent debates in diplomatic corridors, raising questions on not just the character of future warfare, but also fundamental questions about human dignity, accountability and the ethical boundaries of technological innovation. These questions find further justification as use of autonomous weapons continue to incubate in and transform theatres of modern conflict, including the Russia–Ukraine war and the Gaza conflict.

India faces unique challenges in the debate over LAWS. India has positioned itself at the crossroads of rapid technological progress and longstanding humanitarian values in armed conflict. As the security landscape grows even more complex, it is essential for India to have a measured stance in international forums, one that reinforces robust adherence to International Humanitarian Law (IHL) while safeguarding technological independence and defence readiness.

The International Regulatory Landscape

International discussions on regulation of LAWS are increasingly dynamic, focusing on both preventing unintended harm and ensuring legal accountability. Currently, the central forum for discussions on regulations regarding LAWS has been the Group of Governmental Experts (GGE) to the United Nations Convention on Certain Conventional Weapons (UN-CCW), where technical, ethical and legal dimensions of LAWS are analysed. The GGE was established by the high contracted parties of the CCW in 2016, during the Fifth CCW Review Conference, as a continuation of the informal dialogue regarding autonomous weapons that had been ongoing since 2013.[2]

[1] **"Autonomy in Weapon Systems"**, DOD Directive 3000.09, **U.S. Department of Defense**, 2017. Definition adapted from U.S. Department of Defense Directive 3000.09, expanded to include systems with limited human intervention not addressed in the original directive.

[2] **"Overview of the Issue of Lethal Autonomous Weapons Systems (LAWS) at the United Nations for the WIMUN (WFUNA International Model United Nations)"**, United Nations Office for Disarmament Affairs (UNODA), Geneva, September 2023.

The GGE's mandate has evolved considerably from the exploration and formulation of recommendations on options related to emerging technologies in the area of LAWS, and now includes intensification of proposal considerations and the elaboration of possible consensus measures. Over the years, this shift has yielded important milestones, such as the affirmation to the applicability of IHL, the Eleven Guiding Principles[3] formulated in 2019[4], a comprehensive list of definitions and characterisations of LAWS submitted by various countries, and development of a 'rolling text' to develop a framework for regulating LAWS within the ambit of IHL.

This evolution has been driven largely due to discussions leading to consensus in fractals on issues; while there is a general consensus on the applicability of IHL principles on LAWS, there is significant divergence in opinions regarding the need for a separate set of legally binding rules to specifically govern these weapons. The fact that there is no universal definition of what 'autonomy' entails, and what characterises LAWS, raises the complexity of the issue further. While GGE contemplates the need for a legal framework, the existing export control mechanisms also have measures that, while not focusing specifically on LAWS themselves, do control aspects of it. They encompass technologies and specific components that constitute LAWS, including the ones that are dual-use. Some of the major export control mechanisms pertaining to the LAWS components include (but are not limited to) the following:

Wassenaar Arrangement[5]

- Munitions List
  - Category ML1 (Smooth Bore weapons of caliber <75mm)
  - Category ML3 (Ammunition and Fuzing)
  - Category ML4 (Bombs, torpedoes, rockets, missiles, other explosive devices and charges)
  - Category ML5 (Fire control, surveillance and warning equipment)
  - Category ML6 (Combat Vehicles, including Unmanned Ground Vehicles)

[3] The eleven guiding principles on Lethal Autonomous Weapons Systems (LAWS) establish foundational norms for the development and use of LAWS. They affirm that international humanitarian law (IHL) applies fully to all weapons systems, including LAWS, and emphasise that human responsibility must be retained in decisions to use force. The principles advocate for accountability, a responsible chain of human command and control, risk assessments and legal reviews throughout a weapon's life-cycle. They also emphasise transparency, reliability and predictability in weapon functioning. Furthermore, the principles call for the consideration of the potential impact of LAWS on international security and stability, stating that their development and deployment should not undermine existing frameworks for arms control. Collectively, these principles serve as a guide for states to address the ethical, legal and technical challenges posed by emerging technologies in the realm of autonomous weaponry.

[4] **"Timeline of LAWS in the CCW"**, United Nations Office for Disarmament Affairs.

[5] **"List of Dual-Use Goods and Technologies and Munitions List (WA-LIST (23) 1)"**, Wassenaar Arrangement, 1 December 2023.

- Category ML10 (Aircraft and Drones, including Unmanned Aerial Vehicles)
- Category ML19 (Directed Energy Weapon Systems)

- **Dual Use Goods**
  - Category 3 (Electronics)
  - Category 4 (Computers)
  - Category 5 (Telecommunications and Information Security)
  - Category 6 (Sensors and Lasers)
  - Category 7 (Navigation and Avionics, notably makes explicit mention of autonomy in systems for flight control)
  - Category 8 (Marine, specifically includes autonomous submersibles)
  - Category 9 (Aerospace and Propulsion, specifically includes UAVs)

Missile Technology Control Regime (MTCR)[6]

- **Category I**
  - Item 1: Complete Delivery Systems (including rocket systems and UAVs with minimum 500 kg payload and 300 km range)
  - Item 2: Complete Subsystems Usable for Complete Delivery Systems (items that, in combination with others, constitute systems enlisted in Item 1)
- **Category II**
  - Item 2: Complete Subsystems Usable for Complete Delivery Systems
  - Item 9: Instrumentation, Navigation and Direction Finding
  - Item 10: Flight Control
  - Item 11: Avionics
  - Category 12: Launch Support
  - Item 15: Test Facilities
  - Item 19: Other Complete Delivery Systems

[6] **"Guidelines for Sensitive Missile-Relevant Transfers"**, Missile Technology Control Regime.

United Nations Convention on Certain Conventional Weapons (UN-CCW)[7]

Application of following Protocols may be made to ensure compliance of LAWS within broader development and trade frameworks for conventional weapons

- Protocol I: Non-Detectable Fragments
- Protocol II: Mines, Booby-Traps and Other Devices
- Protocol III: Incendiary Weapons
- Protocol IV: Blinding Laser Weapons
- Protocol V: Explosive Remnants of War

Nuclear Non-Proliferation Treaty

- **Article I -** Prohibits nuclear-armed states from transferring nuclear weapons or assisting non-nuclear-weapon states in acquiring them, as well as control on deployment of LAWS near nuclear facilities.
- Article III deals with ensuring that nuclear materials are not diverted for weapons use

NNPT is also supported by informal arrangements such as Zangger Committee[8] and Nuclear Suppliers Group (NSG), which may have implications on LAWS. NSG in particular covers following components which may have direct implications[9]

- Industrial Equipment, such as 'Robots'
- Test and measurement equipment for the development of nuclear explosive devices
- Components for nuclear explosive devices

[7] Jeff Abramson, **"Convention on Certain Conventional Weapons (CCW) At a Glance"**, Arms Control Association, September 2017.

[8] **"Consolidated Trigger List"**, Zangger Committee Report, February 2019.

[9] **"Guidelines for Transfers of Nuclear-related Dual-use Equipment, Materials, Software, and Related Technology (INFCIRC/254, Part 2)"**, Nuclear Suppliers Group.

Country Specific Regulations

- **European Union:** Regulation (EU) 2021/821
- **United States:** Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR), along with Commerce Control List (CCL)
- **China**[10]: Regulations on Export Control of Dual-Use Items, which supports the 2020 Export Control Law
- **India**: Foreign Trade (Development and Regulation) Act and Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET) **(**SCOMET specifically for LAWS related technologies)

Emerging International Positions and Coalitions

As mentioned earlier, there is yet to be a universally agreed 'directive' regarding LAWS. Due to the concerns of various stakeholders, the general view towards what directive of a legally binding instrument could be, has also been divided. However, there have been general themes on which international positions and coalitions have emerged, defining the nature and extent of the regulation they advocate. These can be broadly defined across three themes:[11]

The 'Ban Coalition'

Around 30 states have voiced support for a complete prohibition of the development, production and use of LAWS. These countries include Algeria, Argentina, Austria, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Djibouti, Ecuador, Egypt, El Salvador, Ghana, Guatemala, Holy See, Iraq, Jordan, Mexico, Morocco, Namibia, Nicaragua, Pakistan, Panama, Peru, State of Palestine, Uganda, Venezuela and Zimbabwe. According to their argument, LAWS are inherently problematic because they lack the ability to adhere to the fundamental principles of IHL. They also argue that LAWS reduce human life to target objects, leading to erosion of human dignity.[12] Finally, they argue that LAWS convolute the norms regarding accountability. It must be noted that this stance has garnered support of numerous international non-governmental organisations, many of which have come together to form the 'Campaign to Stop Killer Robots' for advocacy of a complete ban on LAWS.

[10] B. Chen Zhu, Derik Rao and Yuting Xie, **"China's New Export Control Framework: Key Changes for Dual-Use Items"**,*Morrison Foerster*, 16 December 2024.

[11] Brian Stauffer, "Stopping Killer Robots", *Human Rights Watch*, 10 August 2020.

[12] Elvira Rosert and Frank Sauer, **"Prohibiting Autonomous Weapons: Put Human Dignity First"**, *Global Policy*, Vol. 10, No. 3, September 2019, pp. 370–375.

Regulation and 'Meaningful Human Control'

This group subscribes to the belief that while a complete ban on LAWS is excessive, there is a need for some regulation on them. This group acknowledges the potential risks of LAWS, while also considering the potential military advantages of autonomy in military assets. For this reason, they stress upon the retention of 'meaningful human control' over the use of force. Countries within this group include Australia, Canada, France, Finland, Germany, India, Ireland, Italy, Japan, the Netherlands, Norway, Poland, South Korea, Spain, Sweden, Switzerland, the United Kingdom and the United States.

It should be noted that there is a significant diversity of opinion on the scope of 'regulation' within this group, due to ambiguity around what 'meaningful human control' and 'autonomy' mean in the context of autonomous systems. Nevertheless, the states herein agree that there is a need for establishing clear legal and operational constraints to ensure compliance with IHL, and prevent unintended harm. Several states have also suggested a 'two tier approach'[13], wherein LAWS are divided among those that must be prohibited (systems that cannot comply with IHL), and those who may be used with some regulations (systems designed and modified with guardrails that keep them within the scope of IHL).

The 'Existing Law Sufficiency' Group

This group includes states that argue that the current framework of IHL is adequate to address any concerns arising from LAWS, and therefore there is little need for legally binding instruments and controls on them. While Russia has been one of the biggest voices for this, some of the countries from the second group (for example, US and India) have also shown some degree of leaning towards this position.

This group contends that IHL applies to all weapons, regardless of their technology, and that states have a responsibility to ensure that any weapons they develop and use are in compliance with these laws. Additionally, having a separate legally binding instrument may be counterintuitive at this point since not only is the technology not mature enough, but also it may just divert resources. Most of these countries believe that existing norms and principles are sufficient to control the development and deployment of LAWS, if applied appropriately.[14]

[13]Laura Bruun, **"Towards a Two-Tiered Approach to Regulation of Autonomous Weapon Systems: Identifying Pathways and Possible Elements"**, Stockholm International Peace Research Institute (SIPRI), August 2024.

[14] Andrey Yu Malov, **"Lethal Autonomous Weapons Systems in the Context of Multinational Disarmament"**, *Security Index Yearbook*, Global Edition, 15 April 2024.

Other Initiatives

There is also a trend of initiatives and multilateral declarations aimed at promoting the responsible use of military AI in general. While not laser focused on LAWS, these frameworks have set standards and common expectations with respect to an AI-enabled military system. The Responsible Artificial Intelligence in the Military Domain (REAIM) Summit, for instance, has brought together stakeholders such as government representatives, civil society and military establishment from various states, to support a 'Call to Action' for trustworthy military AI.[15]

They focus specifically on multi-stakeholder consultation, recognising that AI developments that may have implications for the military happen in the civilian sector. REAIM also aims at promoting sharing of research and best practices among states, as well as the creation of a Global commission for AI to 'raise all-round awareness, clarify how to define AI in the military domain and determine how this technology can be developed, manufactured and deployed responsibly'.

The US Political Declaration on Responsible Military Use of AI and Autonomy, launched in 2023, is a similar attempt to ensure responsible AI use in the military domain. It promotes creation of a voluntary commitment to a responsible human chain of command and control (human-in-the-loop), rigorous testing and evaluation, senior-level approval of high consequence systems and comprehensive audits.[16] The declaration, currently signed by 58 countries, takes a soft law, political declaration approach that lets countries develop and deploy technologies in adherence in a voluntary and responsible fashion, without putting legal foundation on technological innovation.

Regional and alliance structures have also adopted general principles for military AI. NATO, for instance, announced its 'Principles of Responsible Use' as part of its 2021 AI strategy. The six principles, endorsed unanimously by all NATO members, emphasise Lawfulness, Responsibility and Accountability, Explainability and Traceability, Reliability, Governability, and Bias Mitigation, which are applicable to all military AI uses, including LAWS.[17] On the other hand, CARICOM has collectively taken a harder stance against use of any AI in military systems that do not have meaningful human control, and has specifically called for 'urgent negotiation for a legally binding instrument to prohibit and regulate autonomous weapons'.[18] These positions, therefore, indicate a multivariate outlook that considers LAWS not in silos,

[15] **"Call to Action on Responsible Use of AI in the Military Domain"**, Government of the Netherlands, 16 February 2023.

[16] **"Political Declaration on Responsible Military Use of Artificial Intelligence and Autonomy"**, U.S. Department of State, Bureau of Arms Control, Verification and Compliance, 16 February 2023.

[17] **"Summary of the NATO Artificial Intelligence Strategy"**, 22 October 2021.

[18] CARICOM, **"CARICOM States Call For Urgent Negotiation Of New International Legally Binding Instrument To Prohibit And Regulate Autonomous Weapons"**, North Atlantic Treaty Organization, 11 September 2023.

but as a part of a broader matrix of accountability, transparency and ethical guardrails for AI across the military domain.

India's LAWS Diplomacy: Strategic-Ethical Continuity

Indian position on LAWS can be understood from the perspective of its broader view of reconciling strategic and security concerns with ethical priorities. While new age technologies may not always be met with unalloyed enthusiasm, India also does not align towards their reflexive ban or stigmatisation. More importantly, Indian military has shown significant enthusiasm towards integrating critical technologies within its folds, including autonomous systems. At the same time, India has maintained that the ethical and humanitarian norms, especially those enshrined in the IHL, must be strictly applied to all military assets.

In terms of LAWS specifically, India has reinforced the unconditional applicability of IHL. As India emphasised in a recent UN resolution, "the laws of armed conflict must be respected at all times. The military use of emerging technologies in the area of lethal autonomous weapons systems must be in accordance with International Humanitarian Law".[19] However, they point out that the IHL applies to effects of a weapon system, and not the underlying technology itself. The central argument is that ultimately, humans must be held responsible for actions of the weapon systems, as accountability cannot be sourced to machines. Protocol VI of the CCW, for instance, prohibits blinding lasers due to its deleterious effects on vision, but the use of lasers and smart optics itself is not banned. LAWS, similarly, must not be judged solely on the use of sophisticated technologies that lend autonomy to it.

India points out that despite potential perils, autonomous weapons are not without their significant potential benefits. Autonomous weapons may improve targeting precision and reduce collateral harm, which would help in enhancing compliance to IHL. Additionally, developments in emerging technologies (such as those employed in LAWS) are generally dual-use, and may have positive externalities in the civilian domain as well. In essence, India does not favour blanket condemnation of LAWS, and instead focuses on upholding humanity during warfare while harnessing new technologies to minimise casualties or aid operations.[20]

The Indian techno-neutral approach is also rooted in its strategic and security considerations, since it is part of a geography where its hostile neighbours are nuclear powers. Pakistan's nuclear arsenal along with China's ongoing military modernisation, motivate New Delhi to retain full technological flexibility. China, in

[19] Permanent Mission of India to the United Nations, **"India's Statement on Lethal Autonomous Weapons Systems"**, United Nations Office for Disarmament Affairs, 2024.

[20] Tejas Bharadwaj and Charukeshi Bhatt, **"India's Normative Stance on Lethal Autonomous Weapons Systems"**, Carnegie Endowment for International Peace, 26 February 2024.

particular, has been focused on 'intelligentised' warfare capabilities, which essentially lend autonomy and human-machine interface (HMI) to weapon systems. In this context, India cannot afford to lag in technological development for the military. More importantly, India cannot afford to be locked in by any legal framework that will favour technologically more advanced nations, including China.

Historically, India has chosen to not adhere to instruments that affect military capabilities of participating countries asymmetrically, or in particular detrimental to its own security environment. The reason why India has refused to join in treaties such as Nuclear Non-proliferation Treaty (NPT) and Comprehensive Test Ban Treaty (CTBT) is precisely because they are essentially discriminatory bargains which would have disabled India's deterrent advantages, while other countries continued to keep theirs. India has also refused to join the Ottawa Convention against anti-personnel mines given its border considerations *vis-à-vis* Pakistan.

It should be noted, however, that India remains committed to Protocol II of UN-CCW, which prohibits undetectable anti-personnel mines, in adherence to the IHL. On the other hand, India has signed and ratified treaties such as Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC), which may be because these instruments impose universal and verified bans.[21] India has thus favoured collective arms-control measures where it suits its interests and where equity is preserved, while refusing to join frameworks that will forcefully tie its hands with respect to its security.

This approach is visible in India's position in the LAWS debate as well. India has been an active participant in the GGE to UNCCW process since its inception, and has also chaired its proceedings in 2017–18. In so doing, India has ensured that it remains a participant in shaping norms which do not compromise its own security imperatives. At the same time, India has emphasised on IHL and has asserted CCW as the platform for discussion on LAWS, indicating a refusal to being left out from major decision-making processes around military technology. Time and again, India has urged against creation of frameworks other than CCW for discussions on LAWS, as well as emphasised that GGE to UNCCW proceedings "has produced a substantial body of work that must be built upon", and has brought relevant stakeholders to the discussion.[22]

Finally, in terms of the future of LAWS, India believes that legally binding restrictions may be premature and potentially counterproductive. As mentioned before,

[21] **"National Statement to the Fifth Review Conference of the Chemical Weapons Convention"**, Permanent Mission of India to the Organisation for the Prohibition of Chemical Weapons, 15–19 May 2023.

[22] **"Statement By Ambassador Anupam Ray at the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems"**, Ministry of External Affairs, Government of India, 6 March 2023.

developments in emerging technologies in the military domain have positive externalities in the civilian domain. Legal restrictions on any technological development may therefore lead to potential windfall in their application for potential socio-economic benefits as well. Not to mention, many of these emerging technologies (especially AI) remain nascent, and their future trajectory unclear.

The Indian position holds that rushing into a formal treaty could, therefore, 'stigmatize' and unduly constrain techno-innovation. Instead of a legal framework, India supports a voluntary political declaration in line with the Eleven Guiding Principles (2019) which would signal a high-level commitment to adherence towards IHL, human-first approach to integrating emerging technology in weapons, and accountability. This would ensure that states do not prejudice technological developments within legal constraints before they coalesce around a proper definition of the technology itself, leaving space in future for a common normative framework for more detailed regulations under the CCW.[23]

Way Forward

India's position on lethal autonomous weapons strikes a strategic and ethical balance tailored to its national interests. By insisting that any use of autonomy be governed by the well-established rules of war, India upholds humanitarian principles without isolating itself from legitimate technological progress. This stance shows a measure of caution and pragmatism; on one hand, India openly opposes LAWS being gate-kept behind legal restrictions in a manner akin to nuclear technology, while on the other there is unequivocal agreement for responsible control of LAWS along the line of IHL while protecting its security needs.

The CCW's Group of Governmental Experts (GGE) mandate concludes in 2026, and there has not been significant consensus reached (Eleven Guiding Principles being a notable exception). At the conclusion of the GGE, the subject of the future of LAWS may be put on vote at the UNGA, wherein there is a possibility that the result will favour a legal prohibition and restriction (since a larger number of voters come from the 'ban coalition'). In such an eventuality, the legal instrument thus generated may only have limited effect. The majority of other similar instruments do not see participation from major user(s) of the concerned military assets. For India, this may mean being excluded either from the norm-making process, or from technological innovation.

Therefore, India must capitalise on the remaining meetings by pushing for a UN-backed political declaration grounded in the Eleven Guiding Principles in order to

[23] Tejas Bharadwaj and Charukeshi Bhatt, **"India's Normative Stance on Lethal Autonomous Weapons Systems"**, no. 20.

embed core safeguards without locking in rigid legal constraints before technology matures. India must resist fragmentation of the ongoing GGE processes (including ad-hoc treaties outside the CCW) especially at this critical stage, and promote integrating LAWS into existing frameworks to prevent any legal confusion and resource dilution.

There is also a need to simultaneously encourage confidence-building measures and creation of standards for testing autonomous systems' compliance with IHL. India must also ensure that these norms promote equitable technological approach, so that smaller states may also have access to non-lethal military applications of emerging technology (such as AI-enabled decision-support systems).

Finally, India needs to be proactive in advancing its own technological milieu within the military domain. This means that while India needs to further its strategic interests by driving innovation in domains like AI, neural networks, robotics and HMI, it needs to do so with developed and tested ethical guardrails. In essence, India's defence planners should ensure that any indigenous autonomous weapon prototypes incorporate meaningful human-in-the-loop controls, while ensuring multi-stakeholder engagement to create effective standards and norms for development and deployment of these systems that are in line with IHL. In this context, DRDO's Evaluating Trustworthy Artificial Intelligence (ETAI) Framework and Guidelines[24] is a welcome step, as it codifies aspects of AI development, such as reliability and robustness, safety and security, transparency, fairness and privacy. It creates a risk-based assessment model for defence AI R&D, institutionalising human-in-the-loop safeguards and IHL compliance for the entire life-cycle of the military asset in consideration.

In sum, the Indian stance so far is based on prudence and in line with its broader diplomatic principles, and there is a need for it to find translation to actionable policies. India needs to reiterate and reinforce its support for inclusive dialogue (via only the CCW proceedings), supporting guidelines like the Eleven Guiding Principles, and pushing for a voluntary declaration, in order to ensure that India can be a leading voice to help the world navigate autonomous weapons in a way that is equitable and effective. This not only secures India's interests, but also fortifies its role as a responsible steward of international security.

[24] **"Framework & Guidelines to Integrate Trustworthy AI into Critical Defence Operations Unveiled: AI is Revolutionising Modern Warfare; Need to Ensure that These Systems are Resilient to Adversary Attacks: CDS"**, Press Information Bureau, Ministry of Defence, Government of India, 17 October 2024.

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