

PEACE AND SECURITY

CODE AND CONFLICT

Next Steps towards Regulating
Autonomous Weapons Systems

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Policy discussions indicate that a legal instrument supported by a broad range of countries could now be negotiated, although certain policy issues need to be addressed more fully.



In 2025, states with similar policy orientations, including from the Global South and those with military interests in autonomous weapons systems, should now develop cross-regional partnerships and work with civil society to lay down strong, protective international norms.

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Autonomy in the use of force that erodes meaningful human control risks legal violations, humanitarian harm and unforeseen escalation. With rising geopolitical tensions and evidence of harm from emerging technologies, legal rules setting standards of behaviour for autonomous weapons systems would reduce risks and enhance civilian protection, even if not all states joined in.



Policy discussions indicate that a legal instrument supported by a broad range of countries could now be negotiated, although certain topics, such as systems targeting people, still need to be addressed more fully.



In 2025, building on existing leadership, including from the Global South, states with similar policy orientations, including those with military interests in autonomous weapons systems, should develop their cross-regional partnerships and work with civil society to lay down strong, protective international norms.



Informal consultations in May under the aegis of the UN General Assembly represent an opportunity for states to recognise the progress made so far, consider the additional rules that will be needed, and commit to moving forward.

For further information on this topic:
<https://ny.fes.de/topics/sustaining-peace>

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1 INTRODUCTION

In 2013, UN member states launched a discussion on autonomous weapons systems, systems that can be used to »select and apply force without human intervention« after initial human input and decision-making.¹ Since then, the context for deliberations on how to regulate these weapons has changed significantly, and there are now new challenges and new opportunities.

A minority of states have continued to pursue emerging technologies in this area for their stated strategic or military goals. Some states have begun to seek greater autonomy in weapons systems for tactical reasons in ongoing conflicts. There has also been considerable investment and the establishment of new companies to develop systems in this area. Meanwhile, reports on the use of broader military Artificial Intelligence (AI) tools are starting to show the serious harm that the erosion of human control over the use of force, and the reduction of people to mere data points, can cause.²

Over 120 states now support the negotiation of a legally binding instrument to regulate autonomous weapons systems.³ Several regional and international conferences over the past two years have demonstrated that this is an issue of concern to a wide range of states globally. It has also been addressed in UN forums, from the General Assembly to the Human Rights Council, as well as within the framework of the Convention on Certain Conventional weapons (CCW). These meetings and discussions have also shown a widespread willingness for regulation.

However, no mandate to negotiate a legally binding instrument has yet been agreed in any forum. Such a mandate will not be agreed under the CCW, under the aegis of which much international discussion has taken place so far. The CCW decides by consensus, and certain states continue to block moves towards negotiation.

Nevertheless, more and more common ground has been accumulating among a broad range of countries on key issues of substance, including the scope of what »autonomous

weapons systems« are. Increasing agreement is also developing on the rules around human control and judgement that are needed for the use of such systems, particularly to comply with international humanitarian law (IHL) during armed conflict. A strong basis is now available for negotiations on a legally binding instrument. It is up to those that wish to set clear norms to safeguard peace, security and civilian protection to take the next steps.

With geopolitical tensions on the rise, governments, experts and the general public, particularly in Europe, are concerned about security and the risk of new armed conflicts. Many established norms are under pressure, amid argumentation that rules should be abandoned because of security imperatives. This paper argues that in fact international norms are more crucial than ever in this context, and that by negotiating a treaty on autonomous weapons systems, the international community has a clear opportunity to reduce certain risks and create an important building block for a safer future.

2 TECHNOLOGICAL DEVELOPMENTS, USE AND THE INTERNATIONAL CONTEXT

Increasing autonomy in weapons systems poses two central concerns. First, the potential erosion of meaningful human control in the use of force challenges compliance with the law and meaningful accountability and responsibility, as well as risking unintended humanitarian harm and unforeseen escalation. Second, the reduction of people to data points to be processed for automated attack is a form of digital dehumanisation that raises fundamental ethical, dignity-related and human rights concerns.

A range of countries and companies are currently developing or bringing into use new products that could operate as autonomous weapons systems.⁴ Such systems can apply force to a person or object based on the processing of data from sensors and matching this to a generalised, encoded »target profile« (without a person directly or specifically determining where, when and to what force is applied).

It is less clear whether newer sensor-based weapons systems are currently being deployed as autonomous weapons systems. For example, since Russia's 2022 invasion, Ukraine has made concerted and widely reported efforts to use and

¹ International Committee of the Red Cross (2021) »ICRC position on autonomous weapon systems«; available at: <https://www.icrc.org/en/document/icrc-position-autonomous-weapon-systems> (accessed 23 April 2025).

² Yuval Abraham (2024) »Lavender: The AI machine directing Israel's bombing spree in Gaza«, +972 Magazine; available at: <https://www.972mag.com/lavender-ai-israeli-army-gaza/> (accessed 23 April 2025).

³ Automated Decision Research (ND) »State Positions Monitor«; available at: <https://automatedresearch.org/state-positions/> (accessed 23 April 2025).

⁴ For up to date monitoring of such systems, see Automated Decision Research (ND) »Weapons Systems«; available at: <https://automatedresearch.org/weapons-systems/>; and Future of Life Institute (ND) »Autonomous Weapons Watch«; available at: <https://autonomousweaponswatch.org> (accessed 23 April 2025).

develop remotely operated technologies and push towards greater autonomy in weapons systems as a means of force multiplication to gain a military edge. Publicly available information indicates that, for now, systems such as drones with advertised autonomous features have nevertheless remained under direct human control in the actual selection of targets and the application of force.⁵ The point at which a new generation of sensor-based weapons systems comes into widespread use – and, moreover, use in such ways that their autonomous operation and features cause serious ethical, legal and humanitarian concerns – has not yet been reached.

However, other tools that can bypass meaningful human control over the use of force have already been used in highly concerning ways and have been linked to serious harm. Since 2023, for example, Israel has used so-called »decision support systems« to generate large lists of targets to strike in Gaza, through the AI-assisted processing of vast amounts of surveillance and other data. Systems that suggest both people⁶ and objects⁷ as targets to strike have been reported on. According to these reports, targets were being generated for approval at such a rate that the possibility of meaningful, deliberative and indeed legal decision-making would have been very low. These systems will have contributed directly to the well documented, high-speed destruction and devastation suffered by civilians in Gaza, particularly in the early stages of Israel's current campaign (in which Israel has been assessed to be committing mass atrocities, including war crimes⁸).

»Decision-support systems« include a range of tools that several states have been developing and using for some time.⁹ Such systems could be used, for example, as components of autonomous weapons systems, in autonomous target generation and target tracking. Strikes launched based on the nominal approval of automatically generated target lists also are not that different from strikes undertaken using an autonomous weapons system that is not under meaningful

human control. They are therefore both closely related to autonomous weapons systems and are part of the same broader area of concern with regard to emerging technologies and tools that potentially erode human judgement and control in the use of force and beyond.

On the supply-side, technology companies' perspectives also appear to have evolved in the past few years: some corporations have become more explicit about promoting autonomous weapons systems with less human control;¹⁰ new enterprises have gravitated, for example, to Ukraine as a »testing ground«; enthusiasm for investment and recognition of the resources that may be available for developers has increased;¹¹ and companies have scrapped policies restricting the use of their AI systems for military purposes.¹²

As the geopolitical environment has deteriorated – and not only in Europe – common wisdom is coalescing around a need for »rearmament«. This is playing out in commitments to increase defence spending, as well as gravely concerning moves to challenge well-established international norms in the name of shoring up security or expanding military options. Various countries have proposed the expanded deployment or »sharing« of nuclear weapons across Europe,¹³ for example. This would undermine nuclear non-proliferation as a cornerstone of international security and disregard (hitherto) increasing international stigma against nuclear deterrence.¹⁴ Some countries have also begun to consider (or even gone through with) withdrawal from the Anti-Personnel Mine Ban Treaty and Convention on Cluster Munitions, even though the military utility of these weapons has long been understood to be minimal¹⁵ and certainly vastly outweighed by the long-term harms they cause to civilians.

5 See, for example, Automated Decision Research (ND) »Saker Scout UAV«; available at: <https://automatedresearch.org/weapon/saker-scout-uav/>; and Automated Decision Research (ND) »Area-I/Anduril ALTIUS-600M and 700M«; available at: <https://automatedresearch.org/weapon/area-i-anduril-altius-600m-and-700m/> (both accessed 23 April 2025).

6 Abraham (2024), see above n 2.

7 Yuval Abraham (2023) »A mass assassination factory: Inside Israel's calculated bombing of Gaza«, +972 Magazine; available at: <https://www.972mag.com/mass-assassination-factory-israel-calculated-bombing-gaza/> (accessed 23 April 2025).

8 See, for example, Amnesty International (2024) »Amnesty International investigation concludes Israel is committing genocide against Palestinians in Gaza«; available at: <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/>. The International Criminal Court has issued warrants for war crimes and crimes against humanity against leaders of Hamas and Israel: United Nations (2024) »ICC issues arrest warrants for Netanyahu, Gallant and Hamas commander«; available at: <https://news.un.org/en/story/2024/11/1157286> (both accessed 23 April 2025).

9 See, for example, Anna Nadibaidze, Ingild Bode and Qiaochu Zhang (2024) »AI in Military Decision Support Systems: A Review of Developments and Debates«, Center for War Studies, University of Southern Denmark; available at: https://findresearcher.sdu.dk/ws/portalfiles/portal/275893410/AI_DSS_report_WEB.pdf (accessed 23 April 2025).

10 For example, Margaux MacColl (2024) »Palmer Luckey: Every country needs a »warrior class« excited to enact »violence on others in pursuit of good aims««, TechCrunch; available at: <https://techcrunch.com/2024/10/01/palmer-luckey-every-country-needs-a-warrior-class-excited-to-enact-violence-on-others-in-pursuit-of-good-aims/> (accessed 23 April 2025).

11 Elke Schwarz (2025) »The Silicon Valley venture capitalists who want to »move fast and break things« in the defence industry«, The Conversation; available at: <https://theconversation.com/the-silicon-valley-venture-capitalists-who-want-to-move-fast-and-break-things-in-the-defence-industry-245778> (accessed 23 April 2025).

12 Stop Killer Robots (2025) »Stop Killer Robots raises alarm over Google owner's reversal on policy to not use AI for weapons«; available at: <https://www.stopkillerrobots.org/news/alphabet-rollback-on-policy-to-not-use-ai-for-weapons/> (accessed 23 April 2025).

13 International Campaign to Abolish Nuclear Weapons (2025) »Encouraging nuclear proliferation in Europe«; available at: https://www.icanw.org/encouraging_nuclear_proliferation_in_europe (accessed 23 April 2025).

14 Third Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons (2025) »Draft declaration of the third Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons: »Strengthening our commitment to a world free of nuclear weapons amidst the rising global instability««, UN Document TPNW/MSP/2025/CRP.4; available at: [https://docs-library.unoda.org/Treaty_on_the_Prohibition_of_Nuclear_Weapons_ThirdMeeting_of_States_Parties_\(2025\)/TPNW_MSP_2025_CRP.4_Draft_political_declaration.pdf](https://docs-library.unoda.org/Treaty_on_the_Prohibition_of_Nuclear_Weapons_ThirdMeeting_of_States_Parties_(2025)/TPNW_MSP_2025_CRP.4_Draft_political_declaration.pdf) (accessed 23 April 2025).

15 International Campaign to Ban Landmines (2025) »Debunking myths on military »utility« of AP mines«; available at: <https://www.icblcm.org/our-impact/debunking-myths-on-military-utility-of-ap-mines> (accessed 23 April 2025).

Although these moves may be more a matter of signalling than practical strategy, they provide a backdrop to international discussions on autonomous weapons systems for states in some regions.

In this context, it is imperative that countries consider what strategic and security risks a *lack* of regulation might give rise to, including potential unwanted escalations if the behaviour of other states thereby becomes less predictable. Furthermore, if countries assess that their national military interests would *not* be served by systems with inadequate human control and ethical challenges, they must also seriously gauge what the benefits of pursuing international legal regulation would be in order to encourage greater security, stability and civilian protection.

3 PROGRESS IN INTERNATIONAL DISCUSSIONS

Policy discussions on how autonomous weapons systems might be regulated have made considerable progress in the past few years. There is now broad convergence among a wide range of states on some key points. These include: first, greater common understanding of the general scope of »autonomous weapons systems«; second, what the central elements might be in ensuring meaningful human control over autonomous weapons systems; and third, broad support for a two-pronged approach to regulation, prohibiting certain systems and devising positive obligations to ensure meaningful human control of systems that are not prohibited.

This convergence does not include all states, however, and a number of areas of disagreement remain (including both wording preferences and more substantive issues). Furthermore, the most progress has been made in developing common ground around potential rules related to ensuring meaningful human control, particularly for the purpose of upholding international humanitarian law in armed conflicts. Some ethical and human rights concerns will not be fully addressed by such standards, and there has been less progress on formulating specific rules in response to these issues.

Discussions that advance policy convergence, and in which states can consider other rules they need to develop, remain useful. At this stage, however, states should also recognise that, with the progress they have already made, they are now in a position to begin negotiating a legal instrument that may be supported by a wide range of countries. They can now continue their work under a negotiating mandate that may result in a binding outcome.

3.1 Common ground at the CCW

The CCW Group of Governmental Experts (GGE) currently has a mandate to »further consider and formulate, by consensus, a set of elements for the establishment of an instrument, without prejudging its nature, and other possible measures to address emerging technologies in the area of lethal autonomous weapons systems«. This process should

preferably come to a result by the end of 2025, and although in principle there will then be an opportunity to move from discussion to the negotiation of an instrument, it seems unlikely that a consensus to do so can be reached.

The chair (the Netherlands) has structured current discussions in the GGE around a »rolling text« of elements. This has proved to be a beneficial approach, drawing out areas of common ground and disagreement, and moving towards the expression of a draft set of rules that could form a basis for negotiations.

At the latest GGE session in March 2025, the participating states discussed a characterisation of autonomous weapons systems as systems that »identify and/or select, and engage a target, without intervention by a human user in the execution of these tasks«. ¹⁶ Despite disagreement on how narrow this characterisation should be (whether the systems under consideration must be qualified as »lethal«, ¹⁷ or whether this definition should be cumulative, in other words »identify and select«), it captures the main features of the systems that should be regulated, and therefore helps states to move forward. ¹⁸

The text under discussion in March also linked »context-appropriate human control and judgement« ¹⁹ over autonomous weapons systems in compliance with the law (with states focusing mainly on international humanitarian law). The text framed a general requirement for such control and elaborated key elements for it that reflect the core aspects of meaningful human control. These aspects include, generally, that a system's users should have an adequate functional understanding of it, and that systems' effects should be effectively limited by users' (lawful) intentions. Inevitably, some refinement would be necessary in order to transpose this into legal rules. For example, there was considerable debate about what measures states might be recommended to take to »limit the types of targets, duration, geographical scope, and scale of the operation« of systems. Nevertheless, broadly speaking, the text was positively received by states, and the debate was substantive and constructive.

Current discussions at the GGE therefore show that there are a number of states have achieved common ground on how to approach control of these systems. This includes various

¹⁶ Chair of the GGE (2024) »GGE on LAWS Rolling text, status date: 8 November 2024«; available at: [https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2024\)/Revised_rolling_text_as_of_8_November_2024_final.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2024)/Revised_rolling_text_as_of_8_November_2024_final.pdf) (accessed 23 April 2025).

¹⁷ Support for retaining the word »lethal« reflects a preference for a narrower scope – and so potential regulations that restrict a narrower range of systems. Lethality is an effect rather than a characteristic of any system, and is not a category in international humanitarian law.

¹⁸ It should be noted that states are not negotiating a legal definition of autonomous weapons systems at the GGE. This is something that can be finalised and refined only in actual negotiations on a legal instrument.

¹⁹ A formulation of what states needed to ensure that was generally supported, with some exceptions that reflected mainly wording preferences rather than substance.

countries with military interests in autonomous weapons systems. (This can be seen, for example, in the positive attitude of a number of NATO members towards the chair's text on the development of two tiers of human control.) This common ground could be turned into regulations. It is also clear, however, that a minority of states do not share this common ground, or do not want to see it turned into concrete international rules and are very fixed in their positions. (These states include Russia, but also the United States.) Given the CCW's consensus rules, no mandate will therefore be agreed to negotiate an instrument. States that would like their serious and good-faith efforts to move beyond a collective understanding and take concrete regulatory form will thus have to find a different route, sooner or later.

3.2 Onto the agenda at the UN General Assembly

In 2025, autonomous weapons systems are on the agenda at the UN in New York for the first time under a specific mandate from the General Assembly, with two days of informal consultations set to take place on 12–13 May.²⁰ These discussions will provide all UN member states with an important opportunity to recognise the policy and political progress made so far; consider what else will be needed for a comprehensive international regulatory response; and share their national positions, given that not all states are party to the CCW.

The May meeting's stated aim is to consider the UN Secretary-General's report on states' views on autonomous weapons systems,²¹ which was mandated by a General Assembly resolution in 2023, with over 160 countries in favour.²² Rather than just exploring general concerns, member states should look more deeply into the issues raised in the Secretary-General's report that have not been discussed in detail at the GGE – whether these be humanitarian, legal, security, technological or ethical considerations – and consider what rules and norms might be needed in response to them.²³

In the GGE, the most progress has been made to date on working towards rules that address one of the two central concerns with autonomous weapons systems, the need to maintain meaningful human control (so that basic IHL principles can be upheld). Less progress has been made towards ensuring that any rules made by states clearly address some of the more fundamental ethical, human rights and humanitarian risks posed by greater autonomy in the use of force.

For example, one key issue that states at the GGE have not discussed in detail, and is not clearly reflected in the latest rolling text, is anti-personnel autonomous weapons systems. Some of the major concerns raised in relation to autonomous weapons systems apply specifically to systems that target people. For example, the risk that such systems will reflect societal biases (such as sexism, racism or ableism) and thus have disproportionate impacts on marginalised people concerns anti-personnel rather than anti-materiel systems. Fundamental ethical concerns around digital dehumanisation naturally are strongest in relation to systems that target people.

Various states have raised concerns about anti-personnel systems and the need for their further discussion, or have called for their specific prohibition as part of a legal instrument. For example, forty states from Africa, Asia-Pacific, Europe and Latin America endorsed the chair's summary in the wake of the Vienna Conference on Autonomous weapons Systems »Humanity at the Crossroads«,²⁴ which recognises the targeting of people as a pressing ethical issue for future regulation.²⁵ Thirteen states and groups from different regions raised the issue in their submissions to the UNSG's report. States from different regions called for a prohibition,²⁶ including the CARICOM states collectively.²⁷

²⁰ Mandated by United Nations General Assembly (2024) Resolution adopted by the General Assembly on 2 December 2024: 79/62. Lethal autonomous weapons systems, UN Document A/RES/79/62; available at: <https://documents.un.org/doc/undoc/gen/n24/391/35/pdf/n2439135.pdf> (accessed 23 April 2025).

²¹ United Nations General Assembly (2024) »Lethal autonomous weapons systems: Report of the Secretary-General«, UN document A/79/88; available at: <https://documents.un.org/doc/undoc/gen/n24/154/32/pdf/n2415432.pdf> (accessed 23 April 2025).

²² Stop Killer Robots (2023) »164 states vote against the machine at the UN General Assembly«; available at: <https://www.stopkillerrobots.org/news/164-states-vote-against-the-machine/> (accessed 23 April 2025).

²³ The draft programme for the consultations at the time of writing outlines an intention to examine these themes. UN Office for Disarmament Affairs (2025) Open informal consultations on lethal autonomous weapons systems held in accordance with General Assembly resolution 79/62; 12–13 May 2025; Programme; available at: <https://unodaweb-meetings.unoda.org/public/2025-03/25-0155%20Annex%20-%20Programme%20for%20circulation%202025-03-26.pdf> (accessed 23 April 2025).

²⁴ Federal Ministry for European and International Affairs of the Republic of Austria (2024) »List of associated states«; available at: <https://www.bmeia.gv.at/en/european-foreign-policy/disarmament/conventional-arms/autonomous-weapons-systems/2024-vienna-conference-on-autonomous-weapons-systems/list-of-associated-states> (accessed 23 April 2025).

²⁵ Federal Ministry for European and International Affairs of the Republic of Austria (2024) »Humanity at the Crossroads: Autonomous Weapons Systems and the Challenge of Regulation«, Chair's Summary, Vienna, 30 April 2024; available at: https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abbruestung/AWS_2024/Chair_s_Summary.pdf (accessed 23 April 2025).

²⁶ Automated Decision Research (2024) »Targeting people and digital dehumanisation: recent stakeholder contributions«; available at: <https://automatedresearch.org/news/report/targeting-people-and-digital-dehumanisation-recent-stakeholder-contributions/> (accessed 23 April 2025).

²⁷ Government of the Republic of Trinidad and Tobago and CARICOM IMPACS (2023) »CARICOM Declaration on Autonomous Weapons Systems«; available at: https://www.caricom-aws2023.com/_files/ugd/b69acc_4d08748208734b3ba849a4cb257ae189.pdf (accessed 23 April 2025).

The ICRC and civil society have also advocated such a ban in response to the legal and ethical issues these systems pose.²⁸ In order to address broader human rights law concerns adequately, such a ban would need to be applied in all circumstances, not just armed conflict. It would therefore be valuable, when looking at ethical, legal, technological (for example, with regard to bias) and humanitarian issues for states to consider the specific challenges that anti-personnel systems pose, and what rules might be required for an adequate response.

Discussions in New York also give states an opportunity to take a broader view and, for example, to look in more detail at what the response to the international security challenges raised by autonomy in weapons systems should be; and specifically what type of international instrument would best serve this. For example, a risk of unwanted escalation could be produced through differing understandings of how certain high-speed systems should be operated and what principles should be applied, as well as by the dynamics of competition to acquire new technologies. Clear and specific legal prohibitions and regulations around use would provide the strongest basis for promoting less risky interactions between states, on which other confidence-building measures might also be built.

3.3 A growing global issue

There are currently, broadly speaking, three groupings of engaged states in policy discussions on autonomous weapons systems. First, a small minority of states do not support legal regulation. Some reject key points of the developing international understanding leaning towards the imposition of constraints, described above. Some are also actively pursuing autonomy in weapons systems. This includes states such as India, Israel, Russia and the United States. Second, there are states that broadly support a two-tier approach to regulation, but they have mixed views on whether this should be legal or not, and they are generally cautious about any discussion outside the GGE. These are mostly European or Asian states with interests in autonomous weapons systems, including NATO countries such as France, Germany and the United Kingdom, but also, for example, Japan. Finally, there are states that support a legally binding instrument of prohibitions and regulations. These countries come from various regions of the world and though many may have an interest in new security technologies they are also focused on the risks. This grouping includes countries that have convened recent regional or international meetings or have endorsed their declarations.

In the past couple of years, states from the Global South have increasingly been signalling their concern and commitment to act on this issue. In 2023, Costa Rica hosted a regional conference for Latin American and Caribbean states, which resulted in a communiqué committing signatories to work for the urgent negotiation of a legal instrument containing prohibitions and regulations that address legal, ethical, social and humanitarian concerns.²⁹ A CARICOM conference hosted by Trinidad and Tobago later that year,³⁰ and an ECOWAS conference hosted by Sierra Leone in 2024, resulted in similar commitments.³¹ A meeting of Indo-Pacific states hosted by the Philippines in 2023 also raised regional perspectives on the issue.³² Many of the states involved in these discussions are not parties to the CCW, or have not been heavily engaged in the policy conversation there.

This regional momentum has added to the growing support among states for a legal instrument, as did a landmark call on states for negotiations made by the UN Secretary-General and the ICRC,³³ as well as continued concern from civil society, technological experts³⁴ and faith communities.³⁵ Moreover, in 2024 Austria hosted the largest international conference on autonomous weapons systems to date outside the UN to discuss the challenges of regulation.³⁶

Going forward, the task for states with broadly convergent policy approaches, but current political differences, is to work together and build new partnerships cross-regionally.

²⁸ The ICRC noted that it was »difficult to envisage« combat situations in which they would not »pose a significant risk of IHL violations«, given the risk they would pose to any protected civilians in their area of use, as well as combatants *hors de combat*. International Committee of the Red Cross (2021) »ICRC position and background paper: ICRC position on autonomous weapon systems«; available at: <https://www.icrc.org/en/document/icrc-position-autonomous-weapon-systems>; See also Stop Killer Robots, »Our policy position«; available at: <https://www.stopkillerrobots.org/our-policies/> (both accessed 23 April 2025).

²⁹ Ministerio de Relaciones Exteriores y Culto, Costa Rica (2023) Communiqué of the Latin American and the Caribbean Conference of Social and Humanitarian Impact of Autonomous Weapons; available at: <https://www.rree.go.cr/?sec=exterior&cat=conferencia> (accessed 23 April 2025).

³⁰ Government of the Republic of Trinidad and Tobago and CARICOM IMPACS (2023) see n 27 above.

³¹ Government of Sierra Leone (2024) Communiqué of the regional conference on the peace and security aspects of autonomous weapons systems: an ECOWAS perspective; available at: <https://article36.org/wp-content/uploads/2024/04/Freetown-Communique-18-April-2024-English.pdf> (accessed 23 April 2025).

³² Department of Foreign Affairs, Republic of the Philippines (2023) Manila Meeting on Indo-Pacific Perspectives on Autonomous Weapons Systems; available at: <https://sites.google.com/view/manilameetingontheindo-pacific/about?authuser=0> (accessed 23 April 2025).

³³ United Nations (2023) »UN Secretary-General, President of International Committee of Red Cross Jointly Call for States to Establish New Prohibitions, Restrictions on Autonomous Weapon Systems«; available at: <https://press.un.org/en/2023/sg2264.doc.htm> (accessed 23 April 2025).

³⁴ Stop Killer Robots (2024) »2024 Nobel laureate in Physics raises concerns about killer robots«; available at: <https://www.stopkillerrobots.org/news/2024-nobel-laureate-in-physics-raises-concerns-about-killer-robots/> (accessed 23 April 2025).

³⁵ See, for example, Francesca Merlo (2024) »Pope: Reconsider the development of lethal autonomous weapons«, Vatican News; available at: <https://www.vaticannews.va/en/pope/news/2024-07/pope-reconsider-the-development-of-lethal-autonomous-weapons.html> (accessed 23 April 2025).

³⁶ Federal Ministry of European and International Affairs of the Republic of Austria (2024) 2024 Vienna Conference on Autonomous Weapons Systems: Humanity at the Crossroads: Autonomous Weapons Systems and the Challenge of Regulation; available at: <https://www.bmeia.gv.at/en/european-foreign-policy/disarmament/conventional-arms/autonomous-weapons-systems/2024-vienna-conference-on-autonomous-weapons-systems> (accessed 23 April 2025).

4 MOVING FROM ELEMENTS TO A TREATY PROCESS

Some states – led by the United States and states aligned with it, with mixed views on the merits of legal regulation – have expressed repeated concern that even informal discussions on autonomous weapons systems under a General Assembly mandate risk undermining the work of the CCW. What is undermining the CCW as a forum is certain states' de facto exercise of a veto preventing the body from addressing critical issues in the conduct of war in a timely and robust way. Russia has largely blocked the reaching of a consensus in recent years, but other states opposed to strengthening international regulation are not averse to such behaviour. Concerns about a parallel process on autonomous weapons systems reflect fears of discussions whose outcomes some states might disagree with, but could not veto.

At this point, some of the states most invested in increasing autonomy in weapons systems – such as the United States and Russia – will not be open to any kind of international regulation in the near future, particularly in the context of ongoing geopolitical reorientation. Nevertheless, clear international legal norms need to be set against which states' and others' behaviour can be judged and therefore contained through normative pressure and practical measures.

This can be done without all the users and producers of autonomous weapons systems getting behind an initial international instrument. It could still strengthen global peace and security, not to mention civilian protection. To be successful, a legally binding instrument will need wide support and to include as many states as possible that, while pursuing autonomy in weapons systems, also recognise the value of some form of common standards.

With broad policy convergence and wide international interest states already have the basis and tools they need for this purpose. It is now up to those that wish to set clear norms for a safer future to take the next step. States will need to work across regional and political groupings, and in partnership with experts, including international organisations and civil society, to do this effectively. This will require courage and ambition, and a reaffirmation that in the face of dangerous international developments, agreeing on common standards can promote safety and stability for populations worldwide rather than being a disadvantage.

If states are to negotiate a legally binding instrument, this will need to take place in a forum other than the CCW. This could be under a future General Assembly mandate, or through a standalone process. Any state could choose to convene this and so control the starting text. Agreement on a legally binding instrument elsewhere would give further context to ongoing discussions at the CCW, rather than undermining them. This has been the case when separate treaties have been agreed on other issues also under the aegis of the CCW, such as anti-personnel landmines.

To move forward the following will be required:

- States and other stakeholders in the international discussion – including international organisations, academia, civil society and industry – should recognise that the current state of policy discussions on autonomous weapons systems now allows negotiations to start on a legally binding instrument that would align with the broad priorities of a wide range of states.
- Among states with broadly similar policy orientations, states and stakeholders should develop stronger partnerships across different groupings to build a common vision and will towards such a legally binding instrument.
- States and stakeholders should engage with international policy discussions to improve draft texts and common understandings and assess whether current proposals would provide a good basis for working towards international rules that would have their national support.
- States and stakeholders should also examine the rules needed to respond to ethical, legal, security and other issues that have received less attention in the policy discussion on autonomous weapons systems, rather than looking at general concerns. Discussions under the UN General Assembly provide an important opportunity for this.
- States that have military interests in autonomous weapons systems should assess the benefits of non-regulation versus regulation of these systems for security and civilian protection.
- States and stakeholders should assess how the legal regulation of autonomous weapons systems should be one aspect of a comprehensive normative and regulatory response to increasing autonomy in the use of force more broadly.

A legally binding instrument on autonomous weapons systems is now more urgent, but also more achievable than ever before. Through building stronger partnerships and continuing to develop common ground, states in partnership with international organisations, academia and wider civil society can make progress towards agreeing such an instrument.

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