

Targeted Reforms For Ethical Oversight And Legal Compliance Of Artificial Intelligence In Modern Defence Systems

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Abstract

The increasing deployment of artificial intelligence in modern defence systems, particularly in lethal autonomous weapon systems and military decision support technologies, has exposed critical gaps in existing ethical oversight and legal compliance mechanisms. Although international humanitarian law and related legal frameworks are formally applicable to AI-enabled warfare, their practical adequacy is increasingly contested. The researcher through this paper examines whether current regulatory instruments sufficiently address challenges arising from autonomy, algorithmic decisionmaking and diminished human control. It argues that targeted reforms are essential to bridge normative and operational gaps, including the development of binding international treaties, strengthened weapons review obligations and hybrid oversight models combining legal, ethical and technical governance. Using a doctrinal legal research methodology supported by institutional reports and contemporary scholarship, the paper proposes a reform-oriented framework aimed at preserving human dignity, accountability and compliance with humanitarian principles in AI-driven military operations.

Keywords

Artificial Intelligence in Defence, Lethal Autonomous Weapon Systems, International Humanitarian Law, Ethical Oversight, Accountability, Human Control.

Introduction

Artificial intelligence has rapidly transformed the nature of military planning, surveillance, targeting and combat decision-making.¹ Defence systems increasingly rely on algorithmic tools for threat assessment, operational optimisation and in certain cases, autonomous engagement.² While these technologies promise strategic advantages such as speed, precision and reduced risk to military personnel, they simultaneously challenge longstanding ethical norms and legal safeguards governing the conduct of hostilities.³ The delegation of critical military functions to AI systems raises fundamental questions regarding accountability, human agency and compliance with international humanitarian law.⁴

¹ Riley Simmons-Edler, Department of Neurobiology, Harvard Medical School & Kempner Institute, Harvard University, Boston, MA, USA, Jean Dong, Kennedy School of Government, Harvard University, Cambridge, MA, USA; & Griffith University, QLD, AU, et. al., Military AI Needs Technically-Informed Regulation to Safeguard AI Research and its Applications, available at, <https://arxiv.org/pdf/2505.18371>, last seen on 29 Jan 2026

² International Committee of the Red Cross, Expert Consultation report – Artificial intelligence and Related Technologies in Military Decision-Making on the Use of Force in Armed conflicts: Current Developments and Potential Implications, 13 May 2024, available at https://www.icrc.org/en/publication/expert-consultation-report-artificial-intelligence-and-related-technologies-military?utm_source=chatgpt.com, last seen on 29 Jan 2026

³ Kasper Cools Belgian Royal Military Academy, Vrije Universiteit Brussel, Clara Maathuis Open University of the Netherlands, Trust or Bust: Ensuring Trustworthiness in Autonomous Weapon Systems, available at, <https://www.arxiv.org/pdf/2410.10284v2>, last seen on 29 Jan 2026

⁴ Supra 2

Existing legal frameworks, including the Geneva Conventions and their Additional Protocols, were developed on the assumption of human decisionmakers exercising judgement and control.⁵ Although these frameworks are technologyneutral in principle, their application to AI-enabled weapons reveals significant interpretative and enforcement gaps.⁶ The researcher through this paper addresses the question of what targeted reforms - particularly binding treaties and hybrid oversight models are necessary to ensure ethical oversight and legal compliance in the deployment of AI in modern defence systems.^{7, 8, 9}

Assessment of International Treaties and Legal Framework (Ref. Annexure)

Sr No	International Instrument	Scope/Purpose	Relevance to AI in Defence Systems	Limitations / Gaps for AI Governance
1	Geneva Conventions (I-IV), 1949	Core humanitarian law regulating conduct of hostilities and protection of persons during armed conflict.	These treaties impose general obligations such as distinction, proportionality and humane treatment, applicable to all methods and means of warfare, including AI-enabled weapons.	They are technologyneutral, do not specifically address autonomy, algorithmic decisionmaking or AI control. No guidance on humanmachine interface or software accountability.
2	Additional Protocol I to the Geneva Conventions (1977)	Expands and clarifies definitions of civilians and combatants, requires legal reviews of new weapons in Article 36.	Article 36 weapon review obligation is the primary gateway for legal assessment of AI-enabled weapons before deployment.	The Protocol was drafted before AI/ML systems, Article 36 reviews were not conceptualised for adaptive, selflearning algorithms and opaque machine behaviour.
3	United Nations Convention on Certain Conventional Weapons (CCW)	Aims to prohibit or restrict weapons deemed excessively injurious or	The CCW has been the main forum for LAWS (Lethal Autonomous Weapons Systems) discussions via the Group of Governmental Experts (GGE).	CCW outcomes are non-binding, no treaty on LAWS yet. Lack of consensus on definitions and standards.

⁵International Committee of the Red Cross, Artificial intelligence in the military domain: ICRC submits recommendations to UN Secretary-General, 17 Apr 2024, available at, https://www.icrc.org/en/article/artificial-intelligence-military-domain-icrc-submits-recommendations-un-secretary-general?utm_source=chatgpt.com, last seen on 29 Jan 2026

⁶ Dr. Beyza Unal, Ulysse Richard, Governance of Artificial Intelligence in the Military Domain, UNODA Occasional Papers, No. 42, June 2024, available at, https://unodaweb.unoda.org/public/2024-06/OP42.pdf?utm_source=chatgpt.com, last seen on 29 Jan 2026

⁷ New Weapons, Proven Precedent: Elements of and Models for a Treaty on Killer Robots, 20 Oct 2020, available at, https://www.hrw.org/report/2020/10/20/new-weapons-proven-precedent/elements-and-models-treaty-killer-robots?utm_source=chatgpt.com, last seen on 30 Jan 2026

⁸ Yahli Shereshevsky, IRR No. 920-921, November 2022, International humanitarian law-making and new military technologies, available at, https://international-review.icrc.org/articles/international-humanitarian-law-making-and-new-military-technologies-920?utm_source=chatgpt.com, last seen on 30 Jan 2026

⁹United Nations General Assembly, Lethal autonomous weapons systems, Report of the Secretary-General, Seventy-ninth session Item 98 (ss) of the preliminary list, 1 Jul 2024, available at, https://documents.un.org/doc/undoc/gen/n24/154/32/pdf/n2415432.pdf?utm_source=chatgpt.com, last seen on 30 Jan 2026

	(1980)	indiscriminate. Covers landmines, incendiaries, blinding lasers, etc		
4	Report of the Group of Governmental Experts (2023), CCW (LAWS)	Provides statelevel evaluations and recommended guiding principles on autonomy in weapons.	Offers a state practice snapshot and normative guidance on meaningful human control, transparency, and review mechanisms.	Nonbinding recommendations, no enforcement mechanism or legal force like treaty obligations.
5	UN Charter (1945)	Regulates use of force between states, prohibits aggression except in self-defence.	AI-enabled systems used in armed conflict must still satisfy UN Charter principles (jus ad bellum).	Does not specifically regulate weapons or autonomous systems, focused on state conduct in use of force, not technology governance.
6	International Human Rights Law (IHRC) instruments (eg, ICCPR)	Protects fundamental rights like right to life, equality, dignity.	When AI systems are used in law enforcement/military contexts, human rights obligations apply (eg, right to life).	AI weapon use in active conflict zones is primarily regulated by IHL, few explicit rights-based norms for autonomous decision support.
7	International Criminal Court (Rome Statute, 1998)	Establishes individual criminal responsibility for war crimes, crimes against humanity, genocide.	Provides a potential accountability mechanism if AI-enabled systems cause unlawful harm, commanders may be responsible.	The Statute does not explicitly regulate AI, proximate cause and collective responsibility questions arise with autonomous systems.
8	ICRC Study on Autonomous Weapon Systems (2016, 2018)	Analytical reports on ethics and law regarding autonomous weapons.	Not a treaty but influential in shaping state practice, emphasises meaningful human control and humanitarian principles.	Non-binding, provides normative frameworks not enforceable as law.
9	EU Code of Practice on AI (2019) (regional)	Framework for ethical, trustworthy AI; emphasises transparency,	Illustrates normative ethical standards that could be adopted nationally/internationally for defence AI governance.	Regional, non-binding, not a treaty, varies by jurisdiction.

		human oversight, accountability.		
10	Tallinn Manual 2.0 on Cyber Law and Autonomous Weapons (2017)	Expert academic manual interpreting IHL as applied to cyber and autonomous systems.	Offers legal interpretation guidance on autonomous technologies under IHL.	Not legally binding, considered persuasive authority only.
	US Department of Defence Directive on Autonomous Weapons (2020)	National policy on autonomy, human control, and risk mitigation.	Demonstrates a national legal framework focusing on accountability and oversight.	Not an international treaty, statespecific and not universally binding.

Limitations of Existing Legal Frameworks

International humanitarian law continues to impose obligations of distinction, proportionality, military necessity and precaution on all means and methods of warfare.^{10,11} States remain responsible for ensuring that any weapon system, including AI-enabled technologies, complies with these principles.¹² However, the increasing autonomy of certain systems complicates their application.¹³ Lethal autonomous weapon systems may operate with limited or no realtime human intervention, making it difficult to ensure contextual judgement required under International Humanitarian Law.^{14,15}

Moreover, accountability under International Humanitarian Law is premised on identifiable human actors - commanders, operators, or state authorities.¹⁶ AI-driven decisionmaking introduces complex causal chains involving software developers, military planners and learning algorithms, thereby obscuring responsibility.^{17,18} Existing mechanisms such as Article 36 weapons reviews under

¹⁰ Neil Davison Scientific and Policy Adviser Arms Unit, Legal Division International Committee of the Red Cross, A legal perspective: Autonomous weapon systems under international humanitarian law, available at https://www.icrc.org/sites/default/files/document/file_list/autonomous_weapon_systems_under_international_humanitarian_law.pdf, last seen on 31 Jan 2026

¹¹ Supra 5

¹² Supra 5

¹³ Elliot Winter, The Compatibility of Autonomous Weapons with the Principles of International Humanitarian Law, Journal of Conflict & Security Law, Volume 27, Issue 1, Spring 2022, Pages 1–20, available at https://academic.oup.com/jcsl/article/27/1/1/6513626?utm_source=, last seen on 31 Jan 2026

¹⁴ Ibid 13

¹⁵ Supra 5

¹⁶ Vincent Boulanin, Maaïke Verbruggen, Article 36 Reviews, Dealing with the challenges posed by emerging technologies, Sipri, available at https://www.sipri.org/sites/default/files/2017-12/article_36_report_1712.pdf?utm_source=, last seen on 01 Feb 2026

¹⁷ DISEC Study Guide, AI in Weapon Systems Regulation, available at https://studylib.net/doc/28162588/disecc-nimun-26?utm_source=, last seen on 01 Feb 2026

¹⁸ International Law Editorial, IHL and Autonomous Weapons Systems: Legal Implications and Challenges, 21 May 2024, available at https://worldjurisprudence.com/ihl-and-autonomous-weapons-systems/?utm_source=chatgpt.com, last seen on 01 Feb 2026

Additional Protocol I provide an entry point for regulation, but they were not designed to assess adaptive systems whose behaviour may evolve after deployment.^{19, 20} These limitations indicate the need for reforms that move beyond reliance on traditional legal interpretation alone.^{21, 22}

Comparative Analysis - AI and Defence Systems in Leading Countries

Sr. No.	Country	AI in Defence (Focus / Models)	Regulatory / Ethical Framework	Primary Strengths	Issues / Gaps
1	United States	Uses AI for autonomy, targeting, swarming drones, decision supporte.g. Project Maven, swarm drone competitions. AI assists planning and logistics in operations like Thunderforge, integrates voice AI for drone control	DoD Directive 3000.09 mandates human judgment in autonomous weapons, Political Declaration on responsible military AI (50 states signatories)	Advanced R&D ecosystem, detailed policy guidance on human oversight, early ethical frameworks	Balancing innovation and ethics remains contentious, robust enforcement and international standard leadership unclear
2	China	PLA developing drone swarms with autonomous coordination, such as 200+ drone systems with intelligent algorithms. Emphasis on “intelligentized warfare”.	China engages in AI governance diplomacy and emphasises cautious military AI development, national AI governance doctrine integrated with broader AI leadership goals.	Rapid field deployment of advanced AI platforms, statewide strategic integration	Ethical and legal frameworks less transparent, global norms influence unclear
3	Russia	Deploys AI in combat drones	National AI policies	Strong combat AI systems	Limited public regulatory

¹⁹ Dr. Beyza Unal, Ulysse Richard, Governance of Artificial Intelligence in the Military Domain, United Nations, UNODA Occasional Papers, No. 42, June 2024, available at, https://unodaweb.unoda.org/public/2024-06/OP42.pdf?utm_source=, last seen on 01 Feb 2026

²⁰ Damian Paul Copeland, College of Law, Australian National University, The Article 36 Weapons Review of Autonomous Weapon Systems, 04 Jun 2023, available at, <https://openresearch-repository.anu.edu.au/server/api/core/bitstreams/53fef9f5-26fb-4e89-a060-52ecc501eeaf/content>, last seen on 02 Feb 2026

²¹ Dan Kuwali, Affiliated Scholar, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, 27 Jan 2026, available at, https://rwi.lu.se/blog/accountability-for-autonomous-lethality/?utm_source=, last seen on 02 Feb 2026

²²Supra 17

		(Marker), UGVs, cyberwarfare tools, emphasis on battlefield autonomy	loosely integrated, focus on military modernization and doctrine.	fielded, broad military AI experimentation	oversight, international ethical compliance mechanisms unclear
4	United Kingdom	Military AI used in autonomous surveillance, counterdrone systems, and advanced robotics, works on ethical AI principles. (Other sources note Britain cohosts global AI safety summits.)	UK supports global AI safety governance (e.g. Global AI Safety Summit frameworks). Formal ethical policy frameworks for defence AI emerging.	Ethical emphasis in international forums, tempered approach to autonomous lethality	No binding domestic treaty on autonomous weapons, incentives mainly diplomatic
5	Israel	Deployed AI-assisted targeting systems like Gospel and Lavender for threat identification and recommendation, Iron Dome uses AI logic for interception.	Defence forces claim use consistent with IHL, no published detailed autonomous weapons code, part of Convention on Certain Conventional Weapons (CCW) discussions.	Fieldtested AI systems, real operational data	Accountability concerns, transparency in deployment and review not public
6	Australia	Focus on ethical AI frameworks, Article 36 compliance, and integration of legal risk mitigation into defence procurement and AI systems	Australia commits to Organization of Economic Co-operation and Development (OECD) AI principles and ethical stewardship in military AI application	Combines ethical guidance with technical risk management as part of defence AI acquisition	No explicit national autonomous weapons treaty, frameworks mainly ethical and procedural
7	India	Progress in multi-layered AI defence systems (Mission Sudarshan	India has a Defence AI Council and AI strategy,	Rapid integration vision, strategic partnerships	Formal binding regulations on autonomous

		Chakra), swarming UAVs, autonomous weapon evaluations, AI committees created (Defence AI Council)	no detailed legal regime on autonomous warfare yet; CCW participation. Launched MANAV principles for Ethical AI use. (MANAV- Moral and Ethical Systems, Accountable Governance, National Sovereignty, Accessible and Inclusive, Valid and Legitimate)	(eg, India-Israel AI pact)	weapons governance lacking, ethical standards still emerging
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Need for Binding International Treaties

One targeted reform frequently proposed in scholarly and institutional discourse is the adoption of a binding international treaty specifically addressing autonomous weapon systems.²³ While current debates within the framework of the Convention on Certain Conventional Weapons have produced guiding principles, they remain non-binding and unevenly implemented.²⁴ A binding treaty could establish clear prohibitions or restrictions on systems that operate without meaningful human control and articulate minimum standards for accountability and transparency.²⁵

Such a treaty would not replace existing International Humanitarian Law obligations but rather supplement them by clarifying how humanitarian principles apply to AI-enabled technologies.²⁶ It could also harmonise state practice, reduce regulatory fragmentation and prevent an unchecked arms race in autonomous weapons development.²⁷ The absence of binding norms currently leaves ethical governance largely dependent on voluntary commitments and national policies, which vary significantly across jurisdictions.²⁸

²³Supra 9

²⁴Human Rights Watch, Areas of Alignment, Common Visions for a Killer Robots Treaty, 02 Aug 2021, available at, https://www.hrw.org/news/2021/08/02/areas-alignment?utm_source=, last seen on 02 Feb 2026

²⁵ Brian Stauffer, Human Rights Watch, A Hazard to Human Rights, Autonomous Weapons Systems and Digital Decision-Making, 28 Apr 2025, available at, https://www.hrw.org/report/2025/04/28/a-hazard-to-human-rights/autonomous-weapons-systems-and-digital-decision-making?utm_source=, last seen on 02 Feb 2026

²⁶Supra 9

²⁷Human Rights Watch, New Weapons, Proven Precedent, Elements of and Models for a Treaty on Killer Robots, 20 Oct 2020, available at, https://www.hrw.org/report/2020/10/20/new-weapons-proven-precedent/elements-and-models-treaty-killer-robots?utm_source=, last seen on 03 Feb 2026

²⁸Supra 9

Hybrid Oversight Models as a Governance Solution

In addition to treaty-based regulation, the researcher argues for the adoption of hybrid oversight models that integrate legal, ethical and technical review mechanisms.²⁹ Purely legal oversight is insufficient to address the operational complexity of AI systems, while ethical guidelines alone lack enforceability.³⁰ Hybrid models would involve multidisciplinary oversight bodies combining military authorities, legal experts, ethicists and technical specialists.³¹

Such models could operate at both national and international levels, overseeing weapons development, deployment and post-deployment review.³² Continuous monitoring and auditing of AI systems would help ensure compliance with legal standards and ethical principles throughout the system lifecycle.³³ Hybrid oversight also enhances transparency and traceability, thereby strengthening accountability and public trust.³⁴

Proposed Reforms for Ethical and Legal Compliance

Based on the foregoing analysis, targeted reforms should include: the development of a binding international instrument regulating autonomous weapons^{35, 36}, strengthened and standardised Article 36 weapons review procedures tailored to AI systems³⁷, mandatory requirements for meaningful human control and the institutionalisation of hybrid oversight mechanisms^{38, 39}. Together, these reforms would address existing gaps while preserving the flexibility of International Humanitarian Law to adapt to technological change.⁴⁰

Conclusion

The deployment of artificial intelligence in modern defence systems presents profound ethical and legal challenges that cannot be adequately addressed through existing frameworks alone.⁴¹ While

²⁹ Ilse Verdiesen, Filippo Santoni de Sio, et. al., Accountability and Control Over Autonomous Weapon Systems: A Framework for Comprehensive Human Oversight, Springer Nature Link, Volume 31, pages 137–163, (2021), available at, <https://link.springer.com/article/10.1007/s11023-020-09532-9>, last seen on 03 Feb 2026

³⁰ Kasper Cools Belgian Royal Military Academy, Vrije Universiteit Brussel, Clara Maathuis Open University of the Netherlands, Trust or Bust: Ensuring Trustworthiness in Autonomous Weapon Systems, IEEE Military Communications Conference October 28 - November 01, 2024, Washington, DC, USA, available at , <https://arxiv.org/pdf/2410.10284>, last seen on 03 Feb 2026

³¹ Lukas D. Pohler, Dept. Computer Engineering Technical University of Munich Munich, Germany, Klaus Diepold Dept. Computer Engineering Technical University of Munich Munich, Germany, et. al., A Practical Multilevel Governance Framework for Autonomous and Intelligent Systems, available at, <https://arxiv.org/pdf/2404.13719>, last seen on 03 Feb 2026

³² Lukas D. Pohler, Dept. Computer Engineering Technical University of Munich Munich, Germany, Klaus Diepold Dept. Computer Engineering Technical University of Munich Munich, Germany, et. al., A Practical Multilevel Governance Framework for Autonomous and Intelligent Systems, available at, <https://arxiv.org/pdf/2404.13719>, last seen on 03 Feb 2026

³³ Jakob Mökander, Oxford Internet Institute, University of Oxford, Oxford, UK, Jonas Schuett, Center for Information Technology Policy, Princeton University, Princeton, US, et. al., Auditing Large Language Models: A Three Layered Approach, available at, <https://arxiv.org/pdf/2302.08500>, last seen on 04 Feb 2026

³⁴ Alexander Blanchard, Christopher Thomas, et. al., Ethical governance of artificial intelligence for defence: normative tradeoffs for principle to practice guidance, Volume 40, pages 185–198, (2025), available at, https://link.springer.com/article/10.1007/s00146-024-01866-7?utm_source=, last seen on 03 Feb 2026

³⁵ Supra 16

³⁶ Supra 27

³⁷ Supra 10

³⁸ Supra 33

³⁹ Supra 32

⁴⁰ Supra 10

⁴¹ Ibrar Ahmad, School of International Law, Southwest University of Political Science and Law, China,

international humanitarian law remains applicable in principle, its practical effectiveness is increasingly strained by autonomous and algorithmic technologies.⁴² Targeted reforms-combining binding treaties with hybrid oversight models - are essential to ensure that AI-enabled warfare remains subject to meaningful human control, accountability and humanitarian protection.⁴³ Without such reforms, the risk of ethical erosion and legal uncertainty in armed conflict will continue to grow alongside technological advancement.⁴⁴

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⁴² Stuart Casey-Maslen, Autonomous Weapons Systems Under International Law, Springer Nature Link, pp 161–179, 01 Oct 2025, available at, https://link.springer.com/chapter/10.1007/978-3-031-95578-5_10?utm_source=chatgpt.com, last seen on 04 Feb 2026

⁴³Supra 25

⁴⁴ Ananya Pandey, Law Student, GITAM School of Law, GITAM University, Visakhapatnam, Use Of Autonomous Weapons And AI In Defence: Issue Of Autonomy And Accountability, Indian Journal of Law and Legal Research ISSN: 2582-8878, PIF: 7.142, available at, https://www.ijllr.com/post/use-of-autonomous-weapons-and-ai-in-defence-issue-of-autonomy-and-accountability?utm_source=chatgpt.com, last seen on 04 Feb 2026

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Annexure

International Treaties and Legal Framework

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2. Additional Protocol I to the Geneva Conventions (1977) - <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977>
3. United Nations Convention on Certain Conventional Weapons (CCW) (1980) - https://www.icrc.org/sites/default/files/document/file_list/1980-convention-on-certain-conventional-weapons-icrc-eng.pdf
4. Report of the Group of Governmental Experts (2023), CCW (LAWS) - https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-

Group of Governmental Experts on Lethal Autonomous Weapons Systems (2023)/CCW
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5. UN Charter (1945) - <https://www.un.org/en/about-us/un-charter/full-text>
6. International Human Rights Law (IHRC) instruments (eg, ICCPR) - <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
7. International Criminal Court (Rome Statute, 1998) - <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>
8. ICRC Study on Autonomous Weapon Systems (2016, 2018) - https://www.icrc.org/sites/default/files/document/file_list/icrc_ethics_and_autonomous_weap_on_systems_report_3_april_2018.pdf?utm_source=chatgpt.com
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