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Compelled to Automate

Autonomous Weapons and the Lessons of Ukraine

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WHITE PAPER ON AUTONOMOUS WEAPONS, AGGRESSORS, AND DEFENDERS

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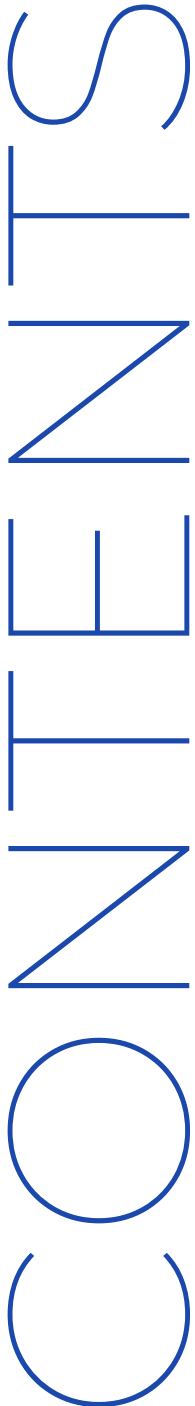
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01. INTRODUCTION

Wars have always driven technological change, and technological change has always outpaced the rules meant to govern it. The crossbow, gunpowder, aerial bombardment, nuclear weapons—each forced the international community to reckon, often belatedly, with the gap between what could be done on the battlefield and what should be permitted. Artificial intelligence is the latest addition in this long history, but the pace and nature of the disruption are different. AI does not simply make existing weapons more powerful; it delegates the decision to kill and destroy from humans to machines. Nowhere is this more visible than in Russia's full-scale war against Ukraine, in which AI-guided drones now account for most confirmed strikes, autonomous targeting systems operate in environments where human control has been impaired by electronic jamming, and a former digital transformation minister has been appointed to lead the defense ministry with a mandate to accelerate the integration of AI into Ukraine's defense capability.

The international frameworks meant to govern these systems—international humanitarian law (IHL), the UN Convention on Certain Conventional Weapons (CCCW or CCW), and emerging proposals for regulating lethal autonomous weapons—are struggling to keep pace. In addition, these frameworks are built on an assumption that the rules of autonomous warfare should be equally applied to the aggressor and the defender. Importantly, they never raise the fundamental questions of whether machines should make lethal decisions at all. The frameworks take that for granted, and the question, therefore, is only how to regulate them. Pope Leo XIV—a moral authority rather than a legal one—put that question back. In his encyclical letter *Magnifica Humanitas*, the Pope holds that the decision to take a life must remain in human hands—even as, in the case of Ukraine, an aggressor's jamming was making such control impossible.[1]

Ukraine, meanwhile, was moving in the opposite direction. In January 2026, President Volodymyr Zelensky appointed Mykhailo Fedorov—until then Ukraine's Minister of Digital Transformation—as the country's new Defense Minister. Fedorov had spent six years building Ukraine into one of the world's leading digital states.^[2] His signature achievement, the Diia mobile application, put government services—passports, driver's licenses, business registration, tax documents—onto a single smartphone platform; by the time he left the ministry, Diia had over 23 million users, was installed on 77 percent of all smartphones in the country, and had saved citizens and the state a combined 184 billion hryvnas.^[3] After Russia invaded Ukraine in February 2022, Fedorov pivoted to defense technology, launching the “Army of Drones” initiative and establishing the Brave1 defense technology cluster, which would encompass over 1,500 companies developing drones, electronic warfare systems, ground robots, and missiles.^[4]

Fedorov's appointment as Defense Minister was a deliberate signal that Ukraine would bet on technological innovation—and above all, on artificial intelligence—to compensate for the asymmetries and shortcomings it could not address by conventional means. Ensuring that Ukraine is “fast, technological, and a leader [on the] battlefield” became Fedorov's primary task. ^[5]

The disparity between Ukraine's technological trajectory and the global governance agenda is already visible. In March 2026, Fedorov announced that the Ministry of Defense would give Ukrainian and allied-nation companies access to millions of drone strike videos and battlefield data to train AI models for automated targeting—a program designed to enable drones to strike without an active radio link to a human operator.[6] Programs of this kind fall precisely within the category of developments that the International Committee of the Red Cross (ICRC) has long warned against: the ICRC has consistently argued that lethal autonomous systems operating without meaningful human control raise fundamental concerns under IHL and has called on states to adopt binding rules prohibiting autonomous weapons designed to apply force against persons.[7]

The ICRC's position in the debate on lethal autonomous weapon systems (LAWS) carries a significant weight. While the ICRC does not make binding law—only states can do that—it has served as the guardian and promoter of IHL since it initiated the Geneva Conventions in 1949.[8] ICRC's advocacy has historically shaped the trajectory of weapons regulation: the prohibitions on blinding laser weapons and anti-personnel landmines were both driven by ICRC positioning. Today, the ICRC participates as an observer in the Group of Governmental Experts on Lethal Autonomous Weapons Systems (GGE on LAWS) operating under the CCCW—the principal international forum where states are attempting to develop a regulatory framework for autonomous weapons. As the international framework that is meant to regulate autonomous weapon systems (AWS), the forum, however, has struggled to produce results. The Group has spent over a decade trying - and so far failing - to reach consensus on regulation. Its discussions treat all belligerents alike, without distinguishing between aggressors and defenders.[9] Russia's role in these proceedings deserves particular scrutiny. Moscow has been one of the most active participants in the CCW debate, submitting detailed working papers claiming that its existing autonomous systems already comply with IHL principles.[10]

At the same time, it has consistently blocked any move toward a legally binding instrument, rejected the concept of "meaningful human control" as a regulatory standard, and used procedural tactics to delay progress and water down the Group's reports.[11] On the battlefield, Russia deploys autonomous targeting systems with no apparent accountability and invests heavily in the signal-jamming that forces its adversary toward the very autonomy being debated in Geneva. The result is a governance process in which the aggressor simultaneously shapes the rules, prevents them from becoming binding, and violates their spirit in practice.

Against this backdrop, Ukraine's turn to autonomous targeting was a direct response to operational conditions created by the aggressor. Russian forces have deployed extensive signal-jamming systems along the front line, severing the radio links that Ukrainian drone operators depend on to guide their weapons to target. Ukraine is estimated to lose thousands of drones each month to jamming alone. In heavily congested areas, maintaining a human-controlled link to a weapons system is often physically impossible. It is under these conditions that AI-guided autonomous targeting has become a necessity for Ukraine: the only reliable means of delivering precision strikes against legitimate military targets when the aggressor has made human control unachievable.

This paper examines what is happening on the battlefield—the specific operational dynamics pushing Ukraine toward LAWS—and asks what should govern it. It challenges a premise the current governance frameworks take for granted: that the rules regulating autonomous weapons in armed conflict should apply identically to all belligerents, regardless of which side is the aggressor and which side is defending its very existence. Using Russia's war against Ukraine as its primary case study, the paper tests this premise against the operational reality of a conflict in which one side's signal-jamming compels the other toward the autonomy the rules seek to restrict and proposes a framework for context-aware governance that preserves the core protections of international humanitarian law without inadvertently penalizing the parties most willing to comply with it.

02. THE KILL ZONE: DRONES, JAMMING, AND TURN TO AUTONOMY

By 2026, the drone had become the defining weapon of the war in Ukraine. Both sides have created what observers describe as a “kill zone”—a territory, sometimes tens of kilometers deep, in which anything that moves risks immediate detection and attack from above. Movement by vehicle is often impossible; soldiers proceed on foot through forests, and such a journey can take weeks. The drones are cheap, numerous, and relentless. On this battlefield, uncrewed systems rather than artillery or armor increasingly decide who lives and who dies. The effort to keep control of them—and the turn to autonomy when that control fails—has come to shape the war.

2.1 When the Radio Link Dies

A conventional first-person-view drone (FPV) operates on the following simple principle: a human pilot, located behind the front line, controls the drone via a radio link. The pilot wears video goggles that display a live camera feed from the drone and guides the device to its target. The link between the pilot and drone is both the system’s key element and its most vulnerable point. If the radio link is severed, the pilot goes “blind,” and the drone is lost. It either crashes, drifts off course, or circles aimlessly until its battery dies, and the weapon becomes debris.

Russian forces have systematically exploited this vulnerability. Along roughly six hundred miles of the front line, Russia has deployed extensive electronic warfare systems—ground-based jammers, vehicle-mounted units, and individual soldier-carried devices—that target the radio frequencies Ukrainian FPVs depend on for navigation and operator control.[12] According to the Royal United Services Institute for Defense and Security Studies (RUSI), Ukraine may be losing as many as 10,000 drones per month, the majority to electronic warfare rather than to kinetic fire.[13]

Russia’s electronic warfare capabilities have been developing for years. Unlike Western militaries, which largely deprioritized the electromagnetic domain after the Cold War, Russia never stopped investing in it.[14] Since 2022, the sophistication and density of Russian jamming on the Ukrainian battlefield have steadily increased. In March 2024, The New York Times acknowledged the effectiveness of the Russian electronic warfare systems against Ukrainian drones, naming it “one of the Russian military’s most formidable weapons after years of honing their capabilities.”[15] Jamming devices that used to be deployed only in fixed positions are now mobile, mounted on tanks and armored vehicles, creating zones of signal denial that move with the advancing force.[16]

Furthermore, Russia's own drone operations have become more sophisticated. Its FPV drones, guided by fiber-optic cables—which has significantly extended their operational reach, penetrating deeper into Ukraine's territory—are fully immune to Ukrainian jamming. [17] As one Ukrainian commander put it, when Russia deployed fiber-optic drones en masse during its 2025 winter operations in the Kursk region, “there was, in fact, nothing to counter them.” [18]

Meanwhile, Russia's collaboration with China on drone technology and AI-powered targeting has advanced, with Chinese firms supplying around eighty percent of the critical components used in Russian drones.[19] That supply also cushions the fragility of fiber-optic: Russia can lose tethered drones in volumes and simply field more.

Ukraine fields fiber-optic drones of its own, which are likewise immune to jamming. But the same technology binds Ukraine harder. Both sides face the same limits: no tethered drone can scale to the volume or range the fight demands, and every drone is easily lost. Yet, Russia can replace them cheaply; for Ukraine, each loss costs more.

The electronic warfare domain, in short, is not a fixed constraint that Ukraine can circumvent with minor technical upgrades. It is an accelerating arms race in which Russia's capacity to deny Ukrainian operators control of their weapons grows faster than Ukraine's ability to maintain it. In such an environment, autonomy, rather than a longer cable, is the response that scales.

In the most heavily contested sectors of the front, the electromagnetic environment is so hostile that a human-controlled radio link between the drone operator and weapon simply cannot be sustained. A Ukrainian drone pilot described having to fly over eight km around the battlefield and circle back to evade Russian jamming systems during the battle for Avdiivka—often losing the drone anyway.[20] Under these conditions, the requirements for “meaningful human control” over weapons systems are physically unachievable by the actions of the aggressor. This specific, documented, and worsening operational reality has driven Ukraine's turn to autonomous targeting.

2.2 Teaching Drones to Strike Alone

Ukraine's answer was to remove the radio link from the equation altogether. If jamming makes a human-controlled link impossible to sustain, the weapon must work without one. Rather than keep losing the race against Russian jamming, Ukraine invested in AI systems that let drones to find and strike targets on their own, using computer vision instead of a pilot's eyes and hands.[21]

The response has been a rapid emergence of autonomous targeting systems built specifically to solve this problem. Ukrainian companies—many of them startups founded after the full-scale invasion, working in close coordination with frontline military units—have developed AI-guided technologies designed to function when human control has been severed.

The most widely used of these systems is terminal guidance—AI software that takes over control of a drone using onboard computer vision, tracking a target when the radio link to the human operator is lost.[22] The Ukrainian startup The Fourth Law built its TFL-1 module precisely for this purpose. The system activates in the final 400-500 meters of flight, where Russian jamming is most intense and where human pilots often lose contact with their drones.[23] The module, which costs between \$50 and \$100, that is, less than ten percent of the cost of a typical FPV drone, increases strike success rates by up to five times.[24]

Because jamming disrupts most drones before the final approach, developers had built systems that fly the entire mission with little or no human input. In May 2025, the Ukrainian startup Strategy Force Solutions deployed its GOGOL-M—a reusable fixed-wing "mothership" drone that flies autonomously up to 300 km behind enemy lines, releases two AI-guided FPV strike drones near the target, and returns to its base.[25] An onboard AI system lets the strike drones navigate without GPS, building a three-dimensional map of their environment from onboard sensors. They can identify and engage targets—parked aircraft, air defense systems, oil facilities, and convoys—without any real-time communication with a human operator.[26] A single GOGOL-M mission costs \$10,000 against \$3-5 million for a conventional missile strike.[27] It also runs an autonomous ambush: the strike drones land near a supply route or airfield, wait for a target, then identify and attack it—the full cycle without human input.[28]

Autonomy now shapes not only how Ukraine strikes, but also how it shields its cities. Since 2023, Russia has escalated its use of guided glide bombs—Soviet-era munitions fitted with wings and satellite guidance. Cheap and mass-produced, these munitions reach Ukrainian cities once thought safe.[29] For Ukraine, conventional air defense systems are too expensive and too scarce to intercept glide bombs at scale: a Patriot missile costs over a million dollars, while each glide bomb costs Russia tens of thousands at most.[30]

This problem—cheap, mass-produced weapons that conventional defenses could not effectively counter—prompted the French defense startup Atreyd to develop the first operational "drone wall," its DWS-1 system.[31] Delivered to Ukraine in November 2025, the system consists of up to 200 FPV-type interceptor drones that automatically launch from ground platforms when radar detects an incoming threat. The drones form a moving barrier in the sky, adjusting their formation to match the bomb's trajectory and detonating in close proximity to neutralize it.[32] Like the systems described above, the drone wall was designed to operate without GPS, relying on preloaded 3D terrain maps—a direct acknowledgment that any system deployed in Ukraine must function under heavy electronic warfare. A single operator can monitor up to 100 drones; no piloting skill is required.[33] The system is purely defensive. It protects cities, energy infrastructure, and civilian areas from the bombardment that has intensified every year since 2022. Yet it operates with enough autonomy to fall within the governance frameworks under debate.[34]

The pattern is consistent: each new system moves further from human control to fully autonomy, and each is built in response to the same pressure created by Russian electronic warfare. In March 2026, the Ukrainian government moved to institutionalize and accelerate this process with Defense Minister Fedorov announcing that Ukraine would become the first country to open access to real battlefield data for training AI models.[35] The Ministry would make available millions of annotated frames collected during thousands of combat drone flights—footage of strikes on soldiers, vehicles, tanks, and surveillance recordings—to Ukrainian companies and the firms of allied nations.[36]

A dedicated platform managed by the Ministry's Center for Innovation and Development of Defense Technologies allows partners to train their models securely without taking direct possession of the base data.[37] Announcing the initiative, Fedorov framed it in explicit terms: "In modern warfare, we must outperform Russia in every technological cycle. AI is one of the key arenas of this competition. The future of warfare belongs to autonomous systems. Our objective is to increase the level of autonomy in drones and other combat platforms so they can detect targets faster, analyze battlefield conditions, and support real-time decision-making." [38] The data already feeds systems like DELTA, which automatically identifies targets during operations.[39] No other country possesses a comparable set of real-world combat data. By opening it to its allies, Ukraine has turned the operational reality of its war into a strategic asset for the development of AWS worldwide.

THE MILITARY-TECH COMPLEX: HOW AUTONOMOUS WEAPONS ARE ACTUALLY BUILT

The systems described in this section—TFL-1, Auterion's Skynode, GOGOL-M, the Atreyd drone wall—did not emerge from laboratories or defense ministries working in isolation. They are product of a new institutional configuration that the sociologist Anthony King, in his *AI, Automation, and War: The Rise of a Military-Tech Complex* (2025), identifies as the defining organizational development of contemporary warfare. King argues that AI has not automated war and will not do so. It precipitated a profound restructuring of the relationship between armed forces and the private sector. Unlike the Cold War military-industrial complex, in which defense contractors delivered finished weapons, today's tech companies—startups, software firms, data specialists—are being integrated into military operations themselves, embedding their personnel in operational headquarters and providing software and data that require constant revision in the field. The result is a hybrid civil-military configuration: the military-tech complex. Ukraine is the most advanced example of this phenomenon. The autonomous weapons systems emerging from the war are not products of top-down state programs. They are built by small companies like The Fourth Law and Strategy Force Solutions, working in direct coordination with frontline brigades, and appending their products in response to battlefield feedback. The Brave1 cluster, encompassing over 1,500 innovative companies, is the institutional infrastructure that connects this ecosystem. As King observed, the Ukrainian forces have fought the Russian invasion with the assistance of commercial tech companies that have provided the data, the AI, and the software to execute operations effectively. Ukraine's turn to autonomous targeting is not a detached technological trajectory. It is an organizational response to a specific threat, built by specific people in specific institutions under extreme operational pressure. Regulation that treats autonomous weapons as a discrete technology—to be permitted or prohibited in the abstract – risks missing the institutional reality of how they are actually produced and deployed.

2.3 Two Asymmetries

The AWS described above and the national data infrastructure to train them share one origin. None came from a doctrine of autonomous warfare or a preference to remove humans from the targeting process. Each was developed to solve a specific problem that Russian military action created—jamming that severed the link between pilot and drone, and a glide-bomb campaign that overwhelmed defenses too costly to scale. This constitutes the first asymmetry: operational. Ukraine's turn to autonomous weapons is not a freely made choice but a response compelled by the aggressor's electronic warfare. Russian signal-jamming severs the link between Ukrainian operators and their weapons; Ukrainian engineers build systems that no longer need that link. The cause and the effect run in one direction.

The second asymmetry is one of compliance. As outlined in the introduction, Russia has actively participated in the CCW's decade-long discussion on governance of autonomous weapons while systematically blocking any move toward binding rules. It has rejected meaningful human control as a regulatory concept, submitted working papers claiming its own autonomous systems already satisfy IHL, and deployed those systems on the battlefield with no transparency or accountability.[40]

Ukraine, by contrast, operates within the norms the international community is trying to establish—if not always from a commitment to governance for its own sake, then because its survival depends on the continued support of democratic allies who expect Ukraine to hold itself to certain standards. Fedorov's public announcements, the transparency around programs like the data-sharing initiative, and Ukraine's willingness to discuss its autonomous systems openly all reflect this dynamic. The result is a structural imbalance: any regulation that emerges from the current process will constrain the side that chooses to comply—which, in this conflict, is the defender.

2.4 A Technocrat Runs Defense: Fedorov and Institutional Pivot

Ukraine is not just adapting to autonomous warfare as a temporary necessity. It is building institutional infrastructure to sustain and scale it up. The clearest signal of this commitment came in January 2026, when President Zelensky appointed Mykhailo Fedorov—a technocrat, not a general—to lead the Ministry of Defense.

Within his first weeks in office, Fedorov introduced NATO-style After Action Review systems for analyzing Russian strikes, a methodology to turn battlefield data into institutional learning at speed.[41] Fedorov appointed a former strike drone unit commander to lead a newly created short-range air defense command—placing a practitioner of drone warfare, rather than a conventional military officer, in charge of one of Ukraine's most pressing operational challenges.[42] Fedorov's vision is unambiguous: Ukraine, outmanned and outgunned, must defend itself against a bigger enemy through technology. "More robots means fewer losses; more technology means fewer deaths. The lives of Ukrainian heroes are of the highest value." [43]

The implications of Ukraine's turn to autonomous warfare reach well beyond its borders. Every system tested, every dataset shared, and every tactical innovation validated on this battlefield enters the global knowledge base. What Ukraine normalizes under existential pressure will shape what other states consider permissible—and what the existing governance frameworks will need to address.

03. THE RULEBOOK AND ITS BLIND SPOT: EXISTING NORMS AND THEIR ASSUMPTIONS

3.1 Four Principles of Lawful War

Any assessment of AWS in armed conflict must begin with the legal framework that governs the conduct of hostilities. International Humanitarian Law—codified primarily in the four Geneva Conventions of 1949 and their Additional Protocols of 1977—establishes a set of principles designed to limit suffering caused by war. Four of these principles are relevant to the question of autonomous targeting.

The first principle is distinction. Under Article 48 of Additional Protocol I, parties to a conflict must at all times distinguish between the civilian population and combatants, and between civilian objects and military objectives. Attacks may only be directed at military objectives. [44] For a human commander, this assessment draws on visual identification, contextual judgment, intelligence, and experience. That is, a farmer carrying a shovel is not a soldier carrying a rifle, although from a distance the silhouettes look similar. For autonomous systems relying on computer vision and pattern recognition, the question is whether an algorithm can reliably make this contextual judgment across conditions in which these systems operate.

AI and the Principle of Distinction in Gaza

During the Gaza war against HAMAS, the IDF employed AI-powered targeting systems—known as *Lavender* and *Gospel*—designed to recommend targets for human approval. Yet reports from intelligence officers involved in the operations suggest that even with a human formality in the loop, the speed, and volume of AI-generated recommendations overwhelmed the deliberative process that distinction requires. For autonomous systems operating without any human oversight—as is increasingly the case in Ukraine—the challenge is more acute still.

The second is proportionality. Under Article 51(5)(b), attacks are prohibited if they may be expected to cause civilian death, injury, or damage to civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated.[45] In practice, this means a commander must weigh what a strike is expected to achieve militarily against the harm it is likely to cause to civilians—a judgment that depends heavily on context and cannot be reduced to a formula. For AWS, the question is whether an algorithm can perform such weighing at all.

The third principle—military necessity—permits measures that are actually necessary to accomplish a legitimate military purpose and are not otherwise prohibited by IHL. It is both a permission and a constraint, as it justifies actions that would otherwise be impermissible, but only when no less destructive alternative is available.[46]

In the context of this paper, military necessity takes on particular significance. If autonomous targeting is the only means by which a defending state can effectively engage legitimate military targets—because human-controlled engagement is impossible—the principle of military necessity may provide legal grounds for its use, even where other frameworks would restrict it.

The fourth is the principle of humanity, carried by the Martens Clause. Dating to 1899, the clause provides that where no specific treaty applies, civilians and combatants remain under the protection of the principles of humanity and the dictates of public conscience.[47] It functions as a safety net: in cases where the law has not caught up to a new technology, the principles of humanity still apply. That is relevant for the deepest worry about autonomous weapons—that letting a machine decide to kill may violate human dignity regardless of how accurately it performs. Without the Martens Clause, the objection to autonomous killing would carry only moral weight.

3.2 Who Writes the Rules

Translating these principles into specific rules governing autonomous weapons has fallen primarily to two institutional actors mentioned in the introduction: the ICRC, which has shaped the development of IHL since the Geneva Conventions in 1949, and the GGE on LAWS, the multilateral forum operating under the CCCW where states have been attempting—for over a decade—to agree on a regulatory framework.

The ICRC's position has been clear, consistently calling for binding international rules that would prohibit autonomous weapons whose effects cannot be sufficiently understood or predicted.[48] It draws directly on the principles just discussed: autonomous systems that kill people without human oversight cannot reliably follow rules of distinction and proportionality—and may be inhumane even if they could.[49] The ICRC also warns that time is short. In May 2025, its President Mirjana Spoljaric said the window to regulate these weapons is closing: once they are in widespread use, it may be too late. [50]

The GGE, introduced earlier, is where these concerns are meant to be addressed—and where they have stalled. Formal discussions on LAWS began in 2017, building on expert meetings that started in 2013.[51] The GGE's current mandate, adopted in 2023, charges it with formulating “by consensus, a set of elements of an instrument” addressing autonomous weapons—without prejudging the instrument's nature—and submitting a final report to the Seventh Review Conference of the CCW, scheduled for November 2026.[52]

By 2025, the CCW's chair, Dutch Ambassador Robert in den Bosch, had produced a “rolling text”—a continuously updated draft of what a future agreement might contain—and convened consultations to narrow the gaps between states' positions.[53] But progress has been slow, and the consensus rule means that any single state can block the entire process.

The state positions within the GGE fall broadly into three camps, and the gulf between them explains why the process has stalled. The first camp that includes most of Africa, Latin America, and the Non-Aligned Movement states, is often referred to as prohibitionists.[54] It calls for a binding treaty that would ban fully autonomous systems outright and require meaningful human control over all uses of force.[55] This position is supported by the UN Secretary-General, whose 2023 New Agenda for Peace recommended that states adopt a legally binding instrument by 2026 to prohibit autonomous weapons that function without human control or oversight.[56] In November 2025, a UN General Assembly resolution on autonomous weapons drew the support of 156 states—broad momentum toward regulation, though the resolution stopped short of mandating formal negotiations.[57]

The second camp supports the two-tier approach, which differentiates between autonomous weapons capable of being controlled by humans and those without such capacity. “Dualists” would regulate the first category and ban the second. Systems that can change their own tasks, goals, or rules of engagement without human approval are, in their view, too unpredictable to allow.[58] This approach has gained wide support as a pragmatic middle ground—backed by states such as Austria, which also advocates for a binding treaty—and is reflected in the rolling text produced by the Chair.[59]

The third camp, the “traditionalists,” includes both the US and Russia. They argue that existing IHL is sufficient to govern autonomous weapons and that no new legally binding instrument is needed. [60] Both reject meaningful human control as a useful standard. The US has stated that IHL “does not prohibit the use of autonomy in weapon systems” and that “there is not a fixed, one-size-fits-all level of human judgment that should be applied to every context.”[61] Russia has echoed this position, arguing that there are “currently no convincing grounds for imposing any new limitations or restrictions on lethal autonomous weapons systems” and that concerns should be addressed through “the faithful implementation of existing international legal norms.”[62] The similarity between these two positions, however, is largely superficial. The US has backed its position with substantive engagement: it has published DoD Directive 3000.09 governing the development and use of autonomous weapons, submitted detailed draft articles to the GGE articulating how IHL applies to autonomous targeting, launched the Political Declaration on Responsible Military Use of AI to build international norms, and made its policy frameworks publicly available.[63] Russia has done none of that. Its submission to the Secretary-General’s 2024 report on LAWS claims that its autonomous systems “can ensure greater accuracy in the targeting of weapons against military facilities and help to reduce the risk of unintentional strikes against civilians and civilian objects,” while offering no evidence, allowing no transparency, or independent verification.[64] On the battlefield, Russia deploys LAWS in a war of aggression with no accountability and no sign that it follows the principles its submission claims it already meets. It uses the language of legal sufficiency to prevent new rules from emerging, not to engage with the governance challenge. Russia’s procedural tactics within the consensus-based GGE—delaying discussions, blocking progressive proposals, watering down reports—have been a key reason why the forum cannot produce results.[65] The “traditionalist” label therefore groups two states that share a rhetorical position but occupy entirely different moral realities.

3.3 One Rule for Both Sides

The governance frameworks disagree on many points: whether a new treaty is needed, the role of meaningful human control, where to draw the line between prohibited and regulated systems. And yet, on one premise they converge—whatever rules emerge should bind all parties equally, aggressor and defender alike. This reflects a fundamental principle of international humanitarian law: the separation between the rules on when a state may resort to war and the rules on how war, once started, may be fought. The first is called *jus ad bellum*; the second, *jus in bello*. The two bodies of law are deliberately kept apart. A state that wages an illegal war of aggression is bound by the conduct rules in full; a state defending itself is bound no less. The just cause does not release any party from its obligations under IHL.[66]

If the conduct rules depended on which side had the just cause, every belligerent would simply claim it. The stronger side could then pass its aggression as justice. By applying *jus in bello* equally, IHL ensures that the wounded are treated, prisoners are not tortured, and civilians are protected on both sides, in every conflict, regardless of who started it. The equal application of conduct rules is, in this view, not a flaw in the system but its greatest strength: it is what makes IHL universal. Applied to autonomous weapons, this principle means that any prohibition should bind Ukraine and Russia alike. If meaningful human control is required, it is required of both. If autonomous targeting of persons is prohibited, it is prohibited for both. The ICRC’s recommendations and the GGE’s rolling text make no distinction between aggressors and defenders. Neither does the UN Secretary-General’s call for a binding instrument. The assumption is rooted so deeply that it is rarely stated explicitly.

04. THE NORMATIVE CRUX: DOES ASYMMETRY MATTER?

4.1 The Case for Context-Sensitivity

The equal application of the *jus in bello* is a principle with a powerful rationale and real consequences for the protection of civilians on both sides of every conflict. Challenging it is not something that can be done lightly. But the earlier sections raise a question the equal application principle cannot fully answer. What happens when the aggressor's own conduct compels the defender towards the very capability the rules seek to restrict?

The sections below make the case for treating aggressors and defenders differently, then test it against the strongest objections.

4.1.1 Compelled, Not Chosen

The governance debate over autonomous weapons treats the decision to deploy them as a choice, that is, a strategic or doctrinal preference that states make from available options. Certainly, a state develops such capability because it seeks a military advantage, because it wants to reduce risk to its military personnel, or because it is competing in a technological arms race.^[67] Under such framing, regulation is straightforward: autonomy is a choice, and choices can be prohibited.

As shown above, Ukraine did not choose AWS but was forced to resort to it by the aggressor's jamming that made human control impossible. Given the circumstances, the only systems that continue to function are those that navigate, identify, and engage targets autonomously.

THE ASYMMETRY IN NUMBERS

The manpower gap between Russia and Ukraine is the context that makes Russian electronic warfare an existential threat rather than a mere strategic disadvantage. Russia recruited over [422,000 soldiers](#) in 2025 and has sustained a rate of [30,000-40,000 new recruits](#) per month, consistently exceeding its targets. [Ukraine recruits](#) between 17,000 and 24,000 per month—from a population roughly one-quarter the size of Russia's, already reduced from over 43 million before the full-scale invasion to an estimated 36 million by late 2025. Ukrainian frontline units often operate at as low as 30 percent of their intended strength, and some brigades are running out of infantry entirely. President Zelensky has stated that Ukrainian troops at key positions along the front are [outnumbered eight to one](#). In this context, every drone lost to Russian jamming is more than just an equipment failure—it is a missed strike, a mission that must either go unfinished or be assigned to a soldier, who may not survive the attempt. Ukraine cannot compensate for technological losses with manpower the way Russia can. Autonomous targeting systems that function through jamming are not a substitute for human decision-making alone. They are a substitute for [human lives that Ukraine does not have to spare](#).

4.1.2 The Perverse Outcome

Context-neutral governance assumes that the rules, once established, will constrain both sides equally. In theory, this is the system's strength. In practice, the rules constrain only the parties willing to follow them, producing a perverse outcome.

Russia has spent a decade blocking binding rules on AWS and rejecting any meaningful human control, only to deploy them in its war of aggression with no accountability. Even if binding rules were agreed tomorrow, there is no reason to think Russia would follow them. [68]

Ukraine, by contrast, operates within a coalition of democratic states whose continued support depends on Ukraine's adherence to international norms.[69] The US conditions military assistance on compliance with the Leahy Law, prohibiting the provision of security assistance to foreign military units implicated in gross violations of human rights—a vetting process that applies to every Ukrainian unit receiving American equipment or training.[70] Beyond individual unit vetting, the US government has also established the Ukraine Oversight Interagency Working Group, comprising 24 federal oversight agencies—from the Department of Defense Inspector General to the Government Accountability Office—that share information, develop comprehensive oversight plans, and coordinate audits, evaluations, and investigations across all US assistance to Ukraine.[71] In late 2024, Ukraine's Ministry of Defense published a voluntary report on its compliance with IHL—one of very few any state has produced, and the first ever issued by a country in a state of war.[72] It detailed how the Armed Forces of Ukraine enforce IHL across the chain of command, from individual soldiers' pocket cards to the system of investigation and prosecution of violations. Ukraine has since presented it to the ICRC, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), and the Ukraine-NATO Council.[73] A binding restriction on autonomous targeting would, most likely, be observed by Ukraine and disregarded by Russia.

The result would be an arms control regime that disarms the defender while leaving the aggressor untouched. Ukraine would be required to abandon the autonomous systems that allow it to fight through Russian jamming. Russia would continue to jam Ukrainian communications, deploy its own LAWS, and face no consequences for non-compliance. The governance framework designed to protect civilians and uphold humanitarian law would, in effect, tilt the military balance in favor of the state that has started the war, systematically targeted civilian infrastructure, and shows no interest in the norms the framework seeks to enforce. The result would indeed be perverse: rules intended to make war more humane would make it easier for the aggressor to prevail.

4.1.3 Proportionality Reframed

The principle of proportionality requires that the expected civilian harm from an attack not be excessive in relation to the military advantage it anticipates. In the governance debate, proportionality is usually invoked as a reason for caution: how can a machine make the contextual, value-laden judgment that proportionality demands?

On the Ukrainian battlefield, the concern that a machine cannot weigh proportionality misses the key point. Proportionality is not about whether autonomous targeting is ideal, but whether the strike does less harm than the realistic alternatives when the aggressor's jamming has eliminated human-controlled options.

Consider the choices facing a Ukrainian commander in a heavily jammed sector of the front. A column of Russian armored vehicles is advancing toward a defended position. Human-operated drones cannot reach the target—ninety percent are lost to electronic warfare before they arrive. The alternatives are: do nothing and allow the advance to succeed, with the casualties and territorial loss that follow; commit infantry to engage the column at close range, at enormous cost in lives that Ukraine cannot afford to lose; attempt an artillery strike, which is less precise and carries a higher risk of civilian harm in populated areas; or deploy an AI-guided drone that uses computer vision to lock onto the armored vehicles, fly through the jamming, and strike.

Among these options, the autonomous strike may be the most proportionate—the one that achieves the military objective with the least civilian harm it can expect to cause. The AI-guided system targets a specific military object using visual identification. It does not scatter ordnance across a wide area like artillery. It does not require the kind of close engagement that puts both soldiers and local civilians at risk. And it does not require abandoning the defense of a position, which may itself lead to greater civilian suffering under occupation.

This surely does not resolve the proportionality problem. An algorithm can still err and misidentify a target. It can miss civilians near the objective. But proportionality is a comparative judgment. It weighs expected harm against military advantage and does not demand a flawless strike. When the realistic alternatives are all worse for civilians, the autonomous strike may come closer to satisfying proportionality than any human-control method.

4.1.4 Necessity Under Existential Threat

Military necessity permits measures needed to achieve a legitimate military purpose and are not otherwise prohibited by IHL. By design, it responds to context: what counts as necessary depends on the circumstances a belligerent faces. That means that an unnecessary—and therefore impermissible—measure in one operational environment may be indispensable in another. Unlike distinction and proportionality, military necessity is not codified in a single article. It runs through IHL—in treaty law and customary law—and again in national military doctrine.

MILITARY NECESSITY IN INTERNATIONAL HUMANITARIAN LAW: A MAPPING

Unlike the principles of distinction and proportionality, which are codified in specific articles of Additional Protocol I, military necessity is not defined in a single treaty provision. It serves both as a foundational principle—explaining why IHL permits violence in armed conflict at all—and as a conditional exception within specific rules, invoked only where treaty language explicitly allows it. The following is a non-exhaustive mapping of its principal appearance across IHL sources.

As a foundational concept:

- The Lieber Code (1863), Art. 14 – the first modern codification. It defines military necessity as “those measures which are indispensable for securing the ends of the war, and which are lawful according to the modern law and usages of war.” A domestic military instruction for Union forces in the American Civil War, it served as a template for subsequent international codification.

- Declaration of St. Petersburg (1868) – established the principle that “the only legitimate object which States should endeavor to accomplish during war is to weaken the military forces of the enemy,” thereby confining military necessity to the weakening of military capacity.

As a conditional exception:

- Hague Regulations (1907), Art. 23(g) – prohibits the destruction or seizure of enemy property by the occupying power “unless such destruction or seizure be imperatively demanded by the necessities of war.”

- Geneva Convention IV (1949), Art. 53 - prohibits destruction of property "except where such destruction is rendered absolutely necessary by military operations." Art. 147 - lists "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" as a grave breach.

- Additional Protocol I (1977), Art. 52(2) - defines military objectives as those that "by their nature, location, purpose or use make an effective contribution to military action." Art. 54(5) - allows derogation from protections of objects indispensable to the survival of the civilian population "if required by imperative military necessity."

- Hague Convention for the Protection of Cultural Property (1954), Art. 4(2) – waves obligations to respect cultural property only “in cases where military necessity imperatively requires such a waiver”. The 1999 Second Protocol further narrowed this exception.

As customary international law:

- ICRC Customary IHL, Rules 1-24 outline military necessity as interpretative principle

As international criminal law:

- Rome Statute (1998), Art. 8(2)(a)(iv) deems extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly as war crime

In national military doctrine:

- US DoD Law of War Manual (sections 2.2-2.3) identifies military necessity and humanity as two of three foundational principles (alongside honor) from which proportionality and distinction derive. Military necessity justifies “certain actions necessary to defeat the enemy as quickly and efficiently as possible” that are not prohibited by the law of war. Humanity forbids ‘actions unnecessary to achieve that object.’ These two principles are interdependent constraints: necessity permits, humanity limits, and proportionality mediates between them. Military necessity is a foundational principle of equal standing with humanity – a doctrinal choice that reflects the operational perspective of a state that takes the principle seriously as a framework for lawful action, not merely as a justification for exceptional measures.

Across all these sources—treaty law, custom, and national doctrine—the pattern is the same. Military necessity permits what would otherwise be prohibited, but only when no less destructive alternative exists, and when the measure is consistent with the other principles of IHL. Necessity permits, it never licenses.

Outnumbered, outgunned, and now jammed out of controlling its own weapons, Ukraine turns to autonomy because the alternatives have run out. Above all, Ukraine is fighting for survival, not for strategic advantage or territorial gain.[74]

Under these conditions, autonomous targeting systems are not a discretionary enhancement. For certain categories of engagement, it is the only way Ukraine can effectively strike legitimate military targets. That is the core of military necessity: a legitimate purpose, and no less autonomous means available.

Necessity does not override other principles of IHL. It does not permit attacks that violate the principles of distinction and proportionality, nor does it authorize weapons that are indiscriminate by nature or used indiscriminately.[75] It does, however, provide legal and moral grounds for employing autonomous systems in specific, documented circumstances where no human-controlled alternative can achieve the same objective. A total ban of autonomous targeting—applied without regard to the conditions under which it is used—would deny a defending state its right to military necessity when that right is most acutely needed. Prohibiting Ukraine from using the only weapons effective against Russian jamming would then turn IHL against its own purpose.

4.2 The Case Against

There is a meaningful moral and operational difference between a state compelled towards autonomous weapons and one that chooses them freely. At the same time, the equal application of *jus in bello* has been a cornerstone of IHL for over a century for good reasons that cannot be set aside as inconvenient. These reasons are reflected in the objections examined below.

4.2.1 An Exploitable Exception

The first objection is that an exception favoring the defender could be abused. A framework that gives the defender greater flexibility in deploying autonomous weapons than the aggressor must first be able to identify who the defender is. The answer often seems obvious, but the international system has no reliable way to establish it with a conflict underway.[76]

The UN Security Council is the body with formal authority to identify an act of aggression, but any of its five permanent members can veto such a determination. Naturally, Russia, which is both a permanent member and a party to the conflict, vetoed any attempts to address the issue, let alone designate itself as the aggressor.[77] The International Court of Justice can rule on questions of aggression, but it takes years to do it—while the decisions a context-aware framework would govern are made on the battlefield in hours. No existing institution can declare a party “the aggressor” in real time and with binding authority.

Belligerents cannot provide an impartial designation. Indeed, every state that goes to war calls its cause as defensive. Russia justified its invasion as defense against the alleged NATO encirclement and threat to Russian speakers in Donbass.[78] A framework hinging on defender status would provide every future aggressor with both motivation and a script: claim self-defense, assert that the adversary’s conduct left no alternatives to autonomous weapons, and unlock whatever latitude the framework reserves for defenders.

A state could even engineer the triggering conditions—provoking an adversary or manufacturing the electronic-warfare environment the exception is meant to address—and then invoke the exception it has deliberately created. The objection then runs deeper than the risk of false claims. Because the aggressor/defender determination cannot be made reliably or fast enough to matter, the framework could not screen out the claims, and an exception that cannot be administered will be abused.

4.2.2 The Firewall

The second objection is structural and goes to the foundation of IHL. The law deliberately separates the two questions—whether a war is lawful and how it is fought—and applies the conduct rules equally to all sides. The alternative is worse: if the rules depended on who had the just cause, the protection those rules afford would be contingent on a political judgment rarely settled while the fighting continues. As the law stands, the wounded soldier, the captured prisoner, and the civilian caught in the crossfire—all of them depend on rules that apply regardless of which flag flies over their heads.

Yoram Dinstein, a leading scholar of the law of armed conflict, puts the point sharply. Some commentators, he notes, would abolish the principle of equality between belligerents—but doing so “would raise grave issues as regards the plight of both civilians and combatants who are on the wrong side in an aggressive war for which they are not responsible.”[79] The conscripts and civilians of an aggressor state did not choose the war their government launched, and stripping them of equal protection would punish them for decisions that were never theirs. The equality of belligerents is therefore more than aspiration. It is customary law, confirmed by state practice and codified in Common Article 1 of the 1949 Geneva Conventions, which the ICRC reads as reaffirming the separation of the two bodies of law.[80]

Dinstein also rejects an argument close to this paper’s own: that a belligerent’s inferior military capabilities might justify departing from equal application. He dismisses the idea that a technologically weaker side deserves a moral dispensation because it has no other choice but to break the rules.[81] That reasoning, he writes, “completely misses the mark both factually and legally,” for asymmetry is the historical norm, and technological inferiority does not compel unlawful conduct, since the weaker party can turn to “lawful ruses and stratagems” instead.[82]

Autonomous targeting under communication denial can satisfy distinction, proportionality, and necessity. That makes it a lawful method in its own right. The real concern is one of design. A regime that banned such targeting would reach past existing law, prohibiting what IHL already allows.

The deeper objection concerns the firewall IHL keeps between the two bodies of law—the barrier separating the question of who may go to war from the rules of how war is fought. Even confined to a new regime, a rule giving the defender latitude the aggressor is denied makes the conduct of war depend on who started it. And because the equal application runs through all of IHL, a precedent set for autonomous targeting could spread to other areas of the law, gradually eroding the firewall.

This is the strongest objection, and it has no abstract answer. Whether an exception for compelled autonomy can be kept within bounds—drawn narrowly enough and verified strictly enough that it does not trickle down the rest of IHL—depends on how it is designed and administered.

4.2.3 From Necessity to Normalization

Another objection accepts that autonomous targeting is justified when jamming makes human control impossible and asks what happens over time. Pope Leo XIV states this objection in its widest terms. He warns that reducing the practical and moral costs of killing lowers the threshold for war: the easier killing becomes, the more freely states turn to it.[83]

A version of this is already visible on Ukraine's front, where the case for compelled autonomy has no clear stopping point. How much jamming is enough? Once a unit succeeds with an autonomous strike in a heavily jammed sector, the same tool is easier to justify in a less congested one, where human control was difficult but not impossible. Gradually, a capability reserved for the most extreme conditions becomes the ordinary way of operating. The progression from terminal guidance to full-mission autonomy, to systems that wait for a target to appear shows the trajectory: autonomy increases at each step and rarely reverses. A framework permitting compelled autonomy would accelerate this tendency rather than contain it, normalizing the removal of human judgment under the cover of necessity.

4.2.4 Who Answers for the Machine?

A fourth objection concerns accountability. When a machine selects and strikes on its own, responsibility for wrongful killing is difficult to assign: the operator did not choose the specific target; the engineer did not pull a trigger; the commander authorized the system's use, not the strike it made. This difficulty applies to all autonomous weapons. Here it cuts deeper because the case for the defender rests on its being accountable. and Ukraine certainly is - through Leahy Law vetting on every assisted unit, oversight of how support is used, a voluntary IHL report, and the standards Ukraine's partners expect. That sets it apart from Russia, which deploys autonomous systems with no transparency and answers to no one. Ukraine's accountability, however, is largely attributable to the conditions its Western partners set. A defender without similar oversight would have no comparable check. Accountability, therefore, should be a firm rule for any defender that claims the exception.

4.3 The Defender's Obligations

The presented objections share an assumption that the context-sensitivity ultimately gives one party a break under the pretext of necessity. If that were the case, the objections would prevail. Context-sensitivity does not mean fewer obligations for the defender. It means different ones—as strict as the rules everyone else must follow, and often stricter—shaped by the conditions the defender actually faces.

A state that turns to autonomous targeting because jamming has made human control impossible must accept three responsibilities.

First, the obligation to use the least autonomy the situation requires, where and for as long as it requires it. Autonomy is justified by necessity, and necessity is specific to circumstances. In sectors where jamming is light or absent and human control remains possible, the defender must use it. When those conditions pass—when jamming lifts or a sector is no longer contested—the permission lapses with them, and the capability must be stood down.

Second, the obligation to build for compliance, not just effectiveness. The defender's autonomous systems must be designed from the outset to satisfy distinction and proportionality. A system that cannot reliably tell a legitimate target from a civilian one is unusable, whatever the operational pressure.

Third, the obligation to preserve accountability. Every autonomous engagement must be logged and open to after-the-fact review, with a clear chain of responsibility running back to those who authorized the system's use.

In the encyclical, Pope Leo sets out conditions any use of autonomous force must meet: a person answerable for every engagement; speed a machine is capable of is never on its own a reason to act; and targeting that holds the line between combatant and civilian.[84] These mirror the defender's obligations: accountability, least autonomy, and distinction. The alignment is worth stating, and so is its limit. The encyclical's central claim—that lethal decisions must remain under human control—runs against the case for compelled autonomy, so the convergence marks common concern rather than endorsement. Once human control is impossible, a deployment's legitimacy no longer rests on whether a human decides at the moment of strike. It rests instead on the obligations set out above—that the weapon system distinguishes military targets from civilian ones, that it is used with no more autonomy than the conditions require, and that it keeps accountability traceable to those who deployed it.

Under these obligations, the defender is more constrained than the aggressor—bound by limits an aggressor that deploys LAWS at will would never accept. This is the asymmetry that matters: one side binds itself to these constraints while the other rejects them entirely. The law should not punish the side that complies.

Yet these are obligations that the defender takes on itself, and self-restraint alone cannot answer every objection. Two problems remain that no defender can solve alone—it cannot be the judge of the conditions that justify its own actions, and it cannot break the deadlock over how autonomous weapons should be governed.

05. TOWARD CONTEXT-AWARE GOVERNANCE

Two steps would address what self-restraint cannot. The first concerns how the framework would work; the second is procedural and concerns whether it could be adopted at all.

5.1 Verifying the Conditions

The determination of the conditions that genuinely compel autonomy requires an independent international body—under UN auspices or an expanded ICRC mandate—with a recognized authority to verify the operational conditions that justify autonomous targeting: the presence, intensity, and location of signal-jamming severe enough to defeat human control. Autonomy claimed without verified conditions would fall outside the framework. To make verification meaningful, a defending state should grant that body access to its autonomous engagements—sharing performance and targeting data and submitting strike records for review. This takes the judgment away from the party that benefits from it, denies a future aggressor the ability to manufacture its own justification, and ties the defender's claim to different treatment to a standard the claimant cannot set for itself.

5.2 Breaking the Deadlock

A framework is only as good as the forum that adopts it—and that forum, the CCCW, is currently paralyzed. The CCCW operates by consensus, which has allowed Russia—the state whose conduct most demands regulation—to block any binding outcome. A precedent exists for denying one obstructive state a veto. The OSCE's “consensus minus one” rule—which Russia itself agreed to—allows decisions to be taken without the consent of a state responsible for clear and uncorrected violations. Reading consensus as the absence of objection from every state except the one whose conduct is at issue would keep the party most resistant to regulation from holding the process hostage.

06. CONCLUSION

In January 2026, Ukraine placed a technologist at the head of its defense ministry. Mykhailo Fedorov's appointment, the release of millions of strike records to train targeting models, the brigades already flying drones that lock onto targets when the radio link dies—all this shows that the outnumbered and outgunned country has chosen to keep fighting. Behind that choice lies a harder fact: across much of the front, Russian jamming has made human control impossible, and autonomous targeting has become the only way to strike legitimate military objectives. The aggressor forced the defender to reach for autonomy.

Ukraine's compliance with IHL is not in dispute here. A defender, Ukraine stays bound by the law of armed conflict—by distinction, by proportionality, by the duty to use the least autonomy its situation allows, and to account for every strike. These are heavier obligations than the aggressor accepts. The asymmetry defended here is a higher standard—held by the side that complies, against the side that does not.

What remains is to ensure that the law does not punish that compliance. A governance regime banning autonomous targeting without regard to the conditions that compel it would disarm the party willing to follow the rules and leave the party that ignores them without repercussions, effectively making international law an instrument to the aggressor's advantage. The decision taken now will outlast the war, and the norms that emerge from Ukraine will shape how autonomous weapons are governed. For Leo XIV, such decisions must belong with people, never with machines. Where an aggressor makes that impossible, the conditions he sets for autonomous force—traceable responsibility and strikes aimed only at military targets—are the ones the defender already meets. Those norms should protect the defender who fights within the law for its very existence—not hand the advantage to the aggressor who fights outside it.

08. NOTES

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