Approaches of the Russian Federation to the issue of emerging technologies in the area of lethal autonomous weapons systems

Submitted by the Russian Federation

I. Introduction

1. The Russian Federation considers the format of the Convention on Certain Conventional Weapons (CCW) the best suited for addressing the issue of lethal autonomous weapons systems (LAWS). It is exactly the Group of Governmental Experts (GGE) of the High Contracting Parties to the CCW on emerging technologies in the area of LAWS that is called upon to maintain a reasonable balance between humanitarian concerns and the legitimate defense interests of States in relation to such weapons, and to take consensus-based decisions. Transferring this issue to any other international platform, including the UN, seems counterproductive.

2. We highly appreciate the work of the GGE and the significant results it has achieved, including the 2019 guiding principles. We welcome the approval by the Meeting of the High Contracting Parties to the Convention of a new discussion mandate of the Group until 2026. We hope that it will be able to agree, the opinions of all States Parties taken into account, substantive conclusions and recommendations for submitting them to the Seventh CCW Review Conference.

3. We assume that the work of the Group should be built in full accordance with the goals and objectives of the Convention and not go beyond its scope. We note the importance of States Parties providing the appropriate level of expertise and industrial and academic community further engaging in the LAWS discussions.
II. Definition

4. There is no consensual definition of LAWS in the existing international law. This complicates the GGE work. Developing a common working understanding of lethal autonomous weapons systems could give a clearer perception of the subject of the discussions within the Group and further prospects of work.

5. According to Russian experts, the working definition should meet the following requirements:
   
   (a) It should contain the description of the types of weapons that fall under the category of LAWS, conditions for their production and testing as well as of their use;
   
   (b) It should not be limited to the existing understanding of LAWS, but also take into consideration the possibility of their future development;
   
   (c) It should be universal in terms of the understanding by the expert community, including scientists, engineers, technicians, military personnel, lawyers and ethicists;
   
   (d) It should not be construed as limiting technological progress and undermining the ongoing research in the field of peaceful robotics and artificial intelligence (AI);
   
   (e) It should not define LAWS restrictively, through functions only.

6. It is necessary to avoid dividing the weapons under discussion into "bad" and "good", i.e. allowing the division of such weapons into groups based on the political preferences of a particular group of States.

7. We consider the following definition to be accurate: a lethal autonomous weapons system is a fully autonomous unmanned technical means other than ordnance that is intended for carrying out combat and support missions without any involvement of the operator. In this regard, we oppose to discuss the issue of unmanned aerial vehicles in the context of LAWS within the CCW framework, since they are a particular case of highly automated systems and are not classified as LAWS.

8. The existing highly automated military systems should not be separated into a "special" category requiring immediate restrictions and bans. It is this degree of automation that enables such systems to operate in dynamic combat situations and in various environments while ensuring an adequate level of discrimination and accuracy and, therefore, their compliance with international humanitarian law (IHL) principles and norms.

III. LAWS in the context of IHL

9. The existing international law, including international humanitarian law, is fully applicable to LAWS and contains a number of important restrictions concerning:

   (a) Inadmissibility of indiscriminate, disproportionate use of LAWS, as well as their use against civilians or without precautions taken to protect civilians;
   
   (b) Any military use of LAWS should be conducted in compliance with the principle of proportionality between the military necessity and the damage caused;
   
   (c) Adoption of a decision on advisability, forms and ways of the use of LAWS by a person planning to conduct a military operation and developing scenarios of the use (a mission) of these systems;
   
   (d) Legal review during the study, development, acquisition or adoption of new weapons in accordance with article 36 of 1977 Additional Protocol I (AP I) to the Geneva Conventions of 1949.

10. We believe that norms and principles of international law, including IHL, do not need to be modernized or adapted to the specific features of LAWS. At the moment, we do not see any convincing reasons requiring immediate restrictions and bans against such type of weapons. We believe the discussions aiming at negotiation of certain “rules of behavior” in relation to LAWS to be premature.
11. The principles of humanity, the dictates of public conscience, as well as the human rights dimension cannot be used as the absolute and sole sufficient condition to impose restrictive and prohibitive regimes on certain types of weapons.

12. We attach considerable importance to the universalization of the four 1949 Geneva Conventions and their three Additional Protocols. In our view, concerns regarding LAWS can be addressed through faithful implementation of the existing international legal norms.

13. Strict compliance with IHL norms and principles in situations of armed conflicts remains one of the Russian Federation's priorities. The Russian legislation fully provides for the guiding principles concerning new LAWS technologies approved by consensus by the CCW States Parties in 2019. We perceive further exchange of information on specific practical measures to implement these guiding principles at national level as a way to strengthen confidence and enhance transparency.

14. The Armed Forces of the Russian Federation adhere strictly to the IHL norms enshrined in federal and departmental legal instruments. Issues related to IHL observance, including those connected with use of new types of weapons, are reflected in administrative documents and training programs for all categories of military personnel. In 2022 a “Concept of activities of the Armed Forces of the Russian Federation in the development and use of weapons systems with AI technologies” has been adopted.

15. The Russian Federation also fully complies with its obligations under article 36 of AP I. We consider it a norm of customary international law. We note that this article does not contain any provisions on how exactly legal reviews should be conducted and does not impose an obligation on States to make their results public, nor to provide anyone with information on the subject. Our country has put in place a state-wide system to check prototypes for compliance with specified requirements on the basis of the existing legal framework, to ensure appropriate monitoring of compliance with the requirements at all stages. Taking into account the existence of efficient national procedures, we believe it is superfluous to elaborate a universal mandatory mechanism to conduct such "legal reviews", especially one specifically designed for LAWS. Meanwhile, we do not object to a voluntarily exchange of best practices regarding the fulfilment of obligations under article 36 of AP I, taking into account the considerations of national security and trade secrets.

IV. Exercising control over LAWS

16. We consider human control over the operation of lethal autonomous weapons systems as an important constrainer. For these purposes, the control system of LAWS should provide for intervention by a human operator or the upper-level control system to change the mode of operation of such systems, including partial or complete deactivation. At the same time, we believe that specific forms and methods of human control should remain at the discretion of States and can be ensured by means other than direct control.

17. Control can be exercised by means of:

(a) Increased reliability and fault tolerance;
(b) Limitations on types of targets;
(c) Limitations on duration of operation, geographical scope and scale of use;
(d) Timely intervention and deactivation;
(e) Testing LAWS in real operation environment;
(f) Admitting persons who have successfully mastered the procedures of use of LAWS to management (control);
(g) Control over the production process of separate elements and the product as a whole;
(h) Control over presorting and disposal of separate elements and the product as a whole.
We consider it inappropriate to introduce the concepts of "meaningful human control" and "form and degree of human involvement" promoted by individual States into the discussion, since such categories have no general relation to law and lead only to the politicization of discussions.

V. Responsibility

19. We note that States and individuals (including developers and manufacturers) at any time bear responsibility in accordance with international law for their decisions to develop and use emerging LAWS technologies. We believe that responsibility for the use of such systems rests with the official who assigns a mission for them and orders their use. When using LAWS, such an official should have adequate knowledge and skills related to their functioning and operation, as well as perform decision-making function with respect to advisability of LAWS use, planning of forms and methods of their use.

VI. LAWS opportunities and constraints

20. The Russian Federation is convinced that LAWS can demonstrate greater effectiveness than human operator when performing assigned tasks and reduce error probabilities. In particular, such systems can significantly reduce negative implications of the use of weapons in the IHL context, related to the human operator’s errors, his mental or physical state, moral, religious, and ethical attitudes. Their use in accordance with international humanitarian law can ensure more accurate guidance of weapons directed against military assets and contribute to reduced risk of unintentional strikes against civilians and civilian objects.

21. We believe that in its discussions on LAWS the Group should not ignore the said advantages.

22. Meanwhile we note that the assessment of potential risks and mitigation measures should be part of the new technologies design, development, testing and deployment cycle in any weapon system.

23. We view the following measures as effective ways of minimizing risks with regard to such weapons systems:
   (a) Effective life cycle management;
   (b) Comprehensive tests at all life cycle stages, including in realistic environment;
   (c) Ensuring reliability and fault tolerance;
   (d) Specification of readiness criteria;
   (e) Ensuring maximum security against unauthorized access;
   (f) Operator training;
   (g) Prioritizing the use of AI technologies in gathering and processing information necessary to support military decision-making;
   (h) Continuous operator monitoring of the actions of such systems, ensuring emergency termination of a combat mission by operator’s command;
   (i) Preventing access by non-state actors who could use them for illegal purposes.

24. Comprehensive exchange of views on LAWS within the CCW can also contribute to the risk mitigation.