

Document of the Russian Federation pursuant to UN GA resolution 78/241 of 22 December 2023 «Lethal autonomous weapons systems»

The Russian Federation notes the adoption of UN GA resolution 78/241 of 22 December 2023 and in accordance with its paragraph 2 has the honour to submit its national contribution to the report of the UN Secretary-General to the General Assembly at its 79th session for further discussion by Member States.

We consider 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.

The Russian Federation welcomes 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.

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

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, as well as certain important aspects 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 through functions only.

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.

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.

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.

It is generally accepted that 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.

The 1977 Additional Protocol I (AP I) to the Geneva Conventions of 1949 also contains an important obligation regarding conduction of legal reviews during the study, development, acquisition or adoption of new weapons. Meanwhile, the article 36 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. Legal reviews are well regulated by the States at national level which makes the additional elaboration of a universal mandatory mechanism to conduct such "legal reviews", especially one specifically designed for LAWS, unnecessary. Meanwhile, we do not object to a voluntary 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.

The Russian Federation does not see any convincing reasons requiring immediate restrictions and bans against lethal autonomous weapons systems, modernization or adaptation of IHL to such weapons systems. We believe the discussions aiming at negotiation of certain "rules of behaviour" in relation to LAWS to be premature.

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.

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.

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.

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.

The Russian Federation considers 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.

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.

It is common knowledge 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.

The assessment of potential risks related to use of LAWS and mitigation measures should be part of the new technologies design, development, testing and deployment cycle in any weapon system.

The following measures could be effective to minimize 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.

We consider facilitation of exchange of views between States on a voluntary basis in the context of LAWS and international law to be useful.

The Russian Federation requests you, Mr. Secretary-General, to take into account the above considerations in your substantive report pursuant to paragraph 2 of UN GA resolution 78/241 and to include this document in the annex to your report.