

Document of the Russian Federation

«Considerations for the report of the Group of Governmental Experts of the High Contracting Parties to the Convention on Certain Conventional Weapons on emerging technologies in the area of Lethal Autonomous Weapons Systems on the outcomes of the work undertaken in 2017-2021»

The Russian Federation welcomes the efforts of the Chairperson of the Group of Governmental Experts (GGE) of the High Contracting Parties to the Convention on Certain Conventional Weapons (CCW) on emerging technologies in the area of Lethal Autonomous Weapons Systems (LAWS) to elaborate possible consensus recommendations in relation to the clarification, consideration and development of aspects of the normative and operational framework on emerging technologies in the area of LAWS in the context of the objectives and purposes of the CCW and prepare the final report of the GGE to the 2021 CCW Review Conference (Geneva, 13-17 December 2021). We request to take into account the following considerations in this document.

We are committed to the understandings enshrined in the 2017, 2018 and 2019 GGE final reports. We proceed from the fact that international law, including international humanitarian law (IHL), is fully applicable to advanced weapons and equipment with a high degree of autonomy and does not need to be modernized or adapted because of their characteristics. Strict compliance with IHL norms in situations of armed conflict remains one of the Russian Federation's priorities.

We consider the existing legal regulation to be sufficient. Restrictions and principles deriving from IHL apply to all types of weapons without exception, including LAWS. This means that the systems mentioned, their technical characteristics and features resulting from their autonomy, as well as their use in combat operations, must be consistent with the enshrined principles (e.g. in the CCW preamble) of the protection of the civilian population against hostilities, of non-infliction of superfluous injury or unnecessary suffering and must not be intended, or may not be expected, to cause widespread, long-term and severe

damage to the natural environment. The use of LAWS should meet the criteria of adequacy and proportionality.

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.

The Russian Federation is therefore against developing a legally binding international instrument on LAWS within the GGE and imposing a moratorium on the development and use of such systems and the technologies used to create them. We believe it is premature to hold discussions to negotiate rules of conduct in relation to LAWS. Instead, we suggest focusing on the analysis of the existing international legal norms in the context of LAWS.

We believe it is unacceptable to artificially divide weapons into «bad» and «good» ones based on the political preferences of certain States. We call for avoiding hasty decisions that could hinder technological progress. It is necessary to ensure that ongoing research in the field of peaceful robotics and artificial intelligence is not compromised. It is important to bear in mind that views on and attitudes towards technology in society may change over time, as more experience is being gained in its application.

LAWS technologies can significantly reduce the negative impact of weapons use in the context of IHL related to operator error, his/her mental or physiological state, ethical, religious or moral values. They can reduce the likelihood of unintentional attacks against civilians and civilian objects.

Therefore, the existing military and dual-use systems with a high degree of autonomy should not be included in a «special» category that requires immediate restrictions and prohibitions. It is this level of autonomy that helps to reduce the negative impact of the use of such weapons systems related to hazards of «human factor» and allows such systems to operate in a dynamic combat situation and various environments, while ensuring an appropriate degree of selectivity and accuracy thereof and, consequently, their being consistent with IHL principles and norms.

The subject of the discussion within the GGE on LAWS should be limited to fully autonomous military and dual-use systems. Therefore, it will be problematic to achieve further progress in the work of the GGE without developing a common understanding on LAWS and their basic functions.

We reaffirm our principled approaches to the definition of LAWS. A working definition cannot be limited to the current understanding of LAWS. It is necessary to bear in mind the possibilities of their future development. Such a definition must also be universal in terms of its understanding by the expert community, including scientists, engineers, technicians, the military, lawyers and ethicists, and strike a balance between humanitarian concerns and legitimate defence interests of States.

The Russian Federation is committed to the need to maintain human control over LAWS, no matter how «advanced» these systems may be. Specific forms and methods of such control, however, should be left to the discretion of States. We believe that not only direct operation can ensure effective human control over the machine.

We believe that the concepts of «meaningful human control» and «form and degree of human involvement», promoted by a number of countries and generally not relevant to the law, are only fraught with the risk of politicizing the discussion.

Responsibility under international law for decision-making on the creation and use of LAWS at all stages of their life cycle lies with both States and individuals (including developers and producers). Responsibility for the use of LAWS lies with an official who gives tasks to such weapons systems and orders to use them. We proceed from the fact that when using LAWS, such persons should have the adequate knowledge and skills relating to their operation and management, as well as fulfill functions of decision-making on whether it is appropriate to use LAWS and design forms and methods of use of LAWS.

Determining limits on tasks, targets, duration of use and area of application of LAWS could increase their predictability and thereby also promote compliance with IHL.

The Russian Federation fully complies with its obligations under Article 36 of Additional Protocol I of 1977 (AP I) to the 1949 Geneva Conventions. Our country has a nationwide system which makes it possible, on the basis of the existing legal and regulatory framework, to ensure appropriate monitoring of compliance with the requirements of Article 36 of AP I.

We believe it is superfluous to elaborate a universal mandatory mechanism to conduct such «legal reviews», especially one specifically designed for LAWS. Our efforts should instead focus on further universalization of AP I and the withdrawal of reservations made by States when ratifying this IHL instrument.

The Russian Federation views the CCW as an optimal forum to address the issue of LAWS. Taking this topic to other international fora is counterproductive. The matters of compliance with the existing obligations under export control regimes in the context of LAWS should be discussed in relevant export control formats.

Discussions within the GGE on LAWS should be structured fully in line with the objectives of the CCW and should not go beyond its scope. The «added value» of the GGE will depend on the practical applicability of its groundwork for the purposes of the CCW. We deem it useful to continue discussions of the issues of LAWS within the GGE based on the discussion mandate and agreed agenda.