Potential opportunities and limitations of military uses of lethal autonomous weapons systems

Submitted by the Russian Federation

1. At the meeting of the Group of Governmental Experts (GGE) on lethal autonomous weapons systems (LAWS) under the Convention on Certain Conventional Weapons (CCW) held in August, 2018, a number of presentations were made that showed certain advantages of highly automated weapons systems in the context of military uses, including the compliance with the rules of international humanitarian law (IHL). In particular, specific examples vividly demonstrated that such means play an important role in addressing the tasks of defense, combating terrorist threats, mitigating mine danger and so on. The Russian Federation would like to contribute to dealing with the above issue by this working paper.

2. The Russian Federation presumes that potential LAWS can be more efficient than a human operator in addressing the tasks by minimizing the error rate. In particular, such systems are capable of considerably reducing the negative consequences of the use of weapons related to operator's errors, mental and physiological state, as well as ethical, religious or moral stance in the IHL context. The use of highly automated technology can ensure the increased accuracy of weapon guidance on military targets, while contributing to lower rate of unintentional strikes against civilians and civilian targets.

3. Possible uses of LAWS include:
   - destruction of military facilities;
   - protection and safekeeping of critical infrastructure (atomic power plants, dams, bridges and so on);
   - elimination of terrorist groups;
   - protection of civilians.

4. 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 IHL principles and norms.

5. The Russian Federation supposes that the discussion within the GGE on LAWS should be limited to fully autonomous systems, for which we propose the following definition: "unmanned technical means other than ordnance that are intended for carrying out combat and support missions without any involvement of the operator". In this regard, we are opposed to discussing 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.

6. Existing international law, including IHL, contains a number of important restrictions that fully apply to highly automated weapons systems and do not need to be modernized or adapted to the specific features of such means. In particular, these restrictions are as follows:

- indiscriminate and disproportionate use of LAWS, as well as their use against civilians or without precautions taken to protect civilians is unacceptable;
- any military use of LAWS should be conducted in compliance with the principle of proportionality between the military necessity and the damage caused;
- the decision on whether and how to use LAWS is made by a person planning the military operation and developing scenarios of the use (mission) of these systems.

7. We consider human control over the operation of such systems an important limiting factor. 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.

8. Article 36 of 1977 Additional Protocol I (AP I) to the Geneva Conventions of 1949 is a supplementary tool to regulate LAWS in the context of future military uses. Russia adheres to its relevant obligations and deems it unnecessary to elaborate a universal mandatory mechanism for "legal reviews", especially just for LAWS. We believe it is more important to universalize AP I and for the States to withdraw their reservations made after ratifying this IHL instrument.

9. The Russian Federation has put in place a state-wide system to check prototypes for compliance with the specified requirements on the basis of the existing legal framework. Such checks are carried out at all stages of development of prototype weapons and military equipment, as well as during their operation. The assessment of military products confirms not only their declared functional capabilities and performance characteristics and their environmental impact, but also their compliance with the requirements set out in Article 36 of AP I.

10. The Russian Federation is convinced that the issue of LAWS is extremely sensitive. While discussing it, the GGE should not ignore potential benefits of such systems in the context of ensuring States' national security. It is necessary to examine the modalities for applying the existing international legal restrictions and IHL rules to these systems. Thus, the concerns regarding LAWS can be addressed through faithful implementation of the existing international legal norms.