

# Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

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English only

Group of Governmental Experts on Emerging Technologies  
in the Area of Lethal Autonomous Weapons System  
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Item 5 of the agenda

Consideration of proposals and elaboration, by consensus, of possible measures, including taking into account the example of existing protocols within the Convention, and other options related to the normative and operational framework on emerging technologies in the area of lethal autonomous weapon systems, building upon the recommendations and conclusions of the Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapon systems, and bringing in expertise on legal, military, and technological aspects

## Application of International Law to Lethal Autonomous Weapons Systems (LAWS)

Submitted by Russian Federation

### Introduction

1. This document aims to ensure strict compliance with international humanitarian law (IHL) obligations while enhancing the effectiveness of combat tasks execution through the use of prospective lethal autonomous weapons systems and new technologies in that area.
2. The provisions of this document should be applied with due regard to the situation, while resolutely working to ensure the unconditional implementation of combat tasks in compliance with the IHL norms.

### I. Definition

3. There is no consensus definition of LAWS in existing international law. Since the issue pertains to prospective types of weapons, the definition of LAWS should not be interpreted as limiting technological progress and detrimental to research on peaceful robotics and artificial intelligence.
4. The definition of LAWS should meet the following requirements:
  - contain the description of the types of weapons that fall under the category of LAWS, conditions for their production and testing as well as their usage procedure;
  - not be limited to the current understanding of LAWS, but also take into consideration the prospects for their future development;
  - be universal in terms of the understanding by the expert community comprising scientists, engineers, technicians, military personnel, lawyers and ethicists.
5. 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.



6. The said definition does not extend to include unmanned aerial vehicles as well as existing highly automated military systems.

## **II. LAWS in the IHL context**

7. Norms of international law, including international humanitarian law, fully apply to LAWS.

8. The right of the parties to a conflict and their armed forces to choose methods and means of warfare is not unlimited. It is prohibited to use weapons and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

9. In line with Article 36 of Additional Protocol I (AP I) to the 1949 Geneva Conventions, in the study, development, acquisition or adoption of LAWS, it should be determined whether their employment would, in some or all circumstances, fall under the prohibitions of international law norms. Besides, it should be concluded whether they are in violation of the principles of international humanitarian law: legality, distinction, proportionality, humanity and military necessity, as enshrined in AP I (contained in paragraph 17 of the International Humanitarian Law Manual for the Armed Forces of the Russian Federation of 8 August 2001).

10. Precautions contained in Articles 57 and 58 of AP I are to be taken with respect to attacks. It is banned to use LAWS by prohibited ways (methods) of warfare listed in Section II of the International Humanitarian Law Manual for the Armed Forces of the Russian Federation. The said provisions are reproduced in the Section on Specificities of Conducting Field Operations of the International Humanitarian Law Manual for the Armed Forces of the Russian Federation of 8 August 2001.

## **III. Potential benefits of the use of LAWS**

11. LAWS can show more efficiency than a human operator when performing the assigned tasks and reduce error probabilities. In the IHL context such systems are capable of considerably reducing the negative implications of the use of weapons related to the human operator's errors, his mental or physical state, moral, religious, and ethical attitudes.

12. The use of highly automated technologies can ensure increased guidance accuracy of weapons targeting military assets, facilitate to reduce the risk of intentional strikes against civilians and civilian facilities. LAWS are devoid of weaknesses inherent in human beings. They do not act out of revenge, panic, or exasperation, and they are immune to prejudice or fear.

13. Potential spheres of LAWS use may include:

- destruction of military objects;
- ensuring protection and security of strategic facilities (atomic power plants, dams, bridges, etc.);
- elimination of terrorist groups;
- protection of civilians.

## **IV. Ensuring compliance with IHL by the personnel of the Armed Forces in LAWS potential use**

14. Adequate legal training for the personnel of the Armed Forces is a key component of ensuring a high level of compliance with IHL while using LAWS.

15. Legal support for operations carried out by troops (forces) in armed conflicts, including when carrying out missions of maintaining or restoring international peace and security with a view to ensure compliance with international humanitarian law in these circumstances is provided through:

- studying international humanitarian law by military personnel; conducting legal review of draft combat and other documents; advising commanders (senior officers) on issues of the application
- of international humanitarian law taking into account execution of specific combat tasks;
- assisting commanders in establishing interaction with local authorities' bodies and humanitarian organizations working in the operational area of troops (forces).

## **V. Responsibility**

16. Responsibility for the use of LAWS bears a person operating the robot system or "programming" and giving an order to use LAWS. Responsibility for the decision to apply LAWS rests with the relevant officer.

17. When setting combat missions, commanders of different ranks must assess potential threats for civil population and facilities, and, if the use of such weapon is imperative, take all possible measures to prevent losses, including among civilians.

## **VI. Measures aimed at increasing IHL compliance when developing and using LAWS**

18. Given the specificities of technologies in the area of LAWS, efforts should be made to ensure information security. This can be facilitated through addressing the following tasks:

- enhancing information security in the Armed Forces, other branches, military units and bodies, as well as developers and manufacturers of weapons, military and specialized equipment;
- strengthening cooperation among states in the area of ensuring information security, aimed, inter alia, at establishing an international legal regime of guaranteeing security in the sphere of information and communication technologies use.

19. Furthermore, there is a need for improving mechanisms of ensuring global and regional collective security, implementing and developing, as appropriate, confidence-building measures, and preventing military incidents.

20. Focus should be placed on taking into account ethical considerations on human - artificial intelligence (AI) interaction. An important enabler for AI development is improvement of accessibility and quality of data used in the relevant elaboration process.

21. It is likewise important to promote the voluntary exchange of relevant experiences and best practices between states.

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