

## **Working Paper of the Russian Federation**

### **National Implementation of the Guiding Principles on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems**

We commend the work of the Group of Governmental Experts of the States Parties to the Convention on Certain Conventional Weapons (CCW) on Lethal Autonomous Weapons Systems (GGE LAWS). We welcome two substantive reports of the GGE, adopted by consensus in 2018-2019, with 11 guiding principles on emerging technologies in the area of LAWS.

According to Article 15 (4) of the Constitution of the Russian Federation, "the universally-recognized norms of international law and international treaties and agreements of the Russian Federation shall be an integral part of its legal system." Strict compliance with the norms of international humanitarian law (IHL) in armed conflicts remains one of the priorities of the Russian Federation (guiding principles **a**), **c**), **h**)). In that connection, Russia's legislation takes full account of the guiding principles on emerging technologies in the area of LAWS.

IHL norms, including the obligation of commanders to comply with its provisions and demand their strict implementation from personnel, are reflected in the Russian legal system. In accordance with the Order of the USSR Defense Minister No. 75 dated 16 February 1990, all units of the Armed Forces of the Russian Federation shall be guided by four 1949 Geneva Conventions and their three Additional Protocols to which the Russian Federation is a Party. It stipulates "to take into account the requirements of these documents when conducting training sessions and exercises, as well as when drafting legislative

acts, general military regulations, government decisions, orders, directives and other regulatory acts".

The relevant obligations are contained in the Internal Service Regulations of the Armed Forces of the Russian Federation (approved by Decree of the President of the Russian Federation No. 1495 dated 10 November 2007), Navy's Ship Regulations (approved by Order of the Commander-in-Chief of the Navy No. 350 dated 1 September 2001), Manual on International Humanitarian Law (approved by Order of the Defense Minister of the Russian Federation No. 360 dated 8 August 2001), Instructions for Legal Training in the Armed Forces of the Russian Federation (approved by Order of the Defense Minister of the Russian Federation No. 878 dated 7 December 2013).

The Manual on Legal Work in the Armed Forces of the Russian Federation (approved by Order of the Defense Minister of the Russian Federation No. 717 dated 2 December 2019) contains a significant body of norms on the need to comply with the IHL during combat operations, including provisions of Article 57 of the 1977 Additional Protocol I (AP I) (Precautions in Attack) to the 1949 Geneva Conventions, which are important in the context of emerging technologies in the area of LAWS. The document has the separate section titled "Legal Support for the Actions of Troops (Forces) in Armed Conflicts", according to which such legal support is provided through studying of IHL by personnel and counseling commanders on the application of IHL taking into account the performance of specific combat tasks.

The Russian Federation reaffirms its commitment to the need to maintain human control over the so-called LAWS, no matter how advanced these systems may be. It is human responsibility to ensure the compliance with IHL norms during the combat use of the so-called LAWS. This approach is crucial in the context of implementing guiding principles **b)** and **d)**. According to the legislation of the Russian Federation, a responsible official is always

accountable for decisions concerning development and use of weapons, including emerging technologies in the area of LAWS.

The Internal Service Regulations No. 1495 dated 10 November 2007 (Article 77) stipulate that in the course of performing combat missions the commander shall take measures to comply with IHL and hold accountable those responsible for its violations.

Under Article 73 of the Manual on Legal Work in the Armed Forces of the Russian Federation, in combat operations commanders are to lead by example of compliance with IHL norms, ensure compliance with them by personnel, and take measures to prevent violations of IHL. If such violations are identified, measures should be taken to stop them and prosecution of perpetrators should be considered.

Article 76 of the mentioned Manual stipulates that the commander's right to choose means (methods) and weapons of combat operations shall be limited by IHL norms.

In exercising control over the readiness for combat operations, the commander shall check the following (Article 77):

- Accuracy of the execution of the combat order and instructions as far as compliance with IHL is concerned;
- Compliance of decisions taken by subordinate commanders with IHL norms;
- Knowledge of IHL by personnel;
- Timeliness and quality of implementation of measures to avoid or minimize damage to persons and facilities protected by IHL.

In accordance with guiding principle e), the Russian Federation fully complies with its obligations under Article 36 of the API. We consider it a norm of customary international law. This Article has no 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. In the Russian Federation, the legal review of armaments is carried out within the framework of national procedures that help, on the basis of the existing legal and regulatory framework, ensure proper control over compliance with the requirements of Article 36 of the AP I.

Article 7 of the Federal Law No. 275-FZ dated 29 December 2012 "On the State Defense Order" includes, among the main responsibilities of the state customer, the organization and conduct of tests of prototypes (complexes, systems) of weapons, military and special hardware, military property, preparation of documents for their adoption, as well as approval of technical documentation required for their development and mass production. Prototypes are assessed for such characteristics as distinction, "no-excessive-damage", etc., which should guarantee potential compliance of future weapons with IHL norms.

In the context of the implementation of the guiding principles, of particular importance is the National Strategy for the Development of Artificial Intelligence (AI) for the period until 2030 adopted in 2019. As for principles **g**) and **i**), the Strategy sets out the need to identify and prevent any risks associated with the development of emerging technologies. In particular, it concerns the "inadmissibility of using AI for the purpose of deliberate infliction of harm to individuals and legal entities, as well as prevention and minimization of risks of negative consequences of using AI technologies" (paragraph 19B). It emphasizes that the creation of universal AI, similar to a human being, can lead to negative consequences due to social and technological changes that accompany the development of AI technologies (paragraph 9).

The National Strategy also sets the objective to create a legal framework to regulate human-machine interaction, and ensure the security of data and new technologies (paragraphs 39, 50, 51). It noted the importance of avoiding hasty decisions that could hinder technological progress and undermine the ongoing

research in the field of peaceful robotics and AI (paragraph 48). Accordingly, it is consistent with the principles **c)** and **j)**.

The Russian Federation has an extensive legal and regulatory framework in place to ensure physical protection, appropriate non-physical safeguards (including cyber-security against hacking or data spoofing), and to prevent the risk of acquisition by terrorist groups and the risk of proliferation of armaments (principle **f)**). The need to comply with the international obligations of the Russian Federation in the area of military products export control is laid down in Article 4 of the Federal Law No. 114-FZ dated 19 July 1998 "On Military and Technical Cooperation between the Russian Federation and Foreign States".

The National Strategy for the Development of AI for the period until 2030 also contains provisions to give effect to guiding principle **f)**. For instance, Section V deals with the goals and objectives of AI development, one of which is the formation of a comprehensive security system for the design, development, introduction and use of AI technologies (paragraph 25E). The Criminal Code of the Russian Federation criminalizes such acts as the use of prohibited means and methods of warfare (i.e. direct violation of IHL), public calls to unleash an aggressive war, development, production and sale of weapons of mass destruction prohibited by international treaties of the Russian Federation.

With regard to the guiding principle **h)**, we confirm that the so-called LAWS can significantly reduce the negative effects of the use of weapons in the context of IHL. The existing complexes of a high degree of military autonomy in the Russian Federation significantly contribute to the compliance during hostilities with such key principles of IHL as proportionality and distinction. This is due to the fact that, in addition to their technological advantages (accuracy, speed, effectiveness), such weapons neutralize human-caused risks (operator's mistakes due to his or her mental or physiological state, ethical, religious or moral attitudes), and thus reduce the probability of unintentional

attacks against civilians and non-military targets. GOST RV 15.203-2001, adopted as guidance for industrial enterprises for creation of special-purpose means (including the so-called prospective LAWS), takes into account the understandings adopted in the guiding principle **h**). For development of any new prototype, a list of normative guiding documents is made on the basis of operational requirements that necessarily include provisions on the need to comply with IHL norms and other applicable international legal obligations.

The Russian Federation is one of the most active States Parties to the CCW. We fully share the understanding laid down in the guiding principle **k**) that the CCW is the optimal platform for considering LAWS issues, given its unique nature that ensures a reasonable balance between humanitarian concerns and legitimate defense interests of States. We are deeply convinced that it is inadmissible to artificially divide weapons into "bad" and "good" basing on political preferences of individual States. We reaffirm our readiness to further discuss LAWS issues on the basis of the discussion mandate and agreed agenda of the relevant GGE.

We note the importance of involving experts and academics in discussions on IHL issues, including LAWS. To that end, the Expert Council on IHL Issues has been established and is functioning on a permanent basis within the State Duma of the Federal Assembly of the Russian Federation. It is used as a tool for legislative enforcement of IHL norms and rules in the Russian Federation. The LAWS issue is one of its focus areas.

The Council on the Methodology of AI and Cognitive Research has been established within the Russian Academy of Sciences with the aim of conducting and developing fundamental and applied research in the field of global intellectual systems and technologies, and information technology issues, and integrated monitoring of AI research, which also includes emerging technologies in the area of LAWS.

Thus, the Russian Federation fully implements the guiding principles on emerging technologies in the area of LAWS approved by the GGE on LAWS in 2018-2019. We call on the CCW States Parties to follow these principles responsibly and to continue exchanging information on specific practical measures for their national implementation in order to build confidence and increase transparency.