



Statement by H.E. Archbishop Ivan Jurkovič,
Permanent Observer of the Holy See to the United Nations and
Other International Organizations in Geneva at the
2018 Group of Governmental Experts on Lethal Autonomous Weapons Systems (LAWS)

Geneva, 27 August 2018

Thank you, Mr. Chair,

Since this is the first time the Delegation of the Holy See is taking the floor during this session of the Group of Governmental Experts (GGE), allow me to express our gratitude to you for the excellent work conducted so far. We also extend our congratulations to you and wish you every success in your new important undertakings.

We also thank other Delegations for having expressed their views because we deem it of crucial importance to provide more clarity on the defining characteristics of the systems under consideration. It is important to generate greater convergence around a common understanding in order to take concrete steps forward.

Mr. Chair,

During the past few months under your able leadership, we have tackled the issue of Lethal Autonomous Weapons Systems (LAWS) from different perspectives: (1) military and technological, (2) ethical, and (3) legal, which are mutually interdependent.

As this Delegation already suggested, the starting point for a common understanding of LAWS should be the ethical implications upon which many legal frameworks, including those of multilateral institutions, are based. In this regard, the Martens' Clause, which has also been included wisely in the Preamble of the CCW itself, offers *a priori* a crucial regulating compass for our work.

Indeed, if we were to start searching for a common understanding simply from a technological perspective and try to devise a sophisticated "engineer-like" definition of LAWS, we would run the risk of implicitly accepting some potentially future dangerous weapon systems. This is due in part to the fact that the concept of "autonomy", i.e., independence or self-steering of the will or one's actions, can have several different facets and applications. Moreover, technology is evolving at an incredibly rapid pace. The implications of many future innovations and applications are impossible to grasp now.

In this regard, it is somewhat comforting that there is a growing awareness - within the larger scientific community as well - of the inherent risks of LAWS. Yet, it is incumbent upon State Parties to provide urgently a solid and enduring regulatory framework.

Mr. Chair,

Only through a strong ethical/legal perspective, which takes full consideration of IHL rules and principles, can we proceed to analyze the potential functions and technological aspects in order to clarify which kind of systems are not allowed. This approach to the issue of characterization through an indirect search for the definition of the systems under consideration could allow us to identify, including *a priori*, the systems that we cannot accept because of their functions, based on an ethical and legal common framework. Ultimately, respecting this legal/ethical starting point is also a way to ensure the respect for the political authority and its human content and meaning.

In this regard, the Holy See wishes to remind that a classic foundation of legal systems is the recognition of the human person as a responsible subject that could be sanctioned for his/her wrongdoing and be obliged to provide redress for the damage caused. This notion of responsibility originates from the profound reality of the human person as a free and rational being. An autonomous system has no intention. It merely implements and elaborates algorithms but it does not possess intentions as such.

Autonomous weapons systems that hide the accountable and responsible subject are unacceptable. It is worth noting that this point would be of crucial importance for the justice of potential victims, particularly in terms of reparation and compensation.

This way of proceeding has very practical implications: if one delegates important decision-making powers to a machine whose behavior is unpredictable or whose field of operation is not well-defined or known (i.e., it has machine learning capabilities), the crucial action/responsibility nexus would be inevitably jeopardized. We would be accepting a glaring contradiction and thus undermine important legal foundations on which international institutions are based, including the repression of crimes. Let us think for example of the issues of command responsibility and grave breaches of IHL. How would this be reconcilable with LAWS?

Mr. Chair,

This Delegation believes that to prevent an arms race and the increase of inequalities and instability, it is an imperative duty to act promptly. The delegation of important decision-making powers to LAWS would take us down a perilous slippery slope. This is particularly problematic when this includes exerting injurious and lethal force.

Thank you.