



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
**2017 Meeting of High Contracting Parties to the 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 (CCW)**

Geneva, 22 November 2017

Mr. Chair,

As Pope Francis recently recalled: “Despite the praiseworthy attempt to lessen, through codification of humanitarian law, the negative consequences of hostilities on the civilian population, all too often we receive, from various theatres of war, evidence of atrocious crimes and grave offences against individuals and their dignity, perpetrated with utter disregard for the most elementary consideration of their humanity. Images of corpses, of mutilated or decapitated bodies, of our brothers and sisters who are tortured, crucified, and demeaned even in their remains, are an affront to the conscience of mankind.”¹

That minimum protection of the dignity of every person, which ought to be guaranteed with great vigilance through the dutiful implementation of international instruments, is all too often violated in the name of military or political demands. The numerous victims of conflicts leave us no room for inaction or compromise. The flexibility of the CCW and its “open-door” nature for further developments in IHL must take into account adequately the nature of “modern armed conflicts and the physical, moral and spiritual sufferings that accompany them”.²

Mr. Chair,

Such flexibility is essential for improving the effectiveness of the CCW for the protection of civilians and combatants. The Holy See would like to renew its position on three issues relevant to the CCW:

- 1) *Explosive weapons in populated areas.* As Pope Francis lamented: “There are growing reports of ancient cities, whose cultural treasures date back thousands of years, being reduced to ruins. Or of hospitals and schools deliberately attacked and destroyed, thus depriving entire generations of their right to life, to health and to education.”³ The illusion of a “clean war” is in stark contrast with the reality of the dramatic immediate and long-term humanitarian impact of the use of explosive weapons in populated areas. Beyond the fact that such explosive weapons can never be legitimately utilized according to the rules of IHL, these weapons often remain as dangerous explosive remnants of war (ERWs), which are a grim reminder and a common element of the tragedy and cruelty of

¹ Pope Francis, Address to the Participants in the Conference on International Humanitarian Law, 28 October 2017.

² *Ibid.*

³ *Ibid.*

conflicts across the world. ERWs can kill and injure civilians for decades after hostilities have ended and prevent humanitarian access, reconstruction and above all reconciliation.

- 2) *Incendiary weapons*. The repeated use of incendiary weapons calls into question the adequacy of Protocol III in preventing cruel and long-lasting injuries without distinctions between civilians and combatants. An honest technical and legal review of the provisions contained therein must be considered urgently. In this regard, the Holy See wishes to reiterate that, besides the fact that the use of any weapon must comply with the rules of IHL, it is the use of incendiary weapons, together with the magnitude of their effects on people, that should be regulated or prohibited, regardless of the purpose for which the weapons are primarily designed.⁴
- 3) *LAWS*. The work conducted last week with the active participation by States, academia and civil society, in the framework of the Group of Governmental Experts (GGE) proved the urgency and far-reaching implications of the discussion on autonomous weapon systems. The disappearance or concealment of the human agent is problematic not only from the point of view of moral responsibility, but also from the point of view of the foundation of law. In this regard, it is dangerous to consider a robot an “electronic personality”, be it civilian or military, or to give it legal status equivalent to that of a human person. A machine is only a complex set of circuits and this material system cannot, in any case, become a truly morally responsible agent. It is very important never to lose sight of the difference between the system (an object) and the human person (the subject). My Delegation hopes that substantial progress will be made next year so that a common ethical and legal framework, based on the dignity and the primacy of the human person, can be established.

Mr. Chair,

Pope Francis appealed to the international community to engage in every possible effort to foster dialogue and a culture of peace based upon the dignity of the human person and the primacy of the rule of law, through a responsible, honest and consistent cooperation of all the members of the family of nations. International relations must not be held captive to military force and to the paradigm of violence.⁵ “Violence leads to more violence, hatred to more hatred, death to more death.”⁶ Let us break this vicious cycle of violence and reinforce our consensus on humanitarian principles to prevent the recurrence of further atrocities!

This is the mandate of the CCW. Reinforcing and respecting the rules of IHL are its contribution to a culture of dialogue and peace. The CCW is efficacious to the degree that this mandate is truly fulfilled.

Thank you, Mr. Chair.

⁴ Cf. Statement of the Holy See at the Fifth Review Conference of the CCW, 12 December 2016.

⁵ Cf. Pope Francis, Address to Participants in the International Symposium “Prospects for a world free of nuclear *weapons and for integral disarmament*”, 10 November 2017.

⁶ Pope Francis, Address at Reconciliation Liturgy, Villavicencio (Colombia), 8 September 2017.