



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  
**2019 Group of Governmental Experts on Lethal Autonomous Weapons Systems  
(LAWS) of the Convention on Certain Conventional Weapons**  
*Geneva, 26 March 2019*

Mr. Chairperson,

During the past five years, the Delegation of the Holy See has provided a number of contributions that have highlighted the broader risks posed by Lethal Autonomous Weapons Systems (LAWS). Indeed, the challenges presented by LAWS are not limited only to the realm international humanitarian law (IHL) but they also raise potential serious implications for peace and stability.

Given the specificity of this agenda item, however, this intervention will focus mainly on IHL. In this regard, please allow me to outline three main points:

1) The application of key principles of IHL require prudential judgment for which the human person is irreplaceable. Consider the actions that require the agency of human reasoning, for example, of distinction, proportionality, precaution, necessity and expected military advantage: the respect and application of these principles require the timely interpretation and understanding of particular contexts and situations that are not programmable. Indeed, these tasks cannot be limited to a set of pre-established rules or to the elaboration of algorithms. Legal and ethical decisions often require an interpretation of the rules in order to save the spirit of the rules itself.

Furthermore, “*autonomous*” weapons systems, equipped with self-learning or self-programmable capabilities, necessarily give way to certain unpredictability and uncontrollability of actions. Such unpredictability could, for instance, “deviate” into actions targeting non-combatants in order to maximize military interest, flouting the principle of distinction.

2) Strictly related to the first point comes the risk of concealing responsibility and the lack of accountability for the potential violation of IHL and of human rights.

If important decision-making powers on the use of force were delegated to a weapon system whose actions are unpredictable or whose spectrum of operations is undefined or unknown (as in the case where the autonomous weapon system is equipped with self-learning capabilities), the action/responsibility nexus, which is crucial under IHL, would be inevitably jeopardized.

Removing human agency as fundamental reference from the moral equation is problematic not only from the point of view of ethics, but also from the point of view of the foundation of law, including IHL. Indeed, the bedrock principle of legal systems is the recognition of the human person as a responsible subject that could be sanctioned for his/her wrongdoings 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.

Yet, while autonomous systems could replicate “human” actions, they possess no intention. They merely implement and elaborate algorithms. Who would be responsible for grave breaches and other violations of IHL perpetrated by the use of LAWS? As such, it would be easy to shirk responsibility for the fatal malfunction of an autonomous weapon system and try to diminish or obfuscate accountability for such violations. Identifying the traceability of the use of force and the subsequent responsibility is also of crucial importance for the justice of potential victims.

3) In addition to the concerns expressed by several Delegations, there is an emerging awareness of these issues also among prominent scientists, engineers, researchers, military, ethicists and the larger civil society community. There are increasing instances of employees and entrepreneurs objecting on ethical grounds to certain projects dealing with the weaponization of artificial intelligence. These concerns go well beyond the respect of IHL and the CCW, and attest to the far-reaching implications and urgency of our discussion. It is indeed, about the common future we want for our societies.

Mr. Chairman,

This growing awareness represents a change in the public perception, which is also a driving force behind the implementation and enforcement of IHL. While autonomous weapons systems may be considered “normal” in the statistical sense of the term and thus deemed acceptable, there are still behaviors that IHL prohibits, or that, although not explicitly prohibited, remain forbidden by the dictates of morality, by spiritual values, experience and soldierly virtues.

In this regard, the Martens’ Clause, wisely included in several IHL treaties, including the CCW, offers a priori a crucial regulating compass for our work. How would autonomous weapons systems be able to respond to the principles of humanity and the dictates of public conscience?

Mr. Chairman,

These common concerns call for a solid and enduring multilateral regulatory framework. As Pope Francis affirmed, we have the collective capacity to steward possibilities brought forward by technological discoveries towards many fields where they could radiate their benefits on all of humanity.<sup>1</sup> In this regard, relying on the principle of precaution and adopting a responsible attitude of prevention towards LAWS are of the utmost importance in our current endeavors.

Thank you.

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<sup>1</sup> Cf. Pope Francis, Address to participants in the Plenary Assembly of the Pontifical Academy for Life, 25 February 2019.