



Statement by the Permanent Mission of the Holy See to the United Nations
and Other International Organizations in Geneva at the
**2021 Group of Governmental Experts on Lethal Autonomous
Weapons Systems (LAWS) of the Convention on Certain Conventional
Weapons**

**5 (a) An exploration of the potential challenges posed by emerging
technologies in the area of Lethal Autonomous Weapons Systems to IHL**

Geneva, 3 August 2021

Mr. Chairperson,

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 preparatory work conducted so far, in spite of the restrictions caused by the pandemic. We also wish to thank other Delegations for having expressed their views and for providing useful working papers. In particular, this Delegation is thankful to those who have highlighted broader ethical issues.

Mr. Chair,

Since the outset of the discussion on Lethal Autonomous Weapon Systems (LAWS), the Holy See has continuously stressed that the challenges presented by emerging technologies in the area of LAWS are not limited to the realm of international humanitarian law (IHL) but they also raise potential serious implications for peace and stability. Nonetheless, given the specificity of this agenda item, this intervention will focus primarily on IHL. In this regard, please allow me to reiterate three main points:

- 1) IHL conventions and treaties are rife with carefully drafted expressions such as “anticipated”, “may be expected”, “superfluous injury”, “unnecessary suffering”, which denote a fundamental reference to interpretation, good faith and prudential judgement. These aspects are, in part, informed by and based on the evolving context of operations, for which the human person is irreplaceable.

Let us consider the actions that require the agency of human reason, for instance, 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 hardly programmable. It is well known that legal and ethical decisions often require an interpretation of the rules in order to save the spirit of the rules itself.

In this regard, autonomous weapons systems, equipped with self-learning or self-programmable capabilities, necessarily give way to a certain level of unpredictability, which could, for instance, “deviate” into actions targeting non-combatants in order to maximize efficiency, thus flouting the principle of distinction.

- 2) A specific potential challenge that this Delegation wishes to underline relates to the possibility of the use of swarms of “kamikaze” mini drones, that is, swarms of weapon systems endowed with autonomous capabilities. The use of swarms in urban areas could lead to high risks for civilians. If functioning without any direct human supervision, such systems could make mistakes in identifying the intended targets due to some unidentified “bias” induced by their “self-learning capabilities” developed from a limited set of data samples. The concept of a swarm of autonomous weapons further aggravates this risk since the stochastic nature of the swarm could lead to excessive injuries and indiscriminate effects, in stark contradiction with IHL.
- 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 personnel, 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 respect for IHL and the CCW, and attest to the far-reaching implications and urgency of our discussion.

Mr. Chairperson,

This growing awareness represents a change in public perception, which is also a driving force behind the implementation and development 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. Moreover, the end does not justify the means used to achieve it. In this regard, the Martens’ Clause, which is at the intersection of IHL and ethics, but more importantly represents a legal obligation enshrined in several IHL treaties, including in the CCW preamble, also 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?

Thank you, Mr. Chairperson.