



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**

Item 5 (b) Characterization of the systems under consideration

Geneva, 4 August 2021

Mr. Chair,

The ceaseless quest to overpower the adversary through technological superiority has often relegated to a secondary role ethical considerations and the development of regulations to protect from and mitigate the negative consequences of hostilities. History is rife with dramatic examples. In this regard, this Delegation deems it urgent to adopt a cautious and preventative approach to the development of LAWS that would avoid the irreversible alteration of the nature of warfare and that would compel all States to reassess their military capabilities.

Since the outset of the discussion on LAWS, the Holy See has stressed that an autonomous weapons system could never be a morally responsible subject. The unique human capacity for moral judgment and ethical decision-making is more than a complex collection of algorithms, and such a capacity cannot be replaced by, or programmed into, a machine.

Mr. Chair,

This Delegation wishes to elaborate on three main issues:

- 1) From an ethical perspective, it is crucial that meaningful human control over weapon systems is maintained: it is only humans who are able to appreciate the results of their actions and understand the connections between cause and effect. Ultimately, respecting this legal/ethical starting point is a way to ensure respect for political authority and its human content and meaning.
- 2) If important decision-making powers on the use of force were delegated to a weapons system whose actions are unpredictable or whose spectrum of operations is undefined or unknown, as in the case where the autonomous weapons system is equipped with self-learning capabilities, the action/responsibility nexus would be inevitably jeopardized. Removing human agency from the moral equation as its fundamental point of reference 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 or omissions 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.

- 3) Relinquishing to machines the decision over life and death removes the moral burden intrinsically associated with military operations. As a consequence, the inherent dignity of the human person is utterly disregarded and reduced to meaningless and interchangeable data. Indeed, a machine, which is an object and not a subject, cannot truly think, feel, decide or be accountable for its actions. A machine can execute instructions and rules. It can simulate human behavior. However, it is a mistake to say that it can “decide” or “judge”. Indeed, reality, as such, can never be reduced to a “representation” or a “simulation” of reality itself. To blur this distinction is an epistemological mistake that could lead to serious moral and legal contradictions.

Mr. Chair,

To decide if this or that action (or lack of action) is legal or legitimate from an ethical point of view, it is necessary to refer to codified norms and principles. This demands the capacity for consideration and interpretation of contingent and specific contexts which cannot be subsumed under universal formal rules, however articulated they may be, and which cannot be pre-established *a priori* into algorithms.

In conclusion, this Delegation wishes to reiterate that it is only through a solid ethical and legal perspective that we can proceed to analyze the potential functions and technological aspects in order to clarify which kind of systems or specific characteristics would be allowed or prohibited. In this regard, an approach that seeks to exclude those systems that are, in whole or in part, incompatible with IHL and other existing international obligations, could be of great benefit in adequately characterizing the systems under consideration.

Thank you, Mr. Chair.