



**Statement by H.E. Archbishop Fortunatus Nwachukwu, Apostolic Nuncio,
Permanent Observer of the Holy See to the United Nations and Other
International Organizations in Geneva at the 2022 Meeting of the 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, 16 November 2022

Thank you, Mr. Chair.

In the present unstable international context, rife with conflict and violence, international humanitarian law remains an essential bulwark to safeguard the dignity of every person. Unfortunately, even such minimum protection, as afforded by IHL, is all too often violated in the name of military or political demands.

Mr. Chair,

We are sadly witnessing a growing number of conflicts where no real solutions are offered, and the suffering of entire populations becomes protracted. In this regard, the Holy See wishes to recall Pope Francis' appeals to stop "the monstrous and senseless reality of war"¹ and not to "fall into the trap of hatred for the enemy. Let us once more put peace at the heart of our vision for the future, as the primary goal of our personal, social and political activity at every level. Let us defuse conflicts by the weapon of dialogue."²

Mr. Chair,

To avoid the risk of becoming irrelevant this Meeting should ask: what can we, as States Parties, do to protect the most precious gift – that is, human life – and what can we concretely do to enhance protection for civilians? In a modest attempt to try to answer such fundamental questions, please allow me to elaborate on three points:

1) The so-called balance between military and humanitarian considerations is almost impossible to define, much less determine, before actually seeing the results of a military operation, including the unintended or unexpected consequences. How many dead, wounded and disabled are necessary before we condemn certain military behavior, as unacceptable and ascertain that such "balance" is broken? ³

¹ Address of His Holiness Pope Francis, Meeting with the Authorities, Civil Society and the Diplomatic Corps, Awali (Bahrain), 3 November 2022.

² Address of His Holiness Pope Francis to the Prayer Meeting for Peace, Colosseum (Rome), 25 October 2022.

³ Cf. Statement of the Holy See to the Sixth Review Conference of 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)

In this regard, the Holy See is pleased to share that it will endorse the political declaration on explosive weapons in populated areas (EWIPA), which is an issue that this Delegation has raised in this very forum for over a decade. The cumulative effects of the use of explosive weapons in populated areas combined with particular methods of war causes catastrophic impact in terms of human lives as well as on houses, schools, hospitals and places of worship. Such devastation is a grim reminder of the cruelty of conflicts, especially towards those who have had little or no say at all in the decisions around such conflicts.

While keeping in mind the complexity of armed conflict as well as the morally compromising decision to take human life, the Holy See hopes that this declaration will represent an opportunity and an invitation to shift from the paradigm of “collateral damage” to one of “intended protection” so as to truly minimize and hopefully avoid any loss of human life.

2) Incendiary weapons. It is often said that the CCW is a forward-looking instrument of international humanitarian law, intended to address the problems arising from modern armed conflicts and to “continue the codification and progressive development of the rules of international law applicable in armed conflict”⁴. At the same time, however, the CCW cannot afford to ignore the partial inadequacies that arise from its current Protocols.

The allegations of the use of incendiary weapons that have been reported demand the launch of an honest, technical and legal review of the provisions contained in Protocol III. Such an exercise is warranted by the need to improve and strengthen protection from the harmful effects of incendiary weapons, and not simply out of military or political convenience.

3) In a constantly evolving world, particularly in terms of emerging technologies and their military applications, this Meeting should discuss what are the legal, ethical and security challenges around their potential use. Research and development into “new” weapons inevitably presents important challenges for the CCW. These include, inter alia, laser weapon systems outside the scope of Protocol IV, radio frequency and other direct energy technologies, antisatellite weapons, the increased use of cyber technology for malevolent purposes, weaponization of A.I., including through the research and development of lethal autonomous weapons systems (LAWS).

In particular, the issue of LAWS is a matter of great importance to this Delegation. The Holy See’s support for the negotiation of a legally binding instrument on LAWS and, in the meantime, a moratorium on their development, is well-known. This position has been outlined in the work of the GGE on LAWS time and time again. I will not repeat it here. But I would reiterate that the development of autonomous weapons systems could have terrible and

⁴ Cf. CCW Preamble.

unforeseen consequences beyond the *jus in bello* but also raise serious implications for peace and stability.

In this regard, the increased and widespread use of armed drones, including kamikaze and swarm drones, offers a window into a grim and unstable future. It is distressing that we are witnessing the proliferation and a growing use of such technologies in various conflicts, seemingly without concern or discussion. The ethical implications are not insignificant. The challenges are multiple and relate to international law, including IHL as well as human rights.

Mr. Chair,

In closing, the Holy See urges that concrete work be carried out within the CCW framework to better respond to the numerous challenges affecting the international community. States must avoid such issues from becoming an additional source of destabilization at a time when the international community needs stability, cooperation and peace more than ever.

Thank you.