



Statement of 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 **2023 Group of Governmental Experts on Lethal Autonomous Weapons Systems of the Convention on Certain Conventional Weapons**
Agenda Item: Characterization of LAWS - definitions and scope
Geneva, 7 March 2023

Mr. Chair,

The issue of LAWS has been discussed in the CCW framework for over a decade now. The Holy See believes that, in order to prevent an arms race and the increase of inequalities and instability, there is an imperative duty to translate the wealth of knowledge into a concrete normative and operational framework, rooted in ethical considerations. Such a framework should take into account commonly agreed outcomes, produced in the sessions of the GGE throughout the years, and should also consider the numerous concrete proposals submitted by various delegations.

In this regard, it is encouraging to see that there is an increasing convergence on the characterization and scope of the systems under consideration. For the Holy See, it is high time to translate such common understandings into practice and to begin negotiations of a legally binding instrument. Such negotiations will be crucial in fine-tuning and agreeing on important elements, including characteristics, the different relevant levels of autonomy encompassed, the scope of operations and specific regulations and prohibitions.

Mr. Chair,

With regards to the purpose of characterization of LAWS, it is essential for the Holy See to acknowledge that an autonomous weapons system can never be a morally responsible subject. 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.

For these reasons, we deem it imperative to ensure adequate, meaningful, and consistent human supervision over weapons systems:

1. Adequate human supervision means that the human operator introduces sufficient conditions, in the management of weapons systems, to preserve the aforementioned ethical principles and to ensure compliance with IHL.
2. Meaningful human supervision implies that, ultimately, there is always the reference to the human person that must guide the research, development, and use of weapons systems, even in the absence of specific legal regulations, as is also implied by the “Martens Clause”.
3. Consistent human supervision entails that at no time the weapons systems would have the capacity to contradict what the human authority has prescribed as the main purpose or result of its intervention. It would be, in fact, inconsistent that a weapon system deployed to fulfill a specific operation would adopt behavior inconsistent with its prescribed purposes.

From this perspective, it follows that the mentioned principles of adequate, meaningful and consistent human supervision imply the requirements of predictability and reliability of autonomous systems. Indeed, even if LAWS dispose of degrees of freedom of “behavior”, they must be required in all circumstances to achieve the prescribed ends and implement the required intentions and objectives of the responsible authority. If specific behaviors cannot be controlled at all times, all possible behaviors must always be *a priori* circumscribed. From this point of view, it would therefore be impossible to accept systems capable of “learning” completely new behaviors.⁵

Mr. Chair,

As a way forward, keeping in mind these principles, this Delegation also wishes to reiterate its proposal to proceed through a “*via negativa*” i.e. through an indirect search for the definition and scope of the systems under consideration. This could allow us to identify and exclude, including *a priori*, the systems that would be considered incompatible with IHL and other existing international legal obligations as well as ethical considerations, because of their functions.⁶ Ultimately, respecting this legal/ethical starting point would also be a way to ensure the respect for the political/military authority and its human content and meaning.

Thank you, Mr. Chair.

⁵ Cf. Position Paper of the Holy See submitted to the Sixth Review Conference of the Convention on Certain Conventional Weapons (CCW), “Translating Ethical Concerns into a Normative and Operational Framework for Lethal Autonomous Weapons Systems”, Geneva, 13 December 2021.

⁶ Cf. <https://nuntiusge.org/wp-content/uploads/2020/05/20180827.pdf>.