



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: General Debate
Geneva, 6 March 2023

Mr. Chair,

At the outset, the Holy See Delegation wishes to thank you for your leadership in chairing this Group of Governmental Experts (GGE) last year and wishes to extend its full support for your renewed mandate.

The Holy See has underlined on numerous occasions the potential benefits of technology to further the common good, including through the proposal of an International Agency for Artificial Intelligence.¹ However, at a time of multiple crises dominated by uncertainty and conflicts, this Delegation wishes to focus primarily on risks and challenges.

Pope Francis has repeatedly spoken of a Third World War of the globalized world fought piecemeal, where the growing number of conflicts may directly involve only certain areas of the planet, but in fact affect them all². At a time when the international community needs stability, cooperation and peace more than ever, it is of paramount importance for this GGE to fulfill its work and avoid LAWS from becoming an additional source of instability.

Mr. Chair,

After nearly a decade of specific discussions, the Holy See reiterates the urgency to begin negotiations of a legally binding instrument to address the ethical and legal challenges raised by Lethal Autonomous Weapons Systems (LAWS), while in the meantime establishing a moratorium on their development and use. It is important to stress that such challenges are not limited only to the realm of International Humanitarian Law (IHL). LAWS also raise potential and serious implications for human rights, ethics, and peace and stability more broadly. In this regard, please allow me to recall four important issues for this Delegation:

- 1) It is essential to acknowledge that an autonomous weapons system can never be a morally responsible subject. A machine can execute instructions and rules, but it is a mistake to say that it can “decide” or “judge”. 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.
- 2) The respect, interpretation and application of key rules and principles of IHL, such as distinction, proportionality, and precautions, require prudential judgment, good faith and timely interpretation of specific contexts and situations for which the reference to the human person is fundamental. If important decision-making powers over the use of force are delegated to a weapons system whose behavior is unpredictable or whose entire purpose and scope of operation are not well-defined or known (as could be the case of autonomous weapons systems equipped with self-learning capabilities), the crucial link between “actions” and effects and the connected responsibilities would be inevitably jeopardized. Performing an action (or omitting to do so) represents a process intended to be conscious, intentional

¹ Cf. Document CCW/CONF.VI/WP.3 “Translating Ethical Concerns into a Normative and Operational Framework for Lethal Autonomous Weapons Systems” submitted by the Holy See to the Sixth Review Conference of the CCW, 13-17 December 2021.

² Cf. Pope Francis, Address to members of the diplomatic corps accredited to the Holy See, 9 January 2023.

and controlled. In particular, certain aspects of judgment and of decision-making need interpretation and sagacity.

- 3) Completely relinquishing to machines the “decision” over the application of lethal force removes, or at least obfuscates, the moral burden intrinsically associated with military operations. LAWS could create a qualitatively new problem by implementing an unintended shortcut that maximally satisfies the goals programmed into it, with disregard for common ethical considerations and without any understanding of the principle that the end does not and cannot justify the means. As a consequence, the inherent dignity of the human person is reduced to meaningless and interchangeable data (“digital reductionism”). In this regard, a potential challenge that deserves more attention relates to the possibility of use of swarms of “kamikaze” weapons systems endowed with autonomous capabilities. 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. Due to the stochastic nature of the swarm, this could lead to excessive injuries and indiscriminate effects, in stark contradiction with IHL.
- 4) While appreciating how new technologies could contribute under specific circumstances to achieve greater adequacy with certain requirements under IHL, the Holy See also finds it important to consider the value of Article 36 of the 1st Additional Protocol to the Geneva Conventions of 1949 in the context of the use of AI in the military domain. At the same time, it is important to note that not everything that is deemed “legal” is also ethical. Moreover, it is also worth posing the question: if autonomous weapons systems are equipped with self-learning capabilities that may exceed or alter the programmed functions and scope of operations, how would it be possible to determine “some or all circumstances”³ in which its use would be prohibited under international law?

Mr. Chair,

Mindful of the risks adumbrated above, and to respond positively to your call to present pragmatic proposals, the Holy See wishes to recall the way forward that it has offered in a position paper submitted to the Sixth Review Conference of the CCW.⁴ It is of crucial importance to translate these ethical and legal concerns into concrete outcomes, before it is too late. In particular, in the view of the Holy See, it is imperative to ensure adequate, meaningful, and consistent human supervision over weapons systems. We will be elaborating more on these principles later under the specific agenda items.

Mr. Chair,

The increased and widespread use of armed drones, including kamikaze and swarm drones, offers a window into the future. It is distressing that we are witnessing the proliferation and a growing use of such technologies in various conflicts which are becoming “playgrounds” for the testing of more and more sophisticated weapons, seemingly without concern or multilateral discussion. The reticence to agree on legally binding prohibitions on LAWS point to an alarming indicator that LAWS are a matter of ever-increasing military and political interests. However, the Holy See firmly believes that it is in the interest of all States, including those who are at the forefront of technological research, to reach concrete agreements. If lack of consensus on concrete proposals continues to govern the outcome of this GGE year after year, the risks become greater that unacceptable technologies and practices will be “normalized”, with the inevitable triggering of an arms race, instability and inequalities.

Thank you, Mr. Chair.

³ Cf. Art. 36, Additional Protocol I to the Geneva Conventions of 12 August 1949.

⁴ Cf. Document CCW/CONF.VI/WP.3 “Translating Ethical Concerns into a Normative and Operational Framework for Lethal Autonomous Weapons Systems” submitted by the Holy See to the Sixth Review Conference of the CCW, 13-17 December 2021.