



**BRAZIL**

**70th UNGA**

**First Committee**

**Statement in explanation of vote by**

**H.E. Ambassador Carlos Duarte**

**Deputy Permanent Representative of Brazil  
to the United Nations**

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## **BRAZIL – FIRST COMMITTEE – EXPLANATION OF VOTE**

### **L.49: “Implementation of the Convention on Cluster Munitions”**

I wish to explain Brazil's abstention in the adoption of draft resolution L.49, entitled “Implementation of the Convention on Cluster Munitions”. Brazil has supported efforts to address cluster munitions within the United Nations, particularly the discussions related to the adoption of a Protocol to the Convention on Certain Conventional Weapons (CCW). We have actively participated in the negotiations in the framework of the Group of Governmental Experts of that Convention, whose objective was the adoption of a legally binding instrument that would lead to the gradual banning of cluster munitions.

Brazil did not participate in the “Oslo Process”. In our view, the establishment of a parallel negotiating process to the CCW was neither consistent with the objective of strengthening that Convention, nor with the goal of promoting the adoption of universal, balanced, effective and non-discriminatory arms control instruments.

We consider that there are serious loopholes in the Oslo Convention. For instance, it allows the use of cluster munitions equipped with technologically sophisticated mechanisms, for an indefinite period of time. Such mechanisms are present only in those munitions manufactured in a small number of countries with more advanced defense industries. The effectiveness of the Convention is also undermined by its Article 21 (known as the “interoperability clause”).

Brazil is a Party to Protocol Five to the CCW, on explosive remnants of war. It has never used cluster munitions. Not having joined the Oslo Convention does not imply that Brazil is not bound by any regulation applicable to the possible use of cluster munitions, which would in any case be subject to International Humanitarian Law.