

STATEMENT BY THE BRAZILIAN DELEGATION ON EXPLANATION OF VOTE ON DRAFT RESOLUTION L.20 – Implementation of the Convention on Cluster Munitions

Brazil abstained in the adoption of draft resolution L.20, titled “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 balanced, effective and non-discriminatory arms control instruments.

Brazil considers 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 has never used cluster munitions and is a State Party to all Protocols of the CCW, including its Protocol V, on explosive remnants of war. As such, it is committed to ensuring that any possible use of cluster munitions is in line with its obligations under applicable International Humanitarian Law.

STATEMENT BY THE BRAZILIAN DELEGATION ON EXPLANATION OF VOTE ON DRAFT RESOLUTION L.56, “LETHAL AUTONOMOUS WEAPONS SYSTEMS”

Mr. Chairman,

Brazil voted in favor of draft resolution L.56, “Lethal Autonomous Weapons Systems” on the understanding that the process carried out under the Group of Governmental Experts of the CCW might benefit from fresher views coming from a wider audience.

Although the discussions in Geneva are carried out under a so-called Group of Experts, it is, indeed, a process that operates, in practice, as an Open-Ended Working Group, in which not only states parties to the Convention, but also observer states, the International Committee of the Red Cross, and Non-Governmental Organizations take active part in the deliberations.

Brazil had the privilege to preside over the GGE/LAWS for the sessions of 2022 and 2023 and believes that good progress was achieved thanks to the active participation of many delegations – isolated or in groups – that put together a wide array of proposals.

The notion of developing an arms control and humanitarian framework to regulate an emerging weapons system is a daunting one with very few precedents. It constitutes no surprise that the membership is divided as to the best pace for the deliberations. Those that believe that innovations will outpace the legal-diplomatic discussions would prefer a more direct route towards a legally binding instrument. Others, entertaining ambitions to develop those capabilities would prefer to understand better the possibilities of those systems, before committing unequivocally to constraining rules.

In any event, it is not a minor achievement the fact that, in the current challenging international scenario, we were able to agree, by consensus, on a framework combining prohibitions and regulations while fully respecting international humanitarian law and having in mind ethical perspectives.

The question before us is clear: what is next? Without trying to be overly prescriptive, Brazil believes that we should wait for the deliberations in the November meeting of the CCW, under the able chairmanship of Argentina, to define the upcoming mandate of the GGE/LAWS, so that we are in a position to extract the full potential of the deliberations within that body.

Many thanks.