



## BRAZIL

### FOURTH REVIEW CONFERENCE OF THE HIGH CONTRACTING PARTIES TO THE CCW

Statement by Mr. Neil Benevides,

Deputy Permanent Representative of Brazil to the Conference on Disarmament

Geneva, 14 November 2011

Mr. President, Ambassador Gancho Ganev,

The Brazilian delegation warmly congratulates you on your nomination as President of this CCW Fourth Review Conference. Your leadership and experience will be instrumental in bringing this Conference to a positive outcome. As always, you can rely on our friendship and support. We would also like to thank all designated office holders, in particular Mr. Jesus Domingo, of the Philippines, and Ambassador Eric Danon, of France, who will be chairing the two Main Committees of the Conference and to whom we commit our full cooperation.

Mr. President,

For 150 years, Brazil has been living in peace with its neighbors, and, for the last 60 years, since its participation in the Second World War, it has not been engaged in any international conflict. While insulated from the scourge of war, Brazil has never been indifferent to the suffering caused by its destructive power. The Brazilian foreign policy has a universal character, and the Brazilian Constitution provides that our international relations shall be governed by principles, such as those of prevalence of human rights, self-determination of the peoples, non-

intervention, defense of peace and cooperation among peoples for the progress of mankind.

As a founding member of the United Nations, Brazil believes that the use of force can only be legitimate under the circumstances provided in the Charter and as a last resort. While this has not always been the case, it is never enough to recall that principles of humanity and others codified in a number of treaties and conventions under international humanitarian law require full observance in order to minimize the excessive and unnecessary suffering caused by military hostilities.

For Brazil, the CCW embodies some of these most fundamental and endearing principles, such as those of protection of civilians against the effect of hostilities and the notion that the right to choose methods and means of warfare is not unlimited.

It is a matter of satisfaction to the Brazilian delegation to take part in this Fourth Review Conference as a High Contracting Party to the CCW and to all its Protocols, since Protocol V on Explosive Remnants of War has entered into force for my country last May 30<sup>th</sup>.

Mr. President,

It is our sincere aspiration that this Fourth Review Conference concludes with the adoption of a new Protocol VI to the CCW. Such an outcome would represent the culmination of four years of serious negotiations by the High Contracting Parties aimed at drawing a proposal that addresses the humanitarian impact of cluster munitions.

Brazil believes that the Chair's text entitled "Draft Protocol on Cluster Munitions" is the best approximation the Group of Governmental Experts could arrive at in fulfilling the mandate emanated from the annual Meetings of High Contracting Parties, to which any proposal should strike a balance between military and humanitarian considerations.

The proposal may not respond to the aspirations and concerns of all delegations involved in the negotiations. Yet it has an unequivocal potential to make a difference on the ground.

Through such a Protocol VI, major producers and users of cluster munitions would commit themselves to a significant set of obligations under international humanitarian law. The new Protocol would impose immediate prohibitions, establish other meaningful prohibitions within the next twelve years, would require higher standards for the production of these weapons and would extend the provision and facilitation of victim assistance to a whole new realm under the CCW. As such, a Protocol based on the Chair's text would be better than the alternative of having no obligations at all, as it is the case today.

My delegation fully respects the views of those delegations that prefer to question the humanitarian impact of such a proposal in comparison, for instance, to the Convention on Cluster Munitions, the so-called Oslo Convention. We believe, however, that the strength of multilateralism relies on bringing States with different views to negotiate and compromise so as to achieve instruments of real universality. Therefore, to refer to the superior humanitarian attributes of an instrument that does not oblige the major producers and users of cluster munitions is, to say the least, very debatable.

At this stage, the Brazilian delegation would also like to recognize the excellent work carried out by the Chairman of the GGE, Mr. Jesus Domingos, of the Philippines, and by the Friends of the Chair.

Mr. President,

Another major task for this Review Conference is to address the issue of universalisation. My delegation is pleased to acknowledge that, since the last Review Conference in 2006, 14 new States Parties have adhered to the Convention. In this context, we are thankful to the efforts undertaken by office holders to the Convention, States Parties and the United Nations in promoting adherence to the CCW and its Protocols, and we recognize the importance of the Plan of Action adopted in 2006 to sustain these efforts. We agree, however, that

much more remains to be done, and that universalisation must continue to be a priority issue. Brazil would support, therefore, the recommendation to establish the issue of universalization as a standing agenda item of the annual Meetings of States Parties to the CCW.

I thank you.