



Minister Nelson Jobim
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17 May 2010

Dear Minister Jobim,

I am writing on behalf of the Cluster Munition Coalition (CMC) to urge Brazil to sign the 2008 Convention on Cluster Munitions. This is a significant year for this important humanitarian agreement as it marks two important milestones. The Convention will enter into force on 1 August and Lao PDR will host the First Meeting of States Parties (1MSP) from 8-12 November with the support of the United Nations. In the 100 days counting down to entry into force, the CMC is encouraging states that have not yet joined the Convention to do so as soon as possible.

Cluster munitions kill and injure innocent civilians both during conflict and long after a conflict has ended. The international treaty prohibits cluster munitions, requires destruction of stockpiled cluster munitions within eight years and clearance of contaminated land within 10 years, and recognises the rights of individuals and communities affected by the weapon to receive assistance. States Parties to the Convention are required to support affected states in fulfilling their treaty obligations. Since December 2008, a total of 106 governments have signed the Convention on Cluster Munitions, including 14 countries in Latin America.

This Convention has set a new global benchmark in the conduct of armed conflict and will quickly become the standard by which all states are judged. While over a third of stockpiled countries have joined the Convention as well as significant former users, even those outside have taken steps in line with this emerging global norm. It is inconceivable that any international instrument as strong could be negotiated elsewhere.

There are a number of positive steps Brazil could take as it considers joining the Convention. Most notably, Brazil could clarify if any production of cluster munitions is ongoing and it could put in place a moratorium on use, production and transfer. At the recent hearing on cluster munition production in the Chamber of Deputies on 4 May 2010, the Ministry of Defence stated that Brazil's stockpiles of cluster munitions are limited and obsolete. As a confidence-building measure, Brazil should provide complete information on its stockpile of cluster munitions.

Avibrás, a cluster munition producer, declared at the hearing that the cluster munitions it produces have a failure rate of less than 1% and therefore that this technology safeguards against this humanitarian harm. However, failure rates in combat are always higher than failure rates in tests and so reliability performance in tests does not prevent the humanitarian harm that is caused in reality. The majority of the world has already rejected a prohibition based on failure rates as it cannot safeguard against the humanitarian impact of these weapons. Even within the stalled negotiations on the UN Convention on Certain Conventional Weapons (CCW) many states have questioned an approach based on failure rates.

Every country wishing to prevent further suffering from the horrors of cluster munitions should join the Convention on Cluster Munitions. The stigma established by the global ban means any future production or export of cluster munitions by Brazil would result in a strong public and political backlash. We urge all countries to join as soon as possible and to participate in the upcoming First Meeting of States Parties (1MSP) that will be hosted in Vientiane, Lao PDR from 8-12 November 2010. We hope to see you in Vientiane.

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