



**Statement of the Brazilian delegation in the Special Committee on the
Charter of the United Nations and on the Strengthening of the Role of
the Organization**

February, 21st

(Check against delivery)

Mr. Chair,

Let me congratulate you on your election to the Presidency of the Committee, as well as the other distinguished members of the Bureau. Brazil is confident that under your stewardship our work will be guided in the best possible manner.

The document "Introduction and Implementation of Sanctions Imposed by the United Nations" annexed to Resolution 64/115, provides guidelines to the implementation of sanctions by the United Nations.

Brazil believes that sanctions can be legitimate and effective in specific circumstances and they should be used as part of a comprehensive strategy to overcome crises and conflicts. In accordance with the UN Charter, they should be multilaterally agreed upon.

It is essential that their potential humanitarian impact is taken into consideration when designing sanctions, as well as how they may affect vulnerable populations and the right to development.

Sanctions must not generate more harm than they are intended to prevent.

For targeted sanctions, clear and objective criteria must be agreed upon. Individuals and entities should only be listed when reasonable evidence is available.

Sanctions should be limited in time. They should have an expiration date or be periodically reviewed.

Mr. Chair,

On the identification of new subject for the Special Committee, Mexico brought to the attention of the Committee already in the 73rd GA, an increase in the number of communications submitted to the Security Council under Article 51 of the Charter, in connection with counter-terrorism operations.

Current practice indicates that there is ample room for improvement regarding the content, timing and circulation of Article 51 communications.

A proper follow-up of such communications is also needed, so as to ensure that the obligations laid out in the Charter are being fulfilled. For example, States should provide sufficient information regarding the attack based on which self-defense is invoked, allowing for the appraisal of proportionality and necessity.

While the Charter demands that measures to implement self-defense be reported immediately, it often happens with significant delays. It would be useful to develop best practices on what such letters should contain and when they should be submitted.

There is also room for improvement on the flow of information towards non-members of the Security Council. In this regard, Brazil has suggested the creation of a dedicated session in the Council's website listing all letters received under Article 51.

We note that the Repertory of Practice of UN Organs is quite out of date regarding Article 51 - the most recent volume covers the period 1979-1984. The backlog amounts to almost four decades of practice.

We thank Mexico for the working paper submitted last November and agree to further discussing in the Committee the procedural and legal questions raised, the latter also being perhaps to be taken up by the VI Committee.

Thank you.