



**Statement during the Plenary Session of the Special Committee  
on the Charter of the United Nations and on the Strengthening of  
the Role of the Organization**

*February 20<sup>th</sup>, 2024*

*(check against delivery)*

Mister Chair,

I congratulate you and the other members of the Bureau of the Committee on your election.

The peaceful settlement of disputes is one of the constitutional principles that guide the Brazilian foreign policy. It is also a core principle of international law, including the Charter of the United Nations. During its last presidency of the Security Council, last October, Brazil chaired an insightful debate on regional, sub-regional and bilateral initiatives that contributed to peace and security around the world and constitute good examples on how good diplomacy and political will can achieve the objectives of the Charter. The several statements by over 70 countries are a good reference on how the practice of good diplomacy inspired or based on Chapters VI and VIII of the Charter can serve as a reference for our work here.

The international community will strengthen its ability to achieve lasting peace in contexts of conflict if it resorts more frequently to tools

such as preventive diplomacy and mediation. This is the opposite of what we witness now in the Middle East.

The situation in Gaza is deeply appalling and indefensible by any human standard. An unjustifiable humanitarian catastrophe is unfolding before our eyes. Thousands of civilians, including an overwhelming number of children, are being punished by crimes they have not committed. Continuing military action will only increase civilian harm and feed resentment. It will not bring a durable solution to the conflict.

The International Court of Justice has issued provisional measures aimed at preventing atrocities. This shows the relevance of the Court in upholding international law and promoting the peaceful settlement of international disputes.

Mister Chair,

Sanctions can only be legitimate and effective in specific circumstances.

First, they should be multilaterally established, in accordance with the UN Charter. Unilateral sanctions have no legal basis in international law.

Second, sanctions should be designed to have minimal impact on the civilian population, as they cannot generate more harm than they were intended to prevent.

Third, sanctions must be fit for purpose, with clear and objective listing criteria. The inclusion of individuals and entities in sanctions lists must be based on clear evidence and compliant with international human

rights law. Listed individuals and entities must have the right to challenge their inclusion through an effective review mechanism.

Finally, sanctions should be limited in time. Their mandates should have an expiration date or be periodically reviewed.

Mister Chair,

Brazil welcomes the proposal by Mexico for the Committee to discuss the application of article 51.

The right to self-defense has clearly defined boundaries established in article 51 of the Charter. The current practice indicates that there is room for improvement regarding the content, timing and circulation of article 51 communications.

A proper follow-up of such communications is also needed to ensure that the obligations laid out in the Charter are being fulfilled. For example, it is critical that States provide sufficient information on the attack as a result of which self-defense is being invoked. This would allow for the appraisal of proportionality and necessity.

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

The communications sent under article 51 are directed to the Security Council, but they are of interest to the international community as a whole.

Thank you.