



United Nations General Assembly | Sixth Committee

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (Agenda item 83)

November 4th, 2024

(check against delivery)

Madam/Mister Chair,

The origins of the Special Committee on the Charter of United Nations and the Strengthening of the Role of the Organization date back to the twenty-ninth session of the General Assembly. Then, an agenda item was dedicated to the consideration of suggestions regarding the review of the Charter of the United Nations and the need to enhance the ability of the United Nations to achieve its purposes.

In its trajectory, the Special Committee on the Charter produced relevant instruments, such as the Manila Declaration on the Peaceful Settlement of International Disputes of November 1982 and resolution 64/115 of December 2009, on the implementation of sanctions imposed by the United Nations.

It is beyond doubt the importance of the Special Committee on the Charter as a subsidiary organ of the General Assembly. The United Nations needs a forum in which all Member States can express their views on ways to reinforce the implementation of the provisions of the Charter concerning the maintenance and consolidation of international peace and security, the cooperation among States to this end and the promotion of the rules of international law in relations between States.

Such discussions should not be confined to the Security Council, whose restrictive membership and decision-making methods naturally limit its ability to take into

consideration the plurality of views of Member States on matters that are of interest to the international community as a whole.

For these reasons, it is very concerning that the Special Committee on the Charter has been overtaken by a state of paralysis. This paralysis impairs rather than strengthens the role of the United Nations, which is overcome by a pervasive polarization that affects not only the Committee, but its work in its entirety.

For years, the Special Committee has been unable to promote a balanced, technical debate on proposals put forward by delegations with a view to strengthening the UN. Also, the inability of the Special Committee to reach consensus on its report for three years in a row now is a dramatic illustration of the stalemate we have been incapable of breaking through.

This situation leads us to the inevitable conclusion that the Special Committee on the Charter must promote a reflection on its methods of work. It is also high time that Member States seriously took their responsibilities towards the Committee by cooperating among themselves and showing a spirit of compromise.

Madam/Mister Chair,

The peaceful settlement of disputes is one of the constitutional principles guiding the Brazilian foreign policy. It is a core principle of international law, enshrined in the Charter of the United Nations. It is also a corollary of the Charter's prohibition on the threat or use of force against the territorial integrity or political independence of any State, a principle later reaffirmed in the Manila Declaration.

The International Court of Justice plays a pivotal role, by its decisions and advisory opinions, in enabling States to settle disputes in a peaceful manner, on the basis of international law. States have an obligation to comply with the ICJ's decisions and provisional measures, as well as to pay due heed to the conclusions the Court reaches in the exercise of its advisory jurisdiction.

Brazil therefore highlights the importance of the ICJ's findings in its recent advisory opinion on the legal consequences arising from the Israeli occupation of the Palestinian Territory for a durable and peaceful two-state solution of the Israeli-Palestinian conflict. The protracted war on Gaza is at odds with the UN Charter and international humanitarian law and has caused an unjustifiable humanitarian catastrophe. The illegal decision by the State of Israel to ban UNRWA from the occupied territories will only worsen the plight of the long-suffering Palestinian population.

Madam/Mister Chair,

Turning to another important topic for the consideration of the Special Committee, Brazil reiterates its view that only sanctions adopted by the Security Council under Chapter VII of the Charter are legitimate under international law.

Unilateral sanctions are illegal and illegitimate instruments that affect human rights of vulnerable populations, and curb their right to development.

Furthermore, sanctions adopted by the Security Council should be designed to have minimal impact on the civilian population, have clear and objective criteria for evidence-based listings, and be limited in time, subject to either an expiration date or periodical reviews.

It is important to constantly evaluate whether sanctions are achieving their purported goals. Otherwise, ineffective regimes may undermine the authority of the Security Council. To this end, it is crucial to consider resolution 64/115, an important legacy of a time when the Special Committee was still able to adopt reports, and its invaluable guidance on the introduction and implementation of sanctions imposed by the United Nations.

Furthermore, we underscore the need for the Committee to engage in the consideration of Mexico's proposal on the application of article 51 of the Charter. The right to self-defense has clearly defined boundaries. Communications on its exercise must meet certain criteria to ensure that there is clarity on its conformity with the obligations laid out in the Charter, including for the appraisal of proportionality and necessity. The General Assembly, as the most representative organ of the United Nations, is uniquely positioned to contribute to the improvement of these communications, directed though they are to the Security Council.

Madam/Mister Chair,

This Committee's paralysis is one among many others in the UN system. It is a testament to the state of disrepair into which the organization has fallen, and a reminder that bolder action is needed. We cannot address the need to enhance the ability of the United Nations to achieve its purposes, nor the need for a more effective functioning of the organization, without recognizing the urgent and undeniable need for a comprehensive reform. As President Lula stated during the opening of the General Debate last September, *ad hoc* adjustments are not enough. We must conduct a comprehensive review of the UN Charter. This will surely require enormous negotiation efforts, but that is our responsibility.

Thank you.