



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

15 October 2018

(check against delivery)

Mr. Chairman,

Brazil aligns itself with the statement delivered by El Salvador on behalf of Community of Latin American and Caribbean States (CELAC) and takes this opportunity to address, from a national perspective, one issue relating to the identification of new subject for the Special Committee.

As Brazil has been highlighting in this Committee under the agenda item "measures to eliminate international terrorism", as well as in recent open debates held in the Security Council, we have been noticing an increase in the number of communications submitted to the Security Council under Article 51 of the UN Charter seeking to justify resort to military action in the context of counter-terrorism.

The 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, it is critical that States provide sufficient information regarding the attack based on which self-defense is being invoked, allowing for the appraisal of proportionality and necessity. While the Charter demands that measures to implement self-defense be reported immediately, it far too often happens 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 flow of information towards non-members of the Security Council must also be improved. In this regard, Brazil has suggested for the creation of a dedicated session in the Council's website listing all letters received under Article 51 or invoking the right of self-defense. Another positive contribution towards more transparency in this area would be to encourage the Security Council to automatically hold a debate following each submission of an Article 51 communication.

While the communications sent under Article 51 are directed to the Security Council, they are of interest of the international community as a whole. For all these reasons, Brazil would welcome a debate in the Special Committee on the procedural aspects of the implementation of Article 51. Proceduralizing it would create improved conditions for a related, but different, debate: on the scope and application of the right to self-defense. This is a much broader and substantive debate, that should be taken up directly by the Sixth Committee of the plenary of the General Assembly.

Thank you.