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LASMUN

La Salle Model United Nations

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GENERAL INFORMATION ON LASMUN

Dress Code and National Symbols

As at every UN conference, to keep the integrity of the event, all delegates at LASMUN are required to observe a western business attire, or national equivalent. For example, men should wear full suit (blazer and dress pants), dress shirt, tie, and dress shoes. Similarly, women should wear a blouse and dress pants or skirt, blazer or sweater. If the representation of your delegation can be enhanced by wearing a formal national dress, you may do so if it is carried out with attention to detail and convention, and with maximum of respect. Delegates can bring and display objects that represent their nation, such as small flags, pictures and memorabilia. Such objects are allowed if they are respectful and do not disturb the conference. Alcoholic beverages and weapons of any kind are strictly forbidden and may be confiscated by the Chair and returned to the delegate only by the end of the conference. It is within the Chair's discretion to assess which objects are appropriate to be displayed and which are not.

Award Policy

LASMUN's Award Policy consists in one prize for the Best Delegate and two Honorable Mentions per committee. At the end of the Conference, all delegates shall vote for Best Delegate and for two other delegates whom they believe deserve an Honorable Mention. Members of the LASMUN Staff participating in the simulation cannot be voted. The reward for Best Delegate will be a prize and a certificate. The spirit of the prize is not to enhance competition among delegates, but to reward those that have indeed made their best, setting them as examples and encouraging further improved behavior.

Parliamentary Language

At all times, it is essential that delegates address each other with the maximum of respect. It is conventional and professional to refer to another delegate not as "she" or "he", but as "fellow delegate" or equivalent courteous terms. Similarly, when speaking of the views of their country, delegates should not refer to them as being their own, e.g. do not say "my position", and use instead "my country's position" or, for instance "France's position". The language used during the conferences shall reflect in every way the fact that delegates are representing their countries and that they are trying to politely cooperate with each other.

PARTE ONE LASMUN's Study Guide

GENERAL RULES OF PROCEDURE OF LASMUN

1. Scope

These rules shall apply to the two committees simulated at the 3rd edition of LASMUN. These General Rules of Procedure shall be considered adopted in advance of the session, and no other rules of procedure will be applicable. These rules were taken from the Handbook of UFRGSMUN 2016, and LASMUN'S 4nd edition Handbook.

2. Language

The official and working language of the conference is English. Delegates will not be permitted to address the Chair, the staff or the committee in another language. The use of foreign expressions will be permitted if followed immediately by a translation into English or if they are current in the English language.

3. Delegations

Each delegation will be represented by one delegate only.

4. Credentials

The name of the member of each delegation shall be submitted to the Secretariat prior to the opening of the Conference. All delegations will be assumed to have proper credentials to participate in the Conference. Delegates are all presumed to possess the diplomatic authority necessary to discuss and vote on the main issue being dealt with by the committee. The instructions and powers given to all delegates do not allow them to declare war, sign or denounce treaties, impose sanctions, or perform any action not strictly within the purview of the committee, unless so determined by the Chair.

5. General Duties of the Delegates

Delegates have the duties of respecting the decisions of the Chair, obtaining the floor before speaking, safeguarding and advocating their country's interests, acting according to their country's foreign policy, and acting with diplomatic decorum always.

6. General Duties of the Secretariat The Secretary-General is the highest-ranking member of the staff. She may designate a staff member to act in her place during any session of the Conference. Along with the Undersecretary-Generals, she shall direct all the work of the Conference. The Secretary-General or a member of the staff designated by her as her representative may, at any time, address either oral or written statements concerning any matter to the committees.

7. General Duties of the Chair

The committee will be presided over by a Chair, composed of one or two Directors and Assistant-Directors. In addition to exercising the powers which are conferred upon it elsewhere in these rules, the Chair shall declare the opening and closing of each session of the committee, direct its discussions, ensure the observance of these rules, confer the right to speak, and make announcements. It shall rule on Points and Motions without appeal, stipulate the time limit for speakers, and have complete control over and responsibility for the proceedings of the Committee. The Chair may also suggest motions that it deems beneficial for the flow of debate. The Chair representatives have the duty to provide any clarification on general matters concerning the debate, upon the request of delegates or when deemed necessary.

Nonetheless, the Chair will not supply country's positions to delegates under any circumstance, since the research and preparation regarding such issues are under the delegates' responsibilities. The Chair will treat delegates with due courtesy at all times.

8. Rulings of the Chair

The rulings and decisions of the Committee's Chair are final and not subject to appeal. The members of the Chair are empowered to supersede and interpret the rules as they see fit to guarantee the fruitful progression of the committee's labor.

9. Plagiarism

Plagiarism is understood within the scope of these rules as the unacknowledged use of another individual's words or ideas. When writing position papers, working papers, draft resolutions and during all their participation in the conference, delegates are not allowed to make use of fragments of already existent documents without proper reference. A participant caught plagiarizing any written work will be dealt with accordingly. Punishment may entail disqualification for awards, denied voting and/or speaking rights and possible exclusion from the conference. Applicable legal measures will be taken at the discretion of the conference's organization alone.

RULES GOVERNING DEBATE

Throughout these rules, a "simple majority" will be understood to be one half of the possible votes plus one, rounded down, whereas a "two-third majority" shall consist of two thirds of the possible votes, rounded up. For example, the simple majority of five is three, and the two-third majority of ten is seven.

PROCEDURAL MATTERS

10. Quorum

The Chair may declare a session open and permit debate to proceed when at least one third (rounded up) of registered delegations are present. The presence of a simple majority of registered delegations shall be required for any substantive vote to be taken. The Chair shall proceed with a Roll Call at the beginning of each session to recognize the presence of the delegates. The Chair shall inform the delegates of the Quorum whenever required. Every committee shall start with a First Session composed by: Opening Speeches with Speakers List.

11. Opening Plenary Session

Every committee shall start with a First Session composed by two parts: (i) Interactive Dialogues and Briefings; (ii) Opening Speeches with Speakers List. The beginning of this session, therefore, is composed by a Briefing of the topic(s) to be discussed in the Committee, made by a specialist in the area or by some member of the Bureau. This moment may allow the initial interaction of the delegates with the discussion theme. Soon after that, the Bureau will present to the delegates a proposal of agenda on the topics to be discussed. The delegates may later decide for its adoption or suggest changes to it - if so, the delegates should submit the new agenda to the Bureau, which will present the new document to the committee. Albeit strongly recommended, still, the agenda is not mandatory and the delegates may prefer to go straight to the debate. Following the agenda presentation, each

delegation may perform an Opening Speech. This shall contain, essentially, the topics presented in the Country Report, previously sent to the Bureau. In this sense, the delegates must attain themselves to the foreign policy of the country they are representing, according to the topic(s). These Speeches shall be made in accordance with a Speakers List, opened exclusively for this reason. To be included in the list, delegates should raise their placards, provided that the delegation's name is not already on the List. The delegations' names will appear according to the order in which they indicate their desire to speak. The delegation can withdraw its name from the General Speakers List by indicating so to the Bureau. The speech time must be defined by the Bureau in informal voting with the delegations. Even though this Opening Speeches are not mandatory, we strongly encourage all the delegations to participate in it. After the finish of the Speakers List, the Bureau shall automatically change to the Formal-Informal type of debate. Then, to make a Speech, the delegations must raise their placards and wait for the Bureau's indication – it's their prerogative to choose the delegates.

12. Speeches

No delegates may address the Committee without previously obtaining the permission of the Chair. The Chair shall call upon speakers in the order they signify their desire to speak. The speaking time shall be stipulated by the Chair in advance, though it may consult the committee before deciding on the matter. When a delegate has ten seconds of speaking time left, the Chair will make a discreet signal. When the allotted time has expired, the Chair will call the delegate to order.

13. Right of Reply

There is no right of reply. Real or perceived offenses or untruths should be dealt with during normal debate.

14. Working Papers

Working Papers are informal documents that aid the Committee in its discussions on substantive matters. Delegates may propose Working Papers for consideration by the Committee at any time during the Conference. They need not to be written in a specific format, but must be approved by the Chair to be distributed for and to be mentioned in the Committee. There is no need for sponsors of Working Papers.

15. Points

There are three types of Points by which a delegate may address the Chair directly. Should delegates wish to consult the Chair on a matter not covered by any of these three points, they should do it so privately, with the understanding that the Chair will inform the whole committee of the matter if it is deemed to be a general interest.

15.1. Point of Personal Privilege

At any moment during the debate, delegates may raise a Point of Personal Privilege to indicate that they are experiencing extreme personal physical discomfort or being prevented from properly following the discussion. The Chair will attempt to rectify the situation. This point may interrupt a speech if necessary.

15.2. Point of Order

Delegates may raise a Point of Order if they feel that the Rules of Procedure are not being properly followed by the Chair. The Point must be directly related to the rules, and cannot interrupt a speech. The members of the Chair will

rule the Point in or out of order as they see fit.

15.3. Point of Inquiry

Delegates may raise a Point of Inquiry when they have a doubt regarding the Rules of Procedure or the flow of debate. This Point cannot interrupt a speech.

16. Debate

16.1. Formal Debate

The Formal debate happens exclusively in the First Session of the committees and must be composed by the Speakers List for the Opening Speeches of the delegations. To be included in the list, delegates should raise their placards, provided that the delegation's name is not already on the List.

16.2 Formal-Informal Debate

This type of debate will happen during all the sessions in all committees after the First Formal Session. This debate is conducted directly by the Chairwoman/Chairman: delegates willing to speak during the Formal-Informal Debate may raise their placards, and will be recognized by the Chair at its discretion. Points of Order and Motions for Adjournment of the Session or Debate can be raised by delegates, according to the Chair indications.

16.3 Informal-Informal

Debate It suspends the Formal-Informal debate so that the delegates can discuss without interference of the Chair, being free to walk in the conference's room and gather in work groups. The objective is to facilitate substantive discussions, such as the draft resolution, by relaxing the structure of the debate imposed by the regular procedures. Therefore, the delegates are encouraged to use this time to work in political groups (i.e. with foreign policy alignment) to draft and negotiate a possible resolution or amendment. To start an Informal-Informal meeting it is necessary that a delegation asks the Bureau to do so. The Chair will then inquire if there are consensus on the matter. In the cases where no consensus is found, a simple majority is necessary for approval of this type of debate. There is not a specific amount of time for this form of debate, but its maximum extension in a row is of 45 minutes. 17. Motion for Adjournment of the Session During discussion of any matter, a delegate may move for the Adjournment of the Session. Such a motion shall not be debated, and shall be put to a vote if there are no other Points that take precedence to it on the floor, requiring a two-third majority to for approval. After the session is adjourned, the Committee shall reconvene at its next regularly schedule session time. As with all motions, the Chair may rule a Motion for Adjournment of the Session out of order.

SPECIAL RULES OF PROCEDURE UNITED NATIONS SECUTIR COUNCIL

18. Credentials

Delegates must hand over their credentials at the beginning of the first session. These credentials are sent to the delegates by their respective country's Ministry of Foreign Affairs in advance. In the case of not having received the Credentials delegates must contact the Secretariat. Delegates are encouraged to write letters to their governments to obtain authorization to undertake actions beyond those listed in the credentials section

of the General Rules of Procedure or request needed information.

19. Conduct during voting on a Draft Resolution

The Secretary-General shall immediately bring to the attention of all representatives on the Security Council all communications from States, organs of the United Nations, or concerns regarding any matter that requires consideration of the Security Council in accordance with the provisions of the Charter. The Secretary-General may designate members from Secretariat to attend any council's meetings. The selected members from the Secretariat must provide logistical and technical support to the Security Council's discussions, entertaining the Council with any formal or informal documents specifically sent to the Council or addressing any matters under its consideration. Draft-communiqués reporting on behalf of the Council may also be sent to its appreciation, whenever the Secretariat finds it.

SUBSTANTIVE MATTERS

20. Voting Majorities

Decisions of the Security Council on procedural matters shall be made by a simple majority of nine members. Decisions of the Security Council on substantive matters shall be made by an affirmative vote of nine members with no negative votes on the part of the permanent members; provided that, in decisions under Chapter VI on the UN Charter and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting. The matters hereby considered as substantive are the approval of Amendments to the Draft Resolution, the approval of Draft Resolutions and approval of clauses/parts in a division of the question.

21. Form of Debate

6.1 Unless otherwise stated by the committee, all sessions of the Security Council are presumed to be closed until the adjournment of the session, except for the First Session, when takes place the reading of the Briefing and/or the Interactive Dialogue, and when the delegates may deliver an Opening Speech, available to the Press. Closed sessions are secret and information on the proceedings is entrusted to the discretion of the participants. This is meant to facilitate discussion and negotiation between members of the Council as the conversations will be confidential and undocumented.

6.2 Closed Sessions follow the format of a Formal/Informal Debate at all times, except in the case of shifting to an Informal-Informal Debate. Besides the Point of Order described in the General Rules of Procedure, the following motions will be allowed during closed sessions (according to the order of precedence): (i) Motion for adjournment of the session; (ii) Motion for adjournment of the debate; (iii) Motion of no confidence; (iv) Motion for an open session; (v) Motion to issue a presidential statement.

6.2.1 A motion for an open session is functional when the action phase on a draft resolution is about to begin (i.e. after its introduction and during its voting). The Presidency must consult the Council about opening the session with a voting procedure. If a simple majority decide in favor of opening the session, all statements will be duly recorded and made available to the Press.

6.2.2 Any delegate may raise a motion to issue a UNSC Presidential Statement, which is a UN official document meant to inform the public on some of the deliberations of the UNSC. If the motion is ruled to be in order, the delegate will read the proposed text for the statement, and the president will ask if any Council member objects to it. It must be approved by consensus. There being no objection, the statement is considered to be issued and released to the public. There is no specific format.

6.3 During Open Sessions, the following motions will be allowed (according to the order of precedence): (i) Motion for adjournment of the session; (ii) Motion for adjournment of debate; (iii) Motion for a closed session.

6.3.1 A motion for a closed session is a procedural matter, which will immediately be put to a vote. If the motion passes, the session will be immediately closed to the public, statements will no longer be recorded and all individuals who do not belong to the Secretariat or to the delegations represented in the Council will be asked to leave the room.

22. Participation in Council Deliberations

Should any member of the Council wish to invite an individual or representative of an organization or government to participate (without entitlement to vote on substantive matters) in the deliberations of the Council, he or she should submit a written request to the President of the Council. The President will ask if any Council member objects to the invitation. There being no objection, the invitation will be issued.

23. Letter to the Secretary-General

Should any member of the Council wish to issue a letter addressed directly to the Secretary-General, or intended to be transmitted to an organization or government relevant to the deliberations of the Council, he or she should submit the proposed letter and a request in writing to the President of the Council. The President will ask if any Council member objects to the letter. There being no objection, the letter will be issued.

24. Presidency

The presidency of the Security Council shall be held in turn by the delegations that wish to do so. Each President shall hold office for the length of one session. Lots will be drawn in the first session among delegations willing to hold the presidency. Whenever the president of the session is seen to be fulfilling its responsibilities in a manner unsatisfactory to the members of the UNSC and the Secretariat, a change in the presidency is in order. It requires an informal written request signed by at least three members, one of which must be a permanent member of the Council. This change will be put to a vote if the Secretariat deems appropriate and requires a simple majority to pass. If the vote passes, the presidency devolves for the rest of the session on the delegations scheduled to preside the next session. Should this occur, the plan would remain unchanged for the following sessions. Some delegations may be called upon to preside over multiple sessions. The President shall preside over the meetings of the Security Council and, under the authority of the Security Council, shall represent it in its capacity as an organ of the United Nations.

25. Presidential Statements

Any delegate may move to Issue a UNSC Presidential Statement, which is a UN official document meant to inform the public on some of the deliberations of the UNSC. If the Motion is ruled to be in order, the delegate will read the proposed text for the statement, and the president will ask if any Council member objects to it. There being no objection, the statement is considered to be issued and released to the public.

26. Draft Resolutions and Amendments

In Closed Sessions, more than one Draft Resolution and Amendments may be on the floor at the same time. All the Draft Resolutions and Amendments shall be discussed simultaneously, yet the Council may approve only one resolution per topic. Before being introduced for debate, all Draft Resolutions and Amendments require the approval of the Secretariat. Draft Resolutions require five signatures and Amendments require three signatures to be introduced.

Once a Draft Resolution or an Amendment has been introduced, it can be withdrawn only if all signatories remove their signatures. Friendly Amendments are allowed. Before voting an Amendment, delegates can move for Roll Call Voting. Draft Resolutions are voted in open sessions; therefore, the Roll Call Voting is automatically in order.

SUBSTANTIVE MATTERS

27. Draft Resolutions

Before being introduced for debate, all Draft Resolutions require the approval of the Chair. All Draft Resolutions also require 5 signatures to be introduced and a simple majority to pass. Signing a Draft Resolution does not necessarily indicate that a delegation support its ideas, but only that it desires to have the Draft Resolution discussed. A signatory of a Draft Resolution is not required to vote in favor of it. The Draft Resolution needs its signatories' support to continue on the floor. In the event of all signatories withdrawing their signatures, debate on the Draft Resolution is ceased. Other delegations may add their signatures to the Draft Resolution in the course of the debate. In general debate on a topic, there may be more than one Draft Resolution on the floor at the same time. All the Draft Resolutions shall be discussed simultaneously on the General Speakers List. Only one Draft Resolution may be approved by the Committee. A Draft Resolution will remain on the floor until debate on that specific Draft Resolution is closed or another Draft Resolution on the topic passes. There will be no time limit to debate on one topic.

27.1 Motion for Introduction of Draft Resolution

Delegates may move for the Introduction of a Draft Resolution once it has been approved by the Chair and distributed to the Committee. This motion does not require a vote to pass; once accepted by the Chair it is automatically approved. The Chair will then grant the floor to one of the signatories of the Draft Resolution for the time required for him/her to read its operative clauses. After the Draft Resolution is read, the Chair asks for questions, which shall be limited to grammar or technical matters on the document and may not pertain to the substance of the Draft Resolution.

27.2 Motion for Introduction of an Amendment

Delegates may amend any Draft Resolution that is on the floor. Amendments may add, subtract, or modify parts of the Draft Resolution. An Amendment requires the approval of the Chair and the signatures of three members of the Committee. Signing an Amendment does not constitute or require a vote in favor of it. After a Motion for the Introduction of an Amendment is approved by the Chair, debate on the General Speakers List shall be suspended and a Special Speakers List shall be established for and against the specific Amendment. A Motion for Closure of the Special Speakers List or a Motion to Close Debate on the Amendment will be in order after the Committee has heard at least two speakers in favor of the Amendment and two speakers against, when available. When debate is closed on the Amendment, the Committee shall proceed to an immediate vote, which may be a Roll Call Vote if so moved. Following the voting procedure, debate according to the General Speakers List shall resume. Once an Amendment is approved, it becomes part of the Draft Resolution, which means that it is no longer considered an Amendment.

27.3 Friendly Amendment

When all the current signatories of a Draft Resolution on the floor agree to modify any part of its operative clauses, they may do so through a Friendly Amendment, which has the same effects of a regular Amendment. A Friendly Amendment must be presented on a written format to the Chair for its approval. After approving it, the Chair will ask

if all the signatories of the Draft Resolution support the Friendly Amendment and, if they do so, it will automatically become part of the Draft Resolution. In case any signatory is absent or does not agree on the Friendly Amendment, it will be discarded. Yet, it may be presented again as a regular Amendment.

27.4 Procedure of Approval by Consensus

The resolution will be read aloud by one of the signatories. Delegations can suggest, if necessary, grammatical or technical corrections to the document (content-related questions cannot be altered). After, the Bureau will ask if any delegation opposes the Draft Resolution - this is not to happen, in general. If none, the resolution is approved and the discussion addresses the next topic, if there is one.

27.5 Procedure of Approval by Voting

In case there is not a consensus, the Draft Resolution is introduced to the debate if approved by the Bureau: from this moment on, the Draft becomes the sole focus of discussion of the committee, which is obliged to approve the document or reject it. Just after its introduction, the Draft is read aloud by one of the signatories, and the delegations can suggest, if necessary, grammatical or technical corrections to the document. When this process is completed, the committee returns to the normal flow of the debate.

27.6 Motion for Division of the Question

After debate has been closed and the Chair has started the voting procedures on a Draft Resolution, a delegate may move for the Operative Clauses of the Draft Resolution to be voted on separately. Perambulatory and Sub-Operative Clauses may not be divided this way. If a delegate moves for a Division of the Question, the Chair shall recognize two speakers in favor and two speakers against the Motion if available. A simple majority is needed for the Motion to pass (this is a procedural vote, with no abstentions allowed). If it does pass, a five-minute Unmoderated Caucus will be automatically granted to the Committee so that delegates can discuss, prepare, and present to the Chair, in written format, their proposals to divide the question. The Committee will hear two speakers in favor and two speakers against every proposal of division before voting it until one is approved. No abstentions are allowed in these votes, as they are procedural matters. If no proposals are approved by simple majority, the Draft Resolution shall be voted as a whole. When one of the proposals is approved, a separate vote shall be taken on each divided part to determine whether it shall be included in the Draft Resolution to be voted later. For the Operative Clauses to remain in the Draft Resolution, a simple majority of the votes is required. The substantive nature of this vote means abstentions are permitted.

28. Motion for Roll Call Voting

After debate has been closed on a Draft Resolution or Amendment, a delegate may move for a Roll Call Vote. In a Roll Call Vote, the Chair will recognize, in alphabetical order each voting delegate, who must state his/her vote. Delegates may vote in favor, against or abstain. Once recognized by the Chair, the motion for a Roll Call Voting is automatically approved and does not require a vote to pass. During a Roll Call Vote, delegates may choose to pass their turn of voting and wait for another roll call round to state their actual vote. However, delegates who pass their vote are not allowed to abstain from voting. Moreover, delegates are allowed to pass only once.

GUIDE ON WRITING RESOLUTIONS

1 Draft Resolutions

The United Nations does not pass “laws”, it passes Resolutions. A Resolution is a way of bringing pressure upon Member States, of expressing an opinion on a pressing matter, or recommending some action to be taken by the UN or other agency. Draft Resolutions should not be introduced into formal session until they have circulated among other delegates to incorporate different perspectives and to build support. It is desirable for a Draft Resolution to be sponsored by several States or by an entire bloc. Delegates should not bring pre-written Resolutions to the Conference. Pre-written Resolutions are not only frowned upon by the Secretariat, but will inevitably alienate the other delegates in the committee. The process of writing Resolutions in committee with other delegates is designed to teach delegates the subtler forms of negotiations and concessions. Prefabricated Resolutions obviously pre-empt this process. When drafting and sponsoring a resolution, keep in mind that the wording will greatly influence its appeal. The Resolution should be clear, concise and specific. The substance should be well researched, and reflect the character and interests of the sponsorship nations. Being a signatory to a Resolution only means that delegates want to see it put on the floor; it does not indicate sponsorship or support and the signatory has no further obligations. For instance, you might be against a Draft Resolution but might want to see it debated to be able to convince other countries who have written the Draft Document.

2 Drafting a Resolution

UN Resolutions follow a common format. A resolution is one long sentence, with commas and semi-colons used to separate the ideas and a period at the very end of the document. They should be single-spaced, with each line numbered in the left-hand margin. Resolutions consist of three main parts:

2.1 The Heading

The heading of the Draft Resolution should read as follows:

COMMITTEE: the name of the organ where it was introduced;

SUBJECT: the topic of the resolution;

SPONSORED BY: list of sponsoring nations. A document number will be given to the resolution as part of the heading and it will be referred to by its number for the remainder of the simulation.

2.2 The Preamble

Causes Within the preamble of a Resolution, one will not find clauses proposing action or making substantive statements. The perambulatory causes explain the purpose of the resolution and state the main reasons for the suggestions to follow. This is where previous UM Resolutions are referred to and relevant precedents of international law are cited. The preamble may also include altruistic appeals to the common sense or humanitarian instincts of Members States regarding the Charter, the Universal Declaration of Human Rights, etc. Each clause begins with an italicized participle and is followed by a comma after the sentence.

Affirming	Emphasizing	Keeping in mind
Alarmed by	Expecting	Noting with regret
Approving	Fulfilling	Noting with
Aware of	Fully aware	satisfaction
Believing	Fully alarmed	Noting with deep
Bearing in mind	Fully believing	concern
Confident	Further deploring	Noting with
Convinced	Guided by	approval
Declaring	Having adopted	Observing
Deeply concerned	Having considered	Realizing
Deeply convinced	Having examined	Reaffirming
Deeply disturbed	Having studied	Recognizing
Deeply regretting	Having heard	Recalling
Desiring	Having received	Welcoming

2.3 The Operative Clauses

The operative clauses list the recommendations for action, or state a favorable or unfavorable opinion regarding the existing situation. These actions can be as vague as a denunciation of a certain situation or a call for negotiations, or specific as a call for a ceasefire or monetary commitment for a Project. Remember that only Security Council Resolutions are binding on Member States, the General Assembly and the Economic and Social Council can only make recommendations. Operative clauses begin with an active, present tense verb and are followed by a semicolon in the end of the sentence. The first word in each operative clause is italicized. Operative clauses are numbered, beginning with “1”.

The follow words are a partial list of appropriate terms for initiative operative clauses:

Accepts	Designates	Notes
Approves	Emphasizes	Proclaims
Authorizes	Encourages	Reaffirms
Calls	Endorses	Recommends
Calls upon	Expresses its	Reminds
Commands	appreciation	Regrets
Condemns	Expresses its hope	Requests
Congratulates	Further invites	Reiterates
Confirms	Further proclaims	Solemnly affirms
Considers	Further reminds	
Decides	Further	
Declares	recommends	
Accordingly	Further resolves	
Demands	Further requests	
Deplores	Further urges	
Draws the attention	Has resolved	

PART TWO LASMUN's Study Guide

MULTILATERALISM AND THE WORLD HEALTH ORGANIZATION ROLE DURING THE COVID 19 PANDEMIC

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ABSTRACT

Leading up to the COVID-19 pandemic, global health governance institutions and leaders were aware of the risks posed by a highly contagious respiratory disease in an interconnected world. Reports and warnings from organizations like the Global Preparedness Monitoring Board highlighted the potential for a pandemic caused by a respiratory pathogen. When the outbreak in Wuhan, China was reported to the World Health Organization (WHO), their initial responses contained conflicting information about the extent of person-to-person transmission. The WHO conducted a mission to Wuhan, confirming evidence of transmission but the full extent remained unknown. As cases were exported to other countries, the WHO convened an Emergency Committee and eventually declared a Public Health Emergency of International Concern (PHEIC). However, the global response did not match the scale of the outbreak, and the declaration did not convey a sufficient sense of urgency. The situation was officially classified as a pandemic, but it took alarming reports and data from around the world to increase awareness of the severity and rapid spread of COVID-19. By mid-March 2020, the virus had spread to numerous countries, particularly affecting Europe, leading to the implementation of lockdown measures and travel restrictions.

1 THE EMERGENCE OF COVID-19 AND THE INITIAL ACTIONS IMPLEMENTED

During the period leading up to the COVID-19 pandemic, global health governance institutions and leaders were well aware of the potential dangers posed by a highly contagious respiratory disease in an interconnected world. In 2019, a report from the Global Preparedness Monitoring Board (GPMB), co-led by the World Health Organization (WHO) and the World Bank, highlighted the risk of a pandemic caused by a lethal respiratory pathogen, with a particular focus on high-impact pathogens like severe strains of influenza. Although the report did not specifically mention the coronavirus, it emphasized the rapid spread of respiratory droplets and the potential for a pandemic in the current transportation landscape. Various governmental organizations, the scientific community, and stakeholders had also warned about the grave consequences of rapidly spreading diseases and emerging pathogens, including zoonotic coronaviruses.

On December 31, 2019, the WHO received information about a pneumonia outbreak of unknown origin in Wuhan, China. This information came from multiple sources: the WHO Western Pacific Regional Office (WPRO) was alerted by the WHO Representative Office in China, which had obtained knowledge through a public bulletin from local authorities; the Taiwan Centers for Disease Control contacted the WHO through the International Health Regulations (IHR); and the WHO's Epidemic Intelligence from Open Sources (EIOS) discovered information on the Program for Monitoring Emerging Diseases (ProMED) website. The WHO responded to these indications on various fronts. According to the IHR, the WHO/WPRO requested more information and verification from China, and the WHO Office in China met with the National Health Commission of China on January 3, 2020. Additionally, the WHO requested updated information on the outbreak, the virus, and the disease from the China Center for Disease Control. However, the initial communication and responses from the WHO contained contradictory information regarding the extent of person-to-person transmission of the new coronavirus.

On January 5, 2020, the WHO notified its members about the outbreak through the IHR Event Information System and released an Outbreak News bulletin on the same day. The bulletin mentioned the lack of evidence for person-to-person transmission and the absence of infections among healthcare professionals, highlighting a cluster of cases linked to the Huanan seafood market in Wuhan. Although caution was advised, the WHO took a stance against implementing travel or trade restrictions related to China.

On January 15, 2020, the WHO Office in China reached an agreement with Chinese authorities to conduct a visit to Wuhan, and the first WHO mission took place on January 20 and 21, 2020. This initial mission concluded that there was evidence of person-to-person transmission, although the extent of such transmission was still unknown. Prior to this, the exportation of the virus had already been confirmed, with cases reported in Thailand on January 8, 2020, and in Japan on January 16, 2020. By the end of January 2020, a new hospital with 1,000 beds was being constructed in Wuhan, and a strict lockdown was imposed in the city, leading to a significant reduction in local cases. These measures implemented by China influenced the Pan American Health Organization (PAHO) to issue an Epidemiological Alert about the new coronavirus, aiming to raise awareness and preparedness without recommending travel or trade restrictions.

The first meeting of the Emergency Committee under the International Health Regulations (IHR) was convened by the WHO Director-General on January 22 and 23, 2020, to discuss the outbreak. While some Committee members deemed it premature to declare a Public Health Emergency of International Concern (PHEIC), they warned about the potential for further cases being exported to other countries. Following the meeting, the WHO did not recommend travel restrictions or specific health measures for travelers, as entry screening was seen as providing little benefit compared to the resources required. However, upon reviewing the events of January 2020, the Independent Panel for Pandemic Preparedness and Response (IPPRP or Panel) concluded that the Wuhan outbreak likely met the criteria for a PHEIC declaration on January 22, 2020. A week later, the IHR Committee reconvened, and the WHO Director-General officially declared the outbreak of a PHEIC. At that point, around 100 cases had been exported to 18 countries outside of China.

The declaration of a PHEIC on January 30, 2020, led to the issuance of temporary recommendations under the IHR, emphasizing the importance of early detection, containment, contact tracing, isolation, and prevention. Countries were warned to expect further exportation of the virus and were urged to contribute to the global response through communication and collaboration. However, the Committee did not recommend travel or trade restrictions. Despite the PHEIC declaration, some countries, such as the United States and Austria, had already begun implementing travel restrictions by the end of January 2020, primarily targeting travelers from China.

Despite the declaration of a PHEIC, it is now widely acknowledged that it did not convey a sufficient sense of urgency and seriousness regarding the threat posed by COVID-19. The global response did not match the scale of the outbreak, and many countries lacked the necessary capacities to slow the spread and mitigate the consequences of the virus.

In February and March 2020, two additional intense but unofficial alarms emerged. The first came from the WHO, which classified the situation as a pandemic on March 11, 2020. This announcement did not result in official changes in required or effective actions by the WHO or countries but aimed to increase awareness about the rapid spread and severity of COVID-19 and criticize the lack of action. The second, more intense alarm arose from reports and data from around the world, demonstrating the rapid and often uncontrollable spread of the virus. Images of the lockdown in northern Italy, declared on February 21, 2020, and reports on the dire situation in Italian hospitals quickly spread worldwide. On March 7, 2020, a state of emergency was declared in New York, United States, due to the rising number of cases. By mid-March 2020, COVID-19 cases had been confirmed in over 100 countries, many with community transmission. Europe became the epicenter of the pandemic, leading to the implementation of lockdown measures and travel restrictions by European governments.

2 GLOBAL GOVERNANCE AND THE COVID-19 PANDEMIC

The COVID-19 pandemic triggered significant actions and collaborations by the World Health Organization

(WHO) and its partners in global health governance. Following the declaration of a pandemic in March 2020, the WHO intensified its efforts in various areas, including sharing information, developing guidelines, coordinating scientific cooperation, fostering public-private partnerships, and sending missions to heavily affected countries. These actions aimed to empower states to handle the emergency while providing leadership and support to other health governance actors.

As the virus spread globally, the WHO's response evolved from short-term measures to a sustainable approach, emphasizing the need for comprehensive government and societal responses. However, the organization faced criticism for its perceived slow procedures, limited authority beyond the International Health Regulations (IHR), and hesitancy to adapt public health guidance based on emerging scientific evidence. Critics argued that the WHO's stringent standards for scientific evidence sometimes delayed necessary actions, such as recognizing the importance of ventilation in preventing virus transmission.

In April 2020, the WHO and its partners launched the Access to COVID-19 Tools (ACT) Accelerator, a collaborative effort to accelerate the production and distribution of tests, treatments, and vaccines while ensuring equitable access. The COVAX Facility, part of the ACT, aimed to facilitate vaccine development, procurement, and distribution, particularly to low-income countries. However, COVAX faced challenges due to vaccine nationalism, where wealthier nations secured vaccines for their citizens through direct bilateral deals, and the limited portfolio of vaccines available through the initiative.

In October 2022, GAVI Vaccine Alliance announced a new agreement to provide updated COVID-19 vaccines to low-income countries, addressing the need for equitable access. The agreement aimed to reconfigure and update supply agreements with manufacturers and donors, allowing countries to meet their vaccination needs. COVAX updated its allocation model to expedite dose delivery, and by October 2022, it had delivered 100% of requested doses.

Additionally, the WHO engaged in initiatives like the COVID-19 Technology Access Pool (C-TAP) and signed agreements with the WTO and WIPO to ensure equitable access to COVID-19 technologies and promote knowledge sharing. The organization provided updated information on prevention, treatment, and transmission, while cautioning against the use of "immunity passports" due to uncertainties about natural immunity.

Despite these efforts, the WHO faced ongoing challenges in its response to the pandemic, and criticisms of its actions and credibility as the leading global health organization persisted. The pandemic highlighted the need for institutionalized measures like COVAX and more coordinated global cooperation to address future health crises effectively.

2.1 The COVAX Facility

The COVAX Facility emerged as a vital component of the Access to COVID-19 Tools Accelerator (ACT), an initiative launched in response to the global COVID-19 pandemic. With the collaboration of governments, global health organizations, scientists, manufacturers, the private sector, civil society, and philanthropy, the goal was to ensure equitable and innovative access to COVID-19 tests, treatments, and vaccines.

The primary objective of COVAX was to enhance the likelihood of swift, fair, and safe access to COVID-19 vaccines for participating nations. It catered to low-income countries lacking resources to procure vaccines and certain higher-income countries without bilateral agreements with manufacturers. COVAX aimed to guarantee the distribution of vaccines, ensuring that everyone had access to protection against the virus. For wealthier self-financing countries engaged in bilateral negotiations, COVAX served as a valuable insurance policy, safeguarding their citizens directly by increasing their chances of obtaining vaccine doses and indirectly by reducing the risk of resurgence and ensuring global access to doses.

One of COVAX's key roles was to maximize access to a diverse and extensive portfolio of COVID-19 vaccines. Through continuous monitoring of vaccine developments, the initiative identified the most suitable candidates based

on scientific merit and scalability. COVAX actively collaborated with manufacturers, encouraging them to expand their production capacity before regulatory approval. Typically, manufacturers hesitate to invest in vaccine manufacturing facilities until they receive approval. However, in the context of the pandemic's severe economic impact, which amounted to \$375 billion per month in 2020, this approach led to significant delays and initial vaccine shortages. COVAX addressed this issue by providing investments and incentives to manufacturers, ensuring they were prepared to produce the necessary doses once a vaccine received approval.

Moreover, COVAX leveraged the collective purchasing power resulting from the participation of numerous countries to negotiate highly competitive prices with manufacturers. These cost advantages were passed on to the participating countries. Self-financing nations and economies involved in COVAX had the opportunity to request an adequate number of vaccine doses to inoculate between 10% and 50% of their populations. The payment made by these countries to the Facility was determined by the number of doses they requested. By functioning as a critical insurance policy, COVAX significantly increased their chances of securing vaccines even if their bilateral agreements failed.

3 MULTILATERALISM IN A POST-PANDEMIC WORLD

As previously noted, the role of multilateralism, global governance, and international organizations has been crucial in establishing measures against the COVID-19 pandemic. The influence of international relations during this and other public health crises becomes evident when actions taken by one country impact the conditions of another, just as coordinated and targeted efforts from a common standpoint tend to be more successful. In the case of COVID-19, organizations such as the WHO not only established protocols for pandemic response and prevention but also directed their efforts towards collaboration among countries in the distribution of vaccines, medications, and equipment.

The involvement of these institutions that promote and facilitate multilateral action is not new. There has been a consistent history of global engagement in public health issues related to viral pandemics and endemics, dating back to the SARS crisis in 2002-2003. The idea of promoting collective action to combat public health crises has evolved over the years, with notable occasions when the WHO declared Public Health Emergencies of International Concern, including the H1N1 influenza pandemic (2009), Ebola outbreaks in various parts of Africa (2014 and 2018), the ongoing polio epidemic (2014), Zika (2015), and COVID-19 (2020) insert citation.

Therefore, the role of joint action among countries in addressing global public health problems has been present and effective in mitigating the damage caused by these crises. Considering that, except for COVID-19, the other viral diseases did not become global pandemics, the success of these collective efforts becomes evident and establishes a pattern of great effectiveness.

However, studies claim that multilateralism during the COVID-19 pandemic was insufficient in mitigating or preventing the damage as it could have been. After the declaration of the end of the Public Health Emergency of International Concern by the WHO regarding the pandemic, the significant impact and losses caused by the pandemic have become evident. There have been a total of 6,938,353 deaths and 767,364,883 cases. These high numbers demonstrate the devastating effects of the pandemic on global public health and, consequently, the failures and limitations of multilateralism in maintaining it.

The criticisms that could justify the gaps within multilateralism and global governance during the pandemic are varied. One of the criticisms regarding the difficulties and limitations of multilateralism focuses on the organizational structure of International Institutions such as the WHO, which may lack the power to coordinate global actions and ensure the adherence of its member states, relying on the political goodwill of states and leaders for international collaboration.

Despite the declaration of the end of the Public Health Emergency of International Concern, some concerns remain. The growing wave of concerning viral diseases over the past decades alarms experts, and there is still a need to prevent COVID-19 and other future viral diseases from becoming endemic. Studies indicate that the necessary preparedness to face these challenges requires the establishment of protocols, competent institutions, and organizations

capable of globally coordinating the fight against these diseases. It is a consensus among scientists and researchers in the field that a country can only be safe when everyone is safe, and this is where the role of multilateralism emerges in addressing these challenges.

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PROTEÇÃO DOS POVOS INDÍGENAS ISOLADOS: CASO YANOMAMI NO ÂMBITO DA OEA

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RESUMO

Atualmente, a Amazônia concentra o maior número de povos indígenas isolados do mundo, segundo dados registrados pela Fundação Nacional do Índio (FUNAI). Estes povos optaram por viver de forma afastada de outros com o intuito de preservar a natureza e garantir a sua própria sobrevivência. Contudo, estes povos indígenas sofrem diversas ameaças, tanto em seu habitat quanto em sua integridade física.

O objetivo deste artigo é reforçar os direitos desses povos, bem como explicar a casos de violências e ameaças diárias vivenciadas pelos indígenas. Ademais, apresenta a perspectiva da Organização dos Estados Americanos (OEA) como organização internacional que protege os povos isolados no continente americano e julga casos de violação dos seus direitos.

1. OEA

A Organização dos Estados Americanos é o organismo regional mais antigo do mundo. Seu contexto remonta ao ano de 1889 com a Primeira Conferência Internacional Americana, realizada em Washington com propósito de discutir uma aliança informal para promover a solução pacífica de controvérsias, melhorar a comunicação direta entre os países e incentivar relações comerciais.

A Organização foi fundada oficialmente em 1948 com a assinatura, em Bogotá, da Carta da OEA que entrou em vigor internacionalmente apenas em 1951. Foi criada com o objetivo de desenvolver nos Estados membros “uma ordem de paz e de justiça, para promover sua solidariedade, intensificar sua colaboração e defender sua soberania, sua integridade territorial e sua independência”⁴.

Atualmente, conta com 35 países membros e sua estrutura é dividida em órgãos como a Assembléia Geral, Reunião de Consulta dos Ministros das Relações Exteriores, Comissão Interamericana de Direitos Humanos, Secretaria Geral e Organismos Especializados. Além disso, se baseia em quatro pilares que são: democracia, direitos humanos, segurança e desenvolvimento.

2. A CONVENÇÃO AMERICANA SOBRE DIREITOS HUMANOS

A Convenção Americana ou Pacto de San José da Costa Rica é um tratado internacional, celebrado em 1969 e que entrou em vigor em 1978, regente do sistema interamericano de proteção dos direitos humanos. Ela prevê direitos e garantias, como exemplo, direito à vida e direito à liberdade, que necessitam ser respeitados pelos Estados membros. De acordo com Fachin, Mazzuoli e Piovesan,

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4 OEA. Carta da Organização dos Estados Americanos. 1993. Disponível em <http://www.oas.org/dil/port/tratados_A-41_Carta_da_Organizao>. Acesso em: 8 de set. de 2022.

É ela (a Convenção) o grande Codex dos direitos civis e políticos no Continente americano e o instrumento de proteção mais utilizado - academicamente e no foro - nos países interamericanos, principalmente os latinos (2019, p. 9)⁵.

No seu artigo 33 presume os órgãos competentes para lidar com o cumprimento dos compromissos assumidos pelos Estados partes, são eles: A Comissão Interamericana de Direitos Humanos e a Corte Interamericana de Direitos Humanos⁶. Ambos são órgãos autônomos que atuam sem a interferência dos países membros da OEA.

3. CORTE INTERAMERICANA DE DIREITOS HUMANOS

A Corte Interamericana de Direitos Humanos é um órgão judicial autônomo “cujo objetivo é a aplicação e a interpretação da Convenção Americana sobre Direitos Humanos”⁷. É um dos instrumentos de proteção e promoção aos direitos humanos no continente americano e atua quando as instituições domésticas se mostram ineficientes, garantindo o respeito aos direitos e deveres expressos na Convenção Americana. De acordo com a Convenção, ela possui três principais funções, são elas: contenciosa, o poder de emitir medidas provisórias e consultiva.

3.1 Composição

A Corte é composta por 7 juízes, de nacionalidades diferentes, originários dos Estados membros. A votação dos juízes é feita de forma secreta pelo voto da maioria absoluta - votos favoráveis maior que a metade - dos Estados participantes da Convenção e cada país parte poderá propor até três candidatos para ocupar a posição com duração de 6 anos.

Os membros elegem, dentre seus pares, o Presidente e Vice-Presidente com mandato de 2 anos, podendo ser reeleitos. O Presidente tem a responsabilidade de dirigir, representar, ordenar a tramitação dos processos e presidir as sessões.

3.2 Como um processo vai para Corte

De acordo com a Convenção Americana sobre os direitos humanos, apenas Estados Partes e a Comissão (CIDH) têm direito de submeter um caso à Corte, ou seja, nenhum ente privado ou indivíduo está apto para apresentar diretamente um caso perante a Corte.

Logo, para que a Comissão submeta um caso à Corte é necessário que passe por um processo de reconhecimento de admissibilidade. Assim, qualquer pessoa ou grupos de pessoas, ou entidades não-governamentais reconhecidas podem apresentar petições perante a Comissão. Para que sejam aceitas, é imprescindível que estejam esgotados os recursos de jurisdição interna, exponha os fatos da violação dos direitos garantidos e que a matéria da petição não esteja pendente em outro processo de solução internacional.

Após comprovada a admissibilidade da petição, a Comissão solicitará explicações ao governo do Estado denunciado. Seguidamente da resposta do governo e mantido as razões iniciais, a Comissão realizará a investigação e se empenhará a solucionar o caso de forma amistosa entre as partes. Caso não ocorra a solução, a CIDH redigirá um relatório com os fatos, conclusões e recomendações ao Estado - e fixará um prazo para o Estado tomar as medidas necessárias para remediar a situação -.

5 FACHIN, Melina; MAZZUOLI, Valerio; PIOVESAN, Flávia. Comentários à Convenção Americana sobre Direitos Humanos. Rio de Janeiro: Editora Forense. 2019.

6 OEA. Convenção Americana sobre Direitos Humanos. 1969. Disponível em: <https://www.cidh.oas.org/basicos/portugues/c.convencao_americana.htm>. Acesso em: 11 de set. de 2022

7 OEA. Estatuto da Corte Interamericana de Direitos Humanos. 1979. Disponível em: <<https://www.cidh.oas.org/basicos/portugues/v.estatuto.corte.htm>>. Acesso em: 11 de set. de 2022

Se o país não tomar os critérios recomendados, a Comissão poderá apresentar a ocorrência à Corte. Vale lembrar que para que a Corte tenha competência de reconhecer casos relativos à interpretação e aplicação das disposições da Convenção, os Estados Partes devem reconhecer a competência contenciosa da mesma. Assim que o caso for para corte, ela analisará as evidências produzidas dos autos do processo e chegará a uma sentença. De acordo com o site oficial da Corte, a média duração do procedimento de um caso contencioso, no ano de 2015, foi 22,2 meses e essa média é considerada desde a data de submissão até a data de emissão da sentença⁸.

3.3 O caso Yanomami no contexto da Corte Interamericana de Direitos Humanos

O caso Yanomami dentro do contexto da Corte, refere-se a uma sequência de episódios onde os direitos humanos desse povo, no Brasil, foram violados. Dessa forma, os passos gerais para o caso chegar à Corte são:

1. **Ineficiência na proteção dos direitos do povo Yanomami:** Os Yanomamis vem sofrendo com diversas exposições de risco aos seus direitos humanos. Tendo isso em vista, o governo se mostra ineficiente na resolução desse ônus, assim como na proteção dos direitos básicos expressos na Convenção Americana.
2. **Petição:** A denúncia dessa agressão é apresentada, em forma de petição, perante a Comissão. Nela devem conter informações detalhadas e embasadas sobre as violações. Além disso, deve conter bases jurídicas e argumentos legais para comprovação da violação.
3. **Análise e reconhecimento pela Comissão:** A Comissão Interamericana de Direitos Humanos realizará uma análise aprofundada sobre a petição e avaliará sua admissibilidade. Durante o processo serão examinados os detalhes da denúncia envolvendo a violação dos direitos humanos. A CIDH investigará os fatos apresentados, reunirá evidências e examinará os argumentos legais relacionados ao caso. Após, isso determinará se a petição atende aos requisitos e se há, de fato, agressão aos direitos humanos.
4. **Tentativa de resolução:** Nessa etapa a Comissão busca promover uma resolução pacífica entre as partes. Um dos objetivos da CIDH, é a resolução desses conflitos de forma a facilitar as negociações e o diálogo. É também nessa fase que a Comissão pode solicitar explicações detalhadas ao Estado acusado. Entretanto, caso não ocorra a resolução pacífica, a Comissão emite um parecer contendo recomendações e conclusões envolvendo o caso Yanomami.
5. **Encaminhamento do caso para Corte:** Se as partes não aceitarem a resolução proposta ou o Estado não cumprir com as recomendações da Comissão, o caso é encaminhado para Corte Interamericana de Direitos Humanos.
6. **Audiências:** Durante o processo perante a Corte, será realizado audiência onde as partes apresentarão o caso, assim como provas e argumentos. Após a avaliação, a Corte emitirá uma decisão final.
7. **Decisão final:** Essa resolução, definirá a responsabilidade das partes e as medidas que deverão ser tomadas para garantir a proteção do povo Yanomami. O Estado precisa cumprir as decisões, se não, poderá ser submetido a, por exemplo, sanções e monitoramentos feitos pela Corte.

4. POVOS ISOLADOS

De acordo com a FUNAI, povos indígenas isolados “são os grupos indígenas que não estabeleceram contato permanente com a população nacional, diferenciando-se dos povos indígenas que mantêm contato antigo e intenso com os não-índios”⁹. Apenas na América do Sul, o número de povos indígenas isolados identificados ultrapassa o número de

8 O que é a Corte IDH?. Corte Interamericana de Direitos Humanos, 2022. Disponível em: <https://www.corteidh.or.cr/que_es_la_corte.cfm?lang=pt>. Acesso em: 12 de Set. de 2022.

9 BRASIL. Fundação Nacional do Índio. Povos Isolados. Brasília, 2021. Disponível em: <<https://www.gov.br/funai/pt-br/atuacao/povos-indigenas/povos-indigenas-isolados-e-de-recente-contato-2/povos-isolados-1>>. Acesso em: 08 de set. de 2022.

180¹⁰, sendo que cerca de 150 povos isolados se concentram na Bacia Amazônica.¹¹

Estes povos enfrentam diferentes ameaças todos os dias, como agronegócio, garimpo, narcotráfico, entre outros. Para a proteção dos seus direitos, há diversos dispositivos no direito internacional, como a Declaração Americana sobre os Direitos dos Povos Indígenas, bem como dispositivos na legislação interna de cada Estado. No Brasil, por exemplo, a Constituição Federal de 1988 em seu artigo 231, reconhece aos indígenas e “sua organização social, costumes, línguas, crenças e tradições, e os direitos originários sobre as terras que tradicionalmente ocupam, competindo à União demarcá-las, proteger e fazer respeitar todos os seus bens”¹². Todavia, apesar desses dispositivos legais, ainda existem interferências na vida, nos costumes e nas terras dos povos isolados.

4.1 Direitos dos povos indígenas isolados

Os direitos dos povos indígenas são reconhecidos pelos principais órgãos de direitos humanos no sistema internacional. De forma geral, a Declaração Universal dos Direitos Humanos (1948), garante os direitos civis, políticos, sociais, econômicos e culturais a todos os indivíduos¹³. Contudo, há dispositivos específicos para a proteção dos direitos dos indígenas, que possibilitaram maior representatividade no sistema internacional.

¹⁴O primeiro instrumento legal que legitimou os povos indígenas como sujeitos do direito internacional foi a Declaração do Rio sobre Meio Ambiente e Desenvolvimento, sendo este um derivado da Conferência das Nações Unidas sobre Meio Ambiente e Desenvolvimento (1992). De acordo com o Princípio 22, sobre os povos indígenas, da Declaração, “Os Estados devem reconhecer e apoiar adequadamente sua identidade, cultura e interesses, e oferecer condições para sua efetiva participação no atingimento do desenvolvimento sustentável”¹⁵. Contudo, este não é o principal dispositivo internacional desenvolvido no âmbito das Nações Unidas.

A Assembléia Geral da Organização das Nações Unidas (ONU), em 2007, aprovou a Declaração das Nações Unidas sobre Direitos dos Povos Indígenas. Nesta declaração, foi estabelecido o direito de autodeterminação dos povos indígenas, além dos direitos à igualdade e à liberdade. Este instrumento estava sendo debatido desde 1985, sendo um dos seus pontos cruciais a proclamação da primeira Década Internacional dos Povos Indígenas do Mundo em (1993), de forma a incentivar a aceleração do processo de aprovação da declaração. Importante salientar que apesar dos 143 votos a favor da Declaração quando ela foi debatida na Assembleia Geral, 4 países tiveram votos contrários à disposição, sendo eles Estados Unidos, Canadá, Austrália e Nova Zelândia.

Dentro do âmbito da Organização dos Estados Americanos, foi debatido o tema dos povos indígenas, bem como a criação de projetos específicos para garantia da proteção dos seus direitos. O dispositivo principal desenvolvido foi a Declaração Americana sobre os Direitos dos Povos Indígenas (2016), tendo seu processo perdurado por 17 anos. Neste tratado foram legitimados os direitos de organização multicultural e multilinguística dos povos indígenas, bem como de auto-identificação e o usufruto de seu território. Este é um instrumento histórico que garante a proteção dos direitos dos

10 ODILLA, Fernanda. Número de tribos isoladas dobra na América do Sul, mas maioria está em situação de risco. BBC News Brasil, 2019. Disponível em: <<https://www.bbc.com/portuguese/brasil-47984370>>. Acesso em: 08 de set. de 2022.

11 VAZ, Antenor. **Povos indígenas em isolamento e contato inicial na Amazônia: as armadilhas do desenvolvimento**. Tipiti: Journal of the Society for the Anthropology of Lowland South America: Vol. 16: Iss. 1, Article 11, 125-145, 2018. Disponível em: <<https://core.ac.uk/download/pdf/289185436.pdf>>. Acesso em: 08 de set. de 2022.

12 BRASIL. Constituição (1988). Constituição da República Federativa do Brasil. Brasília, DF: Senado Federal: Centro Gráfico, 1988.

13 DECLARAÇÃO UNIVERSAL DOS DIREITOS HUMANOS. Rio de Janeiro: UNIC, 2009 [1948]. Disponível em: <https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/por.pdf> Acesso em: 10 de set. de 2022.

14 PEREIRA, Meire Rose Santos. **Direito dos povos indígenas**. Enciclopédia jurídica da PUC-SP. Celso Fernandes Campilongo, Alvaro de Azevedo Gonzaga e André Luiz Freire (coords.). Tomo: Direitos Humanos. Wagner Balera, Carolina Alves de Souza Lima (coord. de tomo). 1. ed. São Paulo: Pontifícia Universidade Católica de São Paulo, 2017. Disponível em: <<https://enciclopediajuridica.pucsp.br/verbete/540/edicao-1/direito-dos-povos-indigenas>>. Acesso em: 10 de set. de 2022.

15 ONU. Declaração do Rio sobre Meio Ambiente e Desenvolvimento. Rio de Janeiro, junho de 1992. Disponível em: <https://cetesb.sp.gov.br/proclima/wp-content/uploads/sites/36/2013/12/declaracao_rio_ma.pdf>. Acesso em: 10 de set. de 2022.

50 milhões de indígenas que vivem nas Américas.¹⁶

Ademais, é importante salientar que na declaração da OEA, os direitos dos povos indígenas isolados também foram citados. De acordo com o artigo 26:

1. Os povos indígenas em isolamento voluntário ou em contato inicial têm direito a permanecer nessa condição e a viver livremente e de acordo com suas culturas.
2. Os Estados adotarão políticas e medidas adequadas, com o conhecimento e a participação dos povos e das organizações indígenas, para reconhecer, respeitar e proteger as terras, territórios, o meio ambiente e as culturas desses povos, bem como sua vida e integridade individual e coletiva. (OEA, 2016)¹⁷

Desta forma, além dos povos indígenas isolados terem o direito de viverem dessa forma, os Estados também têm a responsabilidade de assegurar e permitir as suas organizações. No relatório sobre a Situação dos Direitos Humanos no Brasil (2021), a Comissão Interamericana de Direitos Humanos¹⁸ demonstrou preocupação com a forma como os povos isolados estavam sendo tratados, principalmente, na Amazônia¹⁹. À vista disso, salienta a importância do comprometimento do Estado com as medidas acordadas e também da promoção da participação dos povos indígenas nestes debates.

O principal veículo para a garantia destes instrumentos internacionais é o Estado e o seu direito interno. O Brasil foi o primeiro país a reconhecer os direitos dos povos indígenas isolados na América do Sul²⁰, o que está atrelado a Constituição Federal de 1988, que reconhece os direitos dos indígenas e organização social. O Brasil conta com o órgão da Fundação Nacional do Índio (FUNAI)²¹, criada em 1967, que até hoje estabelece o “papel de promover políticas voltadas ao desenvolvimento sustentável das populações indígenas”²².

Analizando o direito interno de outros países que dividem a Bacia Amazônica com o Brasil, percebe-se que os dispositivos internos sobre os direitos dos povos indígenas são recentes. Na Colômbia, o decreto para reconhecimento dos povos indígenas isolados foi conquistado apenas em 2018. Os países como Bolívia e Peru²³, apesar de terem dispositivos constitucionais específicos de proteção aos povos isolados, têm dificuldades na implementação direta. Além disso, nos países como Paraguai e Venezuela, que não possuem políticas públicas específicas aos povos isolados, as ameaças se tornam mais frequentes e violentas²⁴.

16 FIN a 17 años de espera para los Pueblos Indígenas. OEA, 15 de jun. de 2016. Disponível em: <https://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-075/16>. Acesso em: 10 de set. de 2022.

17 Organización dos Estados Americanos. Declaração Americana sobre os Direitos dos Povos Indígenas, 2016. Disponível: <https://www.oas.org/en/sare/documents/DecAmIND_POR.pdf>. Acesso em: 10 de set. de 2022.

18 A CIDH é um órgão principal e autônomo da Organização dos Estados Americanos (OEA) encarregado da promoção e proteção dos direitos humanos no continente americano. Fonte: <<https://www.oas.org/pt/CIDH/jsForm/?File=/pt/cidh/mandato/que.asp>>

19 CIDH. **Comissão Interamericana de Direitos Humanos: Situação dos Direitos Humanos no Brasil**. Seção: Povos Indígenas, art. 81. Brasil, 2021. Disponível em: <<http://www.oas.org/pt/cidh/relatorios/pdfs/Brasil2021-pt.pdf>>. Acesso em: 10 de set. de 2022.

20 AMORIM, F.; YAMADA, E. **Povos indígenas isolados: autonomia e aplicação do direito de consulta**. Revista Brasileira de Linguística Antropológica, Brasil, v. 8, n. 2, p. 45, dez. de 2016. Disponível em: <<https://periodicos.unb.br/index.php/ling/article/view/16299/14587>>. Acesso em: 10 de set. de 2022.

21 A partir da Medida Provisória nº 1.154, de 1º de janeiro de 2023, a Funai passou a ser denominada Fundação Nacional dos Povos Indígenas e pela primeira vez em 55 anos de história a Funai será presidida por uma mulher indígena, a advogada Joenia Wapichana. Fonte: <<https://www.gov.br/funai/pt-br/assuntos/noticias/2023/funai-passa-a-se-chamar-fundacao-nacional-dos-povos-indigenas>>

22 FUNAI. **A Funai**. Disponível em: <<https://www.gov.br/funai/pt-br/aceso-a-informacao/institucional/Institucional>> . Acesso em 10 de set. de 2022.

23 AMORIM, F.; YAMADA, E. **Povos indígenas isolados: autonomia e aplicação do direito de consulta**. Revista Brasileira de Linguística Antropológica, Brasil, v. 8, n. 2, p. 46, dez. de 2016. Disponível em: <<https://periodicos.unb.br/index.php/ling/article/view/16299/14587>>. Acesso em: 10 de set. de 2022.

24 VAZ, Antenor. **Povos indígenas em isolamento e contato inicial na Amazônia: as armadilhas do desenvolvimento**. Tipití: Journal of the Society for the Anthropology of Lowland South America: Vol. 16: Iss. 1, Article 11, 125-145, 2018. Disponível em:

Outrossim, os países citados acima e outros 17, ratificaram um dos principais tratados sobre o direito dos povos indígenas: a Convenção sobre Povos Indígenas e Tribais (nº 169), deferido pela Conferência Internacional do Trabalho da Organização Internacional do Trabalho (OIT) em 1989. O intuito deste instrumento é assegurar a participação dos povos indígenas nas tomadas de decisão, atribuindo a estes povos o seu direito de autodeterminação. Além disso, foi uma forma de garantir oportunidades de trabalho acessíveis, respeitando suas liberdades de organização. Logo, percebe-se que há instrumentos internacionais que garantem a proteção dos direitos dos povos indígenas, contudo há dificuldades na consolidação efetiva dentro do ordenamento jurídico interno do Estado e também de uma conscientização social mais ampla sobre esse debate.

4.2 Caso Yanomami na Amazônia

Os Yanomami são um dos maiores povos indígenas relativamente isolados do continente sul-americano que habitam a floresta amazônica nos estados do Amazonas, Roraima e na região sul da Venezuela, na Reserva da Biosfera Alto Orinoco-Casiquiare. Estima-se que sua população total seja de aproximadamente 38.000 indígenas.

O primeiro contato dos Yanomami com o homem branco ocorreu entre as décadas de 1910 e 1940, quando o governo brasileiro enviou equipes para a delimitação da fronteira com a Venezuela. A partir da década de 1940, alguns postos do Serviço de Proteção aos Índios e grupos religiosos missionários, foram estabelecidos gerando os primeiros casos de epidemias de sarampo e gripe. Após a década de 1970, as atividades do homem branco e do Estado aumentaram devido a projetos lançados pelos militares da época, o chamado Plano de Integração Nacional, como estradas (em destaque o projeto Perimetral Norte), projetos de colonização, fazendas, serrarias e os primeiros garimpos, consequentemente, houve um choque epidemiológico maciço²⁵.

Os Yanomami vem enfrentando nos últimos anos, especialmente a partir de 2019, diversas violações de direitos humanos com as invasões de garimpeiros ilegais, a saída e afastamento de profissionais de saúde e estudiosos dos povos indígenas a mando do governo. Devido a essas invasões, casos de desnutrição, malária, pneumonia e verminoses, além da violência constante de garimpeiros ilegais, ocasionaram uma situação de crise sanitária e humanitária. Segundo a professora do Departamento de Antropologia da Unicamp Artionka Capiberibe, a fonte dos problemas está na questão da terra, já que os Yanomami tem uma terra indígena demarcada (demarcação esta ocorrida em 1992 na chamada Terra Indígena Yanomami (TIY), no norte da Amazônia) mas não é protegida, especialmente a partir de 2014, com a fragilização dos direitos indígenas, que foi agravada pela composição do Congresso Nacional, no qual predominam os interesses ruralistas e da mineração.²⁶

O caso Yanomami ganhou repercussão a partir de 2019, conforme o governo nacional de Jair Bolsonaro apresentava um projeto de lei para liberação de mineração, atividades exploratórias e legalização dos garimpos na região. Além de desmontar órgãos de proteção ambiental e de direitos indígenas. Nos anos seguintes, especialmente durante a pandemia e após ela, várias denúncias e reportagens sobre as crises sanitária e ambiental enfrentadas pelos Yanomami foram sendo reveladas, consequência do garimpo ilegal e a negligência para com os povos indígenas durante a pandemia de COVID-19.

4.2.1 Crise Sanitária

As atividades de garimpo ilegal na região das terras Yanomamis tiveram seu início e se tornaram comuns nas décadas de 1970 e 1980 com a busca pela ilusão de riqueza, iniciadas com a falha da obra da Perimetral Norte.

<<https://core.ac.uk/download/pdf/289185436.pdf>>. Acesso em: 10 set. de 2022.

25 YANOMAMI. **Povos Indígenas no Brasil**, 2018. Disponível em: <<https://pib.socioambiental.org/pt/Povo:Yanomami>>. Acesso em: 03, jun. de 2023

26 COLL, Liana; MENEZES, Adriana Vilar de. **Situação dos Yanomami expõe abandono dos indígenas pelo Estado**. Unicamp, 2023. Disponível em: <<https://www.unicamp.br/unicamp/noticias/2023/01/24/situacao-dos-yanomami-expoe-abandono-dos-indigenas-pelo-estado>>. Acesso em: 03, jun. de 2023.

Desse contexto podemos tirar alguns problemas sanitários como:

1. exposição a altas concentrações de mercúrio;
2. restrição de atuação de agentes e serviços de saúde;
3. insegurança alimentar devido a ocupação das roças;
4. contaminação ou desaparecimento dos pescados;
5. contaminação por doenças transmissíveis trazidas por invasores, como COVID-19, pneumonia, tuberculose;
6. dificuldades para obtenção de diagnóstico e tratamento adequado de doenças crônicas não-transmissíveis (como a hipertensão e a diabetes) e doenças transmissíveis (como a malária e doenças respiratórias agudas).

De acordo com o relatório do Ministério da Saúde, em 2020, a taxa de mortalidade na TIY foi de 10,7 óbitos por mil habitantes.²⁷ Entretanto, as informações epidemiológicas e demográficas são inconsistentes, visto que em 2021 e 2022 os números tiveram um declínio (o que não significa que melhorou), o que dificulta traçar um panorama fidedigno sobre as condições dos Yanomamis. Para contornar esse problema, associações indígenas, como a Hutukara Associação Yanomami, se mobilizam para realizar esses levantamentos de maneira independente, um exemplo de atuação dessas associações foi durante a pandemia de coronavírus, onde evidenciaram as inconsistências nos números de infecções e óbitos divulgados pela Secretaria Especial de Saúde Indígena (Sesai) do Ministério da Saúde.²⁸

4.2.2 Crise ambiental

A relação dos Yanomami com a terra é particular, para eles, a “urihi”, a terra-floresta, é uma entidade viva dentro uma complexa dinâmica cosmológica de intercâmbios entre os humanos e não-humanos. A espiritualidade também é um elemento fundamental para os Yanomamis, cada elemento na terra tem um espírito, cada criatura, pedra, árvore, etc.

No ano de 2021, houve um crescimento de 46% na destruição provocada pelo garimpo na TIY em relação a 2020, atingindo um total de 3.272 hectares e, como é dito no relatório da Hutukara Associação Yanomami e a Associação Wanassedume Ye'kwana, é o maior crescimento desde o começo dos seus estudos em 2018, também é possivelmente, a maior taxa anual desde a demarcação em 1992.²⁹

Junto desse crescimento, houve uma expansão para novas regiões do território, onde pelo menos 110 comunidades da TIY foram e estão sendo diretamente afetadas pelos impactos do garimpo ilegal, com cada vez mais hectares sendo desmatados, maior destruição do habitat, tanto os solos quanto as águas sendo contaminadas por mercúrio (cerca de 8600%, segundo laudo da Polícia Federal em 2022)³⁰, destruição do curso natural de rios, etc.

27 TAXA de mortalidade na Terra Yanomami foi maior que o índice nacional no 1º ano da pandemia. G1 RR, 2023. Disponível em: <<https://g1.globo.com/rr/roraima/noticia/2023/02/09/taxa-de-mortalidade-na-terra-yanomami-foi-maior-que-o-indice-nacional-no-1o-ano-da-pandemia.ghml>>. Acesso em: 03, jun. de 2023.

28 BARCELLOS, C.; SALDANHA, N. **O papel da informação e da comunicação em situações de emergência: a crise sanitária e humanitária no território Yanomami**. Revista Eletrônica de Comunicação, Informação & Inovação em Saúde, [S. l.], v. 17, n. 1, p. 7–13, 2023. DOI: 10.29397/reciis.v17i1.3605. Disponível em: <<https://www.reciis.icict.fiocruz.br/index.php/reciis/article/view/3605>>. Acesso em: 4 jun. 2023.

29 HUTUKARA ASSOCIAÇÃO YANOMAMI; ASSOCIAÇÃO WANASSEDUUME YE'KWANA; INSTITUTO SOCIOAMBIENTAL. **Yanomami sob ataque: garimpo ilegal na Terra Indígena Yanomami e propostas para combatê-lo**. [s.l.: s.n.]. Disponível em: <<https://acervo.socioambiental.org/acervo/documentos/yanomami-sob-ataque-garimpo-ilegal-na-terra-indigena-yanomami-e-propostas-para>>. Acesso em: 04 de jun. de 2023.

30 RAMALHO, Yara; OLIVEIRA, Valéria; MARQUES, Marcelo; ABREU, Luciano. **Rios na Terra Yanomami têm 8600% de contaminação por mercúrio, revela laudo da PF**. G1, 2022. Disponível em: <<https://g1.globo.com/rr/roraima/noticia/2022/06/06/rios-na-terra-yanomami-tem-8600percent-de-contaminacao-por-mercuro-revela-laudo-da-pf.ghml>>. Acesso em: 04 de jun. de 2023.

4.3 Ameaças

As atividades de garimpos ilegais se mostram como a principal ameaça à segurança e direitos fundamentais do TIY e dos Yanomami como um todo. Com a proliferação dos campos de garimpo, as comunidades perderam o controle sobre seu espaço e aumentando o sentimento de insegurança entre os indígenas seja pelo contato direto com não-indígenas, que em muitos casos acabam em episódios de maus tratos com os Yanomamis, seja pela simples presença deles em seu território.

Diversos relatos de lideranças Yanomamis sobre a circulação de garimpeiros armados, ameaçando e intimidando para não se intrometer em suas atividades. Nesses relatos, os Yanomami reclamam sobre como são proibidos de exercer livre trânsito na TIY, o que os impede de exercer muitas das suas atividades básicas de subsistência como caça e pesca, e os impede de se comunicarem com outras comunidades.

Além da segurança dos Yanomami, há também as violações para com a terra, o qual eles possuem uma relação muito íntima e interligada, com a poluição de suas águas, desmatamento de suas florestas.

5. Conclusão

Dadas as evidências apresentadas, é evidente a violência que os povos indígenas sofrem no seu território, afetando a sua forma de vida em vários aspectos. Os dispositivos disponibilizados pelos organismo internacionais, como a OEA, são um meio de viabilizar a proteção destes povos bem como garantir a sua existência. Contudo, é essencial o debate no âmbito da política interna dos Estados para que haja políticas públicas eficazes com esse objetivo. Ademais, o debate nas instâncias internacionais é essencial para preservação dos povos indígenas, bem como penalidades para os Estados que infringem os direitos desses grupos.

A crise humanitária do povo Yanomami é latente e representa a violência que outros povos ainda sofrem. As principais causas do genocídio ainda são perpetuadas, como o garimpo ilegal, violência sexual e o desmatamento nos territórios. Existem vários povos indígenas não apenas no Brasil, mas nos outros países vizinhos que compartilham a Bacia Amazônica que vivenciam diariamente violência, abusos e exclusão social. Dessa forma, se faz urgente e necessária a discussão na Corte Interamericana sobre a proteção desses povos bem como resoluções para solucionar a crise do povo Yanomami no território brasileiro. Essa ação criará precedentes e facilitará o uso do direito para geração de medidas abrangentes para todos os indígenas no âmbito da OEA.

NUCLEAR AGREEMENT REFORMULATION: THE URGENCY IN THE CONTEMPORARY WORLD

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Lydiane Audrin Ribeiro da Silva

Marta Brescovici Scosi

ABSTRACT

The present academic article aims to contribute to the existing discussion between States about the need to reformulate agreements regarding nuclear weapons. It has been, since Hiroshima and Nagasaki, a showcase of military power among countries to establish its own security on the international chess game. Nonetheless, it's a major issue to the entire global society, as now countries hold great power to destroy entire cities and countries. As a result of this concern, the Security Council of the UN has made its tenth revision of the agreement. António Guterres expresses his disappointment regarding the discussion with the "lack of advances". The piece below shows the history of the nuclear race and its complications as a resort to further discussions on how to solve the above-mentioned issue.

1 INTRODUCTION

In 1945, the two first atomic bombs were dropped by the United States of America in an attack on Hiroshima and Nagasaki. With its launch, debates around the topic began to rise about the civil population that are affected during such conflicts and about the utilization of this range of weapons. In the year 1965, was written the resolution that inspired debates and negotiations that, in 1970, culminated on the signature of the Treaty on the Non-Proliferation of Nuclear Weapons. Last year in 2022, the 10th NPT (Non-Proliferation Treaty) review conference was held in New York. The event had the presence of Member States, International Organizations and the civil society. The main goal of the conference was to elaborate a final paper with an agreement about the next years' agenda of actions to achieve global nuclear disarmament, the formulation of the paper is a process of debates and exhibitions from the delegates of the 190 Member States.

The resumption of the 2015 nuclear agreement with Iran has been becoming a central topic on the debate of international security, the arguments around the topic are becoming more recurrent as a way to avoid secret operations of nuclear programs in other countries. After a series of indirect negotiations between the United States and Iran in Vienna, The European Union presents a "final" text to resume the 2015 agreement, the pronouncement was made by Josep Borrell, chief of EU foreign policy, in his social medias: "What can be negotiated has been negotiated, and it's now in a final text. However, behind every technical issue and every paragraph lies a political decision that needs to be taken in the capitals.

If these answers are positive, then we can sign this deal". After months of a stalemate in negotiations, diplomats from countries such as Iran, China, France, United Kingdom and Germany got together again to resume the negotiations with the goal of trying to save the agreement.

With the resumption of the debate about the nuclear agreement review, the General Secretary of the United Nations, António Guterres, warns States during the conference opening "All this at a time when the risks of proliferation are growing and guardrails to prevent escalation are weakening [...] ". His attendance on the ceremony that marked the 77 years since the bombarding of the city of Hiroshima in Japan was a highlight. The General Secretary in his speech during the activities of his stay, mourned the use of nuclear weapons "Humanity is playing with a loaded gun", and "we must ask what we've learned from the mushroom cloud that swelled above this city in 1945."

2 GENERAL DISCUSSION

2.1 Threats of the Arms Race and Nuclear Security in the Contemporary World

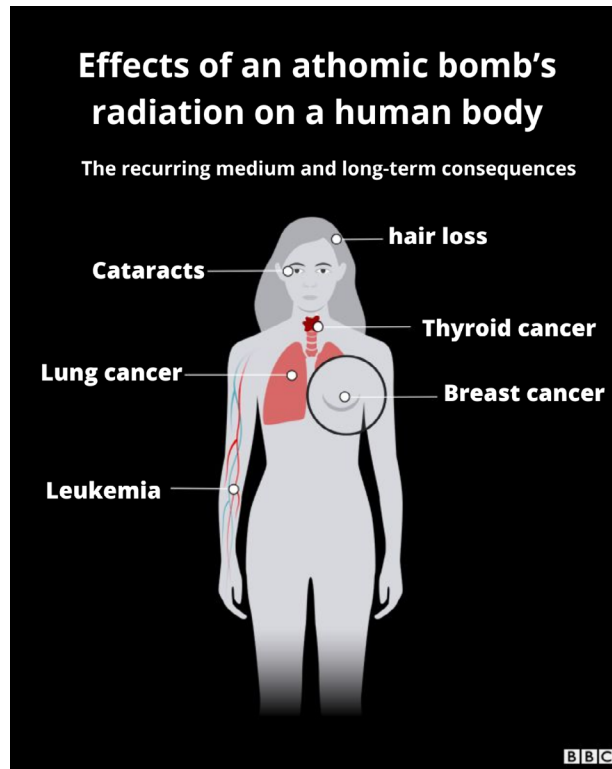
António Guterres, the Secretary-General of the United Nations, has delivered several speeches to raise awareness about the risks of a new arms race and its threats to the contemporary world. He calls on countries to maintain a policy of non-first use, as recent threats of an attack by Russia on Ukraine have raised fears of a third nuclear bombing. According to Guterres, there is an observed modernization of nuclear arsenals, and he states that nearly 13,000 nuclear weapons are held in arsenals worldwide. A meeting of the UN Security Council was held on the topic of “peace and international security: promoting common security through dialogue and cooperation,” and the Secretary-General believes that the collective security system is being tested like never before, making direct references to the situation at the Zaporizhivka nuclear power plant in Ukraine, which has been a major target of bombings. The Secretary-General insists on the need for establishing cooperation that ensures collective security and states, “We are also focused on prevention and peacebuilding. This includes strengthening our foresight on future threats and anticipating flashpoints and long-standing conditions that can erupt into violence.”

2.2 Challenges and Hopes in the Review of the Treaty on the Non-Proliferation of Nuclear Weapons

The Secretary-General sees the current Treaty Review Conference in New York as a “sign of hope” and believes that the world “more than ever needs the Treaty on the Non-Proliferation of Nuclear Weapons.” One of the main urgencies, according to him, is the establishment of parameters on how to prevent disasters and guide humanity towards a world free of such weapons. Guterres states that it is time to “proliferate peace,” emphasizing that leaders must take responsibility and remove the option of nuclear weapons from the table, once again highlighting the importance of non-first use. The Secretary-General identifies the weakening of protections to prevent escalation as a challenge, increasing the risk of proliferation. Crises stimulate nuclear insinuations, and when geopolitical tensions reach new heights, competition exceeds cooperation and collaboration. Dialogue is replaced by mistrust, and disunity replaces disarmament, as can be observed in situations such as conflicts in the Middle East, the missile launch on the east coast of the Korean Peninsula, and the Russian invasion in Ukraine.

2.3 Lessons from Hiroshima: In Search of a Solution to the Nuclear Threat

The year was 1945, and Japan and the United States had been engaged in the Pacific War for four years, taking place towards the end of World War II. The then-president, Harry Truman, demanded that the Japanese surrender or face severe retribution, “swift and complete destruction.” In that same year, the bomb nicknamed “Little Boy” was dropped on the already devastated city of Hiroshima. With 64 kg of uranium inside, the bomb produced an explosion equivalent to 1.4% of its potential, with the force of 15,000 tons of dynamite. The attack proved fatal for approximately 92% of the population within a 600-meter radius of the blast. Survivors, in addition to suffering from burns, experienced the intense radiation released within a distance of approximately 3 km. Between 50,000 and 100,000 civilians died in the attack.



BBC news Brasil, our translation

António Guterres delivered a speech at the Peace Memorial Ceremony in Hiroshima, stating that “we must keep the horrors of Hiroshima in mind at all times, recognizing that there is only one solution to the nuclear threat: the elimination of nuclear weapons.” Guterres met with victims of the Nagasaki bombing, known as Hibakusha, and listened to their stories. The Hibakusha people have remained engaged in peace and nuclear disarmament issues for most of their lives, and the Secretary-General refers to them as an example to the world, stating that they have the authority to say that “nuclear weapons are absurd.” He assures that “the UN is committed to keeping the memory of what happened alive and ensuring that their stories resonate forever.”

2.4 Consequences and Dangers of the Arms Race

The arms race occurred during the Cold War era, with countries vying for political and technological supremacy. Its main objective was to produce increasingly powerful weapons of mass destruction, aiming to ensure territorial security and maintain sovereignty in the event of a potential attack or defense. The process led to the proliferation of aerospace technology and heightened rivalry between the United States and the Soviet Union. The competition lasted for decades and involved strategies of domination. It was only with the signing of the Strategic Arms Reduction Treaties I and II in 1972 and 1993 that the competition came to an end. The treaties called for the elimination of arsenals of both the United States and former Soviet Union member states.

Schelling argues that the use of thermonuclear weapons with the intention to harm and destroy serves as a significant bargaining tool in negotiations. The economist recognizes the differentiation between nuclear violence and traditional forms of violence used in the past. While the latter lacks advanced technology and is geographically limited, thermonuclear forces can eliminate targets at great distances and devastate cities with the push of a button. According to Schelling:

Military strategy can no longer be thought of, as it could in some countries in some eras, as the science of military victory. It is now equally, if not more, the art of coercion, of intimidation and deterrence. The

instruments of war are more punitive than acquisitive. Military strategy, whether we like it or not, has become the diplomacy of violence” (Schelling, 1966: p. 34)

He asserts that during the Cold War, the United States made the decision to be nuclear-armed in case diplomatic discussions failed and a step towards military attack was taken, in order to leave no doubt about their response in the event of a Soviet attack. This was to avoid failure by justifying it. The Cold War was a war of bargaining. The contemporary understanding is that the escalation to nuclear weapon conflicts brings the assurance of mutual destruction, and Hiroshima was just a demonstration of the power of that destruction.

The United Nations has expressed concerns about Iran's history of uranium enrichment, believing it to be taking place in excessive quantities. For the Joint Comprehensive Plan of Action, the Iranian advancement represents a blow to the nuclear agreement signed in 2015. The country has revoked access to data from the UN's atomic energy agency, which is mandated by a Security Council resolution on the matter. The UN's Under-Secretary-General for Political Affairs believes that the country may possess a stockpile 18 times greater than what is allowed under the Joint Comprehensive Plan of Action (JCPOA). In July 2019, Iran is suspected of violating its uranium limit and announced its intention to continue enriching the material, posing a more serious risk of proliferation.

The Joint Comprehensive Plan of Action (JCPOA) is an international agreement signed in 2015 with the aim of establishing rules for monitoring Iran's nuclear program, which paves the way for the lifting of UN sanctions against the country. In addition to Iran, the other five member states of the Security Council (China, France, Russia, the United Kingdom, and the United States) are also part of the agreement, along with Germany and the European Union. However, in 2018, the US administration withdrew from the agreement and reimposed sanctions on Iran.

Rosemary DiCarlo, the UN Under-Secretary-General for Political Affairs, states that the resolution aimed at ensuring that Iran's nuclear facilities were only used for peaceful purposes in exchange for the lifting of sanctions has not made progress. The Under-Secretary spoke to the members of the Security Council, stating that the International Atomic Energy Agency (IAEA) reported that Iran intends to install new centrifuges at one of its fuel enrichment plants and plans to increase enriched uranium production by up to 60% at another plant. She highlights that the IAEA's ability to monitor Iranian facilities and ensure their peaceful use is compromised as the country has decided to remove surveillance and monitoring equipment from the agency. DiCarlo calls on the government of Tehran to reverse these measures as they are inconsistent with the commitments outlined in the agreement. She also calls on the United States to suspend or lift its sanctions as outlined in the plan and to extend exemptions related to oil trade with Iran.

The International Atomic Energy Agency, based in Vienna, confirmed in January of this year that it had found particles of enriched uranium with a purity of 83.7% at Iran's Fordow Fuel Enrichment Plant, which is close to the enrichment levels required for the production of a nuclear bomb, which is 90%. Subsequently, the Agency informed Iran that the recent findings were inconsistent and asked the country to clarify the origin of such particles. According to a report presented by the IAEA, Iran's stockpile of enriched uranium up to 60% has increased from 25.2 kg to 87.5 kg since the last quarterly report.

Iran's Foreign Minister, Hossein Amir-Abdollahian, reports that the Deputy Director-General of the IAEA, Massimo Aparo, visited the country and that the Director-General of the Agency, Rafael Grossi, has also been invited to the country. In an interview with CNN, the minister states, “We have a roadmap with the IAEA. And on two occasions, Mr. [Massimo] Aparo, vice of Mr. [Rafael] Grossi, came to Iran in the last few weeks, and we had constructive and productive negotiations. And we also have an invitation to Mr. Grossi to visit Iran soon”, and later affirms that “Our relationship with IAEA is in its right and natural path”.

2.5 Increase in Nuclear Stockpiles

Since their first combat use, nuclear weapons have become fundamental strategic assets in the field of international relations worldwide. The major global powers are constantly seeking to enhance their armies,

armaments, and technological development to demonstrate strength, protect their territories, and project power to other countries across the globe.

The primary objective of the Treaty on the Non-Proliferation of Nuclear Weapons, a historical milestone in the international arena since its entry into force in 1970, is to prevent the proliferation of nuclear weapons, foster cooperation in the peaceful use of nuclear technology, and promote the broader goal of achieving complete nuclear disarmament. To regularly assess the effectiveness and implementation of this crucial treaty, high-ranking officials from the participating states convene every five years at a Review Conference, where advancements, challenges, and guidelines for further strengthening its principles and objectives are discussed and reviewed. These periodic meetings provide crucial opportunities to reaffirm collective commitment among states to peace maintenance and explore new strategies to guide the world towards a nuclear-free environment.

In an increasingly interconnected and dynamic world, geopolitical issues and challenges related to international security play a crucial role and demand in-depth and expanded analysis. Within this complex context, two events have garnered special attention and raised significant concerns: the ongoing conflict in Ukraine and the escalation of ballistic missile tests by North Korea, highlighting the potential for an increase in their nuclear capabilities.

At the beginning of the year 2023, as revealed in the Nuclear Weapons Ban Monitor report published by the renowned Norwegian NGO Norsk Folkehjelp, the nine official and unofficial nuclear powers held an impressive 9,576 nuclear warheads ready for use, representing an increase of 136 warheads compared to the previous year. These alarming figures expose the persistence and continued growth of the global nuclear arsenal, emphasizing the urgency of concrete actions to address proliferation issues and work towards nuclear disarmament. Meticulous analysis of these numbers serves as a stark warning to the international community, underscoring the need to intensify diplomatic efforts and global cooperation in the pursuit of a safer world free from nuclear threats.

The conflict in Ukraine presents a series of nuanced and multifaceted developments, involving a complex web of actors, interests, and territorial disputes. This situation of ongoing tension has led to alarming deterioration, potentially affecting regional and global stability.

The report highlights an increase in nuclear stockpiles by Russia, China, India, North Korea, and Pakistan in 2022, casting doubt on their commitment to reducing nuclear warheads. These developments call into question the effectiveness of existing disarmament frameworks and underline the urgent need for renewed efforts to address nuclear proliferation.

Efforts should be made to enhance monitoring and verification mechanisms, promote constructive dialogue, and strengthen international cooperation in intelligence sharing, technology safeguards, and export controls to prevent the illicit spread of nuclear materials and technologies. The conflict in Ukraine and the increase in nuclear stockpiles highlight the challenges faced in achieving nuclear disarmament. The international community must redouble its efforts in promoting disarmament, non-proliferation, and peaceful conflict resolution to safeguard global security.

These movements may indicate a weakening of the discourse on the Non-Proliferation Treaty, a concern raised by the current Under-Secretary-General for Disarmament Affairs, Izumi Nakamitsu. The high-ranking official has emphasized that forums dedicated to achieving a nuclear-free world face a significant impasse characterized by disagreements regarding the pace, scale, and priorities of disarmament, as well as a lack of concerted action.

Simultaneously, North Korea has been notable for intensifying ballistic missile tests, aiming to enhance its nuclear capabilities and posing an imminent threat to regional and global security. These provocative actions have generated an atmosphere of uncertainty and unease, demanding a cohesive and effective response from the international community.

Concerns regarding the use of nuclear weapons have reached alarming levels, paralleling the most tense periods of the Cold War. Research conducted in different countries has revealed a significant increase in fear regarding this type of destructive weaponry. This landscape reinforces the pressing need for continuous efforts towards nuclear disarmament, non-proliferation, and the strengthening of control and monitoring mechanisms.

Although there has been a partial reduction in the overall stockpile of nuclear weapons, it is important to emphasize that this process is still far from complete. The decommissioning of outdated warheads in both Russia and the United States has resulted in a relatively low decrease in the number of nuclear warheads. However, it is crucial to continue closely monitoring existing arsenals and seeking effective measures for nuclear disarmament, ensuring global security and reducing the risks associated with the proliferation of these destructive weapons.

In this challenging context, it is crucial for the international community to intensify its efforts in the pursuit of peaceful solutions, constructive dialogue, and multilateral cooperation to address ongoing crises and conflicts. Active engagement, robust diplomacy, and the promotion of international agreements are fundamental pillars for addressing nuclear challenges and building a safer and more peaceful world. Lasting peace and global security require a collective and persistent commitment to disarmament, peaceful conflict resolution, and the strengthening of multilateralism. Only through these means will it be possible to tackle emerging challenges and secure a more promising future for generations to come.

2.6 Escalating Nuclear Crises: Humanity on the Brink of Catastrophe

Over the years, military technologies have been evolving exponentially, providing more countries with the opportunity to develop their armies, tactics, and weapons. With the proliferation of nuclear armaments worldwide, an increasing number of countries have had the chance to acquire these weapons, capable of causing destruction not only to cities but also impeding a nation's development. Currently, nine countries possess nuclear warheads: China, France, India, Israel, North Korea, Pakistan, Russia, the United States, and the United Kingdom. Among these nine countries, China, Russia, the United States, France, and the United Kingdom are part of the 191 nations that have signed the Treaty on the Non-Proliferation of Nuclear Weapons. As mentioned earlier in this article, this treaty aims to achieve a gradual reduction and eventual total elimination of nuclear warheads.

There are some countries that have never adhered to the Treaty on the Non-Proliferation of Nuclear Weapons, such as India and Pakistan. In the case of North Korea, it chose to withdraw from the treaty in 2003. On the other hand, Israel is the only country that has never officially acknowledged possessing a nuclear program, although it is widely recognized by the international community that the country possesses such weaponry.

Despite the efforts established by the treaty, a recent report released by the Stockholm International Peace Research Institute (SIPRI), a renowned center for conflict and arms studies, has raised alarming concerns. According to the report, the global nuclear arsenal is expanding for the first time since the Cold War, and the risk of using these weapons has reached its highest level in decades. Alongside the existence of countries outside the treaty, the withdrawal of some nations and suspicions of undeclared nuclear weapons emphasize the importance of continuous international efforts to prevent proliferation and reduce the risk of using these weapons of mass destruction.

The escalating uncertainties generated by the conflict between Russia and Ukraine have prompted the involvement of neighboring countries and major global powers in this volatile scenario. The real possibility of an imminent nuclear threat has triggered a global alert that urgently seeks to discuss and find solutions to the conflict at hand. However, this intensification of geopolitical tensions has had a significant collateral effect: weakening the debate and actions related to nuclear disarmament.

Global attention has predominantly focused on these urgent geopolitical issues, resulting in a diversion of focus from discussions on nuclear disarmament. Key figures of utmost importance, such as the Secretary-General of the United Nations, António Guterres, the current Under-Secretary-General for Disarmament Affairs, Izumi Nakamitsu, and the former Under-Secretary-General for Disarmament Affairs, Sérgio Duarte, have expressed their concerns regarding the challenges faced in promoting and discussing nuclear disarmament amidst this critical juncture.

In a startling announcement, Russian President Vladimir Putin revealed that Moscow is significantly accelerating the construction process of a tactical nuclear weapons storage facility in Belarus. With notable progress, it is expected that

this facility will be completed and operational by early July, further reinforcing strategic military presence in the region.

The transfer of the Iskander short-range missile system to Belarus by Russia adds an additional element of strategic importance to the region. These versatile missiles have the capability to carry both nuclear and conventional warheads, providing a wide range of options for defense and deterrence. This transfer, therefore, enhances Belarus's military capabilities and deepens the cooperation between the two countries.

It is important to emphasize that tactical nuclear weapons differ from strategic nuclear weapons in terms of size and scope of destruction. Designed for use in a limited battlefield, these weapons are scaled to have a significant impact in a restricted area. However, despite being smaller, their explosive yields are still considerable, capable of causing significant destruction and leaving a legacy of radiation contamination.

These developments highlight the complexity and sensitivity of security issues in the region. The presence of tactical nuclear weapons in Belarus and the transfer of the Iskander missile system are factors that must be carefully considered by international actors. The global community is closely monitoring these events as they may have significant implications for regional stability and international relations as a whole.

It is crucial to recognize that, although international attention is focused on resolving the conflict between Russia and Ukraine, the issue of nuclear disarmament cannot be neglected. These recent events further underscore the need to maintain and strengthen global efforts towards achieving a world free from nuclear weapons. Leaders and diplomats must strike a delicate balance between addressing immediate threats and maintaining focus on the long-term goal of security and lasting peace through comprehensive and effective nuclear disarmament. During the 10th Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), Director General Rafael Mariano Grossi of the International Atomic Energy Agency (IAEA) addressed a range of important issues and additional alerts. Grossi reiterated the significance of renewing commitment to the objectives of the nuclear treaty, stressing the need for nations to ratify the latest documents. Such ratification is crucial in enabling the IAEA to fully carry out its mission of verifying states' compliance with nuclear activities.

Grossi underscored the importance of established protocols in instilling confidence that states utilizing nuclear energy for the betterment of their populations are not engaged in clandestine activities. In a climate where transparency and accountability are of utmost importance, fostering mutual trust among nations with nuclear programs is indispensable for upholding global stability and security.

Additionally, Grossi emphasized the need to enhance nuclear verification and surveillance mechanisms, ensuring the IAEA's access to relevant information and facilities. By fostering closer cooperation among states, the agency can effectively prevent nuclear proliferation and promote the peaceful utilization of atomic energy.

It is crucial, therefore, to reiterate the significance of reinforcing the global commitment to nuclear peace and security. Through the ratification of documents and support for the IAEA's proposed verification measures, nations can demonstrate their willingness to foster international trust and cooperation. These actions contribute to the creation of an environment conducive to the safe and responsible development of nuclear technologies, while simultaneously advancing international security and striving for a world free from nuclear threats.

In summary, Director General Grossi's remarks during the conference highlighted the importance of ratifying the latest documents, strengthening verification mechanisms, and promoting international cooperation. These efforts play a vital role in ensuring transparency, trust, and peace in the realm of nuclear energy.

3. CONCLUSION

The article highlights the urgency of discussing the reformulation of the nuclear non-proliferation agreement given the contemporary context of political instability. The fear of a nuclear attack and the assurance of mutual destruction did not originate in the 2000s but is a well-known reality for countries that were under extreme pressure during the Cold War. The atrocities committed in Hiroshima and Nagasaki only demonstrated a fraction of the destruction that

these powerful weapons can inflict, as Guterres mentioned in his speech on the 75th anniversary of Hiroshima, “The unflinching testimonies of the hibakusha remind us of the fundamental folly of nuclear weapons.” The Secretary-General further emphasized, “Nuclear weapons are nonsense.”

Today, there is still a strong arms race in various regions, including Asia, the Middle East, Europe, and America. Despite the ratification of the non-proliferation agreement, the agenda has not been strictly followed, and billions of dollars are annually allocated to the increase of arsenals. The world urgently seeks an end to the fear of a possible nuclear war, which would bring about the destruction of the planet as we know it. Survivors of a potential bombing would have to bear the consequences of the spread of radiation and the trauma of a catastrophic event. According to John Herz’s Security Dilemma, an increase in arms investment by one state, even for self-preservation purposes, creates uncertainty in other states about the motives behind that armament and prompts them to arm themselves as well in order to be better protected than others. The same is observed in the development of nuclear technology: as long as one state possesses a thermonuclear weapon, all states will feel insecure and strive to acquire one as well.

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