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WHEN WASHINGTON, D.C. AND TEHRAN SHAKE BRASÍLIA: ECONOMY, WAR AND LAW IN GLOBAL INTERCONNECTION

QUANDO WASHINGTON E TEERÃ ABALAM BRASÍLIA: ECONOMIA, GUERRA E DIREITO EM CONEXÃO GLOBAL

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ABSTRACT

This article explores the legal, economic, and institutional repercussions of geopolitical conflict and great-power foreign policy decisions for Brazil, with particular attention to the tensions involving the United States and Iran. It adopts an interdisciplinary analytical framework at the intersection of Public International Law, Constitutional Economic Law, and the General Theory of the State in order to assess how external coercive dynamics reverberate within the Brazilian constitutional order. The analysis is organized around three core dimensions: the domestic effects of unilateral economic sanctions, the tension between state sovereignty and systemic interdependence under financial

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globalization, and the challenges that the judicialization of international disputes poses to Brazil's Democratic Rule of Law. Methodologically, the study is based on qualitative research, employing a deductive approach and an exploratory-analytical design supported by bibliographic and documentary sources. The article argues that Brazil's integration into the contemporary international system generates structural vulnerabilities that exceed a strictly domestic legal response. In this context, the protection of constitutional guarantees and institutional stability requires a more robust normative and institutional framework, capable of reconciling democratic constitutionalism, economic governance, and the constraints imposed by an increasingly asymmetric international order.

Keywords: International Law. Economic sanctions. Sovereignty. Geopolitics. Economic Constitutional Law. Systemic interdependence. Brazil.

RESUMO

O presente artigo analisa os mecanismos pelos quais conflitos geopolíticos e decisões de política externa entre as grandes potências — notadamente os Estados Unidos e o Irã — produzem efeitos jurídicos, econômicos e institucionais sobre o Brasil. Partindo de uma abordagem interdisciplinar que articula o Direito Internacional Público, o Direito Constitucional Econômico e a Teoria Geral do Estado, o trabalho examina três eixos centrais: (i) os impactos das sanções econômicas unilaterais no ordenamento jurídico doméstico brasileiro; (ii) a tensão entre soberania nacional e interdependência sistêmica no contexto da globalização financeira; e (iii) os desafios que a judicialização de conflitos internacionais impõe ao Estado Democrático de Direito brasileiro. A metodologia adotada é de natureza qualitativa, com abordagem dedutiva e caráter exploratório-analítico, fundamentando-se em pesquisa bibliográfica e documental. Conclui-se que a inserção do Brasil na ordem internacional o expõe a vulnerabilidades estruturais que demandam respostas jurídicas sofisticadas, ancoradas em princípios constitucionais e em normas de direito internacional público.

Palavras-chave: Direito Internacional. Sanções econômicas. Soberania. Geopolítica. Direito Constitucional Econômico. Interdependência sistêmica. Brasil.

1. INTRODUCTION

1.1 The Globalization of Conflict and its Legal Resonances

Contemporary history has shown us—and this is not a recent development, but one that now manifests with almost unsettling insistence—that geopolitical borders are far from constituting impenetrable walls when it comes to legal impact. The notion that what happens "out there" remains "out there" no longer holds. It collapses—and it does so swiftly.

When the United States, from Washington, D.C., decides to impose economic sanctions on Iran, it is not merely engaging in a bilateral confrontation. In practice, it sets in motion a chain of effects that permeates markets, contracts, and institutions. On the other side, when Tehran threatens to close the Strait of Hormuz, this is neither an isolated nor a merely symbolic gesture; it is a move that strains global energy flows, exerts pressure on prices, and unsettles States. And, as if that were not enough, when the United Nations Security Council adopts a resolution that redefines—even if subtly—the balance of power in the Middle East, the impact does not remain confined to the diplomatic plane. It reverberates[6].

These events do not remain confined to the capitals where they are conceived. They spread. They gain substance. They penetrate—almost uninvited—the very fabric of the international legal order. And, in doing so, they ultimately reach—with a force that many still insist on underestimating—the domestic legal order of countries such as Brazil.

The perception—still widely held—that matters of foreign policy belong exclusively to the technical domain of diplomatic corps, as though they were distant, almost ethereal issues with no contact with everyday legal life, does not withstand closer scrutiny. It is a comfortable reading—but a mistaken one. Law, after all, does not exist in isolation within an aseptic enclosure, immune to the pressures of the real world. On the contrary, it breathes the same rarefied air of political and economic crises. For that very reason, its effectiveness depends—to a significant extent—on the concrete conditions that surround it.

And here lies the critical point. In the era of financial globalization, these conditions are no longer defined solely within national borders. They are shaped, strained, and reconfigured by decisions taken in centers of power scattered across the globe: Washington, D.C., Beijing, Moscow, Tehran. Distinct places, with their own agendas and often conflicting interests—yet all capable of radiating effects that traverse continents and infiltrate, with surprising intensity, the legal systems of countries that, at first glance, might appear removed from such disputes.

6 AGÊNCIA BRASIL. *Oriente Médio: aumenta tensão entre Irã e EUA*. 2026. Disponível em: Ler notícia. Acesso em: 19 mar. 2026.

Within this scenario, Brazil occupies a peculiar position. It is not peripheral to the point of irrelevance, nor is it sufficiently central to dictate the rules of the game. Rather, it is an actor embedded—deeply embedded—in global networks of trade, financial flows, and technological chains. A country of continental dimensions, with significant economic weight in terms of nominal GDP, it cannot simply turn a blind eye to the legal repercussions of international conflicts. To do so would be, at the very least, naïve. At its limit, it would amount to institutional imprudence.

The Brazilian Federal Constitution of 1988 itself reflects this awareness, albeit in a programmatic manner. In establishing, in Article 4, the principles that govern the international relations of the Brazilian State—national independence, the primacy of human rights, the self-determination of peoples, non-intervention, and the peaceful settlement of disputes—I understand that the constitutional text does more than merely articulate guidelines; it sets forth a dense and demanding normative horizon, one that does not admit static readings. On the contrary, it requires constant reinterpretation. It demands updating. For the world changes—and it changes rapidly. And the law, if it is to remain relevant, must keep pace with this movement[7].

In this article, we built our analysis upon three central hypotheses—these are not mere abstract assumptions, but propositions that emerge from a concrete observation of contemporary international reality, marked by constant frictions among power, economics, and law.

Our first hypothesis points to an unsettling phenomenon: unilateral economic sanctions—particularly those imposed by the United States with extraterritorial reach—tend to strain, and in certain cases even compromise, the regulatory autonomy of Brazil. This is not merely a matter of indirect influence. It is real pressure. Brazilian companies, financial institutions, and a wide range of economic actors find themselves facing an almost insoluble dilemma: either comply fully with the domestic legal order or adjust their conduct to the

7 BRASIL. **Constituição da República Federativa do Brasil de 1988**. Brasília, DF: Presidência da República, 1988. Disponível em: https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 19 mar. 2026.

demands of a foreign power, under the risk of being subjected to sanctions that transcend national borders. The result is a scenario of normative overlap, in which potentially conflicting international obligations coexist—and collide[8].

Our second hypothesis deepens the diagnosis. We begin from the observation that systemic interdependence among national economies is no longer a matter of political choice, but rather a structural condition of the international system. In other words, no one is truly isolated—and this comes at a cost. Geopolitical conflicts that appear distant—often unfolding in regions such as the Middle East—activate transmission channels that cut across markets, currencies, and production chains. The impact arrives. And it arrives with force. External instabilities are rapidly translated into concrete and measurable effects within the Brazilian legal-economic system, affecting everything from private contracts to sensitive public policies.

Our third hypothesis reveals an institutional fragility that, in my view, demands heightened attention. The mechanisms of adjudication currently available—both at the domestic and international levels—prove, in their present configuration, insufficient to cope with the speed and complexity of the transnational effects arising from conflicts among major powers. Law attempts to keep pace. Yet, more often than not, it arrives too late. Jurisdictional responses, largely structured for a more stable and less interconnected world, struggle to deliver effective solutions in the face of global dynamics that evolve in real time.

2. UNILATERAL ECONOMIC SANCTIONS AND THEIR EFFECTS ON BRAZILIAN LAW

2.1 The Regime of Unilateral Sanctions: Concept and Typology

8 BBC NEWS BRASIL. *Como sanções dos EUA afetam empresas e países ao redor do mundo*. 2022. Disponível em: https://www.bbc.com/portuguese/internacional-60792976. Acesso em: 19 mar. 2026.

For decades, economic sanctions have figured as a recurrent—almost automatic—instrument of the foreign policy of major powers. They are coercive measures, essentially economic in nature, through which a State, or a group of States, seeks to compel another to alter its political behavior. At first glance, they may appear technical—almost neutral. But they are not. They carry strategic intentionality, produce real impact, and, not infrequently, generate collateral effects that escape the control of those who impose them.

It is important to draw a distinction. On the one hand, there are multilateral sanctions, authorized by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations—and thus endowed with a formal legitimacy anchored in the international legal order. On the other hand, there are unilateral sanctions: those adopted without the endorsement of this collegiate body, arising directly from the political will of a specific power. It is here that the problem acquires sharper contours[9].

The sanctions regime imposed by the United States against Iran is perhaps, today, the most comprehensive—and also the most intricate from a legal standpoint. It is not a single norm, nor an isolated act. Rather, it constitutes a true legislative mosaic, composed of instruments such as the Iran Sanctions Act, the Comprehensive Iran Sanctions, Accountability, and Divestment Act, and the Iran Freedom and Counter-Proliferation Act. It is a dense and articulated framework—one that is, above all, designed to operate beyond the formal borders of the State that enacted it. And it is precisely within this “beyond” that the crux of the matter lies.

These sanctions do not confine themselves to directly targeting Iranian actors. They advance. They expand. They reach companies and individuals in third countries—including Brazil—that, in some manner, maintain economic relations with sanctioned entities. What emerges, then, is the phenomenon of sanctions extraterritoriality—a sophisticated, yet unforgiving, mechanism.

9 MAZZUOLI, Valerio de Oliveira. *Curso de direito internacional público*. 14. ed. São Paulo: Saraiva, 2021.

At the core of this system lies what has come to be known as secondary sanctions[10]. The logic is straightforward, although its consequences are profound: the United States not only prohibits its own nationals from engaging with certain targets, but also threatens to exclude from the U.S. financial system any foreign entity that does so. It is, in essence, a forced choice: engage with Iran—and bear the cost—or preserve access to the most influential financial market in the world. And here a decisive factor comes into play: the role of the dollar.

The centrality of the dollar in global commercial and financial transactions grants the United States a capacity for normative projection that finds no parallel in the contemporary international order. It is not merely economic power; it is a form of diffuse legal power—one that permeates contracts, regulates conduct, and, in practice, redefines the limits of action of third States, including—and in a particularly sensitive manner—Brazil.

2.2 Impacts in Brazil: Companies, Banks, and Contracts

For the legal order of Brazil, the sanctions regime imposed by the United States against Iran has not remained at an abstract level. Quite the contrary. It has produced concrete effects—and, in many cases, profoundly disruptive ones—across at least three distinct dimensions: the contractual, the banking, and the regulatory. Three fronts. Three fields of tension.

At the contractual level, the impact has been direct. Brazilian companies engaged in commercial relations with Iranian partners have found themselves facing an uncomfortable choice: either continue to perform contracts that are valid under domestic law or unilaterally terminate them in order to avoid the application of U.S. secondary sanctions. Many have opted for termination. And such termination has not come without cost. Complex disputes have emerged, marked by dense debates on civil liability, breach of contract, and, above all,

10 ESTADOS UNIDOS. Department of the Treasury. Office of Foreign Assets Control (OFAC). *Comprehensive Iran Sanctions: Primary and Secondary Sanctions Framework*. Washington, D.C.: OFAC, 2025. Disponível em: https://ofac.treasury.gov/sanctions-programs-and-country-information/iran-sanctions. Acesso em: 19 mar. 2026.

the principle of good faith. After all, to what extent is it legitimate to invoke external pressure —even if economically compelling—as a justification for failing to perform an obligation that was freely undertaken?

At the banking level, the situation assumes even more sophisticated contours. Brazilian financial institutions with international operations have begun to internalize, within their compliance policies, guidelines that closely mirror—almost entirely—the requirements of the Office of Foreign Assets Control, an agency linked to the U.S. Treasury. In practical terms, this means that transactions involving sanctioned countries are blocked or avoided, even when they would be fully lawful under Brazilian law. The result is a phenomenon already identified in specialized literature: a form of “regulatory imperialism,” or, in more technical terms, financial de-risking. This is not merely prudence. It is often a defensive anticipation in the face of a systemic risk imposed from abroad.

At the regulatory level, the challenge takes on an institutional dimension. Authorities such as the Central Bank of Brazil and the Brazilian Securities and Exchange Commission operate within an environment of increasing pressure. They must reconcile their prudential requirements—aimed at safeguarding the stability of the national financial system—with the externalities generated by the U.S. sanctions regime. And they do so, quite often, without having at their disposal sufficiently robust domestic legal instruments capable of neutralizing the extraterritorial effects of such sanctions. It is an asymmetric game—and, not infrequently, an unfavorable one.

At its core, what emerges is a subtle yet significant displacement of normative power. Norms not produced by the Brazilian State come, in practice, to influence—and at times even condition—conduct within its own territory. A quiet phenomenon, perhaps. But one of profound relevance.

2.3 The Question of the International Legality of Unilateral Sanctions

The legality of unilateral economic sanctions with extraterritorial effects remains—unsurprisingly—at the center of an intense debate within the field of International Law. There is no consensus. Far from it. What exists instead are competing positions, clashing arguments, and a gray zone in which classical principles often prove insufficient to provide definitive answers.

The European Union, for instance, has not remained passive in the face of this scenario. It has chosen to respond—and to do so with technical precision. Through specific legislation—the so-called Blocking Statute—it has sought to neutralize, within its own legal space, the extraterritorial effects of sanctions imposed by the United States against countries such as Cuba, Iran, and Libya. The mechanism is, at once, simple in its formulation and bold in its implications: it prohibits European companies from complying with certain foreign sanctions and, in return, guarantees the right to compensation should they suffer losses as a result of such measures. It is a clear and direct normative response—one that is, in a certain sense, counter-hegemonic[11].

Brazil, in turn, follows a different path—or perhaps has not yet followed any path at all on this specific issue. It lacks an equivalent instrument. Within the Brazilian legal order, there is no blocking legislation capable of systematically confronting the extraterritorial effects of sanctions imposed by the United States. And this absence is not neutral. On the contrary, it exposes.

Without a blocking statute, Brazilian companies operate in an environment of heightened vulnerability. In practice, they face a recurring impasse: comply with requirements imposed by a foreign power—even in the absence of a basis in domestic law—or risk sanctions that may jeopardize their international operations. And what of the Brazilian State? It lacks formal instruments to provide effective protection or even to enable mechanisms of reparation.

11 UNIÃO EUROPEIA. Conselho. *Regulamento (CE) n.º 2271/96 do Conselho, de 22 de novembro de 1996*, relativo à proteção contra os efeitos da aplicação extraterritorial de legislação adotada por um país terceiro e das medidas nela baseadas ou dela resultantes (Estatuto de Bloqueio). *Jornal Oficial das Comunidades Europeias*, L 309, p. 1–6, 29 nov. 1996. Disponível em: https://eur-lex.europa.eu/legal-content/PT/TXT/?uri=CELEX:31996R2271. Acesso em: 19 mar. 2026.

The result is an evident normative gap. More than that, it is a gap that legal scholarship no longer treats as a peripheral issue, but rather as an urgent point of reflection—and, quite possibly, of legislative action. For, in the current scenario, this is no longer merely a matter of theory. It is a question of responsiveness—or the lack thereof.

3. DEMOCRATIC SOVEREIGNTY AND THE CONSTITUTIONAL RESPONSIBILITY OF THE STATE

The analysis of the effects of geopolitical conflicts on the legal order of Brazil cannot be confined to technical diagnoses or institutional descriptions. It requires, above all, a deeper—almost unsettling—reflection on the constitutional responsibility of the State in the face of external vulnerabilities that affect its citizens and its economic structures. For, ultimately, this is not merely about trade, exchange rates, or contracts. It is about protection.

The Democratic Rule of Law, as outlined in Article 1 of the Brazilian Federal Constitution of 1988, is not a merely procedural arrangement. It is not form alone; it is substance. It embodies a commitment to the effective realization of fundamental rights and to the promotion of collective well-being. And this shifts the axis of the discussion. It reorients the focus. It compels us to ask: what must the State do—not merely what it can do—when faced with external pressures that directly impact the country’s economic and social life?

The answer, though complex, points in a clear direction. There is a constitutional duty to act—to structure legal and institutional strategies capable of reducing the exposure of the Brazilian economy—and, consequently, of society itself—to the adverse effects of international geopolitical conflicts. This is not merely about protecting sovereignty in its classical sense. It is about ensuring concrete fundamental rights: economic security, free enterprise, and the right to work. At this juncture, theory helps illuminate the path.

The theoretical framework developed by Robert Alexy, widely incorporated into Brazilian constitutional scholarship, offers a relevant interpretative key by distinguishing between rights as trumps against the State and rights that require positive action. In the context of globalization—and the extraterritorial pressures that accompany it—this distinction acquires practical density. Protecting Brazilian companies and citizens from the effects of foreign sanctions is not merely a matter of preventing undue interference. It requires action. It demands the structuring of responses. It calls for the provision of protection. And when the State fails to do so, the issue ceases to be merely political and becomes juridical.

At this point, a principle comes into play which, although of foreign origin, has already been incorporated into Brazilian constitutionalism: the prohibition of insufficient protection (Untermaßverbot). Its logic is direct—almost intuitive: a State that fails to adopt adequate measures to protect fundamental rights incurs unconstitutionality by omission. It is not enough to refrain from violating rights; effective protection is required[12].

Applied to the scenario under examination, this line of reasoning leads to a disquieting conclusion. The absence of legislation capable of neutralizing the extraterritorial effects of foreign sanctions, the lack of compensation mechanisms for affected Brazilian companies, and the failure to articulate a coherent legal strategy for the international insertion of Brazil are not merely administrative shortcomings or political gaps. They may, in principle, constitute an unconstitutional omission.

Because, in the end, the question is simple—even if its implications are anything but: to what extent is it legally acceptable for the State to remain inert while its citizens and companies are exposed to risks that could be mitigated through appropriate normative action?

4. CONCLUSION

The analysis developed throughout this article reveals—with a clarity that no longer allows for evasion—that the geographical distance between Brasília, Washington, D.C., and Tehran is far from functioning as a protective shield. There is no longer any meaningful isolation. What is decided in these capitals—often under conditions of tension, strategic

12 SARLET, Ingo Wolfgang. *A Eficácia dos Direitos Fundamentais: uma teoria geral dos direitos fundamentais na perspectiva constitucional*. 13. ed. rev. e atual. Porto Alegre: Livraria do Advogado, 2018.

calculation, and conflicting interests—reverberates, directly or indirectly, within the Brazilian legal order. And this is not a marginal phenomenon. It is structural.

Brazil's deep integration into the global economy and into mechanisms of international governance—once regarded as a sign of maturity and prominence—reveals, in this context, its more ambiguous face. Integration means access. But it also means exposure. And that exposure carries a cost.

The Brazilian legal order, however sophisticated its normative architecture may be, proves permeable to exogenous disturbances—shocks that do not originate internally, that are not produced by national public authorities, and that nonetheless demand a response. Often an urgent one. Almost always a complex one.

At its core, what emerges is a difficult reality to circumvent: Brazil participates in a system it does not fully control—yet from which it cannot withdraw. It is precisely within this tension, between integration and vulnerability, that the true contemporary legal challenge takes shape.

Three sets of conclusions arise from this analysis—and the first of them is, quite straightforwardly, diagnostic in nature.

Brazil still lacks minimally adequate legal instruments to address the structural vulnerabilities arising from its position in the international economic order. This is not a sporadic or circumstantial issue. It is a flaw in institutional design.

The absence of blocking legislation—capable of neutralizing the effects of foreign sanctions with extraterritorial reach—leaves Brazilian companies exposed to a delicate legal dilemma: comply with external norms and potentially violate domestic law, or adhere to the national legal order and face international sanctions. In either scenario, the cost falls upon private actors, without a clear response from the State.

Added to this is the lack of a coherent and systematic regulatory framework for dealing with situations involving extraterritorial sanctions. What currently exists is a fragmented set of norms that touch upon the issue but fail to confront it directly. There is a lack of unity. A lack of strategy. And, above all, a lack of legal predictability.

Finally, the fragmentation of regulatory competences in matters of foreign trade and international finance—distributed among different bodies and entities—undermines the State's capacity for coordination. In the absence of institutional articulation, the response tends to be slow, reactive, and, more often than not, ineffective.

The result is a condition of fragility: a country embedded in complex global dynamics, yet still lacking the legal tools necessary to adequately protect itself from them.

The second conclusion shifts the debate to a more demanding plane—the normative-constitutional one.

Article 4 of the Brazilian Federal Constitution of 1988 cannot be treated as a mere statement of diplomatic intentions. In the context of contemporary Brazil, it constitutes a legal norm of full effectiveness, endowed with genuine binding force. This means that its principles—such as sovereignty, non-intervention, and the defense of national interests—are not mere rhetorical ornaments; they impose concrete duties.

They bind the legislature, which cannot remain inert in the face of evident gaps. They bind the administration, which must structure public policies consistent with the protection of national economic interests. And they bind the judiciary, which, in interpreting the law, cannot ignore the international dimension of fundamental rights and sovereignty. In other words, the constitutional text requires an active posture from the State. There is no room here for passive neutrality.

The third conclusion, in turn, moves from diagnosis and justification to proposal—and, perhaps for that very reason, it is the most challenging. Brazil must develop what may be termed a "Law of Global Interdependence"—not as an abstract theoretical construct, but as a truly functional legal system, designed to address the risks and opportunities inherent in its insertion into the international economic and political order.

This body of law would not emerge spontaneously. It would require coordination, strategy, and institutional will. And it would be structured, at the very least, upon three central pillars.

The first pillar is domestic: the creation of robust legislation capable of neutralizing undesirable extraterritorial effects of foreign norms. This would include, for instance, blocking statutes, mechanisms for the protection of national companies, and instruments of economic compensation.

The second pillar is international: active participation in the construction of global norms and standards capable of limiting the unilateral use of economic sanctions. It is not enough to react. It is necessary to influence the very formation of the rules of the game.

The third pillar is institutional: the strengthening of multilateral dispute settlement mechanisms, such as those linked to the World Trade Organization, even if they currently face significant limitations. Without effective forums for dispute resolution, the international system tends to gravitate toward power—rather than law.

At its core, what these conclusions reveal is a demand for legal and political maturity: either Brazil consciously assumes the costs and responsibilities of its global insertion, or it will continue to react—always belatedly—to dynamics it can no longer avoid.

Law, after all, cannot be reduced to a mere reflection of power relations. It also operates as a tool of containment, transformation, and—above all—protection. It is precisely within this dimension that its strategic importance for Brazil in the contemporary scenario becomes evident.

In a geopolitical environment marked by competition among major powers, by the increasingly instrumental use of International Law, and by a systemic interdependence that brings together—almost uninvited—realities once considered distant, there is no room for improvised responses. What is required is theoretical depth. What is required is normative sophistication. What is required, above all, is institutional awareness.

Jurists, legislators, and legal practitioners are thus called upon to move beyond a merely reactive posture and to assume a constructive role. It is not enough to interpret existing norms. It is necessary to create categories, to develop instruments, and to structure responses commensurate with the challenges of the twenty-first century.

Because, in the end, the provocation that runs through the entire debate remains: when decisions taken in Washington, D.C. and Tehran reverberate directly in Brasília, what is at stake is not merely international politics or the global economy. It is the capacity of Brazilian law to absorb the impact without fracturing. And more than that: to transform disruption into opportunity.

For it will be, to a large extent, the quality of the legal responses produced by Brazil that will determine whether such external shocks result in vulnerability or in affirmation—whether of national sovereignty or of the effective realization of the fundamental rights of its citizens.

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