



United Nations General Assembly | Sixth Committee
Draft Comprehensive Convention on International Terrorism

October 3rd to 6th, 2022

(check against delivery)

Mister Chair,

At first, I would like to congratulate you on your election and convey Brazil's full support to you and the Bureau during this session. I would also like to express our appreciation to the Secretariat for its most recent report on measures taken to eliminate international terrorism.

The Brazilian Constitution enshrines the repudiation of terrorism as a guiding principle of our international relations. Brazil condemns terrorism in all its forms and manifestations and believes no reason could ever justify a terrorist act. We have an unwavering commitment

to the fight against terrorism. Our domestic legislation is on a par with the standards of the Financial Action Task Force.

A reform in Brazilian legislation in 2019 made Security Council sanctions directly and immediately enforceable, especially those pertaining to terrorism, its financing and related acts. This is proof of our full compliance with the UN Charter and our engagement with the Security Council, without prejudice to our belief in the need to improve its representativeness and working methods. In particular, we need to make the process of listing persons and entities more transparent and evidence based.

In discharging its primary responsibility, the Security Council needs support from the international community in the form of clear rules of widespread acceptance to guide its action and make it more effective. Terrorism, an undeniable threat to international peace and security, will be more effectively countered if the international community is able to discern its legal meaning and implications and prevent its being confused with distinct phenomena such as organized crime. In particular, counter-terrorism will be more effective if we have an internationally agreed-upon comprehensive convention on international terrorism.

Convening a high-level conference under the auspices of the UN could help us overcome the stalemate in the negotiating processes leading to the adoption of the CCIT. The preparatory process for the CCIT could take place in the realm of a reconvened Ad Hoc Committee, where we could focus on the properly legal aspects of terrorism.

Mister Chair,

Achieving a consensual legal definition of terrorism itself and of its agents is a challenge we must face with a view to the adoption of a convention on international terrorism. Brazil speaks from experience: having incorporated the Inter-American Convention against Terrorism into our domestic legislation back in 2005, we adopted in 2016, after extensive debates in society, a national law on the topic, which contains a definition of terrorism. Defining in precise terms what terrorism means, including its objective and subjective elements, was mandatory in light of the essential role the principle of legality plays in criminal law. Having clarity on what terrorism means was also critical in order for the law to have legitimacy in the eyes of our society and avoid the risk of misinterpretation in its application. The

subjective element of this offense is what differentiates it from other crimes which may be comprised of the same objective elements as terrorism. A precise definition of international terrorism will be key to the effectiveness and legitimacy of a future convention on international terrorism.

Furthermore, we should also pay due attention to concerning attempts to reinterpret the law regarding the prohibition to the use of force and its self-defence exception in counterterrorism measures. I reiterate the Brazilian stance on the need to interpret exceptions to Art 2(4) of the UN Charter in a restrictive manner. I also recall that the International Court of Justice has repeatedly indicated that the right of self-defence referred to in Article 51 of the UN Charter only applies between States.

Mister Chair,

Counter-terrorism must be consistent with international law, including the UN Charter, international human rights law, international humanitarian law and international refugee law. Otherwise, it will defeat its purposes and risk feeding resentment and extremism conducive to terrorism. A convention on international

terrorism will provide the international community with a much-needed legal framework to fight terrorism in a coherent manner, with lasting results.

Thank you.

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