



United Nations General Assembly | Sixth Committee
Measures to eliminate international terrorism (Agenda item 110)

October 2nd to 4th, 2023

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Mister Chair,

I congratulate Your Excellency on your election and convey Brazil's full support to you and the Bureau during this session. I also express our appreciation to the Secretary-General for his most recent report on measures taken to eliminate international terrorism.

The repudiation of terrorism is enshrined in our Constitution 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.

Upon adoption, Security Council sanctions are directly and immediately enforceable in Brazil in accordance with our legislation, including those pertaining to terrorism, its financing and related acts. This is proof of our full compliance with the UN Charter, including article 25. At the same time, with regard to the specific issue of sanctions, we reiterate our view that it is necessary to make the process of listing persons and entities more transparent and evidence-based.

Mister Chair,

After lengthy and challenging negotiations, we were able to achieve consensus on the 8th Review of UN Global Counter-Terrorism last June. A feat whose importance we cannot play down, especially in times of increased polarization. Still, we were actually compelled to content ourselves with a revision that was slightly more than a technical update. We should profit from the lessons we learned to understand better what divides and what unites us.

It is naturally difficult to agree on a strategy to combat an enemy whose identity is uncertain. Despite all the international conventions criminalizing certain terrorist acts, all Security Council resolutions on counter-terrorism and the eight

GCTS reviews, we still lack an internationally agreed-upon legal definition of terrorism.

The international community needs clear and widely accepted rules to guide its action against terrorism and make it more effective. We will counter it more effectively if we are able to discern its legal meaning and prevent it from being confused with distinct phenomena such as organized crime.

A high-level conference under the auspices of the UN could help us move forward in the negotiation of a comprehensive convention on international terrorism. The preparatory process for the CCIT could take place at a reconvened Ad Hoc Committee, where we could focus on the properly legal aspects of terrorism.

Mister Chair,

Having incorporated the Inter-American Convention against Terrorism in 2005, only in 2016 did Brazil adopt, after an extensive and inclusive debate, a national law on the topic. Finding precise terms to describe 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. The subjective element of this offense is what differentiates it from other crimes that may be

comprised of the same objective elements as terrorism. Clarity on what terrorism means was also critical for the law to have legitimacy in the eyes of our society and for avoiding misapplication.

Our national experience shows that achieving a consensual legal definition of terrorism itself and of its agents is complex but possible. It has been difficult at the international level but that is precisely the main challenge we need overcome in order to adopt a comprehensive international convention. The risk of politicization that such negotiation entails cannot be an excuse for us to refrain from our duty to seek a sounder legal basis to fight terrorism.

In addition, the absence of a comprehensive convention on terrorism leads to frequent perceptions of double standards. It hampers our effort to combat it in a coherent manner.

Finally, Brazil reiterates its concerns over attempts to reinterpret international law regarding the prohibition to the use of force and its self-defence exception in counterterrorism measures. Art 2(4) of the UN Charter must be interpreted in a restrictive manner. We 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 comply with international law, including the UN Charter, international human rights law, international humanitarian law and international refugee law. Otherwise, it will affect the civilians it is supposed to protect, and thus risk feeding resentment and violent extremism conducive to terrorism. A convention on international terrorism will fill a glaring gap in the international counter-terrorism legal framework.

Thank you.