

MISSION OF
BRAZIL
UNITED NATIONS
NEW YORK

United Nations General Assembly | Sixth Committee
Measures to eliminate international terrorism
2-4 October 2017

(check against delivery)

Mr. Chairman,

At the outset, allow me to congratulate you and all the members of the Bureau for your appointments. Brazil aligns itself with the statement delivered by El Salvador on behalf of CELAC and takes this opportunity to address some issues from a national perspective.

Terrorism must be condemned in all its forms and manifestations. The repudiation of terrorism is enshrined in the Brazilian Constitution as a guiding principle of our foreign policy. My country is signatory to fourteen international legal instruments against terrorism negotiated under the auspices of the United Nations, as well as to the Inter-American Convention against Terrorism.

Our commitment to fighting terrorism and its financing has been translated into domestic legislation. Brazil passed a bill to facilitate the implementation of Security Council resolutions concerning sanctions against individuals and entities affiliated with terrorist groups and adopted legislation defining the crime of terrorism.

Mr. Chairman,

While the goal of eliminating international terrorism brings us together, some of the measures implemented in this realm have been divisive, due to their questionable legality. Counterterrorism will only be effective to the extent that it is consistent with the UN Charter and other norms of international law, including human rights, humanitarian and refugee laws. Any measure taken outside such parameters not only betrays the values it seeks to uphold, but also generates additional extremism conducive to terrorism.

The use of new communication technologies by terrorist organizations illustrates the evolving nature of the challenge. Internet and social media are being misused for inciting hatred and enabling recruitment. While acting against this, we must simultaneously guard against transgressions of the freedom of expression and the right to privacy. Brazil echoes CELAC's concern with the negative impact that State surveillance and/or interception of communications, including extraterritorially, may have on the enjoyment of human rights.

We continue to note an increase in the number of letters submitted to the Security Council under Article 51 of the Charter seeking to justify resort to military action in the context of counterterrorism. At recent open debates in the Security Council on working methods, Brazil stressed the need for a proper follow-up of such communications and for assessing whether the obligations laid out in the Charter are being fulfilled.

The current practice indicates that there is room for improvement regarding the content, timing and circulation of Article 51 letters. It is crucial that they provide sufficient information regarding the attack based on which self-defense is being invoked, so as to allow for the appraisal of questions such as proportionality and necessity. While the Charter demands that measures in the exercise of self-defense be reported immediately to the Security Council, these communications have often been submitted "ex post facto". The lack of a follow-up has also made it difficult for most non-members of the Council to be informed that Article 51 letters have been submitted. In order to increase transparency, Brazil suggests the creation of a dedicated session in the Council's website listing all such communications.

In addition to these issues, there are also underlying concerns stemming from attempts to reinterpret the law regarding the content and the scope of self-defense, especially ON its applicability in relation to non-state actors. However difficult, we should not shy away from discussing critical legal issues involving the

regarding these interpretations, such as the so-called "unwilling and unable doctrine", should not be understood as acquiescence or as proof of *opinio iuris*. As the primary forum for the consideration of legal questions in the General Assembly, the Sixth Committee is an appropriate venue for such discussions, which should take into due account the views of the International Court of Justice on the matter.

Mr. Chairman,

The current absence of a universally agreed-upon definition of terrorism is detrimental to our shared goal of eliminating it. I reiterate the call made by CELAC regarding the need to overcome, with a sense of urgency, the current stalemate in the processes leading to the adoption of the Comprehensive Convention against International Terrorism (CCIT) and to the convening of a high-level conference under the auspices of the UN. Both initiatives would contribute to direct our joint efforts in a more coordinated way and to create improved conditions for ensuring due process and compliance with human rights.

In the context of evolving trends of international terrorism, it is important to properly understand the linkages between "terrorism", "radicalism" and "violent extremism". These phenomena may be linked in certain contexts, such as the recruitment for the so-called "Islamic State", but they are not intrinsically correlated. Racism, xenophobia and homophobia, for example, can lead to expressions of violent extremism that are heinous in themselves, but not necessarily related to the commission of terrorist acts. Conflating these concepts may lead to the justification of an overly broad application of counter-terrorism measures, including against forms of conduct that should not qualify as terrorist acts.

Terrorism does not have universal or automatic linkages with transnational organized crime. Even in the specific circumstances in which a relationship between these phenomena might arise, different spheres of responsibility are involved - to which different remedies should be applied. While terrorism constitutes a threat to international peace and security, transnational organized crime remains an issue within the realm of public security.

Mr. Chairman,

Brazil has been attentive to prevention not only domestically, but also at the multilateral and regional levels. This scourge can only be countered through approaches that address its underlying causes, in particular those associated with protracted conflicts and social, political, economic and cultural exclusion. When legitimate grievances are tackled, improved conditions for a unified front against a common enemy are created.

Terrorist groups have been attracting recruits by offering them a false sense of purpose, belonging and identity that they probably failed to acquire elsewhere. Promoting inclusion should therefore be at the basis of efforts. It is crucial to dispel the stereotypes that associate terrorism with specific cultures, religions or ethnicities. There cannot be room for discriminatory laws, prejudice or xenophobia. Appropriate responses to the refugee crisis decrease rather than increase the risks associated with violent extremism conducive to terrorism.

Mr. Chairman,

It is crucial to preserve the centrality of the UN in counter-terrorism efforts. Brazil was pleased with the recent establishment of the Counter-Terrorism Office and takes this opportunity to congratulate Mr. Vladimir Voronkov for his assignment as Under-Secretary-General. The reform of the counter-terrorism architecture will provide senior leadership and create conditions for enhanced coordination within the system. The Organization will be therefore better equipped to implement all four pillars of its Global Counter-Terrorism Strategy in a balanced manner.

As a final remark, my delegation would like to join previous speakers in encouraging further reflection on how this agenda item could be more efficiently used, so as to avoid overlap and duplication with the policy discussions held biennially at plenary level at the UN Global Counter-Terrorism Strategy reviews. One alternative to rationalize our discussions would be to focus the debates taking place in this Committee on the outstanding legal questions, especially the conclusion of the CCIT.

Thank you.