

UN GENERAL ASSEMBLY – SIXTH COMMITTEE

ITEM 99:

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

STATEMENT

BY

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TO THE UNITED NATIONS**

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CHECK AGAINST DELIVERY

Mr. Chairman

Liechtenstein strongly condemns all acts of terrorism, irrespective of their motivation, wherever and by whomever committed. We also reaffirm our commitment to contribute to the fullest extent to the international fight against terrorism in all its aspects, including through cooperation with the relevant UN bodies. In this respect, Liechtenstein welcomes the successful review of the implementation of the United Nations Counter-terrorism Strategy in early September 2008, during which Member States reaffirmed their commitment to the Strategy in its entirety. In our view, the important work on the Strategy carried out by Member States at the plenary level and by the Secretariat through its Counter-terrorism Implementation Task Force must be taken into account by the Sixth Committee and should not be duplicated. We would like to reiterate our suggestion made during the last session that the Sixth Committee reduce the text of its annual resolution to the absolute minimum necessary, and spend as little time as possible on the respective consultations. Instead, we should focus our attention on the conclusion of the negotiations on the draft Comprehensive Convention against Terrorism, the most important outstanding task.

Mr. Chairman

We commend the efforts of our Coordinator, Mrs. Maria Telalian (Greece), during earlier sessions of the Sixth Committee and the Ad Hoc Committee. Her tireless consultations during difficult times of impasse have allowed her to elaborate a compromise proposal for the consideration of all delegations. During the last session of the Ad Hoc Committee, we noted with satisfaction that an increasing number of delegations expressed support for that proposal, and that others appeared ready to study the text in detail.

We believe that the approach taken in the Coordinator's proposal is the only possible avenue for a compromise. **In our view, it is a legally sound and politically realistic proposal that deserves the most serious consideration by all delegations.**

In past statements we have explained in much detail the reasons why we endorse this approach to a compromise. Furthermore, the Coordinator has given ample explanations herself as well, which are part of the public record of our work. Without going into detail, we would like to emphasize again the most important principles which form, in our view, the basis of a possible solution:

- (1) While the compromise text refers mainly to article 18 of the draft Convention which deals with exceptions from the Convention regime, we must consider the text in the **context** of the other provisions of the draft Convention, and in the wider framework of international conventions in this area. Many concerns regarding the drafting of the proposal are addressed when the text is read in the required context.

- (2) The Convention will be an important supplement to and fill the gaps between the sectoral conventions. The Comprehensive Convention will not on its own provide the overarching legal **definition** of terrorism, but only in conjunction with the existing instruments.
- (3) The Convention will not affect the right to **self-determination**, and it will also not make a “distinction” between terrorism and the right to self-determination. In fact, neither the Coordinator’s text nor any of the proposals on the table could be interpreted in such a manner. In the exercise of the right to self-determination, however, all actors must still abide by the rules governing such actions, in particular international humanitarian law.
- (4) The Coordinator’s proposal is mainly aimed at clarifying the **relationship** between the Convention and **international humanitarian law**. This stems from the conviction that the Convention should not interfere with the rules of armed conflict by criminalizing conduct which would otherwise not be prohibited under international humanitarian law. In other words, those who play by the rules of armed conflict should not be prosecuted as terrorists at the international level. We are convinced that all States have an interest in maintaining that balance which constitutes a core element of IHL.
- (5) The Coordinator’s proposal does not impose on future States Parties rules of international humanitarian law by which they were not bound before. All references to international humanitarian law in the draft Convention have to be understood as referring to **“applicable” rules of IHL**.
- (6) The draft Convention does not explicitly address the concept of **“State terrorism”**, but it does also not entirely exclude it, since the scope *ratione personae* in Article 2 covers “any person”, whereas Article 18 paragraphs 2 and 3 exclude only military personnel in specific situations. This is consistent with a number of sectoral conventions which either do not exclude State actors from their scope, or do so only to a limited extent.

Mr. Chairman,

We have reached a point in our consultations where we can achieve only so much with legal drafting and fine-tuning. The time has come for us to muster the necessary political will for a compromise. We realize that this involves difficult concessions and requires a great degree of trust among the negotiating parties. We are under no illusions that it would be possible for us to agree on the outstanding issues during this session of the Sixth Committee and its Working Group. But we sincerely believe that we must now lay the ground work for a successful and final session of the Ad Hoc Committee in 2009.

I thank you.