

UN GENERAL ASSEMBLY – SIXTH COMMITTEE

ITEM 106:

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. We are pleased to report that Liechtenstein has now ratified all 13 universal counter-terrorism treaties and the amendments thereto. Furthermore, Liechtenstein is continuing its dialogue with the Security Council's Counter-terrorism Committee, to which we have reported six times so far.

Turning to the work ahead for this Committee under this agenda item, we would like to reiterate that we should spend as little time and resources as possible on the ritualistic negotiation of the our annual resolution. Instead, once again, we should focus our attention on the conclusion of the negotiations on the draft Comprehensive Convention against Terrorism. We must do our utmost to prevent these negotiations from becoming ritualistic, too.

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. And we are encouraged that a significant and continuously growing number of delegations have expressed strong support for, or interest, in her compromise proposal. She has tirelessly explained the rationale behind the proposal, and these explanations are on record in the Sixth Committee, the Ad Hoc Committee and the Working Group. We continue to believe, more than ever, that the approach taken in the Coordinator's proposal is the only possible avenue for a compromise. It is a legally sound and politically realistic proposal that deserves the most serious consideration by all delegations.

My delegation has frequently and in some detail explained why we support the proposal, and will therefore refrain from repeating these legal considerations. For reference purposes, some of these considerations are attached to the written statement distributed in the room. We wish to emphasize, however, our understanding that the compromise proposal clarifies issues related to the application of international humanitarian law in a manner that could already be read into Article 18 of the Coordinator's text, in particular as paragraph 1 of the existing draft article already refers to the integrity of IHL.

It is worth noting that the existing 13 counter-terrorism conventions do not use the same language to describe their respective relationship to IHL. But they show a very clear separation from acts which would otherwise be covered by IHL. They exclude, for example, acts against military ships or aircraft, or include only civil aircraft. The Convention against Hostage-taking explicitly excludes situations of armed conflict. The Convention for the Suppression of Terrorist Financing refers to acts against civilians and non-combatants. The more recent Conventions for the Suppression of Terrorist Bombings and for the Suppression of Nuclear Terrorism, as is well known, deal with the issue in the same manner as proposed under current draft article 18. The formulation of that article can indeed be interpreted in such a manner that the integrity of IHL is preserved. But given where we are now in our negotiations, and given how the various partners at the negotiating table have interpreted these provisions, a clarification such as those contained in the compromise proposal is needed to seal the deal.

I thank you.

Annex

Excerpts from the October 2008 Liechtenstein statement:

- (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.