

41st meeting  
6 March 2008  
10:00 a.m.  
Conference room 1

AD HOC COMMITTEE  
ESTABLISHED BY GENERAL ASSEMBLY  
RESOLUTION 51/210  
Twelfth Session  
25, 26 February and 6 March 2008

**Statement by Ms. Maria Telalian (Greece) on the informal contacts on  
the draft comprehensive convention**

Thank you very much Mr. Chairman. I will be brief.

Distinguished delegates,

Following my statement on 25 February, the Chairman and I have held further informal contacts with delegations these past several days. These informal contacts were held on Monday, 25 February, and Tuesday, 26 February, and were announced in the Journal. In addition, meetings were held informally both during last week and this week, either bilaterally or in groups. These contacts afforded us the opportunity to engage further in discussions on the outstanding issues surrounding the draft comprehensive convention on international terrorism and to seek ways of moving the process forward, particularly in the light of the text containing elements of a package that was presented during the 2007 session of the Ad Hoc Committee. Explanations regarding the elements have already been offered in detail on previous occasions and I shall therefore refrain from repeating them here.

In these contacts delegations shared with us their hopes and concerns and we tried to offer clarifications on what is intended by the proposed text. It is very pleasing to note that delegations have continued to display a positive attitude. Their continued interest in

completing the draft convention is encouraging, and so is their willingness to show flexibility in finding solutions to the outstanding issues surrounding draft article 18 on the basis of a package. I was particularly encouraged by the fact that more and more delegations are expressing support for the proposed elements, which they consider constitute a viable and legally sound solution to completing our task on the draft convention. I was also pleased that some other delegations signaled an interest to seriously consider the proposed elements as constitutive of an overall package which would lead to the completion of the text. These delegations convey this message in the hope that the package will facilitate the reaching of a consensus. Yet some other delegations, while remaining committed to the current process, reconfirmed that their proposals remain on the table.

In my numerous conversations with delegations, I could not fail to detect a tendency to read specific situations, events and circumstances into the proposed text. I suppose this is a natural inclination and indeed there are some delegations that find the elements as not being fully reflective of their concerns. However, it is important to stress that the proposed elements are drafted in such a way as to project principles that clarify the relationship with, and safeguard the application of, other legal regimes, and in particular international humanitarian law. The draft convention will not exist in a legal vacuum, it will operate in the context of an overall international legal framework. Ultimately, it will be for the parties to the convention and consequently their judicial authorities to make interpretations in the light of the specific circumstances in each case in accordance with well established canons of treaty interpretation.

As we are all aware, this is a criminal law enforcement instrument. Parties to the convention will be responsible for its implementation in the context of other rules that form part of the international legal system. In any given situation, the parameters of consideration may be different. What is key for purposes of interpretation and application is the principle that international humanitarian law is not prejudiced by this convention nor does the convention seek to restrain the development of that law. The draft convention, as has been emphasized many times, is not intended to impose international

humanitarian standards on States who will become parties to them if they are not bound by such standards, neither does the convention supersede such obligations where they already exist. Also key is the principle that there is no impunity in respect of military forces of a State who may commit offences that may be similar to the ones the convention proscribes as these will be prosecuted under other applicable laws. Paragraphs 1 to 5 of draft article 18 build some flesh around these principles.

I continue to believe that legally the solution that is currently on the table is one that will overcome the difficulties that exist. I strongly feel that it constitutes elements of a viable package for the completion of the draft convention. I cannot stress enough the importance of political will for us to bring the process to the next level and conclude our work. This is not an endless process, and we cannot rest on our laurels and hope that we can start the process all over again. The necessary political will requires us to appreciate that this draft convention will operate against the background of other regimes which should be safeguarded to the extent that the international legal system allows. To achieve a positive outcome requires a spirit of compromise and accommodation. I am confident that the current session will have generated momentum and a better appreciation of the proposed elements as a possible way forward. Obviously the months ahead will determine the future of the draft convention and it is our responsibility to seize the moment and respond resolutely.

Let me conclude by thanking all delegations for their assistance and cooperation. I can only wish that our concerted efforts will soon bear fruit. I also wish to express my appreciation to the Secretariat for its valuable and helpful assistance throughout the session as well as during the bilateral contacts organized during the intersessional period.

Thank you.