



PERMANENT MISSION OF THE PRINCIPALITY OF LIECHTENSTEIN  
TO THE UNITED NATIONS

61<sup>ST</sup> SESSION OF THE GENERAL ASSEMBLY, SIXTH COMMITTEE

ITEM 100

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

STATEMENT

BY

MR. STEFAN BARRIGA  
LEGAL ADVISER  
PERMANENT MISSION  
OF THE PRINCIPALITY OF LIECHTENSTEIN  
TO THE UNITED NATIONS

NEW YORK, 11 OCTOBER 2006

CHECK AGAINST DELIVERY

Mr. Chairman

At the outset, I would like to offer our profound sympathy and compassion to all those affected by acts of terrorism. 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.

Only two weeks ago, the General Assembly launched the United Nations Counter-terrorism Strategy, which Liechtenstein fully supports. In our view, the Sixth Committee, in considering the item "Measures to eliminate international terrorism", must take this development into account. There is now a separate process established at the level of the GA plenary which deals with the question of terrorism in a comprehensive and regular manner. In our view, the Sixth Committee should not duplicate the negotiations just concluded, but instead focus its attention on the main outstanding task, the conclusion of the negotiations on the draft Comprehensive Convention against Terrorism.

Mr. Chairman

The World Summit 2005 had mandated us to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism during the last session of the General Assembly. In order to finally complete this overdue task, we need political will and pragmatism, as well as proactive leadership and real negotiations.

In these negotiations, we need to focus on the text in front of us and its legal interpretation. Such an approach should allow us to consider the merits of the text rather than its political implications and to reach a number of conclusions which are quite different from many of the political arguments which have so far prevented us from concluding the Convention:

**The Convention will not give us the final, overarching definition of terrorism.** It is well known that the existing international conventions in this area cover a wide range of terrorist acts, so that the draft Convention will have little to add in terms of scope. Virtually all terrorist attacks which were committed over the past years would by their nature fall under the scope of the Bombing Convention. The draft Convention would mainly fill the gaps between existing conventions, since these are based on the description of specific acts. In addition, the Comprehensive Convention would be relevant in cases which relate to States which are not Parties to an otherwise applicable sectoral Convention, but which are Parties to the Comprehensive Convention. We recall, in this context, that all States are called upon to ratify all sectoral conventions in accordance with the United Nations Counter-Terrorism Strategy.

**The Convention will not affect the right to self-determination, and it will not make a “distinction” between terrorism and the right to self-determination:** In our view, the phrase that there should be a *“distinction” between terrorism and the right to self-determination* is very easy to misunderstand and should thus be avoided. In fact, neither the Coordinator’s text nor any of the proposals on the table use this phrase. Instead, draft Article 18 paragraph 1 states that nothing in the Convention “shall affect other rights, obligations and responsibilities of States, peoples and individuals under international law”. It should be noted that the OIC proposal on Article 18 uses the same language to express the idea that the Convention does not interfere with the right to self-determination. 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. Even in such a situation, civilians and non-combatants may not be targeted, and other rules of the laws of armed conflict must be respected.

With respect to the interface of the draft Convention and international humanitarian law, my delegation has during the last session of the Sixth Committee offered an idea for a proposal aimed at clarifying the **relationship between the Convention and international humanitarian law**. This proposal provides in essence 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. We hope to continue discussions with interested delegations on this concept, which is intended to facilitate an agreement on the outstanding issues.

**The Convention will not explicitly address the concept of “State terrorism”, but it will also not exclude it.** We have heard many times that the draft Convention does not solve the issue of State terrorism. It should be noted, however, that Article 2 of the draft includes “any person” in the scope of the Convention, whereas Article 18 paragraphs 2 and 3 exclude military personnel in specific situations. In addition, Article 2 paragraph 4 also brings those who participate as accomplices, or who organize or direct terrorist offences under the scope of the Convention. There is thus much room to see acts which might be qualified as “State terrorism” as covered under the regime of the Convention.

**The Convention will not be comprehensive.** As stated before, the Convention will merely complement the extensive existing regime of international instruments in this area, and not supersede them. The Convention would thus more accurately be described as “general” instead of “comprehensive”. This would reflect the fact that the scope of the Convention in Article 2 is defined in a more general manner than in the existing sectoral Conventions.

Mr. Chairman,

My delegation hopes that these considerations would help to bring us closer to an agreement on the draft Convention. We stand ready to participate constructively in these discussions.

I thank you.