

Sixty-sixth session

Sixth Committee

Agenda item 109

Measures to eliminate international terrorism

Oral report by the Chairman of the Working Group

Introduction

1. Pursuant to General Assembly resolution 65/34 of 6 December 2010 and upon the recommendation of the Ad Hoc Committee established by the General Assembly in its resolution 51/210 of 17 December 1996, the Sixth Committee decided, at its 1st meeting, on 3 October 2011, to establish a working group with a view to finalizing the draft comprehensive convention on international terrorism and to continue to discuss the item included in its agenda by the Assembly in its resolution 54/110 of 9 December 1999, in which the Assembly addressed the question of convening a high-level conference under the auspices of the United Nations.
2. At the same meeting, the Sixth Committee elected Mr. Rohan Perera (Sri Lanka) as Chair of the Working Group. It also decided to open the Working Group to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency.
3. In keeping with its established practice, the Working Group decided that members of the Bureau of the Ad Hoc Committee would continue to act as Friends of the Chair during the meetings of the Working Group. Accordingly, Ms. Maria Telalian (Greece), Ms. Ana Cristina Rodríguez-Pineda (Guatemala), Mr. Dire David Tladi (South Africa) and Mr. Petr Válek (Czech Republic) served as Friends of the Chair.
4. The Working Group had before it the report of the Ad Hoc Committee on its fifteenth session (A/66/37), together with the 2010 report of the Working Group (A/C.6/66/L.10). It also had before it the letter from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General, dated 1 September 2005 (A/60/329), and the letter dated 30 September 2005 from the Permanent Representative of Egypt to the United Nations addressed to the Chair of the Sixth Committee (A/C.6/60/2).

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5. The Working Group held four meetings, on 17 and 19 October and on 1 November 2011. It also held informal consultations on 17 and 19 October. At its 1st meeting, on 17 October, the Working Group adopted its work programme and decided to proceed with discussions on the outstanding issues relating to the draft comprehensive convention on international terrorism and, thereafter, consider the question of convening a high-level conference under the auspices

of the United Nations, to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. The Chair, together with the Coordinator of the draft comprehensive convention, Ms. Maria Telalian, also held several rounds of bilateral contacts with interested delegations on the outstanding issues relating to the draft comprehensive convention.

6. At its 4th meeting, on 1 November, the Working Group received an oral report on the results of the bilateral contacts held during the current session.

7. The following section of the present report constitutes an informal summary for reference purpose only, not an official record of the proceedings, of the exchange of views, starting with the exchange of views in the Working Group.

Informal summaries prepared by the Chairman of the Working Group of the results of the informal consultations on the draft comprehensive convention and on the question of the convening of a high-level conference

A. Draft comprehensive convention on international terrorism

8. Delegations commented on the outstanding issues concerning the draft comprehensive convention during the first plenary meeting on 17 October, the fourth meeting on 1 November and at the informal consultations held on 17 and 19 October 2011. In the course of the discussions, the Coordinator on the outstanding issues surrounding the draft convention, Ms. Maria Telalian (Greece), also responded to the comments made by delegations and offered clarifications.

1. (a) Comments of delegations

9. Delegations reiterated the importance they attached to the early conclusion of the draft comprehensive convention. Some delegations expressed their conviction that, with the necessary political will, the remaining outstanding issues could be resolved. Several delegations stressed the need to conclude work at the current session and indicated that they were ready to proceed on the basis of the 2007 proposal, observing that it still had not been rejected by anyone. Indeed, it was noted that support for the proposal had grown over the years. The point was however also made that it would not be beneficial to proceed hastily in the negotiations. Some delegations also emphasized that the negotiations had been going on for many years and that the 2007 proposal made by the Coordinator, as a compromise text, had been on the table for four years without generating a clear advance in the negotiating process. Recalling that many delegations had expressed support for the Coordinator's proposal, and in order to allow for a substantive debate, those delegations still experiencing difficulties with the text were strongly urged to provide more concrete feedback on the proposal rather than to reiterate well-known positions. While several delegations emphasised that work on the draft convention should be guided by the principle of consensus, the view was also expressed that consensus should not be an end in itself.

10. Concerning the outstanding issues surrounding the draft convention, several delegations reaffirmed their full support for the 2007 proposal made by the Coordinator and considered that it constituted a viable, legally sound compromise solution. They further stressed that, as a compromise package, the proposal should not be reopened; the proposal, albeit not perfect, constituted a carefully balanced compromise text that effectively sought to address the various concerns raised throughout the negotiations, leaving room for constructive ambiguity. It was reiterated that the draft convention should be viewed as a criminal law instrument, dealing with individual criminal responsibility. The proposal properly respected the integrity of international humanitarian law and allayed any concerns regarding impunity. Moreover, attention was drawn to the fact that terrorist acts during armed conflict would constitute a war crime under international humanitarian law and, as such, perpetrators would be accountable under that regime, as well. While some other delegations reiterated their preference for the proposal made by the former Coordinator in 2002, they were willing to accept the 2007 proposal, as is, in a spirit of compromise if this could lead to the adoption of the draft convention.

11. While some delegations reiterated their preference for the 2002 proposal made by the Organization of the Islamic Conference (now the Organization of Islamic Cooperation) they stated their willingness to continue to consider the Coordinator's 2007 proposal. They nevertheless stressed that it was essential to address the pending substantive issues, which, in their view, the proposal did not deal with in a satisfactory manner. It was also stated that constructive ambiguity in the text did not resolve the remaining concerns and would result in conflicting interpretations. In this context, the need for a clear legal definition of terrorism, which distinguished terrorism from the legitimate struggle of peoples fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right to self-determination, as enshrined in the Charter of the United Nations, was emphasized. The view was also expressed that the draft convention should also cover acts by individuals that effectively control armed groups, whether during armed conflict or in peacetime, when those acts are not covered by international humanitarian law. It was further pointed out that international humanitarian law related issues should be addressed in terms appropriate for that legal regime. In view of the comprehensive nature of the draft convention, which should not be seen only as a law-enforcement instrument regulating cooperation and coordination among States, the necessity of including activities undertaken by military forces of a State in peacetime, as well as the need to address the issue of State terrorism, was underlined.

12. In this connection, while some delegations expressed the view that the 2007 proposal merited serious consideration and should constitute the basis for further negotiation, they pointed out that it was important to remember that all other proposals remained on the table, including those relating to draft article 2 (see, A/C.6/65/L.10, Annex II). It was recalled that nothing was agreed until everything was agreed.

13. Concerning future work, some delegations were of the view that in case the current impasse in the negotiations continued, it may be time to reconsider the working methods and the overall negotiation processes. In this context, the possibility of taking up the agenda item on Measures to eliminate international terrorism on a biennial basis, alternating with the

biennial review of the United Nations Counter-Terrorism Strategy – a proposal made during the general debate of the Sixth Committee – was referred to. It was also suggested that possible meetings outside the framework of the Working Group or the Ad Hoc Committee might allow for a more constructive dialogue. A proposal to link the two items on the agenda of the Ad Hoc Committee in order to move the process forward, adopting a two step approach consisting in adopting the draft convention first while also agreeing definitively on the convening of the High-Level Conference, was also reiterated (see A/C.6/65/L.10, annex III, para. 14). The view was also expressed that a clear plan of action on how to move forward was necessary at this stage.

(b) Summary of clarifications made by the Coordinator

14. During the informal meetings on 17 October, the Coordinator recalled the rationale behind the elements of an overall package that she had presented in 2007 during the eleventh session of the Ad Hoc Committee (A/62/37). In particular, the Coordinator observed that during the negotiations on the draft convention, three main concerns had been expressed by delegations, namely, (a) the need to safeguard in the draft convention the right of peoples to self-determination as reflected in the Charter of the United Nations and under international humanitarian law, (b) the need to address activities undertaken by armed forces during an armed conflict, as those terms are understood in international humanitarian law, the law which continues to govern in that respect, and (c) the need to address the activities of military forces of States in peacetime. This latter element also took into account the notion of State terrorism. She further reminded delegations that she had presented, on numerous occasions, the rationale behind the elements of an overall package, which consisted in an additional preambular paragraph, an addition to paragraph 4 and a new paragraph 5 of draft article 3 (former draft article 18) (see A/62/37; A/C.6/62/SR.16; A/63/37; A/C.6/63/SR.14; A/64/37; A/C.6/64/SR.14; A/65/37; A/C.6/65/L.10; and A/66/37). The elements of an overall package had been the outcome of intensive deliberations spanning several years among delegations in an effort to find consensus, at a time when the negotiations were presented with essentially two competing positions. They thus represented an attempt at a compromise solution and it was neither in the spirit of the proposal nor in its underlying motivation to reopen the text for amendments. It was recognized that many delegations might not be fully satisfied with the text; this however constituted the essence of compromise.

15. While it was true that the proposal contained some constructive ambiguity, the Coordinator requested delegations to keep in mind that the interpretation of the convention was the primary responsibility of the States parties of the eventual instrument and that one should not attempt to interpret the terms in the abstract. It was essential to apply its provisions, setting out agreed principles, to the specific circumstances at hand, with proper knowledge of the elements surrounding a particular situation.

16. The Coordinator further reminded delegations that draft article 3 had to be read as a whole and together with the other provisions of the convention, in particular draft article 2. Moving draft article 3 closer to draft article 2 had indeed been important in providing a better understanding of the relationship between the two articles.

17. On the scope *ratione personae* of the draft convention, the Coordinator reiterated that the draft convention was a law enforcement instrument, ensuring individual criminal responsibility based on the obligation to extradite or prosecute (*aut dedere aut judicare*). The individual and not the State was thus at the centre of the draft convention, an approach followed consistently with regard to the sectoral counter-terrorism instruments. The Coordinator nevertheless noted that other fields of law, including the Charter of the United Nations, international humanitarian law, and the law of the responsibility of States for internationally wrongful acts, addressed the obligations of States. Moreover, the draft convention contained some provisions concerning the obligations of States. The Coordinator also pointed out that paragraph 1 of draft article 2 was concerned with any person who commits an offence unlawfully and intentionally. The phrase *any person*, together with the term *unlawfully*, was key to the understanding of the scope *ratione personae* of the convention.

18. Turning to draft article 3, the Coordinator recalled that it was aimed at carving out from the scope of the convention certain activities essentially because they were already regulated by other fields of law. It was a safeguard clause framed as an applicable law clause. In this context, the Coordinator emphasized that the convention would not operate in a vacuum but would be implemented in the context of an overall legal framework. It was thus essential to respect the integrity of those other fields of law. The Coordinator pointed out that paragraph 1 constituted, in her view, one of the most important provisions since it sets out the principles underpinning what was safeguarded and unaffected by the draft convention, namely other rights, obligations and responsibilities of States, peoples and individuals under international law, including the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations. In response to a question why these principles had not been drafted in more familiar language, such as that set out in the Charter of the United Nations or in international humanitarian law instruments, the Coordinator clarified that the provision intended to make it clear, without any doubt, that there are certain activities that should be treated the same way under the convention as under international humanitarian law, without going beyond, or redrafting, existing obligations under that legal regime. The aim was simply to provide a *renvoi*; in particular existing international humanitarian law principles continue to subsist in respect of an entire category of activities. This was further accentuated when the article as a whole was read together with the new paragraph 5.

19. Addressing paragraph 2 of draft article 3, the Coordinator recalled that the terms in this provision were terms employed under international humanitarian law and had taken on a very specific meaning over the years in the development of that law. She further emphasized that excluding the activities of armed forces during armed conflict did not in any way signify a *carte blanche*. On the contrary, the paragraph clarifies that international humanitarian law governs such activities, as well as its terms, such as armed conflict, including various manifestations in the theatre of armed conflict, and armed forces etc., as understood by that

law. It was recalled that the exclusionary elements had been framed as applicable law clauses because the present convention would operate against the background of an already existing legal framework in which a panoply of rules already applied and would continue to apply. If the activities involved were prohibited under international humanitarian law, they would be punishable under such laws. She further drew attention to several principles under international humanitarian law that guided States' actions during an armed conflict. It was important to keep these in mind, such as the requirement to distinguish between civilians and combatants, the principle of proportionality and the principle prohibiting infliction of unnecessary suffering. The Coordinator also recalled an important understanding on which no dispute existed, namely that civilians would under no circumstances constitute a legitimate target, neither in armed conflict nor in peacetime.

20. The Coordinator recalled that paragraph 3, as read with paragraph 4, concerned activities of military forces of a State in peacetime. Such activities were subject to military law, under which jurisdiction follows the soldier; moreover, when such forces were engaged in peacekeeping operations, different rules of engagement applied. It was noted that it had always been understood that the paragraph intended to address both procedural and substantive aspects. In order to accentuate that no impunity was intended and to remove any doubt as to the scope of paragraph 3, an addition had been made to paragraph 4 of the same article as well as a new preambular paragraph. These new elements stressed that there are some crimes that should remain punishable irrespective of the regime that would apply.

21. Turning to the new paragraph 5 of draft article 3, which was framed as a "without-prejudice" clause, the Coordinator explained that this paragraph sought to delineate the activities governed by the convention and the activities governed by international humanitarian law. She reiterated that the term "lawful" employed in the paragraph should, from an international humanitarian law perspective, properly be understood with its double negative connotation as "not unlawful acts", since international humanitarian law did not in a literal sense define which acts were "lawful", but defined which acts were prohibited. However, in view of the need to distinguish those acts that were "unlawful" under paragraph 1 of draft article 2, the term "lawful" in paragraph 5 had been used as being more appropriate in the circumstances. The Coordinator further stressed that the draft article did not purport to modify existing obligations under international humanitarian law or introduce additional obligations under that law.

2 (a) Summary of the Coordinator concerning issues to be addressed in a draft accompanying resolution

22. Looking at the next steps, the Coordinator recalled that in the 2010 Working Group, she had highlighted the fact that it might be necessary, as the negotiating process approached the sunset, to capture a number of the issues that remained and seemed intractable, as a way of managing expectations, in a draft resolution that would accompany the instrument to be adopted. Indeed, some delegations had commented on the need to translate the outline of the elements into resolution language. She recalled the various points that she had raised at the

2010 Working Group (A/C.6/65/L.10, Annex III, section A.3, para. 23) and proposed a draft text, which read as follows:

The General Assembly,

Recalling its resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and resolutions 51/210 of 17 December 1996 and 53/108 of 8 December 1998,

Recalling also the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, annexed to General Assembly resolution 2625 (XXV) of 24 October 1970,

Reaffirming the duty of every State to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when these acts involve a threat or use of force, and noting that it constitutes an obligation under customary international law,

Reaffirming, in the context of combating international terrorism, the importance of maintaining the integrity of international humanitarian law,

Reaffirming also that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and must adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Having considered the text of the draft United Nations Convention for International Cooperation in the Prevention and Suppression of International Terrorism prepared by the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and the Working Group of the Sixth Committee,

1. *Adopts* the United Nations Convention for International Cooperation in the Prevention and Suppression of International Terrorism annexed to the present resolution, and requests the Secretary-General to open it for signature at United Nations Headquarters in New York from ... to ...;

2. *Urges* all States to sign and ratify, accept, approve or accede to the Convention;

3. *Decides* that the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations shall continue to be discussed in the context of the agenda item on Measures to eliminate international terrorism.

23. The Coordinator emphasized that the draft accompanying resolution should be considered part of the overall compromise package and was presented in order to provide a better overview of where things stood.

(b) Comments of delegations

24. Some delegations considered it premature to consider the text of the draft accompanying resolution. From a procedural point of view, it was argued that the discussions on the draft resolution should not take place prior to an agreement on the text of the draft convention. Such a process would in their view lead to two parallel negotiation processes, complicating the discussions on the outstanding issues. It was also observed that the outstanding issues surrounding the draft convention were of a legally substantive nature that could not be resolved through an accompanying resolution. These legal complexities, which had not been satisfactorily addressed in the draft resolution, needed to be resolved in the context of the draft convention. In particular, the view was expressed that any accompanying resolution needed to address the issues of State terrorism, the right of peoples to self-determination as well as the root causes of terrorism. In addition, reference should be made to all General Assembly resolutions on international terrorism since 1972, when the Assembly first began its consideration of this agenda item. The point was also made that the resolution should expressly set forth the understandings that paragraph 1 of draft article 3 signified that the convention would not prejudice the right to self-determination and that paragraph 2 of the same article covered acts that were not governed by international humanitarian law.

25. Some delegations, while reserving their position on the content of the draft resolution, expressed support for the initiative and considered it a genuine and welcomed attempt to overcome the current impasse. It was recalled that the Sixth Committee, as well as other legal bodies, had adopted similar approaches on several occasions in the past in order to resolve difficult outstanding issues, and any understanding formed an integral part of the substantive provisions. It was important not to discard the potential of such a resolution as a tool to move the negotiations forward, irrespective of any perceived difference in legal status between the convention and the resolution. It was also pointed out that in view of the proposal to proceed further with a proposed two-step approach, operative paragraph 3 of the draft resolution could be redrafted to definitively decide on the convening of the high level conference. It was also observed that the draft resolution appropriately drew attention to the need to respect the integrity of international humanitarian law.

26. The view was also expressed that the debate in the Working Group at the current session had evidently demonstrated the different views that existed on the scope of the draft convention and that it had become clear that there was no consensus that seemed to be coalescing towards conclusion of the negotiations. The outstanding issues concerned the very understanding of basic concepts and could not be resolved through competing interpretations. Notwithstanding the value of an accompanying resolution, it would not resolve these underlying differences.

27. In response to the comments made by delegations, the Coordinator reiterated that the draft accompanying resolution was not intended to detract from the outstanding issues, it should be seen as part and parcel of the elements overall package proposal. She recalled that when explaining the rationale behind the 2007 proposal, she had sought to clarify how the elements addressed the outstanding issues and what could and could not be resolved in the text of the draft convention. The draft accompanying resolution was an authentic reflection of issues covered in the elements of the package proposal, and was meant to supplement the elements to the extent that lingering concerns could be assuaged. In this context, she urged delegations not to look at the draft resolution from a procedural perspective but as an attempt to reach consensus, employing tested methods in the context of previous negotiations of the Sixth Committee and which offered an interpretative tool to understanding the provisions of the convention. In her view, this was the only way out of the impasse.

3 (a) Summary of the statement of the Coordinator on the bilateral contacts

28. In her statement on the bilateral contacts concerning the draft comprehensive convention on international terrorism made during the fourth meeting of the Working Group, held on 1 November 2011, the Coordinator reported that since the Working Group had commenced its meetings, she had had an opportunity to discuss with delegations in informal contacts the issues surrounding the draft comprehensive convention. She stressed that while delegations remained keen to conclude the draft convention, there was also a sense of growing frustration on the way forward.

29. The Coordinator recalled that she had once more taken the opportunity to explain the rationale of the elements of the 2007 proposed package, in the hope that it would be possible to have a better appreciation of the text as presented, bearing in mind the state of affairs existing in 2002. She also recalled that she had sought to explain that the draft accompanying resolution that was presented at the current session was to be seen as part of the overall picture as delegations sought to conclude the negotiations. In the Coordinator's view, the differences that existed, in legal terms, were not so far apart as would justify the protracted nature of the engagement; it was only a matter of summoning the necessary political will to overcome the difficulties. With respect to draft article 3 (formerly draft article 18), the text presented by the former Coordinator in 2002 and the text presented by the Organization of Islamic Conference (now the Organization of Islamic Cooperation), also in 2002, employed corresponding language in their paragraphs 1 and 4. The difference between the two texts only appeared in the terms used in paragraphs 2 and 3. In paragraph 2, the phrase "the activities of armed forces during an armed conflict" was used in one instance while in another the phrase read "the activities of the parties during an armed conflict, including in situations of foreign occupation". In the past, the Coordinator had analysed how these terms had to be appreciated, namely from the perspective of international humanitarian law, the law which, each of the provision provided, was supposed to govern. Moreover, the terms used were supposed to be interpreted by recourse to that law. In paragraph 3, the phrase "inasmuch as they are governed by other rules of international law" in one case was contrasted with "inasmuch as they are in conformity with international law" in another. It was the differences in paragraphs 2 and 3 that the elements of the overall package had largely sought to address.

30. The Coordinator expressed her hope that as delegations reflect further on the 2007 elements, particular attention would be paid to the differences that delegations had been trying to overcome, bearing in mind, in particular, the principled position that all seemed to agree upon that the integrity of international humanitarian law ought to be preserved.

31. The Coordinator also reported that one of the central issues in the conversations with delegations was the question of where the negotiations should proceed from now on. She sensed there was a clear majority that would be more than supportive of adopting a convention on the basis of the 2007 elements of the package. At the same time, there was a general wish to proceed on the basis of general agreement; that was why delegations had been seeking to explore all avenues that would enable them to proceed with all on board. There were some delegations which saw the whole effort as an exercise in futility unless those that continued to wish for consensus demonstrated the necessary political will to advance further. It had been suggested to the Coordinator that it may be opportune for delegations to be allowed some space for reflection so that when they meet once more it would be possible for all to take the necessary decisions on the way forward. In this connection, it was noted that the question of regularity of meetings had been raised, noting in particular that to meet in Spring for five days did not offer any greater prospects for making further progress. The question was thus posed whether meeting twice a year remained a viable alternative, particularly when the prospects of a different outcome being reached in a few months time appeared remote. Moreover, some delegations had emphasized the need to seriously consider the possibility of convening the working group of the Sixth Committee on a biennial basis. Such a possibility would allow delegations additional time to build the necessary momentum, politically, for a positive outcome that would lead to the conclusion of the draft convention.

32. Finally, the Coordinator stressed that it would be crucial that the delegations' engagement continued until the next time they reconvened, in order to better appreciate the legal issues they were seeking to address. The Coordinator noted that it might be worth pursuing the idea broached by some delegations of having some interaction on the outstanding issues in the margins of the Sixth Committee next year.

(b) Comments of delegations

33. During the fourth meeting of the Working Group, the discussions focused mainly on the procedural questions that the Coordinator had brought to their attention on what steps to take in order to move the process forward, both in relation to the working methods and the frequency and format of meetings. While some delegations recalled that States generally considered the early conclusion of the convention a priority, they also reiterated their positions concerning the proposals on draft article 3 and recognized that the negotiations had reached an impasse.

34. Concerning the frequency of future meetings, some delegations were against the idea of possible suspension of the negotiating process and were of the view that the negotiations

should continue in the Ad Hoc Committee in the Spring. In this context, they noted the progress achieved during the last few years and the priority the international community had placed on the early conclusion of the convention. Moreover, stressing the risk of throwing away ten years of work in case the negotiations were to be suspended, the question from where and on what terms the negotiations would resume was raised. Some other delegations were of the view that time had indeed come to take a break in the negotiations in order to provide some space for reflection and it was suggested that a biennial consideration might be both appropriate and beneficial for the process. It was noted that such a step should not be considered an abandonment of the goal of reaching agreement on the draft convention but would provide an opportunity to consider how best to move forward. It was also observed that the current status of the negotiations was duly reflected in the relevant reports and that the progress already achieved would thus not be lost. The view was further expressed that it might be useful to consider an open-ended meeting outside the established framework of the Sixth Committee and the Ad Hoc Committee. While other delegations were agreeable to the idea of meeting less frequently, they nevertheless considered that the negotiations should continue on an annual basis, in the context of a working group of the Sixth Committee.

35. Some delegations were flexible concerning the frequency of meetings but emphasized that any negotiations on the draft convention had to remain within the framework of the Sixth Committee to ensure transparency and openness in the negotiations. They rejected any suggestion of continuing the negotiations in an outside forum. The point was also made however that any inter-sessional consultations outside would be intended to facilitate and complement discussions on the outstanding issues, and not as a replacement of the existing process.

36. Furthermore, some delegations were of the view that it was not the timeframe of the negotiations that needed to be addressed but the working methods. In this context, they underlined the need for a substantive, interactive and transparent debate which would leave room for exchanges of views on existing texts, as well as on new ideas.

37. The Coordinator noted the flexibility shown by delegations and agreed that in light of the current impasse, it would be useful to reconsider both the frequency of meetings and the working methods. She nevertheless underlined the importance of not losing sight of the progress already made and of the many important understandings that had been reached during the last few years. In her view, the discussions would continue on the basis of the 2007 proposal together with the clarifications she had provided.

38. At the conclusion of the discussion, the Chairman observed that the various procedural issues raised would require further reflection and consideration in the context of the negotiations on the draft resolution on measures to eliminate international terrorism.

B. Question concerning a high-level conference

39. During the informal consultations of the working group held on 19 October 2011, the sponsor delegation, Egypt, recalled the origins and reasons behind its proposal made in 1999

concerning the convening of a high-level conference under the auspices of the United Nations. It explained that a plan of action was needed in order to effectively address all aspects of terrorism in a joint and coordinated manner. The conference would provide a forum to address all the issues related to the fight against terrorism and could contribute to the discussion on the definition of terrorism. It also reiterated that the conference should be considered on its own merits and should not be linked to the conclusion of the draft comprehensive convention. The sponsor delegation further recalled that the proposal had been endorsed by the Movement of Non-Aligned Countries, the Organization of the Islamic Conference (now the Organization of Islamic Cooperation), the African Union and the League of Arab States. It also recalled that both the 2005 World Summit Outcome and the United Nations Global Counter-Terrorism Strategy had acknowledged the necessity of convening the high-level conference.

40. Some delegations reiterated their support for the proposal and expressed that the conference could facilitate the negotiations on the draft convention and mobilize the necessary political will to finalize it. It was pointed out that the conference could provide an opportunity to address issues broader than the outstanding issues of the draft comprehensive convention, including the definition of terrorism. Some delegations reiterated that the conference should be considered on its own merits and not in connection with the draft comprehensive convention. Some delegations noted that time was opportune to agree on definitive dates and called for the convening of the conference in 2012 or 2013.

41. Some delegations, while supporting the convening of the conference in principle, questioned its timing and utility in helping to resolve the outstanding issues of the draft convention. It was stressed that the Working Group of the Sixth Committee and the Ad Hoc Committee established pursuant to General Assembly resolution 51/210 were appropriate forums to continue negotiations on the outstanding issues of the convention. They suggested that the convening of a high-level conference should be discussed only following the conclusion of the draft comprehensive convention.