

PERMANENT MISSION OF SOUTH AFRICA
TO THE UNITED NATIONS
333 EAST 38TH STREET 9TH FLOOR
NEW YORK, NY 10016
Tel: (212) 213-5583 Fax: (212) 692-2498
E-mail: pmun@southafrica-newyork.net

# STATEMENT BY THEMBILE JOYINI, LEGAL ADVISER OF THE PERMANENT MISSION OF SOUTH AFRICA TO THE UNITED NATIONS

# IN THE SIXTH COMMITTEE OF GENERAL ASSEMBLY UNDER AGENDA ITEM 107 "MEASURES TO ELIMINATE INTERNATIONAL TERRORISM"

8 OCTOBER 2014 NEW YORK

Check against delivery

## Mr Chairman

Thank you for affording South Africa the floor again, now, to say something in our national capacity. Let me start by associating this delegation's statement with the statement delivered yesterday by this delegation speaking on behalf of the African Group and the statement delivered by the distinguished representative of the Islamic Republic of Iran speaking on behalf of the Non-Aligned Movement.

# Mr Chairman

My delegation wishes, once again, to place on record its abhorrence of all forms of terrorism. Acts of terrorism constitute fundamental violations of international law and human rights. It is common cause that a historic high-level summit of the UN Security Council held on 24 September 2014, focusing on the surge in Foreign Terrorist Fighters worldwide took place at a right time. At this session, the Security Council adopted a resolution, creating a new policy and legal framework for international action in response to this threat. In this resolution, for the first time ever, the Council underscores that Countering Violent Extremism is an essential element of an effective response to the Foreign Terrorist Fighters phenomenon. While most speakers acknowledged that a military and security approach to the international spread of terrorism was necessary in the short term, they stressed the need for a comprehensive approach that addressed marginalization, long-standing conflicts and other factors that attract individuals to extremism.

### Mr Chairman

To date, the Ad Hoc Committee on Measures to Eliminate Terrorism established by General Assembly resolution 51/210 has produced a number of international conventions on terrorism. While the thematic conventions on counter-terrorism are well received by states, many delegations including mine are of the view that a comprehensive convention that would deal with issues of law enforcement in a cross-cutting manner is necessary. The Ad Hoc Committee thus proposed the elaboration of a Comprehensive Convention that would deal with law enforcement issues, including cooperation in the area of countering terrorism. For this reason, as you may recall Mr Chairman, the primary focus of the Ad Hoc Committee has been the elaboration of a Comprehensive Convention on Counter-Terrorism since 1999. Since 2000 negotiations on the draft Comprehensive Convention have been stuck on the question of a definition, in particular on the question of,

which acts are to be excluded from a definition of terrorism and which acts are to be included.

# Mr Chairman

During the Ad Hoc Committee meeting in April 2013, South Africa expressed concern at the seeming inability to make progress and suggested that after fourteen years the time has come to make a decision and that, from our perspective, there are three possible options. The first and preferable option was that we agree to adopt the Convention on the basis of the 2007 text. The second option was that, in order to preserve whatever progress has been made, we package a consolidated text including all proposals and recommend a "pause" in the process to the General Assembly. The final option was that we simply concede that there is no consensus and we abandon efforts to elaborate a Convention. The meeting opted for the second option which is a "pause". We hope that member states would have used the aforementioned "pause" to reflect on negotiations with a view to trying to reach consensus.

### Mr Chairman

Allow me to reiterate the reason for our position. Continuous annual meetings without any substantive discussion or movement can no longer be justified. We are of the view that we cannot continue meeting in these various fora, at great expense, if there is no political will to adopt a Comprehensive Convention on Counter-terrorism. If delegations are not able to reach consensus despite what is currently happening, then difficult choices have to be made. We have reached the point where a decision, one way or the other, must be made. We either adopt a Convention or call it a day.

I thank you for your attention.