



# INDIA भारत

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**STATEMENT BY MR. KOTESWARA RAO  
COUNSELLOR [LEGAL ADVISER]**

**ON AGENDA ITEM: 84**

**“EFFECTS OF ARMED**

**CONFLICTS ON TREATIES’**

**AT THE SIXTH COMMITTEE OF THE**

**69<sup>TH</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY**

**NEW YORK**

**OCTOBER 23, 2014**

**Mr. Chairman,**

At the outset, let me take this opportunity to once again commend the work of Special Rapporteur Mr. Lucius Caflisch on the topic “Effects of armed conflicts on treaties”, while also recognizing the scholarly work done on this topic by his predecessor Sir Ian Brownlie, as the first Special Rapporteur.

**Mr. Chairman,**

We have before us for examination a set of 18 draft articles, adopted by the International Law Commission at its sixty-third session, of which the Sixth Committee took note during the sixty-sixth General Assembly session in 2011 along with the annex containing an indicative list of treaties.

**Mr. Chairman,**

We support the proposition reflected in draft article 3 that the existence of an armed conflict does not ipso facto terminate or suspend the operation of treaties. We also reiterate our support for the provision under draft article 4 which preserves the operation of the provisions of existing treaties applicable in situations of armed conflict.

We agree with the notion in draft article 6 that the termination, withdrawal or suspension of a treaty in the event of an armed conflict would be determinant on numerous relevant factors including the nature of the treaty, its subject-matter, object and purpose, and the characteristics of the armed conflict in question.

**Mr. Chairman,**

Regarding the scope of draft articles, we reiterate our interpretation of language in draft article 1 that their application is limited to treaties concluded between States and does not extend to treaties concluded between international organizations.

The definition of ‘armed conflict’ should be limited to situations in which there is resort to armed force between States. It is our considered view that the definition under draft article 2.b does not include internal conflicts as they do not affect relations of States under a treaty.

**Mr. Chairman,**

Concerning the annex which containing a list of treaties. We are of the view that this list is indicative. All the 12 category of treaties cannot be combined into one list. They are different in nature and scope. Some are permanent in character such as treaties establishing land and maritime boundaries. Such treaties need to be listed separately from others whose continued existence depends on the intention of the States parties. In this regard, we agree with the statements made at different times including by the Chairman of the ILC that this list of treaties is neither definitive nor exhaustive.

Finally, Mr. Chairman, with respect to the question of form for the draft article, our preliminary view is that the draft articles could be considered for adoption as guidelines that would be available to States for determining the fate of treaties in a situation of armed conflict of international character.

**Thank you.**