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STATEMENT BY
MR. WAN MOHD ASNUR WAN JANTAN, REPRESENTATIVE OF MALAYSIA
ON AGENDA ITEM 84: EFFECTS OF ARMED CONFLICT ON TREATIES AT
THE SIXTH COMMITTEE OF THE 69TH SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY
NEW YORK, 23 OCTOBER 2014

Mr. Chairman,

Malaysia welcomes the decision of the General Assembly as contained in Resolution 66/99 to take note of the draft Articles pertaining to the effects of armed conflicts on treaties as presented by the International Law Commission. Malaysia also acknowledges the decision undertaken by the General Assembly to annex the said draft Articles to the said Resolution.

2. Malaysia further notes that the General Assembly via the same Resolution had decided to incorporate in the Provisional Agenda of its Sixty-Ninth Session an item entitled "Effects of Armed Conflicts on Treaties" with a view of examining, inter alia, the question of the form that might be accorded to the said draft Articles.

3. In this regard, Malaysia is of the view that the draft Articles would be able to serve as practical guidance to States in identifying factors relevant to determining whether a treaty should remain in effect in the event of armed conflicts.

Mr. Chairman,

4. Malaysia has always been at the forefront of her endeavours to advance debate on the topic of "Effects of Armed Conflicts on Treaties". However, in light of our previous views during the Sixty-Sixth Session, Malaysia believes that it is premature at this juncture to discuss the final form of the draft Articles and consideration on this should only be done at a later stage. This is to allow States time to review the draft Articles and develop sufficient practice on the matter.

5. Therefore, Malaysia is of the further view that it may be premature to recommend consideration of the draft Articles for an elaboration or elevation to a convention at this stage. Nonetheless, Malaysia could lend support should the draft Articles be used to serve as a non-legally binding guideline. Thus, the consideration of the draft Articles to an appropriate status other than draft guidelines could be deliberated at another suitable time when there is a further in-depth study on the topic and where possible, more information on State practice thereon are gathered.

I thank you.