



# AUSTRALIA



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## Effects of Armed Conflicts on Treaties (Agenda Item 86)

**Sixth Committee**

**20 October 2017**

**Statement by Dr Carrie McDougall, Legal Adviser**

**(Check against delivery)**

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Australia acknowledges the work of the Special Rapporteur and the Drafting Group on the Effects of Armed Conflicts on Treaties. The draft articles and commentaries adopted by the Commission at its sixty-third session, in 2011, raise many important and challenging issues.

Australia further welcomes the 2017 Report of the Secretary-General on the Effects of Armed Conflicts on Treaties, and was pleased to have submitted written comments on the draft articles in June 2017.

While Australia continues to support further work on this topic, we maintain the view that the varied nature and effect of armed conflict is such that the level of consensus required to successfully conclude a binding international instrument on this topic may not be possible.

In our view, further consideration would need to be given to the impact of these principles on the law of armed conflict and its relationship with other areas of international law, including the application of human rights law during armed conflict.

In a non-binding form, Australia considers the draft articles would remain a useful source of guidance, complementing the Vienna Convention on the Law of Treaties, which should continue to be the primary source of law on this topic.

To assist the Commission's future consideration of the draft articles, we encourage more Governments to publicly communicate their views on this topic.