



PERMANENT MISSION  
OF ESTONIA TO THE UN

**Statement of the Republic of Estonia**  
**At the General Debate of the 72<sup>nd</sup> Session of the UN General Assembly Sixth**  
**Committee**

Mr. Chairman,

On behalf of the Estonian delegation, we would like to present some comments on the draft articles on the effects of armed conflicts on treaties, adopted by the International Law Commission in 2011.

We take note with appreciation of the recent report by the Secretary General and would like to thank the countries that have expressed their views on future action regarding the draft articles.

Estonia is of the view that the work of the International Law Commission is not only a basis for theoretical legal discussion but addresses questions of practical relevance to all continents, including Europe. Notwithstanding the fact that armed conflicts are ongoing also in the 21<sup>st</sup> century, only a few treaties contain specific provisions on their operation in times of war. Therefore, any guidance and agreement on norms to be followed in such cases is useful, not only to those States that are parties to the conflict but also to their treaty partners.

Estonia welcomes several formulations of the draft articles. According to our assessment, it is justified to include both international and non-international armed conflicts in the scope of the document since both undoubtedly have an effect on treaties. As an example, we may refer to the Convention for the Protection of Human Rights and Fundamental Freedoms and the case-law of the European Court of Human Rights that truly take into account the effect of non-international armed conflicts. Estonia also agrees with the view of the Special Rapporteur that occupation is a form of armed conflict and is, thus, covered by the draft articles.

Furthermore, Estonia would like to underline the importance of articles 14 and 15 that recall the inherent right of States to exercise individual or collective self-defence in accordance with the Charter of the United Nations, as well as the prohibition of benefit to aggressor States.

Mr. Chairman,

With regard to the form that might be given to the draft articles, Estonia acknowledges that currently there appears to be little support for elaborating a convention on their basis and they could best serve as a useful contribution to international legal discourse.

Thank you Mr. Chairman!