



MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS

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**STATEMENT BY
MS. INTAN DIYANA AHAMAD , DELEGATE OF MALAYSIA
ON AGENDA ITEM 86: EFFECTS OF ARMED CONFLICTS ON TREATIES
AT THE SIXTH COMMITTEE OF THE 72nd SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY, NEW YORK, 20 OCTOBER 2017**

Mr. Chairman,

1. Malaysia notes that the General Assembly via Resolution 69/125 had decided to incorporate in the provisional agenda of its 72nd session, an item entitled “Effects of Armed Conflicts on Treaties” with a view to examining, inter alia, the question of the form that might be given to the Articles on the effects of armed conflicts on treaties as contained in the “Report of the International Law Commission on the works of its sixty-third session”.

2. Malaysia shares the views of other member states that the Articles will provide practical guidance to us as they could help in identifying factors relevant to determining whether a treaty should remain in effect in the event of armed conflicts.

3. While Malaysia could support the Articles to serve as non-legally binding guidelines, Malaysia is of the opinion that it is premature at this stage to consider codifying the Articles into a convention. Some issues merit further discussion such as the definition of “armed conflict” under article 2. Similarly, the annex to article 7 which sets out an indicative list of treaties the subject-matter of which involves an implication that they continue in operation during armed conflict, remains unclear. In particular, category (c) – “Multilateral law-making treaties” – and category (e) – “Treaties of friendship, commerce and navigation and agreements concerning private rights”.

Malaysia is of the view that further study is required particularly in these two categories, before they should be included in the Annex.

4. Therefore, Malaysia is of the view that we should deliberate on the said Articles further to enable us to better comprehend its context, before we could be ready to engage in a discussion to codify them into a convention.

I thank you, Mr. Chairman.