



**PERMANENT MISSION OF FINLAND TO THE UNITED NATIONS**  
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Statement by Finland on behalf of the Nordic Countries  
(Denmark, Finland, Iceland, Norway and Sweden) at the  
UNGA72 Sixth Committee 2017  
Effects of Armed Conflicts on Treaties

Statement by

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(check against delivery)

Mr. / Madam Chairperson,

I have the honor to speak on behalf of the five Nordic countries – Denmark, Iceland, Norway, Sweden and my own country, Finland.

The topic of our discussion, effects of armed conflicts on treaties, originates from the International Law Commission.

The work of the Commission was concluded in 2011 with the adoption of a set of 18 draft articles and an annex as well as a detailed commentary on the subject. We would like to reiterate our appreciation to the Commission and, in particular, to the two Special Rapporteurs on this topic, Mr. Ian Brownlie and Mr. Lucius Caflisch, for all their work.

As recommended by the Commission, the General Assembly took note of the articles, the text of which was annexed to resolution 66/99 and commended them to the attention of Governments without prejudice to the question of their future adoption or other appropriate form. As formulated by the subsequent resolution in 2014, the question before us today is the form that might be given to the articles. We are grateful to those States that have submitted written comments on any future action regarding the articles, as contained in the Secretary-General's report [A/72/96].

Mr. / Madam Chairperson,

The Nordic countries wish to recall the latter part of the Commission's 2011 recommendation that the elaboration of a convention on the basis of the draft articles be considered by the General Assembly at a later stage.

On this matter, we wish to return to the Note that Mr. Caflisch submitted to the Commission concerning the recommendation to be made [A/CN.4/644]. He indicated that the Commission had not always followed Article 23 of the Commission's Statute on types of recommendations to the General Assembly but had at times also agreed on intermediary types.

Mr. Caflisch analyzed the Commission's outcome on effects of armed conflicts on treaties and suggested that many of those provisions should be non-controversial as they find their origin or justification in related fields of international law, such as law of treaties or law relating to the use of force. He continued that this is, however, not the case for the core of the draft, namely the scope and definitions as well as the provisions on operation of treaties in the event of armed conflicts. In particular, Mr. Caflisch pointed out that the draft articles also apply to internal conflicts and he referred to this as a largely untouched domain calling for the progressive development of law rather than codification.

Mr. / Madam Chairperson,

Mr. Caflisch weighs in his Note arguments for the convocation of a conference to elaborate a convention but decides on encouraging the Commission to move cautiously and to suggest that a diplomatic conference be convened only at a later stage. In light of the previous discussions in the Sixth Committee and the contents of the Secretary-General's report, this restraint appears well-founded. The Nordic countries agree that holding of a diplomatic conference for the elaboration of a convention is currently not of immediate relevance.

Before concluding, we wish, however, to join Mr. Cafisch in highlighting that absence of treaty provisions on effects of armed conflicts on treaties would not prevent the relevant actors from applying the rules elaborated by the International Law Commission. They do provide valuable guidance on the complex issues that armed conflicts may present on treaty relations.

Thank you, Mr. / Madam Chairperson.