



PORTUGAL

72th General Assembly

Statement by

The Deputy Permanent Representative of Portugal,

Ms. Cristina Pucarinho

Sixth Committee

Agenda item 86

Effects of Armed Conflicts on Treaties

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Mr. Chairman,

I would like to congratulate once again the Commission for the work done on this topic and to commend Professor Lucius Caflisch for his guidance in the completion of the draft articles. I would also like to remember the late Professor Ian Brownlie and praise him for the valuable contribution he made to the development of this theme.

I also thank the Secretariat for its report on the Comments and information received from Governments on this subject-matter.

Mr. Chairman,

Portugal's approach to this topic follows closely the initial boundaries established by the Commission. As we have stated in the past, we must find out the measure in which mutual trust among the Parties regarding the fulfilment of obligations set out in a treaty can be compromised in the event of an armed conflict. Therefore, the key and only ratio of the subject is find out how to strike an adequate balance between the trust of the Parties, as a prerequisite for compliance with treaties, and the need for legal certainty.

Portugal agrees in general with the draft articles and with their suitability for an international convention. We understand that there are issues

raising doubts and concerns, notably the inclusion of internal armed conflicts within the scope of application of the draft articles and the position of third States, amongst others. We are also aware that there are aspects where neither practice, jurisprudence or doctrine offer a clear and unique answer.

Mr. Chairman,

The sensitive nature of those issues advises to be prudent and to proceed carefully, but to proceed in any case. Portugal, therefore, maintains the position that more time should be given to States to understand the suitability of all the solutions adopted by the Commission.

We should strive to attain a balance between preserving the work of the Commission and insuring the stability of International Law by adopting a convention. In this regard Portugal would like to suggest the establishment of a working group to allow delegations to discuss in detail their perspectives on key substantive issues, leading at a later stage to an informed decision on the possible elaboration of a convention on the basis of the draft articles.

Thank you, Mr. Chairman.
