



there is no need to have them formally endorsed or elaborated into a convention. Our view is due mainly to our concerns regarding some of the articles, which we shall now briefly allude

4. First, our delegation is of the view that there is some ambiguity regarding non-international armed conflict under the draft articles. On the one hand, the definition in draft article

article 5, but then goes on to say that the "object and purpose of the treaty when taken in combination with other factors but the number of parties may open up a new perspective". Respectfully, we cannot agree with this statement. Our delegation is of the view that the rules which draft articles 6 and 7 purport to articulate should really be treated as an application of the normal rules of treaty interpretation referred to in draft article 5. They should not be articulated as rules which operate independently, or even partially independently, of draft article 5.

6. Finally, our delegation has difficulty with the broad categorisation approach adopted in the indicative list of treaties referred to in draft article 7. The weakness of this approach is that some of the categories in the indicative list encompass treaties which should not necessarily come within the "implication" created by draft article 7. For instance, whilst the category of "Treaties on international criminal justice" is meant to cover treaties establishing international mechanisms for the prosecution of persons suspected of international crimes such as war crimes and crimes against humanity, it could also be wide enough to cover extradition and criminal mutual legal assistance treaties for offences of a transnational nature, such as corruption, drug trafficking or organized crime. Similarly, the category of "Treaties of friendship, commerce and navigation and agreements" could also encompass treaties of a broad nature which do not fit within the other categories.

should remain in their present form, we continue to acknowledge them as a useful collection of relevant State practice and academic writings on this difficult area of treaty law

8. I thank you, Mr Chairman.