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EFFECTS OF ARMED CONFLICTS ON INTERNATIONAL TREATIES

The aim of the article is to investigate the impact of armed conflict on treaties in the modern international relations.

The main international legal instrument in the sphere of international treaties is the Vienna Convention on the Law of Treaties of 1969. Considering the diversity of practice of the international treaties application during armed conflicts and the inability to take into account the peculiarities of each individual case, the Convention does not regulate the questions which may arise between states after the armed conflict begins. However, some general provisions of the Convention can still be applied while dealing with the effect of armed conflicts on international treaties (art. 60-62).

At its 52nd session, in 2000, the Commission, on the basis of the recommendation of a Working Group identified the topic "Effects of armed conflicts on treaties" for inclusion in its long-term programme of work. At the 63rd session in 2011 a set of 18 draft articles and an annex (containing a list of treaties the

subject matter of which involves an implication that they continue in operation, in whole or in part, during armed conflict) was adopted on second reading. In accordance with article 23 of its Statute, the Commission recommended to the General Assembly to take note of the draft articles in a resolution and to annex them to the resolution, and to consider, at a later stage, the elaboration of a convention on the basis of the draft articles.

The Draft articles "Effect of armed conflicts on treaties," approved by ILC in 2011, contain only general principles of international treaties acting during armed conflict. The Draft articles are based on practices and needs of modern international relations. The beginning of armed conflict does not automatically terminate nor suspends treaty. All depends on the will of states. Every single situation has its own characteristics and should be considered according to the situation. However, Draft articles confirmed the list of treaties that do not terminate or suspend its action with the beginning of the armed conflict.