



Check against delivery

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of the General Assembly
Sixth Committee

New York, 27 October 2016

Mr. Chairman,

With regard to the topic _____, the Austrian delegation commends the Special Rapporteur Sean Murphy for his second report on this topic and extends its thanks to the Secretariat for the memorandum on existing treaty-based monitoring mechanisms that may be of relevance to the future work of the Commission.

The draft articles adopted provisionally this year by the Commission deal with some fundamental issues, such as jurisdiction and other matters that are of general significance. Although my delegation concurs with the majority of these draft articles, they nevertheless raise some points to be mentioned:

Before doing so, let me express my delegation's support for the proposal made by Iceland on

the broader term "assessment of the possible transboundary harm caused by that activity, including any environmental impact assessment" in order to show more flexibility. *The commentary qualifies the obligation under guideline 4 as one of conduct. However, one may wonder whether the distinction between obligations of conduct and obligations of result is appropriate in this case, since once the required environmental impact assessment has been carried out, this obligation has achieved its objective.*

of the crucial added benefits of dealing with this topic if the Commission could deliberate on