





Regarding draft conclusion 11 on separability of treaty provisions conflicting with a peremptory norm, we believe that the new formulation in paragraph 1 on the voidness of the treaty in question is very helpful. However, as to the condition in paragraph 2, sub-paragraph c,

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expression would have been desirable.

legal philosophy rather than the terminology of positive law. An alternative

common interest of the parties

As to draft conclusion 13 on the absence of effect of reservations to treaties on peremptory norms, Austria maintains its position that a different wording would have expressed the legal consequences more clearly. In our view, the

proportionality, military necessity and precaution in attack as well as the protection of

Especially in the light of the present critical situation in Ukraine, and in relation to draft principles 4 and 18 on protected zones, Austria is convinced that states shall designate protected zones around nuclear power plants and that these zones shall be respected by all states, as it is provided in a different context by Article 260 of the United Nations Convention on the Law of the Sea with regard to artificial maritime installations. The necessity and urgency of such safety zones is demonstrated by the current situation of the Zaporizhzhia nuclear power plant, whose particular vulnerability with a risk of universal damage has been confirmed by the International Atomic Energy Agency. Although Article 56 of Additional Protocol I to the Geneva Conventions already prohibits attacks against works and installations containing dangerous forces even where these objects are military objectives, it would nevertheless be desirable to keep nuclear power plants entirely away from any military action so that they would never become a military objective.

In addition, we would like to draw the attention of the Commission to a discrepancy between draft principles 4 and 18. Draft principle 18 should have been aligned with draft principle 4 according to which protected

As we stated already at earlier occasions, Austria welcomes that draft principles 19 to 21 relating to situations of occupation, apply to all forms humanitarian law. According to Article 2 of the Fourth Geneva Convention of 1949, an occupation exists,

Because of the implications that private law disputes with international