

CHECK AGAINST

60th

of the

Chair

Agenda

Report of the International Commission

Se

International

Chair, D. H. P.

Legal Adviser

M

Hungary

New York, 20 October 2011

Mr. Chairman,

First of all allow me to express the Hungarian's appreciation for the achievements of the Commission in its sixty-fifth session. We should like to thank the Commission for the eloquent leadership of the Commission and also for the excellent work of the Special Rapporteurs for their able guidance in the topics discussed.

The Hungarian delegation has noted with interest the progress advanced in its work in the Commission. We also wish to underline the importance of furthering the work of the Commission in the areas mentioned long with moderate success. It is our hope that the Commission will continue to work on the topics where substantial progress has not been achieved. We would like to urge the Commission to announce new topics to its agenda where new rules are needed or where rules need to be amended.

Mr. Chairman,

Turning to the specific Chapters of the report first I would like to refer to the Chapter on subsequent agreements and subsequent practice in relation to interpretation of treaties.

My delegation supports the Commission's view that the interpretation of a treaty is a dynamic process. It is a fact that the changes in the legal environment of a treaty may lead to the emergence of an international treaty. Therefore, it is vital to provide the possibility of an obligation - to the states parties of a treaty to give a treaty a new interpretation capable of evolving over time by subsequent agreements or subsequent practice.

My delegation also finds that the Commission by providing the definition of "subsequent agreement" and "subsequent practice" has given the Commission the opportunity for consideration of this topic. In connection with the use of subsequent agreements and subsequent practice but not all parties to a treaty as a supplementary means of interpretation. The Vienna Convention has never intended to restrict the use of subsequent agreements and subsequent practice to the interpretation of a treaty.

The Hungarian delegation agrees with the Commission's view that subsequent agreement or practice also refer to the use of subsequent agreements and subsequent practice at a moment when the text of a treaty has been established as definite and the entry into force of that treaty. In this context it also should be highlighted that the Commission's view that the use of subsequent agreements and subsequent practice is "with the conclusion of the treaty" as used in the Vienna Convention should be interpreted in a historical proximity with the conclusion of the treaty. The Commission's view that the use of subsequent agreements and subsequent practice is "with the conclusion of the treaty" for interpretation of a treaty is actually "established".

Mr. Chairman,

Turning

criminal jurisdiction. In addition we are pleased to address the scope of the draft articles on immunity from foreign criminal jurisdiction to which immunity may be enjoyed by those persons who represent or act on behalf of a State by virtue of their official position and the type of jurisdiction is affected by immunity. We refer to the immunity from foreign criminal jurisdiction governing immunity from foreign criminal jurisdiction. The content of the draft articles. It is also the appropriate affect the various international obligations with international criminal law.

On 19 July 1994, the Commission on International Law

to reiterate our view that the event of disaster is primarily a national issue and providing protection is mainly the responsibility of the Government. The Government is obliged to participate in the protection and the Hungarian delegation also supports the idea to include the duty to provide assistance when requested. We strongly recommend an example to refer to the responsibility of the State from which the assistance is requested. Hungary welcomes draft Article 10bis, which further clarifies the duty to provide assistance. In addition Hungary is delighted to see that Article 10bis requires States to cooperate not just among themselves but with the relevant international actors as well.

Hungary has understood the delicate and delicate situation

very much and the role of the affected States and the persons in the event of disasters. Therefore, to find the appropriate solution will be the most delicate problem the Commission will face in connection with the future of this topic. Thank you.

Mr. Chairman,

Regarding Chapter VII on Formation and evidence of custom

law, my delegation is pleased to see the Commission's work on the relationship between the two concepts which mention in the study.

Addressing the Commission's question on this issue: I would like to refer to

paragraph (2) of Article 6 of the Commission's draft articles on Customary International Law. "Hungary shall ensure harmony between its international obligations and its domestic law." It also states that "Hungary shall ensure the individual responsibility of its



Hungary's position is that, in the absence of evidence or suitable proof to establish the situation, we can state the following: content of customary international law is not a matter of domestic law (and Justice) on the relevant date, and are under the obligation

Turning to Chapter VIII on the Dispute Resolution Mechanism, the requested States have provided the following information:

- (a) the decision to apply;
- (b) the termination of such provisions;
- (c) the legal effect of provisional application.

In Hungary, the application of international treaties is governed by the laws, treaties. According to the laws, the entity which is authorized to give the decree. In these very same laws,

In cases where the termination of such a provisional application is necessary, the same mechanism is provided for by the Parliament or Government. The text of the international treaty has the same effect as that of the national law to comply with the articles of the provisionally applied treaty.

Hungary will also provide more details with examples of the application of the Convention.

Concerning Chapter IX on the Conflict Resolution Mechanism, we agree that through a temporary arrangement, which will make the topic more manageable, I will delegate the proposal to focus the work on Phase III (post-conflict resolution).

Regarding the Commission's findings, the Commission has rendered judgment on the questions raised by the Commission's findings. The Commission's findings are available on the Commission's website.

Thank you for your

---