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Report of the International Law Commission on the work of its 69th session

Intervention by
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Mr. Chairman,

The Hungarian delegation would like to thank the Chairman of the Commission for his helpful and detailed introduction of the Commission's report. I would also like to congratulate the Commission for a productive Session and for its extensive and valuable work. We look forward to our debate on these important topics of international law over the next two weeks. Mr. Chairman, I appreciate the opportunity to comment on the topics that are currently before the Commission and will address some of them in my statement.

Mr. Chairman,

Regarding **Chapter IV (Crimes against humanity)** of the Report, the Hungarian delegation wishes to commend Special Rapporteur Sean Murphy for his detailed and comprehensive Third Report. By the provisional adoption of seven draft articles and a draft preamble, the Commission has made enormous progress in the elaboration of a new convention in this field.

Hungary agrees with the Chairman of the Commission that strong legal measures are needed to prevent crimes against humanity and to punish the perpetrators. Therefore, Hungary supports the Commission's concept to draw further attention furx ' nn

introduction of this article. Our delegation believes that it was important to specify that the

Mr. Chairman,

First of all, we agree that the international community has to find a balance between the sovereign equality of States and the need for stability in international relations and, on the other hand, the interest of the international community as a whole in preventing and punishing the most serious crimes under international law. We also wish to underline that as a fundamental principle of international law and sovereignty, the courts of one State should not have jurisdiction over the acts of another State.

Hungary has also noted that the complex system of immunities should not stand in the way of the protection of the fundamental interests of the international community. We agree that the rules on immunity should not be considered in isolation, but in the light of other norms of the international legal system.

Consequently, Hungary is of the view that the Commission needs to take into account the international legal system as a whole. First and foremost, the provisions on immunities of the Vienna Convention 1961 and that of the various Host Country Agreements of international organisations all over the world, as well as the related practice of states and international organisations, and most importantly, the continuing developments of international criminal law need to be considered. We a..aconsidered. need d red. We a..aconsidered. ..acuihr(a)ruinm a..5(beBTF3 12

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Mr. Chairman,

Regarding Chapter V (**Provisional Application of Treaties**), first let me express Hungary's appreciation for the achievements of the Commission to provisionally adopt draft guidelines 1 to 11 and the commentaries thereto, and especially to Special Rapporteur Juan Manuel Gómez-Robledo for his efforts to prepare the four previous reports.

Hungary is among the states where, although the concept of provisional application of treaties exists under national law, apart from providing for an earlier starting date for application, general treaty conclusion procedure is to be followed. This means that provisional application does not represent a fast track approach to the treaty conclusion procedure under Hungarian law, since the same rules apply to provisional application as to the standard entry into force of international treaties.

Therefore, provisional application in case of bilateral agreements is practically non-existent in Hungary. Nevertheless, Hungary welcomes the memorandum which was prepared by the Secretariat, reviewing State practice in respect of treaties (bilateral and multilateral), deposited or registered in the last 20 years with the Secretary-