



CHECK AGAINST DELIVERY!

70th Session
of the General Assembly of the United Nations
Sixth Committee

Agenda item 83

Report of the International Law Commission on the work of its 67th session

Intervention by

Rita Silek

Deputy Head of International Law Department

Ministry of Foreign Affairs and Trade

Hungary

New York, November 2015

Mr. Chairman,

First of all allow me to express the Hungarian delegation's appreciation of the significant achievements of the Commission in its 67th Session. We would also like to underscore the outstanding work of the Chair, Mr. Narinder Singh as well as that of the Special Rapporteurs of the specific topics. Hungary attaches great significance to the work of the Commission and recognises the unique role it plays in the development of international law.

Mr. Chairman,

My delegation wishes to align itself with the statement of the European Union on selected chapters of the ILC report. At this point, we wish to add some brief remarks in national capacity on certain issues.

Let me first touch upon **Chapter V on the Protection of the atmosphere**. Firstly, the Hungarian delegation would like to emphasise that Hungary considers climate and air quality protection, as well as the prevention of ozone depletion a high priority. Hungary – as a state committed to environmental protection – has been a party, from the very beginning, to all the conventions that form the basis of the Commission's work on the draft guidelines. Just to name a few examples:

- Stockholm Convention on Persistent Organic Pollutants (2001)
- Minamata Convention on Mercury (2013)
- Vienna Convention for the Protection of the Ozone Layer (1985)
- Geneva Convention on Long-range Transboundary Air Pollution (1983)
- Rio Convention on Biological Diversity (1992)
- The United Nations Convention to Combat Desertification (UNCCD) (1994)
- The United Nations Framework Convention on Climate Change (UNFCCC) (1992)

According to the Commission's commentary on the scope of the draft guidelines black carbon and tropospheric ozone are not regulated pollutants. It states that the main sources of transboundary atmospheric pollution are sulphur dioxide and nitrogen oxides. However, in Hungary and Europe currently - besides elements of the nitrogen circle - it is particulate

matter (and black carbon, as part of it) and tropospheric ozone that cause the most health problems. Therefore we believe that these pollutants should also be included in the scope of the draft guidelines.

We urge the Commission to consult the Secretariat of the Convention on Long-range Transboundary Air Pollution, which can provide valuable relevant information to the Commission's work on this issue.

My delegation is of the view that combining three different subject matters - climate change, air quality and ozone depletion – creates problems even at the definition of certain terms. Wider membership and a more committed implementation of the existing conventions might prove more effective in the protection of atmosphere than a combined regulatory framework.

Among the conventions listed before only LRTAP has a limitation of scope to UNECE territory, others are all global ones. We might also take into consideration the enlargement of LRTAP's scope or even the elaboration of a new, global convention on air pollution.

Mr. Chairman,

Let me now turn to **Chapter VII on the Crimes against humanity**. Hungary – as a State Party to the Rome Statute of the International Criminal Court – is deeply committed to ending impunity for major international crimes. We have also lent our full support to the work of international judicial bodies, like the ICTY, ICTR and most notably to ICC in their endeavours to establish individual accountability for these crimes.

Hungary believes that crimes against humanity are among the most serious crimes that threaten the international community as a whole. We agree that – unlike for war crimes or genocide – there has been no unified treaty basis for prosecuting crimes against humanity, and this legal gap needs to be addressed. There can be no effective accountability for crimes against humanity unless we step up our efforts for prevention, prosecution and enhancement of inter-State cooperation in this field. As States bear the primary responsibility for the prevention and punishment of crimes against humanity, we need to reinforce our current legal regime to assist national authorities in these efforts. We also have to extend our fight against crimes against humanity beyond the community of ICC States Parties.

In view of these we support the Commission's work on the elaboration of a new convention on crimes against humanity. At the same time we wish to echo those views that call for some caution to avoid conflict with other existing legal regimes in this field, especially the Rome Statute. Looking at the draft articles adopted by the Commission so far we are pleased to see that the Commission's work has followed the guidance given by States in the previous debates and heavily relies on the Rome Statute and the jurisprudence of the international criminal tribunals in this field.

Mr. Chairman,

Last but not least let me commend the Commission and the Secretariat for the development of a new website for the Commission which is more informative and user-friendly than before, enabling us all to have a better understanding and appreciation of the Commission's work.

Thank you, Mr. Chairman.