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**National Statement of Hungary**

**on**

**‘Report of the International Law Commission on the work of its seventy-  
third session’**

**Cluster I.**

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**Intervention by**

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Mr Chair,

As this is the first time I take the floor to address the Report of the International Law Commission, I would like to commend the Commission for the productive session it has completed and also thank the ILC Chairman for the introduction of the Report.

Today I have the honour to address a timely topic of international law, the **peremptory norms of general international law**, also referred to as *jus cogens*.

Hungary welcomes the adoption of the Draft Conclusions and the commentaries thereto on second reading. Now is a time when the importance of peremptory norms of international law such as the prohibition of aggression and the right to self-determination cannot be overstated.

We are of the view that the Conclusions enhance the coherence and transparency of the international legal system by proposing a transparent procedure for the identification of *jus cogens* norms.

We acknowledge that the ILC was neither aiming at analyzing the content and characteristics of the *jus cogens* norms, nor was the Commission providing an exhaustive list of these norms. However, we are convinced that the broad interpretation of such norms by States can lead to the weakening of the very concept of *jus cogens*.

Stressing that the present Conclusions mean an important step to a more uniform interpretation of international law, I would like to draw your attention to two issues not explicitly dealt with in the Conclusions, namely (1) the collision of peremptory norms and (2) the changes of peremptory norms.

As regards the first issue, let me remark that while the Conclusions address cases of collision between *jus cogens* norms and other sources of international law, they

do not deal with cases of collision between *jus cogens* norms themselves. Therefore, it is unclear how States are supposed to settle cases where collisions between peremptory norms occur.

Bearing in mind that international law is a dynamic system I would like to raise the second issue, namely the changes of international law. While *jus cogens* norms are the pillars of the international legal system, it is possible that the content of such norms slightly change over the decades. While the Conclusions are clear on the steps of identification of peremptory norms, there is no guidance on their review.

Let me conclude by stressing that the identification of *jus cogens* norms and the clarification of their nature have a practical relevance in interstate relations.