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National Statement of Hungary

on

**‘Report of the International Law Commission on the work of its seventy-
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Cluster II

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Intervention by

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Mr Chair,

This time Hungary has the honour to address the Sixth Committee on the issue of **sea-level rise** (Chapter IX).

Mr Chair,

Hungary aligns itself with the statement delivered by the European Union. Now I would like to make some remarks in our national capacity.

For Hungary, protecting the environment and adapting to climate change is a priority, as we all need cleaner water, air and environment.

Prevention and action to slow down the process of sea-level rise is essential. However, there is also an emerging need to focus on climate change adaptation. One of the primary goals of common action should be elaborating resilience focused policies and supporting legal frameworks with a view to avoid and mitigate human crises, such as forced migration, human displacement and other economic and non-economic losses and damages.

In this context we welcome the second issues paper prepared by Ms. Galvão Teles and Mr. Ruda Santolaria dealing with questions related to statehood and protection of persons affected by sea-level rise, as it gives a good overview of current practices and raises important questions.

The main focus of the issues paper is statehood. One of its main conclusions is that it is difficult to rely on state practice due to the fact that cases related to the continuity of statehood after (partial) loss of territory are scarce. While we recognize that loss of territory is a valid concern on the long run, we believe that the ILC should primarily focus on human rights related questions that are already pressing. The paper mentions that the current international legal framework is potentially applicable to the protection of persons affected by sea-level rise.

However, it does not provide a detailed overview on how the general and sectorial human rights conventions and agreements can be applied to different problems arising as a consequence of sea-level rise. Taking into consideration that one of the main objectives of the ILC is the progressive development of international law, and recognizing the fragmented nature of the current international legal framework, we are of the view that the ILC should set short-term, midterm and long-term priorities in this respect.

In our view, a possible short-term objective could be analyzing how affected states can address the challenges to the enjoyment of human rights of their citizens, and whether these states have obligations in case sea level rise effects adversely those rights.

As regards midterm goals, discussing issues related to migration seem unavoidable, as climate related migration is one of the challenges we have to face in the 21st century. As a consequence of sea-level rise not only living conditions change unfavorably, but states also have to face (partial) loss of territory. Therefore, questions such as the duties of third states arising in respect of sea-level rise and the applicability of measures such as temporary protection, subsidiary protection and the principle of *non-refoulement* should be carefully analyzed.

We recognize the need to a continue discussing all aspects of sea-level in its complexity. Taking into consideration that the most severe effects of sea-level rise are expected to emerge in the longer term, the next quinquennium offers a unique opportunity to the international community for planning and preparing legal and practical solutions. We believe that the key to finding sustainable solutions is maintaining the universal nature of existing legal instruments (i.e. the UNCLOS) and enhancing bilateral, regional and multilateral cooperation that can take the form of sharing best practices and, if needed, concluding international agreements.

Thank you, Mr. Chair.