



PHÁI ĐOÀN THƯỜNG TRỰC  
CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
TẠI LIÊN HỢP QUỐC

PERMANENT MISSION  
OF THE SOCIALIST REPUBLIC OF VIET NAM  
TO THE UNITED NATIONS

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**Statement by  
DELEGATION OF VIET NAM  
at the 72nd Session of the Sixth Committee of UNGA  
on Agenda Item 81: “Report of the International Law Commission”  
Cluster III (Chapters VIII, IX and X)**

Thank you, Mr. Chairman,

1. I would like to first address the topic of **Peremptory norms of general international law**.

At the outset, Viet Nam reiterates its appreciation to the Special Rapporteur, Mr. Dire Tladi for his ceaseless contribution to this topic. Peremptory norms play an important role in international law and is recognized under the 1969 Vienna Convention on the Law of Treaties as well as domestic legislations of many States. The Vietnamese Law on Treaties which has been adopted in 2016 also recognizes peremptory norms of international law, or *jus cogens*, as a principle to be adhered to in the course of negotiating and entering into international treaties. However, to date, it remains unclear on the identification of such norms.

We therefore commend the efforts of the Commission in addressing this issue and encourages the Commission to continue the research into matters related to *jus cogens*. Viet Nam is generally in agreement with the draft conclusions 4 and 5 presented in the ILC report on this topic.

2. Turning next to the topic of **Succession of States in respect of State responsibility**, my delegation extends our gratitude to the Special Rapporteur, Mr.

Pavel Šturma as Special Rapporteur, for his first report to the Commission on this issue.

We note that this is a complicated issue that thus far lacks actual practice within the international community. And in tackling such a topic, a wide range of matters need to be taken into account, such as the responsibility towards international organizations, responsibility for acts of wrongdoings that are not necessarily in breach of international law (for example: expropriation, requisition, confiscation, etc.), or cases where the predecessor state and the successor state both exist at the same time.

It is our view that the principle of “non-succession” remains the predominantly applicable principle as there are insufficient state practice and case law to conclude that “state succession of States in respect of State responsibility” is the emerging trend in international law. Viet Nam believes that “non-succession” is the main principle, while the rule of state succession may be considered as an exception to this rule.

3. On the final topic of **Protection of the environment in relation to armed conflicts**, we would first like to thank the former Special Rapporteur, Ms. Marie G. Jacobsson for her extensive research in this matter. We also appreciate the efforts of the Commission to continue the work in her absence.

Viet Nam knows too well the consequences of armed conflicts to the environment. Armed conflicts, regardless of the intentions of the belligerents, have grave and lasting impacts on not only the population, but also the land, air, waters, and the ecosystem. The effects of war, despite having taken place decades ago, are still very clearly felt in Viet Nam. The same is true for all armed conflicts that occur around the world.

Therefore, we are very supportive of the continuation of the work of the ILC on this topic in order to establish State responsibility in dealing with remnants of war, particularly those related to damages to the environment. The research of the Commission should be in complementarity to existing international law on the protection of the environment and laws governing armed conflicts, particularly the Geneva Conventions and their Additional Protocols.

Thank you, Mr. Chairman.