

Statement by
DELEGATION OF VIET NAM
at the 77th Session of the Sixth Committee of UNGA
on Agenda Item 77: “Report of the International Law Commission”
Cluster I (Chapters I, II, III, IV and V)

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Mr. Chair,

Distinguished delegates,

Our delegation would like to express our sincere thanks to the International Law Commission for the comprehensive report on the work of its seventy-third session. Viet Nam highly appreciates the Commission for its dedication to the progressive development and codification of international law. The Commission's tireless efforts have provided this Committee with valuable information and analysis on many important areas of international law.

Mr. Chair,

1. With your permission, I would like to first address the topic of “*Peremptory norms of general international law (jus cogens)*”.

In the beginning, we wish to congratulate the Commission on completing this fundamental topic and we highly appreciate the efforts of the Special Rapporteur, Professor Dire Tladi, in bringing this topic to a fruitful result. The set of 23 Draft Conclusions with Commentaries and an Annex would provide useful guidance for States to identify the emergence of a peremptory norm of international law and the legal consequences of each norm.

Bearing this project’s framework in mind, we reiterate our concerns with the Annex containing a non-exhaustive list of norms that the International Law Commission has previously referred to as having the status of peremptory norms of international law. We believe the mandate of the Commission is to specify criteria for the identification of a peremptory norm, not to identify a list of peremptory norms of international law. Moreover, we recall our request at previous meetings of the Sixth Committee that the seven principles codified in the UN Charter and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States should be included in this list.

With regard to the nature of peremptory norms of general international law enshrined in draft conclusion 2, it should be emphasised that this nature should by no means constitute an additional criterion for the identification of peremptory norms of general international law apart from the criteria contained

in draft conclusion 4 which are drawn from Article 53 of the Vienna Convention on the Law of Treaties.

With regard to draft conclusion 7 on the definition of “international community of States as a whole”, we hold that the qualification “as a whole” should amount to the acceptance and recognition by a very large and representative majority of States. The representative test requires that the acceptance and recognition of States be across regions, cultures, legal systems and development levels. While the views and practice of non-State actors might provide context and contribute to the assessment of the acceptance and recognition by the international community of States as a whole, it is the acceptance and recognition of States that are relevant as evidence of the emergence of peremptory norms.

Mr. Chair,

2. Turning to the topic “*Protection of environment in relation to armed conflicts*”, our delegation extends our gratitude to the Special Rapporteurs, Ms. Marja Lehto and Ms. Marie G. Jacobsson for their extensive research in this matter. Viet Nam fully understands the long-lasting consequences of armed conflicts to the environment. The war ended in our country for decades, but its effects still remain until today. This fact is also true for other conflicts around the world. We, therefore, support ILC’s report on the topic “Protection of environment in relation to armed conflicts” which clearly identifies the principle of protection of environment before, during or after an armed conflict.

We would like to reaffirm our position that states, business enterprises and other entities which cause damage for environment in an armed conflict are responsible to make full reparation for such damage through conducting post-armed conflict environmental assessments and remedial measures; removing toxic and hazardous remnants of war, clearing minefields, providing relief and assistance as well as making full reparation for the victims of environmental damages caused by them, etc.

I thank you, Mr. Chair./.