

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 III(Chapters VII and VIII)

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Mr. Chair,

Distinguished delegates,

1. With respect to the third cluster, my delegation would like to first address the topic of “**Succession of States in respect of State responsibility**”.

On this topic, we wish to congratulate the Special Rapporteur, Mr. Pavel Šturma, for the completion of the fifth report, and we would like to recognize that his invaluable contribution has significantly facilitated the work of the Commission on the topic of concern.

Viet Nam is of the view that, in the succession of states, priority should be given to the agreements between the States concerned and such succession should be carried out on the basis of committed negotiations, in a free-will manner, and in an appropriate timeframe. From our perspective, automatic succession should not be applied in any case, particularly with respect to rights and obligations arising from a wrongful act of the predecessor States.

Furthermore, we reiterate the need for a comprehensive review of State practice in order to prove useful in situations of succession. Taking into account the scarcity of State practice regarding the treatment of succession of States, my delegation highly appreciates the Special Rapporteur’s efforts to study relevant state practice. However, we would like to express our hope that a wider range of additional relevant cases from different continents will be examined so that the work on this topic be comprehensive and consistent.

Mr. Chair,

2. Turning to the topic “**General principles of law**”, my delegation welcomes the third report of the Special Rapporteur, Mr. Marcelo Vázquez-Bermúdez, and that his reports have contributed a significant part to the work of the Commission on this topic.

First of all, we would like to express our views that, among the various sources of international law, general principles of law should always be considered as subsidiary to treaties and customary international law. In this regard, we highlight their gap-filling function and we believe that these general principles should only be considered when there are no applicable treaties and customary international law in the subject matter.

With respect to the widely recognized characteristic of these principles, we would like to recall our previous statement that those general principles, even identified in treaties and other international instruments, shall not automatically render binding effects upon other States that have not consented to be bound by the relevant instruments.

Finally, we hope the Special Rapporteur will take into account the terminology “universally recognized principles of law” which has been mentioned in several documents, including those adopted by the Association of Southeast Asian Nations of which Viet Nam is a member.

I thank you, Mr. Chair./.