



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

STATEMENT

By the Delegation of Viet Nam

at the Sixth Committee of the 79th Session of the General Assembly
***Agenda item 79 “Report of the International Law Commission on the work of its
seventy-fifth session”***

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Mr. Chair,

Distinguished delegates,

As this year marks the 75th anniversary of the International Law Commission (ILC), we would like to reflect on its remarkable contributions to the development and codification of international law.

Over these decades, the Commission has addressed fundamental, complex and even controversial legal issues through its meticulous works. In the most succinct way, we can all agree that the Commission’s works, inter alia, draft articles, guidelines, conclusions and reports have not only influenced the codification and advancement of international legal norms so critical for States to interact and exchange in global affairs in a fair and just manner but also served as essential examples enlightening the ways for countries to enhance and improve their legal systems.

Looking forward, the Commission should consider taking more initiatives to meet the evolving challenges of our time, including climate change, cyberspace, and the growing importance of new technologies such as the artificial intelligence in international relations. As these important emerging topics are being discussed in various Committees under the General Assembly, it is important to establish a close collaboration between the ILC and other bodies in the UNGA in both directions where the UNGA bodies should communicate its need of legal expertise on specific issues and the ILC should inform timely the UNGA bodies of its readiness to engage and deliver on those topics.

Mr. Chair,

On this special occasion, we would like to express our deep gratitude to the dedicated members of the Commission for their unwavering commitment to the codification and progressive development of international law. We are proud to have Amb. Prof. Nguyen Hong Thao among members of the ILC, who has diligently contributed to the Commission's shared goals during his second term. Additionally, we welcome the decision of the Commission to include the topics of 'compensation for damage caused by internationally wrongful acts' and 'due diligence in international law' in its long-term working program and look forward to contributing substantively to the discussion of these issues.

As a responsible and proactive member of the international community, Viet Nam affirms its respect for international law. We firmly support the work of the Commission and recognize its enduring legacy and important work in promoting peace, justice, and cooperation among nations. Together, we can ensure that the fundamental principles of international law continue to guide our collective efforts toward a better world and a brighter future for our next generations.

Mr. Chair,

Turning to the report of the ILC, my delegation would like to express our appreciation to the International Law Commission for the comprehensive report on the work of its seventy-fifth session and to Mr. Marcelo Vázquez-Bermúdez, Chair of the ILC for his statement.

In the first cluster, we would like to deliver our observations on Chapter 7 (immunity of state officials from foreign criminal jurisdiction) and Chapter 10 (sea-level rise in relation to international law).

Mr. Chair,

In relation to Chapter 7, Viet Nam congratulates the Commission on completing the first reading of the draft articles and looks forward to the continued discussion of this important topic, which has significant implications for international law and state sovereignty. We also welcome the Commission's decision to invite states to submit comments, observations, and practices regarding the draft articles, as this will facilitate the collection and examination of diverse perspectives.

We are of the view that immunity for state officials from foreign criminal jurisdiction originates from customary international law. Thus, the codification of

the rules in this matter needs to be carefully undertaken with due regard to the principles of sovereign equality, non-intervention in the domestic affairs of States as well as the need for the maintenance of international peace and security. On the other hand, the need to address impunity should not be ignored. For this reason, we believe that criminal jurisdiction over foreign officials should be exercised with the utmost care and caution. This should occur only after consultation and dialogue with the relevant government, using diplomatic or other official channels with the State of nationality, while fully respecting the relevant rules of international law.

We would like to echo the fact noted in the Report that some states proposed extending the definition to categories of officials beyond troika. This reflects the varying state practices regarding the definition of officials enjoying *ratione personae* immunity. It is the fact that some states have leaders, such as religious figures, who hold significant authority and representativeness comparable to or even exceeding that of the troika. Therefore, the Article 3 of the draft article should be reconsidered to expand the list of persons entitled to immunity *ratione personae*. This adjustment would ensure that the diverse practices of different states are fully recognized and accommodated.

Finally, Viet Nam remains committed to constructively contributing to the works of the Commission on this topic and looks forward to future deliberations regarding the draft articles.

Mr. Chair,

Turning to the topic of “Sea level rise in relation to international law,” our delegation would like to extend our appreciation to the Study Group for the presentation of the additional paper to the second issue paper, which highlighted the Commission’s discussions and concerns regarding the statehood and protection of persons affected by sea-level rise. These are all urgent issues that need to be studied in order to find a timely and appropriate solution.

Viet Nam is one of the world’s most vulnerable countries to the adverse impact of climate change in general, and of sea-level rise in particular. The rising of sea-level has been substantially impacting the coastlines and low-lying areas offshore of Viet Nam, thus affecting the livelihoods, health, culture, and well-being of our people, especially those habituating alongshore.

For these reasons, my delegation emphasizes the necessity and urgency of advancing the codification of international rules addressing this issue, particularly given the current and potential threats posed by the sea-level rise. It is essential that

this process of codification adheres to the fundamental principles of international law, including respect for national sovereignty, sovereign rights, and territorial integrity, alongside the sovereign equality of states and their permanent sovereignty over natural resources. In deliberations on this topic, the Commission should concentrate on legal and technical aspects rather than sensitive issues such as the transfer of sovereignty which would directly impact the self-determination principle.

Viet Nam believes that all solutions to sea-level rise shall be based on international law, including the 1982 United Nations Convention on the Law of the Sea, the legal framework within which all activities in the oceans and seas must be carried out in order to ensure the stability of maritime borders, maintaining peace and stability in international relations. Moreover, we affirm the importance of international cooperation on the basis of common but differentiated responsibilities in addressing the implications of climate change.

Viet Nam acknowledges the vulnerability of persons who are affected by the sea level rise. Solidarity and collective action are essential for supporting these peoples. In this context, while the human rights of those vulnerable to the sea level rise must be protected and guaranteed, they should be implemented and applied in accordance with each country's commitments.

In conclusion, Viet Nam underscores the paramount significance of a collaborative effort by the international community in addressing these urgent issues, reiterating its unwavering support for the endeavors of the International Law Commission.

I thank you, Mr. Chair!