



**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 79<sup>th</sup> Session of the General Assembly  
*Agenda item 79 “Report of the International Law Commission on the work of its  
seventy-fifth session”***

*Please check against delivery*

*Mr. Chair,*

*Distinguished delegates,*

My delegation would like to address the topic of “Settlement of disputes to which international organizations are parties”.

*Mr. Chair,*

Turning to the topic of “Settlement of disputes to which international organizations are parties”, at the outset, we commend the Special Rapporteur, Prof. August Reinisch, for his completion of the second report and four draft guidelines. Viet Nam highly appreciates his invaluable contribution to the work of the Commission on the topic.

A growing role and participation of international organizations in many transnational issues renders this derivative subject of international law susceptible to a range of disputes at both on the international and the national levels.

Against this backdrop, a clear, comprehensive, and widely accepted set off guidelines on dispute resolution mechanisms involving international organizations is essential to safeguard their credibility, functionality, and effectiveness. This is challenging, and we welcome the Commission’s efforts to address it.

With regard to Guideline 1, on the scope of the draft guidelines, we hope that the Special Rapporteur may clarify further which kinds of disputes is foreseen under the term “dispute” as it may include both domestic and international disputes.

Regarding the definition of international organization under Guideline 2, this delegation encourages the Special Rapporteur to elaborate further on the conditions of having “*at least one organ capable of expressing a will distinct from that of its members*”, as we believe that this organ should have an executive role to represent the international organizations in the legal sense.

Inspired by the Article 33 of the United Nations Charter, the Guideline 2(c) lists the available means of dispute settlement in international and national law. We concur with this provision because it ensures the flexibility and the adherence to the peaceful settlement of disputes embedded in the United Nations Charter. Additionally, we reaffirm that parties to the disputes have freedom to choose appropriate means of dispute settlement.

We also endorse the initiative to broaden the scope of the dispute settlement regime to encompass disputes between international organizations, as well as disputes in which they are parties, including those pertaining to public and/or private nature. Thus, the current wording of the Guideline 3 is acceptable to us.

As to Guideline 4, we would like to draw your attention to the means of dispute settlement that must be in line with the constitutive or founding instrument of concerned international organizations.

Finally, Guideline 6 should be further examined in terms of its necessity and clarity. We believe that the qualifications of the adjudicators in the dispute concerning international organizations will be controlled by the relevant rules and procedures of dispute settlement mechanisms, such as Permanent Court of Arbitration or International Chamber of Commerce’s rules.

I thank you./.