



**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 76<sup>th</sup> Session of the General Assembly**

***Agenda item 82: “Report of the International Law Commission”***

***Cluster III – Chapters VII (Succession of States in respect of State responsibility)  
and VIII (General principles of law)***

*Please check against delivery*

*Madam Chair,*

On the topic “**Succession of States in respect of State responsibility**”, allow me to have some brief general observations.

My Delegation supports the balanced and cautious approach of the Special Rapporteur, Mr. Pavel Sturma to this topic. As State practice in relation to the succession of States in respect of State responsibility in instances of unification and separation remains scarce, we highly appreciate the Special Rapporteur’s efforts to comprehensively study relevant state practice, jurisprudence and doctrines in an exercise to codify rules of international law in this subject-matter.

We take the view that the principle of “non-succession” remains the predominantly applicable principle, with certain exceptions in particular circumstances, including when the successor agrees to share the responsibility incurred by the predecessor State. Therefore, the draft articles should remain of subsidiary nature and priority should be given to the agreements between the States concerned. The succession of States in respect of State responsibility should be carried out on the basis of committed negotiations, in a free will manner and in appropriate timeframe.

We take note of the five new draft articles presented in the fourth report of the Special Rapporteur. In particular, we support the inclusion of the forms of reparations, namely, compensation and satisfaction, besides restitution. We look forward to continued engagement with the Commission in advancing this project.

Turning to topic “**General principles of law**”, my Delegation attaches great importance to identifying and analysing general principles of law. We highly appreciate the Special Rapporteur’s approach to examine the topic with careful and extensive treatment, taking into full consideration the comments by State and based on State practice.

Regarding draft conclusion 6, of the two requirements for the transposition of general principles of law into the international legal system, we would like to emphasise that the general principles of law found in domestic legal systems must be compatible with the fundamental principles of international law as enshrined in the United Nations Charter.

With respect to draft conclusion 7 on the method for identifying general principles of law formed within the international legal system, we contend that the fact that a principle is identified through being widely recognized in treaties and other international instruments does not automatically render the principle binding upon States that have not consented to be bound by the relevant conventional rules.

Finally, we propose the Special Rapporteur further study the terminology “universally recognized principles of law”, which was reflected in several documents including by the Association of Southeast Asian Nations, and the consistency between the concept of universality of general principles and the generality of such principles.

I thank you, Madam Chair.