



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

STATEMENT

**By Mrs. Le Duc Hanh, Legal Adviser, Delegation of Viet Nam
at the Sixth Committee of the 78th Session of the General Assembly**

***Agenda item 79 “Report of the International Law Commission”
Cluster II – Chapter V (Settlement of disputes to which international
organizations are parties) and Chapter VI (Prevention and repression of piracy
and armed robbery at sea)***

Please check against delivery

Mr. Chair,

Distinguished delegates,

Vietnamese delegation would like to first address the topic of “Settlement of disputes to which international organizations are parties”, Chapter V of the Report of the International Law Commission.

On this topic, we wish to congratulate the Special Rapporteur, Mr. August Reinisch, for his completion of the first report and the two draft guidelines. We welcome his invaluable contribution to the work of the Commission on the topic of concern.

Mr. Chair,

Viet Nam concurs with the view expressed in the commentaries of draft guideline 1 that it is not feasible to design across-the-board draft articles that may eventually form the basis for a treaty and that it is necessary to restate the existing practices of international organizations concerning the settlement of their disputes. However, given the extreme divergence with regard to the nature of the disputes, the parties to them, the available settlement mechanisms etc., and at this very early stage of the work of the Commission on this topic, we suggest that a set of conclusions should be drawn from the practices, before the second stage, considering to develop guidelines which is intended to direct States, international organizations and other users to answers that are consistent with existing rules or that seem most appropriate for contemporary practice.

We take note of the proposal to expand the scope of dispute to cover disputes between international organizations, as well as disputes in which they are parties, including ones of a public and/or private law nature. However, my delegation invite the Commission to elaborate on whether the scope of work of the Commission on this topic cover disputes between an international organization and its member States regarding the constituent instrument. In our view, the Commission should not provide conclusions and guidelines on disagreement between the decision-making body of an organization and its Member State regarding the payment of annual contribution, for instance.

Regarding Guideline 2, my delegation reserved on paragraph (a), which stated that “international organization... may include other entities”. On one hand, there seems to be no doubt that international organization may include States and international organizations. On the other hand, in our view, it is necessary to clarify that the term “other entities” encompass or not private persons, including natural and legal persons under domestic law. The syllogism coming from the definition of international organizations in the draft Articles on Responsibility of International Obligations, where the term “other entities” is also used, is not clear. The focus of the draft Articles on Responsibility is the situation where international organizations are liable for violations of their obligations, in other words, international organizations as respondent. In contrast, to our understanding, the present topic will cover disputes with international organizations either as the respondent or the claimant.

Mr. Chair,

Turning to the topic of “Prevention and repression of piracy and armed robbery at sea,” our delegation would like to extend our appreciation for the first report of the Special Rapporteur Mr. Yacouba Cissé, which highlights the Commission’s concerns regarding the issue and the need to codify relevant rules of international law. We deeply value the inclusion of this subject in the Commission’s agenda, as it serves as a crucial foundation for codifying regulations concerning the prevention and suppression of piracy in the high seas and maritime zones beyond national jurisdiction.

Piracy and armed robbery at sea pose serious threats on global maritime security, as they jeopardize the safety of seafarers, vessels, and the uninterrupted flow of international trade. Our delegation emphasizes our shared recognition of the imperative and expediency in advancing the codification and development of international regulations in this realm.

We note that ILC has invited State to provide comments and observation and State practices concerning piracy. Together with other States, Viet Nam have responded to this invitation. Grosso modo, current definition of piracy in Vietnamese law consists of both piracy and armed robbery at sea as provided in draft article 2 and 3.

In our view, in spite of some divergence in the definitions of piracy in international treaties and domestic laws, as it is often the case with norms derived from customary law, the following can be agreed: *first*, measures preventing and repressing piracy should be comprehensive, in line with the realization of the SDGs, particularly SDG 14, *second*, obligation of cooperation in addressing piracy should be highlighted, *third*, depoliticization of piracy, *fourth*, priority for prosecution can be given to the flag State of the ship victim, but also the State of the offender's nationality and *fifth*, compliance with the United Nations Convention on the Law of the Sea, the framework within which all activities at sea must be carried out, especially respect of the maritime zones established in accordance with UNCLOS.

In conclusion, Viet Nam looks forward to further work of the International Law Commission on this topic and reaffirms its steadfast support for the endeavors of the Commission.

I thank you, Mr. Chair!