

**Statement by
DELEGATION OF VIET NAM
at the 73rd Session of the Sixth Committee of UNGA
on Agenda Item 82:**

Cluster III (Chapters IX, X and XI)

Thank you Mr. Chairman,

1. With respect to Cluster III, my Delegation would like to first address the topic of

explore on the obligation to prevent, mitigate and control environmental damages applied for occupying powers.

Mr. Chairman,

2. Turning next to the topic of **Succession of States in respect of State responsibility**, my Delegation extends our gratitude to the Special Rapporteur, Mr. Pavel Šturma as Special Rapporteur, for his second report to the Commission on this issue.

At the same time, this Delegation would like to put in record its reservations regarding paragraph 154 and 155 in the second Report by Special Rapporteur, Dr. Pavel Šturma in relation to his interpretation of the 1995 US Viet Nam Claims Settlement Agreement. We are of the view that his interpretation of the 1995 Agreement was incorrect and did not reflect the common understanding of both State parties of the Agreement.

With regard to the recently proposed draft Articles, this Delegation would like to draw your attention to draft Article 6 paragraph 1 which currently provides that "*Succession of States has no impact on the attribution of the internationally wrongful act committed before the date of succession of States*". We believe that the rule of non-succession of state responsibility still applies, therefore would like to suggest that the wording of this paragraph be revised as follows: "*Obligation arising from an internationally wrongful act committed before the date of succession of States shall be attributed to the predecessor State unless the successor State accepts to be bound by such obligation.*"

3. On the final topic of **Immunity of State officials from foreign criminal jurisdiction**, we would first like to extend our appreciation to Ms. Concepción Escobar Hernández for her recent report on this subject.

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 regards to the principles of sovereign equality, non-intervention into the domestic affairs of States, as well the need for the maintenance of international peace and security, ensuring the balance between the benefits of granting immunity to State officials and the need to address impunity. The drafting of the articles need to ensure the mentioned principles and reflect the codification of established norms. In this context, we believe that the

