



**EMBASSY OF THE SOCIALIST REPUBLIC OF VIETNAM
IN THE KINGDOM OF THE NETHERLANDS**

No. 6 - 2018-SQHL

The Embassy of the Socialist Republic of Viet Nam in the Kingdom of the Netherlands presents its compliments to the International Court of Justice, and has the honour to inform the Latter as follows:

Pursuant to the Order dated 17 January 2018 of the Court, the Embassy respectfully submits the written statement by the Government of the Socialist Republic of Viet Nam on the advisory proceedings with regard to Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965. The statement is attached herewith.

The Embassy of the Socialist Republic of Viet Nam in the Kingdom of the Netherlands avails itself of this opportunity to renew to the International Court of Justice the assurances of its highest consideration./

The Hague, 1 March 2018

International Court of Justice
The Hague



The Government of the Socialist Republic of Viet Nam

Having regard to resolution 71/292 adopted on 22 June 2017 by the General Assembly of the United Nations;

Having regard to the Orders of the International Court of Justice of 14 July 2017 and of 17 January 2018, by which the Court designated 1 March 2018 as the time-limit within which written statements might be submitted to the Court by the United Nations and its Member States;

Having regard to the fact that Viet Nam is a member of the United Nations and in accordance with Article 92 of the Charter of the United Nations also a party of the Statute of the International Court of Justice;

Wishing to avail itself of the opportunity given by the above-mentioned Orders of the International Court of Justice to Member States of the United Nations to present a written statement to the Court on the request by the General Assembly for an advisory opinion from the Court, enshrined at resolution 71/292;

Has the honor to present to the Court the following statement:

1. Article 65(1) of the Statute of the International Court of Justice stipulates that:

“The Court *may* give an advisory opinion *on any legal question* at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.” (emphasis added)

The two prerequisites for the Court to give an advisory opinion, namely the request made by a duly authorized body and the questions submitted to the Court be legal ones, are both fulfilled in the present case.

2. Pursuant to Article 96(1) of the Charter of the United Nations:

“*The General Assembly* or the Security Council *may* request the International Court of Justice to give an advisory opinion on *any legal question*.” (Emphasis added).


3. In the light of Article 96(1) of the Charter of the United Nations, the General Assembly is one of the UN’s organs having the power to request an advisory opinion of the Court on any legal question. In the case at hand, the questions for advisory opinion were adopted by the General Assembly in its resolution 71/292.



4. The questions in resolution 71/292 are framed in terms of law and legal ones. In line with Article 96(1) of the Charter of the United Nations and Article 65(1) of the Statute of the International Court of Justice, the questions also highlight legal relation between an issue of international law and the legal consequences of that issue. These questions are structured in legal language similar to those in prior advisory proceedings of the Court (e.g: *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Reports 2004 (I)*, p. 145; *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, ICJ Reports 2010*, p 403; *Legal Consequences for States of the Continued Presence of South Africa in Namibia, ICJ Reports 1971*, p. 16).

5. Viet Nam highly appreciates and respects all relevant international legal processes, including advisory proceedings in the International Court of Justice. The Court's advisory opinions have been effectively contributing to the development of international law, including the elaboration of ambiguous matters of international law and the facilitation of peaceful settlement of disputes in conformity with international law.

6. For the reasons given above, Viet Nam respectfully requests the Court to give advisory opinions in response to the questions adopted by the General Assembly in resolution 71/292.


Phan Tuan Thang
Minister Councillor
Embassy of Vietnam
in the Hague

