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Statement

By

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before the Sixth Committee

of the 71st Session of the United Nations General Assembly

Agenda Item 84:

The rule of law at the national and international levels

New York, 5/6 October 2016

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At the outset, the Kingdom of Thailand aligns itself with the statements respectively delivered on behalf of the Association of Southeast Asian Nations or ASEAN and on behalf of the Non-Align Movement or NAM.

We thank the Secretary-General for his report on “Strengthening and coordinating United Nations rule of law activities” which presents a comprehensive overview on the promotion of rule of law at all levels. We also welcome this year’s subtopics “Sharing national practices of States in the implementation of multilateral treaties” and “Practical measures to facilitate access to justice for all, including for the poorest and most vulnerable” for the discussion of this agenda item.

Mr. Chairman,

As stated in Goal 16 of the 2030 Agenda for Sustainable Development, the rule of law at the national and international levels and equal access to justice for all are fundamental to promote just, peaceful and inclusive societies. We firmly believe that rule of law and sustainable development are inter-related and mutually reinforcing. Therefore, the promotion of the rule of law is relevant to an effective implementation of the 2030 Agenda in such a way that no one would be left behind.

Mr. Chairman,

Thailand recognizes that multilateral treaties and instruments create a more predictable and fairer global order through the establishment of international framework of norms and standards. We attach great importance to the role of multilateral treaties in advancing the rule of law at the international level. A wide range of issues of international concern have been addressed through international instruments and frameworks. This effort of codification and development of international norms and standards is ongoing to cope with emerging challenges and issues. The Paris Agreement on Climate Change adopted in December last year constitutes a significant achievement. Thailand is one of the countries which have deposited our instrument of ratification on September 21st, 2016 during the treaty

event. We are proud to join the collective effort to tackle the issue of global concern as the climate change through a legally binding commitment.

We are also of the view that the adoption of the 2016 UNCITRAL Notes on Organizing Arbitral Proceedings at the 49th session of the Commission can be considered as a positive development to advance the rule of law in the sphere of international trade law. Although not binding in character, the 2016 Notes are an established international standard which provide guidance for States in the conduct of arbitral proceedings including the enhancement of transparency in arbitral proceedings. Transparent arbitral proceedings will allow developing nations that are facing an increasing number of investment treaty arbitration claims to stay fully abreast of the evolution and elaboration of the global rules which govern foreign direct investment flows into them.

Mr. Chairman,

The rule of law must be strengthened at national level especially in translating international commitment into practice at home. We are of the view that Article 26 of the 1969 Vienna Convention on the Law of Treaties regarding *Pacta Sunt Servanda* and Article 27 of the same Convention, which stipulates that a party may not invoke its internal law as justification for its failure to perform a treaty, form a fundamental legal safeguard to ensure the effective implementation of the rule of law at national level. Thailand implements our treaty obligations, through dualist system where we have to enact or amend the relevant legislations to give effect to the international obligations.

Mr. Chairman,

In light of this year's subtopic, Thailand would like to share some of our experiences and actions to facilitate the access to justice for all and thus strengthen the rule of law. We have recently enacted the Justice Fund Act to facilitate better access of the general public to the judicial system. Under this Act, the financial support for legal services is provided to address the social inequality while responding to the challenge of equal law enforcement. Moreover, particular needs of the most vulnerable group of people, including prisoners, are recognized. To this

end, Thailand initiated the Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, known as “the Bangkok Rules,” which provide guidance to relevant authorities to meet specific needs of women in case of imprisonment as well as in non-custodial measures in the prosecution process. Since its adoption in 2010, Thailand has been active in advocating the implementation of the Rules in correctional facilities at national, regional and international levels. Furthermore, Thailand is using the United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the “Mandela Rules” as guidelines to review our Corrections Act B.E. 2479. The key amendments to the new Corrections Act include the establishment of ‘Prison Monitoring Sub-Committee’ and ‘Complaint receiving Sub-Committee’ and development of a system to prepare inmates before the release with the aim to reintegrating them into the society. These ongoing developments highlight our commitment to ensure access of all individuals to justice.

Mr. Chairman,

To conclude, Thailand reaffirms its belief that the rule of law is essential for the advancement of peace and security, human rights and development which are the three core pillars of the United Nations.

We remain committed to supporting the role of the United Nations, including through the peaceful settlement of disputes as enshrined in the UN Charter, in promoting the rule of law. The rule of law should not remain only a principle or aspiration that States pledge to adhere but it should be translated into an effective mechanism that is beneficial to people, especially the most vulnerable. In this regard, we commend the effort of the United Nations and its relevant agencies in providing assistance to States for the implementation of multilateral treaties as well as the programmes and initiatives to promote a better knowledge of international law which have greatly contributed to strengthening the rule of law.

Thank you, Mr. Chairman.