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Statement

by

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**before the Sixth Committee
of the 72nd Session of the United Nations General Assembly**

**Agenda Item 81:
Report of the International Law Commission on the work of
its sixty-ninth session (Cluster II)**

New York, 25 October 2017

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Mr. Chair,

My delegation wishes to provide preliminary comments for Chapter VI on the protection of the atmosphere and Chapter VII on immunity of State officials from foreign criminal jurisdiction.

Chapter VI Protection of the atmosphere

On the topic of the protection of the atmosphere, Thailand wishes to thank the Special Rapporteur, Mr. Shinya Murase, for his fourth report, which addresses the interrelationship between the rules of international law relating to the protection of the atmosphere and various other rules of international law, which include, among others, international trade and investment law, the law of the sea, and international law on human rights.

Thailand recognises the value of the Commission's work on this topic as it raises the visibility and importance of the issue itself, as well as the complex legal issues surrounding it, including the issue of fragmentation.

Thailand notes with interest the three preambular paragraphs and draft guideline 9 as provisionally adopted by the Commission. Of particular interest to us is paragraph 1 of draft guideline 9. We can support, in principle, the suggestion that all relevant rules of international law should be identified, interpreted and applied in a way that leads to a single set of compatible obligations.

Chapter VII Immunity of State officials from foreign criminal jurisdiction

Mr. Chair,

On the topic of immunity of State officials from foreign criminal jurisdiction, Thailand wishes to thank the Special Rapporteur, Ms. Concepción Escobar Hernández, for her fifth report, which attempts to analyse the question of limitations and exceptions to the immunity of State officials from foreign criminal jurisdiction.

We take note of draft article 7 as provisionally adopted by the Commission, listing out crimes which immunity does not apply, with the exception for persons enjoying immunity *ratione personae*, based on the Special Rapporteur's finding that no customary international law exists in relation to limitations or exceptions to such type of immunity. My delegation is of the view that the work on this complicated and highly sensitive topic should be based on *lex lata* and State practice. In this respect, *de lege ferenda* proposals should only be made where there is international consensus in support of such proposals.

Thailand will continue to follow closely the Commission's work on this topic and we encourage the Commission to explore the matter further, taking into account the views expressed by States in the Sixth Committee.

Thank you, Mr. Chair.
