



**PERMANENT MISSION OF THAILAND
TO THE UNITED NATIONS**

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Statement

by

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**before the Sixth Committee
of the 77th Session of the United Nations General Assembly**

Agenda item 77

**Report of the International Law Commission
on the work of its seventy-third session (Cluster II)**

New York, 28 October 2022

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Mr. Chair,

1. Thailand wishes to share our preliminary comments on the designated Cluster II of the Report of the International Law Commission, comprising Chapter VI ‘Immunity of State officials from foreign criminal jurisdiction’ and Chapter IX ‘Sea-level rise in relation to international law’.

Chapter VI Immunity of State officials from foreign criminal jurisdiction

2. **First**, Thailand takes note of the adoption of the draft articles on Immunity of State officials from foreign criminal jurisdiction on first reading.

We commend the Special Rapporteur, Ms. Concepción Escobar Hernández (คอนเซ็ปซีโอน เอสโคบาร์ เฮอร์นันเดซ), for her thorough work and dedication to this complex and delicate topic.

3. **Second**, Thailand wishes to underscore the necessity of striking **the right balance between according immunity** from foreign criminal jurisdiction to **and ending impunity** of State officials **while** underlining and taking into account **respect for the principle of sovereign equality of States in determining and applying immunity**.

4. **Third**, we also recognize the importance of the inclusion of **procedural safeguards** in Part Four of the draft articles as these elements are crucial to **protecting the rights and interests of States while ensuring transparency and due process of law**.

Chapter IX Sea-level rise in relation to international law

5. **Fourth**, on Sea-level rise in relation to international law, we **welcome the completion of the second issues paper concerning statehood and the protection of persons affected by sea-level rise**. In this regard, we wish to thank the Co-Chairs along with members of the Study Group on sea-level rise in relation to international law for their important contribution to this particular topic, which is of much interest and importance to Thailand and the international community as a whole.

6. **Fifth**, Thailand is **fully aware of the fragmentation of the existing international legal frameworks applicable to the protection of persons affected by climate change, including sea-level rise**. We therefore recognize both the urgency and the utmost importance of the work on this topic in charting practical ways forward for the international community to address existing gaps

and protect persons affected by these troubling impacts of climate change, while taking into account possible implications that sea-level rise could have on statehood. We strongly urge the Study Group to continue their work and look forward to further report on this challenging topic of our time.

7. Sixth, Thailand takes note that the Study Group will revert to the subtopic of the law of the sea in 2023. In this regard, Thailand wishes to reiterate that **the rights of States in relation to maritime zones and boundaries as guaranteed by the United Nations Convention on the Law of the Sea (UNCLOS) must be protected**. Maritime boundaries already established by treaties or adjudication shall be final and not affected by sea-level rise. Doing so is a very important and essential element for the maintenance of international peace and security as well as conditions of stability, all of which are necessary for peaceful and friendly relations among States.

8. Seventh, Thailand wishes to underscore the critical importance of **having the work on this very crucial topic be completed on the basis of sufficient State practice**. It is **also necessary to have all voices and concerns of Member States be reflected and addressed**, regardless of their size or level of development.

9. To conclude, Thailand wishes to reiterate our readiness to continue to support the International Law Commission. We will follow the work of the Commission with great interest, as we have done so, and look forward to further exchange of views to promote progressive development and codification of international law.

Thank you, Mr. Chair.