



**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 III)**

New York, 2 November 2022

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Mr. Chair,

1. Thailand wishes to provide our preliminary comments on the designated Cluster III of the Report of the International Law Commission, comprising Chapter VII ‘Succession of States in respect of State responsibility’ and Chapter VIII ‘General principles of law’.

Chapter VII Succession of States in respect of State responsibility

2. First, on the topic ‘Succession of States in respect of State responsibility’, Thailand **commends the Special Rapporteur, Mr. Pavel Šturma** (พาวเลอ สเตออร์มา) **for his fifth report** and devotion to this topic. We take note of the Commission’s decision to **change the form of the outcome of its work from draft articles to draft guidelines** as well as its **provisional adoption of 11 draft guidelines** (6, 7 *bis*, 10, 10 *bis*, 11, 12, 13, 13 *bis*, 14, 15 and 15 *bis*), together with commentaries thereto.

3. Second, Thailand is of the view that **evidence of State practice** on this particular topic **has yet to be sufficiently established**. In this regard, it would be useful to **indicate clearly which draft guidelines are based on State practice and which reflect progressive development of international law**.

Chapter VIII General principles of law

4. Third, turning to ‘General Principles of Law’, Thailand has followed the progress on this topic with great interest, given the importance of general principles of law as a source of international law as indicated in Article 38 paragraph 1 (c) of the Statute of the International Court of Justice, and its function in avoiding situations of *non liquet*. Thailand therefore **welcomes the third report of the Special Rapporteur Mr. Marcelo Vazquez-Bermudez** (มาร์เชโล วาสเก เบอรัมเบอเดซ), including his comprehensive observations and analysis, and takes note of the Commission’s **provisional adoption of draft conclusions 3, 5 and 7**, together with commentaries thereto.

5. Fourth, Thailand wishes to emphasize that it is necessary to establish **clear criteria** for identifying general principles of law. Such criteria should **not be too broad** and should **be carefully differentiated** from required elements for the emergence of **rules of customary international law**. Indeed, the **distinction between customary international law and general principles of law**, particularly in the context of **draft conclusion 7**, merits **further consideration** in the Commission’s subsequent reports.

6. Fifth, on the determination of the existence of a principle common to the various legal systems of the world as contained in **draft conclusion 5**, Thailand wishes to emphasize that it is necessary to have a comparative analysis of national legal systems **that is inclusive** in nature – **inclusive in terms of having regard to the different legal families across various regions of the world, as well as their unique characteristics**. Such careful consideration is needed **to ensure that the principle in question is representative and widely recognized**.

Mr. Chair,

7. To conclude, Thailand wishes to reiterate the importance of the **codification and progressive development of international law**. We will continue to support the International Law Commission and follow its work with great interest. We look forward to further exchange of views to promote progressive development and codification of international law so that the needs and concerns of the international community can be effectively addressed.

Thank you, Mr. Chair.
