



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

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Statement

by

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before the Sixth Committee

of the 79th Session of the United Nations General Assembly

Agenda Item 79

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

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Mr. Chair,

1. Thailand wishes to express its **sincere appreciation to all members of the International Law Commission** for their dedication to the progressive development of international law and its codification. Our special appreciation goes to **Mr. Marcelo Vazquez Bermúdez** (มาเชโล่ วาสเกซ เบอรั่มิวเดส) for his strong and able chairpersonship throughout the 75th session **as well as to members of his Bureau.**

2. As mentioned by speakers before me, this year marks a major milestone of the **75th anniversary of the International Law Commission.** My delegation recognizes the ILC's significant achievements and contributions in bringing clarity to important subjects of international law over the years. We recall that the most recent codification of an important area of international law culminating in the United Nations Convention on Jurisdictional Immunities of States and their Property had an ILC set of draft articles as a starting point. We take note with pride that the late **Ambassador Sompong Sucharitkul** (สมปอง สุจริตกุล) of Thailand was for eight sessions the Special Rapporteur on this particular topic.

3. Turning now to the work of the ILC for the current session, permit me to address some of the key issues as follows.

Chapter VII (Immunity of State officials from foreign criminal jurisdiction)

4. Starting with **Chapter VII on Immunity of State officials from foreign criminal jurisdiction**, a topic to which my delegation attaches great importance, Thailand would like to extend our appreciation to the Special Rapporteur, **Mr. Claudio Grossman Guiloff** (เคลาดิโอ กรอสแมน กิลออฟ), for his first report. We also recognize contributions to this topic by his predecessors.

5. We take note of the progress made by the ILC on the second reading of draft articles 1-6, and wish to share two observations:

6. First, we wish to underscore the need to strike a **careful and appropriate balance between according immunity to State officials from foreign criminal jurisdiction and the need to end impunity.** Immunity of State officials from foreign criminal jurisdiction is derived from the principle of sovereign equality, which underlies

stable inter-State relations. From the perspective of a forum State, ending impunity is key to ensuring accountability and prevention of future crimes. Given this fundamental tension between immunity and impunity, a careful consideration to achieve a right balance has to be kept in mind in our reading of the draft articles. We are particularly interested in following the discussions on whether crimes against humanity shall be regarded as an exception to the exercise of immunity.

7. Second, Thailand sees **merit in codifying customary international law on immunity of State officials from foreign criminal jurisdiction**. Doing so will bring clarity and legal certainty to this important subject of international law. Let me again emphasize that it is imperative to reflect current State practice in the work of the ILC — whether on this topic or others.

Chapter X: Sea-level rise in relation to international law

8. Moving on to **Chapter X on Sea-level rise in relation to international law**, another topic to which Thailand attaches great importance, Thailand wishes to extend our appreciation to the two Co-Chairs of the Study Group on this topic, **Ms. Patrícia Galvão Teles** (แพทริเซีย กัลวาโอ เทเลส) and **Mr. Juan José Ruda Santolaria** (ฆวน โฆเซ่ รูด้า ซานโตลาเรีย). Their additional paper to the second issues paper on **statehood and the protection of persons affected by sea-level rise** is commendable. We also wish to thank the Study Group on sea-level rise for its well-written report of the discussion on this issue.

9. On Sea-level rise in relation to international law, Thailand wishes to share the following observations:

10. First, Thailand underscores the importance of **legal stability**. As my delegation has indicated at previous sessions, maritime boundaries, once determined by treaties or through decisions of international courts and tribunals shall be final regardless of sea-level rise. Furthermore, the sovereign and jurisdictional rights of States in each maritime zone, as guaranteed by the United Nations Convention on the Law of the Sea, must be protected. It is crucial that legal stability be taken into consideration when examining the subtopic on statehood. We look forward to hearing views of others in this regard.

11. Second, Thailand recognizes that there is, to date, **no legally binding international instrument on the protection of persons**

affected by sea-level rise. We also recall that the commentaries to draft article 3(a) of the **ILC draft articles on the protection of persons in the event of disasters** provide that the draft articles **equally apply to sudden-onset events and slow-onset events such as sea-level rise.**

12. In this regard, my delegation wishes to take this opportunity to thank Member States who have expressed their support for a **United Nations Conference to elaborate and conclude a convention on the protection of persons in the event of disasters.** If concluded, such a convention could be another key milestone of our efforts in addressing and preparing for impacts of disasters, including sea-level rise, as well as promoting progressive development of international law and its codification.

Chapter XI: Other Decisions and Conclusions

13. Turning now to the final Chapter of the ILC Report on **Other Decisions and Conclusions**, Thailand would like to make two observations as follows:

14. First, Thailand takes note of the two new topics included in the long-term programme of work — **compensation for damages caused by internationally wrongful acts** proposed by **Mr. Mārtiņš Paparinskis** (มาตินส์ ปาปารินสกิส) and **due diligence in international law** proposed by **Ms. Penelope Ridings**. We also wish to **reiterate our call** for the ILC to consider providing greater clarity on **international law principles found in international investment treaties**. Such work will be most beneficial, notably for developing countries. As much as foreign direct investment is needed, clarity in international investment law is essential to help developing countries get closer to achieving the SDGs.

15. Second, Thailand believes in the power of capacity building, and thus very much appreciates the unique opportunity offered by **the International Law Seminar** to young international lawyers. On our part, we will continue to encourage our lawyer diplomats to participate in this programme. We count on the ILC members to provide and share invaluable training and experience to the next generation of lawyers through this Seminar.

Mr. Chair,

16. Before I conclude, please allow me to make two final points regarding the Commission's methods of work. First, Thailand regrets that the Commission was unable to hold its traditional exchange of views this year with regional legal bodies, including the Asian-African Legal Consultative Organisation, due to the liquidity crisis. As host of the 62nd Annual Session of AALCO, Thailand attaches great importance on the relationship between AALCO and the ILC, as the former serves as an important platform for Asian-African States to voice their perspectives on issues in the Commission's programme of work. Thailand hopes that such exchanges, as well as other means of engagement, can be facilitated in future sessions.

17. Second, Thailand congratulates Ms. Alina Orosan and Mr. Xinmin Ma on their election to the Commission, filling the vacancies left by Mr. Bogdan Aurescu and Mr. Huikang Huang. Their qualifications in international law and diplomacy will undoubtedly enrich the Commission's work. However, Thailand notes that under Article 11 of the Commission's Statute, the process for filling casual vacancies, conducted through a closed election with no fixed timeline, differs significantly from the standard election process, where members are elected by States through rigorous scrutiny. It also differs from practices of filling casual vacancies in other bodies, such as the International Court of Justice, where States elect new candidates. Therefore, in the interest of transparency and inclusivity, particularly for Asian and African States, Thailand suggests that Member States discuss potential reforms to Article 11 in the 6th Committee of the UN General Assembly and that the Commission consider establishing clearer rules and timelines for filling casual vacancies to align with the high standards of regular elections.

Mr. Chair,

18. Allow me once again to extend our appreciation to the members of the ILC. We will continue to follow closely the work of the Commission. With that, I conclude our remarks on Cluster I of the Report of the ILC.

19. Thank you.

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