

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

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**Statement**

**by**

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**before the Sixth Committee**

**of the 78<sup>th</sup> Session of the United Nations General Assembly**

**Agenda Item 79**

**Report of the International Law Commission on the work of its seventy-third  
and seventy-fourth sessions (Cluster I)**

**New York, 25 October 2023**



4. General principles of law play a vital gap-filling function among sources of international law. Thailand acknowledges the adoption, on the first reading, of the full set of eleven draft conclusions on the topic, and wishes to commend the Commission and in particular Special Rapporteur Mr. Marcelo Vázquez-Bermúdez on this achievement. This important milestone reached by the Commission paves the way for its work on subsidiary means, also considered at the Commission's present session. The Commission is thus on its course to complete its consideration of the various sources of international law as enumerated in article 38(d) of the ICJ Statute.

5. Thailand would like to make **three observations** on this topic.

6. **First**, Thailand wishes to **reiterate our position that the criteria for the identification of general principles of law** must be clear, and distinct from the required elements for the emergence of rules of customary law. In this regard, Thailand believes caution should be exercised regarding the interpretation of **draft conclusion 3(b)**. The suggestion that general principles of law may be formed within the international legal system may



the Commission's Study Group on Sea-Level Rise, including **the additional paper of the first issues paper**, and wishes to make **two further observations** in this regard.

11. **First**, Thailand would like to reiterate the importance we place on legal stability. We firmly believe that the 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 (UNCLOS), must be protected. On this point, Thailand is pleased to see that its concerns have been addressed by the Commission.

12. **Second**, Thailand also commends the work **on the second issues paper on issues related to statehood and the protection of persons affected by sea-level rise**. As there is no legally binding international instrument to date on the protection of persons affected by sea-level rise, Thailand believes the Commission's suggestions on this topic will be invaluable for States to consider as a way forward to solve this urgent and timely issue.

## **Chapter X (Other Decisions and Conclusions)**

Mr. Chair,

13. We will now turn to the final chapter of the Commission's report on Other Decisions and Conclusions, and would like to make **the following five observations**.



17. **Fourth**, Thailand welcomes engagement of the Commission not only with States but also with other bodies and individuals. In this regard, Thailand notes with satisfaction **Section F** of the Chapter on cooperation with other bodies, in particular on the Commission's engagement with **the Asian-African Legal Consultative Organization (AALCO)**.

Thailand attaches great importance to **the International Law Seminar**, which is invaluable in allowing young practitioners and scholars from diverse regions to learn and exchange views on the work of the Commission and international law at large.

18. **Fifth**, and my final point, Thailand wishes to highlight the importance of ensuring that time allocated to each topic under the Commission's consideration is sufficient, proportionate and reflective of its expansive amount of work, whilst adequately balanced with the need for expediency.

Mr. Chair,

19. Allow me to conclude by reiterating Thailand's recognition of the important contribution made by the Commission to **our rules-based multilateral system**. Thailand looks forward to following the progress of the Commission's work, and stands ready to support it.

Thank you, Mr. Chair.

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