



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

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Statement

by

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Report of the International Law Commission

on the work of its seventy-second session (Cluster II)

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Madam Chair,

1. Today, my delegation wishes to provide preliminary comments for Chapter VI on Immunity of State officials from foreign criminal jurisdiction and Chapter IX on Sea-level rise in relation to international law

CHAPTER VI

IMMUNITY OF STATE OFFICIALS FROM FOREIGN CRIMINAL JURISDICTION

Madam Chair,

2. Thailand would like to thank the Special Rapporteur, Ms. Concepcion Escobar Hernandez, for her eighth report, and looks forward to the conclusion of the first reading of the work on **Immunity of State officials from foreign criminal jurisdiction** so that States can consider the Draft Articles in a comprehensive manner.

3. Thailand wishes to reiterate the need to strike the **right balance** between according immunity to and ending impunity of State officials in foreign criminal jurisdiction. The procedural safeguards as well as the provision on settlement of disputes should maintain a right balance between the protection of the interests of the State of the official and those of the forum State and take into consideration the principle of sovereign equality in determining and applying immunity.

CHAPTER IX

SEA-LEVEL RISE IN RELATION TO INTERNATIONAL LAW

Madam Chair,

4. Turning to the topic of **Sea-level rise in relation to international law**, Thailand wishes to commend the Study Group on sea-level rise in relation to international law for its first issues paper, addressing a number of legal implications of sea-level rise on the law of the sea.

5. Sea-level rise phenomenon has revealed unprecedented challenges to all aspects of life, be they legal, social and economic. In terms of the legal effect of sea-level rise on the law of the sea, Thailand believes that in order to maintain peace, stability and friendly relations among States, **their rights in relation to maritime zones and boundaries as guaranteed by UNCLOS must be protected**. Maritime boundaries already established by treaties or adjudication should be final; they should not be affected by sea-level rise as a fundamental change of circumstances. The Commission should nonetheless continue its work to provide solutions or recommendations in accordance with its mandate for unsettled maritime boundaries. A cautious approach must be taken to avoid rushing to early conclusions and to develop the most practicable solutions to this question.

6. Given that legal uncertainty concerning maritime boundaries or entitlements is likely to cause conflict and instability among neighbouring coastal States, the Commission should gather as much inputs from States as possible to provide options for their consideration. Indeed, **each region faces a unique set of sea-level rise consequences**. The geography of coastlines varies, and the rationale for the use of ambulatory baselines or otherwise depends to a large extent on the general configuration of the coasts. States may therefore adopt different coastal protection measures depending on their specific coastal conditions. It is also important for **all States' voices to be heard and heeded**, regardless of their size or level of development.

Madam Chair,

7. The impact of sea-level rise is not only on States or statehood but also directly on **people who may have to migrate or be displaced** as a result. Thailand hopes that the Commission will provide practical legal solutions to States, particularly developing countries most affected, while taking into account the progress of other relevant fora's works on these issues to ensure consistency and complementarities between the various tracks.

I thank you.

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