



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

351 EAST 52ND STREET • NEW YORK, NY 10022

TEL (212) 754-2230 • FAX (212) 688-3029

Statement

by

Mr. Rachanant Thananant

**Director-General of the Department of Treaties and Legal Affairs
of the Kingdom of Thailand**

before the Sixth Committee

of the 67th Session of the United Nations General Assembly

**Agenda Item 79: Report of the International Law Commission on
the work of its sixty-fourth sessions**

New York, 2 November 2012

Please check against delivery

Mr. Chairman,

My delegation wishes to congratulate the International Law Commission on the success of the sixty-fourth session. Thailand highly appreciates the contribution made by the International Law Commission to the codification and progressive development of international law.

Today, the Thai delegation wishes to make statements on Chapter IV (Expulsion of aliens) and Chapter V (Protection of persons in the event of disasters).

Regarding the topic “Expulsion of aliens”, my delegation sincerely appreciates the untiring effort of Mr. Maurice Kamto, Special Rapporteur. In this respect my delegation wishes to share the following comments:

First, my delegation expresses the gratitude to the members of the ILC who have tried to take into account various views of Members States, especially exclusion of aliens whose status is regulated by special norms; and expulsion in relation with other specific regimes namely immigration procedure and extradition. In this regard, Thailand wishes to put on record that Thailand is not party to any of the conventions or protocols on refugees. Therefore, we would like to reserve our position on the draft Article 6 entitled “Prohibition of the Expulsion of Refugees”. Moreover, as a country which is a host for more than 140,000 displaced persons and 3 million legal and illegal migrants, we continue to face practical challenges. Notwithstanding this, Thailand has been working closely with the UN and many other humanitarian organizations in providing basic human rights protections to those people based on humanitarian considerations.

Secondly, looking at the outcome document presented to us in the form of a set of draft articles, some part of these draft articles are the codification of international law while others reflect the effort of the Commission to go beyond the existing norms and embark on progressive development. Looking from this perspective, my delegation believes that the draft Articles should take into account a better balance between rights of aliens in a third State and the sovereign rights of that State. My delegation, therefore, reiterates our preference to adopt the draft articles as only guidelines in this matter.

Mr. Chairman,

My delegation would now like to turn to the topic “Protection of persons in the event of disasters”. My delegation would like to commend the International Law Commission, especially Special Rapporteur Valencia-Ospina, for their valuable efforts in deepening understanding on the basic role of “cooperation” in the provision of relief and in clarifying States’ duties in both the cases of affected and assisting States. This work is timely and is of practical importance to the international community, at a time when natural disasters continue to affect States around the world.

Mr. Chairman,

In recent years, Thailand has been both an affected and an assisting State. Throughout this experience, we have been conscious of our duty to take good care of persons within our jurisdiction. At the same time, in our capacity as an assisting State, we have extended our hands to those in need during disasters beyond Thailand’s border.

With this background, Thailand wishes to share the following views with respect to the ILC's draft articles on this topic.

First, my delegation wishes to reiterate our support of the position of the Special Rapporteur and the Commission that the concept of responsibility to protect must not be extended to cover responses to natural disasters and other matters relating to this topic.

Secondly, my delegation reaffirms its view that draft article 12, entitled "Right to offer assistance", should be amended to substitute the word "duty" for the word "right" in order to reflect our view that offers and rendering of assistance from the international community are part of international cooperation as opposed to an assertion of rights.

Thirdly, with regard to draft article 13 entitled "Conditions on the provision of assistance", my delegation is supportive of the view that assisting States or other assisting actors should be sensitive to the need of affected States. Assisting actors should be sensitive to local factors, including food, culture, religion, language, and gender. The conditions set up by an affected State can vary from specific timeframes to specific assistances, as well as from limits on quality to quantity of aid due to the specific circumstances, need, security and safety of the country. Therefore, my delegation prefers the new draft article 13 which provides more flexibility to affected States and honours the capacity of affected States to assess the situation and identify its needs.

Fourthly, in respect of draft article entitled "Termination of assistance", my delegation is of the view that a certain degree of discretion should be allowed for affected States to consider terminating external assistance, especially for reasons of national security or public interest. In a similar vein, affected States should be able to terminate assistance that has become irrelevant or has deviated from the original offers.

Finally, with regard to additional elements, which the Special Rapporteur will consider in his next reports, my delegation is of the view that the prevention and mitigation of disasters should be comprehensive and practical in scope. These new elements could include information-sharing, the right to receive appropriate warning and correct information, public participation in provision of relief and risk management, better coordination to cope with disasters, and post-disaster rehabilitation.

I thank you Mr. Chairman.
