



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

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Statement

by

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before the Sixth Committee

of the 76th Session of the United Nations General Assembly

Agenda item 82

Report of the International Law Commission

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

New York, 3 November 2021

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word count: 410 words time delivered: 3 minutes
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Madame la Présidente,

1. Concernant l'examen du Groupe III du rapport de la Commission du droit international dans sa soixante-douzième session, ma délégation souhaite faire des observations préliminaires sur le chapitre VIII concernant les **Principes généraux du droit**.

CHAPTER VIII

GENERAL PRINCIPLES OF LAW

2. Tout d'abord, ma délégation tient à féliciter le Rapporteur spécial, M. Marcelo Vázquez-Bermúdez, pour son deuxième rapport très approfondi. Nous saluons également l'adoption provisoire par la Commission de trois projets de conclusions ainsi que la proposition du projet de conclusion révisé 4 et de cinq projets de conclusions supplémentaires.

Madam Chair,

3. Thailand recognises the significance of general principles of law embedded within the international legal structure as one of the sources of international law, as stated in Article 38 paragraph 1 (c) of the Statute of the International Court of Justice, and acknowledges the importance of using them to fill gaps in international law to avoid *non-liquet* circumstances.

4. Regarding the identification of general principles of law, my delegation appreciates the significant progress achieved in this topic and emphasises **the need of establishing the criteria for identifying them**. However, the criteria for determining the existence of general principles of law should **not be too broad** and should be explicitly differentiated from existing rules of customary international law to avoid general principles of law becoming a shortcut for establishing customary norms in areas where general practice has not yet developed.

5. With respect to the Draft Conclusion 5, the determination of the existence of a principle common to the principal legal systems of the world, Thailand wishes to reiterate that, while it may not be necessary to examine all legal systems, families and regions¹, **the inclusiveness of each legal system, family and region** as well as their unique characteristics **should be carefully considered** and assessed in order to determine the essential content of general principles of law derived from national legal systems.

Madam Chair,

6. Thailand will continue to follow closely the work of the Commission on this topic and look forward to the Special Rapporteur's third report on the functions of general principles of law and their relationship with other sources of international law.

7. Finally, Thailand remains committed to the rule of law and attaches utmost importance to the codification and progressive development of international law. We believe the ILC that is inclusive in its representation, and with fresh perspectives, will provide practical legal solutions in addressing the needs and concerns of the international community.

I thank you.

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¹ A/CN.4/732, paragraph 30

(Unofficial translation from French)

Madam Chair,

1. On the consideration of the cluster III of the Report of the International Law Commission (ILC) at its 72nd session, my delegation wishes to provide preliminary comments on the Chapter VIII General Principles of Law of the ILC's report.

2. On the topic of General Principles of Law, my delegation wishes to commend the Special Rapporteur, Mr. Marcelo Vázquez-Bermúdez, for his second comprehensive report. We also welcome the provisional adoption of three Draft Conclusions by the Commission as well as the proposal of revised Draft Conclusion 4 and five additional Draft Conclusions.

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