

Statement
by
Mr. Paween

Mr. Chair,

1. For **Cluster II** of this Agenda Item on the Report of the International

2. Starting with **Chapter IV: Settlement of disputes to which international organizations are parties**, we thank the Special Rapporteur, **Mr. August Reinisch**, for his well-written second report and for **draft guidelines 3 to 6**, which the Commission provisionally adopted at the session. On this particular topic, Thailand wishes to make the following four observations:
3. **First**, the growing presence of international organizations come with **practical need** for legal clarity in settlement of disputes to which they are parties ² practical need that is ever-growing and could be multifold. For the current session, we take note of the & R P P L V ~~work~~ ~~in~~ ~~the~~ ~~area~~ ~~of~~ ~~addressing~~ ~~the~~ ~~issue~~ ~~of~~ ~~access~~ ~~to~~ ~~dispute~~ ~~settlement~~ ~~mechanisms~~. We also note that international

2016 syllabus on the topic. In going forward, we urge the Commission to leave no stone unturned identifying and addressing difficulties common to settlement of disputes to which international organizations are parties. Doing so will ensure that the & R P P L V ~~work~~ ~~in~~ ~~the~~ ~~area~~ ~~of~~ ~~addressing~~ ~~the~~ ~~issue~~ ~~of~~ ~~access~~ ~~to~~ ~~dispute~~ ~~settlement~~ ~~mechanisms~~ be as useful as possiT92 reW* nBF1 15.96 Tf1 0 0 1

obligatory language does not change the nature of this work as that of simply draft guidelines. We view that the question of the final form of this work should be decided as a separate matter.

5. **Third**, we wish to underscore the importance of including disputes of a private law nature in the scope of the & R P P L V WbrR Q ¶ V Disputes of a private law nature are abundant in practice. They raise not only one of, if not the most, pressing questions, but also practical implications for States. Nor is every dispute entirely isolated from issues in national law. It is against this background that my delegation supports the inclusion of **disputes of a private law nature in the scope of the Commission's work, and looks forward to the Special Rapporteur addressing this in his next report.**
6. **Fourth**, as stated by my delegation in our previous statements, it is imperative to reflect current State practice in the work of the Commission. For this particular topic, practice of international organizations has to also be considered. Thailand urges the Commission to ensure the representativeness of its work by taking into consideration current practice of States and international organizations from regions of the world.
7. Turning now to **Chapter V: Subsidiary means for the determination of rules of international law**, Thailand wishes to thank the Special Rapporteur, **Mr. Charles Chernor Jalloh**, for his second report and newly proposed **draft conclusions 6, 7 and 8**. We have followed with interest the deliberations on this topic and the & R P P L V WbrR Q ¶ V adoption of **draft conclusions 4 to 8**, together with the accompanying commentaries. We have **four observations in this regard.**
8. **First**, Thailand takes note of **the inclusion of national court decisions as subsidiary means** for 0.00000912 0 612 792 reW* nBF1 15.96

crucial to acknowledge **the difference between dualist and monist legal systems**. In dualist States, such as Thailand, international law must be transposed into national law before it can be enforced by national courts. Thus, **most of the decisions from national courts in dualist States may not**

