

# Speech

## **One Hundred Years (1914) Retrospect – A Hundred Days (2014) – A Hundred Years (2114) Prospect: Public International Law<sup>+</sup>**

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Today's topic sounds quite sexy in the Thai language and the English translation is even sexier. [laugh] Let us translate it into English in an even sexier way; "Public International Law from a hundred retrospective years (2014) to a hundred prospective years (2114)". We are flowing along the path of the relationship between Thailand and International Law in a time capsule.

A hundred years ago, we were in the colonial era, in the blockade of the Superpowers, when we were required to have several negotiations with Western countries. What we call problematic maps were also created in those days between 1904 and 1907. I have just said 1914, but why have I to mention 1907 too? World War I (WWI) started in 1914 and the Kingdom of Siam (Thailand) had to decide whether to survive or maintain its sovereignty, while very few countries in this region remained independent. For example, in the North, Japan was a superpower and remained independent. At that time, we [were not a superpower like Japan, but] we developed an affiliation with Russia, since Nicholas II had a close relationship with the royal family.

Then, with the beginning of WWI (1914), we had to think of how to survive in the ongoing circumstances. Initially, we stayed neutral, but we finally took sides. The decision-making power in Thailand was vested in two powerful groups of Thai élites. They had been educated overseas, especially in Britain and France and thus, they had access to external sources of information. At that time, these superpowers were taking advantage of us; for example, the Bowring Treaty established extra-territoriality, which excluded their nationals from our domestic jurisdiction and allowed them to be subjected to their own judiciaries and consulates. The important question at that point was how to negotiate the revocation of this extra-territoriality. A good trade-off was creating an alliance with the United Kingdom (UK) and France, which later declared war against Germany, Austria, Hungary and Turkey, and won.

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## I. ONE HUNDRED RETROSPECTIVE YEARS

At the end of WWI, Thailand became an early member of the League of Nations, the first international organisation, which was established with a large-scale multilateral framework. This was the first time the world had come together to form such a large international organisation. International issues were raised for discussion and negotiation on the basis of diplomatic communication and international law, at least in terms of the relationship between states. Thailand was an active member of the League of Nations and offered to host international conferences, such as the Bangkok Conference.

Thailand participated in many significant events in the League of Nations and World War II (WWII). The first issue was drugs since some members alleged that this has been an issue for Thailand before World War II; therefore, they resumed negotiations with us. The second issue was public health because, at that time, our public health system required substantial development, unlike the current policy of comprehensive healthcare, known as the 30-Baht healthcare programme, which has gained worldwide recognition! [laughs] The third was human trafficking. From 1910 to the start of WWII, several international agreements were drafted with regard to human trafficking, the first of which prohibited the trafficking of white slaves and the murder of white people. Later, around 1920, a treaty related to the trafficking of women and children was drafted, which Thailand signed at a very early stage. This led to the Trafficking in Women and Girls Act, B.E. 2471 (1928), which was later replaced by the Anti-Trafficking of Persons Act, B.E. 2551 (2008) following the development of international law in this field.

Subsequent conferences were organised here, as well as in other countries in the region, but Thailand's involvement in global conflicts appeared to clash with its national interests. One such global conflict was between the Great Powers in Europe and Japan, when Japan invaded Manchuria and established its administration in Manchukuo. Members of the League of Nations, including Thailand, a small independent country, were asked to endorse a resolution to condemn Japan for its aggressive action against China; however, Thailand declined to do so. Then, Italy invaded Abyssinia (later Ethiopia) and the Member States passed another resolution to condemn this invasion and aggression as violating international law. This time, contrary to the case of Japan, Thailand decided to condemn Italy, which is food for thought.

Despite several agreements, the League of Nations proved to be ineffective in terms of security issues and was unable to stop the war, and this failure led to WWII.

Since the facts about Thailand and WWII depend on different textbooks and theories, it is advisable to consult several textbooks, rather than one. However, I would like to refer to a specific theory. At that time, scholars used certain terminologies to reflect the Thai vision. On the one hand, they called it 'ambivalent' or 'ambiguous' because we were quite close to Japan; on the other hand, some said that Thailand was 'astute' because we managed to move to the winning side just before the end of WWII, thanks to the contribution of the Free Thai Movement (Seri-Thai). Thus, Thailand could settle without losing too much territory in the subsequent negotiation. This can be said to be clever since it was appropriate in the turmoil of WWII; it depends on you to decide which theory is best.

However, the latest book, entitled *Kon Thai Jai Siam* (Thai people with a Siamese Heart) tells the story of WWII. Incidentally, Chapter 8, from page 149, mentions my father under the title, The Physicals of a Fighting Surgeon in the War. Someone is always affected by war, and

this time, it was my father. When WWII began, he was studying with a scholarship. He owned just a few necessities and lost almost all of them during WWII.

*“At 6.13 a.m., after a minute had passed, the cold and scary blast of the explosion achieved its targets. Saman [father] took his helmet and run to the window. He saw the sky full of big balloons that were meant to prevent the bombing burning with the fire.”*

Then, my father lost everything, including the medical textbooks he needed for his exam the following day. That was the story of my father, before I arrived. He became a surgeon later. I would like to make this remark for those who want to judge history.

After WWII ended, Thailand became party to the Charter of United Nations (UN Charter) in an attempt to regain the recognition of its identity on the international stage. Thailand tried hard to play a role, such as voting for many significant resolutions, including the Universal Declaration of Human Rights in 1948. The substance of this declaration also formed part of our Constitution at that time.

## II. ONE HUNDRED YEARS PROSPECTIVE YEARS (2115)

Now, in 2014, I think many challenges have arisen and developed during these hundred years, which can be categorised under certain catch words.

**Globalisation:** This often discussed topic has already become a cliché. It is not only about the WTO or trading issues, but also human rights, the environment, and natural disasters.

**Multilateralisation:** There are many levels of international diplomacy and international law, from bilateral and regional to multilateral. In these forms of cross-relationship, we need to consider national interests, but we cannot forget the rule of international law, such as the prohibition of aggression.

**Colourisation:** There are more actors. The classic international law only mentions the relationship between states; however, other important actors appear in the contemporary context. Non-state actors play major roles in current wars and civil society also has an important role. I once asked my students, ‘how did the customary international law emerge?’ and one of them answered, ‘it emerged from the social web’. I like this answer very much. For example, two millions voices expressed in emails or social networks are very forceful in giving rise to rules and norms. Many of today’s treaties were initiated from pressure on governments to negotiate on the social web. The actors in the international arena have already changed.

**Responsibilisation:** This is where we have seen a big change during the past twenty years. Sovereignty was initially referred to as the power of the State, but later as the duty of the State to take care of its own people. Sovereignty is based on responsibility. It does not mean that the leader of the State can do whatever he likes in his own territory. If those in power cross the line today, resulting in a serious violation of international norms, the United Nations Security Council (UNSC) can submit a complaint to the International Criminal Court (ICC), whereby they may not be party to any agreement. For example, two tyrants have already been alleged and brought before the Court in cases that were recently decided by the ICC. This demonstrates that domestic systems cannot provide a remedy and responsibility is regarded as being much more significant.

It is important to prevent circumstance of being invoked for responsibility by means of 'peaceful dispute settlement'. We desire to see the implementation of dispute settlement in regional level as well.

Many lawyers are worried about too many actors becoming functional. Are we living in a fragmented world? Is this a spaghetti effect or is it the same piece of pie, only called international law? Or is it harmonisation? For example, although the US and Somalia are not parties to the Convention on the Rights of the Child, they know what the rights of the child are because of the process of harmonisation.

Now, we will focus on the current perceptions in 2014, and then I will also talk about 'a hundred days'. It is inevitable to mention the international law related to the following; 1) political security, 2) judicial and jurisdictional matters, 3) economic, commercial and financial issues, human rights, 4) humanitarian and social issues, 5) environmental and developmental issues, and 6) international institutions, such as the United Nations and other international organisations.

1) Political Security Issues: The UN Charter prohibits the use of force and acts of aggression, and requires the respect of human rights. Of the several treaties concluded in this century, almost 20 relate to counter-terrorism at a multilateral level. There are also treaties at the regional level, such as the ASEAN, and Thailand has ratified approximately half of them.

Many of the current issues involve war, the use of force and acts of aggression. Even if we have rules to prohibit these activities, they still happen. Further, we have established more specific rules in special treaties to prohibit the use of certain kinds of weapons, for example, laser weapons or blinding laser weapons. Thailand is the leading country for the abolition of anti-personnel mines. Lately, during my work as a commissioner in the Independent International Commission of Inquiry on Syria, we refer to the Chemical Weapons Convention to suppress the act of using Chlorine weapons, since Chlorine is considered to be a dual-use chemical and banned in armed conflict. We also prohibit the act of experimenting with nuclear weapons. Despite the fact that no country in our region can possess or use such weapons, we cannot achieve 100 percent worldwide control.

2) Judicial and Jurisdictional Issues: There are several treaties, agreements, and guidelines for cooperation, such as an Extradition Treaty, Prisoner Transfer Treaty, or Mutual Civil and Criminal Legal Assistance. The Law of the Sea also involves many jurisdictional issues and provides several dispute settlement procedures. A judicial mechanism for the settlement of disputes is now available in many courts; for example, the International Court of Justice (ICJ) in The Hague, which decided the Temple of *Preah Vihear* dispute. The International Tribunal for the Law of the Sea (ITLOS) in Hamburg also considers the cases of countries in this region, such as Myanmar and Singapore. As for the ICC, which Thailand has signed, but has not yet been ratified, there are a dozen pending cases, and verdicts have just been rendered on two cases regarding the recruitment of child soldiers and violence against women in African wars.

In addition, I would like to talk about universal jurisdiction, which allows national courts to consider cases of any serious crimes perpetrated outside their territory, such as the crime of torture. Thailand attempted to pass legislation establishing universal jurisdiction on torture, but this failed due to a change in government. However, a new draft bill is again being processed and the universal jurisdiction of this issue may become part of international law in the future.

The Temple of *Preah Vihear* involved many litigations, including the declaration of the national court that the Thailand-Cambodia Joint Communiqué was a treaty under Section 190 of the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) and the approval of Parliament was required before ratification. The case was decided by the ICJ again last year

and it was found that, apart from the Temple, the land in the ‘promontory’ of the Temple belongs to Cambodia. The issue of delimitation is still subject to negotiation. This issue is a legacy of colonialism, of the 1907 maps and the 1904 Treaty, which originally stipulated that the frontier must follow the watershed line. When the map was finished, Thailand claimed it was wrong because the Temple must be located in Thailand, not Cambodia; however, the Court had decided a long time ago that the *Preah Vihear* Temple was in Cambodian territory. In the past year, the Court declared that the promontory is also within Cambodian territory and Thailand must withdraw its military forces from the area. Nonetheless, the area should not be as large as the disputed area of 4.6 square kilometres, so the process of negotiation is ongoing.

In this respect, there is also the issue of the relationship between international treaties and domestic law. Similar to Section 190 of the former Constitution, Section 23 of the current Interim Constitution provides that any Treaty that could affect sovereign rights, or have a serious socio-economic impact, or is related to the Free Trade Area (FTA) must be approved by the Parliament before ratification. In case of doubt, the Constitutional Court will have the final ruling as to the necessity of parliamentary approval. We need to wait and see how the next Constitution, the 20th, treats this issue.

In terms of the *Preah Vihear* Temple, there is an issue of World Heritage management, and many have suggested that the two countries adopt a cooperative form of management. In fact, the spirit of mutual benefit is already embedded in the 2000 memorandum of understanding (MOU) between Thailand and Cambodia, which aimed for a peaceful settlement of the dispute.

3) Economic Commercial and Financial Issues: The General Agreement on Tariffs and Trade (GATT) and the World Trade Organisation (WTO) are global frameworks that establish the core principles of ‘non-discrimination’ for open markets in all states, and the principle of ‘national treatment’ to consider foreign and local businesses as equals. These are general principles for economic and commercial issues. Thailand became party to the GATT and the WTO at a very early stage, and also became party to other related agreements, both multilateral and plurilateral. Moreover, Thailand has always adhered to the Trade Policy Review Mechanism.

The key mechanism is the WTO Dispute Settlement Panel, which was established to resolve disputes related to international trade. Thailand has been party to more than 10 cases, in 3 of which it was the defendant. It has acted as a third party in more than 60 cases, one of the most provoking of which concerned tobacco. The Philippines argued that Thailand plurilateral of tax on imported tobacco was discriminatory and the panel agreed. As a result, this important case is subject to further arrangement under domestic law.

The GATT and the WTO function on the basis of negotiation and the peaceful settlement of disputes, which are subject to the rule of international law; for example, a package deal was proposed after the Doha Round negotiation, which recently took place in Bali, in which an attempt was made to reduce rice subsidies and enhance trade liberalisation. This was problematic, since the Indian population are not quite comfortable with their new government’s tendency toward liberalisation; Thailand cooperates well with the WTO and other new frameworks. With regard to Thailand’s domestic rice subsidies, it is not necessary to refer this matter to the WTO. It is just a national agenda. [laughs]

There are other mechanisms, for example, the FTA, that enable the free flow of goods without tariffs. New values for economic development can be seen, particularly in terms of cooperation among 10 ASEAN countries, the framework of ASEAN+3, etc.

The ASEAN Community, which is planned to be launched at the end of 2014, comprises three pillars; the ASEAN Economic Community (AEC), the ASEAN Security Community

(ASC), and the ASEAN Socio-Cultural Community (ASCC). The ASC and ASCC will focus on all issues related to human beings, while the AEC will be responsible for the liberalisation of goods and services, such as banking, insurance, or the medical profession. This is expected to drive more regional cooperation and integration.

In addition, there are other entities, such as the United Nations Conference on Trade and Development (UNCTAD), which aims to promote investment and eradicate double taxation, the International Monetary Fund (IMF), and the World Bank which works in conjunction with local banks.

4) Humanitarian and Social Issues: There were several human rights treaties after WWII, 9 of which were core treaties. Thailand was party to 7 of these treaties; for example, the Convention on the Rights of the Child, but it was not party to the Convention on the Protection of the Rights of Migrant Workers and Members of their Families and the Convention on the Protection of All Persons from Enforced Disappearance. The current system in the ASEAN on this issue consists of the ASEAN Human Rights Mechanism and the ASEAN Human Rights Declaration.

Thailand is also party to international humanitarian treaties, such as the Geneva Convention, but not to the additional protocols and supplementary agreements. Although we are very proud of being a leading country in some treaties, such as the Anti-Personnel Mine Ban Convention, we have not ratified other important treaties, such as the Convention related to the Status of Refugees.

5) Environmental and Developmental Issues: There are various environmental treaties on issues such as the maritime environment, greenhouse gases, and the ozone layer. Some framework agreements require cooperation between states in a flexible form of ‘common but differentiated responsibility’; for instance, the Kyoto Protocol, which attempts to reduce greenhouse gases, particularly by controlling the activities in developed countries. We are currently in negotiations to agree a measure to cap the use of mercury and reduce the amount of CO<sub>2</sub> in the atmosphere. These are part of the Millennium Development Goals, or MDGs. It is hoped that, perhaps within the next year, we can agree on a measure to limit the amount of greenhouse gases, since global temperatures have risen by more than 2 degree Celsius in this century. If we fail to find a way to manage this matter, we will all be killed by flood, wildfire, and so on; therefore, this issue is of paramount importance.

6) UN and Other International Institutions Issues: The UN Charter underwent major reform between 2004 and 2005. The most powerful organ is still the Security Council, with five Superpowers holding the right to veto; however, the idea that all parties must be given more responsibility, especially the ‘responsibility to protect’ was developed. The General Assembly is a forum attended by all states, including Thailand, where they have the right to vote on resolutions, such as the issue in Palestine; meanwhile, the United Nations Economic and Social Council (ECOSOC) is a forum for development. In terms of the ICJ, Thailand initially recognised the jurisdiction of the Court but withdrew the declaration after the first decision in the case of the Temple of *Preach Vihear*. Thailand also supports the Peace-Building Commission, which is one of new forums aimed at sustaining peace after the war.

The Human Rights Council provides a system to monitor the human rights situation in all states. Even North Korea and the US joined the Universal Periodic Report (UPR). Thailand also participates in several specific programmes, especially those of UNICEF, and we also want to be a member of the Human Rights Council and the Security Council.

### III. A HUNDRED INTROSPECTIVE DAYS (2014)

Before turning to the second half of today's topic; A Hundred Year Prospect, I would like to talk about some specific issues of 2014, so I have created a sexy topic, which is 'a hundred introspective days (2014) to examine what has happened inside our country. Firstly, we have had a coup de tat; secondly, an Interim Constitution with how many provisions? 48 Sections how many pages? Around 17 pages. I am not sure, please check. The most important thing is that we want to become a member of the Human Rights Council, so what can we do? Also, what should we do if we want to become a member of the UNSC in the next year? Since the organiser asked me to play the role of 'Astrologer of International Law' to predict the situation of international law in the next 100 years, I will do it using my knowledge and many issues should be as I predict if human beings continue to exist.

### IV. A HUNDRED YEAR PROSPECT

Starting with the nearest one, we are negotiating a Post-2015 Development Agenda for global cooperation development in 2015. The MDGs comprise of 8 Goals;

***Goal 1) To eradicate extreme poverty and hunger:***

*Thailand has successfully reduced the number of people earning less than 1 dollar a day by more than half, but in the process, we have widened the gap between rich and poor. [laugh]*

***Goal 2) To achieve universal primary education:***

*Thai students can go to school and complete their primary education, so that has been done.*

***Goal 3) To promote gender equality:***

*We have achieved equality between men and women in the field of education, so that has been done.*

***Goals 4) and 5) To reduce child and mother mortality:***

*This is well done.*

***Goal 6) To combat HIV/AIDS, malaria and other diseases:***

*We have done very well as far as combating malaria and HIV/AIDS in the past, but the number of cases has recently risen again. Teenagers are not willing to use condoms. Please use them! This is a condom country! [laugh]*

***Goal 7) To ensure environmental sustainability***

***Goal 8) To foster global partnership for development***

Goals 7) and 8) are both difficult to achieve because we are now facing the issue of global warming. What we are going to do after 2015 is another problem. In my opinion, instead of using the criteria of the MDG Goal 1) which is to reduce poverty by half, we should focus on eliminating poverty altogether; however, both the UN and Thailand must consider the disparity between the rich and the poor. The question of human rights and rule of law should also be addressed

In terms of peace and security, the fight for resources will be the cause of armed conflict. There will be small wars. Those fighting in Syria and Iraq come from about 30 countries, many of them developed, not just local people. Therefore, human rights and humanitarian matters are also involved, as well as environmental issues.

I believe that technology will be extremely significant to legal matters in the next 100 years, both in terms of advantages and also severe disadvantages, such as copyright infringement. Technology itself is neutral. Its values depend on the way we use it. Please respect intellectual property rights, and do not be proud of infringing copyright.

The relationship with various stakeholders will become more important in the future. I guess that the goal to be adopted next year could be the 100 percent reduction of poverty, not only half. This not only concerns states, but also involves partnerships with private business sectors, the most interesting of which is the South-South cooperation between developing or semi-developed countries. Thailand should cooperate with Africa and others. We should go and start work there! In the next 100 years, we should strive to make diagonal relationships, North-South-East-West. Do not only go to Oxford; take Oxford to the Ivory Coast, to Abidjan, and you can be very proud of yourselves. The Africans love Thai rice, Thai doctors, Thai nurses, and Thai peace-keeping operations. If you do not believe me, just look at Timor-Leste. The hospital is organised by Thai doctors and there are Thai restaurants. This is a movement toward development in many dimensions.

Talking about peace and security, I believe there will be a great change. I am worried about drones, or armed drones, and extremism. They say they will suppress extremism, but they do not know the root cause of it. They do not know why young people from 30 developed countries who could have lived comfortably in comparative wealth would want to become jihadists. These young people find their identity there; they are angry, resentful and full of hate. Those guys who behead people and cut off arms and legs are not only locals.

Drones and relevant technology should be considered from the perspective of international law. I have no problem with drones that deliver pizza, but what if drone comes into your bedroom? That can't be nice. Therefore, when using drones for commercial purposes, it is important to respect human rights, such as privacy. Now, it is time to propose a code of conduct and guidelines for the appropriate use of drones.

However, the use of an armed drone, or an unmanned drone equipped with weapons is more problematic. To a great extent, it is very convenient, since pilots are not needed to bomb or attack the enemy; simply send in a drone. However, under International Law, the threshold for the use of force if there is no war relies on the concept of self-defence. It is only allowed when there is an armed attack and we have to protect ourselves. We cannot initiate the attack. In many cases, self-defence under Article 51 of the UN Charter has been used to justify the unilateral use of force without any real armed attack.

In the current controversial debate in the UN, the theory of imminent attack to justify self-defence has been rejected. However, if there is an immediate concern that something is about to happen, it is acceptable to send in a drone. Drones must also be able to distinguish civilians from combatants. The commander must not order an attack on civilians. If he intended to attack civilians, he will be considered to have been guilty of perpetrating a war crime. The UN



document states that sending a drone with the intention to attack civilians is a war crime and the case may be referred to the ICC. The rules of using drones must be made clear and must not affect civilians.

Some states refer to the principle of proportionality to argue that using drones in wartime is proportionate because it only causes a few deaths; however, the UN does not accept this idea and emphasises that there must be zero deaths. The strategy of sending a drone must focus on military targets only, since it is an unmanned mission. This is the current issue being negotiated within the UN and it may become a new threat in relation to war and extremism. Nonetheless, I believe that extremism will not be easily eradicated because people are still furious and full of hatred. What we need to do is to find, reduce and eliminate the root of the problem.

Issues related to human rights and humanitarianism will gain more importance. For instance, the ageing population will dramatically increase. What can we do? How many children will the doctor recommend us to have? Two? Moreover, the issue of migration is also important. Rather than persecuting migrants, we should manage them well because we need to rely on each other.

In terms of environmental matters, next year we may have a cap of 2 degrees [Celsius]. What will we do for the next century? We cannot stand another 2 degrees. One thing we could do, and should do, is to prepare for disaster and an emergency response.

Another issue is technology. We have begun to agree on some cyberspace treaties. Attempts are being made in Europe to suppress cybercrime, especially pornography on the internet. Besides, we must consider other robotic issues in the future. I have also researched the law of robotics. The next generation should work for a brand new agreement on robotics because you may not sit in this room in the future; there may be a gorgeous white machine doing your work for you. What will the international laws on robotics be like in the future?

The famous novelist, Asimov, wrote about 3 laws of robots;

Firstly, a robot may not injure a human being or, through inaction, allow a human being to come to harm.

Secondly, a robot must obey the orders given it by human beings, except where such orders would conflict with the First Law; and

Thirdly, a robot must protect its own existence as long as such protection does not conflict with the First or Second Laws.

Lawyers must provide some conditions. If there is no third condition, we will be in trouble. However, I am afraid that the third one may come true someday.

We have already worked on some issues, such as biotechnology. We have some rules, declarations, agreements, and conventions, but they must be developed. We already have the Universal Declaration on the Human Genome and Human Rights, which provides that genomes must not be used to discriminate and privacy must be respected.

Sometimes the regulations cannot cover all contemporary issues. Codes of conduct or guidelines suggested by organs like the World Health Organisation (WHO) have to display their role. For example, Australia prohibits the transplantation of organs, but what if the Australian left Australia and came to Bangkok or the US? This conduct will have taken place outside the territorial jurisdiction. When there is no law to apply, we have to rely on medical guidelines, and the decision must be made under humanitarian measures. Commercialisation must not be allowed or it will encourage a trade in human organs and human trafficking. While the legislation of many countries has banned cloning, cloning can be categorised into 2 forms; commerce and therapy. We can accept the taking of stem cells to help medical conditions, but

the commercialisation of this field will be more serious and challenging in the framework of the next generation.

Finally, with regard to the dynamics of non-state actors, I always focus on the voices of people. In future, there will be more cross-border groups, both good and bad. Even today, transnational terrorist groups exist across the region. The private sector will play a very important role in the next century. In any case, I want to see the people assemble at the UN. I cannot accept the UN as an organisation of executive officers without the people, while the first phrase of the UN Charter is, "We the peoples", no people's organisation exists in the UN.

I would like to see a World Human Rights Court. Even though we have the ICJ to decide cases concerning territories and states and we also have the ICC, we still need a Human Rights Court. The scholars in this area have drafted an instrument you may find on the internet. It may become true in the future. It not only allows the state to be a party, but also the private sector; moreover, it allows litigation between firms in the private sector. This will be quite strange, since we usually only see disputes between states in the international forum. In the future, we might see a People's Assembly; moreover, I want to see an ASEAN Parliament. The ASEAN Charter also talks about executive officers, but it does not actually involve people. For now, we only have the ASEAN Intergovernmental Commission on Human Rights (AICHR), but I want to see an ASEAN court as well.

In conclusion, for the future, law and policy must work together with diplomacy. Information and databases are extremely important so that we can choose the future we want. Now, the important point is what we will do for the hundred days left of 2015 in the international forum and the UN. Joining various treaties and participating in creating norms of international custom are very important. We have become party to some treaties, but not for others. We are party to the Law of the Sea Convention, but we are not party to the ICC; notwithstanding, everyone sitting here can be brought to the ICC if the Security Council decides to refer to the Court, and the Prosecutor of the ICC is a very strong lady.

The link between international law and domestic law as seen in Section 190 of the former Constitution of Thailand is also an important issue. Any treaties need to be implemented in the domestic law; otherwise, the Thai court will not be bound by obligations under those treaties. Does the Thai court apply International Law? Sometimes, the Thai court is very radical. In the last two years, the Constitutional Court decided that the requirement for the judiciary to prevent persons with disability from being a judge violates both Thai law and the Convention on the Rights of Persons with Disabilities, just as if the Thai court is bound by international law. It is very interesting to note that our domestic court now refers to international law more often.

In addition, more and more Thai officers cooperate with international agencies. In the past, when we wanted to file a lawsuit in the international forum, we had to rely on foreign lawyers, but now, we can establish our own litigation unit. Most of the cases in the WTO need to hire foreign lawyers, and so does the arbitration taking place in Geneva this week.

Thailand's participation in the international dispute settlement mechanism is very interesting. In the case of the Law of the Sea, if we do not declare the choice of a mechanism, arbitration will be applied. We can even choose the ICJ, but we do not want the ICJ to be applied, not because of the matter of the sea, but of the land. The second choice is the ITLOS, which has already been chosen by many states in this region. The cases under the ITLOS are very interesting, such as the case of Myanmar. There have also been cases related to national resources under the sea. There are also other choices, such as a special chamber, or arbitration, or alternative dispute resolution. The issue of peaceful dispute settlement is very important.

ASEAN member are now also considering arbitration as a choice for the future form of dispute settlement in the ASEAN.

Joint action in cooperation with other parties is also important when we may lack sufficient power. We cooperated under the WTO framework, as well as in the past 100 years, when we joined the UK and France in WWI and bargained to revoke the extra-territoriality, or even in WWII, when we had to diplomatically connect with many parties and managed to survive as a sovereign state, including the Free Thai Movement.

The next issue is the contribution to the world in terms of the UN budget and the peacekeeping force budget. Having developed in many aspects, we should see our relationship with the world as a partnership. We should not only think of ourselves as recipients. This is why we must contribute more. As a result, our civil society will be able to participate more in the UN and other fora, despite there being no organisation for the people under the UN.

In terms of the young generation, people-to-people contact is extremely important. Volunteering and *pro bono* activities in other developing regions are also fascinating. I want to see young people going to Africa and the Pacific Islands. The UN also has volunteering programmes and if people would like to join them, this would be the very first step to being part of the UN. Thailand can be a bridge to link other countries, whether developing or developed. That is the true wisdom of the world.

I have talked about One Hundred Retrospective Years, A Hundred Introspective Days and A Hundred Prospective Years. From the perspective of an International Law astrologist, I advise thinking local and acting global, as well as considering global issues and acting local. If you want to be a good astrologist, you must be a local one. Thank you.