



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

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**STATEMENT BY MRS. NATALIE Y. MORRIS-SHARMA,
COUNSELLOR (LEGAL), PERMANENT MISSION OF SINGAPORE TO
THE UNITED NATIONS, ON AGENDA ITEM 74, ON THE
RESPONSIBILITY OF STATES FOR INTERNATIONALLY
WRONGFUL ACTS, SIXTH COMMITTEE,
7 OCTOBER 2016**

1. Mr. Chairman, we thank the Secretary-General for his reports, compiling comments and information received from Governments (A/71/79) as well as the decisions of international courts, tribunals and other bodies (A/71/80), on the International Law Commission's (ILC) draft articles on the responsibility of States for internationally wrongful acts.

2. The draft articles have been on the agenda of the Sixth Committee since 2001 – a length of time that is not insignificant. In the absence of opportunities for fruitful and sustained inter-sessional deliberations on this agenda item, it has been useful to understand the views of at least some States, through the information that has been provided by the Secretary-General in his report, A/71/79. In a similar vein, my delegation looks forward to the exchange of views that will take place between and amongst delegations in the context of our working group at this session of the General Assembly.

3. Meanwhile, my delegation would like to highlight that Singapore continues to have questions over the desirability of providing a legal regime for countermeasures within the framework of State responsibility because of the potentially negative implications. The matter of countermeasures was a complex one, and therefore more appropriately addressed in a specialist forum. This is a view that my delegation has articulated previously. We had raised this during the time when the ILC was still undertaking its work on preparing the draft articles. However, while the ILC considered the option of deleting the provision on countermeasures from the draft articles, the ILC did not ultimately do so. The ILC did tweak the approach from earlier drafts, but my delegation is of the view that these tweaks were not sufficient to address the concerns that we had raised.

4. This concern that my delegation has over the draft articles gives us pause on the form which the draft articles could take. The classical arguments for and against either receiving the draft articles as principles that could be flexibly applied by international tribunals and States or turning the work of the ILC into a convention are not unfamiliar to us. Whichever way the General Assembly decides to take this work of the ILC forward, my delegation would like to underscore the importance of doing so by consensus.

5. We recognise that the ILC's draft articles on the responsibility of States for internationally wrongful acts are, by any account, a seminal piece of work. The articles address a complex area of law, and principles that underpin the relationship between States in the international sphere. The articles also form the foundations for the ILC's work on the responsibility of international organisations. As such,

any decision that this body takes on the ILC's work in this regard must be undertaken with particular care and thought, and by the international community as a whole, on the basis of informed and shared understandings.

6. Thank you, Mr. Chairman.
