



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

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**STATEMENT BY MR. LUKE TANG, COUNSELLOR (LEGAL), PERMANENT  
MISSION OF SINGAPORE TO THE UNITED NATIONS, ON AGENDA ITEM  
82, ON EXPULSION OF ALIENS, SIXTH COMMITTEE,  
12 OCTOBER 2017**

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Mr. Chairman,

1. The topic on “Expulsion of Aliens” has been a challenging one because it engages a State’s sovereign right to expel aliens from its territory, and that State’s obligation to comply with applicable international human rights law. We applaud the Commission’s laudable efforts to tackle this complex topic. However, my delegation has in the past shared the views of others that progressive development in respect of the laws and practices applicable to the expulsion of aliens must be approached with caution. We still hold this view of the need for caution, in view of the complexities and sensitivities surrounding this topic.

2. My delegation has spoken on this topic over the years. We believe that our views are well-known. For instance, my delegation has, in the past, expressed concerns regarding the draft articles, and the extent to which the Commission has sought to achieve progressive development through them. In this connection, we have consistently expressed our opposition to the expanded principle of non-refoulement articulated in paragraph 2 of draft article 23. Paragraph 2 of draft article 23 is not reflective of the customary international law. There is no customary international law obligation to the effect that a State that has abolished the death penalty is automatically bound not to expel a person to another State where the death penalty may be imposed. My delegation is unable to accept such

progressive development as is captured in the draft articles.

3. My delegation has also, in the past, expressed concern over the lack of distinction, in the draft articles and its commentaries, between codification and progressive development. I believe that these concerns have been expressed by other delegations and they continue to be shared by other delegations today.

4. Our concerns regarding the draft articles have not changed. As such, we do not support their status as draft articles and our suggestion is for the General Assembly to take note of the draft articles as well as the concerns raised and reservations expressed by delegations on the draft articles.

5. Thank you, Mr. Chairman.

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