



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

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**STATEMENT BY MS JOPHIE TANG,
DEPUTY PERMANENT REPRESENTATIVE OF SINGAPORE TO THE
UNITED NATIONS,
ON AGENDA ITEM 86, ON THE RULE OF LAW AT THE NATIONAL
AND INTERNATIONAL LEVELS,
SIXTH COMMITTEE,
19 OCTOBER 2020**

[Please check against delivery]

1 The rule of law is a universal principle to which Singapore firmly ascribes.

2 My delegation thanks the Secretary-General for the report under this agenda item. However, we are extremely disappointed with paragraph 74 of the report, which considers the death penalty in a manner that is inaccurate, misleading and biased. What is particularly disappointing is that this is not the first time that the Rule of Law Unit has taken such a biased and misleading approach to the treatment of this issue.

3 First, the paragraph suggests that it is “in accordance with human rights standards” to “oppos[e] the application of the death penalty in all circumstances”. This is an unacceptable and wholly inappropriate statement. There is no international consensus on the use of the death penalty. Indeed, Article 6 of the ICCPR provides for the use of the death penalty for the most serious crimes. Therefore, for the Rule of Law Unit to take such a one-sided and biased stance is a misuse of its mandate. Second, the paragraph implies that it would “advance Sustainable Development Goal 16” to “oppos[e] the application of the death penalty in all circumstances”. My delegation rejects this contention, which implies that all countries who apply the death penalty are not contributing to the rule of law. The application of the death penalty, when imposed according to due process of law and judicial safeguards, is entirely compatible with SDG 16. Third, the paragraph states that the United Nations accountability mechanisms will not share evidence in their possession for proceedings where the death penalty may be imposed. No distinction is drawn between evidence that may inculpate or

exculpate, which suggests that even evidence that might exonerate the innocent will not be shared. This will not advance the rule of law. In fact, it could undermine the rule of law, as it may obstruct the course of justice and efforts to arrive at a fair and just outcome.

4 During the 73rd and 74th sessions of the General Assembly, Singapore and other Member States raised concerns on how the reports under this agenda item had considered the issue of the death penalty. However, the Rule of Law Unit continues to try to unilaterally impose its own agenda on the death penalty on the entire UN membership, despite the lack of international consensus against the death penalty and absence of international law prohibition against its use. In doing so, the Rule of Law Unit has chosen to ignore the fact that all countries have the sovereign right to develop their own legal systems, including determining the legal penalties most suitable for their respective circumstances, in accordance with their international law obligations. This sovereign right was reaffirmed by the General Assembly in operative paragraph 1 of General Assembly resolutions 71/187 and 73/175, entitled “Moratorium on the use of the death penalty”. The Rule of Law Unit has also unilaterally decided to disregard the explicit request, reflected in General Assembly resolution 74/191 and other previous resolutions, that the report of the Secretary-General under this agenda item is to address the national and international dimensions of the rule of law in, and I quote, “a balanced manner”. With each report of the Secretary-General under this agenda item, the Rule of Law Unit is further demonstrating its complete lack of objectivity where the subject of the death penalty is concerned. This is a matter that we will certainly look into addressing. We expect that future reports will be presented in an objective, neutral and non-partisan manner.

Madam Chair,

5 I now turn to the subtopic of this debate, namely “Measures to prevent and combat corruption”. When Singapore became an independent country, our pioneering leaders recognised that the rule of law had to prevail for the country to thrive. One of the most important steps towards this was the elimination of corruption, which had been rife. Today, Singapore has a robust, comprehensive anti-corruption framework that spans laws, enforcement, the public service and public outreach. We also actively support international efforts against transnational corruption. In addition to the United Nations Convention Against Corruption that is the bedrock of our international engagement on this issue, we participate in a number of international platforms that seek to bring together relevant stakeholders to tackle corruption. We also contribute in terms of capacity building for law enforcement counterparts in our region and beyond.

6 The rule of law is more important than ever before. It is critical to efforts to overcome the crisis caused by the COVID-19 pandemic, as well as for sustainable recovery. We therefore are particularly pleased with two recent developments. The first was the entry into force last month of the United Nations Convention on International Settlement Agreements Resulting from Mediation, also known as the Singapore Convention on Mediation. It is an important milestone as the Convention fills a gap in the enforcement framework for cross-border commercial disputes. The second recent development was the adoption in June of a model agreement by Singapore and the International Tribunal for the Law of the Sea which would allow Singapore to be a venue for proceedings in cases before the Tribunal or its chambers. The adoption of the model agreement will improve the Tribunal's accessibility, especially for disputes in our part of the world. We believe that these developments will contribute to the international rule of law.

7 I conclude by reaffirming Singapore's commitment to upholding and promoting the rule of law at the national and international levels.

8 Thank you.