



PERMANENT MISSION OF SINGAPORE
TO THE UNITED NATIONS

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**STATEMENT BY AMBASSADOR BURHAN GAFOOR,
PERMANENT REPRESENTATIVE OF THE REPUBLIC OF
SINGAPORE TO THE UNITED NATIONS, ON AGENDA ITEM 82, ON
THE REPORT OF THE INTERNATIONAL LAW COMMISSION ON
THE WORK OF ITS SEVENTY-SECOND SESSION (CLUSTER 1:
CHAPTERS I – V and X OF A/76/10), SIXTH COMMITTEE,
25 OCTOBER 2021**

[Please check against delivery.]

Mdm Chair,

1 My delegation thanks Ambassador Mahmoud Hmoud of Jordan for his stewardship of the Commission at its seventy-second session. We also thank the Commission for its comprehensive report, and the Special Rapporteurs Mr Shinya Murase and Mr Juan Gómez-Robledo for their efforts on the topics addressed in Chapters IV and V respectively of the report.

2 Singapore welcomes the Commission's efforts in adapting its working methods during the pandemic and the significant progress it has made on its agenda. We hope the Commission will continue to explore ways to improve its working methods.

3 My delegation expresses its appreciation to the Secretariat for its substantive and logistical support of the Commission in the unprecedented hybrid format. This was crucial to the successful outcome of the session.

4 I now turn to Chapters IV and V of the report.

5 First, on **Chapter IV on the topic of "Protection of the Atmosphere"**. Atmospheric pollution is a negative externality, the impact of which can often be felt across multiple States. It is often part of a multi-faceted problem that cannot be resolved via a single pathway. Singapore welcomes the successful conclusion of the Commission's work, based on the 2013 understanding, in the form of the twelve draft guidelines and the commentaries thereto. We support the Commission's recommendation on the draft guidelines, which provide valuable guidance and will be of practical use to States.

6 For example, draft guideline 8 addresses the obligation for States to cooperate, as appropriate, with each other and with relevant international organisations for the protection of the atmosphere. Singapore fully agrees that international cooperation is at the core of protecting the atmosphere from atmospheric pollution and degradation. We also agree that the principles of sovereign equality and good faith, as cited by the Commission in the commentary to draft guideline 8, guide such cooperation.

7 Second, on **Chapter V on the topic “Provisional application of treaties”**, Singapore is pleased that the Commission successfully concluded its work on the Guide to Provisional Application of Treaties and its commentaries, and welcomes the overall approach that the Guide encourages. The Guide provides important and concise practical guidance to States and international organisations on how treaties can be applied provisionally and the legal effects of such provisional application.

8 With regard to draft Guideline 4 on “Form of agreement”, we are heartened that the Commission’s output addresses concerns that my delegation raised before. We particularly welcome the amendments to emphasise the requirement of consent to the provisional application of a treaty between the States and international organisations concerned.

9 With regard to draft Guideline 6 on “Legal effects”, Singapore’s understanding is that an agreement between States or international organisations to provisionally apply a treaty or part of a treaty can create a legally binding obligation. Whether any such legally binding obligation is created is ultimately dependent on the intention of the parties and what they have agreed. This may be reflected in the circumstances surrounding the treaty and the agreement on provisional application, in cases where both are silent or ambiguous on the legal effect of provisional application. In situations where there is an obligation on States or international organisations to provisionally apply a treaty or part of a treaty, they must do so in good faith.

10 On this understanding, my delegation supports the Commission’s recommendations as set out at paragraph 49 of the report and the Guide as a whole.

Mdm Chair,

11 In closing, I wish to reaffirm Singapore's strong support for the Commission's work. We will continue to follow the Commission's work with great interest and anticipate a fruitful discussion in the coming days.

12 Thank you.