



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE  
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**STATEMENT BY MS DAPHNE HONG,  
SOLICITOR-GENERAL OF SINGAPORE, ON AGENDA ITEM 79, ON  
THE REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE  
WORK OF ITS SEVENTY-THIRD AND SEVENTY-FOURTH SESSIONS  
(CLUSTER I: CHAPTERS I-IV, VIII, AND X OF A/78/10),  
SIXTH COMMITTEE,  
23 OCTOBER 2023**

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Mr Chair,

1 Thank you for giving me the floor. As this is the first time I am taking the floor, please allow me to congratulate you on your election as Chair of this Committee and to reaffirm my delegation's full support. My delegation is pleased to address Chapters IV, VIII and X of the Report of the International Law Commission on the Work of its Seventy-Fourth Session.

2 Turning first to Chapter IV of the Report on the topic "**General Principles of Law**", my delegation wishes to extend our appreciation to the Special Rapporteur, Ambassador Marcelo Vásquez-Bermúdez, and to the Commission for their work on this topic. My delegation congratulates the Commission on the adoption of 11 draft conclusions and the accompanying commentaries on first reading.

3 My delegation notes the robust debate among the Commission members on the existence of the second category of general principles of law under draft conclusion 3, paragraph (b), namely, those that may be formed "within the international legal system". In this regard, we find it helpful that the commentary to draft conclusion 3 makes reference to both sides of the debate. We also appreciate the work done on the drafting of the commentary to draft conclusion 7 to clarify the methodology for determining the existence and content of general principles of law that may be formed within the international legal system. We further recognize the efforts made to address concerns previously raised by Member States in the Sixth

Committee discussions on this topic last year, particularly on the meaning of “intrinsic” and on the application of the methodology.

4           However, we note two difficulties with draft conclusion 7 and its commentary in their current formulation. First, on the term “intrinsic” as defined in the commentary, it is still not clear to us what it means for a principle to “reflect” and “regulate” the “basic features” of the international legal system. While some examples cited in the commentary, such as the example of “consent to jurisdiction”, provide some insight into what the Commission means by “reflect[ing]” and “regulat[ing]” the basic features of the “international legal system”, it is not clear to us how the other examples cited reflect or regulate the basic features of the international legal system. Second, we reiterate our concern that the caveat under draft conclusion 7 paragraph (2) that the criterion in paragraph (1) is “without prejudice to the question of the possible existence of other general principles of law formed within the international legal system” is overly broad and threatens to undermine the criterion completely. This creates greater uncertainty over the identification of principles formed within the international legal system.

5           My delegation will continue to study the examples of the second category of general principles of law as well as the illustrations of methodology provided in the commentaries and submit our written comments in due course. At this juncture, we note the substantial discussions among Commission members on whether certain examples included in the commentaries are, in fact, general principles of law. The differing viewpoints expressed within the Commission should give us pause before concluding that every example cited in the commentary has met the criterion for identification as a general principle of law formed within the international legal system. It is also unclear to us whether the methodology set out in draft conclusions 4 to 7 was applied to identify the principles cited in the commentary to draft conclusion 10 as examples of general principles of law that serve as the basis for primary rights and obligations, secondary rules and procedural rules.

Mr Chair,

6           I now turn to Chapter VIII of the Report on the topic “**Sea-level rise in relation to international law**”, Singapore joins other small island developing States in underlining the very real and existential threat posed by sea-level rise. In this regard, my delegation has reviewed with great interest the additional paper on the subtopic “law of the sea” as well as the Study Group’s discussion on this paper.

7 My delegation commends the extensive efforts of the Co-Chairs in identifying and elaborating on the relevant legal issues in the additional paper. In relation to the legal stability of baselines and maritime zones, Singapore agrees with the preliminary observation of the Co-Chairs that there is no obligation under the United Nations Convention on the Law of the Sea (UNCLOS) to keep baselines and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once deposited with the Secretary-General of the United Nations. That said, Singapore wishes to emphasise that it is a necessary precondition that such baselines and outer limits of maritime zones are, in the first place, strictly in accordance with UNCLOS. The result is that for small and vulnerable low-lying States facing existential threats due to climate change-induced sea-level rise, such maritime zones, and the rights and entitlements that flow from them, can continue to apply without reduction.

8 With respect to agreed and adjudicated maritime boundaries, Singapore agrees with the preliminary observation of the Co-Chairs that maritime boundary delimitation treaties and the decisions of international courts or tribunals should not be easily re-opened in the interest of promoting the stability of, and respect for, existing boundaries.

9 Singapore also agrees with the Co-Chairs' emphasis on the importance of equity to the interpretation and application of UNCLOS, especially in considering the impact of climate change-induced sea level rise on small island developing States. For vulnerable small, low-lying States facing existential threats due to climate change-induced sea level rise, the balance of equities under UNCLOS clearly and indisputably weighs in favour of the preservation of existing maritime zones and entitlements. As for other contexts, we encourage further study on how the principle of equity should apply vis-à-vis the implications of climate change-induced sea level rise, so as to ensure the appropriate balance of rights and obligations under UNCLOS, including the extent to which the interests of third States and the freedom of navigation are engaged.

10 Finally, with respect to historic waters, title and rights, Singapore appreciates the efforts of the Co-Chairs in examining the doctrinal basis for the application of such principles by way of analogy to climate change-induced sea-level rise. However, we note that State practice in relation to historic waters, title and rights is limited and look forward to the Study Group's further work on these issues ahead of the final substantive report on this topic, "Sea-level rise in relation to international law", in 2025.

Mr Chair,

11 Turning finally to Chapter X of the Report on the topic “**Other Decisions and Conclusions**”, my delegation congratulates Mr Mathias Forteau on his appointment as Special Rapporteur and we look forward to receiving his first report on the topic “Non-legally binding international agreements” and engaging with it in substance. We also congratulate the Commission on its upcoming 75th anniversary in 2024 and would be interested in participating in the meetings with legal advisers of Ministries of Foreign Affairs dedicated to the work of the Commission.

12 We welcome the successful conclusion of another session of the International Law Seminar, in particular the convening of the workshop on climate change’s impact on the law of the sea and international water law, which is a timely and pressing issue facing the world today.

13 Finally, my delegation regrets that the Commission will not be able to meet in New York for the first part of its 75th and 76th sessions in 2024 and 2025 respectively. We agree that enhancing dialogue with the General Assembly and its Sixth Committee is important and urge the Secretariat to make the necessary arrangements for the Commission to hold the first part of its 77th session in New York in 2026.

14 I thank you very much for your attention.

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