



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE
UNITED NATIONS | NEW YORK

**STATEMENT BY MR SCOTT TAN,
DELEGATE TO THE 78TH SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY, ON AGENDA ITEM 79, ON THE REPORT OF
THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS
SEVENTY-THIRD AND SEVENTY-FOURTH SESSIONS
(CLUSTER II: CHAPTERS V AND VI OF A/78/10),
SIXTH COMMITTEE,
31 OCTOBER 2023**

Mr Chair,

1 Thank you for giving me the floor.

2 The topic **“Settlement of disputes to which international organizations are parties”**, which is dealt with in Chapter V, is a topic of considerable relevance and significance. My delegation congratulates the Commission on provisionally adopting draft Guidelines 1 and 2 and adopting the accompanying commentaries; and we thank the Special Rapporteur, Mr. August Reinisch, for his contributions. An increasing level of State-to-State interaction takes place today in the context of an international organization. The activities of many international organizations have, in turn, become more diverse and complex, and disputes involving such organizations are increasingly common. We reiterate Singapore’s strong support for the peaceful resolution of disputes as enshrined in the Charter of the United Nations. In this regard, Singapore is a host and venue for the settlement of international disputes under the auspices of various intergovernmental organizations, such as the Permanent Court of Arbitration, the International Centre for Settlement of Investment Disputes, and the International Tribunal for the Law of the Sea. As an international dispute resolution hub, Singapore remains engaged in efforts to update dispute resolution rules to take into account developments in the international disputes landscape. Therefore, the Commission’s work in this respect, which builds on its earlier work in its draft articles on the responsibility of international organizations, adopted in 2011 (2011 draft articles), is pertinent and helpful.

3 Singapore has two comments on draft Guideline 2. First, in respect of the definition of an “international organization” in draft Guideline 2(a), we note that the Commission had previously adopted a definition of an international organization in its 2011 draft articles. We agree with the 2011 definition and do not think that any update to this definition is necessary. In my delegation’s view, the key feature of an international organization is that it is an entity possessing its own international legal personality and is established by a treaty or other instrument governed by international law. The fact that an international organization must have at least one organ capable of expressing a will distinct from that of its members is simply an elaboration of its separate international legal personality, and not a distinct feature. Further, the possibility of including other entities, apart from States, in its membership is a useful clarification to have, but is not a definitional feature in itself.

4 Second, the definition of a “dispute” in draft Guideline 2(b) provides that a dispute is “a disagreement concerning a point of law or fact in which a claim or assertion is met with refusal or denial.” As drafted, it could lead to the interpretation that a disagreement of fact could, by itself, give rise to a dispute. This is misleading. As the Commission has pointed out in paragraph (27) of its commentary on draft Guideline 2, a point of fact will only amount to a legal dispute if the factual assertions and denials are relevant *in a legal context* – that is to say, they relate to a point of law. If the Commission is inclined to refer to a disagreement of fact in the definition of a “dispute”, the phrasing in Article 36, paragraph 2(c) of the Statute of the International Court of Justice may better capture how a disagreement over a point of fact can give rise to a dispute, this being in relation to “the existence of any fact which, if established, would constitute a breach of an international obligation”.

5 These are my delegation’s initial observations on the draft Guidelines 1 and 2. We note that the draft Guidelines and commentaries will continue to be developed by the Commission, and Singapore stands ready to engage the Commission as and when further Guidelines and commentaries are developed.

Mr Chair,

6 Turning to Chapter VI on the topic “**Prevention and repression of piracy and armed robbery at sea**”, Singapore notes the Commission’s adoption of draft articles 1 to 3 and their accompanying commentaries and thanks the Special Rapporteur, Mr. Yacouba Cissé, for his work on this topic. My delegation supports

the Commission’s objective of avoiding alteration of any of the rules set forth in existing treaties, including the United Nations Convention on the Law of the Sea, and emphasizes that the integrity of existing treaties must be preserved.

7 Singapore supports the Commission’s flexible approach towards the format of the Commission’s output on this topic at this stage. As requested by the Commission, Singapore had, on 1 May 2023, submitted information on this topic. Singapore notes that the definitions set out in draft articles 2 and 3 generally reflect existing international law and looks forward to engaging with the Commission’s forthcoming work on how these definitions will be used.

8 My delegation has the following points to make concerning draft articles 2 and 3. First, regarding draft article 2, paragraph 1, Singapore notes with interest the Commission’s position that actions carried out by drones, unmanned aerial vehicles and maritime autonomous vehicles can fall within the scope of the definition of piracy, as can the use of other devices for the carrying out of cyberattacks at sea. My delegation welcomes this clarification. Second, regarding draft article 3, we note the Commission’s reasons for using the phrase “armed robbery at sea” instead of the phrase “armed robbery against ships” which can be found in the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia. We look forward to engaging with the Commission’s future work on draft articles in which the expression “armed robbery at sea” may be used. Finally, my delegation agrees with the observation made at paragraphs 2 and 4 of the commentary to draft article 3 that universal jurisdiction applies to piracy but not to armed robbery at sea.

9 I thank you very much for your attention.

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