



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

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**STATEMENT BY MRS. NATALIE Y. MORRIS-SHARMA, COUNSELLOR,
PERMANENT MISSION OF SINGAPORE TO THE UNITED NATIONS,
ON AGENDA ITEM 78, ON PART 1 OF THE REPORT OF THE
INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS SIXTY-
SIXTH SESSION (CHAPTERS I-III, IV, V & XIV OF A/69/10),
SIXTH COMMITTEE, 28 OCTOBER 2014**

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1. Mr. Chairman, Singapore thanks the Commission for its comprehensive report on the work of its sixty-sixth session. My delegation strongly supports the work of the Commission. The Commission plays a significant role in the progressive development and codification of international law, and promotes the rule of law in the course of its work. We also appreciate the efforts of the Commission to engage Member States, especially by inviting comments on specific issues of particular interest to the Commission.

Expulsion of aliens

2. In respect of Chapter IV of the Commission's report on the expulsion of aliens, my delegation wishes to express our appreciation for the Special Rapporteur, Mr. Maurice Kamto, for his efforts in continuing the work on the topic.

3. We are supportive of efforts that help contribute to make laws and their application clear, predictable, and transparent, particularly when the human rights of individuals are involved. In this regard, we welcome the amendments that have been made, for example, to draft Article 3, to clarify the relationship between the draft articles and other applicable rules of international law.

4. That said, my delegation continues to have concerns over the progressive development that the ILC has sought to undertake in respect of this topic. The draft articles on the expulsion of aliens deal with the complex and sensitive interface between the rights and obligations of expelling States, receiving States, as well as of individuals.

5. My delegation shares the views previously expressed by other delegations that progressive development in respect of the laws and practices applicable to the expulsion of aliens should be approached with caution. My delegation also shares the concern expressed by other delegations over the lack of distinction, in the draft articles and its commentaries, between codification and progressive development.

6. For example, paragraph 2 of draft article 23 is pitched, in part, as a codification of international law, but is in fact not reflective of the current state of international law. As my delegation has previously expressed, 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. It is also erroneous to suggest that this so-called obligation is one aspect of the right to life. Paragraph 2 of draft article 23 is based in part on a single decision of the Human Rights Committee. Such a limited precedent is inadequate basis for codification, even more so where the decision has received criticism reflecting the divergence of views on the underlying principles.

7. Noting my delegation's concerns over the expanded-principle of non-refoulement articulated in paragraph 2 of draft article 23, my delegation is further troubled by the attempt in paragraph 2 to progressively develop the law by expanding the already-expanded principle of non-refoulement (i) beyond States that do not have the death penalty, to States that have retained the death penalty in their legislation but do not apply it in practice; and (ii) to situations where there has yet to be a pronouncement of the death penalty.

8. Overall, my delegation is of the view that the draft articles on the expulsion of aliens would be better received as guiding principles. We do not support their status as draft articles.

Protection of persons in the event of disasters

9. On the topic of “Protection of persons in the event of disasters”, my delegation thanks the Commission for its continued work and progress, particularly noting the successful conclusion of the first reading of the draft articles. We also wish to express our appreciation for the Special Rapporteur, Mr. Eduardo Valencia-Ospina, for his seventh report on this topic which dealt with the question of the protection of relief personnel and their equipment and goods.

10. Insofar as the draft articles are concerned, our delegation wishes to reiterate our concern over draft article 16, which asserts the “right” of States, the United Nations, and other competent intergovernmental organisations to offer assistance to the affected State. We note that the commentary explains that draft article 16 is only concerned with “offers” of assistance, not with the actual “provision” thereof, and that an offer of assistance does not create for the affected State a corresponding obligation to accept it. However, we remain doubtful over this concept being expressed as a “right”. The commentary states that the Commission “opted for the phrasing ‘have the right to offer assistance’ for reasons of emphasis. States, the United Nations and intergovernmental organizations not only are entitled but are also encouraged to make offers of assistance to the affected State”. Nevertheless, we struggle to see how this phrasing achieves the stated intention. The interest of the international community in the protection of persons in the event of disasters is implicit in the draft articles, as are the principles of solidarity and cooperation. Noting this, one option could be to do without draft article 16 altogether.

11. As for the protection of relief personnel and their equipment and goods, our delegation is supportive of the inclusion of a dedicated article, as is the case with draft article 18. The protection of relief personnel and their equipment and goods is an important issue. As evident from the survey of sources undertaken by the Special Rapporteur, it is provided for in many universal and regional treaties, including the Association of Southeast Asian Nations (ASEAN) Agreement on Disaster Management and Emergency Response of 2005.

12. Mr. Chairman, my delegation looks forward to hearing the comments and observations of others, on this and other topics before the Commission, including the new topics which have been included in the Commission's programme of work.

13. Thank you, Mr. Chairman.

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