



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

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**STATEMENT BY MR. DAVID LOW, DELEGATE TO THE 71ST SESSION
OF THE UNITED NATIONS GENERAL ASSEMBLY, ON AGENDA ITEM
79, ON DIPLOMATIC PROTECTION, SIXTH COMMITTEE,
7 OCTOBER 2016**

1. Mr. Chairman, Singapore would like to thank the Secretary-General for his report on this agenda item (A/71/93).
2. The International Law Commission adopted the draft articles on diplomatic protection at its fifty-eighth session in 2006. The present session marks the fifth time that the Assembly is considering the draft articles.
3. Ahead of the discussions that we will have at this session, it would be useful to highlight some concerns that have been expressed with regard to the draft articles. From the reports of the Secretary-General at the current and the 68th session of the General Assembly, and the exchanges of views that we have heard at the Sixth Committee, it is clear that several states continue to have reservations over adopting a convention based on the draft articles at the present time.

4. A number of aspects of the the draft articles suggest the need for some caution. First, the Commission has in its own commentaries on the draft articles recognised that several of the articles represent progressive development of the law rather than a codification of existing customary international law. Examples of such progressive development include parts of draft article 5 (on the continuous nationality of a natural person), draft article 8 (on stateless persons and refugees) and draft article 15 (on exceptions to the exhaustion of local remedies rule). Some States have also expressed the view that parts of draft article 10 (on continuous nationality of a corporation), draft article 11 (on protection of shareholders) and draft article 16 (on actions or procedures other than diplomatic protection) may not reflect customary international law.

5. Secondly, this topic is closely interlinked with several other important areas of international law, such as the responsibility of states for internationally wrongful acts. The commentaries on the draft articles on diplomatic protection explicitly acknowledge this.

6. With the above in mind, my delegation looks forward to the exchange of views at the discussions of the working group on this topic.

7. Mr. Chairman, let me conclude by once again acknowledging the work of the International Law Commission in preparing the draft articles for the consideration of States. These provide a useful reference point for States to continue our

discussions on this topic. Ultimately, any legal framework on diplomatic protection must be constructed on the basis of international consensus and mutual understanding, for it to have a solid foundation and endure the test of time. We think that the preparation of the draft articles and the accompanying commentaries by the Commission is an important and constructive contribution to the ongoing international discourse on the topic of diplomatic protection, and we thank the Commission for its extensive work in this regard.

8. Thank you, Mr. Chairman.

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