



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 77, ON  
THE REPORT OF THE INTERNATIONAL LAW COMMISSION ON  
THE WORK OF ITS SEVENTY-THIRD SESSION (CLUSTER I:  
CHAPTERS I – V and X OF A/77/10), SIXTH COMMITTEE,  
25 OCTOBER 2022**

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1 Mr Chair, as this is the first time that I am taking the floor in this Committee, allow me to reaffirm my delegation’s full support to you and the Bureau.

2 My delegation thanks Professor Dire Tladi for his stewardship of the Commission at its seventy-third session. We also thank the Commission for its comprehensive report, and the Special Rapporteurs for their efforts on the topics addressed in Chapters IV and V of the report.

3 I shall now address Chapters IV, V and X of the report.

4 In relation to Chapter IV, Singapore congratulates Special Rapporteur Professor Tladi and the Commission for completing work on the topic “**Peremptory norms of general international law (*jus cogens*)**”. Singapore was among those delegations that submitted written comments to the Commission on this topic. Like others, we considered the draft conclusions very carefully, and made some suggestions on how they could be clarified or improved. We greatly appreciate the Commission’s clear efforts to engage with Member States. However, my delegation remains of the view that the draft conclusions can be further improved or clarified in the manner proposed in our written comments. We have three suggestions.

(a) First, on recognition of peremptory norms. my delegation notes with appreciation the Commission’s incorporation in draft conclusion 7 of our comment that, in determining whether there is a “very large majority” of States accepting and recognising the peremptory status of a norm, a “large and representative majority of

States is required. That said, my delegation continues to take the view that referring to the international community “as a whole” has quantitative as well as qualitative elements, and that the term, “virtually all States” is required to convey the requisite quantitative meaning.

(b) Second, my delegation notes the Commission’s proposed amendments to draft conclusion 21 and its commentary, particularly that paragraph 3 of draft conclusion 21 now envisages the possibility of recourse to the International Court of Justice or to some other procedure entailing binding decisions if no solution is reached on a State’s objection to another State invoking a peremptory norm of general international law within a period of 12 months. However, we remain of the view that draft conclusion 21 is unnecessary and not appropriately placed in a set of draft conclusions dealing with the methodology for the identification and legal consequences of peremptory norms of general international law.

(c) Third, my delegation has followed, with deep interest, the detailed discussions in the Commission concerning the compromise solution for the non-exhaustive list of *jus cogens* norms set out in draft conclusion 23. We are grateful for the efforts of the Special Rapporteur and Commission members to find a compromise. However, we still have two concerns: first, that users of this work may take the list to be definitive; and second, that the list is not derived using the methodology which the Commission itself developed for the identification of *jus cogens* norms in the draft conclusions.

6 We have also read with interest the numerous written submissions made by others, many of which contain very detailed comments. These submissions contain many valuable ideas, but also demonstrate that there remain divergences in views. In this regard, my delegation looks forward to hearing the views of other delegations in the course of the present debate.

7 I now turn to Chapter V of the Report on the topic “**Protection of the environment in relation to armed conflicts**”. My delegation would like to congratulate Special Rapporteur Ms Marja Lehto and the Commission on the adoption of the draft principles. The draft principles represent the outcome of an extensive study into an important topic that cuts across many issues.

8 Turning to Chapter X (Other Decisions and Conclusions of the Commission), Singapore notes with interest the re-establishment of the Working

Group on methods of work of the Commission and looks forward to updates on the Commission's deliberations, and to close collaboration between the Commission and the Sixth Committee on this important issue.

9           Finally, my delegation supports the inclusion of the topic "Non-legally binding international agreements" to the long-term programme of work. My delegation has read the syllabus with interest and notes that the prevalent use of non-legally binding memorandums of understanding or agreements by States illustrates the practical significance of this topic. If this topic is moved to the Commission's programme of work, we hope that the Commission will take into account the rich practice of the Member States of the Association of Southeast Asian Nations on this issue.

10           Thank you for your attention.

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