



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-FIFTH SESSION
(CLUSTER I: CHAPTERS I, II, III, VII, X AND XI OF A/RES/79/10),
SIXTH COMMITTEE,
22 OCTOBER 2024**

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. I am pleased to address Chapters VII, X and XI of the Report of the International Law Commission on the Work of its Seventy-Fifth Session.

Mr Chair,

2 I will first address Chapter VII on the topic "**Immunity of State officials from foreign criminal jurisdiction**". My delegation would like to express our appreciation to the Special Rapporteur, Mr Claudio Grossman Guiloff, for his report. We also thank the Commission for its work and for extending the invitation to Member States to provide their written comments on the draft articles provisionally adopted on first reading. Singapore has provided our written comments.

3 The work of the Commission on this topic remains of significant interest to my delegation because it touches on practical aspects of Member States' international relations. We note that the Commission focused its attention on draft articles 1 to 6 during its 75th session, and that the second reading will be conducted over more than one session. We have no further comments at this juncture, and we look forward to further discussion by the Commission on the remaining draft articles in the coming sessions.

Mr Chair,

4 I turn to Chapter X of the Report on the topic “**Sea-level rise in relation to international law**”. Singapore joins other small island States in underlining the urgency and gravity of the climate crisis. As a small, low-lying and densely populated island State, Singapore is disproportionately vulnerable to the impacts of climate change-related sea-level rise.

5 My delegation is grateful for the Commission’s extensive work, in particular by the Co-Chairs of the Study Group, on the sub-topics of “statehood” and “the protection of persons affected by sea-level rise”. We have reviewed with great interest the Co-Chairs’ second issues paper and additional paper, as well as the Study Group’s discussion in Chapter X of the Report.

6 On the sub-topic of statehood, Singapore reaffirms our support for the view expressed by the Study Group that a distinction should be drawn between the criteria for the establishment of a State and those for its continued existence. This approach accords with considerations of equity, for small and vulnerable low-lying States confronted with climate change-related sea-level rise. Singapore agrees that States have the right to provide for their preservation through various means at their disposal, including through coastal adaptation measures and international cooperation, consistent with international law. Singapore supports the Commission’s study of legal and practical modalities for the preservation of legal personality and territory, and continued exercise of a State’s rights and discharge of its obligations. Such study should be informed by considerations of equity, and fundamental principles closely related to statehood, such as self-determination, territorial integrity, and the sovereign equality of States. We look forward to the innovative legal and practical solutions that the Study Group may propose as part of its conclusions on this sub-topic.

7 On the protection of persons affected by sea-level rise, Singapore commends the work of the Co-Chairs of the Study Group in distilling 12 possible elements for the legal protection of persons, from a patchwork of legal frameworks and soft law instruments. In Singapore’s view, these elements provide a useful broad-based understanding of possible obligations and non-binding commitments and policies that could contribute to the protection of persons in the context of sea-level rise. As the Study Group has observed, the 12 elements are of varying legal relevance, according to which they could be restructured as well as further specified. In this connection, it may be useful in the analysis to separate matters relating to the protection of persons *in situ* and in displacement, while recognising the importance of adaptation strategies, and international cooperation in this regard, to mitigate adverse drivers of displacement.

8 In relation to both sub-topics, Singapore emphasises the necessity and urgency of international cooperation to achieve sustainable and durable formulas for responding to climate change-related sea-level rise that are sensitive to the respective vulnerabilities, capacities and national circumstances of affected and non-affected States. Singapore appreciates the Co-Chairs' work in outlining sources of obligations to cooperate. Singapore broadly agrees that Member States have general duties to cooperate under the UN Charter, and States Parties to UN treaties on human rights and climate change may have more specific treaty obligations to cooperate that are relevant in the context of sea-level rise. Singapore supports the Commission's further examination of duties to cooperate, particularly in the context of the UN system. In this regard, the principles of equity and common but differentiated responsibilities and respective capabilities, in the light of national circumstances, are relevant such that disproportionately affected States are not left to shoulder the burden of sea-level rise without assistance from the international community.

9 Singapore agrees with the Commission's examination of relevant issues from both perspectives of *lex lata* and *lex ferenda*. We also agree with the views expressed in the Study Group and the Sixth Committee, that it would be useful for the Commission to make a distinction between legal positions and policy, and between what represents codification and what constitutes progressive development in its work. Durable solutions to complex and novel issues likely entail a blend of legal and policy aspects. In examining State practice, particular consideration should be given to the policies of vulnerable States that are disproportionately affected, including on the forms of international cooperation such States already undertake with other States to cope with the adverse effects of climate change. Such a practical approach - studying existing rules and concurrently identifying areas for progressive development - would match the urgency of confronting the real and present challenges posed by climate change-related sea-level rise.

10 Lastly, Singapore supports the Study Group's plan to issue a joint final report on the topic as a whole. Such a report will be a valuable consolidation of the mapping of legal frameworks and State practice in all three sub-topics—the law of the sea, statehood and the protection of persons, and could also analyse possible linkages between the sub-topics. Singapore looks forward to continuing dialogue with the Commission and other delegations in the Sixth Committee on solutions founded on international law to confront the climate crisis.

Mr Chair,

11 I turn finally to Chapter XI of the Report on the topic “**Other decisions and conclusions**”.

12 My delegation supports the inclusion of the topic “Compensation for the damage caused by internationally wrongful act” and the topic “Due diligence in international law” to the Commission’s long-term programme of work. Both are topics with tremendous practical significance to States today, and we look forward to engaging with the Commission on these topics if they are moved to the long-term programme.

13 My delegation also notes with interest the work of the Working Group on methods of work and procedures of the Commission. We welcome the Working Group’s ongoing preparation of a handbook aimed at providing States with a greater understanding of the Commission’s internal working methods and procedures. We also see value in the Working Group’s consideration of the nomenclature for the forms of output by the Commission, as this would further serve to enhance transparency.

14 Last but not least, allow me to express my delegation’s heartiest congratulations to the Commission for celebrating its seventh-fifth anniversary, a milestone commemorating many years of the institution’s legal excellence.

Thank you, Mr Chair.