



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE  
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**STATEMENT BY MS JEAN KUA, ON AGENDA ITEM 79, REPORT OF  
THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS  
SEVENTY-FIFTH SESSION  
(CLUSTER III: CHAPTERS VI and VIII OF A/79/10),  
SIXTH COMMITTEE,  
29 OCTOBER 2024**

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Mr Chair,

1 With regard to Chapter VI on the topic “**Prevention and repression of piracy and armed robbery at sea**”, Singapore notes the provisional adoption of draft article 4 by the Commission’s Drafting Committee and thanks the outgoing Special Rapporteur, Mr Yacouba Cissé, for his work on this topic. We congratulate Mr Louis Savadogo on his appointment as the new Special Rapporteur for this topic.

2 Singapore supports the Commission’s flexible approach towards the format of the Commission’s output on this topic at this stage.

3 Singapore also 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 emphasises that the integrity of existing treaties must be preserved.

4 Regarding draft article 4, Singapore is in favour of the Drafting Committee’s similar approach of working within the normative limits of UNCLOS

and existing international agreements in formulating this draft article. In this regard, we support the inclusion of the phrase “in conformity with international law” in draft article 4.

5           However, in my delegation’s view, the general obligation to prevent and repress piracy and armed robbery at sea should be carried out in accordance with a State’s “national laws and regulations” and subject to its “available resources or capabilities”. These are reflected in the Regional Cooperation Agreement on Combatting Piracy and Armed Robbery against Ships in Asia (the “ReCAAP Agreement”), under which the ReCAAP Information Sharing Center was established in Singapore to foster inter-governmental cooperation among its Contracting Parties in the prevention and repression of piracy and armed robbery at sea.

6           My delegation looks forward to engaging with the Commission’s forthcoming work, including commentaries, on draft article 4 and other draft articles that elaborate on the general obligation set out in draft article 4.

7           **On Chapter VIII on the topic “Non-legally binding international agreements”**, my delegation wishes to extend our appreciation to the Special Rapporteur, Professor Mathias Forteau, and to the Commission for their work on this topic.

8           My delegation agrees with the Special Rapporteur that the work on the topic should not be prescriptive in nature, and that the Commission should be careful not to reduce States’ freedom in using non-legally binding international agreements.

We also support the Special Rapporteur's view that it is important to ensure that the Commission's work is as representative as possible.

9            On the use of terminology, Singapore takes the view that regardless of what parties choose to name a document, whether it is legally binding or otherwise depends on its contents and the parties' intent. In this regard, we agree with the Special Rapporteur that it is imperative to set out clearly – regardless of which term is used in the title of the topic – that the term is without prejudice to (a) the nature of the agreements examined and the effects that they are likely to produce, or not, and (b) the terminological choices that some States may make to guide their own national practice with regard to international instruments.

10           On the scope of the topic, my delegation agrees with the Special Rapporteur that the topic should be limited to written agreements. Preliminarily, we take the view that the written agreements should be limited to those concluded between States, and between States and international organisations. We think that such agreements between international organisations should be excluded from the topic, because States are often not directly involved in the conclusion of such agreements and thus, these agreements entail different considerations. We agree with the Special Rapporteur's preliminary view that acts adopted within the framework of intergovernmental conferences that do not have separate legal personality should be excluded, since these acts are often very dependent on the specific institutional context in which they are adopted. Resolutions of international organisations should also be excluded as they are not commonly understood to be agreements. On the issue of questions as to whether a term used in a specific treaty provision refers only to legally binding agreements or also includes those that are not legally binding, we

think that this need not be included in the topic, as the interpretation of specific treaty clauses is adequately addressed by the existing rules of treaty interpretation.

11            On the final form of the project, after careful consideration of the Special Rapporteur's views, the purposes of the various forms explained by the Commission on its website, as well as the contents of the provisions in previous draft conclusions and draft guidelines adopted by the Commission, at this juncture, my delegation prefers the form of draft guidelines for this topic. Using draft guidelines would be in line with the objective of ensuring that the provisions are not prescriptive. The guidelines can be used to describe and clarify the issues to be examined, and should state clearly that they do not seek to circumscribe the practice of using non-legally binding international agreements. We look forward to contributing our views on the form and the contents of the draft provisions after having sight of the draft provisions.

12            Thank you.

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