



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

231 EAST 51ST STREET, NEW YORK, NY 10022
TEL: (212) 826 0840 FAX: (212) 826 2964

**STATEMENT BY MRS RENA LEE,
DELEGATE TO THE 68th SESSION
OF THE UNITED NATIONS GENERAL ASSEMBLY
ON AGENDA ITEM 81,
ON PART 3 OF THE REPORT OF THE INTERNATIONAL LAW
COMMISSION ON THE WORK OF ITS SIXTY-THIRD AND SIXTY-FIFTH
SESSIONS (CHAPTERS VI-XI OF A/68/10),
SIXTH COMMITTEE,
4 NOVEMBER 2013**

[Please check against delivery]

1. Mr Chairman, Singapore thanks all Special Rapporteurs responsible for the

3. First, on draft article *5bis*, my delegation notes that the list is only illustrative and is not intended to create additional legal obligations. Singapore agrees with the view of the Commission. In our view, beyond the duty to cooperate as set out in draft article 5, there is no further duty for the affected state to request the forms of cooperation described in the list. Neither is there any additional duty for other states to offer the forms of cooperation described in the list.

4. Second, draft article 13 on “Conditions on the provision of external assistance” requires affected states to provide an indication on the scope and type of assistance sought when specific conditions apply.

organisations will be considered in his second report. Singapore urges caution when examining this issue. There is wide variation in international organisations, including in their organisational structures, their mandates, the composition of their decision-making organs and the manner in which decisions of the organisations are taken. Membership in these organisations also varies widely. These variations do have an impact in determining what, if any, role is played by such actors in the formation of customary international law, in particular, the weight to be accorded to actions taken by such actors. As such, it should not be presumed that actions by

Rapporteur, Ms Marie Jacobsson, that the study should not delve into consideration of possible effects of particular weapons on the environment. Also, there are existing legal regimes applicable in this area and our understanding is that the study undertaken by the Commission is not intended to undermine these existing regimes. As such, we agree with the Special Rapporteur that non-binding draft guidelines may be an appropriate outcome on this topic.

10. Finally, Mr Chairman, my delegation would like to touch briefly on two other topics considered by the Commission, namely, the “obligation to extradite or prosecute” and “the most-favoured-nation clause”. My delegation takes note of the report of the Working Group on the “obligation to extradite or prosecute”, chaired by Mr Kriangsak Kittichaisaree, which provided a useful analysis of the recent decision of the International Court of Justice in the case of *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)* delivered last year. We see that the Commission took note of the report by the Working Group. It is not clear to my delegation how the Commission intends to proceed on this topic, particularly in light of suggestions made by some members of the Commission during its 64th session of the possibility of suspending or terminating this topic. We understand from the report of the Commission at its 64th session that the Working Group intends to submit concrete suggestions to the Commission on the way forward. In this regard, my delegation will study closely the suggestions of the Working Group.

11. My delegation also takes note of the work of the Study Group on “the most-favoured-nation clause”, under the chairmanship of Mr Donald McRae. We think it would be useful to look at the question of MFN as it relates to trade in services, as well as its relationship with fair and equitable treatment and national treatment standards. We note that the Study Group considered the possibility of guidelines

and model clauses and share the view that there are risks of being overly prescriptive as this could limit the options for states as they pursue economic cooperation. We look forward to reading the final report of the Study Group.

Thank you Mr Chairman.

.....