



STATEMENT BY MR SCOTT TAN ,
DELEGATE TO THE 78TH SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY, ON AGENDA ITEM 79, ON THE REPORT OF
THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS
SEVENTY-THIRD AND SEVENTY-FOURTH SESSIONS
(CLUSTER II: CHAPTERS V AND VI OF A/78/10),
SIXTH COMMITTEE ,
31 OCTOBER 2023

Mr Chair,

1 Thank you for giving me the floor.

2 The topic 'Settlement of disputes to which international organizations are parties', which is dealt within Chapter V, is a topic of considerable relevance and significance. My delegation congratulates the Commission on provisionally adopting draft Guidelines 1 and 2 and adopting the accompanying commentaries, and we thank the Special Rapporteur, Mr. August Reinisch, for his contributions. An increasing level of State-State interaction takes place today in the context of an international organization. The activities of many international organizations have, in turn, become more diverse and complex, and disputes involving such organizations are increasingly common. We reiterate

3 Singapore has two comments on draft Guideline 2. First, in respect of WKH GHILQLWLRQ RI DQ³ L QW L G U D I D E 2 (a) , R e n o t e t h a t U J D Q L the Commission had previously adopted a definition of an international organization in its 2011 draft articles. We agree with the 2011 definition and do not think that any X S G D W H W R W K L V G H I L Q L W L R Q L V Q H F H V V D U \ , Q F international organization is that it is an entity possessing its own international legal personality and is established by a treaty or other instrument governed by international law. The fact that an international organization must have at least one organ capable of expressing a will distinct from that of its members is simply an elaboration of its separate international legal personality and not a distinct feature. Further, the possibility of including other entities apart from States in its membership is a useful clarification to have, but is not a definitional feature in itself.

4 Second WKH GHILQLWLRQ D r a f t G u i d e l i n e 2 (b) p r o v i d e s H ' L Q WKDW D G L V S X W H L V ³ D G L V D J U H H P H Q W F R Q F H U Q L R U D V V H U W L R Q L V P H W Z L W K U H I X V D O R U G H Q L interpretation that a disagreement of fact could, by itself, give rise to a state. This is misleading. As the Commission has pointed out in paragraph

