



**STATEMENT BY MR SCOTT TAN,  
DELEGATE TO THE 78<sup>TH</sup> 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 III: CHAPTERS VII AND IX OF A/78/10),  
SIXTH COMMITTEE,  
1 NOVEMBER 2023**

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Mr Chair,

1 Thank you for giving me the floor. Singapore commends the Commission and Special Rapporteur Professor Charles Chernor Jalloh for their work on the topic **subsidiary means for the determination of rules of international law** and congratulates the Commission on its provisional adoption of draft conclusions 1, 2 and 3 and their commentaries. Singapore considers that the

s 38(1)(a) to (c) of the Statute of the

International Court of Justice.

2 Turning now to the provisionally adopted draft conclusions and choice at subparagraph (a) of draft conclusion 2 to omit used in Article 38(1)(d) of the Statute of the International Court of Justice and to instead refer simply to

suggestion to use the broader formulation to make clear that decisions on matters of international law issued by adjudicative bodies may also fall under the scope of draft

be understood broadly. It may encompass entities carrying out functions akin to that carried out by a court or tribunal when adjudicating a dispute. The Commission

Aviation Organization (ICAO Council). Although the International Court of Justice  
action of settling disagreements  
between two or more contracting States relating to the interpretation or application  
of the Chicago Convention and its Annexes.<sup>1</sup>

3 In relation to subparagraph (c) of draft conclusion 2, my delegation  
also notes with interest that the Commission may further elaborate on the contents  
of the third category of subsidiary means, namely,

and have two preliminary comments at this  
juncture. First, if the Commission identifies additional subsidiary means that could  
, the Commission should also explain *how*  
it arrived at its conclusion, especially how these subsidiary means are  
used to assist in determining rules of international law . Second, the Commission  
should be cautious to avoid an undue expansion of the categories of subsidiary  
means beyond those currently widely accepted.

4 Finally, we note that paragraph (4) of the commentary to draft  
conclusion 3 clarifies that the *chapeau* of draft conclusion 3  
indicates that the reference to the criteria is not mandatory, although it may be  
desirable in many cases. The commentary also notes at paragraph

Having  
considered these clarifications in the commentary, my delegation is of the view that  
it would be clearer if the term *chapeau* of draft conclusion 3 were to  
be instead When assessing the  
weight of subsidiary means for the determination of rules of international law, regard  
may be had to,  
the factors to which regard should be had will ultimately depend on the  
circumstances in question.

5 Thank you very much for your kind attention.

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<sup>1</sup> *Appeal relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil  
Aviation (Bahrain, E0(th)3(r)2A Civil*