

## SINGAPORE AND INTERNATIONAL LAW

THE objective of this section of the Review is to reproduce materials and information which illustrate Singapore's attitude to, and approaches on, questions of international law and international organisations. As far as possible, primary materials are reproduced but where unavailable, and the topics are important, secondary materials including relevant extracts from newspaper reports are reproduced. The materials are presented under the following headings:

- I. Policy Statements
- II. Legislation \*
- III. Judicial Decisions \*
- IV. Treaties (other than Asean Instruments)
- V. Asean Treaties, Declarations and other Instruments
- VI. Singapore in the United Nations and other International Organisations and Conferences

The materials are selective. As the materials are compiled from the Law Library and other sources, it should be stressed that any text contained herein is not to be regarded as officially supplied to the Review. [*Singapore & International Law Section Editor.*]

### I. POLICY STATEMENTS

- (a) *VIETNAM'S MILITARY OFFENSIVES AGAINST CAMBODIAN REFUGEE CAMPS: Ministry of Foreign Affairs Statement (Singapore Government Press Release No. 13/JAN, 09-0/85/01/11, 11 January 1985).*

Singapore condemns the repeated violation of Thailand's territorial integrity and national sovereignty by Vietnamese forces since the dry season began in November 1984. These violations have come in the wake of the calculated and premeditated attacks by Vietnamese forces on the non-communist resistance forces along the Thai-Cambodian border.

In their attempts to destroy the Cambodian nationalist forces, Vietnamese forces have inflicted casualties and sufferings upon the innocent Cambodian refugees at the civilian camps along the Thai-Cambodian border. These attacks have also forced more than 100,000 Cambodian refugees to seek protection, food, medical treatment and shelter inside Thailand. Thailand has therefore to shoulder an increased burden of caring for these unfortunate people, in addition to facing the increased military threat from the Vietnamese forces.

\* There is no material under these headings in this issue.

Singapore deplores these acts of wanton destruction of innocent lives and properties and calls on Vietnam to cease all further acts that violate Thailand's territorial integrity and national sovereignty.

- (b) *VIETNAM'S VIOLATION OF THAI TERRITORY: Ministry of Foreign Affairs Statement (Singapore Government Press Release No. 09/MAR, 09-0/85/03/08, 8 March 1985).*

Vietnam has violated yet again Thailand's territorial integrity and national sovereignty in its ruthless attempts to suppress the Cambodian freedom fighters. On 5 March 1985, about 800-1000 Vietnamese troops intruded into Surin province in Thailand. The attacks on the Cambodia resistance camp at Tatum have pushed another 60,000 Cambodians deeper into Thailand to seek shelter from Vietnamese artillery shelling. These attacks bring into question the credibility of Vietnam's claims that it seeks a peaceful solution to the Cambodian problem.

Singapore condemns these latest acts of aggression by Vietnam and supports Thailand's actions to protect its territorial integrity.

Singapore regrets that Vietnam has not responded to the recent call by the ASEAN Foreign Ministers to provide a conducive atmosphere so that a meaningful dialogue for a peaceful settlement of the Cambodian problem could be started.

#### IV. TREATIES (OTHER THAN ASEAN INSTRUMENTS)

- (a) *TAXATION: Press Statement, 22 January 1985, on a new Avoidance of Double Taxation Agreement between Singapore and Denmark (Singapore Government Press Release 08-0/85/01/22, Ministry of Finance).*

There will be no interregnum in the tax treaty between Singapore and Denmark.

A new treaty, just initialled in Copenhagen, will preserve Singapore and Danish taxpayers' rights and in certain instances, even enhances them.

The original treaty was concluded in 1969 but was terminated in 1984 after a series of talks failed to produce mutually acceptable changes to reflect the changing economies and needs of the two countries.

A last minute effort was made with Mr. Hsu Tse-Kwang, the Commissioner of Inland Revenue, responding to an invitation from the Danish Minister of Taxes, leading a delegation to Copenhagen. The talks were successful and amicable.

The new Agreement will better serve current economic needs of both countries. Equally important, it provides both countries with with balanced benefits.

Denmark generally exempts income derived by its residents from Singapore but takes it into consideration in determining the tax rate on their other income.

For certain items of income such as interest and royalties, tax sparing credit is provided. Where Singapore dividends are exempted from tax under Singapore laws, Denmark will also exempt them.

This gives full recognition to the tax incentives granted to promote economic development in Singapore. It also incorporates mutual exemption for air transport profits.

- (b) *TAXATION: Press Statement, 4 April 1985, on an extension of the Avoidance of Double Taxation Agreement between Singapore and Sweden (Singapore Government Press Release 08-0/85/04/04, Ministry of Finance).*

The rate of credit for interest and dividends, exemption on royalties, and tax sparing provisions, as specified under paragraphs 5, 6 and 9 of Article XIX of the agreement on the Avoidance of Double Taxation between Sweden and Singapore, will expire on 31 Dec 85.

Specifically, they outlined Swedish agreement to (i) provide a matching credit of 15% against Swedish tax on Singapore dividends and interest; (ii) exempt upon to 50% of certain types of royalties; and (iii) give tax sparing credit for Singapore tax which was reduced or exempted under our incentive laws designed to promote economic development.

These provisions are aimed at attracting Swedish investment, technology and funds to Singapore.

Negotiations for an extension of the validity period were recently held in Singapore between a Singapore delegation led by Mr. Hsu Tse-Kwang, Commissioner of Inland Revenue and a Swedish delegation led by Mr. Kurt Malmgren, Under-Secretary for Legal Affairs, Ministry of Finance.

The two countries subsequently agreed to extend the operation of the paragraphs for another five years, to 31st December, 1990. The extension was effected through an exchange of letters between the heads of the two delegations.

*(Editorial Comment: Singapore has Avoidance of Double Taxation Agreements with twenty-four countries.)*

## V. ASEAN TREATIES, DECLARATIONS AND OTHER INSTRUMENTS

*STATEMENT BY ASEAN FOREIGN MINISTERS ON NEW ZEALAND: CHANGE IN ITS GSP POLICY, 29 June 1985 (Singapore Government Press Release 09-0/85/06/29).*

In December 1984, New Zealand (NZ) announced a change in its GSP policy under which developing countries no longer get preferential treatment when their Gross National Product per capita reaches 70 per cent of the NZ level.

Asean countries viewed NZ's action with grave disappointment for two reasons. Firstly, Asean considered it inequitable to use the per capita GNP as the sole criterion to determine a country's level of

development and hence its GSP beneficiary status. Secondly, NZ's action was taken unilaterally without initiating consultations within the Asean-NZ Dialogue, the NZ-GSP has always been an agenda item in the dialogue.

Asean was therefore gratified that NZ consented to hold talks to attempt to resolve the problem amicably. Asean regrets that despite the consultations, NZ has been unable to reverse its earlier decision. However, Asean notes that NZ has agreed to consider reinstating individual tariff items at the developing country rate, in recognition of the special circumstances and adjustment problems of each case. Asean has therefore submitted a list of items for consideration by NZ. Asean has been advised that the New Zealand Government is considering the list as a matter of urgency with a view to determining those items on which all Asean countries would continue to benefit from GSP treatment.

Asean looks forward to an expeditious and satisfactory outcome of these consultations with NZ, in the spirit of friendship and co-operation.

*(Editorial Comment: The Straits Times reported on Wednesday, 10 July 1985 and on Thursday, 11 July 1985 that New Zealand has relented in its GSP Policy and has agreed to reinstate 34 out of 35 items in the GSP scheme for ASEAN.)*

#### VI. SINGAPORE IN THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANISATIONS AND CONFERENCES

*ON "THE IMMEDIATE INDEPENDENCE OF NAMIBIA": Speech by S. Dhanabalan, Minister for Foreign Affairs at the UN Council For Namibia Regional Symposium in Singapore on 6 May 1985 (Singapore Government Press Release 09-1/85/05/06).*

On behalf of Singapore, I would like to extend a warm welcome to you all.

It is an honour and privilege for Singapore to host this important Symposium on Namibia. Since the founding of the United Nations in June 1945, over a hundred countries have gained independence. The process of decolonisation is almost complete. Today, only one major decolonisation issue remains unresolved and that is the question of Namibia.

The illegal occupation of Namibia by South Africa in defiance of numerous UN resolutions and world opinion has become one of the foremost concerns of the international community. It is the most intractable decolonisation problem facing the United Nations.

South Africa assumed control over Namibia in 1915. In 1920, the mandate to administer Namibia was conferred on South Africa by the League of Nations. With the establishment of the UN in 1945 and the transfer of all mandated colonies to UN trusteeship, the mandate system was abolished. South Africa has however continued to refuse to give up its control over Namibia.

Nineteen years ago, the UN General Assembly declared South Africa's occupation of Namibia to be illegal. Following this, the

International Court of Justice in 1971 ruled that South Africa has no legal right to remain in Namibia as the administering power. Today, the territory remains under illegal South African control.

Specific conditions for the settlement of the Namibia Question have been spelt out in the various UN General Assembly resolutions as well as UN Security Council resolutions, in particular Security Council Resolution 385 of 1976 and 435 of 1978. Singapore believes that the Namibia Question should be resolved within the framework of these UN resolutions, in particular, Security Council Resolution 435. Resolution 435 establishes the modalities by which the people of Namibia can determine their own future through free and fair elections under UN supervision. It remains the only realistic basis for a peaceful negotiated settlement and should be implemented immediately and unconditionally.

The Government of South Africa accepted the United Nations plan embodied in Security Council Resolution 435 in principle when it was adopted seven years ago. Since then, South Africa has put forward various obstacles and excuses to avoid carrying out its commitment. The insistence of South Africa on linking the question of full independence for Namibia to irrelevant and extraneous issues is unacceptable and raises doubts about the intention of the Pretoria Government.

The convening of this Symposium not only demonstrates the concern of the international community for the people of Namibia. It also reaffirms the strong commitment of UN members to support the Namibian people in their struggle to achieve self-determination and to attain full independence and freedom at the earliest possible date from illegal South African rule. Freedom and independence must be returned to the people of Namibia without any compromise to the unity and territorial integrity of Namibia under the leadership of the South-West Africa People's Organization, SWAPO.

Singapore deplores the latest affront perpetrated by South Africa against the will of the international community and the rights of the Namibian people by proposing to establish a so-called interim government in Namibia. It is a blatant and arrogant defiance of UN Security Council Resolution 435, and would serve only to perpetuate South Africa's illegal occupation of Namibia.

The Symposium will send a strong message from Asia to Pretoria that the international community condemns South Africa's policy and actions in Namibia. It will also remind South Africa that we will not relax in our efforts to continue our support for the people of Namibia to enable them to exercise their right to self-determination and freedom, and to bring about the immediate independence of Namibia. It is also in the interest of South Africa to grasp the opportunity for an internationally accepted solution to the Namibia Question. If the Pretoria Government continues its illegal policy in defiance of world opinion and the Resolutions of the UN, the consequences would be extremely grave, especially for South Africa.

I wish you all a successful Symposium and a pleasant stay in Singapore.