

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.

I. POLICY STATEMENTS

- (a) *The FALKLAND ISLANDS: Statement issued by the Ministry of Foreign Affairs, 5 April 1982 (Singapore Government Press Release 09-0/82/04/05)*

The Singapore Government strongly deplores Argentina's military invasion and occupation of the Falkland Islands. The use of force to settle a long-standing dispute is in total contravention of the Charter of the United Nations which enshrines the principles of non-intervention, self-determination and territorial integrity.

The Singapore Government therefore urges the Government of Argentina to abide by the UN Charter principles and withdraw its forces from the Falkland Islands, in accordance with the UN Security Council Resolution adopted on 3 April 1982. The Singapore Government further appeals to the parties concerned to exercise restraint and to settle the dispute by diplomatic means.

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

- (b) *STRAITS OF MALACCA AND SINGAPORE: THE FINALIZATION OF THE JOINT PRODUCTION OF COMMON DATUM CHARTS OF THE STRAITS OF MALACCA AND SINGAPORE —PHASE II* (Singapore Government Press Release 03-0/82/06/09, Ministry of Communications, 9 June 1982)

The Governments of the Republic of Indonesia, Japan, Malaysia and the Republic of Singapore reached an understanding in April 1977 to produce jointly Common Datum Charts of the Straits of Malacca and Singapore. The aim of this project is to eliminate geodetic discrepancies on existing nautical charts due to the different geodetic datums adopted by the coastal countries.

The first phase of the project involving the production of three sheets of Common Datum Charts covering the Singapore Straits was successfully completed and finalized in Tokyo in September 1979. In phase II of the project, another three sheets of Common Datum Charts covering the Straits of Malacca and Singapore from One Fathom Bank to Horsburgh Lighthouse area were completed and finalized in Tokyo in May 1982.

The Common Datum Charts are the master sheets for the production of nautical charts based on a common datum by the countries concerned. The nautical charts so produced will enable the mariners to fix the positions of their vessels more accurately in these Straits.

The four nations expressed their keen desire to continue the spirit of cooperative efforts to further enhance the safety of navigation in these Straits.

Released simultaneously in Jakarta, Tokyo, Kuala Lumpur and Singapore.

IV. TREATIES (OTHER THAN ASEAN INSTRUMENTS)

TAXATION: Press Statement, 6 January 1982 on An Agreement for the Avoidance of Double Taxation between the Republic of Singapore and India (Singapore Government Press Release 08-0/82/01/06)

An Agreement for the Avoidance of Double Taxation between the Republic of Singapore and the Republic of India was signed in Singapore on 20 April, 1981. This Agreement was brought into force on 6 January, 1982, following the exchange of Instruments of Ratification between the two Governments.

The Agreement takes effect in Singapore from the year of assessment beginning on or after 1 January, 1979, and in India from the year of assessment beginning on or after 1 April, 1979.

The objective of the Agreement is not only to eliminate instances of double taxation but also to provide incentives for greater flow of trade, investments, skilled manpower and technology between the two countries.

The Agreement provides that profits derived by the residents of one country from the operation of aircraft in international traffic shall be exempted from tax in the other country while the tax on profits

from the operation of ships in international traffic which is taxable in the other country is reduced to 50% of the normal rate.

The Agreement also provides for both countries to give credit for tax paid by their residents in the other country. In addition credit will be given for tax on income which has been reduced or exempted by the other country in accordance with domestic laws designed to promote economic development. This credit, known as "tax sparing" credit, varies with the normal rate of tax in the other country on the type of income in question e.g. interest derived from Singapore by an Indian resident if exempted from Singapore tax will qualify for credit in India up to 40% of the gross interest.

With the ratification of this Agreement, Singapore now has in force Avoidance of Double Taxation Agreements with twenty-one countries.

V. ASEAN TREATIES, DECLARATIONS AND OTHER INSTRUMENTS

STATEMENT BY ASEAN FOREIGN MINISTERS ON THE SITUATION IN LEBANON, 11 June 1982 (Singapore Government Press Release 09-0/82/06/11)

The Chairman of the ASEAN Standing Committee, Mr. S. Dhanabalan, has issued the following statement by ASEAN Foreign Ministers on the situation in Lebanon:—

The Foreign Ministers of the ASEAN countries strongly condemn the latest military aggression by Israel in invading Lebanon, thereby violating the territorial integrity and sovereignty of Lebanon and causing great loss of life and destruction of property. By its acts, Israel has contravened the principles enshrined in the United Nations Charter and disregarded the decisions of the United Nations Security Council. Israel's aggression against Lebanon has resulted in greater instability and turmoil in the Middle East and poses the danger of a wider conflagration. It has also undermined efforts on the part of the international community to find a peaceful settlement of the conflict in the Middle East. The Ministers fully support the United Nations Security Council's resolutions calling for a ceasefire and the immediate and unconditional withdrawal of Israeli forces from Lebanon.

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

INTERNATIONAL LABOUR STANDARDS: Speech by Dr. Wong Kwei Cheong, Minister of State for Labour, at the 68th Session of the International Labour Conference in Geneva (2nd to 23rd June 1982) on Friday, 4 June 1982 (Singapore Government Press Release 12-1/82/06/04)

In supervising the application of international labour standards, the ILO should examine the rationale for the purported "restrictive" labour laws or policies of member countries. Labour laws or policies are introduced by developing countries to create a favourable climate for investment, to boost employment opportunities and uplift the

standards of living of the people. They should not be unduly criticised for slight deviation from the provisions of international labour instruments ratified by them.

Instead of criticising that the labour laws and policies are incompatible with international labour standards, the ILO should examine whether these laws and policies have succeeded in helping the economies of the countries concerned and whether the standards of living of their workers and citizens have improved as a result.

Mr. President, in overseeing the implementation of international labour standards, the ILO should not lose sight of its objectives, that is, to raise the level of employment and living standards of workers in all countries. Appropriate measures should therefore be taken by the ILO to view the so-called "restrictive" labour policies in their proper perspectives. With co-operation between management and workers, and the enactment of labour laws or policies to promote such co-operation, the economies of the countries concerned will continue to develop. This in turn would accelerate employment creation and result in a higher standard of living for their workers.