



PHILIPPINES

STATEMENT

Permanent Mission of the Republic of the Philippines to the United Nations
Agenda Item - 87: Strengthening the Treaty Framework

“Best practices of depositaries of multilateral treaties”

Sixth Committee

78th Session of the United Nations General Assembly

19/20 October 2023, Trusteeship Council

UN Headquarters New York

Thank you, Mr. Chair.

The Philippines faithfully complies with its obligation under Article 102 of the Charter to register every treaty it enters into with the UN Secretariat which shall publish it. We recognize the role of the Secretary General, through the Treaty Section of the Office of Legal Affairs, in implementing Article 102.

The Philippines supports the continuing inclusion of this agenda item on Strengthening the Treaty Framework. Treaties between states are a main source of international law, as set out in Article 38 of the Statute of the International Court of Justice. More specifically, treaties are main sources of obligation under international law. As noted, it has been through ‘the adoption of numerous treaties on different areas of international law that international law has undergone its most important changes in the years post-World War II.

Robust exchange of information on treaty practice, including on the registration and publication of treaties, promote our awareness of and engender continuing interest in the treaty-making process. Treaties contribute to the formation of a clear and indisputable system of international law. We therefore welcome the decision of the Assembly at the 76th Session to undertake a thematic debate in this Committee to foster a technical exchange of views on practice relating to the strengthening and promoting of the international treaty framework, and the invitation for States to give comments on the subtopic “Best practices of depositaries of multilateral treaties.”

The Secretary General of the United Nations is the depositary of over 560 multilateral treaties and has extensive practice as depositary of multilateral treaties. As such, it is also in the position to share its best practices as a depositary of multilateral treaties.

Last year, the Philippines deposited a total of seven treaty instruments with the Secretary General, through the Treaties Section of the Office of Legal Affairs. Among these, we deposited the Philippines’ instrument of ratification to the United Nations Convention on the Use of Electronic Communications in International Contracts at the 55th Annual Session of the United

Nations Commission on International Trade Law (UNCITRAL). The Philippines also deposited the instrument of ratification for the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer in a ceremony at the United Nations.

This year, we were among the 85 states that took part in the annual Treaty Event which focused on the theme 'Towards Universal Participation in Multilateral Environmental Agreements for a Healthy Planet.' We signed the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, a milestone achievement of multilateralism for the oceans.

We laud the practices of the UN Secretary General, through the Treaty Section, that facilitate ceremonies that allow states to highlight their treaty-related priorities. We also appreciate the almost-real time updates, in terms of the notifications related to signing, accession, and ratification, as enabled by the online platform and website of the Treaties Section.

Mr. Chair,

A publication on the 'Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties,' prepared by the Treaty Section, is available online in its website. Said publication, structured according to the chronological order of the functions to be performed by the depositary from the time of conclusion of the treaty, highlights the main features of the practice followed by the Secretary General in the exercise of its depositary functions. We see great value in this publication, which is dated from 1999. In light of developments in the last 25 years or so, an update of this UN publication could also benefit other depositaries who may view the Secretary General's practice as distillation of 'best practice.'

Based on the Philippines' engagement with the legal section of the Association of Southeast Asian Nations or ASEAN, we understand that ASEAN follows closely the practice of the UN Secretary-General. To quote, it is '90% similar to the UN' while the rest or the 10% is distinct practice related to 'external legal instruments where ASEAN is the depositary for the agreement with partners, such as in ASEAN free trade agreements.'

Under Article 47 of the Charter of ASEAN, instruments of ratification of the ASEAN Charter shall be deposited with the Secretary-General of ASEAN who shall promptly notify all Member States of each deposit. Following the adoption of the ASEAN Charter, legal instruments of the ASEAN have also identified the ASEAN Secretary General as the depositary.

Thus, ASEAN Secretariat also notifies all ASEAN Member States upon submission of any instrument of ratification or instrument of accession. It also prepares the Instrument of Accession, as appropriate. It also produces the Certificate of True Copy of agreements and sends them to signatory states, unless the treaty states otherwise. ASEAN Secretariat also maintains a database which is accessible to the public.

Mr. Chair,

If the revision of the publication is not warranted, perhaps the Secretariat can report on the best practices of the UN Secretary General as depositary of multilateral treaties for the benefit of member states as well as of other depositaries. **END**