



PHILIPPINES

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STATEMENT

Permanent Mission of the Republic of the Philippines to the United Nations

Agenda item 83

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

5 November 2024

79th Session of the United Nations General Assembly

Mr. Chair,

At the outset, we align ourselves with the statement delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

Mr. Chairman, as a founding member of the United Nations, we hold the Special Committee in high regard. The Special Committee has the unique mandate of considering all proposals concerning the question of the maintenance of international peace and security in all its aspects to strengthen the role of the United Nations.

The 1982 Manila Declaration on the Peaceful Settlement of International Disputes is a testament to what the Special Committee can achieve in advancing this mandate. As set out in the Declaration, the question of the peaceful settlement of disputes should represent one of the central concerns for States and for the United Nations and efforts to strengthen the process of the peaceful settlement of disputes should be continued.

The Philippines works with all states in this regard, promoting the rule of law and the role of international tribunals and legal bodies to foster greater solidarity around values that underpin the United Nations. In line with General Assembly's resolution 77/322, we partnered with several states to commemorate the 125th anniversary of the Permanent Court of Arbitration.

During the International Law Week, we co-sponsored a side event on "From Old Conventions to New Horizons" and explored how The Hague Conventions could provide avenues for creative and modern methods of dispute resolution amongst States. The discussion spotlighted how the Hague Conventions – among the oldest multilateral agreements on the pacific settlement of international disputes – continue to be relevant now.

This year's milestone is an occasion to encourage the use of the services of the Permanent Court of Arbitration, consistent with international law, in arbitration, conciliation, mediation, commissions of inquiry and other peaceful means of dispute resolution, and to support its activities. As it marks its 125th year, it is also a timely occasion to encourage Member

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States that have not yet done so to consider acceding to the Conventions for the Pacific Settlement of International Disputes of 1899 and 1907.

Mr Chair,

At this year's Special Committee session, we shared perspectives on the thematic debate on "good offices" as peaceful means of dispute settlement. We wish to recap those views, as follows:

The Manila Declaration reaffirms the principles set out in the Charter that all States shall settle their disputes by peaceful means and listed, *inter alia*, good offices as means to seek a peaceful settlement. The express reference to good offices in the Manila Declaration, while considered to be novel in relation to the wording of the Charter, highlights its value.

We share the view that "within the framework of general international law, good offices, like mediation, are not institutionalized and rest on the good will of parties in disputes. The same is true for good offices that an international organ, such as the Secretary General, can render.

As such, while there is a notion that there exists a certain obligation to resort to good offices and mediation, this is limited in two ways: first, this is considered to be subordinate to the importance of a legal dispute which could threaten the peace; and second, the obligatory aspect is rendered practically inoperative. Under Article 2 of the 1907 Hague Convention, the language indicates that "in case of dispute, recourse to good offices or mediation by Contracting Powers is subject to 'as far as circumstances allow.'" Meanwhile, the UN Charter leaves parties which freedom of choice in seeking a solution by peaceful means.

Mr. Chair,

We remain firm in the belief that this Committee has a vital role in the reform process of the United Nations, particularly in the examination of the legal aspects of the process. We echo the point that there are proposals before this Committee that inform this process and, if discussed and debated, could lead to concrete outcomes.

We note the Secretary General's report on the Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions. We reiterate our view that sanctions should be imposed only as a measure of last resort, when there exists a threat to international peace and security, a breach of the peace or an act of aggression, and always in accordance with the Charter.

Meanwhile, we note progress made in the preparation of studies for the Repertory of Practice of United Nations Organs and in updating the Repertoire of the Practice of the Security Council, including the updates in the relevant websites. We will continue to make contributions towards this end, and urge others to do that same.

Finally, we thank Mr. Michael Hasenau (Germany), the Chair of this year's session, and the members of his Bureau, for steering the Special Committee. We remain hopeful that the Committee will reach consensus on a full substantive report in the coming year. **END**