



STATEMENT OF THE REPUBLIC OF THE PHILIPPINES

**delivered by
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**2021 Session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role
of the Organization**

PEACEFUL SETTLEMENT OF DISPUTES

Thematic Debate on

“Exchange of information on State practices regarding the use of arbitration”

**75th Session of the United Nations General Assembly
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Thank you, Mister Chair. We align ourselves with the statement delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

The Philippines welcomes this annual thematic debate, which gives life to the spirit and the letter of the Manila Declaration on the Peaceful Settlement of International Disputes, which stresses that “states shall seek in good faith and in a spirit of co-operation an early and equitable settlement of their international disputes” by peaceful means.

In reminding us of the peaceful means of dispute settlement, it promotes the development of international law and adherence to the rule of law.

Arbitration is one of the peaceful means of dispute settlement under the framework of Article 33, Chapter VI of the UN Charter, which mandates that “parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by ... peaceful means of their own choice”, including arbitration. This is reaffirmed by the Manila Declaration which repeats the non-exhaustive list of means including, among others, arbitration, negotiation, inquiry, conciliation, resort to regional arrangements, and judicial settlement.

The modes of dispute settlement under Article 33 range from the diplomatic to the adjudicative. Arbitration, along with judicial settlement, are at the adjudicative end of the spectrum. They result in legally binding decisions, as against mere recommendations and political settlement in the case of diplomatic methods. As such they have increasingly been chosen by States for settling disputes on a wide range of issues, including armed conflict, trade, investment relations, as well as maritime and environment issues. Arbitration has also been included as a dispute settlement mechanism in bilateral and multilateral treaties.

The Philippines has always and will continue to adhere to the Charter's exhortation to settle disputes by peaceful means. It is committed to the force of law, and not the use of force. It is in keeping with this commitment that the Republic of the Philippines instituted arbitral proceedings with the People's Republic of China under Annex VII to the United Nations Convention on the Law of the Sea.

The unanimous award issued in 2016 on the South China Sea Arbitration case is a contribution of great significance and consequence to the peaceful settlement of disputes in the South China Sea and to the peace and stability of the region at large.¹ It is a triumph of the rule of law as a means to settle disputes amicably, achieve peace, advance a rules-based and equitable international order, and foster cooperation amongst friendly, responsible and civilized nations.

Pursued within the framework of the UNCLOS – universally recognized as the constitution for the world's oceans – the arbitration award conclusively settled the issue of historic rights and maritime entitlements in the South China Sea.

Compliance in good faith with the award would be consistent with the obligations of states parties under international law, including UNCLOS and Art. 33 of the UN Charter. The Philippines, as a law-abiding, peace-loving and responsible member of the international community, reaffirms its adherence to the award and its enforcement without any possibility of compromise or change.

¹ Based on Statement of Secretary Teodoro L. Locsin, Jr. on the 4th Anniversary of the Issuance of the Award in the South China Sea Arbitration, 12 July 2020 <https://dfa.gov.ph/dfa-news/statements-and-advisoriestupdate/27140-statement-of-secretary-of-foreign-affairs-teodoro-l-locsin-jr-on-the-4th-anniversary-of-the-issuance-of-the-award-in-the-south-china-sea-arbitration>.

Thank you.