



PHILIPPINES

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STATEMENT

Permanent Mission of the Republic of the Philippines to the United Nations
“Exchange of information on State practices regarding Good Offices”
2023 Session of the Special Committee on the Charter of the United Nations and on the
Strengthening of the Role of the Organization
22 February 2024 10:00 AM – 1:00 PM
Conference Rooms 2, United Nations Headquarters

Thank you, Mister Chair.

The Philippines welcomes this annual thematic debate. In reminding us of the peaceful means of dispute settlement, it promotes the development of international law and adherence to the rule of law. In this light, the Philippines associates itself with the statement delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

As set out in the 1982 Manila Declaration on the Peaceful Settlement of International Disputes, 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.

Under Article 33 of the Charter of the United Nations, the 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, *inter alia*, other peaceful means of their own choice. 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 but highlights its value.

Commentators conceive of good offices in two senses, in its narrow legal sense and in its broad sense as part of implementation of peaceful settlement of international disputes. Our intervention will focus on its narrow sense.

In its narrow sense, we refer to **good offices** as a component part of the traditional conflict-settling methods of international law, considered a ‘first step of a system of procedures available in international law for the settlement of conflicts’ which can be defined in the context of it being a part of a system of dispute settlement.

If parties to a dispute are unwilling or unable to resolve their conflicts by direct negotiations states will consider other means. As other means, international law is said to recognize **good**

offices in this narrow sense, mediation, conciliation, international procedures of inquiry as well as arbitration and international jurisdiction.

As such, good offices take place when the efforts of one or more states or international organizations are directed towards inducing other states to resume negotiations without taking part in the negotiations themselves. In this spectrum of dispute settlement, mediation is considered to be going beyond good offices in the sense that third states or parties actually provide proposals themselves for the adjustment of difference.

This is, of course, fluid and complex in practice. It has been noted that the 1907 Hague Convention for the Pacific Settlement of Disputes, while it never defined “good offices” as it did “mediation”, set up uniform rules for both. It has been observed that these two means often merge.

It has also been said that “it is established 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 also perceived to be 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.

Nevertheless, resort to good offices does not preclude recourse to other peaceful means of settling disputes. In our region, resort to good offices has been of great value in managing conflicts. Recourse to it has contributed in creating conditions conducive to the evolution of the Association of Southeast Asian Nations.

There is also value in framing good offices as a distinct mode of conflict resolution, including under the framework of the *lex pacificatoria*, or law of the peacemaker, or the contention is that the hybrid nature of this *lex*, which encompasses both international and domestic law. In the context of conflict resolution and management, good offices has emerged as central to the processes employed to bring about the end of violent conflict. In this sense, good offices has moved from the purview of states, to non-state actors, such as international institutional actors or individuals.

We frame this intervention in light of the efforts of the Special Committee, through this annual debate, in the spirit of the Manila Declaration, to enhance the observance of the principle of peaceful settlement of disputes in relations between States and contribute to the elimination of the danger of recourse to force or to the threat of force, to the relaxation of international tensions, to the promotion of a policy of cooperation and peace and of respect for the independence and sovereignty of all States, to the enhancing of the role of the United Nations in preventing conflicts and settling them peacefully and, consequently, to the strengthening of international peace and security. Thank you.

