



PHILIPPINES

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STATEMENT

Permanent Mission of the Republic of the Philippines to the United Nations
Agenda Item - 88: Strengthening the Treaty Framework
Sixth Committee
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Madam Chair.

At a time when we see a steady rise in soft law instruments with respect to various aspects of interstate relations, the continuing inclusion of this agenda item is a welcome reminder of how registration and publication promote public awareness of and interest in treaty-making, remove causes of distrust and conflict, and contribute to the formation of a clear and indisputable system of international law.

We wish to thank the Secretary General for his report on the “Review of the regulations to give effect to Article 102 of the Charter of the United Nations”. 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 Secretariat, in particular the Treaties Section of the Office of Legal Affairs, in implementing Article 102.

The Philippines has a policy – and a tradition – of making treaties accessible to the people. For a time, post-independence, there was the Philippine Treaty Series which is a collection of the texts of treaties and other international agreements to which the Philippines is a party. More recently, the Philippine Department of Foreign Affairs and the University of the Philippines Law Center partnered for the launch of the book, “Philippine Treaties in Force 2020”, an index of some 3,367 subsisting agreements entered into by the Philippines since 1946. The Philippine Supreme Court also runs an online database containing treaties of which the Philippines is a state-party.

We note the challenges related to registration and publication of treaties. One stark finding in the report is the geographical imbalance in treaty registration, with 60% of registered treaties originating from Western European and Others Group and only 9% from the Asia-Pacific Group for the period 2009-2019.

The Philippines welcomes the amendments to the regulations that could address this imbalance and ease the registration process through transparency, accessibility, simplification of the process and wider use of digital and electronic means. The registration and subsequent

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publication of existing and valid treaties gives a sense of the actual practice of states, ushers better understanding of accepted norms in international law, and engenders compliance with obligations adhered to by states parties under legally binding international agreements.

In the Report, there are suggestions to have a technical exchange of views on the practice of depositaries of multilateral treaties (for the sharing of best practices); to develop an online registration tool that could facilitate the submission of treaties for registration in a simplified process; and to alleviate the backlog in the publication of the Treaty Series through other measures not related to the translation of treaties, but measures related to the limited publication policy and the format of the publication.

The discussions on the regulations, however, should not keep us from looking at the broader issue of strengthening the treaty framework that would benefit all member states. If the discussion on this agenda item is confined to a few states, representing geographic groups that have historically higher registration rates, then we might be missing the point of the review.

The Secretary General's Report contain many points for further reflection. We note the suggestion for states to approach this agenda item as an opportunity to have an exchange of views on treaty-making practice, including on specific subtopics.

Philippine treaty-making practice is well-documented. A recent publication entitled "Treaties: Guidance on Practices and Procedures", authored by then Philippine Department of Foreign Affairs' (DFA) legal adviser, H.E. J. Eduardo Malaya, outlines Philippine treaty law and practice, including treaty interpretation. In the future, we hope that there will be more robust exchange of views on treaty practice under this agenda item.

Finally, to make this conversation inclusive, we support the approach of addressing the current challenges in treaty registration in terms of capacity-building, publications, and technical assistance. The regular organization of workshops on treaty law and practice at the national and regional levels, by the UN Treaties Section and/or in partnership with interested states, would be a step forward in building and sustaining a strong base for the implementation of Article 102 and forging a 'culture of registration'. END