

23 May 2012, United Nations General Assembly

Thank you, Mr. President, for convening this high level meeting and for making the peaceful settlement of disputes one of the four priorities of your Presidency.

We are honored to be a member of the Group of Friends of Mediation and express our deep appreciation to Finland and to Turkey for their initiative and leadership in the Group.

The Charter, Mediation and the Rule of Law

Settling disputes by peaceful means and not by armed force is what united us to build our Organization over sixty years ago.

We had to learn our lesson the hard and tragic way - by opening our doors to the pain, loss and suffering that the scourge of war can bring.

The cost of conflict is too high, in lives lost, in futures destroyed and in what must be done to rebuild. The Secretary-General has time and again made a truly important invocation - that we must prevent conflict or we will surely fall victim to its terrible consequences.

At the heart of our United Nations is the hallowed obligation to settle our disputes peacefully. Our Charter enshrines this peremptory norm. Our efforts to bring mediation to the fore reinforce this normative challenge.

Our Charter also mandates the observance of the doctrine of the sovereign equality of states.

The sad reality is that the vast political and economic differences between states, including those in dispute, often render this doctrine dead letter law.

Mediation has an important role in breathing life into the letter and spirit of our Charter's aspiration that all sovereign states are created equal.

When parties are in a dispute, differences in political and economic power can often weigh against a fair, just, peaceful and lasting resolution.

Mediation and other third party mechanisms can level the playing field. These help ensure that although one party may lack in power, it can make up for through reliance on the rule of law.

From Principle to Practice

We firmly believe that efforts to promote mediation in general can help resolve certain disputes in particular.

For us, and I am sure that for many others, today's discussion on mediation and the role of Member States is timely and apt.

This serves as an important reminder to the international community that there are peaceful options available to resolve conflicts.

We believe in mediation and other forms of third party dispute settlement, including judicial settlement, not only in principle but definitely in practice.

Mediation forms an important part of a rules-based approach to the peaceful settlement of disputes.

It is for this reason that we are pursuing this course in hoping to resolve the conflicting claims in the West Philippine Sea as well as in addressing the internal conflicts in my country.

Firmly Rooted Belief

It is also for this reason that the Philippine Government has launched the commemoration of the 30th Anniversary of the Manila Declaration on the Peaceful Settlement of Disputes, adopted by the General Assembly in 1982.

The Manila Declaration was a child of the Cold War, its parents a deeply divided world. Although nations had taken sides, they succeeded in coming together behind this Declaration.

I am with those who believe that the Manila Declaration remains relevant. The Declaration stressed what is sometimes forgotten - that the sovereign states that make up the world community are under a legal obligation to settle disputes in a peaceful manner.

This is the most fundamental of legal norms in our world. If this most basic norm did not exist, there would be no substratum or infrastructure on which international law could rest on.

The rule of law and our commitment to the peaceful settlement of disputes, particularly as carried out through the application of juridical norms by judicial bodies, should remain the guiding principles on which we can build sturdy bridges of peace, and lasting and firm foundations of understanding.

The Role of Member States

The role of individual nations in mediation starts with their openness to this peaceful option.

As a voluntary process which can only take place with the consent of all parties involved, it is imperative that parties see this tool as facilitating rather than threatening; as a means rather than an end.

A true understanding and appreciation of mediation and how it works is therefore crucial. And this is where the promotion of mediation will play a key role.

While it is true that the United Nations has been engaged in mediation activities for many years, and that nations have resorted to mediation initiatives to resolve intra- and inter-state conflicts, mediation has remained relatively low key compared to the more popular peacekeeping.

Much must be done to bring mediation activities to the same level that we have done for peacekeeping. As countries develop pools of skilled and dedicated peacekeeping personnel to the UN peacekeeping missions, they, too, must develop qualified and well-trained individuals to serve as mediators.

As in peacekeeping, States must realize how their contribution to mediation forms part of their commitment to help foster global peace and security.

An effective mediation process needs to be mutually voluntary and consensual for both or all parties involved. Trust between parties must be at the core of any attempt to resolve conflict peacefully. Each party must enter into a mediation process in good faith, adopting positions that allow for compromise and flexibility.

Philippine Peace Process Practice

In seeking to address the internal conflict in the island of Mindanao in the Philippines, we have established important partnerships with Member States. And we have learned a few critical lessons.

Progress during discussion would be easier to attain if there are clear terms of reference for the conduct of negotiations. Terms of reference should be embodied in a written instrument recognized as binding on both parties.

We have also learned that mediation policy and procedure must affirm gender equality and be free from discrimination. Women and youth must have central roles.

Most importantly, there must be an effective ceasefire on the ground. A joint monitoring mechanism by the parties, as well as third-party monitoring from the international community, would effectively ensure that hostilities do not erupt during the conduct of mediation.

We have learned that parties must be prudent in their choice of state third-party observers to avoid being unduly influenced by interests external to the peace process. The goals of the peace process must have the common interest of the negotiating parties at the forefront.

Third parties must be mindful of their role as observers and monitoring bodies; their credibility in these functions should not be compromised by perceptions that their presence in the mediation process is for the furtherance of their interest.

Confidentiality is also essential. Certain non-state third parties participate or observe in several peace processes globally.

While this affords them unique perspectives spanning several jurisdictions, and these perspectives can contribute to the mediation process, measures must be in place to ensure that confidentiality is properly observed.

Successful peace mediation also needs support from the public. Continued monitoring from international groups also promotes accountability for all parties.

Potent Political Reality

Mr. President, you have been most methodical in bringing focus to this important topic.

The various meetings starting last November gathered key actors and animated our deliberation.

By bringing into the picture stakeholders in the field of mediation, starting with the United Nations, and later with regional and civil society organizations, you made our deliberations truly comprehensive and inclusive.

Today we complete that picture with Member States sharing their valuable insights and experiences in mediation.

How individual states perceive their role and place in the entire mediation landscape is crucial.

Mediation provides states with the means to breathe life into our Charter: as a mechanism for the peaceful settlement of disputes and as an important instrument in transforming the sovereign equality of states from legal fiction to potent political reality.

Thank you. END