



**STATEMENT OF THE REPUBLIC OF THE PHILIPPINES**

**delivered by  
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**Item 83: Rule of Law at the National and International Levels: “Sharing best practices and ideas to promote the respect of States for international law”.  
Sixth Committee  
74th Session of the United Nations General Assembly**

11 October 2019, Trusteeship Council Chamber  
UN Headquarters New York

Thank you, Mr. Chair.

We align with the statements delivered by Cambodia on behalf of the Association of Southeast Asian Nations and by Iran on behalf of the Non-Aligned Movement.

We are pleased to share practices and ideas to promote the respect of States for international law.

We reaffirm that human rights, the rule of law and democracy are abiding and independent concerns; each to be imperatively observed in its own right but among them mutually reinforcing. The fullest practical realization of each is best accomplished with the indispensable help of the others.

These three depend on essential conditions: the sovereignty and the equality of states; the integrity of national territory; and non-interference by foreign powers in domestic affairs.

There is also the practical consideration that only states have the wherewithal to guarantee human rights, preserve the rule of law, and protect democracy. The United Nations is primarily about what states oblige themselves to do as members of the UN; and not whatever strikes the fancy of individuals and groups regarding grievances they find important, sometimes with good reason no doubt.

Integral to the rule of law is the pacific settlement of disputes between states—and not between states and organized crime like drug and human trafficking cartels. The 1982 Manila Declaration on the Peaceful Settlement of International Disputes is the authoritative

articulation of our collective duty under the UN Charter to peacefully resolve disputes in the international arena.

The Declaration highlights stronger international cooperation—not international interference—in dismantling illicit networks and countering the world drug problem, as well as suppressing transnational organized crime; which include money laundering, trafficking in persons, trafficking in arms and other forms of organized crimes which threaten human rights, the rule of law, democracy, the security of societies and nations—and undermine sustainable development by undermining these imperative concerns.

The Secretary General’s report notes the withdrawal of the Philippines from the ICC.<sup>1</sup> The decision to withdraw is the Philippines’ principled stand against those who politicize human rights, even as our country’s independent and well-functioning organs and agencies continue to exercise jurisdiction over charges arising from its efforts to protect its people. True, as in all democracies, the wheels of justice grind slowly and not always exceeding fine; but they turn.

We affirm our commitment to fight against impunity for atrocity crimes, notwithstanding our withdrawal from the Rome Statute, especially since the Philippines has national legislation punishing atrocity crimes. Indeed, we are celebrating the 10th anniversary of the Philippine Act on Crimes against International Humanitarian Law, Genocide and Other Crimes Against Humanity.

Many conveniently forget that the Rome Statute is anchored on the principle of complementarity: it recognizes that States have the first responsibility and right to prosecute international crimes; and that the ICC may only exercise jurisdiction where national legal systems fail or are unable to do so. We are able; we are willing.

Early this year a member of the Maute-ISIS terrorist group was convicted in court of violations of international humanitarian law. This underscores our effective domestic enforcement of international humanitarian law.

We also note that the Secretary General’s report refers to the UN’s work with the Philippines in strengthening national institutions and frameworks to prevent and combat terrorism and violent extremism.<sup>2</sup> As we indicated in our statement on Agenda Item 109 on “Measures to eliminate international terrorism”, the Philippines already finalized and adopted in May 2019 its National Action Plan on Preventing and Countering of Violent Extremism. We also worked with UNODC in crafting our National Anti-Money Laundering and Countering the Financing of Terrorism Strategy (NACS), adopted in November 2018.

Addressing statelessness is also a Philippine priority. In 2017 we adopted a National Action Plan to end Statelessness by 2024, the first to do so in Southeast Asia. This is in keeping with the SDG’s “leave no one behind” vision. Its key action points are to resolve existing cases of statelessness, ensure no child is born stateless, and improve data on stateless populations.

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<sup>1</sup> Paragraph 70, <https://undocs.org/en/A/74/139>.

<sup>2</sup> Paragraph 46, <https://undocs.org/en/A/74/139>.

The Philippines remains strongly committed to an internationally legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. We believe it is integral to strengthening and promoting the international treaty framework.

So is the delimitation of maritime boundaries. In this regard, the Philippines and Indonesia jointly deposited our Maritime Boundary Delimitation Treaty with Undersecretary General Miguel Serpa Soares on 27 September 2019.

We are committed to peaceful resolution of disputes in the South China Sea in accordance with international law, including the 1982 UN Convention on the Law of the Sea. To this end, the July 2016 Arbitral Award—for all its seeming vacuity—is nonetheless now a part of international law and beyond the reach of passing governments to dilute, diminish or abandon. No question but the rights these reefs generate under the arbitral award are absolute, final and beyond compromise and give-away.

As coordinator of ASEAN-China relations, the Philippines is working towards an effective Code of Conduct (COC) on the South China Sea between ASEAN Member States and China.

We believe that strengthening the academic discourse at national level is vital to promoting respect for international law. The Philippines, for the first time, hosted the biennial conference of the Asian Society of International Law last August. Its theme was “Rethinking International Law: Finding Common Solutions to Contemporary Civilizational Issues from an Asian Perspective”. Judge Yuji Iwasawa of the International Court of Justice, President Jin-hyun Paik of the International Tribunal for the Law of the Sea, Secretary-General Dr. Christophe Bernasconi of the Hague Conference on Private International Law and Secretary-General Dr. Kennedy Gastorn of the Asian-African Legal Consultative Organization led the distinguished list of participants.

We also revived the Philippine Society of International Law -- which was moribund until last year – and relaunched the Philippine Yearbook of International Law, after a 30-year absence. Historically, the Society and Yearbook have contributed to enriching national debate on the benefits to and contributions of the country on international law. We welcome submissions on your national or regional best practices or experiences on current problems in international law.

Beyond academia, the Philippines continues to bring the practical, everyday benefits of international law, including private international law, to ordinary Filipinos, and even foreigners doing business with the Philippines. Last May, the Philippines became party to the Apostille Convention.

Finally, we appreciate the work of the Rule of Law Coordination and Resource Group, but note that we continue to be besieged by—not cross-cutting but projects at cross purposes—from different agencies completely unaware of each other’s initiatives, and with marginal consideration of our national priorities. UN agencies must take their lead

from Member States and at the Member States' request. The UN is a collection of sovereignties and not a sovereign collective. Thank you. END