



STATEMENT OF THE REPUBLIC OF THE PHILIPPINES

delivered by
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Agenda Item 81 : Crimes against Humanity
Sixth Committee

75th Session of the United Nations General Assembly
15 October 2020, Conference Rooms 1-3
UN Headquarters New York

The Philippines joins other delegations that have expressed the need for the Sixth Committee to further study the draft articles submitted by the International Law Commission.

We consider the draft articles as an important contribution to the international community's collective efforts to deter and curtail atrocity crimes. The question however of concluding a convention on Crimes Against Humanity based on them is a conceptual leap that requires further examination both by Member States on a national level, and by this Committee in the exercise of its mandate as the primary forum for the consideration of legal questions in the General Assembly. This is a process that cannot proceed in haste.

The prohibition of crimes against humanity is considered a peremptory norm of international law. We recognize the need to prevent and punish crimes against humanity, and the duty of every State to exercise its criminal jurisdiction with respect to it. As such, the Philippines has had since 2009, national legislation punishing crimes against humanity.

The Philippine Act on Crimes against International Humanitarian Law, Genocide and Other Crimes Against Humanity declares that "the most serious crimes of concern to the international community as a whole must not go unpunished and their effective prosecution must be ensured by taking measures at the national level, in order to put an end to impunity for the perpetrators of these crimes and thus contribute to the prevention of such crimes, it being the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes." It criminalizes, at a national level, crimes against humanity, a primary obligation called for in the draft articles.

We recall the exhaustive deliberations conducted last year, which focused on how to proceed with the ILC's recommendation given the headlong rush by other delegations to commence negotiations for a Convention.

The increased encroachment into the exercise of state sovereignty, overbroad assertions of jurisdiction by national and international courts, politicization of human rights, decreasing legitimacy of the Rome Statute – over which many of the draft articles are based -- and the existence of parallel and a multiplicity of initiatives including the proposed convention on mutual legal assistance leave us convinced that it is imperative for this Committee to further engage in discussion on the substantive aspects of the draft articles.

In closing, we laud the ILC's efforts to promote, encourage and advance the rule of law through the progressive development of international law and its codification. At the same time we let us not forget that the Sixth Committee is the primary forum for the consideration of legal questions in the General Assembly. The Sixth Committee must exercise that mandate and not be rushed into handing over that mandate to a diplomatic conference over which no consensus has so far been reached.

Thank you.