



## **EXPLANATION OF POSITION OF THE REPUBLIC OF THE PHILIPPINES**

delivered by  
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### **Agenda Item 83, “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”**

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UN Headquarters New York

Good afternoon Mr. Chair and thank you.

The Philippines disassociates itself from consensus on Preambular Paragraphs 26 and 27 of this resolution, which reference the Rome Statute of the International Criminal Court.

The Philippines withdrew from the Rome Statute effective 17 March 2019. The decision to withdraw is the Philippines’ principled stand against those who politicize human rights and disregard our country’s independent and well-functioning organs and agencies that continue to exercise jurisdiction over charges arising from its efforts to protect its people. As in all democracies, the wheels of justice sometimes turn slowly, but they do turn. The rule of law cannot and should not be compromised for immediate retribution.

Notwithstanding our withdrawal from the Rome Statute, the Philippines reaffirms its commitment to fight against impunity for atrocity crimes. We have national legislation punishing such crimes.

Many conveniently forget that the Rome Statute is anchored on the principle of complementarity, not substitution: 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. The ICC was never conceived as a substitute for national courts, as some are trying to do.

We request that this statement be made part of the records. Thank you.