

Republic of the Philippines
HOUSE OF REPRESENTATIVES
TWELFTH CONGRESS
Second Regular Session

HOUSE RESOLUTION No. 800

Introduced by Reps. SATUR C. OCAMPO, CRISPIN B. BELTRAN, LIZA L. MAZA, JOSE APOLINARIO L. LOZADA JR., CARLOS M. PADILLA, GERRY A. SALAPUDDIN, MARCELINO C. LIBANAN, JUAN MIGUEL ZUBIRI, TED FAILON, DEL DE GUZMAN, BENASING O. MACARAMBON JR., DIDAGEN P. DILANGALEN, ROSELLER L. BARINAGA, CONSTANTINO G. JARAULA, FLORENCIO B. ABAD, LEOVIGILDO B. BANAAG, FRANCISCO S. PEREZ, ERNIE D. CLARETE, LORETTA ANN ROSALES, BERTHOBAL R. ANCHETA, EMMANUEL JOEL J. VILLANUEVA

RESOLUTION

URGING PRESIDENT GLORIA MACAPAGAL-ARROYO TO IMMEDIATELY TRANSMIT TO THE PHILIPPINE SENATE FOR RATIFICATION THE 1998 ROME STATUTE CREATING THE INTERNATIONAL CRIMINAL COURT (ICC) FOR THE PROSECUTION OF THE GRAVEST CRIMES UNDER INTERNATIONAL LAW

WHEREAS 120 countries on July 17, 1998 voted in support of the Rome Statute seeking to establish the International Criminal Court (ICC) as a permanent independent judicial body to bring to justice individual perpetrators who have committed the gravest crimes under international law: genocide, crimes against humanity, war crimes and aggression;

WHEREAS the object and purpose of the Rome Statute is to end impunity for the worst possible crimes in the world in accordance with the principle of *complementarity* -- which places the primary responsibility of investigating and prosecuting these crimes on states, but ensures that the International Criminal Court will be able to exercise jurisdiction when states fail to fulfill these responsibilities;

WHEREAS the establishment of the ICC is an important step in prosecuting individuals who have escaped from or who cannot be tried in the national jurisdiction in which they must be held accountable for the most serious crimes, which is crucial to aid victims especially in countries plagued by human rights violations and to serve as a deterrence to violators who commit crimes with impunity;

WHEREAS the Philippines was among the first countries to vote in favor of the 1998 Rome Statute;

WHEREAS on July 30, 2002, the ICC came into being 60 days after the required ratifications were submitted by 60 participating nations, with the number swelling to 78 countries as of August 20, 2002;

WHEREAS Vice-President Teofisto Guingona Jr. when he was still the Secretary of Foreign Affairs had recommended to President Macapagal-Arroyo the approval and transmittal of the ICC treaty to the Senate, stating that the country should welcome the opportunity of a permanent ICC especially since it will help ensure that if member states fail to prosecute, the International Criminal Court can";

WHEREAS the Macapagal-Arroyo government has formed a Cabinet Oversight Committee to deliberate on the ICC treaty before it is transmitted to the Senate for ratification yet no action has been taken to date despite calls for its immediate ratification by a Senate resolution sponsored by Sen. Loren Legarda and statements by Senate President Franklin Drilon that he approves of the ICC treaty and does not see much problem getting the Senate to ratify it (*Philippine Daily Inquirer*, 20 August 2002);

WHEREAS the Department of Defense, on the other hand, has expressed apprehension over the ratification of the ICC treaty following the United States withdrawal of its signature from the treaty and the passage of a new US law withholding military assistance to countries that would ratify it;

WHEREAS the said new US law however provides for the exemption of NATO member-countries and nine other countries but the Philippines is nowhere mentioned in this shortlist of privileged countries -- a revealing fact about the double standard in US foreign policy and the Philippines' low significance in Washington in spite of the unintermitting demonstration of successive Philippine governments of implacable loyalty, albeit even slavish obedience to US interests;

WHEREAS the US government's refusal to recognize the ICC's jurisdiction for fear that its military forces abroad, numbering over 9,000 in nine countries, can be subject to trial, brazenly contradicts and violates universal principles of law and justice and arrogantly places the US above the law;

WHEREAS the European Union, for its part, has urged the Philippines to ratify the ICC and criticized the US policy of engaging in bilateral agreements with countries to seek exemption for the trial of American nationals in their countries as this would virtually render blanket immunity and undermine the purpose of the ICC;

WHEREAS the Macapagal-Arroyo government claims to have an independent foreign policy even in the face of its avidly pro-US stance especially after the 9-11 attacks and the subsequent unrestricted entry of US troops and war planes and ships into the country despite a constitutional ban;

WHEREAS it is a constitutional imperative that the Philippines pursue an independent foreign policy and adopt the generally accepted principles of international law as part of the law of the land that would be to the interest of protecting basic human rights and upholding international humanitarian law;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED that the House of Representatives urge President Gloria Macapagal-Arroyo to immediately transmit to the Philippine Senate for ratification the 1998 Rome Statute creating the International Criminal Court (ICC) for the prosecution of the gravest crimes under international law.

Adopted, 4 October 2002.

Sgd.

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