

INTERVENTION AT THE GENERAL DEBATE ON BEHALF OF ASIAN FORUM FOR HUMAN RIGHTS AND DEVELOPMENT (FORUM-ASIA), STEERING COMMITTEE MEMBER OF THE COALITION FOR THE INTERNATIONAL CRIMINAL COURT AND ITS FOCAL POINT FOR ASIA-PACIFIC

Madame President, Excellencies, Colleagues in the Coalition, Ladies and Gentlemen,

First of all, please allow me to extend on behalf of the Filipino people especially the thousands of victims of the super storm Yolanda that recently hit the Philippines our deepest gratitude to all your governments and your people for the outpouring of support and continuing concern for the plight of the victims. It is so overwhelming for us to see the triumph of the human spirit not only among the survivors in their efforts to overcome their grief and their trauma and to rebuild their lives and their communities but also among the so many others –government and non-government entities, schools, women, children - who unselfishly give so that others may live. No amount of words can say how grateful we are as a people for all your generosity and continuing solidarity. From the bottom of my heart, I say Mabuhay and thank you on behalf of our people.

I represent here the Asian Forum for Human Rights and Development (FORUM-ASIA), a member of the Steering Committee of the Coalition for the ICC and its focal point for Asia-Pacific work. After the adoption of the Rome Statute in 1998, we began our campaign for ratification and implementation of the Rome Statute in Asia. After more than ten years, we netted 17 ratifications, the latest ones in 2011 being Maldives, Vanuatu and the Philippines. More than 8 countries have adopted the Rome Statute in their national jurisdiction and some are continuing to work on their specific cooperation laws. However, for one of the biggest continents in the world, and one that has seen serious crimes being committed over a period of time in many places like in Cambodia, Afghanistan, Myanmar, Sri Lanka, Bangladesh, South Thailand, South Philippines, Kashmir in India, Aceh and Papua in Indonesia - one that has hardly experienced justice for victims for such grave crimes and one where culture of impunity persists, this achievement definitely is not enough. Asia-Pacific remains to this day one of the least represented regions before the Court.

In my more than 10 years of campaigning in the region, I saw that while new and like-minded governments see the ICC as an opportunity to join the international community and the rest of humanity in fostering justice and peace through international law and solidarity, and thus have gone ahead in ratifying the Rome Statute, some states still hold their reservations over sovereignty issues and still hang on to their fears of the ICC: fear of its retroactive application, of its non-immunity provisions for heads of states, including members of the monarchy, fear of the powers of the Prosecutor and even fear of the annual fees to be paid as a member. In my experience, there could be a hundred and one fears and other reasons why a state will not ratify the Rome Statute of the ICC. Not until they have the political will to join the rest of the

world in pursuing justice for victims of most serious crimes and ending impunity where it exists will governments finally decide to ratify. I therefore commend these 17 states parties in the region that have courageously worked out their internal differences and built consensus around the need to be part of this international movement for justice that is the ICC. And I call on those states that have signed but have not yet ratified to do so.

Excellencies, ladies and gentlemen, this is where we see the role of states parties, their governments, parliaments and civil society organizations like ours in continuing our efforts to help countries overcome their reservations and fears through education on international justice and the ICC, mainly through sharing of experiences and lessons in overcoming those fears and developing confidence in their capacities to render justice to victims. As what was already emphasized by speakers yesterday, we need to further our dialogues, our engagements and continue to build partnerships and solidarity with each other in attaining our common goal of justice and peace in our region and in the world.

A number of countries in the region continue to experience conflicts and those in post-conflict situations still grapple with their transitions especially with how to go about seeking justice for all the victims of crimes committed during the conflict and even in its aftermath. We saw the recent elections in Malaysia, in Cambodia, in Nepal, in Maldives and soon there will be elections in Bangladesh and in Indonesia. The struggle for democracy in many countries is becoming more and more crucial as we continue to campaign for international justice through the ICC in the region.

Despite the difficult challenges, it is heartwarming to note the active processes going on in a number of countries trying to reach consensus with their ratification and implementation efforts- in Indonesia, in Malaysia, in Thailand, in Tuvalu and other island states in the Pacific. On the NGO side, we are happy for the initiative in China to launch the China Coalition for the ICC early this year. And there are also efforts to strengthen the ICC Coalition in India as well.

Finally, we firmly hope that we can all work together to bring more countries in my region-the Asia Pacific to the ICC. To end, I would like to quote the theme of the China Coalition for the ICC during their launch: "There is no global justice if China is not there'. Indeed, I say, global justice is not possible if Asia-Pacific is not there. The universality of the jurisdiction of the Rome Statute will ensure that no space in this planet can crimes of the most serious nature be committed and if so, perpetrators of such crimes will be accountable whoever and wherever they may be.

Thank you all and Mabuhay!