State Practice of Asian Countries in International Law

Philippines

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CRIMINAL LAW – CYBERCRIMES

Resolution Concurring in the Accession to the Convention on Cybercrime, Senate Resolution No. 89, 19 February 2018

The Senate concurred in the ratification of the 2001 Convention on Cybercrime, citing it as the sole binding international mechanism to address the threats of cybercrime, by enhancing the effectiveness and efficiency of investigations, proceedings, and evidence-gathering for criminal offenses relating to computer systems and data.

CRIMINAL LAW – INTERNATIONAL CRIMINAL COURT

Note Verbale No. 000181-2018 from the Philippine Mission to the United Nations to the Secretary-General of the United Nations, 18 March 2018

The Philippines sent a notice of withdrawal from the Rome Statute of the International Criminal Court in accordance with the relevant provisions of the Statute. While the Government of the Philippines affirmed its commitment to fight against impunity for atrocity crimes notwithstanding its withdrawal, citing its own punitive legislation, it justified its withdrawal as “a principled stand against those who politicize and weaponize human rights, even as its independent and well-functioning organs and agencies continue to exercise jurisdiction over complaints, issues, problems, and concerns arising from its efforts to protect its people.” The withdrawal takes effect after one year.

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INTERNATIONAL ECONOMIC LAW – FREE TRADE AGREEMENTS

Resolution Concurring in the Ratification of the Free Trade Agreement between the EFTA States and the Philippines, Senate Resolution No. 93, 05 March 2018

The Senate concurred in the ratification of the Free Trade Agreement between the European Free Trade Association States and the Philippines, which covers trade in goods, services, investment, government procurement, intellectual property rights, competition, and sustainable development. The Agreement will provide the Philippines with preferential treatment and duty-free market access to all industrial and fisheries products to the EFTA Member States.

INTERNATIONAL ORGANIZATIONS – ASEAN+3

Resolution Concurring in the Ratification of the Agreement Establishing ASEAN+3 Macroeconomic Research Office (AMRO), Senate Resolution No. 87, 19 February 2018

The Philippine Senate concurred with the ratification of the Agreement establishing the ASEAN+3 Macroeconomic Research Office (AMRO), which constitutes AMRO as an international organization and grants legal personality, privileges, and immunities to AMRO's principal office, officials, staff, and country experts. This enables AMRO to conduct objective surveillance as a credible international organization and contribute to regional financial stability by carrying out its principal functions to monitor, assess, and report on the macroeconomic status and financial soundness of the members of the ASEAN+3; identify macroeconomic financial risks and vulnerabilities in the region and assist them, if requested, in the timely formulation of risk-mitigating policy recommendations; support members in the implementation of regional financial arrangements; and conduct other activities as determined by the AMRO Executive Committee.

LAW OF THE SEA – MARINE POLLUTION**Resolution Concurring in the Accession of the International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001, Senate Resolution No. 94, 05 March 2018**

The Philippine Senate concurred in the accession to the International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS 2001 Convention) that aims to prohibit the use of harmful organotins in anti-fouling paints used on ships, and to establish a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems. The resolution cited scientific studies and investigations by Governments and competent international organization showing that certain AFS used on ships pose a substantial risk of toxicity and other chronic impacts to ecologically and economically important marine organisms, as well as to human health that may be harmed due to consumption of affected seafood. The Senate recognized that the use of AFS to prevent organism build-up on the surface of ships is critically important to efficient commerce, shipping, and impeding the spread of harmful aquatic organisms and pathogens, and that there was a need to continue to develop effective and environmentally safe AFS as well as to promote the substitution of harmful systems by less harmful, or preferably harmless, systems.

Resolution Concurring in the Accession to the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as Modified by the Protocol of 1978 Relating Thereto. Senate Resolution No. 95, 05 March 2018

The Philippine Senate concurred in the accession to the 1997 Protocol to amend the International Convention for the Prevention of Pollution from Ships of 1973, as modified by the Protocol of 1978 relating thereto, or MARPOL Annex VI. The protocol establishes emissions controls and requires emissions control areas for ship exhaust gases, particularly sulphur dioxides (SO_{2x}) and nitrogen oxides (NO_x) emissions; prohibits the deliberate emission of ozone depleting substances, regulates shipboard incineration and emission of volatile organic compounds from tankers.

Resolution Concurring in the Accession to the Protocol of 1988 Relating to the International Convention on Load Lines, 1966. Senate Resolution No. 96, 05 March 2018

The Philippine Senate concurred in the accession to the 1988 Protocol relating to the International Convention on Load Lines of 1966, which seeks to ensure watertight integrity of ships below the freeboard deck through regulations that take into account the potential hazards present in different zones and seasons, and includes a technical annex containing additional safety measures concerning doors, freeing ports, hatchways, and other items.

Resolution Concurring in the Accession to the Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea, 1974. Senate Resolution No. 97, 05 March 2018

The Philippine Senate concurred in the accession to the 1978 Protocol relating to the International Convention for the Safety of Life at Sea of 1974, that requires the fitting of inert gas systems, high capacity fixed washing, and radars on ships depending their dead weight tonnage. It noted that new crude carriers and product carriers of 20,000 DWT and above must be fitted with an inert gas system, while crude carriers of 20,000–40,000 DWT may be exempted by flag States where it is considered unreasonable or impracticable to fit an inert gas system and high capacity fixed washing. Also, all ships of 1,600 to 10,000 GRT are required to be fitted with radar, and ships of 10,000 GRT and above must have two radars each capable of independent operation.

Resolution Concurring in the Accession to the Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974. Senate Resolution No. 98, 05 March 2018

The Philippine Senate concurred in the Accession to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea 1974, or the SOLAS Protocol 88, which introduced a new Harmonized System of Survey and Classification to harmonize the International Convention on Load Lines and the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973. This is to lessen the problems caused by the variations in the requirements under the two instruments for the survey

and certification of ships, and to reduce costs to shipowners and administrations by enabling the required surveys to be carried out at the same time. The Protocol also enables the Philippines to apply a single and uniform system of survey and certification of all types of domestic ships.

Instrument of Accession to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, 06 June 2018

The Philippines, through its Embassy in London, United Kingdom, deposited an Instrument of Accession to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, which prescribes regulations to control the transfer of potentially invasive species and harmful aquatic organisms found in ships' ballast water, and requires all ships to manage their ballast water and sediments according to prescribed standards, and have on-board ballast water treatment systems. All States Parties are also obligated to ensure that ports and terminals have adequate facilities for the reception of sediments.

LAW OF THE SEA – HIGH SEAS

Resolution Concurring in the Acceptance of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. Senate Resolution No 99, 05 March 2020

The Philippine Senate concurred in the acceptance of the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, which establishes flag State responsibility over fishing vessels entitled to fly the flag of a State Party, by ensuring that such vessels to not engage in activities that undermine the effectiveness of international conservation and management measures.

**LAW OF THE SEA – CONSERVATION AND MANAGEMENT OF
LIVING RESOURCES**

**Resolution Concurring in the Accession to the Agreement on Port
State Measures to Prevent, Deter, and Eliminate Illegal, Unreported
and Unregulated Fishing. Senate Resolution No. 100, 05 March 2020**

The Philippine Senate concurred in the accession to the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing, which promotes the long-term conservation and sustainable use of living marine resources and marine ecosystems through the implementation of effective port State measures against IUU fishing. The Agreement applies to foreign-flag vessels seeking entry into or found in Philippine ports, except for vessels of neighboring States engaged in artisanal fishing for subsistence and container vessels not carrying fish, or if carrying, only fish that have been previously landed.