



# PHILIPPINES

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**19<sup>th</sup> Meeting of States Parties to the  
Anti-Personnel Land Mine Convention**  
13-17 December 2021

*Agenda 10 (d): Preventing and suppressing prohibited activities: Conclusions and recommendations relayed to the mandate of the Committee on Cooperative Compliance*

## **STATEMENT**

H.E. J. Eduardo Malaya, Ambassador Extraordinary and Plenipotentiary  
Head of the Philippine Delegation to the 19<sup>th</sup> Meeting of States Parties

Mr. President,

I wish to thank the Committee on Cooperative Compliance for its report.

The Philippines attaches great importance on the concept of cooperative compliance under Article 8 of this Convention. States Parties must uphold and preserve the processes underpinning cooperative compliance as it is an enduring hallmark of constructive multilateralism.

States Parties undertake their obligations in good faith. Practical realities must always be taken into account when assessing States Parties' compliance with their obligations under this Convention.

In this context, it is important to give each State Party the appropriate space to undertake their commitments and obligations. Extension requests under Article 5 should therefore be welcomed as a demonstration of good faith.

While we do not have obligations under Article 5, we take our obligations under Article 7 and 9 seriously.

Despite the difficulties involved in gathering technical information relevant to our transparency reports, we endeavor to complete these reports and submit them accordingly. We are currently in the process of updating our Article 7 report to take into account the unique situation of terrorist attacks using improvised explosive devices (IEDs) functioning as landmines.

We are also updating our Article 7 report to better reflect our compliance with our Article 9 obligations.

Earlier this year, we received questions regarding our Article 9 obligations based on our lack of a comprehensive landmines law. We have sufficiently answered this question through our Permanent Mission in Geneva, both at the Intersessional Meeting and through a written note.

While we have yet to enact a Comprehensive Landmines Act, stakeholders are currently consulting on a draft bill that will take into account concerns regarding IEDs acting as mines.

The working draft of this bill already exceeds the APMBC since it includes not just anti-personnel mines but also all “manually emplaced munitions and devices, including those of an improvised nature, whether designed to be activated manually, by remote control, or automatically after lapse in time.”

But even pending the passage of this bill, we already have a constellation of policies and regulations that allows us to implement the Convention at the operational level. In terms of penal provisions, our Article 9 obligations are covered by the Firearms, Ammunitions, and Explosives Act, the International Humanitarian Law Act, the Comprehensive Firearms and Ammunition Act, and the Strategic Trade Management Act, including its Implementing Rules and Regulations.

The robustness of our domestic mechanisms to implement APMBC is demonstrated by the recent submission of the Armed Forces of the Philippines’ submission of a comprehensive report detailing instances of the New People’s Army’s landmines use to the Philippines’ independent

Commission on Human Rights. The results of the Commission's investigation could be a basis of prosecution under the penal provisions of legislations mentioned earlier.

The Philippine case illustrates that compliance with Article 9 must be considered wholistically, and be determined not only with respect to the presence or absence of a particular template of legislation, but in the larger context of national frameworks by which Article 9 obligations are being pursued in good faith.

Thank you, Mister President.