

INTERNATIONAL COURT OF JUSTICE

Advisory Proceedings on the Obligations of Israel in relation to
the Presence and Activities of the United Nations, its agencies
and bodies, other international organizations and third States in
and in relation to the Occupied Palestinian Territory (OPT)

Written Statement
PHILIPPINES

28 February 2025

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Executive Summary

The Philippines approaches these proceedings in the context of Agenda Item 123 of the Assembly's Seventy-Ninth Session on "Strengthening the United Nations System, under which the General Assembly's request for the Court's advisory opinion was presented, highlighting its broader institutional and legal significance.

As such, the submissions are motivated by the Philippines' commitment to humanitarian principles, multilateral cooperation, and the rule of law, rooted in the UN Charter as a framework for maintaining international peace and security.

Accordingly, the Philippines' Statement examines Israel's obligations under international law, focusing on those concerning UN agencies and their operations in situations of conflict and humanitarian crises.

The submissions do not cover issues relating to other international humanitarian organizations or Third States, which may also have presence or activities in or in relation to the Occupied Palestinian Territory.

In its submissions, the Philippines also affirms that the legitimacy and effectiveness of multilateral institutions, including the UN, depend on their ability to operate with due diligence, impartiality and accountability. This requires a framework that enables UN agencies to carry out their humanitarian and peacekeeping mandates while fully respecting the sovereignty and security of States and the well-being of its citizens and other inhabitants, in accordance with international law.

The objective of the Philippines in its participation in these proceedings is to contribute to the strengthening of the legal and institutional framework of the UN-led humanitarian system by clarifying the nature, bases, and scope of relevant State obligations, falling within the scope of the request. This clarification is essential to ensure the system's credibility, effectiveness, and ability to function without undue restrictions in challenging environments.

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I. PRELIMINARY STATEMENT

1. This Written Statement is in response to the Court's Order of 23 December 2024, inviting Member States and the observer State of Palestine to provide legal observations on the General Assembly's request for an advisory opinion under General Assembly Resolution 79/232 adopted on 19 December 2024.
2. The Philippines acknowledges the communications from the Secretary General: 1) letter dated 28 October 2024 addressed to the President of the General Assembly calling attention to "developments which could prevent the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) from continuing its essential work in the Occupied Palestinian Territory, including East Jerusalem, as mandated by the General Assembly," and 2) identical letters dated 9 December 2024 addressed to the President of the General Assembly and the President of the Security Council.
3. The Philippines also takes cognizance of Israel's identical letters dated December 18, 2024, addressed to the President of the General Assembly and the President of the Security Council, informing both that the Knesset had enacted legislation on October 28, 2024, mandating the cessation of UNRWA's activities and citing longstanding concerns about the alleged infiltration of UNRWA by Hamas operatives as a justification for the new legislation. Additionally, Israel emphasizes its willingness to collaborate with international partners to ensure the continued delivery of humanitarian aid to Gaza in a manner that safeguards Israel's security interests.
4. These proceedings are treated as complementary to the Court's Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (2024) and sees the current request as necessary to address emerging legal issues concerning Israel's obligations and submit additional questions to the Court in light of developments in the Occupied Palestinian Territory (OPT). They are seen as an opportunity for the Court to offer authoritative guidance on the evolving legal situation, particularly in relation to the role and activities of the United Nations and other international actors in the OPT.
5. The Philippines notes that the General Assembly's request was presented under Agenda Item 123 of the Assembly's Seventy-Ninth Session on "*Strengthening the United Nations System*," underscoring its broader institutional and legal implications. The request reflects the imperative to uphold the integrity of the UN system, safeguard the effective functioning of its agencies, and reaffirm the foundational principles of international law that govern State conduct, particularly in situations of armed conflict and humanitarian crises.
6. The Philippines has consistently supported efforts to reinforce the UN system as a mechanism for peaceful dispute resolution and global stability. The UN Charter, in Article 1, underscores the role of the UN in maintaining international peace and security through collective measures.
7. The Court has also acknowledged the significance of multilateralism in addressing international disputes. In the *Certain Expenses of the United Nations* (1962), the Court affirmed that expenditures related to UN peacekeeping operations contribute to the fulfilment of its central role in maintaining peace and security. The participation of multiple actors, including international organizations and third States, strengthens the

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legitimacy and effectiveness of conflict resolution efforts within the framework of international law.

8. In regions experiencing protracted conflict and severe humanitarian distress, such as the OPT, the role of multilateral governance mechanisms is indispensable. The continued disruption of essential services, including education, healthcare, and commerce, has placed significant pressure on the civilian population, increasing the need for external humanitarian assistance. The effectiveness of UN-led humanitarian efforts hinges on the consistent and equitable application of international law and the ability of international organizations to operate without external obstruction.
9. The Philippines has consistently supported the mandates of the UN and its specialized agencies, and provides financial contributions to various UN bodies, including the UNRWA, in recognition of their indispensable role in responding to humanitarian crises. The Philippines values the agencies' operational integrity, autonomy and effectiveness, as well as their neutrality or impartiality, due diligence and accountability for their operations. The Philippines recognizes that, in certain situations, their presence is not only essential for the timely and effective delivery of humanitarian assistance but may also have a direct impact on the security and stability of affected areas. In highly sensitive humanitarian crises, the ability of these organizations to operate without undue interference is crucial to safeguarding civilian populations, mitigating further escalation, and reinforcing broader efforts to uphold international peace and security.
10. In this regard, the Philippines' participation in these proceedings is motivated by its commitment to humanitarian principles, multilateral cooperation, and the rule of law, anchored in the UN Charter's framework for maintaining international peace and security. Through its submissions, the Philippines seeks to contribute to the examination of State obligations under international law concerning the presence and operations of UN agencies in conflict and humanitarian crises, in order to fortify the legal and institutional foundations of the UN-led humanitarian system, ensuring its credibility, effectiveness, and ability to operate unhindered in the most challenging environments.

II. CONTEXT

11. The OPT, comprising the West Bank, including East Jerusalem, and the Gaza Strip, has been under Israeli occupation since 1967 following the armed conflict of that year. Over the decades, Israel has implemented policies and administrative measures in these territories, including the establishment and expansion of settlements in the West Bank and East Jerusalem, as well as restrictions on movement, access to resources, and the operations of United Nations agencies and humanitarian organizations.
12. The Philippines maintains bilateral relations with both Israel and Palestine and has expressed support for a two-state solution, consistent with past agreements and relevant UN Resolutions.
13. The United Nations and its specialized agencies, including the UNRWA, the Office for the Coordination of Humanitarian Affairs (OCHA), and the Office of the High Commissioner for Human Rights (OHCHR), are integral to the humanitarian and development architecture in the OPT.

These entities operate within mandates established by the General Assembly and the Security Council, facilitating the delivery of essential humanitarian assistance,

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implementation of development programs, and monitoring of human rights conditions in the region. Their activities encompass provision of emergency relief, coordination of humanitarian response mechanisms, and documentation of violations of international human rights and humanitarian law.

14. In particular, the UNRWA was established by General Assembly Resolution 302 (IV) on 8 December 1949, succeeding the United Nations Relief for Palestine Refugees (UNRPR) in response to the mass displacement resulting from the 1948 Arab-Israeli war. Mandated to provide direct relief, social services, and development programs, UNRWA became the principal humanitarian agency assisting Palestinian refugees across the West Bank, Gaza, Jordan, Lebanon, and Syria. Over the years, successive General Assembly resolutions expanded its scope to include education, vocational training, protection and infrastructure and camp improvement services, healthcare, and economic self-sufficiency programs, recognizing the protracted nature of the refugee situation.
15. UNRWA plays an indispensable part in the UN's system of providing assistance to the Palestinian people in that other UN entities doing considerable work in the OPT relies heavily on UNRWA's infrastructure. Admittedly, other humanitarian agencies lack the extensive networks, situational awareness and expertise necessary to conduct large-scale operations possessed by UNRWA in view of its unique mandate, and its more than 75 years of experience.
16. Following the 1967 Six-Day War, Israel and UNRWA formalized an agreement, through the *14 June 1967 Exchange of Letters with UNRWA constituting a provisional agreement concerning assistance to Palestine Refugees* ("1967 Exchange of Letters"), which reaffirmed Israel's recognition of UNRWA's humanitarian mandate and facilitated the agency's continued operations in the newly occupied territories. The provisions of the agreement included guarantees for the protection of UNRWA personnel and installations, freedom of movement for agency staff and vehicles, and the maintenance of existing financial arrangements concerning customs exemptions and logistical support. UNRWA's mandate has since been periodically renewed, reflecting the continued need for its services amid ongoing displacement and humanitarian challenges.
17. On 7 October 2023, Hamas and other Palestinian militant factions launched a large-scale attack on Israel from the Gaza Strip, resulting in casualties and the capture of hostages. In response, Israel initiated a full-scale military operation in Gaza, leading to significant destruction and a mounting humanitarian crisis.
18. In January 2024, Israel alleged that certain UNRWA personnel were complicit in the attacks of 7 October 2023. In response to these allegations and their potential implications for the agency's credibility and operations, the Secretary General, in consultation with the UNRWA Commissioner-General, appointed an Independent Review Group to conduct an impartial investigation into the matter. Of the individuals identified, UNRWA subsequently terminated the contracts of nine employees who may have been involved, while two were confirmed deceased.
19. On 28 October 2024, the Israeli Knesset enacted two legislative measures directed at UNRWA: The Law to Cease UNRWA Operations and The Law to Cease UNRWA Operations in the Territory of the State of Israel. The first law prohibits Israeli officials from engaging with UNRWA or any of its representatives. The second law explicitly prohibits UNRWA from maintaining any offices, providing services, or engaging in activities within

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the territory of Israel, which Israel interprets to include East Jerusalem, where UNRWA's West Bank field office is located.

20. On 24 January 2025, the State of Israel issued an order requiring UNRWA to vacate all premises in occupied East Jerusalem and cease its operations therein by 30 January 2025. This directive, in alignment with the recently enacted laws, effectively expels UNRWA from East Jerusalem and raises significant concerns regarding the continuation of essential humanitarian services for Palestinian refugees residing in the area.

III. ADMISSIBILITY OF THE REQUEST

21. The Philippines submits that the Court has jurisdiction to render the advisory opinion requested by the General Assembly and that there are no circumstances requiring the Court to decline the exercise of such jurisdiction.
22. First, the General Assembly is competent to make the request. Article 96 (1) of the UN Charter specifically provides that the "*The General Assembly ... may request the International Court of Justice to give an advisory opinion on any legal question.*" In the same vein, Article 65(1) of the ICJ Statute provides: "*The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.*" Such a request has been made in this case, as the General Assembly adopted Resolution A/RES/79/232 on 19 December 2024. The Philippines, along with 136 States, voted in favor of the said General Assembly resolution.
23. Second, the request raises a legal question concerning Israel's obligations under international law, making it appropriate for an advisory opinion. In the *Western Sahara Case* the Court found that questions '*framed in terms of law and rais[ing] problems of international law ... are by their very nature susceptible of a reply based on law ... [and] appear ... to be questions of a legal character.*'

The General Assembly's request pertains to the interpretation of international treaties, including the UN Charter, Geneva Conventions, and UNRWA's legal framework. The Court is asked to identify, interpret and apply the relevant rules of principles of international law as regards in particular the UN Charter, international humanitarian law, international human rights law, privileges and immunities applicable under international law.

The Court has also previously held that legal questions remain justiciable even if they have political implications.

24. Third, in its Advisory Opinion on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius (1965)*, the Court has stated that while it has discretionary power to decline giving an advisory opinion even if jurisdictional conditions are met, its role as the principal judicial organ of the UN means that responding to such requests "represents its participation in the activities of the Organization, and, in principle, should not be refused."

This principle has been reiterated in other advisory opinions, including the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004)* and the *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo (2010)*. In these cases, the Court emphasized its discretionary power to decline

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advisory opinions but noted that such discretion should be exercised sparingly, reserving refusal for compelling reasons.

25. Additionally, with respect to issues relating to Israel's obligations under the 1946 Convention on the Privileges and Immunities of the United Nations ("the 1946 Convention"), the statement by the Secretary General in his letter dated 28 October 2024 to the President of the General Assembly is relevant. In the letter, the Secretary General indicated that *"a situation may exist in which a difference has arisen between the United Nations and the State of Israel regarding, among other things, the interpretation or application of the Convention on the Privileges and Immunities of the United Nations ("1946 Convention"), to which Israel is a State Party."*

Section 30 of said Convention under Article VIII "Settlement of Disputes" provides for the Court's mandatory jurisdiction over "all differences arising out of the interpretation or application of the [convention]", unless otherwise agreed by the Parties to the dispute. Where the difference arises between the UN and a State Party, said issue shall be submitted for the advisory jurisdiction of the Court on any legal question involved through a request, in accordance with Article 96 of the UN Charter and Article 65 of the ICJ Statute. In the latter case, said opinion of the Court shall be "accepted as decisive" by the Parties.

IV. PHILIPPINES' VIEWS ON THE QUESTION SUBMITTED TO THE COURT

26. The Philippines' submissions focus on obligations concerning the presence and activities of the UN, including its agencies and bodies, in and in relation to the OPT. In doing so, the Philippines aims to lay down its views on the crucial role of these entities within the multilateral system of humanitarian assistance, especially in situations of crises and conflict, which has been carefully balanced and shaped by international consensus. The Philippines is of the view that preserving their mandate, status, independence, and integrity serves as a key component of the *raison d'être* of the United Nations, which is the maintenance of international peace and security. Likewise, the Philippines acknowledges that operational integrity is intrinsically linked to the exercise of due diligence, neutrality, and impartiality, ensuring that these entities continue to fulfill their mandates effectively and in accordance with international law.
27. The term "United Nations, including its agencies and bodies," encompasses the principal organs established under Article 7(1) of the UN Charter (1945): the General Assembly, Security Council, Economic and Social Council (ECOSOC), Trusteeship Council, the Court, and the Secretariat. Article 7(2) authorizes the creation of subsidiary organs as necessary for the UN's functions, including entities like the UNRWA, the OCHA, and the UNHCR. Specialized agencies, as outlined in Articles 57 and 63, are autonomous organizations established by intergovernmental agreements and brought into relationship with the UN through agreements with ECOSOC. These agencies, which include the World Health Organization (WHO), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), Food and Agriculture Organization (FAO), International Monetary Fund (IMF), and the World Bank Group (WBG), operate in various fields such as economic, social, cultural, educational, and health. The legal status, functional independence, and obligations of Member States concerning the UN and its entities are further defined by the 1946 Convention and the Convention on the Privileges and Immunities of the Specialized Agencies (1947). In its Advisory Opinion on *Reparations for Injuries Suffered in the Service of the United Nations* (1949), the Court affirmed that the UN possesses international legal personality, enabling it to perform

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necessary legal acts and underscoring the importance of protecting the organization and its agents under international law to ensure the effective fulfillment of its mandate.

28. The Philippines submits that Israel is bound by obligations in customary international law, the UN Charter, international humanitarian law, and other international agreements, such as the 1946 Convention, and international human rights instruments - to which Israel is a State Party.
29. The Philippines also submits that States have the right under international law to expect that UN agencies and their personnel operating on the ground will observe their duties of due diligence, impartiality, and accountability at all times. This ensures that, while UN agencies and their personnel operate within a Host State's territory, they are obligated to conduct their activities in a manner that is consistent with the principles of impartiality and neutrality, and does not, inadvertently or otherwise, undermine or pose a threat to the sovereignty, territorial integrity, and national security of the State, nor to the safety and well-being of its citizens and inhabitants.

This right is anchored on the principle and rule of State sovereignty which is paramount under both customary and treaty law under Article 2(1) of the UN Charter and also affirmed in Article V, Section 21 of the 1946 Convention requiring UN personnel to respect the laws and regulations of the Host State, upholding the Host's sovereignty and security while facilitating effective international cooperation.

30. As underscored by the Philippines in statements by Secretary for Foreign Affairs Enrique A. Manalo before the 78th and 79th Sessions of the General Assembly, the Philippines emphasizes that the legitimacy and effectiveness of multilateral institutions, including the UN, rest on their ability to operate in a manner that is transparent, accountable, and responsive to the concerns of Member States. In this regard, the Philippines underscores the need for an approach that ensures UN agencies remain able to fulfill their vital humanitarian and peacekeeping roles while fully respecting the sovereignty and security of States.
31. On the foregoing premises, the Philippines submits that Israel, as all UN Member States, has the following obligations under international law with respect to the presence and activities of the UN, including its agencies and bodies:
 - a. ***Duty to render assistance to the United Nations:*** This duty, under Article 2(5) of the UN Charter, inheres in all Member States and extends to all UN organs and operations, encompassing peacekeeping missions, humanitarian relief efforts, and investigative activities. The obligation is not limited to non-interference but imposes an affirmative requirement on States to actively support the UN's functions, particularly in situations of armed conflict, humanitarian crises, and peacekeeping engagements. States must ensure that their actions do not obstruct UN-mandated initiatives. Acts that hinder the UN's operational capacity – such as denying access to UN personnel, restricting humanitarian aid delivery, or engaging in disinformation campaigns against UN agencies – are inconsistent with Member States' obligations under international law.
 - b. ***Obligation to Grant Immunities and Privileges to the UN, its Bodies and Specialized Agencies, as well as its Officials and Experts:*** Article 105(1) of the UN Charter provides that the UN shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

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This Charter provision is complemented by the 1946 Convention, which provides the detailed legal framework governing these immunities.

The obligation to uphold immunities and privileges applies uniformly and consistently, in accordance with relevant international law. States cannot arbitrarily withhold such protections from specific UN agencies while granting them to others without undermining both legal principles and the effectiveness of humanitarian operations. Neither do States have the discretion to selectively determine which UN agencies are granted immunities and privileges, especially when it comes to UNRWA, a subsidiary organ of the General Assembly whose mandate is unique and indispensable.

UNRWA's role is not only critical for the delivery of relief and other humanitarian assistance to the civilian population in the OPT, but also fundamental to the operations of other UN agencies that rely on its presence, expertise, and extensive network to effectively carry out their own mandates. These other UN agencies are not meant to replace UNRWA in its distinct and essential role.

- c. *Obligation to ensure the operational integrity and effectiveness, as well as the independence and impartiality of the United and its specialized agencies and bodies:* The independent exercise of functions by the UN and its personnel is enshrined in Article 105(2) of the UN Charter and codified in the 1946 Convention, particularly Articles 3, 5, and 7, ensuring operational autonomy and protection from interference. Article 3 affirms the inviolability of UN property and communications, Article 5 clarifies that immunities serve institutional rather than personal interests, and Article 7 extends protections to experts on mission. The Court has reinforced these obligations in *Reparation for Injuries Suffered in the Service of the United Nations* (1949), recognizing the UN's international legal personality and functional immunities, and in *Legal Consequences of the Construction of a Wall* (2004), affirming that States must ensure UN agencies can operate without restriction.

States are obligated to uphold UN privileges and immunities and refrain from obstructing its operations, particularly in conflict zones and humanitarian emergencies. Actions such as denying access, misinformation, or political attacks may contradict the spirit of international cooperation and undermine UN effectiveness in peacekeeping, humanitarian relief, and accountability efforts.

Likewise, the Philippines is of the view that operational integrity and effectiveness of UN agencies are fundamentally supported by their duties of due diligence, neutrality, and accountability, which ensure that their operations align with international legal standards and maintain credibility among Member States and affected populations.

The principle of due diligence requires UN agencies to take all reasonable precautions to ensure that their activities comply with international law and humanitarian principles. This duty is particularly relevant in humanitarian assistance, peacekeeping, and investigative missions, where failure to act with due diligence can result in unintended harm or compromise the mission's legitimacy. The Secretary General's *Bulletin on Observance by United Nations Forces of International Humanitarian Law* (1999) outlines the duty of UN personnel to ensure their operations adhere to legal and ethical standards.

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Neutrality is a core principle of UN humanitarian assistance, as enshrined in General Assembly Resolution 46/182 (1991), which requires that humanitarian action be carried out without political, military, or ideological bias. This ensures equal access to aid and fosters trust among conflicting parties. However, for peacekeeping and enforcement operations, the UN Charter mandates impartiality rather than absolute neutrality, particularly in cases where UN forces act under Chapter VII Security Council mandates.

In UN peacekeeping operations, the principle of impartiality is paramount, requiring peacekeepers to implement their mandates without favoring any party involved in a conflict. This is distinct from neutrality, which implies refraining from any form of judgment or action; UN peacekeepers are not neutral in executing their duties. As outlined by the UN Department of Peacekeeping Operations, "United Nations peacekeepers should be impartial in their dealings with the parties to the conflict, but not neutral in the execution of their mandate."

Accountability is essential to maintaining the legitimacy and transparency of UN operations. Articles 100 and 101 of the UN Charter requires UN officials to maintain independence from external influences, reinforcing their duty to act in the interests of the organization rather than individual States. The UN's internal oversight mechanisms, such as the Office of Internal Oversight Services (OIOS) and the Independent Audit Advisory Committee (IAAC), further institutionalize accountability by ensuring compliance with ethical and operational standards. Additionally, the *UN Human Rights Due Diligence Policy (HRDDP)* (2013) mandates that the UN refrain from supporting entities that commit human rights violations, reinforcing the obligation to uphold accountability.

- d. *Obligation to Facilitate Safe and Unimpeded Humanitarian Access:*** This refers to the obligation to ensure safe, rapid, and unimpeded access for humanitarian assistance, particularly in situations of armed conflict and crises within one's territory or areas under one's effective control. States must not arbitrarily withhold consent for UN-led humanitarian operations nor impose unnecessary administrative, legal, or security-related barriers that obstruct relief efforts. Additionally, States have a positive obligation to assist in logistical and operational aspects, including transportation, customs clearance, security, and protection of humanitarian personnel and convoys. This is embodied in Article 23 of the Fourth Geneva Convention (1949), and Articles 59-61, 63, and 70 of the Additional Protocol I (1977). This is also reflected in customary international humanitarian law (IHL), specifically Rules 55 and Rule 56 as codified by the International Committee of the Red Cross (ICRC).

The duty to ensure unimpeded humanitarian access is also reflected in Security Council Resolutions: Resolution 2417 (2018); Resolution 1860 (2009); and Resolution 2286 (2016). The Court has also consistently reinforced the obligations of states under international law, particularly concerning the provision of humanitarian assistance in conflict zones and occupied territories in *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* and the *Legal Consequences of the Construction of a Wall* (2004).

More recently, in Para 80 of the Court's Order of 26 January 2024 in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Republic*

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of *South Africa v. The State of Israel*), the Court underscored Israel's obligations regarding humanitarian access and emphasized that Israel must take immediate and effective measures to enable the provision of urgently needed humanitarian assistance and basic services. Further in the Court's Order of 28 March 2024, the Court indicated additional provisional measures that require Israel to take all necessary and effective actions to ensure the unhindered provision of urgently needed basic services and humanitarian assistance in Gaza. Paragraph 51 of the Order explicitly mandates that Israel must cooperate fully with the UN to guarantee the immediate and sustained delivery of essential supplies, including food, water, electricity, fuel, shelter, clothing, hygiene products, and medical aid.

- e. ***Obligation to respect and protect the physical safety and security of UN Personnel and humanitarian objects:*** The obligation to respect and protect the physical safety and security of UN personnel and humanitarian workers requires all States and parties to a conflict to ensure that humanitarian actors operate without threats, attacks, or obstructions. The security of humanitarian personnel and objects is a fundamental prerequisite for the effective and uninterrupted delivery of essential aid to populations in crisis. Violations of these obligations not only endanger individual lives but also compromise humanitarian relief operations, exacerbating human suffering in conflict zones. This is also embodied in Article 71 of Additional Protocol I (1977) to the Geneva Conventions, as well as customary IHL (ICRC), specifically Rules 31 and Rule 32. Security Council Resolution 1502 (2003) also unequivocally condemns attacks against humanitarian personnel and urges States to take all necessary measures to ensure their protection.

State practice as reflected in Human Rights Committee's General Comment No. 29 on States of Emergency (Article 4 of the ICCPR) also indicates a duty on the part of States to uphold their legal responsibilities even in emergency situations, including to ensure that humanitarian and peacekeeping personnel remain protected at all times. Similarly, the Human Rights Council, through Resolution 9/9, affirms the protection of civilians, including humanitarian workers, in armed conflict and stresses the duty of States to adhere to international humanitarian and human rights law in all circumstances.

The Court in its judgment in *Military and Paramilitary Activities in and against Nicaragua* (1986), paras 220-225, also underscored that attacks on humanitarian personnel constitute violations of fundamental principles of international humanitarian law and undermine the legitimacy of humanitarian operations.

- f. ***Duty to ensure accountability for attacks on personnel and property of the United Nations and international organizations:*** States bear a legal obligation to investigate, prosecute, and hold accountable individuals responsible for attacks against personnel of international organizations, including UN staff, humanitarian workers, and peacekeepers. This duty extends to ensuring justice for war crimes committed against UN-mandated personnel engaged in peacekeeping, humanitarian assistance, and human rights monitoring.

Security Council Resolution 1502 (2003) on the Protection of Humanitarian Personnel calls for legal action against individuals and groups responsible for targeting aid workers and UN personnel. States must actively investigate, prosecute, and punish those who attack humanitarian convoys, aid distribution networks, or UN-mandated missions. Customary IHL Rule 158 (ICRC) states that

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"States must investigate war crimes allegedly committed by their nationals or armed forces, or on their territory, and, if appropriate, prosecute the suspects."

UN peacekeeping mandates often require Host States to cooperate fully with investigations into attacks on UN forces, as reflected in Security Council resolutions governing peacekeeping operations in conflict zones such as the Central African Republic, Mali, and South Sudan. In its Advisory Opinion on *Reparations for Injuries Suffered in the Service of the United Nations* (1949), the Court held that States are responsible for ensuring that individuals harming UN personnel are held accountable under domestic or international law.

- g. Duty to cooperate with UN peacekeeping operations:* Member States are obligated to respect and cooperate with UN peacekeeping operations authorized by the Security Council. This includes ensuring unobstructed operations, freedom of movement, and security for personnel in conflict zones. Host States must facilitate mission mandates by granting access to affected areas and coordinating with mission leadership. Troop-contributing countries are responsible for ensuring their personnel comply with UN rules of engagement, international humanitarian law, and human rights obligations. The legal basis for UN peacekeeping is found in Chapter VII of the UN Charter, particularly Article 42, which allows the Security Council to authorize necessary actions, including deploying forces to maintain or restore international peace and security. Security Council resolutions, such as Resolution 1674 (2006) on the protection of civilians, demand that all parties comply with international law and cooperate fully with UN peacekeeping missions. Resolution 2518 (2020) emphasizes the host State's duty to protect UN personnel and prosecute those responsible for attacks against them.
- h. Duty to respect and not to target UN peacekeeping operations and personnel:* UN peacekeeping forces operate under an impartial mandate. As non-combatants, peacekeepers are entitled to protection from attacks, provided they do not take direct part in hostilities. Under IHL, the targeting of peacekeeping forces constitutes a grave violation. States are obligated to prevent, investigate, and prosecute such attacks. Peacekeeping personnel have protected status under the Geneva Conventions and customary IHL. Customary IHL (ICRC) Rule 33 states: "Personnel and objects involved in a peacekeeping mission must not be attacked, unless they take direct part in hostilities." This rule reinforces the binding nature of customary international law in ensuring the security and operational integrity of UN peacekeeping forces. Additionally, Security Council Resolution 2518 (2020) specifically calls on Member States to take decisive action against those who threaten the safety and security of UN peacekeeping forces, reinforcing the legal and political consequences of such violations.
- i. Duty to cooperate with international justice mechanism, including international investigations:* States have a binding legal obligation to cooperate with UN-mandated investigations into alleged violations of international law. This duty includes granting access to investigators, preserving evidence, and ensuring that individuals suspected of serious crimes are either prosecuted under national legal systems or extradited to appropriate international judicial bodies. Non-cooperation with such investigations obstructs accountability and undermines the enforcement of IHL and international human rights law.

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Common Article 1 of the Geneva Conventions (1949) obligates High Contracting Parties to "respect and ensure respect" for the Conventions "in all circumstances." This has been interpreted as imposing a positive duty on States to take active measures to prevent violations of IHL and to ensure accountability for grave breaches. Articles 146 and 147 of the Fourth Geneva Convention specifically require States to enact legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the Convention, such as willful killing, torture, or inhumane treatment of protected persons. These provisions affirm the responsibility of States not only to refrain from committing violations but also to cooperate in investigating and prosecuting those responsible. The UN Security Council has also reinforced this obligation through various resolutions.

In the case of *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, the Court held that States must take all measures reasonably available to them to prevent genocide and to ensure that perpetrators are punished. This decision underscores that the duty to cooperate with international justice mechanisms is not only a treaty-based obligation but also a principle of customary international law.

More recently, in the case of *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Republic of South Africa v. The State of Israel)*, the Court issued an Order on 26 January 2024, mandating that Israel take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of the Genocide Convention. This order reinforces the obligation of States to comply with international investigative bodies in matters concerning alleged grave violations of international law.

- j. ***Obligation to respect, protect and fulfill human rights enshrined in core international human rights treaties to which it is a State Party:*** Israel is obligated to respect, protect, and fulfill the rights enshrined in international human rights instruments to which it is a State Party. These include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of Persons with Disabilities (CRPD).

The Court, in its Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (2004), affirmed that Israel's human rights obligations extend to the territories it occupies. The Court emphasized that restrictions imposed by the occupying power must be assessed not only under security considerations but also in light of the fundamental human rights of the population under occupation.

The concurrent application of international human rights law and IHL in situations of occupation and armed conflict underscores Israel's heightened responsibility to protect and facilitate the work of UN and humanitarian agencies. States cannot invoke security justifications to override their non-derogable human rights obligations in an occupied territory, even during states of emergency, including in

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conflict situations, including the right to life, and the prohibition of torture and cruel, inhuman, or degrading treatment or punishment. Any derogation from other provisions of the ICCPR must comply with strict conditions, including being of an exceptional and temporary nature and adhering to the principle of proportionality.

During armed conflict, human rights law continues to apply alongside international humanitarian law, ensuring that emergency powers are not used to justify undue restrictions on humanitarian assistance or UN operations, including the right to humanitarian assistance, freedom of movement for relief personnel, and access to essential goods and services for the affected population.

V. CONCLUDING STATEMENT

32. The Philippines reiterates its commitment to international law, the UN Charter, and the rules-based international order. In submitting this Written Statement, the Philippines emphasizes the necessity of upholding the legal obligations of States concerning the presence, activities, and mandates of the UN, including its specialized agencies and bodies, particularly in situations of armed conflict and humanitarian crises.
33. At the core of this submission is the Philippines' firm belief in the vital role of the UN in maintaining international peace and security, as well as its humanitarian imperative to provide essential assistance to populations in distress. As a long-standing advocate of multilateralism, the Philippines asserts that ensuring the operational integrity, independence, and effectiveness of UN entities in the OPT is critical to preserving the legitimacy and credibility of the UN system and its ability to respond effectively to humanitarian needs worldwide.
34. At the same time, the Philippines affirms that this does not diminish the inherent right of States to expect accountability, due diligence, and respect for sovereignty from all UN agencies and personnel operating within their jurisdiction. This requires a framework that enables UN agencies to carry out their humanitarian and peacekeeping mandates while fully respecting the sovereignty and security of States and the well-being of its citizens and other inhabitants, in accordance with international law.
35. The Philippines approaches its participation in these proceedings with the objective of strengthening the UN system, ensuring that the Court's opinion reinforces the paramount interests of sovereignty and security of Member States while upholding the fundamental principles of international law. The preservation of the humanitarian system under the UN Charter—including the mandates, immunities, and privileges of UN agencies—is essential to maintaining their operational effectiveness.
36. In light of the foregoing, the Philippines respectfully submits its views to assist the Court in rendering its advisory opinion. The Court may also wish to take this or another opportunity to consider, at its discretion, including in its guidance a discussion on the recourse available under international law for addressing differences between UN agencies and Member States, particularly those arising from the interpretation and implementation of mandates, the exercise of privileges and immunities, and the fulfillment of legal obligations under the UN Charter and relevant international agreements. This will ensure a full appreciation of the legal issues within the scope of the request.

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37. The Philippines remains confident that the Court, as the principal judicial organ of the UN, will provide guidance that reaffirms the fundamental principles of international law while safeguarding the critical balance between humanitarian imperatives, state sovereignty, and institutional integrity.

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