

PROMOTION OF AND RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

(Resolution adopted at the third plenary session, held on June 2, 1998)

THE GENERAL ASSEMBLY,

CONSIDERING its resolutions AG/RES. 1270 (XXIV-O/94), AG/RES. 1335 (XXV-O/95), AG/RES. 1408 (XXVI-O/96), and AG/RES. 1503 (XXVII-O/97) regarding international humanitarian law;

CONCERNED about the large number of armed conflicts still taking place in various parts of the world, and about persistent violations of international humanitarian law, particularly against children, women, displaced persons, and civilians in general;

CONVINCED of the continuing value of the fundamental principles and established rules of international humanitarian law, and of the need and obligation of the states parties to the 1949 Geneva Conventions, and to the 1977 Additional Protocols thereto, not only to respect, but also to enforce, in all circumstances, the provisions of those treaties;

CONSIDERING that international humanitarian law prohibits the use of weapons, projectiles, materiel, and methods of warfare that have indiscriminate effects or cause excessive injury or unnecessary suffering;

NOTING that all states are bound to respect the relevant rules of customary international humanitarian law;

STRESSING the need to strengthen the existing body of international humanitarian law by achieving its universal acceptance, the need for wide dissemination and full implementation of that law at the national level, and the need to punish all violations of its provisions;

CONSIDERING:

That the Organization of American States proclaims the fundamental rights of the individual and encourages the promotion of those rights; and

That the Organization's member states should spread awareness of international humanitarian law in their countries and take all measures necessary to facilitate its effective implementation;

RECOGNIZING the continuing effort of the International Committee of the Red Cross (ICRC) to promote and disseminate knowledge of international humanitarian law, and the activities it carries out in its capacity as a neutral and independent organization in situations of armed conflict and of internal armed violence; CONSIDERING the first report submitted by the ICRC to the Committee on Juridical and Political Affairs of the OAS Permanent Council (March 1998) on the status of efforts undertaken by the member states to promote the national application of international humanitarian law in their legal and administrative systems;

RECALLING the cooperation agreement signed by the General Secretariat of the OAS and the ICRC in Washington, D.C., on May 10, 1996, as well as the seminars on international humanitarian law organized jointly by the OAS and the ICRC; and

CONSIDERING that the international conference to establish an International Criminal Court will be held in Rome from June 15 to July 17, 1998,

RESOLVES:

1. To call upon all member states that have not yet done so to consider becoming parties to the 1977 Additional Protocols I and II to the Geneva Conventions at the earliest possible date.
2. To call upon all member states that are already parties to Additional Protocol I, and those that intend to become parties, to consider making the declaration provided for under Article 90 of that Protocol.
3. To call upon member states:
 - a. That have not yet done so to consider acceding to the 1980 United Nations Convention on Conventional Weapons and its annexed Protocols;
 - b. That are already parties to the aforementioned convention to consider ratifying its amended Protocols II and IV thereto, and to request them to inform the Secretary General when they have done so;
 - c. That have signed the 1997 Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-personnel Mines and on their Destruction to consider at the earliest stage the national ratification thereof and to declare at the time of ratification that they will provisionally apply its core prohibitions; and
 - d. That have not signed the 1997 Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-personnel Mines and on their Destruction to observe the new standards established by the Convention and to consider signing and ratifying it at an early date.
4. To invite those member states that have not yet done so to consider becoming parties to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict.
5. To call on member states to continue to consider the adoption, as necessary, of national enabling law and regulations pertaining to international humanitarian law, and to apply and disseminate international humanitarian law as widely as possible and monitor its implementation, with particular emphasis on:
 - a. the adoption of appropriate criminal law to punish war crimes and other violations of international humanitarian law;
 - b. the adoption of laws and other measures to prevent the misuse of the Red Cross and Red Crescent emblems and other symbols provided for in the principal humanitarian law instruments; and
 - c. the widest possible dissemination of the humanitarian treaties among their armed forces, security forces, and other relevant groups, the incorporation of international humanitarian law instruction into their official training programs, and the appointment and training of persons qualified in international humanitarian law, including legal advisers within the armed forces.

6. To call upon member states to consider the establishment of national advisory committees or similar bodies to facilitate and ensure the effective implementation of international humanitarian law and, where these exist, to facilitate the exchange of information on their tasks and activities.
7. To urge the member states to participate actively in the conference to be held soon in Rome, with a view to the establishment of an International Criminal Court to punish war crimes and crimes against humanity.
8. To urge the member states to take all necessary measures to ensure that the personnel of humanitarian organizations are protected and respected within their territories.
9. To urge member states and all other parties to armed conflicts to adopt all necessary measures to end the use of children as soldiers, which violates international humanitarian law, and to ensure their demobilization and reintegration into society, including proper education and training, in a manner that fosters their self-respect and dignity.
10. To urge member states, as conflicts and other complex crises unfold, to preserve the independence, neutrality, and impartiality of humanitarian action and, to the extent possible, to separate humanitarian responses from political and military actions.
11. To invite member states to continue to cooperate with the International Committee of the Red Cross (ICRC) in its various areas of responsibility and to facilitate its work.
12. To instruct the Permanent Council to organize, in collaboration with the ICRC, a special meeting of the Committee on Juridical and Political Affairs on the promotion of and respect for international humanitarian law, in keeping with resources allocated in the program-budget to be adopted at the special session held by the General Assembly after its twenty-eighth regular session, and with other resources.
13. To request the Permanent Council to report on the implementation of this resolution to the General Assembly at its twenty-ninth regular session.