

PROMOTION OF AND RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

(Resolution adopted at the third plenary session, held on June 5, 2001)

THE GENERAL ASSEMBLY,

RECALLING its resolutions ag/res. 1270 (XXIV-O/94), ag/res. 1335 (XXV-O/95), ag/res. 1408 (XXVI-O/96), ag/res. 1503 (XXVII-O/97), ag/res. 1565 (XXVIII-O/98), AG/RES. 1619 (XXIX-O/99), and AG/RES. 1706 (XXX-O/00);

HAVING HEARD the report by the Chair of the Committee on Juridical and Political Affairs on the promotion of and respect for international humanitarian law (CP/ACTA 1276/01);

DEEPLY CONCERNED over persistent violations of international humanitarian law throughout the world and, in particular, over attacks on the civilian population, which is at times forced into displacement;

RECALLING that it is the obligation of all states to observe and enforce, in all circumstances, the standards established in the 1949 Geneva Conventions and, where applicable, for those states that are parties thereto, those contained in the 1977 Additional Protocols to those conventions;

UNDERSCORING the need to strengthen the standards of international humanitarian law by achieving its universal acceptance, its widest possible dissemination, and its application;

AWARE of the need to punish those responsible for war crimes, crimes against humanity, and other grave breaches of international humanitarian law;

TAKING INTO ACCOUNT in this context the historic significance of the adoption in Rome of the Statute of the International Criminal Court, which has already been ratified by 32 countries throughout the world;

CONSIDERING the importance of the Convention on the Safety of United Nations and Associated Personnel, whose objective is to protect both military and civilian members of United Nations operations;

CONVINCED that women and children deserve particular protection, and welcoming the adoption in May 2000 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

DISMAYED by the negative impact of the illicit production of and trafficking in firearms, ammunition, explosives, and other related materials on personal safety and on the stability of our societies;

EMPHASIZING ONCE MORE the ongoing efforts of the International Committee of the Red Cross (ICRC) to promote and disseminate knowledge of international humanitarian law and the activities it carries out as an organization that is impartial, neutral, and independent under any and all circumstances;

RECOGNIZING the important part played by the national committees or commissions established in numerous countries for the dissemination and application of international humanitarian law in ensuring that the Geneva Conventions and the Additional Protocols thereto, as well as the other instruments of international humanitarian law, are incorporated into the domestic law of the member states that are parties to those instruments, so that

compliance with those instruments and the dissemination thereof are ensured; and

EXPRESSING its satisfaction with the increasing cooperation between the General Secretariat of the Organization and the ICRC, resulting from the agreement signed on May 10, 1996, and illustrated by common achievements such as the Governmental Experts' Meeting on "The Implementation of International Humanitarian Law and Related Inter-American Conventions," held in March 2001, in San José, Costa Rica,

RESOLVES:

1. To welcome the increase in the number of member states that, in the past year, have ratified or acceded to various instruments of international humanitarian law, particularly the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention) and the Rome Statute of the International Criminal Court.

2. To urge the member states that have not yet done so to consider ratification of, or, if applicable, accession to the 1977 Additional Protocols I and II to the 1949 Geneva Conventions, and to consider making the declaration contained in Article 90 of Protocol I.

3. Also to urge the member states that have not yet done so to consider ratification of or, as appropriate, accession to the Statute of the International Criminal Court.

4. Further, to urge member states that have not yet done so to consider ratification of, or, if applicable, accession to the following instruments relating to weapons which may be excessively injurious or have indiscriminate effects:

The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (and the Protocols thereto); and

The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

5. To invite those member states that have not yet done so to consider becoming parties to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and to its 1954 Protocol, as well as to its 1999 Second Protocol on enhanced protection.

6. To urge member states that have not yet done so to consider becoming parties to the 1989 Convention on the Rights of the Child, and to its Optional Protocol on the involvement of children in armed conflicts, which includes the participation of children in hostilities, as well as their recruitment into the armed forces and armed groups.

7. To underscore how important it is for states, in accordance with the international legal obligations they have undertaken, in times of peace as well as in times of armed conflict, to pay special attention to the following provisions:

The widest possible dissemination of international humanitarian law throughout the population, particularly among the armed forces and security forces, by including it in official instruction programs and in the training of permanent armed forces staff (Articles 47, 48, 127, and 144, respectively, of the four Geneva Conventions, and Articles 83 and 11, respectively, of the two Additional Protocols);

The enactment of criminal legislation required to punish those responsible for war crimes and other grave breaches of international humanitarian law (Articles 49, 50, 129, and 146, respectively, of the four Geneva Conventions, and Article 85 of Additional Protocol I);

The enactment of legislation to regulate the use of emblems protected under

international humanitarian law and to punish the improper use thereof (Articles 54 and 45, respectively, of the first and second Geneva Conventions, and Article 38 of Additional Protocol I and its annex containing the regulations thereto); and

The obligation, in the study, development, acquisition, or adoption of a new weapon, means, or method of warfare, to determine whether its employment would violate international humanitarian law, and, if it would, not to adopt it for use within the armed forces or security forces or to manufacture it for other purposes (Article 36 of Additional Protocol I to the Geneva Conventions).

8. To urge member states that have not yet done so to study, with the support of the International Committee of the Red Cross (ICRC), the advisability of establishing national committees or commissions to implement and disseminate international humanitarian law.
9. To urge member states and all parties to an armed conflict to respect the impartiality, independence, and neutrality of humanitarian action in accordance with the guiding principles adopted by the United Nations General Assembly in its resolution 46/182, dated December 19, 1991, and to ensure that the staff of humanitarian organizations are protected.
10. To invite the member states and the parties in a conflict to continue to cooperate with the ICRC in its various spheres of responsibility and to facilitate its work, in particular, by using its advisory services to support states' efforts to implement international humanitarian law.
11. To request the General Secretariat to continue, through the Secretariat for Legal Affairs and in coordination with the ICRC, its work in the area of legal cooperation designed to promote the dissemination, ratification, and implementation of treaties on international humanitarian law and of related inter-American conventions, taking into account the progress achieved at the conference of government experts, held in San José, Costa Rica, in March 2001.
12. To request the Secretary General to report to the Permanent Council before the thirty-second regular session of the General Assembly on the implementation of this resolution.