

AG/RES. 1904 (XXXII-O/02)

PROMOTION OF AND RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

(Adopted at the fourth plenary session held on June 4, 2002)

THE GENERAL ASSEMBLY,

RECALLING 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), AG/RES. 1706 (XXX-O/00), AG/RES. 1770 (XXXI-O/01), and AG/RES. 1771 (XXXI-O/01);

DEEPLY DISTRESSED over the terrorist attacks perpetrated against innocent people from many nations that occurred in the United States of America on September 11, 2001;

DEEPLY DISTRESSED ALSO over the terrorist attacks committed in various member states;

DEEPLY CONCERNED over persistent violations of international humanitarian law throughout the world and, in particular, over attacks on the civilian population, which at times finds itself forced into displacement or compelled to seek refuge in other countries;

RECALLING that it is the obligation of all states to observe and enforce, in all circumstances, the provisions 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, and noting that this year marks the 25th anniversary of their adoption;

UNDERSCORING the need to reinforce the provisions of international humanitarian law by achieving their universal acceptance, and their widest possible dissemination and 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 the entry into force, on July 1, 2002, of the Statute of the International Criminal Court, which has been ratified or acceded to by 12 states in this Hemisphere;

RECOGNIZING the importance of developing international humanitarian law by drafting updated provisions that enable it to address today's challenges;

TAKING INTO CONSIDERATION the decision taken in December 2001 by the States Parties to the 1980 UN 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, to extend the scope of application of this Convention to all existing Protocols applicable to non-international armed conflict;

CONSIDERING the importance of the Convention on the Safety of United Nations and Associated Personnel, the purpose of which is to protect both military and civilian staff of United Nations operations;

CONVINCED that the particular protection and assistance needs of women and children in situations of armed conflict must be effectively addressed, and welcoming in this regard 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 conflict;

CONCERNED over the disappearance of persons and the taking of hostages particularly during armed conflict and the suffering this causes for families and loved ones during and after the conflict has ended;

DISMAYED by the negative impact of the illicit production of and trafficking in firearms, ammunition, explosives, and related materials on personal safety and the stability of our societies, as well as on domestic conflicts and peace processes;

RECOGNIZING that the illicit trade in small arms and light weapons in all its aspects undermines respect for international humanitarian law and impedes the humanitarian assistance to victims of armed conflict;

CONVINCED that the fight against terrorism must be undertaken with full respect for the law, for human rights, for international humanitarian law, and for democratic institutions in order to preserve the rule of law, freedoms, and democratic values in the Hemisphere;

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, where applicable, 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;

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;

EXPRESSING also its satisfaction over the special meeting of the Committee on Juridical and Political Affairs held at OAS headquarters on March 6, 2002, on the promotion of and respect for international humanitarian law, which received support from the ICRC and other institutions, the conclusions of which were presented to the Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas for consideration; and

HAVING SEEN the report of the General Secretariat on the promotion of and respect for international humanitarian law (CP/doc.3576/02),

RESOLVES:

1. To note 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 Antipersonnel

Mines and on Their Destruction (Ottawa Convention) and the Statute of the International Criminal Court.

2. To invite those member states that have not yet done so to consider ratifying or, if applicable, acceding to the 1977 Additional Protocols I and II to the 1949 Geneva Conventions, and to consider making the declaration provided for in Article 90 of Protocol I.

3. Also to urge those member states that have not yet done so to consider signing or ratifying, as appropriate, the Statute of the International Criminal Court.¹¹¹

4. Further, to invite those member states that have not yet done so to consider ratifying or, if applicable, acceding to the following instruments relating to weapons which may be excessively injurious or have indiscriminate effects:

- a. 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
- b. The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel 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 those 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 armed forces and armed groups.

7. To urge those member states that have not yet done so to sign or ratify the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA).

8. To urge states, as applicable and in accordance with the international legal obligations they have assumed, to pay special attention, in times of peace as well as times of armed conflict, to the following provisions:

- a. 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 personnel (Articles 47, 48, 127, and 144, respectively, of the four Geneva Conventions, and Articles 83 and 11, respectively, of the two Additional Protocols);

- b. The enactment of criminal legislation required to punish those responsible for war crimes, crimes against humanity, 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);
- c. 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
- d. The obligation, in the study, development, acquisition, or adoption of a new weapon, or of new means or methods of war, to determine whether their use would contravene international humanitarian law and, if it would, not to adopt it for use within the armed forces or security forces and not to manufacture it for other purposes (Article 36 of Additional Protocol I to the Geneva Conventions).

9. To urge member states to continue to support the work of national advisory committees or commissions or similar bodies for the dissemination and implementation of international humanitarian law, where they already exist, and to consider establishing such bodies where they do not, with support from the International Committee of the Red Cross (ICRC).

10. To urge member states to consider taking appropriate steps at the national level to address the grave humanitarian consequences of the unregulated availability of arms, in keeping with the Programme of Action adopted at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York in July 2001.

11. To urge those member states that have not yet done so to consider ratifying or acceding to, as the case may be, the 1994 Convention on the Safety of United Nations and Associated Personnel.

12. 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 of December 19, 1991, and to ensure that the staff of humanitarian missions are protected, whether they be in the employ of governments, international organizations, nongovernmental organizations, or the International Committee of the Red Cross.

13. To invite member states to facilitate the work of the ICRC, in particular by using its advisory services to support states' efforts to apply international humanitarian law, and to further invite member states and parties to armed conflict to continue to cooperate with the ICRC in its various spheres of responsibility.

14. To urge the parties to an armed conflict to take immediate measures to determine the identity and status of persons reported as missing.

15. To urge the member states and all parties to an armed conflict to observe their obligations under the 1949 Geneva Conventions, in particular those that are applicable to the protection of the civilian population.

16. To request the General Secretariat, through the Secretariat for Legal Affairs, and in coordination with the ICRC, to continue to organize governmental conferences similar to the

one held in San José, Costa Rica, in March 2001, to disseminate and reinforce the implementation of international humanitarian law and of related inter-American conventions.

17. To instruct the Permanent Council, with support from the General Secretariat and in cooperation with the ICRC, to continue to organize special meetings to reaffirm the pertinence and timeliness of international humanitarian law.

18. To encourage member states to adopt appropriate legislative, judicial, and administrative measures for the domestic implementation of international humanitarian law instruments, enlisting, as necessary, the technical assistance of appropriate international organizations, including the ICRC.

19. To invite the member states to report to the Permanent Council on the activities they have carried out pursuant to this resolution.

20. To request the Secretary General to present a report to the General Assembly at its thirty-third regular session on the implementation of this resolution.

1. The United States delegation reserves on this paragraph and requests that the text of its intervention be included in the final report on the resolution in the proceedings of the General Assembly.