

**AG/RES. 2127 (XXXV-O/05)**

PROMOTION OF AND RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

(Adopted at the fourth plenary session, held on June 7, 2005)

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), AG/RES. 1706 (XXX-O/00), AG/RES. 1770 (XXXI-O/01), AG/RES. 1771 (XXXI-O/01), AG/RES. 1900 (XXXII-O/02), AG/RES. 1904 (XXXII-O/02), AG/RES. 1944 (XXXIII-O/03), and AG/RES. 2052 (XXXIV-O/04);

RECALLING that, under the Charter of the Organization of American States, and in view of all applicable provisions of international humanitarian law and human rights law, human rights and fundamental freedoms must always be respected, even in situations of armed conflict;

DISMAYED by the persistent violations of international humanitarian law in the world;

DEEPLY CONCERNED about the suffering of all victims of armed conflict;

AWARE of the need to strengthen respect for the rules of international humanitarian law, by means of their acceptance, their dissemination, and the adoption of measures to ensure their application at the national level;

AWARE ALSO of the need for states to prevent impunity and to bring to justice those responsible for war crimes, crimes against humanity, and other grave breaches of international humanitarian law;

RECALLING that it is the obligation of all states to respect and ensure respect, in all circumstances, for the 1949 Geneva Conventions and, for the states that are party thereto, the provisions contained in the 1977 Additional Protocols to those conventions, as well as the provisions and general principles established in international humanitarian law;

UNDERSCORING that this year marks the 25th anniversary of 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;

RECALLING that the Rome Statute of the International Criminal Court defines war crimes, crimes against humanity, and crimes of genocide that the states parties thereto have committed to punishing;

ACKNOWLEDGING with pleasure the Declaration and Plan of Action adopted by the Nairobi Summit on a Mine-Free World, held in Nairobi, Kenya, from November 29 to December 3, 2004;

NOTING the observance of the 50th Anniversary of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, in San Salvador, from June 21 to 23, 2004;

EXPRESSING ITS SATISFACTION with the cooperation between the Organization of American States and the International Committee of the Red Cross with regard to promoting

respect for international humanitarian law and the principles behind said law, one example of which was the joint organization of the Regional Meeting on Harmonizing National Criminal Law with International Humanitarian Law Treaties, held in Mexico City on May 7 and 8, 2004; and

EXPRESSING ITS SATISFACTION ALSO with the holding at the Organization's headquarters, on April 1, 2005, of a "Working Meeting on Appropriate Measures That States Should Take to Cooperate with the International Criminal Court in the Investigation, Prosecution, and Punishment of the Perpetrators of War Crimes, Crimes against Humanity, Genocide, and Crimes against the Administration of Justice of the International Criminal Court," and of a "Special Meeting of the Committee on Juridical and Political Affairs on the Promotion of and Respect for International Humanitarian Law,"

RESOLVES:

1. To urge the member states and all parties engaged in an armed conflict to honor their obligations under international humanitarian law, including those pertaining to protection of the civilian population and the treatment of prisoners of war.

2. To urge member states of the Organization that have not yet done so to consider becoming party to the following treaties:

- a. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and its 1954 and 1999 Protocols, respectively;
- b. The 1972 Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;
- c. The 1977 Additional Protocols (I and II) to the 1949 Geneva Conventions; and to consider making the declaration contemplated in Article 90 of Additional Protocol I;
- d. 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, including the amendment to its Article I adopted in 2001 and its five protocols;
- e. The 1989 Convention on the Rights of the Child, and its 2000 Optional Protocol on the involvement of children in armed conflict;
- f. The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;
- g. The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and on Their Destruction;
- h. The 1997 Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA);
- i. The 1998 Rome Statute of the International Criminal Court; and

- j. The 1994 Convention on the Safety of United Nations and Associated Personnel.

3. To urge member states to adopt the necessary legislative and administrative measures to implement any international humanitarian law instruments to which they are parties, with particular attention to the following obligations, as applicable:

- a. Suppression of war crimes pursuant to the provisions of the 1949 Geneva Conventions and their 1977 Additional Protocol I, with regard to definition of the crimes, universal jurisdiction, and the responsibility of superiors, without any distinction as to international or internal armed conflicts;
- b. Full cooperation with the International Criminal Court, in particular in the investigation and prosecution of crimes within its jurisdiction;
- c. Regulation of the use of, and protection of, the red cross and red crescent emblems, and punishment for the misuse thereof, in accordance with the 1949 Geneva Conventions and their two 1977 Additional Protocols;
- d. Dissemination of the rules of international humanitarian law, in particular by their incorporation into military instruction programs;
- e. Adoption of effective measures to prevent the disappearance of persons in cases of armed conflict or other situations of armed violence, determination of the fate of those who have disappeared, and attending to the needs of family members;
- f. Protection of cultural property from the effects of armed conflict, including internal violence, including the identification, registry, and marking of said property;
- g. Prohibition of the recruitment of children under 18 years of age into the armed forces or armed groups, and of their participation in hostilities, in accordance with the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict;
- h. Prevention and suppression of any activity in which the states parties are prohibited from engaging under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and on Their Destruction, by persons or in territory under their jurisdiction or control; and
- i. In the study, development, acquisition, or adoption of new weapons or new means or methods of warfare, to determine whether their use would be contrary to international humanitarian law, and, in that event, neither to adopt them for use by the armed forces nor to manufacture them for such purposes.

4. To urge member states to bring about the widest possible dissemination of the rules of international humanitarian law in particular by their incorporation into military doctrine and manuals, as well as among the entire civilian population.

5. To invite the states parties to the Rome Statute to define in their criminal legislation the crimes set forth in that treaty.

6. To call on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict.

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

8. To urge member states to consider adopting the appropriate measures, at the national level, to address the grave humanitarian consequences of the unregulated availability of arms, including the enactment of domestic laws aimed at strengthening control over the manufacturing of and illicit trafficking in firearms and other related materials, and to bear in mind the Programme of Action adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (New York, July 9-20, 2001).

9. To request the General Secretariat to continue to organize, through the Office of Inter-American Law and Programs of the Department of Legal Affairs and Services and in coordination with the ICRC, governmental conferences to disseminate, and to reinforce the implementation of, international humanitarian law and related inter-American conventions.

10. To instruct the Permanent Council to continue to organize, with support from the Office of Inter-American Law and Programs of the Department of Legal Affairs and Services of the General Secretariat, and in cooperation with the ICRC, special meetings on topical issues in the area of international humanitarian law.

11. To instruct the Permanent Council to present a report to the General Assembly at its thirty-sixth regular session on the implementation of this resolution.