

AG/RES. 2226 (XXXVI-O/06)

PROMOTION OF AND RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

(Adopted by the Plenary at its fourth session, held on June 6, 2006)

THE GENERAL ASSEMBLY,

Recalling its resolutions AG/RES. 1270 (XXIV-O/94), AG/RES. 1335 (XXV-O/95), 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. 1904 (XXXII-O/02), AG/RES. 1944 (XXXIII-O/03); AG/RES. 2052 (XXXIV-O/04); and AG/RES. 2127 (XXXV-O/05);

RECALLING ALSO that, under the Charter of the Organization of American States, and pursuant to all applicable provisions of international humanitarian law and international human rights law within their respective spheres of application, human rights and fundamental freedoms must always be respected, including in situations of armed conflict;

DEEPLY CONCERNED about the persisting violations of international humanitarian law that cause suffering to all victims of armed conflict;

RECALLING that it is the obligation of all member states, in all circumstances, to respect and ensure respect for the 1949 Geneva Conventions;

RECALLING ALSO that 33 and 32 OAS member states, respectively, are parties to the 1977 Additional Protocols I and II to the 1949 Geneva Conventions;

CONSIDERING that international humanitarian law contains provisions that reflect customary international law that states must observe;

WELCOMING the adoption on December 8, 2005, of the third Additional Protocol to the Geneva Conventions of 1949, regarding approval of an additional emblem;

UNDERSCORING the need to strengthen the rules of international humanitarian law by means of their universal acceptance, their broader dissemination, and the adoption of national measures for their application;

EMPHASIZING the obligation of states to punish all violations of international humanitarian law;

RECOGNIZING the important contribution by the national committees or commissions on international humanitarian law that exist in various member states to the application and dissemination or the adoption, as the case may be, of national measures to implement international rules within internal legal systems;

NOTING the holding of the First Meeting of States Parties to the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, in Paris, on October 26, 2005;

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 holding of a special meeting of the Committee on Juridical and Political Affairs on current topics in international humanitarian law, at OAS headquarters on February 2, 2006; and taking note of the results of that meeting, contained in the rapporteur's report (CP/CAJP-2326/06);

TAKING INTO ACCOUNT that, in the Declaration of Mar del Plata, adopted in the framework of the Fourth Summit of the Americas, in November 2005, the Heads of State and Government recognized that "respect for international law, including international humanitarian law, international human rights law, and international refugee law are essential to the functioning of democratic societies";

RECALLING that the Third Review Conference of the States Parties to 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 will take place this year;

RECALLING ALSO that the Conference to Review Progress Made in the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects will take place this year; and

EMPHASIZING the special role of the International Committee of the Red Cross as a neutral, impartial, and independent institution working to protect and assist the victims of armed conflicts and other situations of armed violence, as well as to promote respect for international humanitarian law and the principles underlying it,

RESOLVES:

1. To urge member states and the parties engaged in armed conflict to honor their obligations under international humanitarian law, including those pertaining to protection of the well-being and dignity of victims and the proper treatment of prisoners of war.

2. To urge member states that have not yet done so to consider becoming parties 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 the 2005 Additional Protocol III;
- 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 1993 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 1998 Rome Statute of the International Criminal Court.
- i. The Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), of 1997; and
- j. The 1994 Convention on the Safety of United Nations and Associated Personnel.

3. To urge member states that are parties to Additional Protocol 1 of 1977 to consider recognizing the competence of the International Humanitarian Fact-Finding Commission by means of the declaration contemplated in Article 90 of said Protocol, and those that have done so to take part in the election of the new members of the Commission.

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 urge member states to adapt their criminal law in order to meet their legal obligations under the 1949 Geneva Conventions and their 1977 Additional Protocol I with respect to the definition of war crimes, universal jurisdiction, and the responsibility of superiors

6. To invite member states to play an active part in the Third Review Conference of the States Parties to 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.

7. To invite member states that are parties to the Rome Statute to cooperate fully with the International Criminal Court and to define under their criminal law the crimes that are within its jurisdiction.

8. To call upon member states to enact laws to prevent the misuse of the red cross and red crescent emblems and denominations, as well as the emblem adopted in the Third Additional Protocol, of December 8, 2005, as established in relevant treaties.

9. To urge member states to adopt effective measures to prevent the disappearance of persons in cases of armed conflict or other situations of armed violence, to determine the fate of those who have disappeared, and to attend to the needs of their family members.

10. To encourage member states to ensure the adoption of the necessary measures and mechanisms to protect cultural property from the effects of armed conflict, in accordance with their international obligations, and in particular to give consideration to the adoption of preventive measures related to the preparation of inventories, planning of emergency measures, appointment of competent authorities, and the enactment of laws to ensure respect for such property.

11. To urge those member states that are parties to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction to prevent and suppress any activity prohibited therein when it is carried out by persons or in territory under their jurisdiction or control and to pay attention to the needs of victims of antipersonnel mines and, where appropriate, victims of explosive remnants of war, considering, as part of those needs, medical care, rehabilitation, and economic reintegration of the victims;

12. To urge member states to enact laws punishing acts prohibited by the Geneva Protocol of 1925, the Biological and Toxin Weapons Convention of 1972, and the 1993 Chemical Weapons Convention.

13. To call upon member states to prohibit the compulsory recruitment of children under 18 years of age into the armed forces or armed groups, and to take all feasible measures to prevent their direct participation in hostilities, in accordance with the 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts.

14. 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 illicit manufacturing of and 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); and to invite them to play an active part in the Review Conference of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, to be held in New York from June 26 to July 7, 2006, in order to help strengthen the international commitment made in the area.

15. To encourage member states to establish procedures for determining, when studying, developing, acquiring, or adopting a new weapon or new means or methods of warfare, whether using, manufacturing, stockpiling, or exporting them would be contrary to international humanitarian law, and, in that event, to refrain from incorporating them for use by the armed forces or from manufacturing them for such purposes.

16. To invite 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.

17. To request the General Secretariat to consider, through the International Law Office of its Department of International Legal Affairs, and in coordination with the ICRC, its Advisory Service in particular, organizing governmental conferences, as well as courses and seminars for staff of the permanent missions of the member states to the OAS and General Secretariat staff, in order to disseminate international humanitarian law and related inter-American conventions and strengthen their implementation.

18. To instruct the Permanent Council to continue, with support from the International Law Office of the Department of International Legal Affairs of the General Secretariat, and in cooperation with the ICRC, to organize special meetings on topics of current interest in international humanitarian law.

19. To instruct the Permanent Council to follow up on this resolution, which will be implemented within the resources allocated in the program-budget of the Organization and to present a report to the General Assembly at its thirty-seventh regular session on the implementation of this resolution.