

AG/RES. 2293 (XXXVII O/07)

PROMOTION OF AND RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

(Adopted at the fourth plenary session, held on June 5, 2007)

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. 1709 (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. 2231 (XXXVI-O/06), AG/RES. 2052 (XXXIV-O/04), AG/RES. 2127 (XXXV-O/05), and AG/RES. 2226 (XXXVI-O/06);

RECALLING ALSO that, under the Charter of the Organization of American States (OAS), 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;

WELCOMING the goals of resolution 61/89 of the United Nations General Assembly, and urging States to consider participation in discussions on the feasibility, scope, and parameters of a broad, legally binding draft instrument on trade in conventional weapons;

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

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

EMPHASIZING that in cases of serious violations of international humanitarian law constituting crimes under international law, States have the duty to investigate, and if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations, and if found guilty, the duty to punish them, and EMPHASIZING the obligation of states to take all necessary measures, including, when applicable, penal sanctions, for the suppression of other breaches;

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;

WELCOMING the universal adoption of the four 1949 Geneva Conventions on the protection of victims of war, to which 194 states are parties to date;

RECALLING that June 8, 2007, will be the 30<sup>th</sup> anniversary of the adoption of the two Additional Protocols of 1977, to which 34 and 33 OAS member states, respectively, are parties;

RECALLING ALSO that 11 member states have issued the declaration foreseen in Article 90 of Additional Protocol I, of 1977, on recognition of the competence of the International Humanitarian Fact-Finding Commission, and that on December 7, 2006, its 15 members were elected, including representatives of Chile, Colombia, and Uruguay;

AWARE of the Hemisphere's rich cultural heritage, which contains cultural assets recognized by UNESCO as world heritage, and that could benefit from the systems for the prevention and protection of international humanitarian law;

WELCOMING the entry into force, on January 14, 2007, of the third Additional Protocol to the 1949 Geneva Conventions, on the approval of the red crystal as an insignia additional to the red cross and the red crescent, and its ratification by Honduras on December 8, 2006, and by the United States of America on March 8, 2007;

OBSERVING the entry into force, on November 12, 2006, of the 2003 Protocol on explosive remains of war (Protocol V) 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;

RECALLING the adoption, on December 20, 2006, by the United Nations General Assembly, of the International Convention for the Protection of All Persons from Enforced Disappearance;

RECOGNIZING the important advisory work of the national committees or commissions on international humanitarian law in support of the efforts of states in the area of promotion of and respect for that law through the adoption of national enacting measures, and that 17 member states of the Organization have such organizations;

NOTING the Second Universal Meeting of National Committees or Other National Bodies on International Humanitarian Law, on legal measures and mechanisms for preventing the disappearance of persons, elucidating the fate of all persons who have disappeared, and helping their family members, held in Geneva from March 19 to 21, 2007, in which the General Secretariat actively participated, and in which some member states that have national committees or are establishing them also took part;

NOTING ALSO the results achieved at the following meetings in which representatives of member states and OAS officials took part:

- a. United Nations Conference to Review Progress in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (New York, June 26 to July 7, 2006);
- b. Regional Meeting of Experts on Arms and International Humanitarian Law (Buenos Aires, August 22 and 23, 2006),
- c. Third Session of the Review Conference of States Parties to the 1980 United Nations Convention on Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effect (Geneva, November 7 to 17, 2006);

- d. Sixth Review Conference of the States Parties to the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Geneva, November 20 to December 8, 2006);
- e. Special meeting of the Committee on Hemispheric Security on combating the proliferation of nuclear, chemical, and biological weapons, their delivery systems, and related materials (Washington, D.C., December 11, 2006);
- f. Second Universal Meeting of National Committees or Other National Bodies on International Humanitarian Law (Geneva, March 19 to 21, 2007);
- g. Regional Seminar of National Committees on International Humanitarian Law for Latin America and the Caribbean (San José, Costa Rica, January 18 and 19, 2007); and
- h. Oslo Conference on Cluster Munitions (Oslo, February 22 and 23, 2007).

COMMENDING in that sense the holding on January 31, 2007, of the first specialized course on international humanitarian law for staff of the permanent missions and the OAS, and of the special meeting of the Committee on Juridical and Political Affairs on current topics of international humanitarian law, on February 1, 2007; and

EMPHASIZING the special role of the ICRC 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 safeguarding the well-being and dignity of protected persons and property, 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 (Biological Weapons Convention);
  - c. The 1977 Additional Protocols I and II to the 1949 Geneva Conventions; and the 2005 Additional Protocol III; including the declaration foreseen 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 conflicts;
- f. The 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention);
- 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;
- j. The 1999 Inter-American Convention on Transparency in Conventional Weapons Acquisitions;
- k. The 1994 Convention on the Safety of United Nations and Associated Personnel;
- l. Additional Protocol III to the Geneva Conventions of August 12, 1949, and relating to the Adoption of an Additional Distinctive Emblem, approved on December 8, 2005.

3. To invite member states to bring about the widest possible dissemination of the rules of international humanitarian law, in particular by incorporating them into military doctrine and manuals, so that armed forces will have the means and mechanisms necessary for their effective application; and through the pertinent media so that such law may be familiar to the civilian population.

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

5. 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.

6. To call upon member states to enact laws to regulate the use of and to prevent and, when applicable, punish the misuse of the red cross, red crescent, and, where applicable, red crystal emblems, as well as their denominations, as established in relevant treaties.

7. To urge member states, in keeping with their obligations under international law, 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.

8. 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, the planning of emergency measures, the appointment of competent authorities, and the enactment of laws to ensure respect for such property.

9. To remind 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 of their obligation to prevent and suppress any activity prohibited therein when it is carried out by persons or in territory under their jurisdiction or control and of the importance of paying 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 and social reintegration of the victims; and to invite member states to participate actively in the eighth meeting of states parties to the Convention, from November 18 to 22, 2007.

10. To urge member states to adopt, in accordance with their constitutional processes, legislative and other measures, including penal legislation, to implement fully the provisions of the 1925 Geneva Protocol, the 1972 Biological Weapons Convention, and the 1993 Chemical Weapons Convention, as well as to consider ways and means to enhance national implementation and regional and sub-regional cooperation on BWC implementation.

11. To call upon member states to adopt all necessary measures to comply with their respective international legal obligations regarding the recruitment and use of children in armed forces or armed groups, in accordance with recognized standards of international humanitarian law, international human rights law, and international refugee law.

12. To invite member states to consider adopting the appropriate measures, at the national and international levels, to address the grave humanitarian consequences of the unregulated availability of arms, in particular the enactment of laws aimed at strengthening control over the illicit manufacturing of and trafficking in firearms and other related materials, bearing in mind the pertinent provisions of international humanitarian law as one of the criteria for the manufacturing and transfer of weapons, as well as the Programme of Action adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2001) and the results of its 2006 Review Conference.

13. 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, exporting, or transferring them would be contrary to international humanitarian law, and, in that event, to prohibit their use by the armed forces and their manufacture for such purposes.

14. To appeal to the OAS member states to address the problems identified in Resolution 61/89 of the U.N. General Assembly.

15. To recognize the humanitarian consequences of the use of cluster munitions, and to invite States to participate, in the pertinent forum, in ongoing discussions about how to address these consequences.

16. To invite member states to participate actively in the 30th International Conference of the Red Cross and Red Crescent Societies and to consider presenting pledges concerning the promotion of and respect for international humanitarian law.

17. 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[, COSTA RICA: as a means of strengthening conflict prevention and the role those bodies play in times of peace].

18. To request the Inter-American Juridical Committee to prepare and propose model laws supporting efforts to implement treaty obligations concerning international humanitarian law, on the basis of priority topics identified in consultation with the member states and the ICRC, and to present a progress report on this matter prior to the thirty-eighth regular session of the General Assembly.

19. To express its satisfaction over the cooperation between the Organization and the International Committee of the Red Cross in promoting respect for international humanitarian law and the principles that govern that law; and to urge the General Secretariat to continue to strengthen such cooperation.

20. To request the General Secretariat to continue organizing, in the context of the Committee on Juridical and Political Affairs, through the Office of International Law of its Department of International Legal Affairs, and in coordination with the International Committee of the Red Cross (ICRC), courses and seminars for staff of the permanent missions of the member states to the Organization of American States and for General Secretariat staff and the general public, in order to promote knowledge of and respect for international humanitarian law and related inter-American conventions, including measures for their effective implementation.

21. To instruct the Permanent Council, with support from the Office of International Law of the Department of International Legal Affairs of the General Secretariat, and in cooperation with the ICRC, to hold a special meeting on topics of current interest in international humanitarian law, including a high-level dialogue, prior to the thirty-eighth regular session of the General Assembly.

22. 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 other resources, and to present a report to the General Assembly at its thirty-eighth regular session on the implementation of this resolution.