

AG/RES. 2650 (XLI-O/11)

PROMOTION OF AND RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

(Adopted at the fourth plenary session, held on June 7, 2011)

THE GENERAL ASSEMBLY,

REAFFIRMING its resolution AG/RES. 2575 (XL-O/10) and all its pertinent past resolutions;

DEEPLY CONCERNED that in various parts of the world violations of international humanitarian law persist, causing suffering to victims of armed conflict, particularly the civilian population, and by the challenges posed by the new situations that arise in the context of armed conflicts;

RECALLING that the obligation, under any circumstances, to respect and ensure respect for international humanitarian law, whether treaty-based or arising from customary international law, applies to all states parties to the universally recognized, four Geneva Conventions, which includes the member states;

RECALLING ALSO that 33, 32, and 13 OAS member states are parties, respectively, to Additional Protocols I, II, and III to the Geneva Conventions of 1949, and that 11 have recognized the competence of the International Humanitarian Fact-Finding Commission;

NOTING the entry into force of the Convention on Cluster Munitions on August 1, 2010, and that, to date, 10 member states are party to said instrument and 19 have signed it;

NOTING ALSO the attention given to the question of cluster munitions by the Group of Governmental Experts of the 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;

AWARE of the rich legacy of cultural assets in the Hemisphere recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as world heritage, and which would benefit from the protection systems of international humanitarian law;

UNDERSCORING the need to strengthen international humanitarian law by means of its universal acceptance, broader dissemination, and adoption of national measures for its effective application, including the suppression of gross violations thereof;

RECOGNIZING the important advisory work of the national committees or commissions on international humanitarian law, and that 19 member states of the Organization have such bodies;

TAKING NOTE of the conclusions of the Third Universal Meeting of National Committees on International Humanitarian Law held in Geneva, Switzerland, from October 27 to 29, 2010, as well as the conclusions and recommendations adopted by the International Conference of National Committees on International Humanitarian Law of Latin America and the Caribbean held in Mexico City from June 30 to July 2, 2010; and

EMPHASIZING the special role of the International Committee of the Red Cross (ICRC) as a neutral, impartial, and independent institution working to protect and assist victims of armed conflicts, as well as to promote respect for international humanitarian law in the region, and recognizing, also, the valuable efforts of national Red Cross societies in that regard,

RESOLVES:

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

2. To urge those member states that have not yet done so to consider becoming parties to the treaties on international humanitarian law to which they are not yet party, including those on prohibition or restriction of the use of certain weapons for humanitarian reasons, and to consider making use of, when appropriate, the services of the International Humanitarian Fact-Finding Commission.

3. To invite the member states to disseminate as widely as possible the rules and principles 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 by making use of the pertinent media so that such law may be familiar to the civilian population.

4. To urge the member states to adopt such legislative or other measures as may be necessary to meet their legal obligations under the treaties on international humanitarian law to which they are party, including:

- a. To classify under criminal law gross violations of international humanitarian law, with a particular emphasis on war crimes, including the responsibility of superiors for the acts of their subordinates and recognition of non-applicability of statutory limitations to these offenses, among other pertinent provisions;
- b. To adopt all necessary measures to comply with their respective international obligations regarding the recruitment and use of children in armed forces or armed groups and to prevent their participation in hostilities, in accordance with the rules and principles of international humanitarian law, international human rights law, and international refugee law;
- c. To adopt laws to regulate the use of and respect for—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, including provisions to protect medical missions; and
- d. To adopt provisions to guarantee protection of cultural property from the effects of armed conflict, which may include preventive measures related to the preparation of inventories, the planning of emergency measures, and the appointment of competent authorities.

5. To remind member states that are party to treaties that prohibit or restrict, for humanitarian reasons, the use of certain arms and munitions, of their obligations under those instruments, including:

- a. To adopt legislative or other measures to prevent or, as appropriate, criminalize the use, manufacture, stockpiling, and any other prohibited activity with respect to these weapons and munitions; to facilitate the purging and destruction of their arsenals; to provide proper care to victims, and to strengthen control over their availability;
- b. To introduce procedures to determine, when studying, developing, acquiring, or adopting a new weapon, or new means or methods of warfare, whether the use thereof would be contrary to international humanitarian law, and, if so, prohibit such activities;
- c. To actively implement the 2010-2014 Plan of Action of Cartagena,<sup>1/</sup> as well as the Vientiane Action Plan,<sup>2/</sup> with a particular emphasis on care for victims and on activities designed to prevent and reduce the risk of arms contamination; and
- d. To strengthen safeguards for civilians against the use and indiscriminate effects of arms and munitions, *inter alia*, through active participation in:
  - i. The Fourth Review Conference of the States Parties to the 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, which will be held in Geneva, Switzerland, in November 2011, and which will consider, *inter alia*, the findings of the Group of Governmental Experts of the High Contracting Parties to the Convention entrusted with developing an instrument that fully addresses the consequences of cluster munitions;
  - ii. The Second Meeting of States Parties to the Convention on Cluster Munitions, which will be held in Beirut, Lebanon, from September 12 to 16, 2011; and
  - iii. The Fourth Session of the Preparatory Committee and the United Nations Conference on the Arms Trade Treaty, which will be held in New York, in July 2011 and in 2012, respectively.

6. To urge member states to participate actively in the XXXI International Conference of the Red Cross and Red Crescent, which will be held in Geneva, Switzerland, from November 28 to December 1, 2011.

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1. Adopted by the Second Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer (*the text of this footnote continues on page 146.*)

2. Adopted by the First Meeting of States Parties to the Convention on Cluster Munitions (Vientiane, Lao People's Democratic Republic, November 9 to 12, 2010).

7. To invite member states to continue to support the work of national committees or commissions responsible for the implementation and dissemination of international humanitarian law; and to urge any state without such a body to consider establishing one as a means of strengthening advancement and observance of international humanitarian law.

8. To request the General Secretariat to identify, in conjunction with the International Committee of the Red Cross (ICRC), mechanisms for promoting the participation of national commissions for international humanitarian law in the activities of the Organization of American States (OAS).

9. To provide backing for the regional meetings of national commissions for international humanitarian law organized with the support of the ICRC, which assist in promoting awareness of the activities and contributions of those commissions, for the sharing of good practices in the implementation, integration, and promotion of international humanitarian law in their corresponding countries, and to invite the ICRC to submit reports on the results of those meetings.

10. To urge member states to continue to support efforts to implement and strengthen international humanitarian law, with a view to making its application more effective and to finding solutions to shortcomings in protection.

11. To express its satisfaction with the cooperation between the OAS and the ICRC 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.

12. To request the Inter-American Juridical Committee (CJI) to propose model laws to support the efforts made by member states to fulfill obligations under international humanitarian law treaties, with an emphasis on protection of cultural property in the event of armed conflict, and to report on the progress made to the General Assembly at its forty-second and forty-third regular sessions, respectively.

13. To request the General Secretariat to continue organizing, within the framework of the Committee on Juridical and Political Affairs, through the Department of International Law and in coordination with the ICRC, courses and seminars for member states, staff of the OAS, and the general public, in order to promote knowledge of and respect for international humanitarian law and related regional instruments, including measures for their effective implementation.

14. To reiterate the request made to the Permanent Council to hold, prior to the forty-second regular session of the General Assembly, a special meeting on topics of current interest in international humanitarian law.

15. To request the Permanent Council to report to the General Assembly at its forty-third regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.

## FOOTNOTE

1. ... of Anti-Personnel Mines and on Their Destruction (Cartagena, Colombia, November 30 to December 4, 2009).