

AG/RES. 2795 (XLIII-O/13)

PROMOTION OF AND RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

(Adopted at the second plenary session, held on June 5, 2013)

THE GENERAL ASSEMBLY,

REAFFIRMING its resolution AG/RES. 2650 (XLI-O/11) 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 15 OAS member states are party, 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 that, to date, 17 member states are party to the Convention on Cluster Munitions and 5 have signed it; and that 33 member states are party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction;

SHARING the deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and taking note of the International Conference on the Humanitarian Impact of Nuclear Weapons held in Oslo, Norway, from March 4 to 5, 2013;

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, and noting the conclusions and recommendations of the Regional Seminar of National Committees on International Humanitarian Law on the protection of cultural property in the event of armed conflict, held in El Salvador in December 2011;

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 grave breaches thereof;

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

RECALLING the resolutions and promises adopted at the 31st International Conference of the Red Cross and Red Crescent, and noting the consultations on strengthening legal protection for the victims of armed conflicts, held in Geneva, Switzerland, on July 13, 2012, and in San José, Costa Rica, on November 27 and 28, 2012;

RECALLING ALSO 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 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 incorporating them into university curricula and other pertinent means 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 grave breaches 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 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 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 Meeting of the High Contracting 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, on November 14 and 15, 2013;
  - ii. the Fourth Meeting of States Parties to the Convention on Cluster Munitions, which will be held in Lusaka, Zambia, in September 2013;
  - iii. the Thirteenth Meeting of States Parties to the Convention on the Prohibition of the Use, Stockpiling,

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<sup>1</sup>. Adopted by the Second Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction ...

<sup>2</sup>. 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).

Production and Transfer of Antipersonnel Mines and on Their Destruction, which will be held in Geneva, Switzerland, from December 2 to 6, 2013; and

- iv. the upcoming follow-up conference on the International Conference on the humanitarian impact of nuclear weapons, to be held in Mexico.

6. To take note of the recent adoption of the Arms Trade Treaty and to invite states to consider its prompt signature and ratification.<sup>3/</sup>

7. To invite member states to fulfill their promises and resolutions adopted at the XXXI International Conference of the Red Cross and Red Crescent, which was held in Geneva, Switzerland, from November 28 to December 1, 2011, and to continue participating actively in the consultations on strengthening legal protection for victims of armed conflicts.

8. 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.

9. 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 committees on international humanitarian law in the activities of the Organization of American States (OAS), and to present specific proposals to the Permanent Council, through the Committee on Juridical and Political Affairs (CAJP), before the forty-fifth regular session of the General Assembly.

10. To provide backing for the regional meetings of national committees on international humanitarian law organized with the support of the ICRC, in particular the next hemispheric conference to be held in San José, Costa Rica, from September 10 to 12, 2013. In that connection, to instruct the CAJP to organize and lead, with the support and participation of the General Secretariat and in coordination with the ICRC, a dialogue with national commissions on international humanitarian law, in San José, Costa Rica, on September 13, 2013, to examine ways, means, and possible activities to forge closer cooperative ties between the OAS and said entities in the implementation, integration, and promotion of international humanitarian law. In view of the foregoing, to invite the ICRC to submit a report on the conclusions and results of that hemispheric conference and to ask the CAJP and the General Secretariat to present a report on the conclusions and results of the aforesaid dialogue prior to the forty-fifth regular session of the General Assembly.

11. 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.

12. 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.

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<sup>3</sup>. The Government of Nicaragua, seeking to prevent and combat illegal arms trafficking, adopted the Special Law for the Control and Regulation of Firearms, Munitions, Explosives ...

13. To thank the Inter-American Juridical Committee (CJI) and to take note of its report on the “Model Law on the Protection of Cultural Assets during Armed Conflicts” (CJI/doc.403/12 rev. 5), adopted at its eighty-second regular session, and to instruct the Permanent Council, through the CAJP, to include the consideration thereof on its agenda, and to report on the results of its analysis to the General Assembly at its forty-fourth regular session.

14. To request the General Secretariat to organize, within the framework of the CAJP, through the Department of International Law and in coordination with the ICRC, a course 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.

15. To instruct the Permanent Council to hold, prior to the forty-fourth regular session of the General Assembly, a special meeting on topics of current interest concerning international humanitarian law.

16. To request the Permanent Council to report to the General Assembly at its forty-fifth 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.

## FOOTNOTES

1. ... (Cartagena, Colombia, November 30 to December 4, 2009).
  
3. ... and Other Related Materials (Law 510), which regulates the control and registration of firearms held by the civilian population, including confiscation of weapons of war. Nicaragua remains committed to multilateralism, even though it has not accepted the Arms Trade Treaty adopted recently by the United Nations because said treaty has no ban on the transfer of weapons to non-state actors and to states that commit crimes of aggression against other states and have the threat and use of force as policy.