

AG/RES. 2886 (XLVI-O/16)

INTERNATIONAL LAW

(Adopted at the second plenary session, held on June 14, 2016)

THE GENERAL ASSEMBLY,

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly 2015-2016” (AG/doc.5514/16), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP);

CONSIDERING that the programs, activities, and tasks established in the resolutions dealing with international law under the purview of the CAJP assist in meeting the essential purposes of the Organization enshrined in the Charter of the Organization of American States;

REAFFIRMING the standards and principles of international law and the Charter of the Organization of American States; and

RECALLING resolutions AG/RES. 2795 (XLIII-O/13), AG/RES. 2852 (XLIV-O/14), and AG/RES. 2849 (XLIV-O/14), and all previous resolutions adopted on this topic,

I. ACTIVITIES OF THE COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

RESOLVES:

1. To instruct the Permanent Council, the General Secretariat, and the other bodies referred to in Article 53 of the Charter of the Organization of American States to continue working on the implementation of the current, applicable mandates set out in earlier resolutions of the General Assembly assigned to the Committee on Juridical and Political Affairs (CAJP), save when any given resolution provides otherwise.

2. To urge the member states to continue contributing to meeting the objectives set out in these resolutions by developing and implementing activities, presenting reports, exchanging information, adopting measures and policies, as well as cooperation, support, and mutual assistance; and to instruct the General Secretariat to provide the necessary support for these purposes.

3. To recognize the role of the CAJP in juridical and political matters within the Organization of American States (OAS) and to instruct it to work to promote the topics included in this resolution over which it has jurisdiction and, in addition, to instruct the Permanent Council, through the CAJP, to continue promoting and coordinating cooperation among the Organization's agencies, organs, and entities.

**i. Inter-American Program for the Development of International Law**

CONSIDERING the adoption of the Inter-American Program for the Development of International Law, by means of resolution AG/RES. 1471 (XXVII-O/97), as updated via resolution AG/RES. 2660 (XLI-O/11); and

BEARING IN MIND that the Department of International Law, in the framework of this Inter-American Program, has initiated implementation of specific projects to provide institutional support to member states in matters of access to information, secured transactions, international arbitrations, personal data protection, and private international law,

RESOLVES:

1. To reaffirm the importance of and support for the Inter-American Program for the Development of International Law and, likewise, request that the Department of International Law continue to implement the actions called for in this Program and to provide an annual report thereof to the CAJP.

2. To instruct the Department of International Law, as part of the activities provided for in the Inter-American Program, to continue supporting member states in the implementation of domestic legislation on matters of access to public information; to extend the training for judges and other public officials on the effective implementation of international treaties on enforcing decisions and arbitral awards, with strict respect for due process and the sovereignty of each state, and in compliance with international law; to continue promoting the Model Law on Secured Transactions among member states; and to report on the work of the Inter-American Juridical Committee, including the principles of privacy and personal data protection and the model law on simplified joint-stock companies.

3. To also instruct the Department of International Law to promote a greater spread of private international law among member states, in collaboration with other organizations and associations that work in this area, to include the United Nations Commission on International Trade Law, the Hague Conference on Private International Law, and the American Association of Private International Law.

**ii. Observations and recommendations on the Annual Report of the Inter-American Juridical Committee (CJI)**

HAVING SEEN the observations and recommendations of the member states on the Annual Report of the Inter-American Juridical Committee (CP/CAJP-3356/16), presented to the Committee on Juridical and Political Affairs of the Permanent Council on April 7, 2016,

RESOLVES:

1. To instruct the Permanent Council, through its CAJP, to grant the due consideration to the most recent reports adopted by the CJI, to wit: "Privacy and Personal Data Protection" (CJI/doc.474/15 rev. 2), "Guide for the Protection of Stateless Persons" (CJI/doc.488/15 rev. 1); "Migration in Bilateral Relations (CJI/doc.461/14 rev. 3); and "Corporate Social Responsibility in the Area of Human Rights and the Environment in the Americas" [CJI/RES. 205 (LXXXIV-O/14)]; and report to the CJI on the outcome of these considerations.

2. To thank the CJI for preparing the document “Model Law on Simplified Joint-Stock Companies” [CJI/RES. 188 (LXXX-O/12)] and request that the Permanent Council, through its Committee on Juridical and Political Affairs, study the possibility of having the General Assembly consider this Model Law during its next regular session.

3. To underscore the need to bolster the administrative and budgetary support for the CJI and the Course on International Law organized each year in Rio de Janeiro by the CJI and its Technical Secretariat, as well as reaffirm the importance of the Committee’s contacts with the Organization’s organs.

**iii. Protection of Cultural Heritage Assets**

AFFIRMING the commitment of our countries to protect the cultural heritage of the Americas for future generations;

RECOGNIZING that the entirety of cultural heritage as defined in section 23 of the Mexico City Declaration on Cultural Policies, of August 1982, includes “the works of artists, architects, musicians, writers, and scientists and also the work of anonymous artists, expressions of people’s spirituality, and the body of values which give meaning to life. It includes both tangible and intangible works through which the creativity of that people finds expression: language, rites, beliefs, historic places and monuments, literature, works of art, archives, and libraries”;

TAKING NOTE of the Convention on the Protection of the Archeological, Historical, and Artistic Heritage of the American Nations of 1976 and the report approved by the Inter-American Juridical Committee on the “Model Law on the Protection of Cultural Assets during Armed Conflict” (CJI/doc.403/12 rev. 5) of March 15, 2013; and

EXPRESSING concern for the loss of cultural heritage due to the destruction, looting, and illicit trade of cultural assets, for which reason there is a need for a shared response and the creation of effective international cooperation mechanisms to combat it,

RESOLVES:

1. To encourage the member states of the Organization of American States that have not yet done so to consider acceding to the conventions of the United Nations Education, Science and Cultural Organization (UNESCO), as pertains to the protection of cultural assets, as well as the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its additional protocols and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects of 1995.

2. To instruct the Inter-American Juridical Committee to study existing legal instruments, in both the inter-American and international systems, pertaining to the protection of cultural heritage assets in order to inform the Permanent Council, prior to the forty-seventh regular session, about the current status of existing regulations in this area to bolster the inter-American legal framework in this area.

**iv. Promotion of and Respect for International Humanitarian Law**

RECALLING that the obligation, in all circumstances, to respect international humanitarian law, whether treaty-based or arising from customary international law, applies to all states parties to the four Geneva Conventions of 1949, together with the states that are parties to the three Additional Protocols;

REAFFIRMING that, to that end, the rules of international humanitarian law need to be strengthened by promoting their universalization, their broader dissemination, and the adoption of national measures for their proper application; and

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

RESOLVES:

1. To urge member states to consider ratifying or acceding to treaties on international law, including those that prohibit or limit the use of certain weapons for humanitarian reasons, and, as applicable, take the legislative steps needed to prevent conduct prohibited under those and other treaties, especially as regards the destruction of weapons, clean-up of weapons contaminated with explosive remains, due care for victims, and control over the arms trade, and to incorporate international humanitarian law into the doctrines, procedures, and training of the armed and security forces;

2. To urge member states to contribute actively to follow-up on resolutions adopted at the XXXII International Conference of the Red Cross and Red Crescent, held in Geneva, Switzerland, from November 28 to December 10, 2015, especially those regarding the strengthening of compliance with international humanitarian law; the strengthening of international humanitarian law protecting persons deprived of liberty; sexual and gender-based violence; and health care assistance services in the event of danger.

3. 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.

4. To express satisfaction with OAS-ICRC cooperation 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, including through special sessions on issues related to international humanitarian law.

v. **Free Trade and Investment in the Hemisphere**

RECALLING resolution AG/RES. 1364 (XXVI-O/96), “Free Trade and Investment in the Hemisphere,” in which the Inter-American Juridical Committee (CJI) was instructed to conduct a study on the matter;

ACKNOWLEDGING the opinion of the CJI (CJI/RES. II-14/96), which states that the Committee unanimously concluded that in the significant areas referred to, the bases and potential application of the legislation covered by the opinion were not in conformity with international law; and

TAKING INTO ACCOUNT the resolutions that have been adopted on this topic to date, and the Report of the Permanent Council on Free Trade and Investment in the Hemisphere (CP/CG-2006/14 rev. 2),

RESOLVES:

1. To request that the Permanent Council report on developments in this regard to the forty-seventh regular session of the General Assembly.

II. FOLLOW-UP AND REPORTING

RESOLVES:

1. To request the Permanent Council to report to the General Assembly at its forty-seventh 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.