

AG/RES. 2909 (XLVII-O/17)

INTERNATIONAL LAW^{1/}

(Adopted at the third plenary session, held on June 21, 2017)

THE GENERAL ASSEMBLY,

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly June 2016-June 2017” (AG/doc.5565/17 add. 1), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP); and

RECALLING resolutions AG/RES. 2852 (XLIV-O/14) and AG/RES. 2886 (XLVI-O/16), as well as 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 (OAS) to continue working on the implementation of the applicable current mandates set out in previous General Assembly resolutions assigned to the CAJP, except as stated otherwise in any resolution.

2. To urge the member states of the Organization to continue contributing to the attainment of the objectives established in said resolutions through the development and execution of activities, the submission of reports, the exchange of information, the adoption of measures and policies, and cooperation, support, and mutual assistance; and to instruct the General Secretariat to provide the necessary support to those ends.

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

BEARING IN MIND the report that the Department of International Law, in the framework of the Inter-American Program for the Development of International Law—as adopted by resolution AG/RES. 1471 (XXVII-O/97) and updated by resolution AG/RES. 2660 (XLI-O/11)—presented to the CAJP at its meeting on April 20, 2017, reporting on the activities carried out for its implementation,

RESOLVES:

1. To reaffirm the importance of and its support for the Inter-American Program for the Development of International Law and request that the Department of International Law continue to implement the actions called for in that program and provide a biennial report thereon to the CAJP.

2. To instruct the Department of International Law, as part of the activities envisaged in the Inter-American Program for the Development of International Law, to continue supporting member states in the implementation of domestic laws on access to public information; to continue its training of judges and other officials in effective application of international treaties on enforcing arbitral decisions and

^{1/} The Bolivarian Republic of Venezuela does not agree to any commitment or mandate issued in this resolution as it did not participate in the negotiation of said resolution. ...

awards, as applicable; to continue promoting the Model Law on Secured Transactions among member states; and to raise awareness of the work of the Inter-American Juridical Committee, including on, *inter alia*, the Model Law on the Simplified Corporation, the Principles and Guidelines on Public Defense in the Americas, the reports on business and human rights and cultural heritage assets, the Principles for Electronic Warehouse Receipts for Agricultural Products, and international consumer protection.

3. To instruct the Department of International Law to promote among member states further development of private international law, in collaboration with organizations and associations engaged in this area, including the United Nations Commission on International Trade Law, the Hague Conference on Private International Law, the International Institute for the Unification of Private Law (UNIDROIT), and the American Association of Private International Law (ASADIP).

ii. Observations and recommendations on the Annual Report of the Inter-American Juridical Committee

HAVING SEEN the observations and recommendations of the member states on the annual report of the CJI (CP/doc.5261/17), presented to the CAJP on April 20, 2017,

RESOLVES:

1. To instruct the Permanent Council, through the CAJP, to give due consideration to the most recent resolutions adopted by the Inter-American Juridical Committee (CJI), along with their accompanying reports, to wit, resolution CJI/RES. 233 (XCI-O/17), “Cultural Heritage”; resolution CJI/RES. 232 (XCI-O/17), “Conscious and Effective Regulations for Companies in the Sphere of Human Rights”; and document CJI/doc.505/16 rev. 2, “Electronic Warehouse Receipts for Agricultural Products,”; and to report to the General Assembly and the CJI on the outcome of these considerations.

2. To underscore the need to strengthen the administrative and budgetary support provided for the CJI and the Course on International Law organized each year in Rio de Janeiro by the CJI and its Technical Secretariat, and to reaffirm the importance of the contacts that the Committee maintains with the Organization’s organs and with the offices of legal counsel of member states’ ministries of foreign affairs.

iii. Promotion of the International Criminal Court^{2/3/}

REAFFIRMING the primary responsibility of States to investigate and prosecute the perpetrators of the most serious crimes of concern to the international community, as well as the complementary nature of the jurisdiction of the International Criminal Court as an effective instrument for ending impunity for such crimes and contributing to the consolidation of lasting peace;

WELCOMING WITH SATISFACTION the fact that 29 member states of the Organization of American States (OAS) have ratified or acceded to the Rome Statute of the International Criminal Court, of which 5 have ratified the amendments on the crime of aggression to the Rome Statute, and that 18 member states have ratified or acceded to the Agreement on Privileges and Immunities of the International Criminal Court;

². The United States remains steadfastly committed to promoting the rule of law and supporting efforts to bring those responsible for war crimes, crimes against humanity, and genocide to justice. ...

³. The Government of Nicaragua expresses its profound concern over the ongoing systematic violations of international human rights law and international humanitarian law taking place worldwide. ...

RECOGNIZING the importance of the universality of the Rome Statute for fulfilling the objectives of the International Criminal Court;

MINDFUL of the importance of full and effective cooperation from States, international and regional organizations, and civil society for the International Criminal Court to function effectively, as recognized in the Rome Statute; and underscoring the recent signing of agreements by the Argentine Republic and the International Criminal Court on the relocation of witnesses, on November 21, 2016; and on the enforcement of sentences, on April 18, 2017; and

UNDERSCORING the importance of the “Exchange of Letters for the establishment of a cooperation agreement with the International Criminal Court,” signed by the OAS General Secretariat and the International Criminal Court on April 18, 2011; of the cooperation agreement signed by the Inter-American Commission on Human Rights and the International Criminal Court in April 2012; and of the Memorandum of Understanding between the International Criminal Court and the Inter-American Court of Human Rights, signed on February 15, 2016,

RESOLVES:

1. To renew its appeal to those member states that have not yet done so to consider ratifying or acceding to, as the case may be, the Rome Statute of the International Criminal Court and its Agreement on Privileges and Immunities.

2. To remind those member states that are parties to said instruments of the importance of the promotion of their universality and their continued adoption of the necessary measures to achieve their full and effective implementation and adjust their national legislation, as well as to encourage them to participate constructively in discussions on the activation of the jurisdiction of the International Criminal Court over the crime of aggression.^{4/}

3. To welcome with satisfaction the cooperation and assistance provided to date to the International Criminal Court by those member states that are parties to the Rome Statute, by those member states that are not, and by international and regional organizations, and to urge them to continue their efforts to ensure cooperation with and assistance to the International Criminal Court in accordance with any applicable international obligations, particularly as regards arrest and surrender, presentation of evidence, protection and relocation of victims and witnesses, and enforcement of sentences, so as to prevent the impunity of the perpetrators of crimes over which it has jurisdiction.

4. To express satisfaction at the cooperation in the area of international criminal law between the OAS and the International Criminal Court; to urge the General Secretariat to continue to strengthen that cooperation and to mark the twentieth anniversary of the adoption of the Rome Statute in 2018; and to request the Permanent Council to hold, prior to the forty-ninth regular session of the General Assembly, a working meeting that should include a high-level dialogue session among the permanent representatives of all member states to discuss, among other matters, measures that could strengthen cooperation with the International Criminal Court. The International Criminal Court, international organizations and institutions, and civil society will be invited to cooperate and participate in that working meeting.

II. FOLLOW-UP AND REPORTING

^{4/} The amendments to the Rome Statute adopted in Kampala are being analyzed in Brazil with a view to their possible approval and ratification.

RESOLVES:

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

