

AG/RES. 2926 (XLVIII-O/18)

INTERNATIONAL LAW

(Adopted at the fourth plenary session, held on June 5, 2018)

THE GENERAL ASSEMBLY,

RECALLING resolutions AG/RES. 2852 (XLIV-O/14), AG/RES. 2886 (XLVI-O/16), and AG/RES. 2909 (XLVII-O/17), as well as all previous resolutions adopted on this topic; and

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly June 2017-June 2018” (AG/doc.5613/18 add. 1), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP),

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 and to instruct the General Secretariat to provide the necessary support to those ends.

i. 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 CJI (CP/doc.5367/18), presented to the CAJP on April 5, 2018,

RESOLVES:

1. To request the CJI to report on an ongoing basis on progress made with the items on its agenda, such as matters related to the law applicable to international contracts, binding and non-binding agreements, and the validity of foreign judicial decisions in light of the Inter-American Convention on Extraterritorial Validity of Foreign Judgments and Arbitral Awards, and that it begin updating the Principles on Protection of Personal Data, bearing in mind how such data have evolved.

2. To request the CJI to update its 2016 report on principles for electronic warehouse receipts for agricultural products in light of the new developments, since those principles were adopted, in connection with access to credit in the agricultural sector.

3. 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, the Department of International Law, and to reaffirm the importance of the contact that the CJI maintains with the Organization's organs and with the offices of legal counsel of member states' ministries of foreign affairs, and other international organizations.

ii. Promotion of and Respect for International Humanitarian Law

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 current humanitarian consequences 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 four universally recognized Geneva Conventions and to the states parties to one or more of the three protocols additional thereto;^{1/}

REAFFIRMING, to that end, the need to strengthen international humanitarian law by promoting its universal acceptance, its broader dissemination, and the adoption of national measures for its effective application, including through changes to domestic laws and, where applicable, the imposition of criminal sanctions on those that commit gross violations thereof; and

EMPHASIZING the mandate and role of the International Committee of the Red Cross as a neutral, impartial, and independent institution working to protect and assist victims of armed conflicts and other situations of violence, and to promote respect for international humanitarian law, as conferred by the four Geneva Conventions of 1949 and by the Statutes of the International Red Cross and Red Crescent Movement,

RESOLVES:

1. To urge member states and parties to armed conflict to observe and comply with their obligations under international humanitarian law.

2. To urge member states to consider ratifying or acceding to the treaties on international humanitarian law, including those on prohibition or restriction of the use of certain weapons, 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 areas contaminated with explosive remains, proper care for victims, and control over the arms trade, and the ban on nuclear weapons.

3. To urge member states to consider incorporating international humanitarian law in the doctrine, procedures, training, equipment, control mechanisms, and education of their armed and security forces.

1. The United States' position is that neither customary international law nor the Geneva Convention of 1949 and the Additional Protocols thereto imposes an obligation on states to respect...

4. To urge member states to contribute actively to effective follow-up on the resolutions adopted at the 32nd International Conference of the Red Cross and Red Crescent, held in Geneva, Switzerland, from December 8 to 10, 2015, especially those on strengthening compliance with international humanitarian law; strengthening international humanitarian law protecting persons deprived of liberty; sexual and gender-based violence; and delivery of health care in situations of danger.

5. 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.

6. To invite member states to consider accepting the competence of the International Humanitarian Fact-Finding Commission to inquire into allegations, as authorized by Article 90 of Additional Protocol I to the Geneva Conventions of 1949.

7. To express satisfaction with the cooperation between the Organization of American States and the International Committee of the Red Cross in promoting respect for international humanitarian law and the principles that govern that law, to urge the General Secretariat to continue to strengthen such cooperation, and to instruct the Permanent Council to hold a special meeting in the first half of 2019 on topics of current interest in international humanitarian law.

II. FOLLOW-UP AND REPORTING

RESOLVES:

To request the Permanent Council to report to the General Assembly at its forty-ninth 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. ...and ensure respect for all of international humanitarian law in all circumstances, but rather that states parties to the Geneva Conventions and Additional Protocols have an obligation to respect and ensure respect for those Conventions and the Additional Protocols to which they are party.