

Cooperation agreement with the Organization of American States

Promoting the implementation, dissemination and observance of international humanitarian law has assumed a more crucial place than ever among measures aimed at preventing grave threats to the life and dignity of the individual in armed conflicts. Regional governmental organizations have a vital role to play in this respect. Indeed, emergency humanitarian action and other humanitarian issues, such as the problem of displaced people, anti-personnel landmines and the security of humanitarian workers, figure on their agenda and are often discussed during their meetings.

The ICRC has therefore always attached great importance to its contacts with regional governmental organizations. With a view to developing working relations, the Committee has already concluded several cooperation agreements with such organizations, in particular the Organization of African Unity, the European Union, the Organization of American States and the Organization of the Islamic Conference. For the ICRC, these agreements are tangible expressions of support for its activities aimed at strengthening compliance with international humanitarian law.

By way of an example, the Review is publishing the text of the most recent such cooperation agreement, signed on 10 May 1996 by the Secretary General of the Organization of American States (OAS) and the President of the ICRC.

Cooperation Agreement between the General Secretariat of the Organization of American States and the International Committee of the Red Cross

THE PARTIES TO THIS AGREEMENT: the General Secretariat of the Organization of American States (hereinafter referred to as GS/OAS), represented by its Secretary General, Mr César Gaviria, and the International Committee of the Red Cross (hereinafter referred to as ICRC), represented by its President, Mr Cornelio Sommaruga,

Bearing in mind that the Organization of American States (OAS) proclaims the fundamental rights of the individual and encourages the promotion of those rights;

Considering that the ICRC is the promoter and guardian of international humanitarian law;

Recalling that the General Assembly, supreme organ of the OAS, adopted at its twenty-fourth regular session, held in Belém do Pará, Brazil, in 1994, a resolution entitled “Respect for International Humanitarian Law”, which, *inter alia*, recommends that the OAS Secretary General continue to cooperate with the ICRC in disseminating international humanitarian law and the work of the ICRC among member states of the OAS;

Noting that the General Assembly, at its twenty-fifth regular session, held in Montrouis, Haiti, in 1995, adopted another resolution entitled “Respect for International Humanitarian Law”, whereby it recalled the activities carried out by the ICRC, especially in its capacity as a specifically neutral and independent organization and intermediary;

Considering that one of the functions of the GS/OAS is to establish cooperative relations, in accordance with decisions reached by the General Assembly or the Councils, with the Specialized Organizations and other national and international organizations,

HAVE AGREED AS FOLLOWS:

ARTICLE I

Cooperation

The GS/OAS and the ICRC will cooperate in matters of common interest to the Americas. Cooperation shall take place especially in the following areas:

- i. promotion and dissemination of international humanitarian law;
- ii. measures to improve respect for international humanitarian law;
- iii. measures for the application of international humanitarian law;
- iv. measures in support of ICRC's humanitarian action; and
- v. joint sponsorship of conferences, seminars, and other meetings on topics of common interest.

For the purposes of such cooperation, the Parties will carry out joint projects, for which they shall conclude supplementary agreements or memoranda of understanding in accordance with the guidelines established in this Agreement.

Any financial obligations incurred by the Parties as a result of this Cooperation Agreement or supplementary agreements or memoranda of understanding that may be signed shall be subject to the decisions of their governing bodies, to the availability of funds, and to the standards, rules and regulations relating to budgetary and financial matters.

ARTICLE II

Reciprocal Consultations

The Parties will consult with each other on a regular basis concerning their plans of action and other matters that may be of mutual interest in order to accomplish their objectives and coordinate their respective activities.

ARTICLE III

Exchange of Information and Documents

The Parties will exchange, on a regular basis, information and documents on matters of common interest.

The Parties shall not be obligated to provide each other with any information which, in their view, jeopardizes the trust of any of their members or of any entity or person from which or from whom that information may have been received. In that regard, they recognize that certain restrictions will need to be applied in order to maintain the confidentiality of the information.

ARTICLE IV

Reciprocal Invitations

Both Parties may invite each other to participate in conferences or meetings held by the various organs of the other, in accordance with their existing rules and when such meetings address matters of common interest.

ARTICLE V

Settlement of Disputes

Any dispute that arises with regard to the interpretation or implementation of this Agreement shall be settled through direct negotiation between the Parties. Should the Parties fail to reach a settlement that is satisfactory to both, they shall submit their differences to a mutually agreed arbitration procedure.

This shall not signify a waiver by the GS/OAS and the ICRC of their privileges and immunities under any agreements that are pertinent.

ARTICLE VI

Amendments

Amendments to this Agreement may only be made by mutual consent in writing. The instruments recording the amendments shall be appended to this Agreement and become part of it.

ARTICLE VII

Entry into Force and Denunciation

This Agreement shall enter into force upon signature by both Parties. However, the Parties may denounce it by written notice to the contrary at least three (3) months prior to the date on which they wish to terminate it.

IN WITNESS WHEREOF the duly accredited representatives of the Parties sign this Cooperation Agreement in two originals in English, both versions being equally authentic, in the city of Washington, D.C., on May 10, 1996.

For the International Committee
of the Red Cross
Cornelio Sommaruga
President

For the General Secretariat of
the OAS
César Gaviria
Secretary General