

2018-2019 REPORT

IMPLEMENTING INTERNATIONAL HUMANITARIAN LAW

**PARTICIPATION OF THE AMERICAN
STATES IN IHL TREATIES AND
THEIR NATIONAL IMPLEMENTATION**

PROGRESS AND ACTIVITIES IN THE AMERICAS



ICRC

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This report, prepared by the **Advisory Service on International Humanitarian Law** (IHL) of the International Committee of the Red Cross (ICRC) for submission to the Member States of the Organization of American States (OAS), brings together information on the most significant activities and progress achieved in the implementation of international humanitarian law (IHL) in the region in the period 2018–2019. The report is not intended to be exhaustive, and readers seeking further information on this subject can visit **www.cicr.org**.

LEGAL BASIS FOR THE ICRC'S WORK

The work of the ICRC is based on the Geneva Conventions of 1949 for the protection of victims of war, their Additional Protocols of 1977, the Statutes of the International Red Cross and Red Crescent Movement and the resolutions of the International Conferences of the Red Cross and Red Crescent.

In accordance with Article 5 of the Movement's Statutes, the role of the ICRC includes endeavouring at all times – as a neutral institution whose humanitarian work is carried out particularly in international and other armed conflicts or internal strife – to ensure the protection of and assistance to military and civilian victims of such events and their direct results. It also includes promoting the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts and preparing any development of this body of law.

The Geneva Conventions and Additional Protocol I give the ICRC a specific mandate to act in international armed conflicts, which includes the right to visit prisoners of war and civilian internees. The Geneva Conventions also grant the ICRC a broad right of initiative.

Article 3 common to the four Geneva Conventions gives the ICRC a right of initiative in non-international armed conflicts.

In the event of internal disturbances and tensions and in any other situation that warrants humanitarian action, the ICRC enjoys a right of initiative which is recognized in the Statutes of the International Red Cross and Red Crescent Movement and allows it to offer its services to governments without it constituting interference.

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INTRODUCTION

This report, prepared by the International Committee of the Red Cross (ICRC) describes highly significant and sometimes exemplary advances related to ratification, enforcement and promotion of international humanitarian law (IHL) treaties in the period 2018–2019.

The relevance of IHL in today's world continued to be acknowledged by American States during this two-year period. Witness to this are the several activities organised to commemorate the 70th anniversary of the Geneva Conventions of 12 August 1949. These four Treaties (which protect the wounded and sick, the shipwrecked, prisoners of war, and civilians), as well as their Additional Protocols of 1977 (related to international and non-international armed conflicts) and 2005 (relating to the adoption of an additional distinctive emblem) are central to IHL. All Member States have ratified these Conventions, so that the obligations therein are binding upon them. Adequate measures for their national implementation are therefore required.

Several treaties have been added over the past few decades that regulate a wide range of issues that are specific to IHL, such as the restriction on the use of certain warfare tactics, and the limitation to or ban on the use of certain kinds of weapons, including anti-personnel mines, chemical and biological weapons, and cluster munitions. The latest of these instruments is the Treaty on the Prohibition of Nuclear Weapons (2017); several American States played a key role while the document was negotiated, and they have accounted for almost half of the total number of registered ratifications worldwide in the period 2018–2019 (please see the attached table), thus contributing to its prompt entry into force.

The above clearly reflects the dynamism of humanitarian diplomacy in a growing number of States throughout the continent, as well as the hard work undertaken by national IHL enforcement committees, now present in 20 countries throughout the region, whose role is to assist and advise governments on the enforcement and dissemination of international humanitarian law. In addition to assessing the viability of executing or ratifying any given treaty, these standing inter-ministerial (or inter-institutional) structures are of the essence in articulating the positions taken by States in relation to various issues related to IHL, determining the best approach for implementing international commitments as part of their domestic legal systems, and promoting new initiatives for the protection of people depending on the violence scenario facing them (including initiatives to regulate the use of force or to conduct activities related to the search of missing persons). Even though it is the States that bear responsibility for the establishment of these committees, the ICRC provides support to contribute to the effective implementation of IHL. All these efforts, which are also geared towards protecting cultural property in the event of armed conflict, regulating the use of the Red Cross emblem and punishing war crimes (all of which are of the essence for ensuring an improved respect for IHL), are summarized in this report.

National committees also play an ever increasing and central role in the design and implementation of programmes to integrate IHL in the armed and security forces, as well as in efforts to encourage the training on and research into IHL in major universities, so that they become true and essential sources of expert knowledge on the matter. Worth noting is the creation of the *Anuario Iberoamericano de DIH* (Iberoamerican IHL Yearbook) in 2019, which will contribute to the dissemination of research (conducted in Spanish language) on different topics related to IHL.

National committees also played a very important role in the preparation of the positions of the States attending the 33rd International Conference of the Red Cross and Red Crescent, held in Geneva in December 2019. A resolution entitled “Bringing IHL home: A road map for better national implementation of international humanitarian law” was adopted during this four-yearly event. The resolution provides States with tools to further boost enforcement of IHL, while also acknowledging the central role played by

the committees in the prosecution of this mandate. Another resolution adopted at the Conference focuses on the need of States and National Red Cross and Red Crescent Societies to jointly face epidemics and pandemics, which will certainly prove useful in responding to the needs brought about by COVID-19. States also made pledges (the contents of which are transcribed in the appendix attached to this report) which they will have to honour in the period running until the date of the next International Conference.

States from this region also attended other international events, such as the Fifth Commonwealth Red Cross and Red Crescent Conference on International Humanitarian Law (IHL) in Kigali (Republic of Rwanda) in 2019. The Conference, held under the motto “Celebrating the Geneva Conventions and Building respect for IHL: A Commonwealth Perspective” was attended by some of the CARICOM Member States.

In turn, the results described in this report are undoubtedly and closely linked to the relentless activities conducted by OAS Member States within the Organization, as well as to the initiatives promoted by the latter. Several meetings were convened, especially within the Committee of Juridical and Political Affairs. Among them, worth noting is the Special Meeting on Topics of Current Interest in International Humanitarian Law, held in January 2019 with the attendance of delegations of OAS member states. Yet another initiative underscoring the importance ascribed by the OAS to IHL and to the participation of Member States is a questionnaire prepared by the Inter-American Juridical Committee, whereby States were asked their official views on some of the key questions that have arisen in relation to application of international law in cyber operations. In turn, the ICRC and the Inter-American Human Rights Court jointly published a booklet with jurisprudence on the interactions between IHL and the international law on human rights (*Cuadernillo de jurisprudencia sobre las interacciones entre el DIH y el Derecho internacional de los derechos humanos*) which will prove useful for Government officials as well as professors and students.

It is also important to underscore the quality of the resolutions on international law adopted at the 48th and 49th General Assemblies of the Organization of American States, including certain sections on the promotion of and respect for international humanitarian law (2018), and on the promotion of the International Criminal Court (2019), as well as the resolutions on the promotion and protection of human rights, including a section on “Persons Who Have Disappeared and Assistance to Members of their Family” (2018) and another one on “Displaced Persons, Asylum- Seekers and Refugees” (2019). These documents are a clear example of the commitment of Member States to respecting IHL and IHL-related issues, the progress made in this field, and the humanitarian challenges facing our continent, in addition to serving as guidelines for the domestic implementation of IHL.

The outcomes and diplomatic efforts summarized below evidence the outstanding role that Member States have continued to ascribe to IHL, acknowledging the pressing need and urgency to prevent and punish war crimes which contravene the principles of humanity, and which may threaten international peace and security, and contributing to the respect for IHL itself both globally and in the continent.

Eric Tardif
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ICRC regional delegation
for Mexico and Central America

I. INTERNATIONAL HUMANITARIAN LAW (IHL) TREATIES AND CUSTOMARY LAW

International humanitarian law is a set of rules that seek to limit the effects of armed conflict for humanitarian reasons. It protects individuals who are not or are no longer participating directly in the hostilities and restricts the means and methods of warfare. IHL is also known as the “law of war” or the “law of armed conflict”. The rules are enshrined in international treaties and in customary international law.

A. PARTICIPATION OF THE AMERICAN STATES IN IHL TREATIES

A major part of IHL is contained in the four Geneva Conventions of 1949, to which all States are party. The Conventions are supplemented by the Additional Protocols of 1977 relating to the protection of victims of armed conflicts, while other treaties prohibit the use of certain weapons and methods of warfare and protect certain categories of people and property.

The main instruments concerning the protection of people and property against armed conflict are the following (the abbreviations in parentheses are the ones used in the table below).

1. PROTECTING THE VICTIMS OF ARMED CONFLICTS

- **The Four Geneva Conventions of 12 August 1949 (GC I–IV 1949):** These treaties, which are universally accepted, protect the wounded and sick (GC I), the shipwrecked (GC II), prisoners of war (GC III) and civilians (GC IV). They also protect the medical mission and medical personnel, units, facilities and transport. The Conventions do not, however, cover some important areas such as the conduct of hostilities and protection of the civilian population against the effects of hostilities. A total of 196 States are parties to the Geneva Conventions, including the 35 American States.
- **Protocol I additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts of 8 June 1977 (AP I 1977):** Additional Protocol I applies to international armed conflicts. It imposes limits on the way military operations can be conducted. It stipulates that the parties to a conflict do not have an unlimited right to choose methods or means of warfare and that it is prohibited to use weapons, projectiles, materials or tactics that cause superfluous injury or unnecessary suffering. A total of 174 States are parties to Additional Protocol I, including 34 American States.
- **Declaration under Article 90 of Additional Protocol I (AP I Declaration Art. 90):** In order to secure the guarantees accorded to the victims of armed conflicts, Article 90 of Additional Protocol I provides for the establishment of an International Humanitarian Fact-Finding Commission. The Commission was officially created in 1991 and is a permanent body whose primary purpose is to investigate allegations of grave breaches and other serious violations of IHL. The Commission is therefore an important mechanism for ensuring that IHL is applied and enforced during armed conflict. A total of 76 States Parties have accepted the jurisdiction of the International Humanitarian Fact-Finding Commission, including 13 American States
- **Protocol II additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts of 8 June 1977 (AP II 1977):** Within the scope of Additional Protocol II are non-international conflicts that take place within the territory of a State between its armed forces and dissident armed forces or other organized armed groups operating under responsible command and exercising control over a part of the country's territory. Additional Protocol II extends the core humanitarian principles enshrined in Article 3 common to the Geneva Conventions to non-international armed conflicts. A total of 169 States are parties to Additional Protocol II, including 33 American States.

- **Protocol additional to the Geneva Conventions of 12 August 1949 and relating to the Adoption of an Additional Distinctive Emblem of 8 December 2005 (AP III 2005):** Additional Protocol III, which was adopted in 2005, introduced another emblem in addition to the red cross and red crescent. The new emblem is composed of a red frame in the shape of a square on edge on a white background. It was introduced in response to the need to provide an option that does not have the religious or political connotations that the red cross and red crescent emblems are sometimes perceived to have and that can be used in any context. The individuals and entities authorized to display the red crystal are the same as those entitled to use the emblems recognized by the Geneva Conventions of 1949. These include the medical services of the armed forces, civilian hospitals with explicit authorization and the various components of the International Red Cross and Red Crescent Movement, namely, the International Committee of the Red Cross (ICRC), the National Societies and their International Federation. A total of 77 States are parties to Additional Protocol III, including 19 American States.
- **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 25 May 2000 (Opt. Prot. CRC 2000):** This instrument strengthens the protection afforded to children during armed conflicts. Under the Protocol, States Parties undertake to adopt all feasible measures to ensure that members of their armed forces who have not reached the age of 18 do not directly take part in hostilities, and the compulsory recruitment of people under the age of 18 into the armed forces is prohibited. States are also required to set the minimum age for voluntary recruitment above 15 years, and the recruitment, whether voluntary or compulsory, or use in hostilities of persons under the age of 18 by armed groups other than the armed forces of a State is prohibited. States Parties agree to criminalize and punish any breaches of these provisions. A total of 170 States are parties to this Optional Protocol, including 29 American States.
- **International Convention for the Protection of All Persons from Enforced Disappearance of 20 December 2006 (CPED 2006):** This Convention is the first universally binding treaty that defines forced disappearance as a human rights violation and prohibits it. For the purposes of this treaty, enforced disappearance means the abduction, arrest, detention or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the missing person. A total of 62 States are parties to this Convention, including 15 American States.



There are indigenous communities in the outskirts of Quibdó, Colombia, which have been displaced on several occasions.

2. INTERNATIONAL CRIMINAL LAW

- **Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity of 26 November 1968 (CSL 1968):** This Convention applies to prosecution and sentencing in relation to war crimes – especially grave breaches of the Geneva Conventions – crimes against humanity and genocide committed in wartime or peacetime. A total of 55 States are parties to this Convention, including 12 American States.
- **The Rome Statute of the International Criminal Court of 17 July 1998 (ICC Statute 1998):** The crimes within the Court’s jurisdiction are genocide, crimes against humanity, war crimes and aggression. A total of 123 States are parties to the Rome Statute, including 29 American States.
- **Amendment to Article 8.(2)(e) of the Rome Statute (ICC AMDT 2010):** This amendment concerning weapons was a result of the 2010 Review Conference held in Kampala and added the use of poison and poisoned weapons, prohibited gases, liquids, materials and devices and bullets that expand or flatten easily in the human body to the list of war crimes applicable in non-international armed conflicts. A total of 38 States are parties to this Amendment, including 9 American States.

3. PROTECTING CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

Military operations have often resulted in the destruction of irreplaceable cultural property, which is a loss not only to the country of origin but also to mankind’s cultural heritage as a whole. Recognizing the significance of such losses, the international community adopted the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocol in The Hague, establishing a system of “general” protection and “special” protection, as well as a Protocol to said Convention. To strengthen the provisions of the 1954 Convention, a second Protocol was adopted on 26 March 1999, which introduces an “enhanced” system of protection for specifically designated cultural property. The two Protocols of 8 June 1977 additional to the Geneva Conventions also contain provisions for the protection of cultural property (Articles 38, 53 and 85 of Additional Protocol I, and Article 16 of Additional Protocol II).

- **Convention on the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 (Hague Conv. 1954):** A total of 133 States are parties to this Convention, including 22 American States.
- **First Protocol to the Hague Convention of 14 May 1954 (Hague Prot. 1954):** A total of 110 States are parties to this Protocol, including 19 American States.
- **Second Protocol to the Hague Convention of 26 March 1999 (Hague Prot. 1999):** A total of 82 States are parties to this Protocol, including 18 American States.

4. ENVIRONMENT

- **Convention on the Prohibition of Military or any Hostile Use of Environmental Modification Techniques of 10 December 1976 (ENMOD Conv. 1976):** This Convention is an instrument of international disarmament law specifically intended to protect the environment in the event of armed conflict. The provisions of Protocol I additional to the Geneva Conventions of 1949 prohibiting direct attacks on the environment during armed conflict are an essential complement to the ENMOD Convention. A total of 78 States are parties to this Convention, including 16 American States.

5. WEAPONS

- **Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare of 17 June 1925 (Geneva Gas Prot. 1925):** This Protocol prohibits the use of biological and chemical weapons. A total of 142 States are parties to this Protocol, including 28 American States.
- **Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction of 10 April 1972 (BWC 1972):** The main aim of this Convention, as defined in the preamble, is to completely exclude the possibility of bacteriological (biological) agents and toxins being used as weapons. The use of biological weapons was already prohibited under the Geneva Protocol of 1925, and this Convention supplements that Protocol, prohibiting the development, production, stockpiling, acquisition, retention and transfer of biological weapons and requiring their destruction. A total of 182 States are parties to this Convention, including 34 American States.
- **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 of 10 October 1980 (CCW 1980) and its Protocols:** This Convention is one of the main IHL treaties. It seeks to protect civilians from the effects of weapons and to protect combatants from excessive suffering. One of the Convention's important features is that its scope of application can be extended in response to the development of new weapons or changes in the conduct of warfare. When it was approved in 1980, the Convention included three protocols (Protocols I–III). The States Parties subsequently adopted new protocols in 1995 (Protocol IV on Blinding Laser Weapons), in 1996 (amended Protocol II on Mines, Booby-Traps and Other Devices) and in 2003 (Protocol V on Explosive Remnants of War). A total of 125 States are parties to this Convention, including 25 American States.
 - **Protocol on Non-Detectable Fragments of 10 October 1980 (CCW Prot. I 1980):** 118 States are parties to this Protocol, including 24 American States.
 - **Protocol on Mines, Booby-Traps and Other Devices of 10 October 1980 (CCW Prot. II 1980):** 95 States are parties to this Protocol, including 17 American States.
 - **Protocol on Incendiary Weapons of 10 October 1980 (CCW Prot. III 1980):** 115 States are parties to this Protocol, including 24 American States.
 - **Protocol on Blinding Laser Weapons of 13 October 1995 (CCW Prot. IV 1995):** 109 States are parties to this Protocol, including 24 American States.
 - **Protocol on Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (CCW Prot. IIA 1996):** 106 States are parties to this Protocol, including 22 American States.
 - **Protocol on Explosive Remnants of War of 28 November 2003 (CCW Prot. V 2003):** 96 States are parties to this Protocol, including 20 American States.
- **2001 Amendment to Article 1 of 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 of 10 October 1980 (CCW Amdt 2001):** In 2001, the Second Review Conference extended the Protocols in force to cover non-international armed conflicts. A total of 86 States are parties to this Amendment, including 20 American States.
- **Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction of 13 January 1993 (CWC 1993):** This Convention is one of the instruments of international law that prohibits the use of weapons deemed particularly abhorrent. The Convention aims to completely exclude the possibility of chemical weapons being used. Like the 1972 Biological and Toxin Weapons Convention, it supplements and strengthens certain aspects of the 1925 Geneva Protocol. A total of 193 States are parties to this Convention, including 35 American States.
- **Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 18 September 1997 (AP Mine Ban Conv. 1997):** This Convention is part of the international response to the widespread suffering caused by anti-personnel mines. A total of 164 States are parties to this Convention, including 33 American States.

- **Convention on Cluster Munitions of 30 May 2008 (Cluster Munitions 2008):** This Convention prohibits cluster munitions. It aims to end the heavy toll that these weapons take on civilians during armed conflict and once fighting has ended. A total of 107 States are parties to this Convention, including 24 American States.
- **Arms Trade Treaty of 2 April 2013 (ATT 2013):** This Treaty regulates international transfers of conventional arms as well as their ammunition, parts and components, with a view to reducing human suffering. The Treaty makes arms transfer decisions subject to humanitarian concerns by prohibiting transfers when there is a manifest risk that war crimes or serious violations of international human rights law will be committed. A total of 105 States are parties to this Treaty, including 27 American States.
- **Treaty on the Prohibition of Nuclear Weapons of 7 July 2017 (TPNW 2017):** This is the first globally applicable multilateral agreement to comprehensively prohibit nuclear weapons. It is also the first to include provisions to help address the humanitarian consequences of the use and testing of nuclear weapons. The Treaty complements existing international agreements on nuclear weapons, in particular the Treaty on the Non-Proliferation of Nuclear Weapons, the Comprehensive Nuclear-Test-Ban Treaty and other agreements establishing nuclear-weapon-free zones. At the end of 2019, 34 States were parties to the Treaty, including 16 American States.

B. CUSTOMARY INTERNATIONAL HUMANITARIAN LAW

Customary international law consists of a set of rules that come from “a general practice accepted as law”, as indicated in Article 38 of the Statute of the International Court of Justice, which lists the sources of international public law. The rules of customary international law – or international custom – exist independently of treaty law and are not written down. Their legal validity derives from practices that are generally accepted by States and that become required as a matter of law over time. These rules are sometimes studied when creating written instruments of international law or when interpreting them.

Customary IHL is of crucial importance in today’s armed conflicts because it fills gaps left by treaty law and so strengthens the protection offered to victims. In 2005, the ICRC published a study entitled Customary International Humanitarian Law, which identifies the common core of IHL binding on all parties to all armed conflicts. This study has been recognized as an important work of reference on law in international and non-international armed conflicts for courts, international organizations and non-governmental organizations.

The ICRC has published an online version of the study with a database that includes over 50% more content than the original printed version. It is divided into two parts: the first provides a comprehensive analysis of rules of customary IHL that have been identified as applicable in international and non-international armed conflicts, while the second contains a summary of State practice covering the main aspects of IHL taken from national legislation, military manuals, official statements and case law. It also refers to the practices of other entities, such as international organizations and international courts.

Work began in 2011 to update the database in various stages. The practices adopted by Venezuela were updated in the two-year period covered by this report, and the process was started to update the practices implemented by several other States throughout the region.

The database, which is updated annually, is available at:
<http://www.icrc.org/customary-ihl/eng/docs/home>

Volume 1 of the study can be downloaded in PDF format at:
<https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf>

C. MAIN RATIFICATIONS IN 2018 AND 2019

The Americas maintained the momentum of progress, making it a leading region in terms of States parties to IHL-related treaties. Moreover, some States have now ratified all the main instruments relating to this body of law.

A growing number of States ratified several weapons and IHL treaties in the period 2018–2019. By way of example, the Treaty on the Prohibition of Nuclear Weapons was ratified by 15 States, i.e., almost fifty per cent of the total ratifications globally in the period under review, which leads us to conclude it may soon come into force.

Other instruments ratified during this period are the Arms Trade Treaty, the amendment to Article 8(2)(e) of the Rome Statute, and Protocol III additional to the Geneva Conventions.

Listed below are the developments in this regard during the period 2018–2019:

25 November 2019: **Antigua and Barbuda** ratified the Treaty on the Prohibition of Nuclear Weapons.

6 August 2019: **Bolivia** ratified the Treaty on the Prohibition of Nuclear Weapons.

14 August 2018: **Brazil** ratified the Arms Trade Treaty.

19 June 2018: **Canada** ratified the Arms Trade Treaty.

18 May 2018: **Chile** ratified the Arms Trade Treaty.

5 July 2018: **Costa Rica** ratified the Treaty on the Prohibition of Nuclear Weapons.

30 January 2018: **Cuba** ratified the Treaty on the Prohibition of Nuclear Weapons.

18 October 2019: **Dominica** ratified the Treaty on the Prohibition of Nuclear Weapons.

30 January 2019: **Ecuador** ratified the Treaty on the Prohibition of Nuclear Weapons.

25 September 2019: **El Salvador** ratified the Treaty on the Prohibition of Nuclear Weapons.

28 September 2018: **Guyana** ratified the amendment to Article 8(2)(e) of the Rome Statute.

16 January 2018: **Mexico** ratified the Treaty on the Prohibition of Nuclear Weapons.

19 July 2018: **Nicaragua** ratified the Treaty on the Prohibition of Nuclear Weapons.

11 April 2019: **Panama** ratified the Treaty on the Prohibition of Nuclear Weapons.

5 April 2019: **Paraguay** ratified the amendment to Article 8(2)(e) of the Rome Statute.

9 October 2018: **Peru** ratified Protocol III additional to the Geneva Conventions.

23 January 2019: **Saint Lucia** ratified the Treaty on the Prohibition of Nuclear Weapons.

19 October 2018: **Suriname** ratified the Arms Trade Treaty.

26 September 2019: **Trinidad and Tobago** ratified the Treaty on the Prohibition of Nuclear Weapons.

25 July 2018: **Uruguay** ratified the Treaty on the Prohibition of Nuclear Weapons.

27 March 2018: **Venezuela** ratified the Treaty on the Prohibition of Nuclear Weapons.



Antigua and Barbuda ratifies the Treaty on the Prohibition of Nuclear Weapons.

Status of participation of American States

Country		Protection of Victims of Armed Conflicts						
		GC I-IV 1949	AP I 1977	AP I - DEC ART. 90	AP II 1977	AP III 2005	OPT PROT. CRC 2000	CPED 2006
1	Antigua and Barbuda	06/10/1986	06/10/1986		06/10/1986			
2	Argentina	18/09/1956	26/11/1986	11/10/1996	26/11/1986	16/03/2011	10/09/2002	14/12/2007
3	Bahamas	11/07/1975	10/04/1980		10/04/1980		28/09/2015	
4	Barbados	10/09/1968	19/02/1990		19/02/1990			
5	Belize	29/06/1984	29/06/1984		29/06/1984	03/04/2007	01/12/2003	14/08/2015
6	Bolivia	10/12/1976	08/12/1983	10/08/1992	08/12/1983		22/12/2004	17/12/2008
7	Brazil	29/06/1957	05/05/1992	23/11/1993	05/05/1992	28/08/2009	27/01/2004	29/11/2010
8	Canada	14/05/1965	20/11/1990	20/11/1990	20/11/1990	26/11/2007	07/07/2000	
9	Chile	12/10/1950	24/04/1991	24/04/1991	24/04/1991	06/07/2009	31/07/2003	08/12/2009
10	Colombia	08/11/1961	01/09/1993	17/04/1996	14/08/1995		25/05/2005	11/07/2012
11	Costa Rica	15/10/1969	15/12/1983	09/12/1999	15/12/1983	30/06/2008	24/01/2003	16/02/2012
12	Cuba	15/04/1954	25/11/1982		23/06/1999		09/02/2007	02/02/2009
13	Dominica	28/09/1981	25/04/1996		25/04/1996		20/09/2002	
14	Dominican Republic	22/01/1958	26/05/1994		26/05/1994	01/04/2009	14/10/2014	
15	Ecuador	11/08/1954	10/04/1979		10/04/1979		07/06/2004	20/10/2009
16	El Salvador	17/06/1953	23/11/1978		23/11/1978	12/09/2007	18/04/2002	
17	Grenada	13/04/1981	23/09/1998		23/09/1998		06/02/2012	
18	Guatemala	14/05/1952	19/10/1987		19/10/1987	14/03/2008	09/05/2002	
19	Guyana	22/07/1968	18/01/1988		18/01/1988	21/09/2009	11/08/2010	
20	Haiti	11/04/1957	20/12/2006		20/12/2006			
21	Honduras	31/12/1965	16/02/1995		16/02/1995	08/12/2006	14/08/2002	01/04/2008
22	Jamaica	20/07/1964	29/07/1986		29/07/1986		09/05/2002	
23	Mexico	29/10/1952	10/03/1983			07/07/2008	15/03/2002	18/03/2008
24	Nicaragua	17/12/1953	19/07/1999		19/07/1999	02/04/2009	17/03/2005	
25	Panama	10/02/1956	18/09/1995	26/10/1999	18/09/1995	30/04/2012	08/08/2001	24/06/2011
26	Paraguay	23/10/1961	30/11/1990	30/01/1998	30/11/1990	13/10/2008	27/09/2002	03/08/2010
27	Peru	15/02/1956	14/07/1989		14/07/1989	09/10/2018	08/05/2002	26/09/2012
28	Saint Kitts and Nevis	14/02/1986	14/02/1986	17/04/2014	14/02/1986			
29	Saint Lucia	18/09/1981	07/10/1982		07/10/1982		15/01/2014	
30	Saint Vincent and the Grenadines	01/04/1981	08/04/1983	04/11/2013	08/04/1983		29/03/2011	
31	Suriname	13/10/1976	16/12/1985		16/12/1985	25/06/2013		
32	Trinidad and Tobago	24/09/1963	20/07/2001	20/07/2001	20/07/2001			
33	United States of America	02/08/1955				08/03/2007	23/12/2002	
34	Uruguay	05/03/1969	13/12/1985	17/07/1990	13/12/1985	19/10/2012	09/09/2003	04/03/2009
35	Venezuela	13/02/1956	23/07/1998		23/07/1998		23/09/2003	
Total	REGION	35	34	13	33	19	29	15
	WORLDWIDE	196	174	76	169	77	170	62

in treaties that are of relevance for IHL (as of 31 December 2019)

International Criminal Law			Protection of Cultural Property in the Event of Armed Conflict			Environment
CSL 1968	ICC STATUTE 1998	ICC AMDT 2010	HAGUE CONV. 1954	HAGUE PROT. 1954	HAGUE PROT. 1999	ENMOD CONV. 1976
	18/06/2001					25/10/1988
26/08/2003	08/02/2001	28/04/2017	22/03/1989	10/05/2007	07/01/2002	20/03/1987
	10/12/2002		09/04/2002	02/10/2008	02/10/2008	
	05/04/2000					
06/10/1983	27/06/2002		17/11/2004			
	20/06/2002		12/09/1958	12/09/1958	23/09/2004	12/10/1984
	07/07/2000		11/12/1998	29/11/2005	29/11/2005	11/06/1981
	29/06/2009	23/09/2016	11/09/2008	11/09/2008	11/09/2008	26/04/1994
	05/08/2002		18/06/1998	18/06/1998	24/11/2010	
27/04/2009	07/06/2001	05/02/2015	03/06/1998	03/06/1998	09/12/2003	07/02/1996
13/09/1972			26/11/1957	26/11/1957		10/04/1978
	12/02/2001					09/11/1992
	12/05/2005		05/01/1960	21/03/2002	03/03/2009	
	05/02/2002		02/10/1956	08/02/1961	02/08/2004	
	03/03/2016	03/03/2016	19/07/2001	27/03/2002	27/03/2002	
	19/05/2011					
	02/04/2012		02/10/1985	19/05/1994	04/02/2005	21/03/1988
	24/09/2004	28/09/2018				
16/08/2010	01/07/2002		25/10/2002	25/10/2002	26/01/2003	16/08/2010
15/03/2002	28/10/2005		07/05/1956	07/05/1956	07/10/2003	
03/09/1986			25/11/1959	25/11/1959	01/06/2001	06/09/2007
21/06/2007	21/03/2002	06/12/2017	17/07/1962	08/03/2001	08/03/2001	13/05/2003
23/09/2008	14/05/2001	05/04/2019	09/11/2004	09/11/2004	09/11/2004	
11/08/2003	10/11/2001		21/07/1989	21/07/1989	24/05/2005	
	22/08/2006					
	18/08/2010					27/05/1993
09/11/1981	03/12/2002					27/04/1999
	15/07/2008					
	06/04/1999	13/11/2012				
			13/03/2009			17/01/1980
21/09/2001	28/06/2002	26/09/2013	24/09/1999	24/09/1999	03/01/2007	16/09/1993
	07/06/2000		09/05/2005			
12	29	9	22	19	18	16
55	123	38	133	110	82	78

Status of participation of American States

	Country	GENEVA GAS PROT. 1925	BWC 1972	CCW 1980			
				CCW 1980	CCW PROT. I 1980	CCW PROT. II 1980	CCW PROT. III 1980
1	Antigua and Barbuda	27/04/1989	29/01/2003	23/08/2010	23/08/2010		23/08/2010
2	Argentina	12/05/1969	05/12/1979	02/10/1995	02/10/1995	02/10/1995	02/10/1995
3	Bahamas		26/11/1986				
4	Barbados	16/07/1976	16/02/1973				
5	Belize		20/10/1986				
6	Bolivia	13/08/1985	30/10/1975	21/09/2001	21/09/2001	21/09/2001	21/09/2001
7	Brazil	28/08/1970	27/02/1973	03/10/1995	03/10/1995	03/10/1995	03/10/1995
8	Canada	06/05/1930	18/09/1972	24/06/1994	24/06/1994	24/06/1994	24/06/1994
9	Chile	02/07/1935	22/04/1980	15/10/2003	15/10/2003		15/10/2003
10	Colombia	24/11/2015	19/12/1983	06/03/2000	06/03/2000	06/03/2000	06/03/2000
11	Costa Rica	17/03/2009	17/12/1973	17/12/1998	17/12/1998	17/12/1998	17/12/1998
12	Cuba	24/06/1966	21/04/1976	02/03/1987	02/03/1987	02/03/1987	02/03/1987
13	Dominica		01/08/2016				
14	Dominican Republic	08/12/1970	23/02/1973	21/06/2010			
15	Ecuador	16/09/1970	12/03/1975	04/05/1982	04/05/1982	04/05/1982	04/05/1982
16	El Salvador	26/02/2008	31/12/1991	26/01/2000	26/01/2000	26/01/2000	26/01/2000
17	Grenada	03/01/1989	22/10/1986	10/12/2014	10/12/2014		10/12/2014
18	Guatemala	03/05/1983	19/09/1973	21/07/1983	21/07/1983	21/07/1983	21/07/1983
19	Guyana		26/03/2013				
20	Haiti						
21	Honduras		14/03/1979	30/10/2003	30/10/2003	30/10/2003	30/10/2003
22	Jamaica	28/07/1970	13/08/1975	25/09/2008	25/09/2008		25/09/2008
23	Mexico	28/05/1932	08/04/1974	11/02/1982	11/02/1982	11/02/1982	11/02/1982
24	Nicaragua	05/10/1990	07/08/1975	05/12/2000	05/12/2000		05/12/2000
25	Panama	04/12/1970	20/03/1974	26/03/1997	26/03/1997	26/03/1997	26/03/1997
26	Paraguay	22/10/1933	09/06/1976	22/09/2004	22/09/2004	22/09/2004	22/09/2004
27	Peru	13/08/1985	05/06/1985	03/07/1997	03/07/1997		03/07/1997
28	Saint Kitts and Nevis	27/04/1989	02/04/1991				
29	Saint Lucia	21/12/1988	26/11/1986				
30	Saint Vincent and the Grenadines	24/03/1999	13/05/1999	06/12/2010	06/12/2010		06/12/2010
31	Suriname		06/01/1993				
32	Trinidad and Tobago	31/08/1962	19/07/2007				
33	United States of America	10/04/1975	26/03/1975	24/03/1995	24/03/1995	24/03/1995	21/01/2009
34	Uruguay	12/04/1977	06/04/1981	06/10/1994	06/10/1994	06/10/1994	06/10/1994
35	Venezuela	08/02/1928	18/10/1978	19/04/2005	19/04/2005	19/04/2005	19/04/2005
Total	REGION	28	34	25	24	17	24
	WORLDWIDE	142	182	125	118	95	115

in treaties that are of relevance for IHL (as of 31 December 2019)

Weapons

CCW PROT. IV 1995	CCW PROT. IIA 1996	CCW PROT. V 2003	CCW AMDT 2001	CWC 1993	AP MINE BAN CONV. 1997	CLUSTER MUNITIONS 2008	ATT 2013	TPNW 2017
23/08/2010				29/08/2005	03/05/1999	23/08/2010	12/08/2013	25/11/2019
21/10/1998	21/10/1998	07/10/2011	25/02/2004	02/10/1995	14/09/1999		25/09/2014	
				21/04/2009	31/07/1998		25/09/2014	
				03/07/2007	26/01/1999		20/05/2015	
				01/12/2003	23/04/1998	02/09/2014	19/03/2015	
21/09/2001	21/09/2001			14/08/1998	09/06/1998	30/04/2013		06/08/2019
04/10/1999	04/10/1999	30/11/2010	30/11/2010	13/03/1996	30/04/1999		14/08/2018	
05/01/1998	05/01/1998	19/05/2009	22/07/2002	26/09/1995	03/12/1997	16/03/2015	19/06/2019	
15/10/2003	15/10/2003	18/08/2009	27/09/2007	12/07/1996	10/09/2001	16/12/2010	18/05/2018	
06/03/2000	06/03/2000		20/05/2009	05/04/2000	06/09/2000	10/09/2015		
17/12/1998	17/12/1998	27/04/2009	03/06/2009	31/05/1996	17/03/1999	28/04/2011	29/09/2013	05/07/2018
14/11/2012		14/11/2012	17/10/2007	29/04/1997		06/04/2016		30/01/2018
				12/02/2001	26/03/1999		21/05/2015	18/10/2019
21/06/2010	21/06/2010	21/06/2010	21/06/2010	27/03/2009	30/06/2000	20/12/2011	07/08/ 2014	
16/12/2003	14/08/2000	10/03/2009	10/03/2009	06/09/1995	29/04/1999	11/05/2010		30/01/2019
26/01/2000	26/01/2000	23/03/2006	13/09/2007	30/10/1995	27/01/1999	10/01/2011	02/04/2014	25/09/2019
10/12/2014	10/12/2014	10/12/2014	10/12/2014	03/06/2005	19/08/1998	29/06/2011	21/10/2013	
30/08/2002	29/10/2001	28/02/2008	13/02/2009	12/02/2003	26/03/1999	03/11/2010	12/07//2016	
				12/09/1997	05/08/2003	31/10/2014	04/07/2013	20/09/2017
				22/02/2006	15/02/2006			
30/10/2003	30/10/2003	16/08/2010		29/08/2005	24/09/1998	21/03/2012	01/03/2017	
25/09/2008	25/09/2008	25/09/2008	25/09/2008	08/09/2000	17/07/1998		03/06/2014	
10/03/1998			22/05/2003	29/08/1994	09/06/1998	06/05/2009	25/09/2013	16/01/2018
05/12/2000	05/12/2000	15/09/2005	06/09/2007	05/10/1999	30/11/1998	02/11/2009		19/07/2018
26/03/1997	03/10/1999	29/11/2010	16/08/2004	07/10/1998	07/10/1998	29/11/2010	11/02/2014	11/04/2019
03/12/2008	22/09/2004	03/12/2008	03/12/2008	01/12/1994	13/11/1998	12/03/2015	09/04/2015	
03/07/1997	03/07/1997	29/05/2009	14/02/2005	20/07/1995	17/06/1998	26/09/2012	16/02/2016	
				21/05/2004	02/12/1998	13/09/2013	15/12/2014	
				09/04/1997	13/04/1999		25/09/2014	23/01/2019
06/12/2010	06/12/2010	06/12/2010		18/09/2002	01/08/2001	29/10/2010	03/06/2014	31/07/2019
				28/04/1997	23/05/2002		19/10/2018	
				24/06/1997	27/04/1998	21/09/2011	25/09/2013	26/09/2019
21/01/2009	24/05/1999	21/01/2009	21/01/2009	25/04/1997				
18/08/1998	18/08/1998	07/08/2007	07/08/2007	06/10/1994	07/06/2001	24/09/2009	25/09/2014	25/07/2018
	19/04/2005			03/12/1997	14/04/1999			27/03/2018
24	22	20	20	35	33	24	27	16
109	106	96	86	193	164	107	105	34

II. NATIONAL IMPLEMENTATION OF IHL AND OTHER RULES PROTECTING PEOPLE IN SITUATIONS OF VIOLENCE

States must adopt the measures required to make the provisions of IHL treaties fully effective so that they can be applied by the parties in the event of an armed conflict. Although most treaties take direct effect, it is essential to ensure that their provisions are known and incorporated into domestic legislation as soon as possible, which is something that does not always happen. Some of the rules also require States to take supplementary practical measures to ensure that IHL is effectively enforced if an armed conflict breaks out. The national IHL enforcement committees, whose role is described in the third section of this report, prove especially useful in drafting and providing guidance on the adoption of supplementary measures.

The actions that States undertook to adopt encompass a variety of provisions, including legislative and regulatory action and administrative, practical and educational measures.

This section also covers activities that have been carried out to further the integration and promotion of international human rights law (IHRL) and internationally recognized principles on the use of force in law enforcement which seek to prevent and alleviate suffering in situations of violence other than armed conflict.

A. LEGISLATIVE, REGULATORY, PRACTICAL AND PUBLIC POLICY MEASURES

1. CRIMINAL REPRESSION

In order to ensure compliance with IHL, it is crucial to suppress breaches of this body of law and prosecute and punish those considered most serious and regarded as war crimes. It is in the interest of the international community as a whole to punish such violations.

The four Geneva Conventions of 1949 each contain a provision requiring States to enact the legislation necessary to determine the criminal sentences applicable to those convicted of committing, or ordering to be committed, grave breaches of the Conventions.

The Conventions also stipulate that each State has the obligation to search for individuals alleged to have committed, or to have ordered to be committed, grave breaches and to bring them before its own courts, regardless of their nationality. States may also, if they prefer, and in accordance with the provisions of their own legislation, hand such individuals over to be tried by another of the States concerned, provided that State has made out a *prima facie* case (see Articles 49, 50, 129 and 146 of the four Geneva Conventions respectively).

Additional Protocol I of 1977 supplements these rules, particularly Part V, Section II, which stipulates that the provisions of the Geneva Conventions relating to the repression of grave breaches also apply to the repression of grave breaches of the Protocol (see Article 85(1) of Additional Protocol I).

The Protocol further develops the rules codified in the Geneva Conventions with regard to the criminalization of IHL violations, the failure to act, the duty of commanders and mutual assistance in criminal matters (see Articles 85 to 88 of Additional Protocol I). It also stipulates that grave breaches of the Geneva Conventions and Protocol I are regarded as war crimes (see Article 85(5) of Additional Protocol I).

All 35 American States are parties to the four Geneva Conventions, and 34 of them have ratified Additional Protocol I. The American States have therefore made a commitment under international law to punish war crimes, based on the system determined by the Geneva Conventions and Additional Protocol I.

Furthermore, Rule 158 of the Study on Customary International Humanitarian Law requires States to investigate war crimes allegedly committed by their nationals or armed forces or on their territory and, where warranted, prosecute the suspects. They must also investigate other war crimes over which they have jurisdiction and prosecute the suspects, where appropriate.

The Rome Statute of 1998 establishes an International Criminal Court with jurisdiction over war crimes. The Court is not intended to take over the jurisdiction exercised by national courts, as it is the States that have the primary duty and responsibility to prosecute suspected war criminals. Under the principle of complementarity, the Court only acts when a State Party to the Rome Statute that has jurisdiction is unwilling or genuinely unable to investigate and prosecute a crime (see the Preamble and Articles 1, 17, 18 and 19 of the Rome Statute).

The Rome Statute does not explicitly require States Parties to prosecute and punish crimes under the Court's jurisdiction. However, this is assumed, as the complementarity mechanism provided for in the Statute depends on the ability of a State to try such crimes domestically (see paragraph 6 of the Preamble to the Rome Statute). It is therefore essential for States Parties to the Rome Statute to adapt their criminal legislation to the Statute so that they are able to try crimes under the Court's jurisdiction domestically when necessary.

Domestic implementation of the Rome Statute does not diminish a State's obligations under the Geneva Conventions and Additional Protocol I; it is rather a question of harmonizing the system established in them with the one provided for in the Statute. This involves ensuring that domestic criminal law permits, as a minimum compulsory requirement, prosecution of the war crimes listed in the Geneva Conventions and Additional Protocol I in accordance with the system they establish for suppressing these crimes. The rules of the Rome Statute can strengthen, but must not weaken, this architecture both in terms of the definition of war crimes and the rules concerning criminal responsibility and prosecution.

At the end of 2019, 29 American States were parties to the Rome Statute of 1998, and nine had ratified the amendment to Article 8(2)(e) thereof.

Legislation adopted

Colombia. The Colombian Congress adopted Law No. 1908 of 2018, which further strengthens the investigation and prosecution of criminal organizations and armed groups and adopts measures to bring them to justice.

It also adopted Law No. 1922 of 2019, called "Ley Estatutaria de la administración de justicia de la Jurisdicción Especial para la Paz" (Statutory Law on the operation of Justice in the Special Jurisdiction for Peace), which, among other issues, discusses the law applicable to the Jurisdiction (included in IHL), the procedure to grant pardons and amnesties, as well as the procedure to investigate and prosecute serious violations of international humanitarian law and behaviours amounting to war crimes.

Costa Rica. Law No. 9570, entitled "Promoción de la cooperación y asistencia judicial con la Corte Penal Internacional" (Promoting Cooperation and Judicial Assistance with the International Criminal Court) came into force on 5 February 2019. This piece of legislation governs cooperation relations between Costa Rica and the International Criminal Court in exercising the jurisdiction and roles vested upon it by the Rome Statute and supplementary regulations thereof.

Ecuador. The Law amending the Código Orgánico Integral Penal (Comprehensive Organic Criminal Code) was published on issue No. 107 of the Ecuadoran Official Gazette on 24 December 2019. Some of the amendments relate to the punishment of war crimes.

El Salvador. In December 2018, the Salvadoran General Prosecutor's Office introduced the *Política de persecución penal de crímenes de guerra y lesa humanidad en el contexto del conflicto armado en El Salvador* (Policy on Criminal Prosecution of War Crimes and Crimes against Mankind in the Context of the Armed Conflict in El Salvador). This Policy is a result of a decision passed in 2017 by the Court understanding in Constitutional Affairs reporting to the Supreme Court of Justice which provided for the unconstitutionality of sections 1, 2, 3, 4(e), 5, 6 and 7 of the *Ley de amnistía general para la consolidación de la paz* (Law on General Amnesty for the Consolidation of Peace). That same year, the Prosecutor's Office set up the group of prosecutors responsible for investigating events related to the armed conflict in El Salvador.

Pending legislation

Bolivia. On 15 December 2017, Bolivia enacted its new Criminal Code, which incorporates the international crimes listed in the Rome Statute, including war crimes; the bill on the implementation of the Statute will need to be submitted for additional discussion before it is finally approved.

Brazil. An expert working group, led by the former Deputy Military Prosecutor General, finalized a draft bill several years ago to incorporate the crimes listed in the Rome Statute of 1998 into domestic legislation. The draft bill criminalizes the war crimes as defined in the Geneva Conventions of 1949, Additional Protocol I and Article 8 of the Rome Statute. In 2015, the Brazilian Congress discussed the abovementioned bill, together with another one submitted by a parliamentarian, and drafted a substitute bill. Brazil's National Committee for the Dissemination and Implementation of International Humanitarian Law asked Congress to press ahead with the legislative process. The original bill has not been resubmitted for discussion, and by late 2019 the substitute bill had not yet been voted upon.

Guatemala. A bill to adapt the criminal categories set out in the Rome Statute, as well as the coordination among the various jurisdictions in the International Criminal Court (Bill No. 4998) is still pending discussion at the Guatemalan Congress. This initiative enjoyed significant consensus from civil society organizations and Parliamentarians, and it has also been supported and endorsed by the Guatemalan Committee for the Application of IHL.

Honduras. In the period 2018–2019, the full Congress approved the sections of the new Honduran Criminal Code on war crimes and crimes against the international community. The new Code is expected to come into force in 2020.

Peru. The Committee for the Study and Application of IHL in Peru discussed a bill to implement the Rome Statute. The bill has already been approved by the Committee, and it is expected to be submitted to the Peruvian Congress in order to go through the legislative process.

2. MISSING PERSONS

In situations of armed conflict and other situations of violence that fall short of the armed conflict threshold that triggers the applicability of IHL, countless families live with the anguish of not knowing what has happened to their loved ones. The families of missing persons are often unable to get over the loss and move on with their lives even years after their loved ones disappeared. IHL explicitly recognizes the right of families to know the fate and whereabouts of their missing relatives (see Article 32 of Additional Protocol I of 1977, Article 24(2) of the Convention for the Protection of All Persons from Enforced Disappearance, Article XI of the Inter-American Convention on the Forced Disappearance of Persons and Rule 117 of the Study on Customary International Humanitarian Law). The authorities therefore have an obligation to do everything in their power to prevent people from going missing and take steps to deal with the consequences of disappearances, including measures to address the multiple needs of the families concerned. These obligations arise from IHL in relation to armed conflicts and from international human rights law in relation to other situations of violence that fall outside the scope of IHL.

Legislation adopted

Brazil. On 18 March, 2019 the President of Brazil enacted Law No. 13812/2019, which is based on Bill No. 144/2017 passed by the National Congress. This new piece of legislation provides for the general rules governing the national policy for the search of missing persons, in addition to creating a national registry of missing persons. Law No. 13812/2019 offers a general definition of missing persons, and it also refers to the duty of the State to establish a program to provide psychosocial assistance to their families. The Law is immediately enforceable but, given its general nature, it must be regulated by the Executive through a presidential executive order. A working group based in the Ministry of Justice is currently drafting the regulation of the Law.

Colombia. Several Decrees-Law were issued in 2018 and 2019 to put into operation the Missing Persons Unit, which was set up to conduct the search for people who went missing during the armed conflict: (i) Executive Order No. 288 dated 15 February 2018, which partially provides for the Unit's structure; (ii) Executive Order No. 1393 dated 2 August 2018, which sets out the internal structure, as well as the roles and departments that the Unit will have, and (iii) Executive Order No. 1395 dated 2 August 2018, which establishes how the Unit will be staffed.

Mexico. The general law on forced disappearance, disappearance perpetrated by private individuals and the national missing persons search system came into force on 16 January 2018 and brought with it the need to adopt secondary regulations, such as certified Search and investigation protocols, or the Guidelines for the operation of the Single Information Technology System, to ensure the Law is adequately implemented. The certified Protocol was approved by the Conferencia Nacional de Procuración de Justicia (National Conference of the Attorney General's Office) in July 2018, with a view to standardizing the work of people serving in the Prosecutor's Office, as well as in the local public prosecution or attorneys general's offices when investigating cases of enforced disappearance and disappearance perpetrated by private individuals through specific, differentiated and specialized techniques.

As far as local implementation of the General Law by the Mexican States is concerned, 9 out of 32 had adopted local laws, while 29 had established local search committees, and 25 had created specialized prosecution offices to look into disappearance cases.

In turn, and given the forensic emergency prevailing in Mexico, an agreement was approved in 2019 for the creation of an extraordinary forensic identification mechanism that, in view of the thousands of unidentified deceased persons existing in the country, seeks to respond to the families of missing persons by involving national and international experts in human identification techniques.

Panama. The 20 December 1989 Committee, which seeks to establish the truth about what happened during and in the wake of the events of December 1989 and therefore identify the victims of such events, as well as any potential violations of IHL, went on with its activities in the period 2018–2019.

Peru. Legislative Decree No. 1398, which creates a genetic data bank for tracing people who went missing in Peru, was enacted on 8 September 2018. This constitutes a significant step forward in the search of people who went missing during the period of violence from 1980 to 2000. Moreover, Supreme Decree No. 014–2018–JUS was enacted on 1 January 2019, whereby the abovementioned Legislative Decree is regulated.

Pending legislation

Brazil. Bill No. 2099/2019, currently being discussed by the Brazilian Congress, seeks to adapt the Statute of the Child and Adolescent to Law No. 13.812/2019.

Ecuador. The organic law bill to govern involvement in the event of missing persons is currently subject to final review. The Law is intended to regulate the coordination, at a State level, of search and location efforts related to missing persons in the Ecuadorian territory, ascertaining the circumstances in which the disappearance took place, protecting the rights of the missing person until his/her whereabouts are identified, preventing disappearance, providing assistance and protection to indirect victims while the investigation takes place, and developing international cooperation processes for cases of Ecuadorians who have gone missing abroad (in all cases, with a humanitarian approach), with a view to ensuring adequate care and an effective response. The Law will create the National Search System for Missing Persons and Response to Indirect Victims (Family Members) (Sistema Nacional de Búsqueda de Personas Desaparecidas, Extraviadas y Respuesta a las Víctimas Indirectas (familiares)), and the National Registry of Missing, Lost, Found, Identified, Unidentified and Without Identity (Registro Nacional de Personas Desaparecidas, Extraviadas, Localizadas, Identificadas, No Identificadas y Sin Identidad).

Guatemala. Bill No. 3590 concerning the creation of a national commission on the search for victims of enforced disappearance and other forms of disappearance focuses on enforcing the Peace Accords, as well as on setting up a committee for the search of relatives who have been victims of enforced disappearance. Moreover, a bill was submitted in 2019 to establish a legal framework for the search of missing persons, this with a view to standardizing the various search mechanisms in place, guaranteeing the rights of missing persons and their families, and creating a Single Registry of Missing Persons for the whole country.

Honduras. The Amber Early Warning System Coordinating Committee (Comisión Coordinadora Nacional del Sistema de Alerta Temprana Amber) is working to regulate the Law and the Search Protocol. Both are expected to be completed and approved by late 2020.

Mexico. Secondary legislation is required in order to further strengthen the implementation of the General Law. Said laws should assist in offering a coordinate, nationwide response by the authorities (such as a certified search and investigation protocol, or the guidelines regulating the Single Information System (included in the creation and development of several registries), the involvement of family members in search activities, the National Search Programme and the National Exhumation Programme, as well as the coordination guidelines for authorities at all Government levels). At a local level, further efforts should be made in terms of implementation, by aligning local laws to the parameters set out in the General Law and other federal regulations, consolidating local search committees (many of which are understaffed and underfunded), and the expert prosecutors' offices, also ensuring adequate coordination among all authorities involved.

Peru. A bill has been prepared that refers to people who went missing in the period of violence from 1980 to 2000, and the civil effects thereof. The purpose of the bill is to regulate determination of people who went missing in the period of violence from 1980 to 2000, as well as the registration thereof with the National Identity and Civil Registry Office (RENIEC, as per its Spanish acronym) in order to regularize the situation of missing persons and allow their family members to exercise their civil rights.

Other activities

Brazil. Several courses were conducted in the period 2018–2019, together with the ICRC, to support members of the various legal medicine institutes and officers of funeral services in some Brazilian States and enhance their knowledge of the suitable analysis and management of and practices related to mortal remains, this with a view to facilitating the identification of missing persons. The ICRC also accompanied an inter-institutional group from the São Paulo State Security Secretariat in the development of several initiatives at a State and Federal level, including a local mechanism for search and identification of missing persons.

Colombia. The ICRC trained members of the Attorney General's Office, the National Forensic Sciences and Legal Medicine Institute, the Criminal Military Justice and other officers with an interest on the matter on suitable practices for the search, registration and identification of missing persons.



Family members take part in the exhumation of personal items to recognize the remains of their missing relatives in Peru.

3. WEAPONS

IHL contains principles and rules that govern the choice of means of warfare and ban or restrict the use of certain weapons. For example, there are prohibitions and restrictions on certain conventional weapons in order to protect civilians from the effects of their indiscriminate use and to avoid combatants suffering excessive injuries that serve no military purpose.

The main treaty governing the use of conventional weapons is the 1980 Convention on Certain Conventional Weapons and its five protocols.

Another important treaty is the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, which is part of the international response to the widespread suffering caused by anti-personnel mines.

The 2008 Convention on Cluster Munitions prohibits this type of weapon and reinforces the obligations of parties to a conflict to distinguish at all times between civilians and combatants, to direct operations only against military targets and to take constant care to spare civilians and civilian property.

More recent instrument is the 2013 Arms Trade Treaty which regulates international transfers of conventional weapons as well as ammunition, parts and components, with a view to reducing human suffering. The treaty puts humanitarian concerns before arms trade interests by prohibiting transfers when there is a risk that the items will be used in the commission of war crimes or serious violations of international human rights law.

There are also IHL treaties that explicitly prohibit biological and chemical weapons, such as the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction and the 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. Also worth noting is the Treaty on the Prohibition of Nuclear Weapons, mentioned above, which has not yet come into force.

Legislation adopted

Costa Rica. In furtherance of Article 5 of the Arms Trade Treaty, Executive Order No. 41084 was published in 2018, which provides for the creation of a National Control System and of a Governing Body for the implementation of the Arms Trade Treaty. Article 6 of the Decree explicitly notes that the Governing Body “shall ensure that international transfers of items under its control abide by International Law in general, as well as by Human rights and International Humanitarian Law, as per the established assessment criteria.” Moreover, and pursuant to Article 5.2 of the Treaty, which relates to general enforcement, Executive Order No. 41.445-MP-RE-MSP-H was drafted. This document, which was executed on 6 November 2018, provides the legal basis for a more thorough list of arms control measures.

Honduras. A Law to control arms, munition, explosives and similar materials came into force on 8 February 2018 through Decree Law No. 101-2018. This is part of the effort to implement the UN Arms Trade Treaty and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms.

Nicaragua. A law on money laundering, counter-terrorist financing and counter-proliferation financing (Law No. 977) was adopted and published in the Official Gazette on 20 July 2018. The Law provides for the powers, measures, duties and procedures enforced upon natural and artificial persons in order to prevent, identify and report the financing of proliferation of mass destruction weapons, as well as those applicable to competent authorities as it relates to coordinating, regulating, supervising and applying penalties in relation to the prevention system taken as a whole. The Law was regulated by Executive Order No. 15-2018, which was published in the Official Gazette on 3 October 2018. The Executive Order includes provisions for the effective criminal prosecution of any financing of the proliferation of mass destruction weapons by the authorities in charge of the investigating the same.

Peru. Law No. 30.999 on Cyber Defence, which provides that the use of force by the armed forces in and through cyber space is governed by any applicable IHRL and IHL rules, was approved on 27 August 2019.

Pending legislation

Colombia. Congress adopted Act 1782 of 2016 approving the Arms Trade Treaty, but it was declared unconstitutional by the Constitutional Court (Court Ruling C-047 of 2017) because of an error in the adoption procedure. Congress must therefore now repeat the approval process.

Other activities

Chile. In the two-year period covered by this report, the National Demining Commission worked intensively to fulfil the country's obligations under the Anti-Personnel Mine Ban Convention and the Cartagena Action Plan.

4. PROTECTING THE EMBLEMS

The use of the emblems – a red cross, red crescent or red crystal on a white background – is strictly governed by the Geneva Conventions of 1949, Additional Protocols I and II of 1977 and Additional Protocol III of 2005. These instruments define the persons and services entitled to use the emblems and the purposes for which they may be employed. Unauthorized use of the emblems is prohibited. Any breach of these rules jeopardizes the impartial nature of the assistance and protection provided to those in need. Use of the emblems is normally authorized to protect the medical services of the armed forces and, in wartime, civilian hospitals. They are also used by the National Red Cross and Red Crescent Societies, their International Federation and the International Committee of the Red Cross.

Pending legislation

Argentina. At the end of 2019, Congress was studying a bill for the protection of the red cross, red crescent and red crystal emblems, with provisions regulating the use of these humanitarian emblems and prohibiting their misuse. Moreover, the bill related to the Statutes of the Argentine Red Cross, including sections on the protection of the logo and the emblem, received unanimous preliminary approval by the House of Representatives in 2019.

Brazil. In 2017, the Foreign Affairs and National Defence Commission and then the Constitution, Justice and Citizenship Commission of the Chamber of Deputies approved a bill on the use and protection of the red cross, red crescent and red crystal emblems in accordance with international law. By late 2019 discussion of the text was still pending at the Chamber of Deputies before being sent to the Federal Senate.

Ecuador. The draft bill that regulates the law on the use of the Red Cross and the Red Crescent emblem in Ecuador was discussed by the IHL Application Committee in November 2019. It is now awaiting the comments from the institutions making up the Committee before it can be put to the vote in 2020.

Mexico. Mexico's Inter-ministerial Committee on International Humanitarian Law reflected upon possible actions to strengthen respect for the Law on the use and protection of the Red Cross emblem, particularly in the event of potential misuse.

Peru. The Bill on the Use and Protection of the Red Cross and the Red Crescent Emblem is pending discussion by Peru's National Committee for the Study and Implementation of International Humanitarian Law.

5. PROTECTING CULTURAL PROPERTY

IHL contains rules specifically aimed at protecting cultural property in the event of armed conflict. The purpose of these rules is to prevent such property from being damaged or destroyed, as can often happen during military operations, and to prevent losses not only for the country in question but also for the cultural heritage of mankind as a whole. The main instruments are the 1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict (the Hague Convention) and its Additional Protocols of 1954 and 1999. Under these instruments, States Parties are required to take legislative, administrative and practical measures to ensure compliance with their provisions.

Marking processes

Argentina. In 2018 and 2019, the working group tasked with developing a plan to implement and fulfil Argentina's international obligations under the Hague Convention, headed by the Ministry of Defence Directorate for Human Rights and International Humanitarian Law, continued the work set in motion by the government in 2005. Eighteen cultural properties were identified, recorded and marked. To date, a total of 50 cultural properties have been marked with the Blue Shield throughout the country. The working group also focused efforts on disseminating the Hague Convention and its Protocols by holding a number of courses and seminars. In cooperation with the Federal Media and Public Content System, UNESCO and Google, it launched a television programme called *Motivados por la Historia* (motivated by history), showing the marking of the route followed by General José de San Martín between Argentina and Chile on his military campaign to secure the independence of various countries in the Americas in the nineteenth century. The Ministry of Defence also produced an official translation of *Protection of Cultural Property: Military Manual*, produced by UNESCO, and published the book *Escudos Azules en Argentina* (Blue shields in Argentina).

Bolivia. Bolivia's Ministry of Culture and Tourism has drafted a document to use the Blue Shield in various cultural properties, with over 70 properties in cities like Sucre, Potosí, Santa Cruz, Tarija, Cochabamba, Uyuni, and La Paz already bearing this emblem.

Chile. During the period 2018–2019, the National Humanitarian Law Committee continued its work to identify cultural property to be registered and marked through a special working group on the implementation of the 1954 Hague Convention and its Protocols.

Costa Rica. The Costa Rican International Humanitarian Law Commission continued its efforts to use the Blue Shield to identify historical cultural property, as provided for by the Hague Convention. Twelve properties, including the National Museum and the Costa Rican Centre of Science and Culture (Children's Museum) were marked with the Blue Shield.

El Salvador. In the San Salvador Historic District, the Central Reserve Bank's Library and the Luis Alfaro Durán Museum were marked with the Blue Shield in November 2019. The event was presided over by the Bank's Vice-Governor, the Secretary of the Inter-institutional Committee on International Humanitarian Law of El Salvador and the Director of Cultural Heritage. That same month, and at the initiative of the IHL Committee and the ICRC, mayors having jurisdiction over cultural property protected by the Blue Shield met with UNESCO representatives to discuss the importance of protecting cultural property.

Guatemala. The Guatemalan Committee for the Implementation of International Humanitarian Law has recommended the identification of five new cultural properties. By late 2019 the Ministry of Culture and Sport was in the process of identifying the properties to be marked with the Blue Shield and coordinating actions with the pertinent authorities. The project includes a socialization campaign on the protection of cultural property.

Mexico. In 2018 and 2019, the Inter-ministerial Committee for International Humanitarian Law continued studying the feasibility of submitting a request for enhanced protection, as provided for in the 1954 Convention, for the walled city of Campeche located in the south-east of the country. Other cultural properties were also identified for their inclusion in the application.

Other activities

El Salvador. Within the framework of the Memorandum of Understanding on the protection of cultural property signed between the ICRC and UNESCO in 2016, and at the request of the Inter-institutional Committee on International Humanitarian Law of El Salvador, arrangements were made to have a representative of UNESCO's Cluster Office attend the first meeting with mayors having jurisdiction over cultural property protected by the Blue Shield, with a view to identifying actions and pathways to further reinforce protection activities. Representatives from eight municipalities from the three major regions in the country were in attendance and raised their major concerns and limitations regarding the protection of cultural properties, in addition to also sharing best practices, especially in relation to local regulations, for increasing the powers vested upon municipalities. UNESCO also announced the creation of a new line of technical and financial assistance for the protection of cultural properties against natural disasters, which was highly motivating for local authorities. Participants agreed to hold regular meetings to follow up on these discussions.



In San José, the Costa Rican Centre for Science and Culture (Children's Museum) is identified with the blue shield, in accordance with the Hague Convention.

6. OTHER MEASURES

Identification and marking of works and installations containing dangerous forces

Argentina. During the period 2018–2019, Argentina marked three works or installations containing dangerous forces using the signs noted in Article 56.7 of Additional Protocol I to the Geneva Conventions of 1949. Moreover, lectures were delivered to both government officials and members of the civil society on the protection afforded to these structures by IHL.

National information bureaux

Chile. The National Humanitarian Law Committee continued its work and internal consultation process to set up a national information bureau, as provided for in Part V of the Third Geneva Convention relative to the Treatment of Prisoners of War.

Transitional justice

Colombia. Congress adopted the following instruments: Law No. 1922 of 2018, “[a]dopting the rules of procedure for the Special Jurisdiction for Peace”, and Law No. 1957 of 6 June 2019 (“Ley Estatutaria de la Administración de Justicia en la Jurisdicción Especial para la Paz” (Statutory Law on the operation of Justice in the Special Jurisdiction for Peace).

Guatemala. The decision related to crimes against mankind (sexual violence) (case No. C-01076-2012-00021) of the Court of Original Jurisdiction understanding in Criminal Matters, Drug Trafficking and Environmental Crimes of Guatemala (the so-called Sepur Zarco case) became final in 2019. It is the first national court to rule in relation to accusations of sexual slavery in their own State during a non-international armed conflict. The Guatemalan court noted the existence of sexual violence committed against the maya q’eqchi indigenous women, who were considered military targets.

Dissemination

Argentina. Argentina continued with its dissemination activities in universities, academic centres, military academies and the diplomatic academy during this two-year period. Several of these activities received support from the IHL Application Committee and the ICRC.

The Observatory of International Humanitarian Law reporting to the Buenos Aires University Law School launched in 2019 the first three issues of its ILH News Bulletin. Moreover, and, together with the ICRC, the Observatory organized the 1st and 2nd Regional IHL Moot Plea Contest (in November 2018 and 2019, respectively), with dozens of universities from throughout the Southern Cone taking part.

The Centre for Human Rights Studies of the Universidad Nacional del Centro Law School, in the Province of Buenos Aires, organized the 10th and 11th edition of the International Humanitarian Law and International Criminal Law Seminar, sponsored by ICRC and UNHCR. The 2019 edition was dedicated to celebrating the 70th anniversary of the Geneva Conventions.

Bolivia. With the support of the ICRC, the National Standing Committee for the Implementation of International Humanitarian Law organized the sixth and seventh Mariscal Andrés de Santa Cruz course on IHL in November 2018 and November 2019, respectively. The 2019 edition included a special session to celebrate the 70th anniversary of the Geneva Conventions. The Committee also decided that the IHL course should be replicated for its member institutions. It was therefore repeated in July 2019 for representatives from the Supreme Court, the Attorney General’s Office and the Pluri-National Constitutional Court of Bolivia.

Brazil. In October 2019, the Ministry for Foreign Affairs, the Rio Branco Diplomacy Institute, the Gusmão Foundation, the Swiss Embassy in Brasilia, and the ICRC jointly organized an activity called “70 anos das Convenções de Genebra, desafios contemporâneos do DIH”, which was held at the seat of the Diplomacy Institute. Panellists and a large number of participants (diplomats, members from the academia, army officers, Government officials and students) exchanged opinions on some of the most current IHL issues. Justices from the ICC, representatives from Geneva Call, and IHL experts from the diplomatic, military and academic world, as well as from the ICRC were some of the panellists.

Colombia. The country’s national IHL committee organized the seventh and eighth Augusto Ramírez Ocampo course on IHL for senior government staff in 2018 and 2019, respectively.

A regional course on the application of IHL for regional officers was organized in Quibdó, Chocó, in 2019. That same year, workshops on IHL were delivered to officers of the Special Jurisdiction for Peace, the National Centre for Historical Memory, the Truth’s Commission, the Presidential Programme on Human Rights, and the military forces defenders, advisors to the Colombian Parliament, defenders of former FARC-EP members before the Special Jurisdiction for Peace, and students from the Sergio Arboleda and La Sabana universities.

Costa Rica. Two annual courses on IHL were organized in 2018 and 2019. Both courses were well attended by members of the armed forces and police, members of the Costa Rican Red Cross, staff of the Ministry of Foreign Affairs and Worship, the Legislative Assembly and the Judiciary, university students and lawyers.

Ecuador. With the support of the ICRC, the National Committee for the Implementation of International Humanitarian Law organized the tenth and eleventh Mariscal Antonio José de Sucre course on IHL in May 2018 and May 2019, respectively. The courses were attended by government staff whose work is related to IHL and IHRL, members of the armed forces and police, members of the Ecuadorian Red Cross, teachers, students and representatives of international organizations operating in Ecuador. The 2019 edition included a special session to celebrate the 70th anniversary of the Geneva Conventions.

El Salvador. In 2018, the Inter-institutional Committee on International Humanitarian Law of El Salvador organized ten IHL dissemination sessions with various public sector institutions and both public and private universities. In November of that year the annual forum was held, with the attendance of 60 officials and international ICRC representatives.

Twelve dissemination sessions were organized in 2019, especially with members of the armed forces. The IHL Week was launched in November that year, in addition to two public forums on the 70th anniversary of the Geneva Conventions and the current challenges posed by IHL, one for the Government sector and a second for the academia. The Committee also set up a photo exhibition dedicated to the anniversary of the Conventions and to the work undertaken by the ICRC during the Salvadoran armed conflict back in the 1980s. The exhibition, held at the National Palace (Historic District) remained opened for a month and a half, and it received a significant number of visitors.

Guatemala. The Guatemalan Committee for the Implementation of International Humanitarian Law, together with the Diplomatic Academy and the Ministry of Foreign Affairs, held two editions of the course for government staff on IHL in 2018 and 2019, where government officials representing various agencies received expert training on international humanitarian law.

In 2018, the Special Prosecutor for Human Rights provided new prosecutor's offices with an update on IHL that integrated domestic and international jurisprudence. In 2019, the Supreme Court of Justice trained justices serving in the High-Risk Courts, adapting processes and standards to international custom, as well as to the provisions set out in the Geneva Conventions.

Mexico. In the period 2018–2019, the Inter-ministerial Committee for International Humanitarian Law held the ninth and tenth editions of the Annual Specialized IHL Course in Mexico City, with the attendance of civil servants and members from the academia. Moreover, the 25th and 26th International Law Workshops were organized by the Legal Office of the Ministry of Foreign Affairs to promote discussion among high-level experts, government staff, teachers and students on some of the contemporary issues and challenges facing international law. During the workshops, the topics of strengthening IHL (2018), and cyber operations (2019) were discussed.

Peru. With the support of the ICRC, the National Committee for the Study and Implementation of International Humanitarian Law organized the thirteenth and fourteenth editions of the Miguel Grau course on IHL for officials, which took place in May in 2018 and 2019, respectively. The 2019 edition included a special session to celebrate the 70th anniversary of the Geneva Conventions of 1949. They were attended by members of the armed forces and police, as well as representatives of the Attorney General's Office and the Ministry of Justice and Human Rights. Again with the support of the ICRC, the Committee organized the ninth, tenth and eleventh editions of the Miguel Grau area course on IHL in the cities of Iquitos (November 2018 and 2019) and Puno (November 2019).

USA. The keynote address by the President of the ICRC, Mr. Peter Maurer, at the Centre for Strategic and International Studies (in Washington, D.C.) to celebrate the 70th anniversary of the Geneva Conventions is one of the many dissemination activities carried out in the United States of America.



Academic activity carried out in Brazil to celebrate the 70th anniversary of the Geneva Conventions.

The Montreux Document

Costa Rica. In February 2018 Costa Rica hosted the Regional Meeting of the Montreux Document Forum. The Document is intended to promote the respect for international humanitarian law and human rights law by private military and private security companies, especially in cases where they operate in areas of armed conflict. The meeting was organized by the Foreign Policy General Office reporting to the Ministry of Foreign Affairs and Worship of the Republic of Costa Rica, with the cooperation of the co-chairs of the Montreux Document Forum (Switzerland) and the ICRC and the technical support of the Geneva Centre for Security Sector Governance (DCAF), which acts as Secretariat of the Montreux Document.

Panama. The Panamanian Government officially adhered to the Montreux Document on 14 June, 2019, thus becoming the 56th signatory to this instrument.

Other activities

Argentina. In furtherance of IHL provisions, and in an effort to respond to the relatives of Argentinian soldiers whose graves are marked with the mention “Argentinian soldier known only to God” at Darwin cemetery in Islas Falkland/Malvinas¹, Argentina and the UK signed in 2016 the Humanitarian Project Plan (HPP) and entrusted the ICRC to undertake the forensic identification of unknown soldiers. As part of this plan, 92 soldiers had already been identified until December 2017, with another 23 new remains having been identified between 2018 and 2019. By late 2019, 115 of the 122 soldiers buried in these graves bearing the marking noted above had been given a name.

Colombia. Executive Order No. 1434 of 2018, “adopting the public policy against the recruitment, use and employment of and sexual violence against boys, girls and adolescents by organized armed groups and organized criminal groups” was approved on 3 August, 2018.

Trinidad and Tobago. Trinidad and Tobago’s new Anti-Terrorism Act was enacted in August 2018.

USA. A resolution recognizing the 70th Anniversary of the four Geneva Conventions of 1949 was introduced in the Senate on 15 May, 2019, which emphasized the violations of international humanitarian law on contemporary battlefields, as well as the humanitarian consequences of protracted armed conflicts, also underscoring the relevance that the Conventions have in today’s world in the attempts to respond to such consequences.

¹ The designations employed in this statement do not imply official endorsement, nor the expression of any opinion whatsoever on the part of the ICRC concerning the legal status of any territory, or concerning the delimitation of its frontiers or boundaries. Whenever a disputed territory is given different names by the parties concerned, the ICRC uses those names together, in French alphabetical order.

B. INTEGRATING IHL IN THE ARMED FORCES

The integration of IHL in the armed forces is a compulsory requirement for the national implementation of IHL treaties. IHL rules must be translated into concrete mechanisms that ensure the protection of people and property in armed conflicts.

In order to ensure that members of the armed forces act in accordance with IHL, the rules of this body of law must be fully incorporated into military doctrine, education, instruction and training as well as in standard operating procedures and the choice of weapons.

Ministries of Defence form part of national IHL committees and, in some cases, chair them. As part of their work on such committees, they produce reports on the progress made in integrating IHL. Through its programme for armed forces, the ICRC contributes to the work undertaken to incorporate the rules of IHL into military doctrine and manuals.

Argentina. The country has a national plan establishing a set of hierarchically organized orders and provisions which ensure that IHL is effectively taught and promoted at all levels. The Joint Chiefs of Staff provides courses to train military instructors in IHL. The National Institute of Air and Space Law runs postgraduate IHL courses for military personnel and civilians. The Argentine Joint Peacekeeping Operations Training Centre provides IHL training for all Argentine military personnel to be deployed on United Nations peacekeeping operations. The country also has a University of Defence which runs courses and seminars on human rights, IHL and subjects relating to humanitarian assistance.

Brazil. Its national plan sets out hierarchically organized orders and provisions which ensure that IHL is effectively taught and promoted at all levels. The plan was enhanced in 2008 when the Ministry of Defence adopted guidelines on teaching IHL. The Ministry ordered the publication of the first edition of the IHL manual for the armed forces in 2011. In 2017, the Brazilian Army Staff approved a general directive on the implementation of IHL. All military schools in Brazil continued teaching IHL and the rules on the use of force in law enforcement operations during the period 2018–2019.

Chile. Its national plan sets out hierarchically organized orders and provisions which ensure that IHL is effectively taught and promoted at all levels. The National Academy of Policy and Strategy Studies, which operates under the Ministry of Defence, has included the teaching of IHL and IHRL in its curriculum. The Joint Peacekeeping Operations Training Centre in Chile provides instruction in IHL and IHRL to all Chilean military personnel to be deployed on United Nations peacekeeping operations. Chile's armed forces also incorporated the rules and principles of IHL across various military manuals. Chile's National International Humanitarian Law Committee sometimes organizes seminars to update on the current status of integration of IHL in the Chilean armed forces, as well as on progress made and new developments in this field.

Colombia. The Military Forces issued Resolution No. 394 of 2018, which “provides for the rules governing the use of force by the Colombian Army in the context of International Humanitarian Law”, as well as Resolution No. 395 of 2018, which “establishes the rules on the use of force by the Colombian Army in the context of International Human Rights Law, as well as on the use of weapons, munition and less lethal items.” These Resolutions were revoked by Provision No. 00002 of 2019, which “devises and implements the rules of engagement related to the use of force in military operations conducted by the Colombian Army in the context of International Humanitarian Law and human rights.”

With the help of the ICRC, the Ministry of National Defence and the Joint Forces Command carried out a series of activities aimed at incorporating IHL and IHRL (use of force) into military doctrine, education, training and instruction and into standard operating procedures. In this regard, after-action reviews on IHL and IHRL were conducted for members of the armed forces and police. Several confidential thematic roundtable sessions were held on how to interpret the rules of IHL, addressing issues such as the use of force in operations, disciplinary and legal proceedings and the prevention of sexual violence.

El Salvador. As part of the training activities preceding the deployment of the Salvadoran Armed Forces taking part in peacekeeping operations, and with the technical assistance of the ICRC, the Salvadoran Peace Operations Training Institute of the Ministry of National Defence started in 2019 to provide training on IHL regulations. Training was also provided to legal operational advisors on the rules and principles of international humanitarian law. The Ministry of Defence has started to prepare an IHL Handbook, in addition to undertaking a project to mainstream IHL in the training system of the Salvadoran Armed Forces by developing a curriculum tailored to the individual military rank or degree of responsibility of the officers receiving the training.

Guatemala. In 2019, the Guatemalan Ministry of Defence (through the Army Education Command) approved the first Operational Law Handbook for the Guatemalan Army, which provides a national framework for the use of force, operational law, IHRL and IHL actions, as well as for proper enforcement of legal frameworks that apply to military operations.

Mexico. Students of Mexico's Centre for Higher Naval Studies reporting to the Secretary of the Navy attended in 2019 four IHL training courses organized by the ICRC and the Secretariat of National Defence. In turn, members from the Mexican Army received international training on IHL at the International Institute of Humanitarian Law in San Remo, the Human Rights and International Humanitarian Law Graduate School (Escuela de Graduados en Derechos Humanos y Derecho Internacional Humanitario), and the Centre for Human Rights and International Humanitarian Law of the Peruvian Armed Forces (Centro del Derecho Internacional Humanitario y Derechos Humanos de las Fuerzas Armadas del Perú).

Nicaragua. The Higher Course on International Humanitarian Law and Human Rights was carried out in 2019, in furtherance of the mandate of the Central American Armed Forces Conference (CFAC) related to professional development in humanitarian issues.

Paraguay. It has a national plan in place that sets out hierarchically organized orders and provisions which ensure that IHL is effectively taught and promoted at all levels. There is also a liaison office with IHL and human rights organizations that ensures the continued integration of IHRL and IHL. The Peacekeeping Operations Joint Training Centre organizes courses for members of the Paraguayan peacekeeping forces on a regular basis, with several of them including IHL and IHRL contents.

Peru. The Regulation pertaining to Legislative Decree 1095 concerning the use of force by the armed forces in the Peruvian territory was discussed and approved by the National Committee for the Study and Implementation of International Humanitarian Law. By late 2019, the Regulation was subject to final evaluation for subsequent enactment.

Dominican Republic. The International Humanitarian Law and Human Rights Graduate School maintained its academic activities in the period 2018–2019, including courses, conferences and seminars on IHL.

Uruguay. There are guidelines containing a set out hierarchically organized orders and provisions which ensure that IHL is effectively taught and promoted at all levels. The Ministry of Defence, in collaboration with academic units of the armed forces and the Peacekeeping Operations Training Centre, regularly organizes courses for the members of peacekeeping forces which cover IHL and IHRL.

Central American Armed Forces Conference (CFAC). In 2018 and 2019, as part of the CFAC, two editions of the IHL competition for military academies in CFAC member countries were held. Regional workshops were also held on the rules governing military operations for the Conference's member countries, namely El Salvador, Guatemala, Honduras, Nicaragua and the Dominican Republic.



M. Ramirez/CRC

Course on the Use of Force, Honduran Armed Forces.

C. INTEGRATING AND PROMOTING INTERNATIONAL HUMAN RIGHTS LAW (IHRL) AND INTERNATIONALLY ACCEPTED STANDARDS ON THE USE OF FORCE IN LAW ENFORCEMENT

With a view to preventing and alleviating the suffering of victims in situations of violence that do not reach the armed conflict threshold that triggers the applicability of IHL, the ICRC, drawing on its experience in the field dealing with the consequences of such violence on a daily basis, works to promote knowledge of and respect for the rules of IHRL and the humanitarian principles applicable in law enforcement operations, with a focus on the use of force, the use of firearms, arrest and detention, and assistance for the victims of violence and people affected by the use of force.

In the reporting period, the national, state, departmental and municipal police and security forces of more than a dozen countries in the Americas continued to use the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials as standards for good professional practice by law enforcement agencies to ensure respect for human life, safety and dignity.

Awareness-raising, training and advisory activities were organized for all hierarchical levels for the effective incorporation and application of these guidelines in different areas of the police and security forces, including doctrine, education, training, supervision, control and equipment.

These awareness and training activities are also carried out in some countries where the armed forces support the police and security forces in the performance of law enforcement functions.

Some countries in the Americas have started to review their policies and education and training plans, with a view to incorporating humanitarian rules and improving compliance with them.

Bolivia. With the support of the ICRC, the General Command of Bolivia's National Police organized nine dissemination workshops on Administrative Decision 0266/17, "Manual for Law Enforcement Operations". The workshops, which were delivered in the nine Bolivian departments, included both theoretical and hands-on content. It is the first policy instrument adopted by the Bolivian police on operations for controlling social disturbances in accordance with international human rights standards.

Brazil. With the support of the ICRC, the Rio de Janeiro state Public Security Department delivered in the period 2018–2019 the Advanced Integrated Police Training Course for senior military and civilian police officers on mainstreaming international human rights standards. With the support of the ICRC, the Ceará Public Security Academy and the Citizen's Security Academy of Fortaleza conducted three training of trainers courses. Also with the support of the ICRC, the Fortaleza Prefecture developed techniques on the use of force, as well as police intervention techniques at health facilities, schools and bus terminals.

Chile. In the period covered by this report, Chile's police force decided to give its Human Rights Department the rank of a Human Rights Directorate. Four courses for trainers of human rights trainers were delivered with the support of the ICRC. Also, the Human Rights Directorate published a new circular letter on the use of force and police intervention techniques, with a focus on human rights. Under the Annual Training Plan, in 2018–2019 over 20,700 police officers received training on human rights and the use of force in law enforcement operations.

Colombia. During the two-year period covered by this report, and with the technical support of the ICRC, the Colombian Police organized through the Ministry of Defence several refresher and diploma courses on human rights and the use of force. Also, IHL workshops were conducted for members of special police groups, and a system of lessons learnt related to the use of force continued to be developed.

El Salvador. With a view to setting consistent procedures, and in line with the international standards on the use of force and other powers related to law enforcement, the National Civil Police of El Salvador and the Ministry of National Defence, with the technical support of the ICRC, adopted in 2018 a Joint Action Protocol between the National Civil Police and the Armed Forces.

In 2019 the Ministry of Defence issued directive 02-019/DAJ related to the use of Salvadoran Navy officers trained by the ICRC in human rights and the use of force as trainers, in order to replicate in all military units throughout the country the knowledge gained through training activities.

Both in 2018 and 2019, the ICRC supported the National Civil Police and the Armed Forces of El Salvador through exercises on lessons learnt, during which both institutions constructively identified behaviours that contradict the respect for human rights, as well as best practices that need be shared among their members.

Guatemala. In 2019, and with a view to aligning with the international principles on the use of force and provide an operational framework for the constitutional principles and internal regulations governing the State, the Guatemalan National Civil Police issued a General Order on the Use of Force.

Honduras. The draft bill establishing rules on the use of force applicable to all police officers and other personnel acting in support of the national police force in law enforcement operations was handed to the Honduran Congress in early 2018. The bill had already received two favourable opinions (out of three) in late 2019.

In 2018 and 2019, a total of 54 military instructors received training in the use of force. Thanks to the multiplier effect of this training, 28,568 members of the armed forces (including 4,000 members of the military police) were trained. Also in 2019, 30 high-ranking police officers received training on the use of force.

The Armed forces have included the courses on the use of force in the mandatory curriculum for the Military Training Centre and the Military Police of Public Order. In turn, the Honduras Defence University has launched a Diploma Course on the Use of Force as part of the formal training for members of the judiciary, the intention being to make both judges and prosecutors familiar with international standards on the matter.

Mexico. The National Law on the Use of Force, which governs the operations of public security institutions as well as of permanent Armed Forces conducting public security activities, was published in May 2019.

Paraguay. With the help of the ICRC, in the period 2018–2019, the Human Rights Department of the National Police Force held two courses for trainers of trainers on human rights and law enforcement, and two seminars for high-ranking police officers, as well as a course on the use of human rights in crisis management.

Peru. The III International Symposium on Good Police Practices was held in Cusco on 17–19 October, 2018. Under the general heading “Reducing the humanitarian impact of urban violence”, the Symposium, which was organized by the Ministry of the Interior of Peru, the National Police of Peru and the ICRC, gathered senior police officers from 15 Latin American countries to analyse the current security and personal protection challenges facing them and exchange successful strategies and lessons learnt.

The Plenary Agreement 01-2019/CIJ-116, which was published in September 2019, discussed the role of the police and the waiver of criminal liability, among other topics. Justices of the Peruvian Supreme Court established the binding human rights standards to be applied to police actions, which would serve as a reference in understanding the legal scope of police interventions.

Dominican Republic. The International Humanitarian Law and Human Rights Graduate School maintained its academic activities (including courses, conferences and seminars) in the period 2018–2019, especially in relation to police intervention and the use of force.

Trinidad and Tobago. During the two-year period covered by this report, the authorities were in constant communication with the ICRC and other stakeholders in relation to the respect for international standards applicable to their activities in the area of immigration.

Venezuela. Five training for trainers' courses on international standards on the use of force were delivered between 2018–2019 for officers of the Bolivarian Armed Forces.



Course on international standards on the use of force in Venezuela.

D. INTEGRATING IHL INTO ACADEMIC TEACHING



Participants at the first IHL competition at La Sabana University in Colombia.

Upon becoming a party to IHL treaties, States undertake to raise awareness of and promote their provisions as widely as possible and to take steps to implement them nationally. In order to fulfil this commitment, academic institutions in each country must incorporate IHL into their curriculum, teach the subject and encourage research into it, particularly in faculties of law and post-graduate education. Good universities and expert teachers enable States to train specialists, future political and military leaders, members of the judiciary, legislators, other decision-makers and the general public in this field.

An increasing number of academic institutions in the Americas have taken on the responsibility of incorporating the teaching of IHL into the courses they offer. However, although the subject is clearly of interest to these institutions, progress in actually including it in the curriculum continued across the region in 2018 and 2019.

A significant number of universities, including ones in Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Peru, the United States of America and Uruguay, systematically offer IHL courses at bachelor, master and doctorate level (both as independent subjects or as units in mandatory or optional courses), providing students with knowledge and experience in this branch of public international law. Faculties of political science, social science, journalism and international relations as well as faculties of law also offer courses on this subject.

The ICRC has actively cooperated with universities in many of the region's countries to promote the inclusion and teaching of IHL and humanitarian principles in academic programmes. The incorporation of the subject in post-graduate courses was also promoted, with the aim of developing top-class research centres, mainly through cooperation agreements, courses for university lecturers and the creation of study centres, think tanks and IHL observatories.

Various universities in the region took part in different competitions on IHL, human rights and international criminal law, such as the 30th edition of the Jean Pictet IHL competition held in 2018 in Ohrid (North Macedonia), and the 31st and 32nd editions, held in Obernai (France) in 2019.

Teachers and experts from a variety of disciplines continue to support and contribute to the inclusion and promotion of IHL, incorporating it into academic teaching at the national level and encouraging research into the subject. They play an active part, as independent or government experts, in national IHL training and implementation processes both at the government level, through national IHL committees, for example, and in the armed forces and National Societies. They also contribute to the process of clarifying IHL issues through research, debates, international conferences, opinion papers and their input as government experts.

Argentina. Universities throughout the country continued teaching International Humanitarian Law. Several teams from various universities took part in international IHL contests, including the Jean Pictet Competition. With the support of the ICRC, the IHL Observatory of the University of Buenos Aires hosted by the Law Faculty cooperates by following up on the integration of IHL in the different academic environments throughout the country, and it has also developed courses for study groups on specific IHL issues.

Brazil. The teaching of IHL continued in several Brazilian universities. Teams representing these institutions took part in the Jean Pictet and other international IHL competitions. Study groups and courses on IHL have been set up at various institutions, including the Federal University of Minas Gerais and the Federal University of Rio Grande do Sul.

Colombia. The first IHL Iberoamerican Competition, co-hosted by La Sabana University and the ICRC, took place in 2019. Twenty-nine universities from Colombia, Peru, Mexico, Argentina, Honduras, Bolivia and Guatemala took part in this competition, conducted under the moot court approach, which serves to disseminate IHL in Spanish-speaking countries throughout the region.

Cuba. The National Union of Cuban Jurists organized in 2019 the 12th IHL Workshop and Seminar especially targeted towards professionals, university professors and students of law and other social sciences. Participants were invited to lecture on different topics, including current IHL challenges, new options and methods of warfare, international and non-international conflicts today, gender and armed conflicts, and they also analysed the Geneva Conventions of 1949 on the occasion of their 70th anniversary.

Ecuador. The Ecuadorian Red Cross, the ICRC and the Committee of Ecuadorian Former Jean Pictet Competition Entrants organized the fourth edition of the Manuel Muñoz Borrero IHL competition in 2018 and the fifth edition in 2019 in which eleven teams from Ecuador, Peru and Colombia took part. This competition, which focuses on IHL-related topics, is the first one of its kind in the region. Its purpose is to spread knowledge of this branch of international law among university students by giving them an opportunity to participate in moot courts. It also serves to determine which team will represent Ecuador in the Jean Pictet competition. The Academic Sessions on IHL, which include lectures and activities intended to promote IHL in different universities in Quito, are held the week before the Manuel Muñoz Borrero contest.

Mexico. In the period 2018–2019, the Víctor Carlos García Moreno competition (International Criminal Court moot court) was held. The fictitious cases used in these competitions included aspects of IHL, giving students representing universities from across the region important insights into its application and how it differs from IHRL. Moreover, in 2019 a Mexican university which received advice and funding from the ICRC took part in the Jean Pictet Competition, and the Institution, together with the Mexican Secretariat of Foreign Affairs, selected another team to participate in the 34th edition, to be held in 2020. Also in 2018 and 2019, the Secretariat organized a training course in IHL for university teachers.

Peru. The ICRC continued to support the Yachay human rights competition organized by the Pontifical Catholic University of Peru. The competition, held annually and entered by universities from various cities in Colombia, Peru, Ecuador and Bolivia, consists in arguing a fictitious case that involves IHL issues. It also supported the Peruvian teams taking part in the Jean Pictet IHL competition, providing them with academic material to help them prepare their case. A seminar called “New Security Challenges: Organized crime and Urban Conflict in the Americas” was held at the Universidad del Pacífico, in Lima, in 2018; academics from all over the world were gathered to discuss the circumstances surrounding the humanitarian consequences of armed conflict. In April 2019, the President of the ICRC, Mr. Peter Maurer gave a keynote speech on the protection on civilians in today’s armed conflicts and the 70th anniversary of the Geneva Conventions at the Human Sciences Auditorium of the Pontifical Catholic University of Peru.

USA. The fifth and sixth editions of the Clara Barton International Humanitarian Law Competition, a simulation-based contest open to university teams from all over the Americas and to students attending United States and Canadian military academies and institutions, were held in the two-year period covered by this report.

Venezuela. An expert panel gathered in Venezuela in 2019 to discuss cyber warfare within the framework of the 70th anniversary of the Geneva Convention, which was attended by university professors and members from the academia.



Students participating in the Clara Barton International Humanitarian Law Competition take on their role as legal military advisors.

III. NATIONAL IHL COMMITTEES

National implementation of IHL encompasses all the measures that need to be taken to ensure full compliance with the rules of this body of law. These measures generally have to be prepared and adopted in peacetime so that States are able to fulfil the obligations acquired upon becoming parties to IHL treaties.

Globally, 112 States have set up mechanisms to facilitate this task², and most Latin American States have one. They generally take the form of interministerial or inter-institutional committees and are composed of executive branch institutions, such as ministries of foreign affairs, defence, homeland affairs, justice, health, education and culture, and representatives of the legislative branch and the judiciary. Other institutions, such as National Red Cross Societies and academic institutions, also often contribute to their work. The ICRC normally assists them, providing legal and technical advice. They enable States to work more efficiently in implementing IHL nationally, by ensuring a rational use of resources and bringing together expertise and capacities that are normally dispersed. They also help maintain a permanent focus on IHL, regardless of changing circumstances and shifting priorities.

PAÍS	COMISIÓN ESTABLECIDA EN
Argentina	1994
Bolivia	1992
Brazil	2003
Canada	1998
Chile	1994
Colombia	2000
Costa Rica	2004
Ecuador	2006
El Salvador	1997
Guatemala	1999
Honduras	2007
Mexico	2009
Nicaragua	1999
Panama	1997
Paraguay	1995
Peru	2001
Dominican Republic	1995
Trinidad and Tobago	2001 (<i>ad hoc</i>)
Uruguay	1992
Venezuela	2015
TOTAL	20

² The list of national IHL committees around the world can be found at <https://www.icrc.org/en/document/table-nationalcommittees-and-other-national-bodies-international-humanitarian-law>.

A. ACTIVITIES OF THE REGION'S NATIONAL IHL COMMITTEES

This section provides an overview of some of the work carried out by the region's national IHL committees in addition to their involvement in the conception and implementation of many of the other activities described elsewhere in the report.

Argentina. In 2018 and 2019, the Committee for the Implementation of International Humanitarian Law was actively involved in the work of various interministerial working groups. Its Executive Secretariat, which is part of the Ministry of Defence, coordinated efforts to advance in areas such as the identification of works and installations containing dangerous forces, the identification of cultural property that should be protected in the event of armed conflict, the promotion of IHL in the armed forces and the organization of seminars and courses for military personnel and civilians on IHL and other issues on the international humanitarian agenda. The Committee also contributed to the development of a specific protocol on assistance for people with disabilities in international and on-international armed conflicts, and it assisted in the translation and publication of the Spanish version of the UNESCO Manual on the Protection of Cultural Property. Additionally, it took part in the drafting of pledges to be made at the International Conference of the Red Cross and Red Crescent.

Brazil. The National Committee for the Implementation of International Humanitarian Law was very active in 2018. It created various subcommittees whose work focused on identifying cultural property that should be protected in the event of an armed conflict, following up on legislative initiatives relating to IHL and studying the relationship between IHL and new warfare technologies. The Committee continued monitoring the progress in Congress of the draft bill for the incorporation of the crimes listed in the 1998 Rome Statute into domestic law and pressing for ratification by the government of the Arms Trade Treaty and the two amendments to the Rome Statute. In 2019, the representatives of the Ministry of Foreign Affairs before the National Committee for the Implementation of International Humanitarian Law took part in the drafting of the pledges to be made at the International Conference of the Red Cross and Red Crescent.

Chile. In the period 2018–2019, the National Humanitarian Law Committee followed up on the pledges made at the 32nd International Conference of the Red Cross and Red Crescent. It also continued work on issues such as protection of cultural property and the creation of a national information office, in addition to taking part in the drafting of the pledges to be made at the International Conference of the Red Cross and Red Crescent.

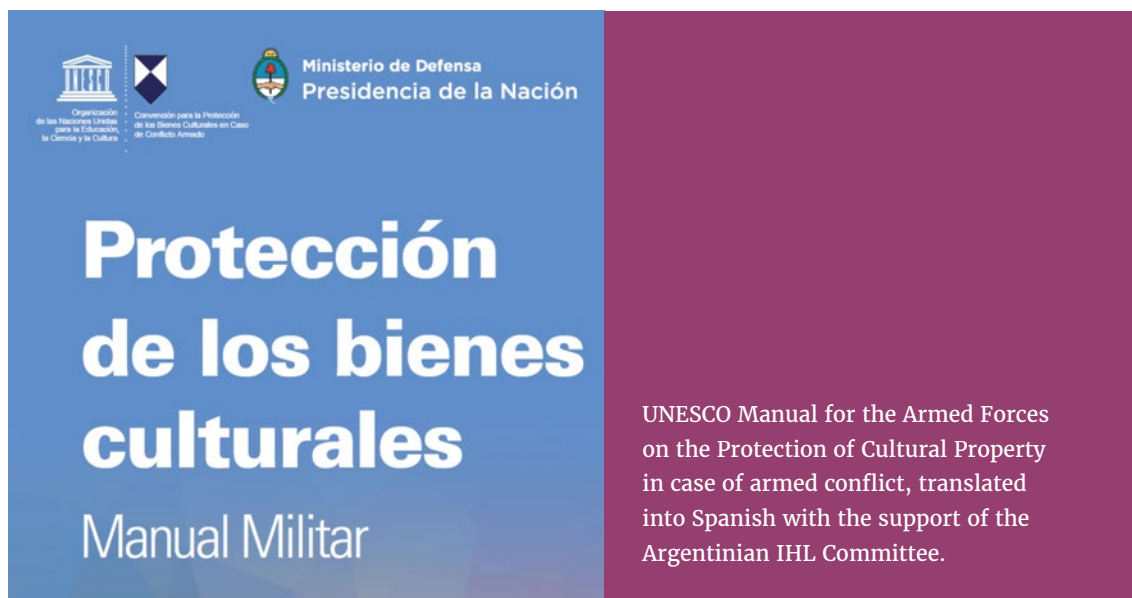
Guatemala. The Guatemalan Committee for the Implementation of International Humanitarian Law took part, together with the Inter-institutional Committee on International Humanitarian Law of El Salvador, in an exchange of best practices developed by El Salvador in relation to the marking of cultural property, and it identified five new cultural properties to be marked on the Guatemalan territory. Additionally, and together with the Diplomatic Academy, the Committee conducted the first two editions of an annual course on international humanitarian law to promote IHL in the various Government institutions that participate in the Committee.

Mexico. In addition to the Annual Specialized IHL Course already mentioned, the Inter-ministerial Committee for International Humanitarian Law organized meetings with higher education establishments in 2018 and 2019 to promote the inclusion of IHL in their programmes. During this two-year period, it also co-hosted two events with the ICRC at which the most recent issues of the *International Review of the Red Cross* were presented.

Paraguay. During the period 2018–2019, the National Committee continued furthering its agenda in areas such as protection of cultural property, integration of IHL and human rights into the curriculum taught by the Armed Forces, and the drafting of bills concerning rules on the use of force to be applied in law enforcement operations involving the armed forces, among others.

Peru and Ecuador. The National Committee for the Study and Implementation of International Humanitarian Law of Peru and the National Committee for the Implementation of International Humanitarian Law of Ecuador made a joint pledge at the 33rd International Conference of the Red Cross and Red Crescent, which is open to other States from within and without the region, focusing on the promotion and strengthening of the work of the National Committees on International Humanitarian Law, as well as the exchange of information among them.

Uruguay. During the two-year period covered by this report, the National Humanitarian Law Committee of Uruguay continued ensuring compliance with the pledges made at the 32nd International Conference of the Red Cross and Red Crescent. Several bills drafted by the Committee were brought before Parliament for discussion. The Committee also assisted in the preparation of the IHL dissemination sessions for personnel taking part in UN peacekeeping operations.



B. 33RD INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT

As previously noted, one important activity common to all National Committees during 2019 was the drafting of pledges to be made at the 33rd International Conference of the Red Cross and Red Crescent³. A new edition of this four-yearly Conference, one of the oldest international events (the first Conference took place in 1867), was held in December 2019. The International Conference of the Red Cross and Red Crescent is the main forum where legal frameworks and policies are established that seek to improve the lives of people affected by armed conflicts, natural disasters and other emergencies, as well as to make the most vulnerable groups more resilient. By encouraging an analysis of current and future humanitarian challenges and the unique role vested upon the Movement and States to overcome the same, the International Conference aims at shaping the global humanitarian programme and encouraging partnerships and relations among National Red Cross and Red Crescent Societies, States and other humanitarian agency partners.

The 33rd International Conference of the Red Cross and Red Crescent was held under the heading “Act Today, Shape Tomorrow”. Its core objective was to improve the lives of people affected by armed conflict, disasters and other emergencies. In the various commission and spotlight sessions, participants had lively and constructive discussions. They explored the challenges that people, communities and humanitarians currently face, and how best to respond in the future as societal shifts create different challenges. On the last day, eight resolutions were adopted by consensus. The first of these resolutions, entitled “Bringing IHL home: A road map for better national implementation of international humanitarian law”⁴ is transcribed in the appendix to this report.

The three days of the International Conference were dedicated to one key theme each: “International humanitarian law”, “shifting vulnerabilities” and “trust in humanitarian action”. In addition to the work done by the commissions, spotlight sessions offered the possibility to meet in smaller, more interactive groups to discuss specific issues that are central to encouraging and maintaining trust in humanitarian action. Topics discussed in these sessions included: Influencing Behaviour to enhance Respect of IHL; Voluntary Reporting and Sharing of Good Practices; IHL: Different People, Different Impacts; Preventing and Responding to the Consequences of Urban warfare, and IHL and New Technologies. Worth noting are many other side events (round tables, workshops or discussions) organized on the margins of the conference, one of which focused on the keys to having successful national IHL committees.

As it was the case with the four preceding editions, a report was also presented during the International Conference, titled “International Humanitarian Law and the Challenges of Contemporary Armed Conflicts – Recommitting to Protection in Armed Conflict on the 70th Anniversary of the Geneva Conventions”. The Challenges Report, prepared by the ICRC, provides an overview of some of the challenges for IHL posed by contemporary armed conflicts, one of its main aims being to stimulate reflection on all these matters⁵.

A significant number of American States were in attendance, including most of the countries that have a national IHL committee. It is also worth noting that several delegations included Government officials who travelled from their capital cities to attend the Conference, as well as a representative of the OAS Department of International Law.

A new tool intended to further strengthen cooperation among national IHL committees was also introduced during the International Conference: A digital platform informed by recommendations made by participants of the Universal Meeting of National Committees and Similar Bodies held in 2016.

³ For more information on the International Conference, visit <https://rcrcconference.org/>.

⁴ Available online on the International Conference’s website: https://rcrcconference.org/app/uploads/2019/12/33IC-R1-Bringing-IHL-home_CLEAN_ADOPTED_FINAL-171219.pdf.

⁵ Document available online at https://rcrcconference.org/app/uploads/2019/10/33IC-IHL-Challenges-report_EN.pdf.

National committees will enjoy direct access to this platform, where they will be able to share information or ask any relevant questions. Even though there are some regional tools available, this new platform will be universal and open to all committees, in an attempt to facilitate exchanges beyond regional and domestic borders. This will be a private community, so only those members who have been invited to it will be given access to the platform, which circumstance is expected to encourage more open discussions. Also, it will be used to share experiences, best practices, and lessons learnt. Community members are free to ask questions, share information and engage in mutual cooperation, as they may deem relevant.

Lastly, several pledges were made by various States in the course of the International Conference. These are often prepared as part of the work carried out by national committees, and constitute one of the most creative and flexible outcomes of the International Conference of the Red Cross and Red Crescent (a list of said pledges has been attached as an appendix to this report)⁶. Thanks to this important tool, members and observers have the freedom and creativity to take concrete, measurable and action-oriented voluntary commitments on issues of priority for their local, national and regional contexts – or even at the global level. They may, for example, reflect efforts made to enforce resolutions taken by the International Conference or other priorities that are not necessarily captured in a resolution. The voluntary nature of pledges allows for more flexibility and adaptability than resolutions. Pledges are a powerful humanitarian advocacy tool for initiating or advancing dialogue and cooperation among International Conference participants, leading to concrete action in the interests of the most vulnerable. In addition to individual pledges submitted by certain participants, there may be pledges that are jointly signed by a group of participants, or open pledges (i.e., signed by all members and observers willing to support and implement the same).



33rd International Conference
of the Red Cross and Red Crescent,
held in Geneva.

⁶ The database of existing pledges is available online at <https://rcrcconference.org/about/pledges/search/>.

IV. THE ORGANIZATION OF AMERICAN STATES AND IHL

In the two-year period covered by this report, the Organization of American States (OAS) and its Member States maintained and strengthened its support to the development of and respect for international humanitarian law, as reflected mainly by the activities carried out for the promotion of and training in IHL.



Special Meeting on Topics of Current Interest in International Humanitarian Law.

A. PROMOTION OF IHL

In 1999, the OAS General Assembly invited the Permanent Council to work with the ICRC to hold a high-level seminar on the commemoration of the 50th anniversary of the 1949 Geneva Conventions, which took place in October that year at the Organization's headquarters. Several IHL promotion activities have been since then carried out in the Committee on Juridical and Political Affairs (CAJP for its name in Spanish), such as special sessions for representatives of Member States, as well as courses, workshops and seminars, which were attended by delegations, officers and members of the public with an interest on the matter.

The Special Meeting on Topics of Current Interest in International Humanitarian Law was held on 24 January, 2019, during which there was a presentation by the ICRC on recent progress in implementing international humanitarian law in the Americas, as well as presentations on topics of current interest: "Explosive weapons in populated areas", and "New technologies: autonomous weapons and hostilities in cyberspace". Next, Member States had the opportunity to make general statements on the implementation of IHL in each individual country, as well on the above presentations⁷.

Technical meetings held by the OAS included a Working Meeting on the International Criminal Court (ICC) sponsored by the Department of International Law, which took place in March 2018 and discussed current developments regarding the promotion of international law and cooperation with the International Criminal Court. The Meeting brought together ICC officers, international organizations and NGOs, including Parliamentarians for Global Action, the Coalition for the International Criminal Court, Human Rights Watch, and the ICRC. That same year, the Inter-American Council for Integral Development organized a

⁷ Documents related to this Special Session are available online at http://www.oas.org/en/sla/dil/international_humanitarian_law_special_sessions.asp.

follow-up session on the implementation of the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, including Migrant Workers and their Families. In turn, the Committee on Migration Issues organized a meeting on the issue of disappeared persons and the needs of their families.

In 2019, the Committee on Hemispheric Security held a session to examine the role of private military and security companies. Moreover, the Committee on Juridical and Political Affairs held a session on prevention of enforced disappearance and assistance to the family members of the victims, which placed emphasis on progress made in this regard in countries throughout the region, especially through the enactment of suitable laws, practices and regulations.

IHL is high on the OAS agenda. This was reflected in the adoption by the organization's General Assembly of a number of resolutions concerning IHL-related matters in 2018 and 2019. The texts adopted show the strong and enduring political will of States to respect and ensure respect for IHL and provide guidance on tackling the humanitarian issues currently faced by countries in the Americas.

Listed below are the main resolutions relating to the promotion and strengthening of IHL adopted in the reporting period by the 48th OAS General Assembly, which met in Washington, D.C. in 2018, and the 49th General Assembly held in Medellin (Colombia) in 2019. The relevant sections of the resolutions are reproduced in an appendix to this report.

- AG/RES. 2926 (XLVIII-O/18). International law
 - ii. Promotion of and respect for international humanitarian law
- AG/RES. 2928 (XLVIII-O/18): Promotion and protection of human rights
 - vi. Persons who have disappeared and assistance to members of their families
- AG/RES. 2930 (XLIX-O/19): International law
 - iv. Promotion of the International Criminal Court

The resolutions adopted in 2018 and 2019 also discuss issues related to catering for the needs of displaced persons and migrants, as well as of persons deprived of liberty, all of which are high on the OAS and ICRC agendas.

In turn, Resolutions Nos. 2925 and 2945, adopted by the General Assembly in 2018 and 2019, respectively (both of them entitled “Advancing Hemispheric Security: A Multidimensional Approach” urge member states to ratify the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA for its name in Spanish) and the Inter-American Convention on Transparency in Conventional Weapons Acquisitions (CITAAC for its name in Spanish). Moreover, both resolutions underscore the need to promote and strengthen synergies between the OAS, the United Nations, especially its Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA); the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime; the Arms Trade Treaty; the OAS, and all the hemisphere's subregional mechanisms, so as to enable member states to explore more and better possibilities of working together in this area.

They also refer specifically to the continuing validity of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) 51 years after its adoption, “as a demonstration that the absence of nuclear arms in the region reinforces security and trust among the states of the hemisphere, stands as a clear example to those states that have this type of weapon, and contributes to efforts toward a nuclear-free world”. The two resolutions also urge states to consider signing or ratifying the Treaty on the Prohibition of Nuclear Weapons adopted in 2017. Along these same lines, they reaffirm the commitment to rid their territories of antipersonnel landmines, as well as to resolutely support and promote compliance with the principles of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer

of Anti-Personnel Mines and on their Destruction (the Ottawa Convention), and especially its pillars: universality, education on risks, assistance to victims, humanitarian demining, and international cooperation and assistance. The abovementioned resolutions also invite member states of the institution that have not yet done so, to sign and ratify the Convention on Cluster Munitions, and call on all OAS member states to support international regulations and multilateral mechanisms against the use of chemical weapons and to reiterate their unwavering commitment to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and to the Organization for the Prohibition of Chemical Weapons.

It is also worth noting that in late 2018 the Inter-American Court of Human Rights and the ICRC published a booklet showcasing the Court's jurisprudence on the interplay between IHL and the international law on human rights. This is the seventeenth edition of a number of publications issued by the Court to inform on its jurisprudence related to issues of interest for and relevant to the region. The booklet presents the most salient sections of the decisions passed by the Court on the interactions and complementarity between the two branches of law, and it also discusses topics such as the rights enshrined in the American Convention on Human Rights, vulnerable groups, public order and the use of force, and the guarantees of non-repetition. Authors expect the booklet will prove a useful tool for both university students and professors, as well as for professionals having an interest in the topics discussed therein⁸.

Another example of inter-institutional cooperation is the 2019 edition of the working meetings held by the ICRC and the IACHR, a privileged environment to exchange opinions on issues of common interest for both organizations. On this occasion, the exchanges between the ICRC and the lawyers and trainees at the Court focused on the jurisprudence booklet mentioned above, especially some landmark rulings, the general lines of thought of the report on the challenges posed by IHL to be submitted to the 33rd International Conference of the Red Cross and Red Crescent, and the ICRC International Expert Meeting Report on the Principle of Proportionality, published in 2018.

Yet another interesting initiative of the Inter-American Juridical Committee is the publication of the report called "International law and state cyber operations: improving transparency". Based on said report, the Committee drafted and sent a questionnaire to Member States asking for their official views on some of the key questions that have arisen in relation to the application of international law to operations in cyberspace by States or by those actors for whom a State might be internationally responsible⁹.

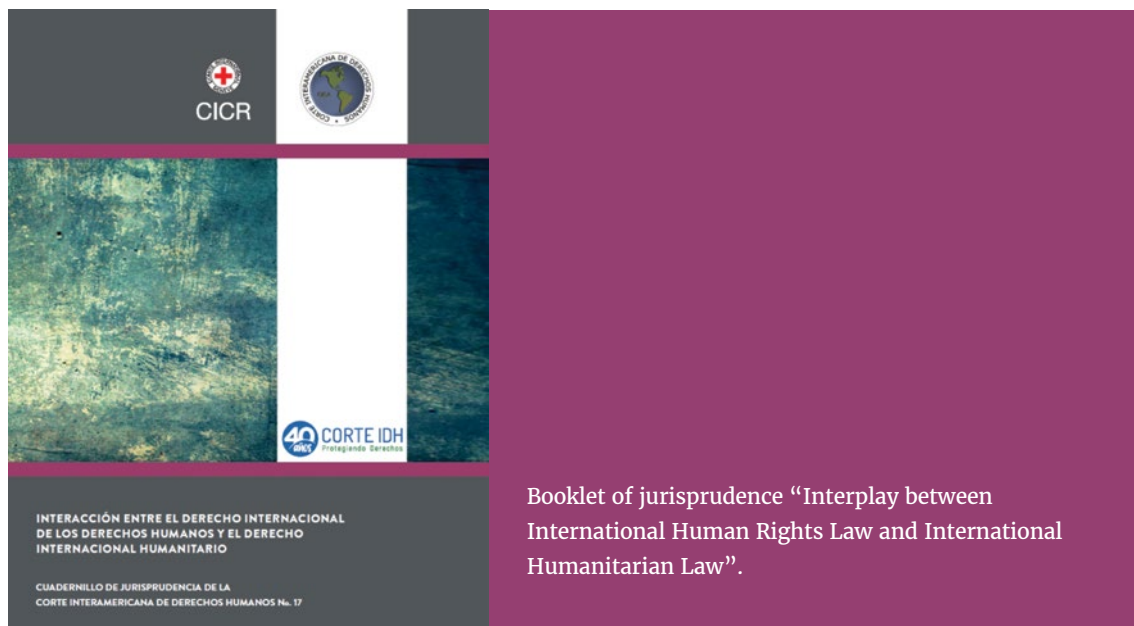
Also worth noting is the participation of the OAS Department of International Law in the 33rd International Conference of the Red Cross and Red Crescent, held in Geneva in December 2019.

Lastly, in the final declaration of the Thirteenth Conference of Defence Ministers of the Americas held in Cancun, Mexico, in 2018, the Ministers of Defence and Security or equivalent and Heads of Delegation reaffirmed "their renewed commitment to the promotion of international humanitarian law and international human rights law, in particular the principles and norms regulating the use of force by the defence and security forces when conducting law enforcement within each country, in accordance with domestic legislation"¹⁰, as well as their commitment to the promotion and integration of IHRL and, more particularly, the rules and principles governing the use of force by members of the armed forces engaged in law enforcement operations.

8 The booklet may be downloaded from: <http://www.corteidh.or.cr/sitios/libros/todos/docs/cuadernillo17.pdf>. [Link only available in Spanish language]

9 The documents related to these initiatives are available online at http://www.oas.org/en/sla/iajc/current_agenda_Cyber-security.asp.

10 Item 3 of the Declaration, available online at: <http://scm.oas.org/pdfs/2019/CP41203ECancun.pdf>.



B. TRAINING IN IHL

In the period 2018–2019, various IHL topics were addressed at the International Law Course organized by the Inter-American Juridical Committee and the Department of International Law of the Secretariat for Legal Affairs of the OAS in Rio de Janeiro. For the fifteenth edition of this Course, the ICRC was invited to discuss IHL and its current challenges, and the contribution of the ICRC to the implementation of IHL in the Americas. In 2019, on the occasion of the sixteenth edition, the ICRC presentation focused on basic aspects of IHL.

The ICRC also maintains a close relationship with the Inter-American Institute of Human Rights (IIDH for its name in Spanish), an academic institution created under an agreement between the Inter-American Court of Human Rights and the Costa Rican government. The close cooperation between the two institutions is evidenced by the standing invitation extended to the ICRC to give the Jean Pictet Chair lecture as part of the interdisciplinary course organized annually by the IIDH. The ICRC was present at both interdisciplinary courses: The thirty-sixth course entitled “Un año de conmemoraciones significativas para los Derechos Humanos: 70 aniversario de las Declaraciones Americana y Universal, y 40 años de vigencia de la Convención Americana sobre DDHH” (A Year to Celebrate Human Rights: 70th anniversary of the adoption of the American Declaration of the Rights and Duties of Man, and 40th anniversary of the entry into force of the American Convention on Human Rights) (2018), and the thirty-seventh edition, held in 2019 under the title “Nuevas dimensiones de la justiciabilidad de derechos a cincuenta años de la Convención Americana de Derechos Humanos” (The New Dimensions of the Justiciability of Human Rights on the 50th Anniversary of the American Convention on Human Rights).

V. THE WORK OF THE ICRC'S ADVISORY SERVICE IN THE AMERICAN STATES

The Advisory Service on International Humanitarian Law offers States expert legal and technical advice.

This is a mandate given by States to the ICRC, as defined most notably in Article 5.2(c) of the Statutes of the International Red Cross and Red Crescent Movement. Pursuant to this article, the role of the ICRC is to “work for the faithful application of international humanitarian law”. This mandate was reasserted in Resolution 1 of the 26th International Conference of the Red Cross and Red Crescent, which approved the Final Declaration of the International Conference for the protection of war victims, adopted on 1 September 1993, and in the recommendations drawn up by the Intergovernmental Group of Experts, which met in January 1995 in Geneva (Switzerland).

As a specialized body of the ICRC, the Advisory Service assists States in the process of implementing IHL domestically. It provides guidance to national authorities on the specific domestic implementation measures needed to meet their IHL obligations, and it supports the work of national IHL bodies established to facilitate IHL implementation domestically. It also supports the exchange of information on national implementation measures and helps to improve capacity building at the request of governments and other actors. To this end, the Advisory Service maintains bilateral contacts with national authorities, organizes thematic expert workshops and sponsors regional and international peer meetings for relevant State authorities in each country. Its legal advisors work closely with National Red Cross and Red Crescent Societies, academic institutions and other relevant groups and individuals.

To foster understanding of IHL and to further the ICRC’s work on IHL implementation, the Advisory Service cooperates with relevant international and regional organizations, such as UNESCO, the Commonwealth Secretariat, the Council of Europe, the Organization of American States and the International Criminal Court.

The Advisory Service has a decentralized structure, with a team of experts operating from ICRC headquarters in Geneva and legal advisors based in different regions around the world. In the Americas, the Advisory Service has advisors in Bogotá, Brasília, Caracas, Guatemala City, Lima, Mexico City, San Salvador, Tegucigalpa and Washington, D.C.

In 2018 and 2019, the Advisory Service provided technical and legal advice to the authorities of the American States, encouraged exchanges among the region’s 20 national IHL committees and promoted the implementation of IHL in all 35 American States. The activities carried out included the following:

- **advising** States on the contents of IHL treaties they are not party to in order to facilitate their ratification;
- **providing** guidance to States on whether domestic legislation is consistent with IHL treaties;
- **preparing** legal opinions for States on bills to ensure that they are consistent with IHL treaties, particularly with regard to international criminal law;
- **advising** States on the development of legislative and regulatory measures aimed at preventing the disappearance of people and meeting the needs of the families of missing persons;
- **designing** strategies aimed at strengthening national IHL committees in coordination with the relevant authorities and providing support to implement them;
- **facilitating** exchanges between national IHL committees and external experts;
- **informing** States about developments in the field of IHL, for example, the red crystal emblem and the debate on cluster munitions and the Arms Trade Treaty;
- **organizing** meetings of government experts on issues relating to IHL and national implementation;
- **delivering** lectures and addresses on issues relating to IHL and national implementation;

- **organizing** or taking part in professional training courses for authorities;
- **sharing** information on national IHL implementation measures, including the database that the ICRC makes available to States and the general public. This database is updated regularly with information on all 35 American States and is available at <http://www.cicr.org/ihl-nat>.

The Advisory Service has also created a series of factsheets on topics such as the protection of civilians, conventional weapons and new weapons, the differences between IHL and IHRL, measures within the criminal justice system and international criminal justice. These factsheets are available at: <https://www.icrc.org/en/war-and-law/ihl-domestic-law/documentation>.



Working meeting between the Inter-American Court of Human Rights and the ICRC.

APPENDICES

I. RESOLUTIONS ADOPTED AT THE 48TH GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES (WASHINGTON, D.C., 2018)

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 (XLIV-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

(...)

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 thereto¹¹;

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,

¹¹ 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 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.

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.
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.

**AG/RES. 2928 (XLVIII-O/18)
PROMOTION AND PROTECTION OF HUMAN RIGHTS^{12/13}**

(ADOPTED AT THE FOURTH PLENARY SESSION,
HELD ON JUNE 5, 2018)

THE GENERAL ASSEMBLY,

REAFFIRMING the norms and general principles of international law and the Charter of the OAS, international human rights law, and international humanitarian law, as well as the rights enshrined in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, and other binding inter-American instruments on the subject, and the important role played by the organs of the inter-American human rights system in promoting and protecting human rights in the Americas;

RECALLING declarations AG/DEC. 71 (XLI-III-O/13) and AG/DEC. 89 (XLVI-O/16), resolutions AG/RES. 2887 (XLVI-O/16), AG/RES. 2888 (XLVI-O/16) and AG/RES. 2908 (XLVII-O/17), as well as all previous resolutions adopted on this topic;

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), and

CONSIDERING that the programs, activities, and tasks set out in the resolutions within the purview of the CAJP help to further the essential purposes of the Organization enshrined in the Charter of the Organization of American States (OAS),

(...)

vi. Persons who have disappeared and assistance to members of their family¹⁴

REAFFIRMING the responsibility of states to continue making the necessary efforts to alleviate the suffering, anxiety, and uncertainty experienced by family members of disappeared persons as a result of situations of armed conflict, armed violence, migration, or natural disasters, among others, to respond to their diverse needs, satisfy their right to the truth and justice, and, if appropriate, ensure reparations for the harm caused.

RECALLING that forced disappearance is a multiple, continuous violation of various human rights, and its widespread or systematic practice constitutes a crime against humanity in accordance with applicable international law; and

¹² Guatemala reaffirms that it has the sovereign right to enforce its Constitution and its domestic laws, taking into account its priorities and development plans, and in a way that is compatible with universally agreed on international human rights.

¹³ Trinidad and Tobago is unable to join the consensus on this document, as some areas are contrary to the laws of the Republic. Trinidad and Tobago remains firmly committed to the promotion and preservation of the rule of law and the protection of human rights and fundamental freedoms of all people, as enshrined in the Constitution of Trinidad and Tobago.

¹⁴ The United States understands that OAS resolutions do not change the current state of conventional or customary international law or impose legal obligations on States. Further, we do not read this section of the resolution to imply that states must join or implement obligations under international instruments to which they are not a party.

HIGHLIGHTING the experience of various states with mechanisms to meet the needs of family members, the development of forensic sciences and their important contribution to the search for disappeared persons, and the documents and tools introduced by the International Committee of the Red Cross (ICRC) and other organizations with experience in searching for disappeared persons and in responding to the needs of family members, as well as the minimum standards for psychosocial work proposed by the International Consensus on Principles and Minimum Standards for Psychosocial Work in Search Processes and Forensic Investigations in Cases of Enforced Disappearances, Arbitrary or Extrajudicial Executions,

RESOLVES:

1. To urge member states, in accordance with their obligations in the area of international humanitarian law and international human rights law, and taking into account existing jurisprudence on the subject, to continue to progressively adopt measures, including laws, protocols, guidelines, and other national provisions of a legal and institutional nature, to do the following:
 - a) Prevent the disappearance of persons, with particular attention to persons related to vulnerable groups;
 - b) Take up cases of disappeared migrants, and children and adolescents considered as disappeared persons, with a view to searching for them, identifying them, and, if possible, reuniting them with their families, and promote national coordination and regional cooperation in the areas of technical and judicial provisions;
 - c) Clarify the whereabouts and the fate of disappeared persons to ensure a prompt response to family members, and consider the possibility of setting up mechanisms or entities, primarily with a humanitarian nature and vocation, to allow for a comprehensive, wide-scale investigation and, in the case of death, to prioritize the humanitarian objectives of recovery, identification, restitution, and decent disposal of the mortal remains, while at the same time complying with the obligations to investigate, prosecute, and punish the parties responsible for the disappearances;
 - d) Meet the needs of the family members, including the truth about what occurred to their loved ones, recovery of the mortal remains and disposal of them, resolution of legal and administrative problems through comprehensive and affordable domestic legal processes, in which the legal situation of the disappeared persons is acknowledged through such measures as a “declaration of absence by disappearance,” provision of economic support, psychological and psychosocial care, access to justice, memorial and commemorative acts, and ensuring compensation and reparations, among other services, giving consideration to the priorities of the family members;
 - e) Preserve the mortal remains of unidentified and as yet unclaimed deceased persons, as well as post-mortem information on them, to safeguard the possibility of identifying them and delivering their mortal remains to their respective families at a later date;
 - f) Guarantee the participation and representation of victims and their family members in the relevant processes, and their access to justice and to mechanisms to ensure full, fair, prompt, and effective reparations; similarly, guarantee provisions for the protection of victims and witnesses in criminal courts and in other transitional justice mechanisms whose security and personal safety is affected as a result of their denunciation of the crime of forced disappearance.
 - g) Strengthen technical skills involved in the search, recovery, analysis of mortal remains and associated evidence, and the use of various forensic sciences, and support training of professionals in these sciences, for the identification of mortal remains, including cases related to migrants considered as disappeared persons, in accordance with best practices and internationally recognized scientific standards;
 - h) Guarantee appropriate management of information, including information related to the personal data of disappeared persons and their families, by creating centralized databases to gather, protect, and manage the data in keeping with national and international legal standards and provisions.

2. To encourage member states to ratify or adhere to the Inter-American Convention on the Forced Disappearance of Persons and the International Convention for the Protection of All Persons from Enforced Disappearance, implement them through domestic laws, and recognize the competence of the Committee against Forced Disappearance; share experiences and best practices; strengthen international cooperation and exchanges of information; and support the participation and technical assistance of international and national institutions with recognized experience in the search for disappeared persons. In addition, invite member states to continue their cooperation with the ICRC, facilitating its work and honouring its technical recommendations, with a view to consolidating the measures adopted by states to search for disappeared persons and meet the needs of their family members.
3. To encourage member states to promote national adoption of measures related to the provisions of resolution AG/RES. 2134 (XXXV-O/05) on “Persons Who Have Disappeared and Assistance to Members of their Family” and subsequent resolutions on the subject adopted by the General Assembly and to provide information on the subject, and instruct the CAJP to ensure that this information is circulated prior to the forty-ninth regular session of the OAS General Assembly.
4. To invite member states to consider promoting the legal and institutional measures applicable to disappeared persons and their family members in accordance with the resolutions on the subject adopted by the General Assembly, in the framework of the United Nations Global Compact for Safe, Orderly, and Regular Migration and the UN Global Compact on Refugees, as well as, where pertinent, regional consultative processes on migration.



Migrants reading messages of self-care in Mexico.

II. RESOLUTIONS ADOPTED AT THE 49TH GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES (MEDELLIN, 2019)

AG/RES. 2930 (XLIX-O/19) INTERNATIONAL LAW^{15/16/17/18/19/20}

(ADOPTED AT THE FIRST PLENARY SESSION,
HELD ON THURSDAY, JUNE 27, 2019)

THE GENERAL ASSEMBLY,

RECALLING resolutions AG/RES. 2909 (XLVII-O/17), AG/RES. 2926 (XLVIII-O/18), 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 2018–June 2019” (AG/doc.5649/19 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

(...)

¹⁵ Mexico reiterates the position expressed in its statement delivered at the first plenary session of the forty-ninth regular session of the General Assembly (Item 4. Report of the Secretary General on Credentials) and in the Footnote to the ‘Report of the Secretary General on the Presentation of Credentials of the Delegations Taking Part in the Forty-Ninth Regular Session of the General Assembly,’ document AG/doc.5653/19.

¹⁶ The Plurinational State of Bolivia places on record its position in accordance with Article 1 of the Charter of the Organization of American States, which stipulates: “The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence.

The Organization of American States has no powers other than those expressly conferred upon it by this Charter, none of whose provisions authorizes it to intervene in matters that are within the internal jurisdiction of the Member States.”

It also clearly places on record that, in keeping with Article 143 of the Charter of the Organization of American States, its denunciation by a member state shall come into effect two years after the receipt thereof, at which time it shall cease to be in force with respect to the denouncing state, which shall be left without rights and duties and unattached from all actions and decisions of the Organization.

The Plurinational State of Bolivia reserves the right to recognize resolutions and declarations adopted with the participation of non-member states.

¹⁷ Further to the Statement of the delegation of the Republic of Suriname on June 27, 2019 at the General Assembly of the Organization of American States and with reference to its Statement during the Regular Meeting of the Permanent Council of April 23, 2019 in relation to Resolution CP/RES. 1124 (2217/19) rev. 2 of April 9, 2019, the delegation of the Republic of Suriname wishes to put on record that until further notice, Suriname reserves its rights to recognize All resolutions and declarations that will be adopted on the occasion of the forty-ninth regular session of the General Assembly of the Organization of American States.

This reservation is based on our firm rejection of the selective interpretation of the procedural rules and other legal instruments of the Organization of American States.

¹⁸ The Government of Barbados did not support Resolution CP/RES. 1124 (2217/19) of April 9, 2019 which sought to appoint Mr. Gustavo Tarre as the National Assembly’s designated Permanent Representative to the OAS and does not accept the credentials of the officials intending to represent the Bolivarian Republic of Venezuela at this forty-ninth regular session of the General Assembly of the OAS. The Government of Barbados therefore reserves its rights, until further notice, not to be bound by any decisions or resolutions adopted at this General Assembly in which the Bolivarian Republic of Venezuela participated

iv. Promotion of the International Criminal Court ^{21/22}

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;

TAKING NOTE of the activation of the Court's jurisdiction over the crime of aggression;

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

UNDERSCORING the importance of preserving the independence and impartiality of the International Criminal Court to ensure that it operates in accordance with the highest international standards;

REITERATING its commitment to supporting and defending the principles and values enshrined in the Rome Statute, and to preserving its integrity by showing resilience to the threats against the Court, its officers, and others working with it, and the importance of the Court enjoying the full support of states so it can discharge its mandate;

¹⁹ The Government of the Commonwealth of Dominica places on record its reservations to the participation and voting by the purported representative(s) of the Bolivarian Republic of Venezuela on any resolutions, declarations, elections considered by the forty-ninth regular session of the General Assembly and any other body of the Organization of American States (OAS).

The Government of The Commonwealth of Dominica also places on record its view that in keeping with Article 143 of the Charter of the OAS which provides, inter alia, that the denunciation by a member state shall come into effect two (2) years from the date on which the General Secretariat receives a notice of denunciation, the present Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization; that the denouncing State shall be without rights and duties and shall be unattached from all actions and decisions of the Organization; that Venezuela is no longer a member state of the OAS and therefore not entitled to have a seat at the OAS. The Government of The Commonwealth of Dominica therefore does not recognise any person who occupies the seat of Venezuela who is not a person duly appointed by the Government of the State of Venezuela.

The Government of the Commonwealth of Dominica reserves its full rights in respect of the recognition resolutions and declarations adopted by the forty-ninth regular session of the General Assembly and any resolution and declaration approved thereafter with the participation by the purported representatives of Venezuela.

²⁰ Antigua and Barbuda considers that the Bolivarian Republic of Venezuela is not a member state of the Organization of American States since, on 27 April 2017, the Government of the Bolivarian Republic of Venezuela properly notified the Secretary-General of its denunciation of the Charter in accordance with Article 143 of the Charter of the Organization of American States and the Charter ceased to be in force with respect to the Bolivarian Republic of Venezuela which ceased to belong to the organization on 27 April 2019.

Antigua and Barbuda did not support resolution CP/RES. 1124 (2217/19) of April 9, 2019 which sought to appoint Mr. Gustavo Tarre as the National Assembly's Representative to the OAS and did not accept the credentials of the officials intending to represent the Bolivarian Republic of Venezuela at the forty-ninth regular session of the General Assembly.

Therefore Antigua and Barbuda notifies all member states and the General Secretariat of the Organization of American States that until further notice, it will not consider itself bound by any declaration or resolution of the forty-ninth regular session of the General Assembly or any future declarations or resolutions of any Council or organ of the Organization that includes the participation of any person or entity purporting to speak for or act on behalf of the Bolivarian Republic of Venezuela and in which 18 votes are attained with the participation of a purported representative of the Bolivarian Republic of Venezuela.

²¹ The United States cannot associate itself with the resolution to the extent it concerns the International Criminal Court. 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. The United States is not a party to the Rome Statute, and has consistently rejected any assertion of ICC jurisdiction over nationals of the States that are not parties to Rome Statute, absent a UN Security Council referral or the consent of such States. The United States regards any ICC investigation or other activities concerning U.S. personnel as illegitimate and unjustified. In addition, the United States understands that any OAS support rendered to the ICC would be drawn from specific-fund contributions rather than the OAS regular budget.

²² The Government of Nicaragua expresses its deep concern over the continued systematic violations of international human rights law and humanitarian law occurring worldwide. Under our domestic legal system, Nicaraguan criminal law attaches special importance to this issue, by defining these violations as criminal offenses under Section XXII of Law No. 641 of 2007 of the Criminal Code, with Nicaragua's judicial branch having exclusive jurisdiction over enforcement of these statutes. As regards the call for states to consider acceding to or ratifying the Rome Statute of the International Criminal Court, the Government of National Reconciliation and Unity cannot accept the current wording of the resolution and expresses its reservations thereto, because proper conditions for acceding to this Statute are not yet in place.

MINDFUL of the importance of 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 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 reiterate its support for the International Criminal Court as the first and only permanent, independent, and impartial international court for criminal matters, which acts in pursuit of the shared commitment to fighting impunity for the most serious crimes of concern to the international community.
2. To renew its appeal to those member states that have not already 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.
3. 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.
4. To call on those member states that are parties to the Rome Statute, on those member states that are not, and on international and regional organizations to strengthen their cooperation with and assistance to the International Criminal Court in accordance with the applicable international obligations, particularly as regards arrest and delivery, presentation of evidence, protection and movement of victims and witnesses, and serving of sentences, so as to avoid impunity for the perpetrators of crimes over which it has jurisdiction.
5. 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 within the scope of its competence, and to request that the Permanent Council hold, during the second half of 2020, a technical working meeting that should include a high level dialogue session among the permanent representatives of all member states to discuss 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 this working meeting.

III. RESOLUTION ON IHL ADOPTED DURING THE 33RD INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT (GENEVA, 2019)

RESOLUTION

Bringing IHL home: A road map for better national implementation of international humanitarian law The 33rd International

Conference of the Red Cross and Red Crescent,

- reaffirming that international humanitarian law (IHL) remains as relevant today as ever before in international and non-international armed conflicts, even as contemporary warfare presents new developments and challenges, recalling that IHL, as applicable, must be fully applied in all circumstances, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the parties to the conflict,
- recognizing that the efforts carried out by States and the components of the International Red Cross and Red Crescent Movement (Movement) to eliminate or minimize dire humanitarian consequences of armed conflicts could also contribute to addressing the root causes of conflict and its various consequences,
- recalling that persons taking no active part in the hostilities shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria,
- recognizing that women, men, girls and boys of different ages, disabilities and backgrounds can be affected differently by armed conflict, and that these differences need to be considered when implementing and applying IHL, in order to safeguard adequate protection for all,
- stressing that the best interests of the child as well as the specific needs and vulnerabilities of girls and boys should be duly considered when planning and carrying out military training and humanitarian actions, as appropriate,
- highlighting that 2019 marks the 70th anniversary of the adoption of the 1949 Geneva Conventions, welcoming their universal Ratification, and expressing the hope that other IHL treaties will also achieve universal acceptance,
- stressing that parties to armed conflicts have taken measures in many instances to ensure during their military operations that IHL is respected, such as when cancelling or suspending attacks on military objectives because the expected incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, would be excessive in relation to the concrete and direct military advantage anticipated; when enabling civilians to exchange personal news with family members, wherever they may be; or when treating detainees humanely,
- deeply concerned nevertheless that there continue to be violations of IHL, which can cause dire humanitarian consequences, and stressing that better respect for IHL is an indispensable prerequisite for minimizing negative humanitarian consequences and thereby improving the situation of victims of armed conflict,

- recalling that domestic implementation of international obligations plays a central role in fulfilling the obligation to respect IHL, and recognizing the primary role of States in this regard,
 - noting the significant role and mandates of the components of the Movement in promoting the application of IHL and in accordance with the Statutes of the Movement, in particular the unique role of National Red Cross and Red Crescent Societies (National Societies) as auxiliaries to the public authorities in the humanitarian field, based on which they disseminate and assist their governments in disseminating IHL and take initiatives in this respect, and cooperate with their governments to ensure respect for IHL and to protect the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols,
 - recognizing the positive impact that the integration of IHL into military practice can have on battlefield behaviour, for example, through issuance of doctrine, procedures that incorporate IHL principles and concepts, legal advisers advising commanders on IHL during military operations, and training on IHL commensurate with individuals' military duties and responsibilities,
 - stressing the basic value of respect for human dignity in times of armed conflict, which is enshrined in IHL but also in the rules and principles of different faiths and traditions, as well as military ethics, and recognizing the importance of dialogue among relevant actors and ongoing efforts in this respect,
 - emphasizing the vital importance of building on existing efforts to achieve more effective implementation and dissemination of IHL and of demonstrating the benefits of IHL for all parties to armed conflict and for the protection of all victims of armed conflict,
 - convinced that the measures recommended below provide a useful road map for effective implementation of IHL at the national level,
1. *urges* all parties to armed conflicts to fully comply with their obligations under IHL;
 2. *calls upon* States to adopt necessary legislative, administrative and practical measures at the domestic level to implement IHL, and invites States to carry out, with the support of the National Society where possible, an analysis of the areas requiring further domestic implementation;
 3. *acknowledges with appreciation* States' efforts and initiatives taken to disseminate IHL knowledge and promote respect for IHL, by raising awareness among civilians and military personnel, and to put in place implementation measures, and strongly encourages the intensification of such measures and initiatives;
 4. *encourages* all States that have not already done so to consider ratifying or acceding to IHL treaties to which they are not yet party, including the Protocols additional to the Geneva Conventions, and recalls that States may declare that they recognize the competence of the International Fact-Finding Commission as established under Article 90 of Protocol I additional Resolutions of the 33rd International Conference of the Red Cross and Red Crescent to the Geneva Conventions and that this may contribute to an attitude of respect for IHL;
 5. *acknowledges* the effective role and increasing number of national committees and similar entities on IHL involved in advising and assisting national authorities in implementing, developing and spreading knowledge of IHL, and encourages States that have not yet done so to consider establishing such an entity;
 6. recalls the outcomes of the fourth universal meeting of national committees and similar entities on IHL held in 2016, and calls for the strengthening of cooperation between such entities on the international, regional and crossregional levels, in particular by attending and actively participating in the universal, regional and other regular meetings of such entities, as well as through the new digital community for national committees and similar entities on IHL, created on the basis of the recommendations made by the participants in the 2016 universal meeting;

7. *strongly encourages* States to make every effort to further integrate IHL into military doctrine, education and training, and into all levels of military planning and decision – making, thereby ensuring that IHL is fully integrated into military practice and reflected in military ethos, and recalls the importance of the availability within States' armed forces of legal advisers to advise commanders, at the appropriate level, on the application of IHL;
8. *encourages* States and the components of the Movement, in particular National Societies, to take concrete, and where appropriate, coordinated activities, including through partnerships with academics and practitioners where suitable, to disseminate IHL effectively, paying particular attention to those called upon to implement or apply IHL, such as military personnel, civil servants, parliamentarians, prosecutors and judges, while continuing to disseminate IHL at the domestic level as widely as possible to the general public, including to youth;
9. *calls upon* States to protect the most vulnerable people affected by armed conflicts, in particular women, children and persons with disabilities, and to provide that they receive timely, effective humanitarian assistance;
10. *encourages* States and the components of the Movement, while continuing to rely on proven effective methods of dissemination of IHL, to explore new innovative and appropriate methods to promote respect for IHL, including using digital and other means, such as video games, and where possible to consider therein the voices of people affected by armed conflict and their perception of IHL;
11. *recalls* the obligations of High Contracting Parties to the Geneva Conventions and Additional Protocol I to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any grave breaches of the Geneva Conventions and Additional Protocol I, as applicable, and to take measures necessary for the suppression of all other acts contrary to those Conventions or to other applicable IHL obligations, and further recalls obligations with respect to the repression of serious violations of IHL;
12. *also recalls* the obligations of the High Contracting Parties of the Geneva Conventions and Additional Protocol I to search for persons alleged to have committed, or have ordered to be committed, such grave breaches, and to bring such persons, regardless of their nationality, before their own courts or, in accordance with provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case;
13. *invites* States to share examples of and exchange good practices of national implementation measures taken in accordance with IHL obligations as well as other measures that may go beyond States' IHL obligations, including by making use of existing tools and of national committees and similar entities on IHL, where they exist, consistent with International Conference resolutions, including this road map.

IV. PLEDGES MADE BY AMERICAN STATES DURING THE 33RD INTERNATIONAL CONFERENCE²³

Pledges made in the context of the International Conference may be of two types: Specific pledges are “specific” because they are made by a closed group of pledging parties, often on a single thematic issue. Once drafted and submitted by the pledging parties, the pledge is not open for additional signatures. The deadline to submit these pledges was 31 May, 2020. In turn, open pledges are drafted by a single participant, or several of them. The initiator drafts a pledge and invites any and all International Conference participants to sign it and commit to the cause. The deadline to submit open pledges is 31 December, 2020, so the list below solely reflects those signed until the date of publication of this report.

SPECIFIC PLEDGES

ARGENTINA

Comprehensive approach to sexual abuse and exploitation during foreign operations

Objectives of the pledge

Set up a swift, comprehensive prevention mechanism against SEA that includes concise and clear rules. Moreover, and in the event of a case of SEA, conduct an in-depth investigation, and applying the pertinent sanctions, always ensuring protection for the rights of girls and women.

Reviewing the integration of IHL into training, education, doctrine and control measures, with a view to any potential update thereof

Objectives of the pledge

This pledge will constitute a significant progress towards, and update IHL contents in the various military and Defence sectors.

²³ Participants made and signed their pledges online, by means of a data base. The texts transcribed below have been taken from said data base. If the official wording was available in English, that is the version included herein. Please note that pledges consist of four parts, namely the objectives of the pledge, the action plan, the indicators used to measure progress against the pledge, and the necessary resources. Only the objectives are included in this report, however. For the full content of each pledge, please visit the database, available at <https://rcrcconference.org/about/pledges/>.

BRAZIL

Implementation of IHL

Objectives of the pledge

Continue Government discussions with a view to allow for more dynamism and flexibility in activities to promote the implementation and dissemination of International Humanitarian Law in Brazil.

Dissemination of IHL rules and principles

Objectives of the pledge

Promote greater dissemination of the rules and principles of International Humanitarian Law in Brazil by organizing, in partnership with the ICRC Regional Delegation, seminars and other activities in academic, diplomatic and military circles.

Humanitarian visa policy

Objectives of the pledge

Uphold the humanitarian visa policy for the benefit of people affected by the conflict in Syria for as long as the humanitarian conditions justify.

Consider expanding this policy in relation to other situations of armed conflict or humanitarian emergency.

“Operation Welcome”

Objectives of the pledge

Maintain, expand and improve the Brazilian policy of admission, assistance and integration of Venezuelan refugees and migrants through the “Operation Welcome” (“Operação Acolhida”).

CANADA

Pledge on Children in Situations of Armed Conflict

Objectives of the pledge

For the years 2019–2023, the Government of Canada pledges to sustain attention and action to prevent the recruitment and use of child soldiers

Pledge on Sexual and Gender-based Violence in Emergencies – Focus on Situations of Conflict and Disasters

Objectives of the pledge

The National Red Cross or Red Crescent Society and/or government in their domestic and international programming pledges to work to end all forms of sexual and gender-based violence in emergencies with a focus on situations of armed conflict, disasters and other emergencies. We pledge that addressing sexual and gender-based violence remains a priority internationally, including for the International Red Cross and Red Crescent Movement and governments.

In humanitarian crises, the collapse of social structures and lawlessness combined with pre-existing gender inequalities increases the risk of exposure to sexual and gender-based violence. Women and girls are predominately affected and particularly susceptible to rape, child, early and forced marriages, infanticide and sexual exploitation. In many armed conflicts, men and boys, particularly adolescent boys, are also the targets of sexual violence. Based on our mandates, we undertake to protect all women, girls, boys and men of all backgrounds through prevention, risk mitigation and response from all forms of sexual and gender-based violence in humanitarian crises.

Pledge on Sexual and Reproductive Health and Rights (SRHR)

(Submitted by the Canadian Red Cross)

Objectives of the pledge

Consistent with Canada's commitment to advance comprehensive sexual and reproductive health and rights (SRHR) for all, with the specific aim to improve the health of women, adolescent girls, children and newborns;

Acknowledging the key contributions of the Red Cross and Red Crescent Movement to the health and survival of women and children, and especially those living in fragile contexts;

Recognizing that the majority of maternal and child deaths globally occur in countries disproportionately affected by disasters and conflicts and women affected by crises have a higher risk of miscarriage, premature delivery, childbirth-related complications and infertility, and are at higher risk of experience sexual and gender based violence, including harmful practices such as child, early and forced marriage;

Noting the great risks posed to both patients and health care workers in these contexts and in particular, the lack of access to those most in need in areas where there is conflict and violence;

Emphasizing that providing sexual and reproductive health services in the context of humanitarian interventions helps save lives by addressing problems related to unwanted pregnancies, obstetrical complications, sexual and gender-based violence, including sexual violence, trafficking and harmful practices such as child, early and forced marriage and female genital mutilation/cutting, sexually transmitted infections and a multitude of reproductive complications;

The Government of Canada and Canadian Red Cross pledge to take concrete steps to reduce the deaths of women and girls and promote gender equality and empowerment (...)

Pledge on the Promotion of International Humanitarian Law

Objectives of the pledge

For the years 2019–2023 the Government of Canada and the Canadian Red Cross, building on the successes of previous commitments to raise awareness of IHL, jointly submit a pledge on the promotion of International Humanitarian Law

COSTA RICA

Specific pledge from Costa Rica for XXXIII International Conference of the Red Cross and Red Crescent

Objectives of the pledge

1. Continue with, and strengthen, the work of the Costa Rican Commission on International Humanitarian Law.
2. Strengthen the international commitments on International Humanitarian Law in its cultural property protection mechanisms through the placement of blue shields and the enactment of Rules of Procedure for the signalling of protected cultural property in case of armed conflict.

3. Continue education and training efforts in International Humanitarian Law and in this regard keep organising the open annual Course on International Humanitarian Law, organised by the Costa Rican Commission on International Humanitarian Law.
4. Develop intervention skills that comply with International Humanitarian Law and teach an annual course on IHL at the National Police Academy.
5. Reinforce the principles of international humanitarian law in the education syllabus of the Costa Rican security corps and incorporate a basic module on IHL in the official training programmes of police officers.
6. Strengthen the legal protection of the indicative and protective use of the red cross, red crescent and red crystal emblems through the enactment of Rules of Procedure to Law 8031 (Use and Protection of the Emblems of the Red Cross and Red Crescent) together with Law 8609 (Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Adoption of an Additional Distinctive Emblem).

EL SALVADOR

Diploma Course on IHL Training for Senior and Legal Officers of the Salvadoran Armed Forces

Objectives of the pledge

Provide training for IHL trainers, so that by the end of the course they are qualified to disseminate IHL in the various Military Units.

National International Humanitarian Law Plan of El Salvador

Objectives of the pledge

General objective:

Improve the knowledge of IHL among institutions and the population at large, with a view to contributing to the enforcement of international duties and undertakings of the Salvadoran State.

Specific objectives:

- Further strengthen institutional capacities in order to improve social conditions and the ability of the people of El Salvador to exercise their rights in the event of an armed conflict.
- Promote the respect for IHL throughout the Salvadoran territory.
- Drive compliance with and follow-up on Government's commitments related to IHL.

Protecting cultural property in the event of armed conflict

Objectives of the pledge

As part of International Humanitarian Law, increase the number of cultural properties marked with the Blue Shield of the 1954 Hague Convention, in order to contribute to the protection of unique cultural properties that are representative of the Salvadoran peoples in the event of armed conflict.

MEXICO

Enhanced respect for the emblems

Objectives of the pledge

In 2014, Mexico approved the Regulation of the law on the use and protection of the red cross emblem, which was developed and driven by the Mexican Interministerial Commission on International Humanitarian Law (CIDIH-Mexico). The Mexican State will seek to tap the windows of opportunity offered by the current regulation in order to guarantee greater respect for the Red Cross emblem, as well as for health care providers.

Mexico therefore undertakes to include in the work plan of the CIDIH the assessment of the legislative and regulatory measures required to ensure full respect for the Red Cross emblem and punish any misuse thereof, as well as the enforcement of any applicable legislative procedures to adopt said emblem.

Protecting cultural property in the event of armed conflict

Objectives of the pledge

The Mexican Interministerial Commission on International Humanitarian Law (CIDIH-Mexico) will continue with its IHL training and dissemination activities for the Armed Forces and the public at large.

Strengthening Dissemination of International Humanitarian Law

Objectives of the pledge

The Mexican Interministerial Commission on International Humanitarian Law (CIDIH-Mexico) will continue with its IHL training and dissemination activities for the Armed Forces and the public at large.

URUGUAY

Implementation of the Arms Trade Treaty

Objectives of the pledge

Regulate the rules for enforcement of the Arms Trade Treaty (ATT 2013), approved by Law No. 19.225.

Implementation of Convention on Cluster Munitions

Objectives of the pledge

Regulate the rules for enforcement of the Convention on Cluster Munitions, approved by Law No. 18.527.

Fight against violence related to children in conflicts

Objectives of the pledge

Strengthen the training provided to Uruguayan police forces in response to situations of conflict or violence against boys, girls and adolescents, as well as against any other vulnerable group.

Protection of cultural goods in armed conflicts

Objectives of the pledge

Identify, record and mark protected cultural property in the event of armed conflict.

Training to fight against violence in armed conflicts

Objectives of the pledge

Continue and further reinforce the training provided to members of the Uruguayan armed forces in relation to the protection of the civilian population, especially as it relates to sexual and gender-based violence.

Institutional strengthening for IHL implementation

Objectives of the pledge

Modify the composition of the National IHL Commission in order to include new national players who have a key role in the implementation of and follow-up on the country's commitments related to IHL.

OPEN PLEDGES

Pledge on promotion and strengthening of the work of the National Committees on International Humanitarian Law, as well as for the exchange of information among them

Pledge made by: The Republic of Ecuador and the Republic of Peru

Signatory countries in the Americas: Canada and Guatemala

Objectives of the pledge

The States recognize the important work that National Committees on International Humanitarian Law (IHL) have accomplished in recent decades in order to promote the spreading, knowledge and implementation of rules and principles of IHL.

- We underline their relevance as spaces for technical assistance, study and formulation of initiatives for the implementation and application of IHL in their countries.
- We consider their importance of promoting and dissemination of IHL, guiding their actions to diverse actors such as armed and police forces, prosecutors, judges, public officials, lawyers, researchers, professors, university authorities, students, among others.
- We recognize the existence of ostensible progress in their work, therefore it is necessary to encourage the creation of spaces for the exchange of information or experiences and good practices among different national committees on IHL, through regional or bilateral meetings, especially through digital media, consequently we encourage the use of the new digital community for national committees and similar entities on IHL.
- Therefore, we are committed to strongly promote the strengthening of national committees on IHL in order to encourage their implementation, and to share good practices and other measures among countries.

Safe Schools Declaration

Pledge made by: Ministries of Foreign Affairs of Argentina, Norway and Spain

Signatory countries in the Americas: Chile, Costa Rica, Ecuador, El Salvador, Guatemala and Uruguay

Objectives of the pledge

The Safe Schools Declaration was launched in Oslo in 2015. More than 100 states have so far endorsed it and international conferences on universalization and implementation has been held in Argentina (2017) and Spain (2019)

We pledge to:

- *Continue to universalize the declaration*
- *To promote the use of the Safe Schools Declaration as a child protection tool.*
- *Promote the practical implementation of Safe Schools Declaration and its Guidelines and their transposition into domestic legislation and practice and*
- *Further explore the gendered impact of attacks on education*
- *Convene in 2021 for the 4th international conference on the Safe Schools Declaration*

Support for the International Humanitarian Fact Finding Commission (IHFFC)

Pledge made by: Argentina, Austria, Belgium, Canada, Chile, Germany, Hungary, Lithuania, Palestine, Poland, Slovenia, Spain, Switzerland, The Netherlands, United Kingdom, and Uruguay

Objectives of the pledge

The International Humanitarian Fact Finding Commission (IHFFC) is an expert body established by Article 90 of Additional Protocol I of 1977 to the Geneva Conventions of 1949 to respond to serious violations of international humanitarian law. The Commission's essential purpose is to contribute to the implementation of, and ensure respect for, International Humanitarian Law (IHL). It stands at the service of parties to an armed conflict to conduct inquiries into alleged grave breaches or serious violations of IHL and to facilitate, through its good offices, the restoration of an attitude of respect for IHL. In the fulfilment of its mandate, the Commission observes the principles of neutrality, independence, impartiality, and confidentiality.

A State Party to Additional Protocol I may make a comprehensive declaration, thereby recognizing the Commission's competence. A comprehensive declaration can be made at any time. Today, 77 States have made a comprehensive declaration under Article 90.

Objective of the pledge is to ensure a broader awareness regarding the existence and competences of the IHFFC leading to its broader recognition and an increased use of its services.

Content of the pledge: Noting with appreciation its first operational mission in 2017, we pledge to raise awareness of the potential of the International Humanitarian Fact-Finding Commission (IHFFC) and of its working methods (not only fact-finding, but also good offices), by contributing to enhancing the visibility of the IHFFC and by encouraging the use of the Commission as well as the recognition of its competence.

Protect the rights of children affected by armed conflicts

Pledge made by: Italian Ministry of Foreign Affairs

Signatory countries in the Americas: Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras and Uruguay

Objectives of the pledge

- *The respect, protection and promotion of the rights of children represent keystones for the full and harmonious development of every society. Any armed conflict produces a devastating, pernicious impact on the life of children, on their bodies and minds. Violations of the rights of the child do not only endanger the lives of children in conflict, but also undermine the overall stability and welfare of our societies. While protecting children from the horrors of war is both a moral and legal imperative for the international community, violations against children continue unabated.*
- *In this framework, the international community has identified six grave violations against children in times of war: recruitment, abduction, killing and maiming, sexual violence, attacks on schools and hospitals and denial of humanitarian access. In particular, the denial of humanitarian access has had an appalling impact on children in a range of conflict situations. Thus, the whole international community must take care of the special short term and long term needs of children involved in armed conflicts, both while conflicts are occurring and after they are finished. States shall undertake all the necessary actions to preserve the fundamental value of the children, as the most precious resources for the future of humankind. To break the cycle of violations affecting children, we must take a systematic and coherent approach, from prevention to accountability and reintegration.*
- *Considering the importance of the abovementioned issue, with the objective to create a positive, long-lasting result for the protection of the rights of children involved in armed conflicts, we hereby pledge to: undertake all the appropriate and necessary actions to reduce the impact of armed conflicts on the life of children; integrate into the military training and into all levels of military planning and decision-making the due consideration of the needs of children affected by armed conflicts; ensure the access to education in situations of armed conflict and provide special support to the re-establishment of educational facilities in post-conflict times.*

Addressing education-related humanitarian needs

Pledge made by: International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies

Signatory countries in the Americas: Ecuador

Objectives of the pledge

Education is one of the essential public services least resilient to external shocks and one of the first to be impacted and disrupted by situations (including armed conflicts, disasters and other emergencies) in which our Movement works. It remains insufficiently supported and considered within the global humanitarian response, leaving a critical and increasing gap – especially for the most vulnerable.

Nevertheless, education (including skills- and values-based (humanitarian) education) is fundamental to addressing systemic vulnerabilities; contributes to preventing and preparing for future crises; and plays a paramount role in safeguarding human dignity, strengthening community resilience, fortifying economic development and building peace. Ensuring access to education at all times also means children and youth have access to a much needed protected and safe space – especially in times of emergencies as it reduces their exposure to a number of risks, including child recruitment, child labour, child abuse and child marriage. A functioning school provides a sense of “normalcy” and stability that is essential to the mental health and psychosocial wellbeing of affected populations.

Given the significant and rising numbers of children and young people in need of education support [1], and the damaging humanitarian consequences of disruption, lack of access or poor quality educational services have, we are committed to scale up our efforts to address education-related humanitarian needs.

Recalling the 2015 pledges “Changing minds, saving lives and building resilience through values-based education for all” and “Strengthening the protection of education during armed conflict”, and welcoming the relevant provisions of the 33rd International Conference proposed resolution “Bringing IHL home: A road map for better national implementation of international humanitarian law”, we hereby pledge that in the years 2019–2023, we will promote, support and/or participate in multidisciplinary, complementary and coordinated approaches – through enhanced partnerships and collaboration in education – to further:

- ensure the safety of, and enable access to and continuity of education for, those affected by situations of armed conflicts, disasters and other emergencies;
- strengthen the resilience of the education sector [2]
- leverage the central role of education and schools in the lives of communities as an opportunity to promote humanitarian values, risk reduction including environmental aspects and sustainability, social inclusion and a culture of non-violence and peace, in accordance with the fundamental principles of the Movement.

[1] Of the estimated 462 million youth aged 3–18 living in countries affected by situations of armed conflict, disasters and other emergencies, 75 million do not have adequate education provision, and 37 million of those in an age to attend primary and lower secondary levels are out of school.

[2] i.e., enhance the ability of education systems and communities (incl. children and youth, parents, teachers and other education personnel, etc.) exposed to situations of armed conflicts, disasters and other emergencies as well as underlying vulnerabilities to anticipate, prepare for, reduce the impact of, cope with and recover from the effects of shocks and stresses without compromising their long-term prospects.

Humanitarian Effects of Nuclear Weapons

Pledge made by: Austria and Austrian Red Cross

Signatory countries in the Americas: Chile, Ecuador and Guatemala

Objectives of the pledge

Each signing State and National Society pledges to continue their cooperation with each other and other interested States and Red Cross/Red Crescent Societies in all matters related to the issue of the catastrophic and unacceptable humanitarian consequences and risks of nuclear weapons and to the need of attaining a world free of nuclear weapons. We further pledge to raise awareness together about these important issues, both at the national and at the international level.

Open Pledge to Report on the Domestic Implementation of International Humanitarian Law

Pledge made by: UK Government

Signatory countries in the Americas: Chile

Objectives of the pledge

In connection with the resolution of the 33rd International Conference entitled “Bringing IHL home: A road map for better national implementation of international humanitarian law”, signatory States and National Red Cross and Red Crescent Societies welcome the voluntary publication by certain States of reports on the domestic implementation of International Humanitarian Law (IHL).

Such reports help improve understanding of IHL and encourage and inform dialogue on IHL issues both domestically and elsewhere. The publication of domestic implementation reports also encourages other States and National Societies to publish details of their own activities to implement IHL at the domestic level, enabling better identification of best practice and ultimately improving implementation and compliance with IHL.

Strengthen Domestic Implementation of International Humanitarian Law in Military Operations

Pledge made by: US Government

Objectives of the pledge

The 33rd International Conference's theme of international humanitarian law (IHL) recognizes the importance of complying with IHL for the protection of people in armed conflict. IHL is specially adapted to the circumstances of armed conflict, and improving IHL implementation strengthens protections for victims of armed conflict.

Each State already has obligations with respect to the good faith implementation of its IHL obligations. States should strive to implement their IHL obligations as effectively as possible and to share their good practices in this regard. The objective of this pledge is to help improve States' implementation of their IHL obligations.

Safeguarding and protecting cultural property

Pledge made by: European Union and EU Member States

Signatory countries in the Americas: Mexico

Objectives of the pledge

Attacks against cultural property as such constitute violations of international humanitarian law (IHL) and affect the identity, the memory and the dignity of entire populations.

Increased targeting of cultural property in situations of contemporary armed conflicts, either international or non-international, is a worrisome trend that speaks of the need for more efficient measures and joint action in this area.




Considering the continued relevance of the existing IHL treaties concerning the protection of cultural property in the event of armed conflict and other relevant international treaties, national implementation plays a central role in fulfilling the obligation to respect IHL as recalled in the proposed ICRC Resolution "Bringing IHL home: A road map for better national implementation of international humanitarian law".

The Signatory States pledge to:

- *make every effort to promote the ratification of relevant treaties concerning the protection of cultural property;*
- *take the operational, regulatory and legislative implementation measures as appropriate to actively support efforts to protect cultural heritage and fight illicit trafficking of cultural property that may be at risk due to armed conflict;*
- *promote the role of National IHL Committees in the implementation of the international legal framework on the protection of cultural property and in the mutual support between States in this area.*

MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.

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